

# **TOWN ORDINANCES**

## **TOWN OF EXETER, NH**

The following pages contain a codified version of the ordinance, rules and regulations governing the Town of Exeter. Though restrictive, they are designed to ensure peace and dignity in the community and are promulgated with the safety of all persons in mind.

The information contained herein is intended only as a quick reference & supplementary guide to the Exeter Town Ordinances. The format is designed to have similar topics assembled in chapters for easy reference. Sections may be amended from time to time in order to ensure validity and consistency with current law and social environmental and constitutional changes.

Please call or visit the Town Office for an official, accurate listing of Town Ordinances.

The Town of Exeter disclaims all liability in connection with the use of this information.

# TOWN OF EXETER, NH

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## **CHAPTER 1 PARKING REGULATIONS**

### 100 Definitions

#### 100.1 **Abandoned Vehicles**

For the purpose of this Chapter only, an abandoned vehicle is one that is parked in violation of any provisions of this Chapter for a period of time greater than 24 hours.

#### 100.2 **Bus or Taxi Stands**

Areas and particular locations along traveled ways, which are officially designated by signs indicating that only buses and taxis may stand or stop at that location.

#### 100.3 **Crosswalk**

Any portion of the roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

#### 100.4 **Districts**

- a. Business District. The territory contiguous to a highway in which fifty percent or more of the frontage thereon for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
- b. Urban Residence District. The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.
- c. Rural Residence District. The territory contiguous to a highway not comprising a business or urban residence district, in which the frontage on such highway for a distance of one-half mile or more, is mainly occupied by dwellings or by dwellings and buildings in use for business on any one side.

#### 100.5 **Fire Lanes**

The portion of a traveled way established or private property, devoted to public use, where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department or other emergency vehicles at shopping centers, bowling lanes, theaters, hospitals, churches and similar locations.

#### 100.5 (a) **Exemptions**

Restriction described in this section shall not apply to vehicles engaged in commercial loading and unloading where the vehicle is attended and no other means of loading are available.

**100.6 Intersection**

The area bounded by the prolongation of the lateral curb lines or the lateral boundary lines of two highways.

**100.7 Official Time**

Time designated herein shall be standard or daylight, whichever shall be in force.

**100.8 Persons, Drivers, Pedestrians**

- a. Person: Every natural person, firm, co-partnership, association or corporation.
- b. Driver: Every person who drives or is in physical control of a vehicle.
- c. Pedestrian: A person on foot.

**100.9 Police Officer**

An officer of the municipal police department or any person authorized to direct or regulate traffic or to make arrests for violations or traffic regulations.

**100.10 Railroads**

- a. Railroads: A carrier of persons or property; cars operated upon stationary rails.
- b. Railroad Train: A steam engine, electric, diesel or other motor vehicle with or without cars coupled thereto, operated upon stationary rails.

**100.11 Right-of-Way**

The privilege of the immediate use of the road.

**100.12 Safety Zone**

The area or space officially set apart within a roadway as a safety zone for the exclusive use of pedestrians and so marked or indicated by inadequate signs as to be plainly visible at all times.

**100.13 Traffic**

Pedestrians, draft animals, cattle, sheep, goats, vehicle or other conveyances while using the street for the purpose of travel.

**100.14 Traffic Control Devices**

- a. All signs, signals, markings and devices not inconsistent with these regulations erected pursuant to proper authority for the purpose of regulations, warning or guiding traffic.
- b. Traffic signals, mechanically or electrically operated, by which traffic is alternately directed to stop and proceed, erected pursuant to authority.

**100.15 Traffic Movements**

- a. Stop: When required, means complete cessation of movement.
- b. Stop or Stopping: When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with the other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

**100.16 Traveled Ways**

- a. Street or Highway: The entire width between boundary lines of every public way or place of whatever nature used by the members of the public for the purpose of vehicular traffic.
- b. Private Road or Driveway: Every way or place in private ownership and used for traffic by the owner and those having express or implied permission from the owner.
- c. Roadway: That portion of the street improved, designed or ordinarily used for vehicular travel whether defined by a curbstone or not.
- d. Curb: The lateral boundaries of that portion of the street improved, designed or ordinarily used for vehicular travel whether defined by a curbstone or not.
- e. Sidewalk: That portion of the street between the curb lines and adjacent property lines, intended for pedestrian use.
- f. Alley: A public, narrow passage or way between buildings within the compact area of the town.

**100.17 Vehicles**

- a. Vehicles: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.
- b. Motor vehicles: Every vehicle that is self-propelled.
- c. Authorized Emergency Vehicles: Fire and Police Department vehicles and such other vehicles so designated by the Director of the Division of Motor Vehicles or the Board of Selectman of Exeter, New Hampshire.

**100.18 Weekdays**

Shall mean Monday, Tuesday, Wednesday, Thursday, Friday and Saturday.

**101 No Parking Zones**

It shall be unlawful for any person to stop, stand or park a motor vehicle at any time contrary to any of the following provisions of this Section unless otherwise directed by a Police Officer.

101.1 Parking Prohibited in Specific Places

- a. on a public sidewalk
- b. on a public crosswalk
- c. within an intersection
- d. in front of a public or private driveway
- e. within 15 feet of a fire hydrant or sprinkler supply head
- f. within 30 feet of an intersecting street or road
- g. within 75 feet of a fire station entrance
- h. along the side of or opposite any street or excavation or obstruction when such parking will obstruct traffic.
- i. upon any bridge or elevated structure upon a highway or within a highway tunnel
- j. at any place where official signs prohibit parking or stopping
- k. within any designated fire lane
- l. on the road side of any vehicle stopped or parked at the edge or curb, of any street
- m. on the roadway when the vehicle, parallel parked, has its right wheels more than 12 inches from the curb or edge of the road.
- n. on railroad tracks
- o. on the travel portion of any roadway so as to obstruct the movement of traffic in the travel lane.
- p. at a designated bus or taxi stop.
- q. on a public way when any wheel of a parked vehicle is beyond the painted lines in the roadway
- r. in any posted area on Town Property
- s. upon any roadway when the principal purpose is displaying the vehicle for sale
- t. in zones designed for handicapped parking.
- u. in a designated loading or unloading zone
- v. in a Town Office parking lot weekdays from 0600 to 1800 hours without valid permit

101.2 Parking Prohibited on Specific Streets

Auburn Street	Both sides of the street for a distance 350 feet easterly from Portsmouth Ave.
Bow Street	Southerly side of street from Court to South. Northerly side from Court to Clifford.
Browns Court	East side of street
Buzell Avenue	East side of street
Cass Street	Easterly side of street, entire length 7:30 a.m. to 3:30 p.m. on school days only.
Center Street	West side of the street between Front Street and the Municipal Parking Lot. East side of the street 120 feet north from Front Street.

Charter Street	East side of street from Front Street to a point 90 feet south of Vine Street. West side of street between Vine and Myrtle Streets
Chestnut Street	East side of street from Pleasant Street to Jady Hill Avenue and west side of street from 380' north of String Bridge to Jady Hill Avenue.
Clifford Street	East side of Street. Loading zone on west side of street.
Cottage Street	East side of street.
Court Street	East side of street from South Street to Front Street. West side of street from intersection of Front Street to 180' feet south of Maple Street.
Elliot Street	West side from Front Street to Grove Street.
Elm Street	West side of street from 15' north of Gilman House parking lot entrance to 15' south of entrance to Student Center/Library/Dining Hall driveway; 15' north and south of entrance to parking area behind Elm Street dining hall.
Epping Road Extension	Both sides of street the length of Epping Road Extension.
Front Street	South side of street for a distance of 60 feet west of Linden Street and between Elm Street and Post Office driveway. North side from Kossuth Street to B&M Railroad Crossing. From Arbor Street to hydrant across from Inn at Exeter. South side from point approximately 100 feet east of Pine Street for approximately 25 feet in easterly direction. South side from Elliot Street westerly for 50'. South side from Elliot easterly for 220'. South side from Elm Street westerly for 50'. North side from Tan Lane westerly for 50'. North side from Tan Lane intersection easterly for 80'. Northerly side of street from approximately 100 feet west of the PEA arches to Tan Lane.
Garfield Court	Entire side of street.
Gill Street	North side of Gill Street (extension) for a distance of 50 feet from Linden. Entire south side of Gill Street (extension). Entire west side from Front Street.
Gilman Street	Both sides from Court Street to the entrance to the foot-bridge.
Green Street	Southerly side of Green Street, entire length 7:30 a.m. to 3:30 p.m. on school days only. Both sides 100 feet from intersection of Green and Cass Streets.
Hall Court	Both sides of street from High Street to Hall Place.
Hall Place	Both sides of street from Pleasant Street east 340 feet and 100 feet southerly.
Hampton Road	Both sides of street from High Street to Exeter/Hampton town line.
High Street	Both sides of street from Clifford Street to Portsmouth Avenue. North curb line from Portsmouth Avenue to Hampton Road. South curb line from 180' east of Gardner Street to Hampton Road. South curb line from 180' east of Gardner Street to Hampton Road.

Highland Street	South side from Portsmouth Avenue to Prospect Street.
Kossuth Street	Both sides of street.
Linden Street	East side of street from Pine Street to Gary Lane. West side of street for a distance of 200 feet south of Gill Street and for a distance of 80' south of Front Street.
Main Street	Both sides of street from Harvard to Winter Street. North side from Water to Cass Street; south side from Spring to westerly property boundary of Main Street School. South side from railroad tracks to Harvard Street.
Maple Street	South side of street.
Marlboro Street	West side of street
Mill Street	Southerly from Front Street for 75 feet.
Pine Grove Road	Within rotary, either side.
Pleasant Street	East side of street, from High Street to Hall Place. West side of street for a distance of 50 feet south from Library parking lot entrance.
Portsmouth Avenue	Both sides of street.
Prospect Avenue	East side of street from Auburn to Highland Avenue
Prospect Street	North side of street and south side for distance of 100 feet from Portsmouth Avenue.
Railroad Avenue	West side of street from Front to Winter Streets.
River Street	West side of street.
Rockingham Street	North side of street.
Spring Street	West side of street.
School Street	Westerly side from Front Street to Garfield Street.
South Street	Both sides from Court to River Street Extension. Southerly side, between Court Street and Senior Citizen's parking lot.
String Bridge	Both sides of street from Water Street to Chestnut Street except 60 feet allowed on northerly and southerly sides opposite library.
Tan Lane	East side of street.
Union Street	Westerly side from Front Street to Garfield Street.
Vine Street	North side of street, from Charter to Sanborn Streets.
Water Street	West side of street, from Main Street to Green Street, and from Center Street to the driveway of the Exeter Town Hall. West side of street from Park Street to Main Street. East side of street utility pole # 767 and utility pole # 770. Two loading zones designed & posted in front of # 33 & # 159 except for loading purposes limited to 30 minutes.
Waterfront Park	Entrance to boat ramp except while loading/unloading.
Westside Drive	Both sides of street, 180 feet east of the intersection of Front Street.
Woodlawn Circle	West side, 440 feet from Chestnut Street intersection.

101.3 Winter Parking

All night parking is permitted on Pleasant Street provided proper application is made to the office of the Town Manager and permit is issued in compliance with rules established by the Board of Selectman & Town Manager. All night parking is permitted in designated areas, as marked, in Town Lots (Water St., Kossuth/Front streets, Train Station and Center Street) without a permit. Winter parking ban is December 1 through March 15 each year. For questions regarding snow removal, contact DPW or Police Dispatch.

101.4 Parking Prohibited

It shall be unlawful to park a boat trailer, utility trailer or camper in any municipal parking lot between the hours of 12:00 midnight and 6:00AM with the exception of the parking allowed under Section 103.8.

102 Restricted Parking

It shall be unlawful for any person to stop, stand or park a motor vehicle contrary to any of the following provisions of this section unless otherwise directed by a Police Officer.

102.2 Winter Parking Ban

Within the Town of Exeter, from December 1 to March 15, no parking is permitted on any public street between 12 midnight and 6:00AM. Refer to 101.3 for parking areas in town's R-O-W.

102.3 Parks and Commons

In any town-owned park, common, playground or recreational area between the hours of 9:00PM and 6:00AM

102.4 School Hours Restrictions

On the following streets during the normal school hours: Linden Street. West side from a point 200 feet south of Gill Street to the intersection of Gary Lane.

102.5 Public Safety Complex

Parking lot unless on official public safety business.

102.6 Snow Emergency

In the event of a predicted or on-going severe winter snowstorm requiring enhanced actions maintaining snow plowing and/or removal as deemed necessary by the DPW Director, a "Snow Emergency" shall be called by the Police Chief. The Chief shall contact the news media, including local radio station(s) to notify the public that a ban exists and shall specify the start of the snow emergency and shall estimate when same will be called off. It shall be unlawful for any person having the custody and/or control of any vehicle to park or cause the same to be parked within the public R-O-W during a snow emergency. Vehicles interfering with snow plowing and/or removal operations shall be towed and stored at the owner's expense.

102.7 Emergency/Special Event Temporary Parking Restrictions

The Chief of Police is authorized and empowered, in coordination with the Town Manager, to make and enforce temporary parking regulations to cover emergencies, special conditions and special events.

103 Limited Parking

It shall be unlawful for any person to stop, stand or park a motor vehicle contrary to the time restriction in this section unless otherwise directed by a Police Officer.

103.1 Two – Hour Parking Limit

Center Street	Both sides of street from Water Street to the municipal parking lot.
Front Street	Center Isle at the Bandstand: Westerly side from Water Street to the driveway of Congregational Church. Easterly side from Water to Court Street. Northerly side of the street beginning 20 feet from the corner of Spring Street and running approximately 220 feet southwest along Front Street.
Spring Street	From William's Court south 100' to Front Street, on east side.
String Bridge	Both sides from Water to Chestnut in 60' of spaces allowed opposite Library.
Water Street	Both sides from Clifford Street to Main Street except between Center Street and Town Hall driveway.

103.2 Two – Hour Parking Limit School Hours

103.3 One – Hour Parking Limit

Franklin Street	In front on Long Block on the northerly side.
Front Street	North side of street for a distance of 80 feet west of Railroad Avenue.

103.4 One – Hour Parking Limit School Hours

Gill Street	North side of Gill Street (extension) from Gill Street to 50' from Linden. Entire east side from Front Street.
Linden Street	West side of street from Front Street to Gill Street.

103.5 30 – Minute Parking Limit School Hours

Linden Street	West side in the designated spaces.
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103.6 30 – Minute Parking Limit

Bow Street	South side adjacent to the Public Safety Complex.
Front Street	Monday through Saturday: North side from the driveway of First Congregational Church to Center Street. South side from Court Street to 5 spaces east of driveway of the U.S. Post Office. In front of 148-152 Front Street, south side.
Front Street	During State and Federal Elections, Primary and General. Center Isle at the Bandstand; Westerly side from Water Street to the driveway of Congregational Church. Easterly side from Water to Court Street.

103.7 15 – Minute Parking Limit

Front Street	South side, 4 spaces east of Post Office entrance, Monday through Saturday.
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103.8 Restricted Parking – Vehicles with boat trailers

Robert H. Stewart Park	4 designated spaces reserved for vehicles w/boat trailers between April 1st and November 5th.
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103.9 Restricted Parking – Motorcycle Parking Only

Front Street	1 designated space in front of 14 Front (up to 2 motorcycles)
Water Street	1 designated space in front of 55 Water St. (1 motorcycle only)
Water Street	1 designated space on southerly side of municipal parking lot (up to 3 cycles)

103.10 Robert H. Stewart Park: Parking space at island to Boat Launch for Harbor Master.

110 Penalties

A person violating any provision of Chapter 1 of the Traffic Code shall be punished by a fine of not more than one hundred (\$100) dollars for each offense, except that optional procedures set forth in Section 110.1 may be used in lieu of court proceedings for violations of Chapter 1.

110.1 Procedures in Paying Penalties

The operator or owner may, within 72 hours of the time when a notice of a violation of Chapter 1 was attached to the vehicles, pay to the Clerk of the Exeter Police Department by mail or personal appearance the sum of ten (\$10.00) dollars as a penalty in lieu of court proceedings, except in reference to 101.1 (t) where the penalty is a minimum of two hundred fifty (\$250.00) dollars per offense (eff. 1/1/04). In the case of a second offense in the same day, the fine shall be fifteen (\$15.00) dollars and in the case of a third offense

in the same day, the fine shall be twenty-five (\$25.00) dollars.

Failure by the operator or owner to make such payment will result in a second written notice of the violation. Failure by the operator or owner to make such payment within five (5) days after the second notice is sent, may result in the issuance of a summons to the operator to appear in Exeter District Court to answer to charges of violating the ordinance.

#### 110.2 Owner Responsibility

A person shall not allow, permit or suffer a vehicle registered in his name to stop, stand or park in violation of any ordinances of the Town of Exeter controlling the stopping, standing or parking of vehicles and the owner or person in whose name such vehicle is registered shall be held prima-facie responsible for such violation.

#### 110.3 Towing

The Police Department is authorized to remove and tow away, or have removed and towed away by commercial towing service, any abandoned vehicle, or other vehicle illegally parked in a place where it creates or constitutes a traffic hazard, blocks the use of a fire hydrant, blocks the use of a driveway, either public or private, or obstructs or may obstruct snow removal operations in a safe place, and shall be restored to the owner or operator upon payment of all fees for towing and storage.

**CHAPTER 2 SPEED LIMITS**

- 201 Speed Limits  
It shall be unlawful for any person to operate a motor vehicle on a public way in the urban compact area of the Town of Exeter at a speed greater than 30 miles per hour, unless otherwise provided by subsections of this Chapter.
- 202 20 – miles per hour  
It shall be unlawful for any person to operate a motor vehicle in excess of 20 miles per hour on any of the following streets, highways and/or public ways:
- Bayberry Lane  
Westside Drive subdivision
- 203 25 – miles per hour  
It shall be unlawful for any person to operate a motor vehicle in excess of 25 miles per hour on any of the following streets, highways and/or public ways.
- Court Street from Front Street to Bell Avenue  
Front Street from Water Street to Westside Drive  
Garfield Street  
Main Street  
Riverbend Circle  
Water Street
- 204 35 – miles per hour  
It shall be unlawful for any person to operate a motor vehicle in excess of 35 miles per hour on any of the following streets, highways or public ways.
- 205 20 – miles per hour / School Zones  
It shall be unlawful for any person to operate a motor vehicle in excess of 20 miles per hour in any school zone while children are at recess or going to or leaving school.
- 206 Basic Rule and Maximum Speed  
No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and duty of all persons to use due care.
- 207 Speed Exception  
The speed limitations set forth in this Chapter shall not apply to vehicles when operated with due regard for safety under the direction of the law enforcement officers in the case of apprehension of violators of the law or of persons charged

with or suspected of any such violation, in response to a fire alarm, nor to public or private ambulances or other emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

210 Penalties

A person violating any provision of Chapter 2 of the traffic code shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

**CHAPTER 3 ONE- WAY STREETS AND TRAFFIC CIRCLES**

**301 One – Way Streets**

It shall be unlawful for any person to operate a motor vehicle on the following streets, highways or public ways except in the direction indicated by signs or signals or under the direction of a police officer.

Clifford Street	Northerly from Bow Street to Franklin Street
Franklin Street	Southerly from Clifford to South Street
Gill Street	Northerly from Linden to Front Street
Hall Place	Northerly from High Street for a distance of 93 feet
Kossuth Street	Northerly from Front to Garfield Street
Park Street	Westerly from B&M bridge to Oak Street
Spring Street	Northerly from Front Street to Water Street
Spruce Street	Easterly from Columbus Avenue to Winter Street
Tan Lane	Southerly from Main Street to Front Street
Water Street Municipal Parking Lot	Northeasterly onto Water Street

**302 Traffic Circles**

A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

302.1 The following areas shall be subject to the provisions of Section 302 of this Chapter.

The Exeter Bandstand

**310 Penalties**

A person violating any provision of Chapter 3 of the traffic code shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

## CHAPTER 4 REGULATORY SIGNS AND SIGNALS

### 400 Definitions

**Crosswalks:** Any portion of a roadway distinctly indicated for pedestrians crossing by lines or other markings on the surface.

**Stop:** A complete cessation of movement of any vehicle in order that traffic may pass from another direction.

**Traffic Control Device:** Any electric or electronic device designed to regulate or want traffic as to the movement on a public way.

**Yield:** A cessation of movement of any vehicle in order that traffic may pass from another direction.

### 401 Stop Signs and Signals

The movement of traffic at intersections may be indicated by stop signs, signals or the direction of a police officer.

401.1 Every driver of a vehicle approaching an intersection marked by a STOP sign, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, then a point nearest the intersection roadway from which the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

401.2 Every driver of a vehicle approaching an intersection not marked by a regulatory sign shall operate such vehicle to a reasonable and prudent speed so as to have complete control of the vehicle in the event of the approach of another vehicle(s) from either direction. In the event other traffic is observed from either direction, the vehicle on the thruway shall have the right of way. In the event no thruway exists, the vehicle on the right shall have the right of way.

401.3 Every driver of a vehicle approaching a traffic signal shall stop before entering the crosswalk on the near side of the intersection or, if there is neither crosswalk or stop line, then at a point nearest the intersecting roadway but not block any portion of the intersecting roadway.

401.4 (a) Every driver of a vehicle approaching a traffic signal displaying a yellow or flashing yellow signal shall slow said vehicle to a reasonable and prudent speed in expectation of a stop traffic signal or a hazardous condition on the roadway.

(b) Every driver of a vehicle approaching a traffic signal displaying a green

arrow light signal shall proceed through an intersection only in the direction as indicated by the arrow.

#### 402 Yield Signs

The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, if there is neither crosswalk or stop line, then at the point nearest the intersecting roadway.

##### 402.1 Private Ways

The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

#### 403 Pedestrians

Pedestrians shall mean any persons traveling on foot or in a wheelchair on or adjacent to any public way.

403.1 Pedestrians shall be subject to traffic control signals at intersections as provided by this Chapter unless otherwise directed by a police officer in the lawful performance of his/her duties.

403.2 When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need to be yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon that half of the roadway which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

- a. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.
- b. Whenever any vehicle is stopped at marked crosswalk or at an intersection to permit a pedestrian to cross the roadway, the driver of any vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- c. Every pedestrian crossing a roadway at any other point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

#### 404 Left Turns

The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction and within the intersection or so close thereto as to constitute an immediate hazard.

#### 404.1 Prohibition of Left Turns

It shall be unlawful for any vehicle to make a left turn from the following public ways:

Clifford Street onto Water Street  
String Bridge onto Water Street

#### 405 Display of Signs

No person shall place, maintain or display upon, or in view of any highway, any sign which purports to be an imitation of or resembles an official traffic-control sign or signals.

405.1 Without lawful authority, no person shall attempt, or shall actually alter, deface, injure, knock down or remove any official traffic-control signs or signals.

#### 409 Exemptions

The provisions set forth in this Chapter shall not apply to emergency vehicles when operated with due regard for safety under the direction of law enforcement officers in chase or apprehension of violators of the law or of persons charged with or suspected of such violation, or to fire department or fire patrol vehicles when traveling in response to a fire alarm, or to public or private ambulances or other emergency vehicles when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

#### 410 Penalties

A person violating any provision of Chapter 4 of this code shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

## **CHAPTER 5 HIGHWAY USE REGULATIONS**

### **501 Snow Removal**

No person, firm or corporation engaged in the operation of snow plowing, blowing or removing shall allow, or cause any accumulations of snow to obstruct or impair any town-maintained street, roadway, sidewalk, parking lot or right-of-way, unless such operations are approved by the Director of the Exeter Public Works Department.

#### **501.1 Fire Hydrants**

No person, firm or corporation shall place any object, item or material, or allow or cause any object, item or material to be placed upon any town-maintained street, roadway, right-of-way, sidewalk or parking lot, so as to obstruct vehicle or pedestrian traffic. Such objects shall include, but not be limited to, snow ice, dirt, gravel, sand, signs or other obstructions.

### **502 Highway and Sidewalk Obstruction**

No person, firm or corporation shall place any object, item or material, or allow or cause any object, item or material to be placed, upon any town-maintained street, roadway, right-of-way, sidewalk or parking lot, so as to obstruct vehicle or pedestrian traffic. Such objects shall include, but not be limited to, snow, ice, dirt, gravel, sand, signs or other obstructions.

#### **502.1 Damage to Surface**

No person, firm or corporation shall place any object, item or materials, or allow or cause any object, item or material to be placed upon any town-maintained street, roadway, right-of-way, sidewalk or parking lot so as to damage the surface thereof.

#### **502.2 Signs in Rights-of-Way**

No person, firm or corporation shall place, caused to be placed or allow to be placed, any sign or sign so-called in the rights-of-way owned by the Town of Exeter whether adjacent to a street, road or sidewalk or not. This provision shall also apply to banner-type signs extending across the town's rights-of-way and to signs affixed to utility poles within such rights-of-way.

#### **502.3 Waiver**

Any person, firm or corporation seeking an exemption from this section shall petition the Board of Selectman, in a regular session, for a waiver. The petition shall clearly state the need of the posting places affected, and the duration of the posting.

### **503 Weight Limits**

No person, firm or corporation shall operate any vehicle on or over any bridge or elevated road-way in the Town of Exeter when such vehicle weighs more than

the weight limits posted by the Director of the Exeter Public Works Department or the Commissioner of the NH Department of Public Works and Highways.

#### 503.1 Prohibition of Through Trucks on Public Ways

No person, firm or corporation shall operate a truck with an empty weight in excess of 8 tons on any public street or highway except under one of the following conditions:

503.1.1 Vehicle being operated point to point in Exeter for the purpose of local deliveries:

503.1.2 Vehicle is being operated to a designated point in Exeter to make a delivery.

503.1.3 Vehicle is being operated from a permanent base of operation in Exeter to the designated truck route;

503.1.4 Vehicle being operated on the following named streets or highways:

Epping Road

Main Street

Pickpocket Road

Pine Road

Route 108

Route 111 from Kingston town line to Water St/Bandstand, so-called Water Street from Spring Street to the Bandstand, so-called.

#### 503.2 Exemptions

Restrictions described in this section shall not apply to emergency vehicles, Town highway, building and maintenance vehicles, or school buses in the normal process of their duties.

#### 504 Excavation of Town Streets, Rights-of-Way

No person, firm or corporation shall excavate, construct, alter or conduct any operations that alter or damage any town-owned or maintained streets, roadways, sidewalks, parking lots or rights-of-way without a valid permit issued by the Public Works Department.

Contractors excavating in town streets and/or rights-of-way must maintain minimum insurance and surety coverage as follows:

1. Liability Coverage: General liability \$500,000 combined Single Limit Comprehensive Form; Broad Form Property Damage; Independent contractor's Insurance, product/completed operations insurance. (If work involves the following, appropriate coverage is necessary: explosion, collapse, underground).
2. Vehicle Insurance: \$500,000 Combined Single Limit, Comprehensive Form, Owner, Hired/Non-owned.

3. Worker Compensation: Statutory limits, Employer liability \$100,000.
4. Letter of Credit: Each excavation permit and excavation shall be warranted by a "Letter of Credit" in a format designated by Selectmen's policy 89-06. Said letter of credit shall be in the minimum amount of \$500 per excavation (for 100 sq. ft) plus an additional \$500.00 per each 100 sq. ft. thereafter. Letter of Credit will be for a minimum of a two year period.

#### 504.1 Regulations Governing Methods

The Public Works Department shall develop strict rules on the methods of protection of utilities and roadways affected and rules concerning backfill, base preparation and final pavement replacement for any excavation.

#### 504.2 Restrictions

No permit shall be issued between November 15 and March 15 annually unless authorized by the Board of Selectmen. No permit shall be issued between March 16 and April 1 annually unless specially approved by the Highway Superintendent. Emergency repairs of existing utilities will be exempt from this Section.

#### 504.3 Fees Required

A minimum fee of fifty (\$50.00) dollars will be required for every excavation permit issued. Excavations in excess of one hundred (100) square feet shall require an additional fee of two (\$2.00) dollars per square yard for each additional square yard.

#### 504.4 New Streets or Connecting Streets & Driveways

No person, firm or corporation shall excavate and/or build a new driveway or street access across or on a Town street or right-of-way without obtaining a valid driveway permit from the Public Works Department prior to construction. Specifications for construction of permitted acts under this Section shall be those outlined in 504.1 above.

### 505 Covered Load

- 505.1 No vehicle shall be driven or moved on any way unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a way in cleaning or maintaining such a way.
- 505.2 No person shall drive, on any way, any open vehicle loaded with earth, sand, asphalt, stone, gravel, debris, trash, rubbish or other particulate substance unless said load is covered and secured so as to prevent the escape of any substance from said load onto the way.
- 505.3 The provisions of Section 505.1 and 505.2 shall not apply to a local farmer

transporting his own farm products or materials incidental to his farming operations, provided that such farmer shall not thereby be relieved of his duty to exercise reasonable care in carrying on such operations.

505.4 The provisions of Section 505.2 shall not apply to the operation of municipal maintenance equipment.

#### 506 Loading and Unloading Trucks

Purpose: The declared intent and purpose of this section is to regulate the hours that trucks may load or unload to insure the safe passage of emergency vehicles through the congested areas of the Town during peak traffic hours.

506.1 No tractor-trailer combinations or any truck with a box body or platform over 16 feet long shall park, load or unload on Mondays through Thursdays or on Saturdays, between the hours of 11:00 AM and 2:00 PM, and 4:00PM and 6:00PM, or on Fridays between the hours of 11:00AM and 2:00PM, and 4:00PM and 9:00PM upon the following streets within the Town of Exeter:

Lincoln Street  
Water Street

These prohibitions shall not apply to the 2 loading zones on Water St. referenced in subsection 101.2.

506.2 No tractor-trailer combination or any truck with a box body or platform over 16 feet long shall park, load or unload on Mondays through Thursdays, or Saturdays between the hours of 11:00AM and 2:00PM, and 4:00PM to 6:00PM, or on Fridays between the hours of 11:00AM and 2:00PM, and 4:00PM and 9:00PM upon Chestnut Street, unless such vehicle is parked parallel with the curb or loading platform, and provides clear passage of vehicles on the traveled portion of the said street.

506.3 The ordinance shall not apply to trucks being used upon said streets for emergency purposes or while engaged on highway maintenance or repairs.

506.6 Trucks delivering perishable goods are exempt from the foregoing provisions of this ordinance until the hour of 12 noon each day.

#### 507 Loud, Unusual or Unnecessary Noise

The purpose and intent of this section is to prohibit any vehicle on any way in the Town of Exeter from making loud, unusual or other unnecessary noise.

507.1 The words "loud, unusual or other unnecessary noises" shall include any noise occasioned by any one or more of the following actions by the operator of any vehicle.

- a. Misuse of power exceeding tire-traction limits in acceleration, sometimes known as "laying down rubber" or "peeling down rubber".
- 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.
- d. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and 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. The blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still.

#### 508 Traffic Flow in Construction Areas

The purpose and intent of this section is to ensure that safe and constant flow of traffic is maintained in and around construction areas on public ways in the Town of Exeter.

508.1 No person, business or corporation shall place equipment, vehicles, work materials or personnel in such a way as to interrupt the safe and continuous flow of vehicular and pedestrian traffic along a public way within Exeter without taking specific safety precautions.

#### 508.2 Definition

For purposes of this ordinance, "Construction" will be defined as activity on or about a public way that involves laying or relaying of sewers, electrical, telephone, gas lines, water or any type of communications equipment, cable TV or any other type of underground utilities or the installation of above-ground utilities; and construction, reconstruction, excavation, paving or other work requiring cutting into the pavement, or street paving.

#### 508.3 Responsibility of the Primary Contractor:

The primary contractor is responsible for the conduct of work performed upon the site and will be required to establish safe travel lanes and flow of traffic for any of the following conditions:

- a. Construction, re-construction, excavation, paving or any other type of work on existing streets, or the construction of new streets.
- b. When the street traffic is primarily controlled by a traffic control signal which will become ineffective in the proper control of traffic due to the existence of construction activity.

- c. When any such activity significantly affects the flow of traffic.

508.4 Methods of Compliance:

To ensure normal and ordinary flow of traffic, the primary contractor shall:

- a. Place traffic cones, flares, barricades or similar devices that clearly mark travel lanes and hazards within the travel portion of the road in compliance with NH DOT standards: and/or,
- b. Place properly trained "Flagmen", wearing safety vests, at such locations that are clearly visible from all approaches of the construction site and using such hand signals and/or signage to safely control and direct the flow of traffic; and/or,
- c. Employ uniformed officers carrying out the same duties as a Flagman particularly in high vehicle congestion areas, major intersections, or areas where traffic signs/signals are overridden.

508.5 After Hours Construction Sites:

No incomplete construction site will be left unattended without adequate lighting and barricades so as to allow free and unhindered movement for all travel lanes and to ensure public safety.

508.6 Evaluation of Traffic and Safety Conditions:

For the purposes of public safety, the Public Works Director and/or the Chief of Police, or their designees, may direct specific actions to be taken when a primary contractor's steps taken thus far are deemed insufficient and continue to unreasonably interfere with the normal and ordinary flow of traffic or present conditions which adversely affect public safety and convenience.

508.7 Penalty:

In the event that any provision of Section 508 is violated, the Public Works Director and/or chief of Police, or their designees, are empowered to issue a cease & desist order against the contractor or his employees. Such order shall remain in effect until there is strict compliance with this ordinance.

510 Penalties

A person violating any provision of Chapter 5 of this code shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

## **CHAPTER 6 BICYCLE REGULATIONS**

### 600 Purpose

The purpose and intent of this section is to establish regulations pertaining to the licensing and operation of bicycles and people powered vehicles in the Town of Exeter.

### 601 Definitions

**Bicycle:** Every peddled vehicle propelled solely by human power upon which a person or persons can ride.

**Party:** Means person or persons.

**Sidewalk:** Any town maintained parcel designed for the convenience of the pedestrian public.

### 602 License Required

1. The Town of Exeter urges, but does not mandate, registration of bicycles. Any person, firm or corporation requesting a registration shall come and submit their request to the Exeter Police Department.
2. It shall be the duty of the Chief of Police or his agents to receive and act on all requests received and to issue a registration following the inspection of the bicycle and it is found to be in safe mechanical condition.
3. The Exeter Police Department shall also keep a record of the registration number assigned to each bicycle, the date issued, the name of the party to whom issued and the number of the frame of the bicycle for which issued.

### 603 Operation

1. Application of Motor Vehicle Laws to Bicycles:

Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road, except as to special regulations in this subdivision and except as to those provisions which by their nature can have no application (RSA 265:143).

2. Obedience to traffic ordinances: Exceptions:

No person or persons operating a bicycle in the Town shall disobey the regulations contained therein, except when otherwise directed by a police officer

or when such person dismounts from the bicycle and obeys all the traffic ordinance provisions applicable to pedestrians.

3. Riding on Bicycles (RSA 265:144):

- a. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.
- b. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- c. No person riding upon any bicycle, coaster, roller skates/blades, skateboard, sled or toy vehicle shall attach the same of him/herself to any vehicle (RSA 265:144) upon a way.
- d. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle-bars.
- e. Persons riding bicycles two or more abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.
- f. Bicyclists intending to turn right or left shall not be required to give a continuous hand or arm signal if the hand is needed in the control or operation of the bicycle.
- g. Any bicyclist shall stop upon demand of a police officer and permit his/her bicycle to be inspected.
- h. No bicycle shall be operated unless the steering, brakes, tires and other required equipment are in safe condition.
- i. Any bicycle left unattended shall be locked appropriately.

4. Restrictions: It shall be unlawful for any person(s) to ride a bicycle within the paved apparatus area of the John C. Littlefield Memorial Skate Park.

5. Speed: Direction:

Bicycles shall not be operated within the Town at a speed greater than is reasonable and prudent under the conditions that exist, and shall be operated as near the right-hand side of the highway as practicable, exercising due care when passing a parked vehicle, or one proceeding in the same direction.

6. Yielding right-of-way:

Bicycles emerging from an alley or building within the Town shall, upon

approaching a sidewalk or the sidewalk area extending across any alleyway or driveway, yield the right-of-way to all pedestrians; and upon entering the highway shall yield the right-of-way to all approaching vehicles.

7. Riding on sidewalks prohibited:  
No person shall operate a bicycle upon any sidewalk within the Town.

#### 604 Bicycle Parking (RSA 265:152)

1. A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.
2. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
3. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

#### 605 Equipment Required

1. Headlamp Required at Night (RSA 266:86)  
Every bicycle operated upon any way during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector on the rear being visible from a distance of 300 feet to the rear. A lamp emitting a red light visible from 300 feet to the rear may be used in addition to the red reflector.
2. RSA 266.87 Pedal Reflectors Required  
Bike pedals will be equipped with a reflector visible from the front and rear of the bicycle from a distance of 200 feet during darkness.
3. RSA 266:88 Brakes Required  
Bikes shall be equipped with brakes enabling it to stop within 25 feet from a speed of 10 MPH on dry, level, clean pavement.

#### 606 Limitations of Prosecution (RSA 265:151)

Prosecutions under this ordinance shall be instituted within 60 days from the time the offense was committed.

#### 607 Skateboard Regulations

##### 607.A Purpose

The purpose and intent of this section is to establish regulations pertaining to the operation of skate boards, roller skates and similar devices in the Town of Exeter.

##### 607.1 Definitions

Compact Business District shall include:

Water Street, from High Street to Green Street  
 Front Street, from Water Street to Spring Street  
 Center Street, from Water Street to Front Street  
 String Bridge, from Water Street to Chestnut Street

Lincoln Street: From Main Street to Front Street

Roadway: That portion of any road that is maintained for vehicular travel or parking.

Sidewalk: Any way that is set aside and maintained for pedestrian traffic.

Skateboard, Roller Skates: Every device propelled by human power, upon which any person or persons may ride, having more than two wheels.

Roller Skates and Roller Blades: Every device permanently attached to shoes or boots for the purpose of entertainment and transportation.

## 607.2 Restrictions

It shall be unlawful for any person to ride upon a skateboard upon any of the following streets or roads:

Compact Business Districts  
 Bow Street  
 Chestnut Street  
 Court Street  
 Franklin Street  
 Hampton Road  
 High Street  
 Lincoln Street  
 Pleasant Street  
 Portsmouth Avenue

607.3 The use of skateboards shall be prohibited on all sidewalks.

607.4 The use of skateboards shall be prohibited upon any public way in the following circumstances:

1. between sunset and sunrise
2. while attached to any part of a moving motor vehicle
3. while used in disregard for the safety or well being of the public.

607.5 It shall be unlawful for any person to ride upon roller skates or a similar device upon any of the following places:

- a. Sidewalks, as follows:
    - Center Street
    - Chestnut Street
    - String Bridge
    - Water Street-Northeasterly side from Great Bridge to Town Hill, so-called;
    - Water Street-Southerly side from Town Hall (Front St) to Spring Street.
  - b. Streets, as follows:
    - Water Street
    - Green Street
  - c. The travel portion of any other streets or rights of way.
- 607.6 Persons riding upon roller skates or similar device, while operating on a roadway permitted by this ordinance, shall operate in conformance with the rules of the road that apply to bicycles.
- 607.7 Persons riding upon roller skates or a similar device, while operating on a sidewalk, shall operate in conformance with the rules governing pedestrians and with respect for the rights of the pedestrians and regard for safety.
- 608 Limitation of Prosecution (RSA 265:151)  
Prosecutions under this ordinance shall be instituted within sixty (60) days from the time the offense was committed.
- 610 Penalty
1. Any person violating the provision of this ordinance shall be guilty of a violation.
  2. Any party who violates any provision of this Chapter may have his/her bicycle, skateboard or roller skates impounded by a Police Officer for a period not exceeding thirty (30) days.
  3. Any party who is found in violation of this Chapter and has his/her bicycle, skateboard, roller skates impounded shall pay a fee of five (\$5.00) dollars to have the skateboard, roller skates returned. In the case of a minor (under the age of 16), the fee and release from impounding shall be accomplished by the parents or legal guardian of the child.
  4. A summons may be issued to those persons 16 years of age or older for any offense under this Chapter.
  5. Any party who is found to be a habitual offender of any section of this Chapter shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

## **CHAPTER 7 CONDUCT REGULATIONS**

### 700 Purpose

The purpose of this Chapter is to define the various sections relative to public conduct and action within the geographical limits of Exeter.

### 701 Unnecessary Noise

It shall be unlawful for any person, firm or corporation to make, create, maintain or simulate any excessive, unnecessary or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect, and are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the Town of Exeter.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of the ordinance, but said numeration shall not be deemed to be exclusive namely:

- 701.1 Radios, Stereos, etc: The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing the sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such between the hours of eleven (11:00) o'clock PM and seven (7:00) o'clock AM in such a manner as to be plainly audible beyond the noisemaker's premises, building, structure or vehicle, as applicable and which is unreasonable and offensive as above described shall be prima facie evidence for a violation of this Section.
- 701.2 Loud Speakers, Amplifiers, Public Address Systems and etc., for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, without a permit and only between the hours of 8AM and 7PM.
- 701.3 Yelling, Shouting, etc: Yelling, shouting, hooting, whistling or singing on the public streets between the hours of 11PM and 7AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
- 701.4 Exhausts and Unloading: Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers

between the hours of 11PM and 7AM.

Open Exhausts: The discharge into the open air of any unmuffled exhaust from any engine, mobile or stationary or any compressor unit that emits a noise level at a distance of 50 feet or greater.

- 701.5 Construction or Repairing of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7AM and 10PM except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector should s/he determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 10PM and 7AM and if he shall further determine that loss or inconvenience would result to any party in interest, s/he may grant permission for such work to be done within the hours of 10PM and 7 AM upon application being made at the time the permit for the work is awarded or during the progress of the work.
- 701.6 Schools, Courts, Churches, Hospitals: The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital, church or court.
- 701.7 Pile Drivers, Hammers, etc: The operation between the hours of 10PM and 7 AM of any pile driver, shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise
- 701.8 Exemptions: Public Works and Public Safety equipment required for the effective delivery of public services shall be exempt from the provisions of this Section.
- 702 Loitering  
Two or more persons shall not loiter, assemble or congregate on any public way or sidewalk, or in any public place in the Town of Exeter, in such a way as to impede the progress of, or cause annoyance to any person, nor shall any person remain upon any public street after being ordered by a Police Officer to move on. Violation of this Section shall be deemed disorderly conduct.
- 703 Public Drinking  
No person shall consume any alcoholic beverage, or have in his/her possession any open container of alcoholic beverage, while upon any public park, playground, sidewalk, commons, town-owned property or any public way within the geographic limits of Exeter.
- 703.1 No person shall consume any alcoholic beverage, or have in his/her

possession any open container of alcoholic beverage while in any vehicle or while upon a public park, playground, sidewalk, common, town-owned property or any public way within the geographical limits of Exeter.

- 703.2 Exemptions to this section may be granted by the director of Parks and Recreation and/or the Chief of Police of the Town of Exeter provided, however, that application for same is made in writing fifteen (15) days prior to the scheduled event.

## 705 Discharging Firearms

No person shall discharge any cannon, pistol or other firearms on the property of GTE Osram/Sylvania located on Portsmouth Avenue in Exeter.

- 705.1 No person, firm or corporation shall fire or discharge any cannon, gun pistol or other firearm, rocket or squibs within the compact area of the Town of Exeter.

No person, firm or corporation shall, while on the property of another, fire or discharge any cannon, gun pistol or other firearm, rocket or squib within three hundred (300) feet of a dwelling, building or person.

### 705.2 Compact Area Defined:

Compact area shall mean the area bounded by the Department of Public Works and Highways compact zones.

### 705.3 Discharge of firearms on town property:

Notwithstanding the provisions of 705.1 above, no person, except a Law Enforcement Officer in the proper execution of his duties, firm or corporation shall fire or discharge any cannon, gun, pistol or other firearm, rocket or squibs upon any property owned or leased by the Town of Exeter except that at the following locations the following activities shall be permitted:

- a. A designated firing range approved by the Board of Selectmen upon recommendation of the Chief of Police with the concurrence of the Town Manager at which instruction in the use of firearms shall be allowed as part of the Police Department's training procedures:
- b. The Sportsman's Club maintained on the Water Works property, so-called, off Portsmouth Avenue, at which Sportsman's Club, the Club members shall be allowed to carry out their customary firearms activities;
- c. The following properties under the supervision of the Exeter Conservation Commission, on which property hunting for birds and mammals according to New Hampshire State Law shall be allowed:

Oaklands Town Forest

Little River Conservation Area  
Smith-Page Conservation Area

- 706 Standard of Conduct – Municipal Officers  
No Town officer, employee or agent shall solicit or accept any gratuity, favor or anything of monetary value from any contractor or potential contractor with the Municipality relative to the procurement of any State and/or federal grant funds; and the offering and/or giving of any such matter of monetary value by such a contractor or their agents to any Municipal Officer, employee or agent is hereby prohibited. In addition to any penalties which may be provided by law, any appropriate disciplinary action including, in the case of an officer, removal from office; in the case of employees, termination of such agency.
- 707 Use of Waterways  
The purpose of this ordinance is to regulate the activity on Town property associated with bodies of water under the Town's control.
- 707.1 Areas affected:  
Water Works Pond  
Pickpocket Dam Pond  
Brickyard Pond  
Colcord Pond  
Clemson Dam
- 707.2 Fishing allowed:  
Fresh water line fishing will be allowed on these areas provided all persons conform to NH Revised Statutes Annotated and Fish and Game Regulations.
- 707.3 Prohibited Acts:  
No person, firm or corporation shall operate any boat, float, canoe, raft or kayak with a motor on these water ways.
- 707.4 Prohibited Areas for Health & Safety Concerns:  
Dikes, dams, berms, sewer lagoons, holding ponds and the structures of any spillways shall be prohibited areas for persons fishing. Persons found in violation of this Section shall be considered trespassing.
- 707.5 Other Laws Prevail:  
Town and State laws and regulations governing littering, liquor laws, health and open lewdness shall prevail and will be strictly enforced.
- 708 Use of Water Works Pond
- 708.1 No person, firm or corporation shall operate any vehicle on the open or ice covered waters of the Water works pond, so-called.

- 708.2 No person, firm or corporation shall kindle a fire of any kind on the shores of or on the ice covering of the Water Works pond.
- 708.4 No person shall fish within 300 feet of the Water Works Pond dam.
- 708.5 No person, while fishing, shall litter the waters of Water Works pond.
- 708.6 No recreational use of the public water supply known as "Water Works Pond" is permitted with the exception of fishing from the shore of the Pond where not excluded by other ordinance(s).

#### 709 Smelt Shack Regulations

- 709.1 During temporary ice loss on the River, smelt shacks may be removed to the Town parking lot adjacent to the landing. Such shacks shall be allowed to remain there for no more than twenty-four (24) hours, at which time they shall either be placed back on the ice or removed from the lot.
- 709.2 Smelt shacks not removed from the Town parking lot adjacent to the Town landing within twenty-four (24) hours, will be removed to Town custody. Smelt shacks will be released to their owners only upon payment of the penalty described in 710 below, and costs assessed by Public Works.
- 709.3 Smelt shacks shall not be launched onto or removed from the ice from any town-owned or maintained property with the exception of Stewart/Waterfront Park Boat Ramp.
- 709.4 Smelt shacks shall not be anchored or affixed to any town-owned or maintained property.

#### 710 Penalties

Any person violating any provision of Chapter 7 shall be punished by a fine of not more than one hundred (\$100) dollars for each offense.

#### 711 Town Conservation Land

No person shall operate a motorized vehicle on posted Town Conservation Land without the written permission of the Town Manager. Human powered wheeled vehicles (such as bicycles) are permitted only on well-established, marked trails where noted. Off trail biking is prohibited.

#### 712 Drug Paraphernalia

It shall be a violation of this section for any person to retain or possess Drug Paraphernalia with the intent to use, sell, employ or allow the same to be used, sold or employed for an unlawful purpose. An Unlawful purpose shall mean any act prohibited pursuant to RSA 318-B:2.

Drug Paraphernalia means any tool, equipment, product or implement adapted or designed to make, store, dispense, ingest or conceal a controlled substance. The definition of Drug Paraphernalia includes all equipment, products and materials as described by RSA 318-B:1, X-a.

A controlled substance means any controlled drug or controlled drug analog as defined by RSA 318-B:1, VI and VI-a.

The District Court having jurisdiction may order Drug Paraphernalia forfeited and destroyed in the manner of controlled drugs prescribed by RSA 318-B:17. “

## CHAPTER 8 COMMERCE REGULATIONS

### 800 Purpose

This Chapter is intended to cover various regulations that will govern on the public ways or in certain public and private buildings.

### 801 Dance Halls

The purpose and intent of this Section is to provide a mechanism whereby the Town of Exeter may lawfully act to protect the health, safety and morals of its residents by providing a limited regulatory structure for the operations of dance halls, which are not licensed to serve alcoholic beverages.

#### 801.1 Definitions: As used in this Ordinance, the below terms shall have the following meanings:

**Dance Hall:** Any person and all structures where dancing, whether live or recorded music, occurs, without regard to whether admission is by membership or otherwise.

**Excessive Noise:** Such sound that is of volume and/or intensity above the normal level prevailing in an area where a dance hall is located when said dance hall is not in operation, as to have a significant adverse impact on abutting neighbors or the general public.

**Live Music:** Sound produced by the human operations of a musical instrument of any nature including, for example, electronic music, synthesized and the human voice.

**Recorded Music:** Any reproduction of sound of whatever nature including but not limited to tapes, records, or radio signals of said tapes, records, or CD's.

#### 801.2 Permit Required:

It shall be unlawful to operate a dance hall in the Town of Exeter without having first obtained a dance hall permit as described in this ordinance.

#### 801.3 Application and Fee:

The Chief of Police, with the concurrence of the Building Inspector, is empowered to issue a permit renewable on a yearly basis on April 1st of each succeeding year, to allow the use of a structure as a dance hall, upon application, on forms to be prescribed by the Chief, by the owner of the structure. If the owner is not the person or corporation to operate the structure as a dance hall, the operator shall additionally make application. There shall be a fee of fifty (\$50) dollars for each such application to defray the expense of review and processing.

**801.4 Standards:**

Before issuing a permit, the Chief of Police shall require that in addition to being in conformance with all Planning, Zoning, Building, Health and Safety and all other ordinances and regulations of the Town and State, the proposed use of the structure as a dance hall will:

- a. Not create a public nuisance by excessive noise, congregating of patrons, parking or traffic congestion or otherwise, and;
- b. Have specific hours of operation which shall be no longer than 12 noon to the following: 1AM on all days except operation on Sunday, which is limited to the hours of 6PM to 12 Midnight.

**801.5 Revocation and Appeal:**

Upon the issuing authority receiving written complaints of operation of any dance hall in violation of the standards herein described, he may, after his own independent investigation, revoke the permit of any dance hall subject to the right of the permit holder to appeal the revocation to the Board of Selectmen. Any such revocation shall be in writing, shall state the grounds thereof, and shall be sent by certified mail to the last known address of the permit holder.

**801.6 Hearing:**

Upon appeal of revocation by any permit holder, the Board of Selectmen shall promptly schedule a hearing with notice thereof, as above provided, which will be open to the public. Unless it appears from the information presented at the hearing that the decision to revoke the permit was unjust or unreasonable, the revocation will be sustained.

**801.7 Exemption:**

Notwithstanding the definition of Section 801.7, the provisions of this ordinance shall not be applicable to any private residential structure where dancing by ten or fewer individuals occurs, nor shall this Ordinance be applicable to any dance hall as defined herein which during actual hours of operation is subject to regulation or license by the State of New Hampshire under Title XIII of the Revised Statutes Annotated, Chapter 175-182, or their successors.

**801.10 Penalty:**

The failure to obtain a permit as required by Section 801.3 of this Chapter shall be punishable by a fine of not more than one hundred (\$100) dollars with each day of operation of a dance hall without a permit constituting a separate offense. Additionally, the Chief of Police is empowered, upon approval of the Board of Selectmen, to seek injunctive relief in the Rockingham County Superior court to enforce the terms and conditions of this Chapter.

## 802 Ordinance to Regulate Vendors, Hawkers, Peddlers, Solicitors, and other Itinerant Vendors, and Door-to-Door Solicitations and Canvassing

### 802.1 Requirement

No person, partnership, corporation, or other entity, whether maintaining permanent location in the Town of Exeter or not, may sell, barter, purchase, or otherwise carry on commerce in goods or services within the Town of Exeter, or attempt to do so, through door-to-door solicitations, or on the streets, sidewalks, or other property of the Town without first applying for and receiving a permit to do so from the Town of Exeter.

### 802.2 Exemptions

No permit is required under this ordinance for the following:

- a. The solicitation of signatures for political purposes.
- b. Any public event sponsored by a non-profit organization, provided that any concessions or sales must be directly connected to the event and must be included in the public assemblage permit approved for the event under Town Ordinance 807. A list of vendors must be provided to the Town Office before the event.
- c. Any event taking place in Town recreation areas and is part of a Town-sponsored event or has the express written permission of the Board of Selectmen or designee.
- d. Any event taking place on land owned or controlled by the public school system and has the express written permission of the School Board or Principal of the school in question.

### 802.3 Procedure for Obtaining Permit

Persons or entities subject to this Ordinance shall apply during normal business hours (8:00AM-4:30PM at the Town Office) to the Office of the Selectmen or designee for a permit, utilizing the application form prescribed. If vending food, the applicant must first obtain all applicable licenses from the Exeter Health Department located at the Exeter Fire Department.

The application for the permit shall include, but is not limited to, the following information:

- a. the name of the person applying and the name of the entity, if different, for whom the application is made;
- b. the local address of the person applying, the permanent address of the person applying, and of the entity, if different, from the person making the

- application;
- c. the local and permanent telephone and fax numbers of said person and/or entity;
  - d. the date of birth and social security number of all persons to be involved and taxpayer's identification number of the entity;
  - e. vehicle information, including the license plate number, state of issue, and physical description of all vehicles involved:
  - f. the nature of the goods or services involved;
  - g. the method of solicitation to be used and copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in solicitation.
  - h. the dates upon which solicitations, canvassing, or vending are to occur and the location and times on each of those dates.
  - i. the names of Town parking lots, commons, or parks at which vending is proposed to occur.
  - j. information required to be supplied under NH RSA 321:19 as to the advertising, representing or holding forth of any sale as an insurance, bankrupt, insolvent, assignee's, trustee's, testator's, executor's, administrator's, receiver's, wholesale, manufacturer's or closing-out sale, or as a sale of goods damaged by fire, smoke, water or otherwise, or in any similar form, the following information is required to be supplied under NH RSA 321:19- all the facts relating thereto, the reason for and the character of such sale, including a statement of the names of the persons from whom the goods were obtained, the date of their delivery to the applicant, the place from which they were last taken and all the details necessary to locate and identify them.
  - k. a non-refundable permit fee of twenty-five (\$25) dollars per day, one hundred (\$100) dollars per week, or two hundred fifty (\$250) dollars per year or any part thereof, payable at the time of application.

#### 802.4 Official Action on the Permit

- A. Before granting any permit under this chapter, the Board of Selectmen of the Town of Exeter, or designee shall:
  - 1. determine whether the applicant has submitted a complete and accurate application;

2. determine whether the applicant has met all requirements and purposes of this chapter;
  3. forward application and information to the Chief of Police or designee for review.
- B. After the application for a permit has been reviewed by the Board of Selectmen or designee and the Chief of Police or designee, the permit will be approved or disapproved. The decision to approve or disapprove will be based on the findings of the Board of Selectmen or designee. A decision shall be made no later than five (5) working days after receipt of application. If the permit is denied, the Board of Selectmen or designee shall provide reasons for the denial to the applicant.
- C. Reasons for denial may include but are not limited to any one of the following:
1. conviction of any offense which would warrant such denial;
  2. evidence that the permittee has accepted or solicited money, otherwise than through a bonafide sale or barter of goods, wares, or merchandise, or has in any manner solicited same from the public;
  3. evidence of any falsification of information on the application;
  4. evidence that the permittee is insane, a sexual psychopath, is or has been guilty of assault upon others or whose conduct has been otherwise disorderly and is of such violent or offensive demeanor that to grant such permit would constitute a threat to the peace or safety of the public;
  5. the permittee is at large pending appeal from a conviction for a violation of the law involving extreme moral turpitude; or
  6. failure to supply the information required under NH RSA 321:19
  7. any negative past experience with the organization's or individual's conducting of activities either in the Town of Exeter or elsewhere, that would require a permit under this ordinance.

#### 802.5 Revocation of Permit

- A. Upon receipt of any complaint concerning nuisance, hazard, annoyance, or disorderly conduct concerning any section of this Chapter, any or all solicitors may be asked to stop solicitation.
- B. The Town of Exeter may amend or revoke a permit if any of the following occur:

1. The existence of any of the reasons for denial listed above in 802.4C.
2. Failure to supply the identification required under 802.8 below.
3. The occurrence of any prohibited conduct as set forth below under 802.9

#### 802.6 Appeal Process

A person may appeal to the Board of Selectman from the denial, revocation or amendment of a permit by filing a written notice within five (5) working days of denial, revocation or amendment of the permit. 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 health and safety of the public and the persons required to apply for the permit.

#### 802.7 Notification of Police

Upon the issuance of a permit to any person, firm, corporation, or other entity, the Board of Selectmen or designee shall notify the Police Department of the same.

#### 802.8 Identification Required

Any person, firm, corporation, or other entity granted such a permit shall upon demand show suitable identification to any person demanding same and shall at each solicitation or inquiry identify the entity benefiting from the funds received.

#### 802.9 Prohibited Conduct Under a Permit

- A. No door-to-door solicitation or canvassing regulated under this chapter is to occur before 9 AM or after 9PM on any given date.
- B. Sidewalk Vendors: A vendor selling on the sidewalk shall not:
  1. Vend at any location where the unobstructed sidewalk area after deducting the area occupied by the stand is less than three (3) feet in width;
  2. Vend within thirty (30) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway;
  3. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the building or structure owner's written permission.
- C. Motor Vehicle Vendors: A vendor selling from a motor vehicle shall not:

1. Conduct his motorized business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to Fire, Police or Town/State vehicles;
2. Stop, stand, or park his vehicle upon any street for the purpose of selling or sell on any street under any circumstances during the hours when parking, or stopping or standing has been prohibited or is prohibited by statute by signs or curb markings or ordinance;
3. Remain in any one location for longer than is authorized by the parking ordinances of the Town unless specifically authorized to do so. In areas not covered by the parking ordinances, parking shall be limited to thirty (30) minutes.

#### 802.10 Penalty

Any person, partnership, corporation, or other entity that conducts activities that require a permit under this chapter without a valid permit shall be guilty of a violation punishable by a fine or not more than \$200.00 for each violation.

#### 805 Fireworks

No person shall possess any fireworks as defined in 160.1 New Hampshire Revised Statutes Annotated unless said person is in the business of the sale of fireworks for pyrotechnic displays as licensed by the Federal and State Government, or holds a valid permit for display of fireworks as provided elsewhere in this section.

##### 805.1 Permit for Pyrotechnic Displays:

A permit for "fireworks" displays shall be issued by the Board of Selectmen for special events in which a fireworks display is in the best interests of the general public. No permits shall be issued without the approval of the Chiefs of the Fire and Police Departments who will render a decision based on the competence of the operator, the protection factors and the availability of manpower and equipment.

#### 806 Public Dances

No person, firm, corporation or organization shall conduct a public dance, carnival or circus in which the attendance may be greater than two hundred (200) people unless a police officer is on duty at such an event. When the attendance increases by any group to three hundred (300) or more, a police officer shall be on duty at such event for each three hundred (300) persons in attendance.

##### 806.1 Costs:

The costs of such police services shall be paid by the person, firm or corporation sponsoring the event.

**806.2 Penalty:**

Failure to comply with the provisions of Section 806 shall be guilty of a violation, and shall be fined not more than one hundred (\$100) dollars.

**807 Special Events**

No person, firm, corporation or group shall organize a parade, demonstration or picketing process in the Town of Exeter without having first obtained a permit from the Board of Selectmen.

**807.1 Order and Public Convenience:**

Any such person, firm, corporation or group receiving a permit shall make provisions for suitable safety for persons engaged in the event and shall not impede any traffic, motor vehicle, pedestrian or otherwise, nor shall anyone engage in any unlawful acts against the peace and dignity of the community.

**807.2 Added Costs to Town:**

Any such person, firm, corporation or group receiving a permit shall be liable for any additional costs incurred by the Town of Exeter because of such parade, demonstration or picketing.

**807.3 Competitive Races:**

No person shall conduct or participate in any competitive race using a public way unless such race is sponsored by a recognized organization and prior written approval of the Board of Selectmen is granted. The Town may require insurance, police coverage and other measures to insure the safety and protection of the public.

**807.4 Provisions included:** The authority of New Hampshire Revised Statutes Annotated 286.3, 286.4, 286.4-A and 47.17 shall be the guide for the issuance and enforcement.**807.10 Penalty:**

Failure to comply with the provisions of Section 807 shall be guilty of a violation and shall be fined not more than one hundred (\$100.00) dollars.

**808 Public Auctions**

No person, firm, corporation or group shall conduct an auction in the Town of Exeter unless they have obtained a permit to do so from the Board of Selectmen.

**808.1 Definitions:** As used in this Chapter, the following words shall have the following meanings:

- a. **Auctioneer** means a person who engages in the Town of Exeter in the business of selling for another real, personal or mixed property by auction.
- b. **Auctioneering** means the business or act of selling for another real, personal

or mixed property by auction.

c. **Board** means the Board of Selectmen.

#### 808.2 State Statues

Revised Statutes Annotated defines state laws relative to Auctioneers in New Hampshire. No auctioneer shall operate in the Town of Exeter unless he is properly licensed by the State of New Hampshire.

#### 808.3 Application:

Local applications may be obtained at the office of the Town Manager. The applicant shall state time, date, place of the event and the anticipated length, as well as the number to be in attendance. Action on any application shall be at a regular session of the Board of Selectmen. Applications shall be filed two weeks in advance of the scheduled event.

#### 808.4 Additional Services:

Should the size of the event require additional Town Emergency or Public Services, the reasonable costs for such services shall be paid by the auctioneer obtaining the permit.

#### 808.5 Fees:

The fee for such local permit is \$5.00.

#### 808.10 Penalties:

Any person, firm or corporation violating any provisions of Section 808 shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

### 820 Alarms: Business, Residence, Burglary, Fire, Medical Emergency Alarm Device or System

#### 820.1 Definitions:

- a. **Alarm System:** Any assembly of equipment and devices, arranged to signal the presence of a hazard requiring the urgent attention and to which public safety personnel and equipment are expected to respond. This shall include any alarm system or device connected to the municipality-owned Gamewell Fire Alarm System.
- b. **False Alarm:** The activation of an alarm system through mechanical failure, accidental tripping, malfunction or misuse of the owner or lessee of an alarm system, or his employees or agents. A conclusive presumption shall be made that a false alarm occurred upon the failure of the responding town agency to find any evidence of a legitimate cause for activation. False alarms shall not include alarms caused by severe weather conditions, power outages, malfunction of telephone circuits or other external causes beyond the control

of the owner or lessee of the alarm system.

820.2 Standards:

All fire alarms installed in the Town of Exeter shall conform to the standards set forth in the following publications:

NFPA 101 (Life Safety Code)

The Fire Prevention Code (ALA)

NFPA 72, 73 (Fire Alarms Systems): and Fire Rules & Regulations Governing Master Box and Alarm System Installation.

820.3 Direct Dial alarm Systems:

Direct Dial Alarm Systems (which automatically seize an Exeter Public Safety telephone line) shall not be installed within Town of Exeter.

820.4 External Audible Alarms:

External Audible alarms devices shall have an automatic cut-off of no more than ten (10) minutes.

820.5 Required Information:

Alarm owners and/or contractors must provide at least the following information prior to the alarm system becoming operational:

- a. name, exact address and phone number of alarm site;
- b. directions or map and exact location of buildings(s);
- c. a minimum of 3 persons who may be contacted in event of an emergency and have the ability to gain entry into the building.

820.6 False Alarms:

Any individual, firm or corporation who causes, or attempts to cause, a false alarm through the use of alarm-reporting equipment shall be assessed a penalty of \$100. RSA 644.3 shall supersede this section when fire alarms are involved.

820.8 Appeals:

Any false alarm, fee or other action taken may be appealed to the Town Manager.

820.10 Penalties:

No part of this ordinance shall supersede RSA 644:3.

- a. Violation of 820.3 (Direct Dial Alarms) shall be \$100 per activation.
- b. Violations of 820.4 (Audible Alarms cut-off) shall be \$25.00 per activation.

- c. Violations of 820.1 (more than 3 false alarms at any one alarm site during a calendar year) shall be as follows:
  - 4-6 alarms \$100.00 each
  - 7-9 alarms \$150.00 each
  - Each alarm in excess of 9 \$200.00 each
- d. An excess of 3 false activations of the Gamewell Fire Alarms system, in a calendar year, shall be assessed a Fire Department response expense determined by the Fire Chief on a case by case basis.

821 Exeter Development Commission  
(originally Ordinance 5-68 dated 5/14/68)

The declared intent and purpose of this ordinance is to establish the Exeter Development Commission in the Town of Exeter, for the purpose of encouraging the welfare of local industries, promoting the establishment of new industries and promoting the general business and economy of the Town of Exeter.

821.1 The Act:

An ordinance relative to the establishment of the Exeter Development Commission is hereby ordained by the Selectmen of said Town of Exeter as follows:

An ordinance relative to the establishment of the Exeter Development Commission is hereby ordained by the Selectmen of said Town of Exeter as follows:

- a. The Development commission shall consist of nine (9) qualified members who shall be residents of the Town of Exeter. They shall be appointed by the Board of Selectmen for a term of four (4) years. The Chairman of the Board of Selectmen, the Chairman of the Planning Board and the Town Manager shall also serve as ex-officio members of the Exeter Development Commission whose terms shall correspond to their respective tenure of office.
- b. The Development Commission may appoint a Development Specialist for the promotion of industry and the economy, and shall have the authority to expend funds, within its appropriation, to carry out the purposes set forth in this ordinance.
- c. All ordinances or sections of ordinances, inconsistent herewith, are repealed.

821.2 Statement of Policy:

It shall be the policy of the Exeter Development Commission to protect and promote the industrial, commercial and general economic progress of this area in every way consistent with its By-Laws, the regulations and ordinances

of the Town of Exeter and the laws of the State of New Hampshire. In general, the Commission proposes to work within the framework of the following eight-point program to be undertaken in concert with other agencies, both local and otherwise, for the establishment of plans and programs consistent with well defined, balanced economic growth.

- a. To assist in the retention and expansion of existing industries and businesses in that area;
- b. To assist in developing new industries and businesses of the types which can supply and support those already established in the area;
- c. To assist in attracting new and diversified industries and businesses which will help to bring the economy of the area into better balance;
- d. To initiate and assist in developing, whenever deemed possible, relative to all important matters affecting the industrial business economy of the area and community particular;
- e. To establish a cooperative and coordinated effort involving all organizations and individuals interested in the industrial and business development of the community and area.
- f. To publicize Exeter and the area as a good industrial and business location;
- g. To work toward the general improvement of the business climate of Exeter and the area;
- h. In promoting the economic progress of the area the Commission shall give first consideration to the Town proper. However, since the political boundaries of the Town do not coincide with its economic boundaries, the Commission deems it necessary to work on a board basis.

#### 821.3 By-Laws:

- a. Name: This organization shall be known as the Exeter Development Commission.
- b. Objectives: This Commission is established to foster and protect the industrial, commercial and general economic progress of the Town of Exeter and the Seacoast Area.
- c. Membership: The membership of the Exeter Development Commission shall consist of nine members to be appointed by the Board of Selectmen of the Town of Exeter. It shall be necessary that members of the Commission be residents of the Town of Exeter. The Chairman of the Board of Selectmen,

Chairman of the Planning Board and the Town Manager shall be ex-officio members of the Commission.

- d. Officers: The officers of the Exeter Development Commission shall be a chairman, a vice-chairman and a secretary who shall be elected by a vote of the membership for a one year term, but may be re-elected to such additional terms as is desired by the membership.
- e. Duties of the Officers:
  1. The Chairman shall preside at meetings, shall appoint committees as deemed necessary, and shall carry out such other duties as are assigned to him by the vote of the membership.
  2. The Vice-Chairman shall preside at meetings and generally carry out the duties of the Chairman in his enforced absence, or upon his request.
  3. The Secretary shall keep a true and accurate record of meetings and shall present it to the membership. Monthly reports will be made to the Selectmen.
  4. The Officers of the Commission, within the appropriation of the Town of Exeter, shall be authorized to hire qualified personnel for the purpose of economic development and shall determine compensation, subject to a majority vote of the committee and subject to the rules and regulations covering expenditure of funds of the Town of Exeter. Said Agent of the Commission shall be the Chief Administrative Officer and shall have the power to appoint and discharge all other staff employees. Said agent shall be responsible to the Commission through the Chairman.
- f. Committees:
  1. The Chairman shall appoint all committees unless otherwise specified by vote of the members.
  2. The authority and duties of such committees shall be determined by the resolution authorizing their appointment.
  3. Persons appointed to committees need not be members of the Exeter Development Commission.
- g. Meetings:
  1. The annual meeting of this committee shall be held during the month of October of each year on a date to be determined by the Chairman. A majority of the membership shall constitute a quorum.
  2. Meetings shall be held at such other times as the Chairman may

determine, or upon request of a majority of the members, but notice of said meeting shall be given to members at least three (3) days prior to the date of the meeting. A majority of the membership shall constitute a quorum.

3. Any committees appointed by the Chairman are empowered to hold meetings at which a majority shall constitute a quorum. No committee shall have the power to put into effect any policy involving the Commission until such policy has been approved by a majority of the membership.
4. All meetings shall be conducted under Roberts Rules of Order.
- h. Funds: Funds for the operation of the Commission shall be requested of the Town of Exeter and any appropriations received shall be expended according to the rules and regulations of the Town. Nothing herein shall be construed to mean that the Commission is prevented from accepting funds from other sources provided that it is consistent with the rules and regulations of the Town of Exeter and the policies of this Commission.
- i. Finance Committee: The commission shall appoint a Finance Committee for the approval of vouchers for payment authorized by the Commission. The Committee shall consist of three (3) members and approval of payment vouchers shall require signatures of at least two (2) members of the Finance Committee.
- j. Amendments: These By-Laws may be amended by a majority vote of the members present at any regular meeting, or any special meeting called for that purpose or by membership referendum provided that proposed amendments, alterations or repeals shall be plainly stated in the call for the meeting, which must be sent out at least three (3) days prior to the meeting at which they are to be considered or seven (7) days prior to the closing of the referendum ballot.

### 830 License for Intelligence Offices

- 830.1 Pursuant to Revised Statutes Annotated 274:2, the Town of Exeter adopts this ordinance to cover Employment Offices.
- 830.2 Provisions of the Law: It shall be unlawful to conduct a business as defined by RSA 274:2 without having applied for and received a valid permit from the Exeter Board of Selectmen.
- 830.3 Fee: The fee for such permit shall be ten (\$10.00) dollars.
- 830.10 Penalty: Any person, firm or corporation violating the provisions of this section shall be guilty of a violation and shall be punished by a fine of not more than one hundred (\$100.00) dollars for each offense.

## CHAPTER 9 ANIMAL CONTROL

### 900 Purpose

This ordinance is designed to regulate the licensing and conduct of dogs.

### 901 Definitions of Terms

As used in this ordinance, unless the context shall otherwise indicate, the following terms shall be defined as herein set forth:

- a. **Dog:** Any member of the family canidae.
- b. **Owner:** Any person, group, association or organization maintaining, keeping, caring for, harboring or owning a dog.
- c. **At Large:** Off the premises or property of the owner while not on a leash, not under the physical control of a responsible person, and not confined within a vehicle.
- d. **Enclosure:** Shall be intended to mean any structure, fenced or otherwise, which is secure on all sides, top and bottom, so as to prevent the exiting of the dog or entrance of young children. Said enclosure shall be of a proper size as regulated State Statute.
- e. **Vicious Dog:** Shall be intended to mean any dog which growls, snaps at, bites or chases any person or persons while on foot or on any propelled vehicle. It shall also include any dog which has attacked any animal, as domestic or wild.
- f. **Growl:** Is an indication of a dog's imminent attack, usually accompanied by the bearing of teeth and the fur on its back standing up. (Guttural threatening sounds made by an angry animal; low guttural menacing sound as a dog; a deep, angry, throaty noise as of a dog.)
- g. **Chasing cats or any other animal is not a part of the ordinance.** Dogs would only be considered vicious if they attacked the animal causing injury or death. The ordinance is to supplement RSA 466:36 which authorizes the killing of dogs found in active pursuit. In most cases, the dog leaves the scene without being killed and, therefore, needs to be designated a future danger to the public and other animals.

### 902 At Large Prohibited

It shall be unlawful for the owner or keeper of a dog to permit a dog so-owned or kept, to run at large without being controlled by a leash, except for the following:

- a. when dog is upon the owner's property;

- b. when dog is accompanied by owner or custodian and being used for hunting, herding, supervised competition and exhibition, or;
- c. when in actual training for hunting, herding or competition and exhibition.

903 Impounding of Dogs

Any dog found at large without the premises or property of the owner and within the Town of Exeter may be restrained and impounded by the Police department. A dog so impounded may be confined in a suitable animal shelter for not more than seven (7) days may be humanely disposed of by the Exeter Police Department.

904 Claiming Impounded Dogs

An owner or individual claiming a dog impounded by the Exeter Police Department shall pay to the Town of Exeter a fee of twenty (\$20) dollars for the dog. In the event an animal shelter is used other than a town-owned facility, the owner or individual claiming the dog shall pay shelter fees established by the outside shelter and approved by the Board of Selectmen.

905 License and Registration

The owner of a dog kept, harbored or maintained in the Town of Exeter, shall license and register the dog as specified in Chapter 466 of the Revised Statutes Annotated of the State of New Hampshire.

906 Killing Dogs

Any member of the Exeter Police Department may kill any dog found in the act of maiming or in close pursuit of deer, caribou, moose, cattle, swine, poultry or other domestic animal. Any dog that is located without proper identification and that is suffering serious injury (ies), distemper or other apparent serious illness may be disposed of forthwith at the discretion of the Exeter Police Department.

907 Dogs a Menace, Nuisance or Vicious

Any dog that is considered to be a menace or a nuisance, or vicious to persons or to property under any or all, but not limited to, the following conditions:

- 907.1 If it runs at large without being controlled by a leash. (See Section 902)
- 907.2 If it barks for sustained periods of more than one-half hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area.
- 907.3 If it digs, scratches or excretes on any property other than its owner's;
- 907.4 While in heat is unconfined (confinement shall mean within an enclosed building - not accessible to any other dog (s);
- 907.5 If it growls, snaps at, runs after or chases any person or persons;

- 907.6 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;
- 907.7 If whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, fowl or human beings;
- 907.8 If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal control officer, such officer shall, within 24 hours, notify the injured person or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.
- 907.9 Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the Exeter Police Department and such disposition made of the dog as the court may order.
- 908 **Removal of Animal Excrement Required**  
Any person who owns or is responsible for an animal shall, if the animal defecates upon public property or private property, promptly clean up and dispose of the excrement. The excrement shall be disposed of in a lawful and sanitary manner.
- 910 **Prohibition in Parks and Commons**  
No person, firm or corporation shall allow to have in their physical control any dog while in the geographical confines of the following parks and commons:
- a. Founders' Park
  - b. Library grounds
  - c. Gilman Park - off Bell Avenue;
  - d. Hampton Road Recreation Park;
  - e. Park Street Common
  - f. Swasey Parkway
  - g. Brickyard Pond fields
- 911 **Enforcement Procedure**  
The enforcement of this Chapter shall be the responsibility of the Exeter Police Department. The Exeter Police Department may issue complaints alleging violations of this Chapter.
- 912 **Vicious Dogs**  
No persons owning a vicious dog shall keep such dog on private property unless said dog is in a secure enclosure of the residence of the owner. Vicious dogs shall not be allowed on public property except when on a leash of three feet or

less in length and a tensile strength of at least 300 pounds. If said dog has caused serious bodily injury, it shall also be muzzled while on public property. Vicious dogs so restrained shall be under the control of an adult able to restrain the dog while off the owner's premises.

913 Enclosures

Any person keeping a vicious dog in an enclosure outside of their residence shall post said enclosure with a sign or signs stating: "Beware of Dog" on any side where access to the dog is possible. Said sign(s) shall have letters of no less than two (2) inches in height.

914 Bodily Injury

Any vicious dog which has caused serious bodily injury, or which has not been restrained as set forth in this Chapter, shall be impounded by the Town and held until a disposition is ruled by the Court.

915 Insurance

Any owner having been convicted of keeping a vicious dog(s) which has caused serious bodily injury, shall show proof of \$100,000 liability insurance for bodily injury or death to the Animal Control Officer, as in the licensing of guard dogs under NH Revised Statutes Annotated 466:46

916 Violations/Fines

Any person who violates any provision of paragraph 907 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified below, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of paragraph 907. Any person who does not pay the civil forfeiture specified below shall have the case disposed of in district or municipal court.

Any person who violates any of the provisions of paragraph 907 shall be liable for a civil forfeiture, which shall be paid to the 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 paragraph 907. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

- a. \$25 for the first nuisance offense under sub-paragraph 907.1, 907.2, 907.3 or 907.4; \$50 for the second nuisance offense committed within 12 months of the first nuisance offense under sub-paragraph 907.1, 907.2, 907.3 or 907.4.
- b. \$50 for the first menace offense under sub-paragraph 907.5 or 907.6; \$100 for the second or subsequent menace offense committed within 12 months of the first menace offense under sub-paragraph 907.5 or 907.6.
- c. \$100 for the first vicious offense under sub-paragraph 907.7; \$200 for the second

or subsequent vicious offense committed within 12 months of the first vicious offense under sub-paragraph 907.7.

Any person who pays a civil forfeiture specified above 2 times in any 12-month period according to the records of the Town Clerk, may not pay a civil forfeiture for subsequent violations of paragraph 90 in that 12-month period, but shall have those case disposed of in district or municipal court. In the case of a vicious dog, as described by paragraph 907, where its behavior presents a threat to public safety, immediate District Court or Municipal Court proceedings may be initiated in lieu of the civil forfeiture.

#### 917 Penalties

A person, firm or corporation violating any provisions of Chapter 9 of this code (excluding 907) shall be punished by a fine of not more than one hundred (\$100) dollars for each offense.

## CHAPTER 10 TAXICABS

### 1000 Declaration of Policy

Every person owning or operating a motor vehicle for hire whose business is conducted from Exeter and who picks up passengers in Exeter to transport such passengers in a taxicab, as defined below shall be subject to Town regulations in accordance with this ordinance. This ordinance has been adopted pursuant to the delegation of authority under NH RSA 31:40 by the passage of Article 38 at the March, 1989 Town Meeting...

### 1001 Definitions

**Driver** shall mean the person in actual physical control of a taxicab.

**Driver's License** shall mean a valid New Hampshire Operators License.

**Insurance** shall mean the limits of liability set by subsections in this Chapter.

**Operator** shall mean any person owning, in charge of or managing a taxicab business or company in the Town of Exeter.

**Operator's Permit** shall mean the permit issued by the Town of Exeter to a firm, corporation or company to operate a taxicab business.

**Standing** shall mean a vehicle idle or not in motion but having a driver in control (behind wheel).

**Parking** shall mean a vehicle idle or not in motion but having a driver in control (behind the wheel)

**Taxicab** shall mean any rubber-tire motor vehicle having a manufacturer's rated seating capacity of not more than twelve persons and used in the call and demand for transportation of passengers for compensation to or from points chosen or designated by the terminal, or any such vehicle leased or rented or held or leasing or renting with or without drivers or operators

**Taxi Permit** shall mean a valid permit from the Town of Exeter for the taxicab.

**Taxi Stand** shall mean a designated space for the pickup or discharge of passengers by an engaged taxi

**Unengaged Taxicab** shall mean a taxicab in charge of driver and neither occupied by not standing at the direction of passenger nor responding to a call of a prospective passenger. A taxicab standing in a taxi stand shall be presumed to be unengaged.

## 1002 Regulations

All drivers, operators and taxicabs shall be subject to those requirements, rules, regulations and procedures that may be promulgated from time to time by the Board of Selectmen of the Town of Exeter.

### 1002.1 Taxicab Operator Permit and Fee

Every person engaged in the business of operating taxicabs, automobiles or other vehicles for the transportation of person for hire within the Town of Exeter shall make an application to the Town Clerk for an Operator's Permit on forms provided by the Town Clerk for this purpose. The fee for such permit is one hundred (\$100) dollars annually which shall be paid at the time the application is made and on or before January 1 of each calendar year thereafter. Only one operator permit shall be required per business. In the case of a change of ownership of a business, the fee shall be one hundred (\$100) dollars. As of the date of adoption of these rules, no new operator's permit shall be allowed unless the business headquarters are located in an area approved by the Zoning Ordinance.

- a. Issuance of Operator's Permits: Before any permit is issued, the Town Clerk shall refer the application to the Chief of Police, who shall conduct an investigation of permit within five (5) calendar days, Saturdays, Sundays and holidays excluded. Any conviction for violation of the laws of the State of New Hampshire, or any other state, may be cause for denial. The Chief of Police shall forward his decision to the Board of Selectmen who shall approve or disapprove it.
- b. Insurance: Before any permit is issued, the Town Clerk shall insure that the applicant has provided a certification of insurance for each vehicle. The minimum limits of liability acceptable shall indemnify the applicant and owner in the amount of One Hundred Thousand (\$100,000) dollars for injury to one person with a total coverage of not less than Three Hundred Thousand Dollars (\$300,000) for each accident. The property damage coverage shall be not less than Fifty Thousand Dollars (\$50,000) per occurrence. The certificate shall carry an endorsement that the Insurance Carrier will notify the Town Clerk ten (10) days prior to the cancellation of any such policy.
- c. Change of Address: Any operator shall notify the Town Clerk within five (5) days of any change of address, telephone number or business locations.
- d. Appeal of Denial: In case a request for a permit by an operator has been denied by the Chief of Police, the operator may request of the Town Clerk an appeal hearing before the Board of Selectmen. Such hearing shall be held within seven (7) days of the request, Saturdays, Sundays and holidays excluded. The Selectmen shall render their decision within a reasonable time.

- e. **Transfer Prohibited:** No operator's permit may be transferred from one operator to another. Any operator who voluntarily discontinues doing business shall surrender his/her permit to the Town Clerk within five (5) days of the time s/he discontinues operation.
- f. **Display of Permit Certificate:** It shall be the duty of operators of taxicabs to display their permit certificates in a conspicuous place within their place of business, headquarters or have them readily available for inspection upon demand by authorized municipal officials at all times.
- g. **Taxicab Records:** All taxicab operators and drivers shall keep records of trips, dates, times, pick-ups and discharges. Such records shall be kept for a period of six (6) months.
- h. **Surrender permit:** Any operator shall, upon demand of the Town Clerk and/or the Board of Selectmen, surrender his Operator's Permit to the Town Clerk when so notified in person to do so because of a lack of insurance or other serious violation of the Chapter.

#### 1002.2 Taxicab Permit and Fee

Every person engaged in the business of operating taxicabs, automobiles or other vehicles for hire, within the Town of Exeter, shall make application to the Town Clerk for a Taxicab Permit, for each vehicle used in the business, on the forms provided by the Town for this purpose. The fee for such permit shall be twenty-five (\$25) dollars for each vehicle, which shall be paid at the time of application and annually on or before January 1.

- a. **Issuance of Taxicab Permits:** Before any new taxicab permits are issued, the Town Clerk shall refer all applications to the Chief of Police, who shall inspect the condition of the vehicles proposed for permit, and approve or disapprove the issuance of permits within forty-eight (48) hours, Saturdays, Sundays and holidays excluded. Vehicles not meeting the inspection requirements of the State of New Hampshire shall be denied permits.
  - 1. **Issuance of Temporary Taxicab Permits:** Above requirements for a replacement vehicle only may be waived at the discretion of the Chief of Police or his designee, with proper insurance binder, until such time as a proper permit may be issued within the prescribed forty-eight (48) hours.
  - 2. **Temporary\*** permits may be granted for vehicles used in place of regularly permitted vehicles, when mechanical repairs are required, provided, however, that all requirements of this section are met, except painted signs. (\*= ten day limit and report to Police Department).
- b. **Appeal of Denial:** When any such application is denied by the Chief of Police

or the Town Clerk, the applicant may request such denial be reviewed by the Selectmen. A request for review shall be made to the Town Clerk, who shall refer the matter to the Selectmen within forty-eight (48) hours, excluding Saturdays, Sundays and holidays, of receipt of the request. The Selectmen shall hold a hearing and issue or deny the permit.

- c. **Transfer of Permits:** Taxicab permits may be transferred from one vehicle to another by making an application for such transfer in the same manner as is required for original permits and making payment of five (\$5) dollars to the Town Clerk at the time of making an application. An application for transfer must be made within five (5) days of acquiring a new vehicle. Evidence of an insurance binder must be provided at the time of application.
- d. **Taxicab Permits Displayed:** A copy of the taxicab permit issued by the Town Clerk, shall be conspicuously displayed on the dashboard of every vehicle operated as a taxicab under the provisions of this chapter.

### 1002.3 Taxicab Drivers License and Fee

Every person engaged in the business of operating of taxicabs that are dispatched from Exeter and that pick up passengers for hire within the Town of Exeter, for the purpose of transporting persons, shall have attained the age of eighteen (18) years, hold a valid New Hampshire operator's license and shall make application to the Town Clerk for a Taxicab Driver's License on forms provided by the Town for this purpose. The fee for such license shall be ten (\$10) dollars, which shall be paid by the applicant at the time of making application, and on or before January 1 of each calendar year thereafter.

- a. **Issuance of Taxicab Driver's License:** Before any taxicab driver's license is issued, the Town Clerk shall refer the application to the Chief of Police who shall then conduct the investigation of the applicant and approve or disapprove the issuance of such license within five (5) day, Saturdays, Sundays and holidays excluded. A taxicab driver's license shall not be authorized for any individual which is shown to have any of the following disqualifications:
  1. The individual has three or more convictions for moving violations in this or any other state in the three full years prior to the date of application.
  2. The privilege of the individual to operate a motor vehicle has been revoked and or suspended at any time, in this state or any other state, in the full three years prior to the date of application, for any reason related to the operation of a motor vehicle.
  3. The individual has been convicted of a felony or misdemeanor, in this state, in the full seven years prior to the date of application.
  4. The individual has been convicted of a felony involving a controlled substance or violence, in this or any other state, in the full fifteen

years prior to the date of application.

- b. Appeal of Denial: When any such application may be denied by the Chief of Police or the Town Clerk, the applicant may request of the Town Clerk that such denial be reviewed by the Selectmen. A hearing of this appeal shall be held within seven (7) days, Saturdays, Sundays and holidays excluded. The Selectmen shall render their decision within a reasonable time.
- c. Identification: It shall be the responsibility of all Taxicab Drivers to display their taxicab license in a conspicuous place within any taxicab being operated by them. It shall further be their responsibility upon request of any passenger, to furnish their name.

#### 1002.4 Taxicab Regulations - General

It shall be the responsibility of all taxicab operators to insure that all taxicabs shall be kept in a safe and sanitary operating condition at all times and shall at all times meet the standards for inspection of motor vehicles under the Laws of the State of New Hampshire. Any officer observing a violation of this section shall conduct an investigation and may issue a summons to the District Court for a violation of the provisions of this Chapter.

- a. Periodic Inspection: The Chief of Police or his designee or any Police Officer may, at their discretion, periodically call for the inspection of any taxicab operating in the Town of Exeter. The purpose of periodic inspection shall be for the maintenance of safety and sanitary conditions of vehicles.
- b. Taxicab Stand: The Selectmen may establish taxicab stands on such public streets and in such places and in such numbers as shall be determined to be of greatest benefit and convenience to the public, and every such place shall be marked with an appropriate sign. Taxicab stands shall be designated by the Selectmen on a ratio of no more than one stand per every two licensed taxicabs.
  - 1. Parking Limited: No operator or driver shall park or allow to be parked any taxicabs upon any street in any business district at other than an authorized taxicab stand except when actually engaged in taking on or leaving passengers.
- c. Passenger Limitation: The operators or drivers of taxicabs shall not carry more than four (4) passengers in their taxicabs unless the taxicab is manufacture-designed to seat nine (9) passengers, in which case the limit shall be seven (7) passengers. In no case shall there be more than one (1) passenger in front.

- d. **Property Left in Taxicabs:** All property of reasonable value left in taxicabs shall be returned to the owner forthwith, or after a diligent attempt has been made to return said property to owner, it shall be delivered to the Police Department by the driver of the taxicab.
- e. **Records and Other Privileged Information:** Shall be made available only to the Police Department or other authorized representative of the Town of Exeter.
- f. **Complaints:** Whenever there is a complaint over a fare or otherwise that cannot be agreeably resolved by all, the complainant may register such a complaint in writing to the Town Clerk, who shall refer the matter to the Selectmen for the purpose of conducting a hearing. Upon sustaining the complaint, the Selectmen may suspend or revoke such permits as may be required.
- g. **Rates for Service:** All taxicab operators shall have on file with the Town clerk rates being charged and shall file new rates as they are changed before they are allowed to be in effect. Such rates shall be clearly posted in each taxicab.
- h. **Limitation On Use**  
No operator or driver of any taxicab shall:
  - 1. Accept any other passenger without the consent of the person or persons who have engaged the cab;
  - 2. In no case, pick up any adults when children under the age of sixteen (16) years are alone in the cab, unless said juvenile is seated adjacent to the driver.

#### 1002.5 Suspension Revocation

- a. Whenever any operator shall be convicted in the Exeter District Court of a violation of any section of these rules and regulations, the operator's permit shall forthwith be returned to the Town Clerk, who shall retain such permit until application is made in the same manner as for an original permit, and a determination has been made by the Chief of Police and the Selectmen as to the issuance of such permit.
- b. Any taxicab driver convicted of violating these rules and regulations or any law of the State of New Hampshire shall forthwith return his taxicab driver's license to the Town Clerk, who shall retain said license until such time as request for a permit has been filed in the same manner as for an original taxicab license and a determination as to its issuance or denial shall have been made by the Chief of Police and the Selectmen.

- c. The Selectmen may suspend or revoke any operator's permit, taxicab permit or taxicab driver's license at any time for cause.
- d. A majority decision of the Selectmen may be appealed to the Rockingham County Superior Court and upon receiving notice of action from the Court, any suspension or revocation will be held in abeyance pending results of said court ruling.

1010 Penalty

Any person, firm or corporation violating any provision of this ordinance or any requirements, rules, regulations or procedures that may from time to time be promulgated by the Selectmen of Exeter, shall be guilty of a violation and fined not in excess of one hundred (\$100) dollars. A separate offense shall be deemed committed upon each day, or part thereof, during or in which a violation occurs or continues.

## **CHAPTER 11 SANITARY LANDFILL, LITTERING, DUMPING AND COLLECTION OF WASTE AND RUBBISH**

### 1100 Scope of Chapter

This Chapter is intended to govern the use of the transfer station provided by the Town of Exeter, and littering on Town properties or public ways or private property, and the disposal of waste materials of any kind. This Chapter is designed to interact with Revised Statutes Annotated 147 relative to sanitation and all other Revised Statutes Annotated governing disposal sites.

#### 1100.1 Definitions:

**Compost Bin:** The semi-enclosed bin, located at the Public Works Complex and/or transfer station as designed.

**Disposal Ticket:** A non-transferable sticker issued by the Town Office Receptionist authorizing the disposal of otherwise prohibited materials for a fee. Said sticker will be permanently attached to the item being disposed of. The Public Works Director will establish the fee for said ticket, based on the cost of disposal.

**Hazardous:** A solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes which, because of either quantity, concentration or physical, chemical or infectious characteristics, may cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness, or pose a present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of or otherwise mismanaged.

**Hours of Operation:** The approved time during which the transfer station will be opened to the general public.

**Litter:** Waste materials, shreds, fragments, items or clutter scattered about, thrown or spread about carelessly.

**Monitor:** The Town employee or representative placed in charge of the transfer station.

**Permit:** The document issued by the Town Office Receptionist allowing applicant to use the transfer station

**Public Trash Receptacle:** Any waste product, solid or having the character of solid rather than liquid, in that it will not flow readily without additional liquid, which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes or domestic

solid wastes; organic wastes or residue of animals sold as meat; fruit or other vegetables or animal matter from kitchens, dining rooms, markets, food establishments or any places dealing in or handling meat, fowl, fruits, grain or vegetables; offal, animal excretion or the carcasses of animals; tree or shrub trimmings, grass clippings, brick, plaster or other waste matter resulting from the demolition, alteration or construction of buildings or structures, accumulated waste material, cans, containers, tires, junk or other such substances which may become a nuisance.

**Trash:** Worthless refuse, rubbish.

**Trash Hauler:** Any person, firm or corporation engaged in the business of hauling garbage, manure, putrescible materials or refuse of any nature for hire.

#### 1100.2 Exeter Refuse Only

Only persons, firms, corporation or business facilities inside the geographical limits of the Town of Exeter may use the Exeter Transfer Station.

#### 1100.3 Permitted Materials, with vehicle permit:

Unlimited number of blue bags containing non-hazardous waste, vehicle batteries, water heaters, washers, dryers, dishwashers, microwave ovens, stoves, aluminum, metals, iron, bicycle frames, mufflers, aluminum/metal door & window frames with glass and/or wood removed.

Brush, stumps, unpainted/untreated wood - no longer than 5 feet in length.

Recycled oil from car, boat or lawnmower must be in clear or semi-clear container with tight fitting cover. Label the container "used oil".

Items containing capacitors, such as refrigerators, freezers, air conditioners, ice makers, humidifiers and dehumidifiers, and like appliances using CFC's, are accepted at the Facility only with the approved appliance sticker attached to same, purchased at the Town Office. A vehicle sticker is also necessary.

No permit is required to present the following:

Disposal of leaves and grass clippings in designated compost bin. No permit is needed to obtain compost or woodchips when available.

#### 1101 Permits Required

No person may utilize the Transfer Station without a valid Town of Exeter permit, unless disposing of grass and/or leaves, or oil.

##### 1101.1 Transfer Station Permit

Persons who reside in the geographical limits of the Town of Exeter may buy

transfer station permits that entitle the resident to dispose of refuse at the facility. The permit for the resident's vehicle is non-transferable, valid for a calendar year and shall expire upon termination of residency.

- a. Issuance: Transfer Station permits shall be issued by the Town on an annual basis for disposal of allowable refuse, upon display of current registration of vehicle to be used. Refuse to be disposed of with the use of a resident permit shall have been generated at property within the Town of Exeter by residents of the property.
- b. Display: The permit shall be permanently affixed to the windshield, on the inside lower left corner, on each resident's vehicle utilizing the transfer station.
- c. Proof of Residence: Permits shall be issued to those persons showing proof of residence by documentation, such as NH Division of Motor Vehicle registration certificate and/or an Exeter tax form, if property owner does not reside in Exeter.
- d. Fee Applicable: The fee for the permit shall be seven (\$7.00) per calendar year.
- e. Replacement Permit: Residents who replace a vehicle and/or windshield may apply for a replacement sticker at no cost provided they present to the Town a substantial portion of the prior sticker and the registration of the new vehicle.
- f. New Residents: Persons establishing residence in the Town shall show reasonable proof of their residence, such as utility contract, housing sale agreement, water service notification, etc. Upon display of such identification and motor vehicle registration, a permit shall be issued.
- g. Temporary Permit: Residents may apply for a temporary permit to allow persons "not for hire" to remove items from their property to the Transfer Station, or for the resident's use of another's vehicle. The permit shall be for a specific person, vehicle and date(s), no more than 5 days the facility is open from date of issue. The fee for such temporary permit shall be \$2.50.
- h. Exeter Businesses: Resident permits may be issued to property owners in the Town of Exeter who are not residents but who own and operate a business in the Town. Such permit is valid only for conforming rubbish that comes from businesses located in Exeter. Vehicle registration is required. Proof of ownership of property shall be a paid property tax bill. Violations of this Section shall result in revocation of the permit and prosecution under the conditions of this Chapter.
- i. Refuse Disposal Limitations:

1. Grass and leaves (compost bin); bush, stumps (stump dump)
2. Wet cell batteries
3. Heavy and light iron and appliances
4. Refuse placed in approved, tied, blue bags

#### 1102 Transfer Station

The rules and regulations pertaining to the Transfer Station shall be available at the Monitor's office, Town Office building and Public Works Complex. Any person, firm or corporation using the Station shall obey the rules and regulations and shall follow the directives of the monitor on duty with regard to the enforcement of those rules and regulations. The Highway Superintendent and his agents, including the monitor on duty, are authorized to order any person, firm or corporation to leave the facility if there is a violation of any rule or regulation. Failure to leave the facility, if so ordered, may be deemed trespassing and can result in court action. No person, firm or corporation shall dispose of refuse of any nature at the Transfer Station except in a manner and location as directed by the Highway Superintendent and/or his agents, including the Monitor.

#### 1103 Compost Bin Facility

No person shall dispose of any materials or refuse in the compost bin other than grass clippings, leaves or compostable bags from their residence, in the compost bin located at either the Transfer Station or, during posted dates, at the Public Works Complex. Grass and leaves from commercial Exeter properties are also accepted without a permit.

#### 1104 Littering

The word litter means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description, as per RSA 163-B:2. It shall be unlawful for any person or persons to dump, deposit, throw or leave or cause or permit the dumping, depositing, throwing or leaving of litter on any public or private property, or in or on ice in any waters unless:

- a. Such property is designated for the disposal of such litter, and such person is authorized to use the property;
- b. Such litter is placed into a litter receptacle or container installed on such property;
- 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 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, as per RSA 163-B: 3.

##### 1104.1 Public Trash Receptacles:

No person, firm or corporation shall dispose of household, business or

industrial refuse in any public trash receptacle. Take out food and beverage containers and wrappings are exempt from this section.

1105 Discarded Refrigerators

No person, firm or corporation who owns, controls or has in his custody, a container originally used for refrigeration purposes shall discard same before the lid, or door or doors, have been removed.

1106 Regulations Relative to Collection of Waste and Rubbish

The purpose of this section is to establish reasonable and prudent regulations pertaining to the collection of waste in the Town of Exeter.

1106.1 No person shall deposit or cause to be deposited any refuse or waste, upon the rights-of-way of the Town of Exeter, except that refuse or waste that shall be deposited for collection within the Town right-of-way and confined with a tied official blue plastic bag, in accordance with the following provisions:

- a. Refuse or waste for the purpose of this ordinance shall mean household rubbish, free from hazardous materials (see accepted materials 1100.3);
- b. No blue plastic bag shall have a gross weight of more than forty-five (45) pounds. All bags must be closed and tied, and have "Town of Exeter" imprinted on the side.
- c. Tied official blue plastic bags shall be placed on the outside of the sidewalk as near as practicable to the street edge, no later than 7:00AM of the collection day and no more than 24 hours prior to collection day. Persons placing bags at the curbside more than 24 hours prior to collection day may be issued a summons for littering (Section 1104).
- d. Collections start at 7:00 AM each day, in each collection zone.
- e. There will be no return trips for pick up service.
- f. Upon placement at the street edge of official blue recycling bins, all materials placed and contained in such bins shall become Town property and shall not be removed except by persons authorized by the Town or the individual(s) responsible for placing the recyclable in the bin.

1107 Suspension

Any person, firm or corporation found to be in violation of any section of this Chapter may have their permit suspended for a period not to exceed thirty (30) days.

1107.1 Revocation

Any person, firm or corporation who habitually violates one or more sections

of this Chapter may have their permit revoked for such continued violations.

1107.2 Hearing:

Any person, firm or corporation who has been cited under the provisions of Section 1107 or 1107.1 may, within five (5) days, appeal such action to the Board of Selectmen. Upon receipt of any appeal, the Board of shall conduct a hearing on the merits of the incident and uphold or overrule the action.

1110 Penalty

Any person(s), firm or corporation violating any provision of this Chapter or any requirements, rules, regulations or procedures that may from time to time be promulgated by the Board of Selectmen of Exeter shall be guilty of a violation and fined not in excess of one thousand (\$1000) dollars. A separate offense shall be deemed committed upon each day, or part thereof, during or in which a violation occurs or continues.

## **CHAPTER 12 HEALTH REGULATIONS**

### 1201 Protective Fences around Swimming Pools

- 1201.1 The declared intent and purpose of this ordinance is to insure the health and safety of the people of the Town of Exeter.
- 1201.2 All outdoor artificial pools which have a maximum depth of more than 3 feet when filled to capacity with water shall have a wall, fence or other enclosure having minimum height of 4 feet constructed around the entire pool except elevated pools and surface pools. If the sides of elevated pools and surface pools are higher than 4 feet, then no fence is required.
- 1201.3 The wall, fence or enclosure shall be constructed so that children will be unable to crawl or pass through to the pool without first using the gate or door to the pool. All gates shall be locked when the pool is unattended.
- 1201.4 All existing pools must comply with these regulations by May 1, 1972.
- 1201.5 Penalty  
Any person, firm or corporation violating any provision of 1201 of this code shall be punished by a fine of not more than \$100 for each day the offense continues.

### 1203 Exeter Health Regulations for the Operation of Massage Parlors, Saunas and Other Bath Establishments

- 1203.1 License Requirement  
No firm, corporation or person shall maintain or conduct an establishment for the giving of massages or vapor, pool, shower or other baths for hire or reward or advertise or hold the establishment out as being engaged in the business of massage or giving of such baths without applying for and receiving a license from the Exeter Health Officer.
- 1203.2 Application  
The License Application shall be made to the Exeter Health Officer on an application furnished by the Town. The application shall set forth the following information and such other information as the Exeter Health Officer deems necessary in order to maintain the public health.
- a. The number of persons employed by the owner at the establishment.
  - b. The name, address and telephone number of the manager of the establishment and persons giving massages or baths.
  - c. Such evidence of training and/or experience on the part of the owner or

manager in giving massages or baths as the Exeter Health Officer deems necessary.

- d. The names, dates of birth and addresses of all corporate stockholders, officers and directors, if the applicant is a corporation. If changes in the above occur prior to the expiration of the license, such changes, together with the requested information shall be reported in written form to the Exeter Health Officer within fourteen (14) days. If ownership of 50% or more of the ownership interest of the applicant is transferred, the license will terminate at such time.

### 1203.3 License

- a. Each license shall expire 1 year from the date of issuance. An application for renewal must be submitted at least thirty (30) days prior to the expiration date of the current license.
- b. No license will be issued to the applicant, if an individual or individuals, or the directors or officers, if a corporation, have been convicted of a felony.
- c. No license is transferable.
- d. The license must be displayed in a conspicuous location on the premises.
- e. No firm, corporation or person shall operate under any name or conduct any business under any designation except that specified in the license.
- f. A licensee must notify the Exeter Health Officer prior to any change of address.
- g. The annual establishment license fee shall be fifty (\$50) dollars.

### 1203.4 Physical Plant

Any firm, corporation or person maintaining an establishment for giving of massages or vapors, pool shower or other baths for hire or reward must maintain the operation of such plant as follows:

- a. It shall be connected to a waste disposal system approved by the Board of Health and New Hampshire Water Supply and Pollution control Commission, or the municipal sewer.
- b. It shall be properly lighted, so that visual observation of the room will be permitted, well ventilated and properly heated.
- c. It shall have an adequate supply of hot and cold running water at all times.

- d. It shall have Exeter Health Officer approved toilet and washing facilities within the premises readily available to patrons and affording sufficient privacy.
- e. It shall have a separation of those facilities used by female patrons from facilities used by male patrons.
- f. It shall be maintained in a clean and sanitary manner.
- g. It shall have a 12" X 12" minimum sized window located 5 feet to 6 feet above the floor to permit visual observation of each room or enclosure from outside such room or enclosure that is used for massage or bath purposes.
- h. It shall have at least one artificial light of not less than 580 lumens in each room or enclosure used for giving massages or baths. Such light shall be lighted at all times that the establishment shall be open for business.
- i. It shall have adequate facilities for the cleaning and sterilization of all equipment and supplies.
- j. Equipment, devices and instruments shall be sterilized when appropriate. Robes, sheets, blankets, pillow cases, wearing apparel, towels or other materials which may come in contact with the body shall be cleaned or sterilized when appropriate.
- k. Water for individual baths shall be changed after use by each patron. Whirlpools for individuals or those accommodating two or more persons simultaneously must have an adequate filtering system approved by the Exeter Health Office.
- l. No room shall be used as a bedroom.
- m. No liquor or alcoholic beverage, as that term is defined in RSA 175:1, shall be consumed on the premises.
- n. No food shall be sold on the premises.
- o. The building in which the establishment is located must meet all requirements of local state and federal laws, ordinances and regulations.
- p. No establishment shall operate earlier than 9:00 AM or later than 11:00 PM.
- q. The front door will remain unlocked during normal business hours.

#### 1203.5 Personal License Requirements

No persons shall practice massage or give baths in an establishment for giving massages, vapors, pool, shower or other baths unless such person

meets the following requirements and is issued a license by the Exeter Health Officer for such purposes. Such person shall:

- a. be at least eighteen (18) years of age;
- b. within forty-five (45) days prior to any license application have been examined by a licensed physician and submit to the Exeter Health Officer a certification from such licensed physician that s/he has no communicable disease. Any person practicing massage, or giving baths must submit such certificate to the Exeter Health Officer at least semi-annually;
- c. complete an annual application setting forth such other information as the Exeter Health Officer deems necessary;
- d. pay an annual license fee of ten (\$10) dollars, which license shall expire one (1) year from date of issuance.
- e. submit to additional physical examination, including serological examinations, when the Exeter Health Officer deems that such examinations are necessary.

#### 1203.6 Inspections

- a. The Exeter Health Officer, or its agents, may inspect an establishment at any time that the establishment is open for business or at any other reasonable time.

#### 1203.7 Restrictions Concerning Massage or Baths

- a. No masseurs shall practice on patrons of the opposite sex or give or assist in giving any type of baths to the opposite sex.

#### 1203.8 Rescission or Suspension of License

The Exeter Health Officer may suspend or rescind any license granted hereunder for violation of any provision of this regulation or for any other good cause. Any person, firm or corporation may request a hearing within ten (10) days of such suspension or recession. In such event, the Board of Health shall schedule a hearing which, if the licensee requests, shall be held not later than three (3) days after receipt of the request for such hearing.

#### 1203.9 Legal Action

The Exeter Health Officer may seek whatever legal redress s/he deems appropriate in the Courts of the State of New Hampshire in the enforcement of these regulations.

#### 1203.10 Existing Establishments

Any person, firm or corporation operating an establishment requiring a license

hereunder on the effective date of these regulations shall, within thirty (30) days from such effective date, complete and file an application as required hereunder. The requirements imposed by subsection 4 of these regulations as to the physical plan shall be complied with not later than sixty (60) days from the effective date of these regulations, or the operation of such establishment.

#### 1203.11 Exceptions and Exclusions

- a. Persons excepted: Physicians, physical therapists, school athletic trainers, chiropodists, podiatrists and chiropractors registered or licensed in the State of New Hampshire are excluded. A person registered or licensed as a barber or apprentice, a hairdresser, operator or student under the provisions of New Hampshire Revised Statutes Annotated may practice facial and scalp massage without the herein required license.
- b. Other persons excepted: A person licensed to practice massage or conduct an establishment in any other town or city in the State of New Hampshire may, on written orders of a physician, attend patients as specified by the physician in Exeter. The person shall, if requested, submit to the Exeter Health Officer copies of their license from another municipality and the physician's orders.
- c. Establishment exceptions: Hospitals, nursing and convalescent homes and other similar licensed institutions where massage and baths may be given are excluded.

#### 1203.12 Severability Clause

If any section, paragraph, sentence, clause or phrase of these regulations shall be deemed invalid for any reason whatsoever, such decision shall not affect the remaining portions of these regulations, which shall remain in full force and effect, and to this end, the provisions of these regulations are hereby declared severable.

#### 1204 Sanitary Production & Distribution of Food

Be it ordained, by the Board of Selectmen of the Town of Exeter, New Hampshire, that the Town of Exeter adopts the 2005 F.D.A. Food Code, in accordance with R.S.A. 147:1. The Town of Exeter shall adopt all future amendments and revisions to the FDA Food Code. (Approved by the Board of Selectmen June 7, 2010).

#### 1210 Penalty

Any person who violates any part of this section, shall be guilty of a violation and shall be punished with a fine of not more than one hundred (\$100) dollars for each offense.

**CHAPTER 13 FIRE AND SAFETY REGULATIONS****1301 Unvented Space Heaters**

The purpose of this section is to establish a procedure and permit system for the use and sale of unvented space heaters as defined by RSA 158:28 II

**1302 Permit Required**

Pursuant of RSA 158:28, a permit (EFD form A-03) issued by the Exeter Fire Chief or his designee shall be required for the purchase of any unvented space heater that is to be used or operated in the Town of Exeter.

**1302.1 Fee**

The fee for said permit shall be two (\$2.00) dollars.

**1303 Prohibited Uses**

It shall be unlawful to operate an unvented space heater in the following:

1303.1 In spaces of public assembly such as educational facilities, medical facilities, day care centers and kindergartens;

1303.2 In areas used for sleeping accommodations either in a home, motel, hotel, dormitory or boarding house;

1303.3 In any multiple family dwelling;

1303.4 In any mercantile, business, industrial or storage facility;

1303.5 In any building with approved smoke/heat detectors and fire extinguisher installed.

**1304 Inspection Required**

Upon application for a permit pursuant to RSA 158:28, the Fire Chief may require a fire prevention inspection of the area where said unvented space heater is to be used.

**1310 Penalty**

A person violating any provisions of this Chapter shall be punished by a fine of not more than one hundred (\$100) dollars for each offense.

## **CHAPTER 14      ASSIGNING STREET NUMBERS AND NAMES**

### 1401 Purpose

The following is intended to be a general procedure to be used in the assignment of street numbers and names, as authorized, in part, by Town Meeting of March, 1981

#### 1401.1 Enforcement

Either the Building Inspector, Police Department or Fire Department shall enforce the provisions of this section. The Planning board shall inform all subdivision applicants of the provisions of this ordinance. A Certificate of Occupancy shall not be issued until the provisions of this ordinance are complied with.

#### 1401.2 Street Names:

Names may be selected for any new street by the developer or entity responsible for construction. No street name shall duplicate an existing street name. The unbroken continuous roadway shall be assigned a single name. One roadway shall not contain two names unless a full intersection breaks the major thorough-fare. Once the continuous roadway changes names, the original name shall not be established at a subsequent intersection. All new street names shall be reviewed by the Police and Fire Departments to avoid confusion with any existing street.

#### 1401.3 Street Numbers:

- a. Even numbers shall be assigned to the north or east sides of the street and the south and west sides shall be given odd numbers
- b. In a business district, each door shall have its own number.
- c. Diagonal Streets - such streets will be treated either north-south or east-west, depending upon its general orientation.
- d. Separate numbers should be assigned to the entrance of a duplex, while multi-unit structures should have one street address with sub-alphabetical designation for each apartment.
- e. Subordinate designation, such as half-numbers and alphabetical suffixes, shall not be used.

#### 1401.4 Location and Size

- a. Street signs on roadways to be maintained by the Town shall conform to the standards established by the Public Works Department.

- b. Building numbers shall be at least 3" and of contrasting color to the mounting surface. If the structure is too far from the road to be read by emergency personnel, a post or similar device will be mounted at the curb line with the building number.
- c. Businesses located within a block, shopping center or other configuration where no number is apparent at the rear shall have numbers posted on or near the rear exit(s).

1410 Penalty

A violation of this Chapter shall be punished by a fine of not more than fifty (\$50) dollars following a written warning requiring compliance within 30 days.

## CHAPTER 15 SEWER REGULATIONS

### 1500 Purpose

The rules and regulations herein set forth for the maintenance and operations of the Exeter Municipal Sewer System established by the Selectmen of the Town of Exeter as necessary or desirable for the efficient operation of said Exeter Municipal Sewer System and for accomplishing the purposes of NH RSA 231, as amended, and for the protection of the health and safety of the people of Exeter and for accomplishing the purposes of NH RSA 147, as amended.

Pursuant to NH RSA 149-1, and every other authority thereto enabling, the Selectmen of Exeter to enact and ordain the following Rules and Regulations by the Selectmen pursuant to NH RSA 147.

Definitions – Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Ordinance shall be as follows:

**"BOD"** (denoting **Biochemical Oxygen Demand**) shall mean the quantity of oxygen expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory procedure (as prescribed in the latest edition of "Standard Methods of the Examination of Water and Wastewater") in five (5) days at 20 degrees Centigrade.

**"Building Sewer"** shall mean the connection between the tap at the Town main and the owner's source of sewage, and shall include all the pipe fittings and couplers necessary to make the connections (including those portions located in the public right of way.)

**"Cleanout"** shall mean a means for inserting cleaning tools, for flushing, or for inserting an inspection light into sewers as bends.

**"Combined Sewers"** shall mean a sewer intended to receive both wastewater and storm or surface water.

**"Commission"** shall mean the New Hampshire Water Supply and Pollution Control Commission.

**"Director"** shall mean the Public Works Director for the Town of Exeter.

**"Domestic Wastewater or Sanitary Sewage"** shall mean normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding ground, surface or storm waters.

**"E.P.A."** shall mean the United States Environmental Protection Agency.

**"Easements"** shall mean an acquired legal right for the specific use of land owned by others.

**"Excessive"** shall mean amounts or concentrations or a constitution of a wastewater which, in the judgment of the Director:

- a. will cause damage to the Town wastewater treatment process;
- b. will be harmful to a wastewater treatment process;
- c. cannot be removed in the Town treatment works to the degree required to meet the limiting stream classification standards of the receiving water and/or EPA effluent standards;
- d. can otherwise endanger life, limb or public property;
- e. can constitute a nuisance.

**"Floatable Oil"** is oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**"Garbage"** shall mean animal and vegetable waste from the domestic and commercial handling, preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**"Improved Property"** shall mean any property located within the Town of Exeter 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 Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

**"Industrial Establishment"** shall mean any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering or assembling any product, commodity or article and from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

**"Industrial Wastes"** shall mean any and all wastes discharged from any Industrial Establishment, other than Sanitary Sewage.

**"Living Unit"** shall mean any portion of a dwelling consisting as a minimum: kitchen facilities, sanitary facilities and sleeping quarters for one family or user.

**"Natural Outlet"** shall mean any outlet of surface or groundwater into a watercourse, pond, ditch, lake or other body.

**"Owner"** shall mean any person vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

**"Person"** shall mean any individual, partnership, company, association, society, corporation or other legal entity.

**"pH"** shall mean the logarithm of the reciprocal of the hydrogen ion concentration, in grams per liter of solution. (This is a measure of Acidity with pH 7 being neutral.)

**"Pollutants"** shall include, but not be limited to, the materials identified in Section 1506 of these ordinances.

**"Private Sewer"** shall mean any collector system installed in a private road (not Town accepted) and/or as part of a private subdivision. "Private Sewers" remain the property of the developers, other private parties or their assigns. Until they are accepted by the Town through acceptance of the private party who caused it to be constructed or his successors. "Private Sewers" shall be constructed according to the Public Works Department's "Specifications for the Construction of Water, Sewage and Drainage Facilities."

**"Properly Shredded Garbage"** shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

**"Public Sewer"** shall mean a common sewer controlled by a governmental agency or public utility.

**"Receiving Waters"** shall mean any watercourse, river, pond, ditch, lake, aquifer or other body of surface or groundwater receiving discharge of wastewater.

**"Sanitary Sewage"** shall mean normal water-carried household and toilet wastes discharged from any Improved Property, including ground, surface or storm water.

**"Sewer"** shall mean any pipe or conduit constituting a part of the Sewer System used or usable for sewage collection purposes. While a sewer is generally dedicated for sanitary purposes, a combined sewer shall be considered as a sewer if the combined line was in use for this purpose before 1975.

**"Sewer System"** shall mean all facilities, as of any particular time, for collecting, pumping, transporting, treating and disposing of Sanitary Sewage and Industrial Wastes, situated in the Town of Exeter and owned, maintained and operated by the Town of Exeter.

**"Significant Discharge"** shall mean a user of the Town's wastewater treatment

system who flow 25,000 gallons per day or whose waste contains incompatible or toxic pollutants.

**"Slug"** shall mean any discharge of water, wastewater or industrial waste which, in concentration of any given constituent or if 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 of flows during normal operation, and which shall adversely affect the collection system and/or performance of the wastewater treatment facility.

**"Storm Drain"** (sometimes termed "Storm Sewer") shall mean a drain or sewer which carries storm and surface waters and drainage, but excludes wastewater and industrial wastes, other than unpolluted cooling water.

**"Suspended Solids"** shall mean total suspended matter that either floats on the surface of, or is in suspension in, water, sewage or other liquids and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and that is referred to as that fraction of sewage not soluble in water.

**"Town"** shall mean the Town of Exeter, Rockingham County, New Hampshire, 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.

**"Wastewater"** shall mean a combination of the water-carried wastes from residences, business building, institutions and industrial establishments, together with such ground, surface and storm waters as may be present. The alternate term is sewage.

**"Wastewater Treatment Facility"** shall mean any arrangement of devices and structures used for treating wastewater.

**"Unpolluted Water"** is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

#### 1501 Use of Public Sewers Required

Pursuant to the provisions of NH RSA 147:8, 147:11, and 149-G:1, V, and any other authority thereto enabling, the owner of any Improved Property benefited, improved, served or accommodated by any Sewer, or to which any Sewer is available, shall connect such Improved Property thereto in such manner as the Town may require, within ninety (90) days after notice to such Owner from the Town to make such connection, for the purpose of discharge of all Sanitary Sewage and Industrial Wastes from such Improved Property into the Sewer System, subject to such limitations and restrictions as shall be established herein

or otherwise shall be established by the Town from time to time. Each such Owner shall, within the same time limit, cease and desist from all further discharge of Sanitary Sewage and/or Industrial Wastes into any other conduit or pre-existing system whether privately or publicly owned.

1501.1 All Sanitary Sewage and Industrial Wastes from any Improved Property, after connection of such Improved Property with a Sewer as required under Section 1501, shall be conducted into a Sewer, subject to such limitations and restrictions as shall be established by this ordinance or otherwise shall be established by the Town, from time to time.

1501.2 No person shall place or deposit, or permit to be placed or deposited, upon public or private property within the Town of Exeter, any Sanitary Sewage or Industrial Wastes in violation of Section 1501.

No person shall discharge or permit to be discharged to any natural outlet within the Town, any sanitary sewage, industrial waste, and/or pollutant in violation of Section 1501, except where suitable treatment has been provided which is satisfactory to the Town, and the Commission.

1501.3 No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used and maintained at any time upon any Improved Property which has been connected to a Sewer or which shall be required under Section 1501 to be connected to a Sewer.

1501.4 No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a Sewer.

## 1502 Building Sewers and Connections

Except as otherwise provided in this Section, (1502), each Improved Property shall be connected separately and independently with the Sewer system through a Building Sewer. Grouping of more than one Building Sewer shall not be permitted, except under special circumstances and for good sanitary reasons or other good cause shown, and then only after special permission of the Director, in writing, shall have been secured and subject to such files, regulations, and specifications governing such grouping as may be prescribed by the Director.

1502.1 The Owner will, at his expense, initially construct each Building Sewer, and all costs and expenses of construction of the Building Sewer, including connection to the structures served, shall be borne by the Owner of the Improved Property to be connected; and such Owner shall indemnify and save harmless the Town, its officers and agents, from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a Building Sewer on his premises or its connection to the Sewer System. After the initial construction of the Building Sewer, the Owner shall thereafter be obligated to pay all costs and expenses of operation, repair and maintenance and of reconstruction (if needed) of the Building Sewer beginning at the main

of the Sewer System and ending at the building.

- 1502.2 A Building Sewer shall be connected to the Sewer System at the place designated by the Town.

The invert of a Building Sewer at the point of connection shall be at the same or a higher elevation than the invert of the Sewer System. A smooth, neat joint shall be made and the connection of a building Sewer to the Sewer System shall be made secure and watertight and shall be acceptable to the Town.

- 1502.3 Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify and obtain written approval from the Director at least sixty (60) days before the proposed change or connection. Proposed new discharges from residential or commercial sources involving loading exceeding 5000 gallons per day average flow or any increase in industrial discharge must be approved by the commission.

- 1502.4 Old building sewers may be used in connection with new buildings when they are found, on examination by the Town, to meet all requirements of these ordinances.

### 1503 Permits and Fees

- 1503.1 No person shall uncover, repair, connect, make any opening into or use, alter or disturb in any manner any Sewer or any part of the Sewer System without first executing an "Application for Sewer Service Work" from the Public Works Department and paying all applicable fees. All work must be performed and completed in accordance with all applicable regulations by persons who are: 1) certified and employed by firms that hold a valid "Utility Pipe Installers" license, or 2) with special permission of the Public Works Director, a residential building owner doing work for themselves, at their residence. Utility pipe installers shall maintain minimum insurance coverage in accordance with Selectmen's Policy 96-05.

- 1503.2 There shall be charges in all areas of the Town for a sewer tie-in or connection permit for single and multi-residential living units; for commercial establishments; and for establishments producing industrial wastes, except that separate rates of sewer charges may be imposed for single and multi-residential living units, for commercial establishments, and establishments producing industrial waste tied into, or the waste from which is caused to flow into sewers lying east of Little River Bridge on Kingston Road and tributary to the Front Street pumping station at Westside Manor. These separate rates shall be differentiated between the rate for users serviced by Town sewers lying west of the Little River Bridge on Kingston Road and the rate for users serviced July 23, 1979. In either case, application for a permit must be made

at the office of the Water and Sewer Billing during its normal working hours. A permit fee shall be paid for a single residential and commercial service and higher permit fee shall be paid for multi-dwelling or industrial service. These fees will be charged in accordance with a Schedule of Charges for Sewer Service which the Town may adopt from time to time.

- 1503.3 A permit fee shall be paid for each sewer service connection permit in those instances where the Town has already installed the building sewer to the street line. This charge will be charged in accordance with a schedule of Charges for Sewer Service which the Town may adopt from time to time. In all other cases, the full cost of the connection shall be borne by the applicant.

Permits will be issued only to qualified utility pipe installers licensed to lay pipes in the Town, and homeowners qualified under section 1503.1. Permits are not transferable.

Permits will not be issued until the applicant has filed a layout plan showing the location of existing service connection, house location and route of sewer service, and said layout has been approved by the Town.

Permits shall be subject to revocation when any of the rules and regulations contained herein are not being followed.

If the work under the permit is not completed within ninety (90) days, renewal of the permit must be obtained at the then-in-effect fee for the permit, less any amount previously paid

- 1503.4 Licenses to connect building sewers to the Sewer System will be issued to experienced and competent contractors. Licenses must be renewed annually on January 1. The fee for such license will be in accordance with such schedule of charges as the Selectmen may adopt from time to time and shall be payable to the Town. Said licenses shall be obtained at the office of the Public Works Director.

No person, firm or corporation shall excavate any town-maintained street, roadway, sidewalk, parking lot, or right-of-way without a valid digging permit (Town Ordinance 504). An individual permit is required for each road cut.

#### 1504 Connections to Sewer Main & Pipe

- 1504.1 Pipe and fittings to be used in the work shall be either poly-vinyl chloride (PVC) ring tight joints, extra-heavy cast-iron soil pipe or vitrified clay, (4 inches or more in diameter for single family residence and small commercial uses; 6 inches minimum for multifamily use and larger commercial uses; size shall be approved by the Director.)

In general, sewer services will not be allowed to have more than two (2) angle points, or a total angular deviation of 180 degrees, unless a variance is granted by the Town. Cleanout shall be installed at each angle point and/or every one hundred (100) ft. length where the sewer service extends more than 300 feet. The Town may require the installation of manholes subject to its approval.

All Building Sewers shall be laid in an envelope of washed screened gravel with not less than 6 inches of said materials all around the barrel of the pipe. Maximum stone size shall be 3/4 inch. The Town strongly recommends the installation depth to be minimum of 4.0 feet from finished grade. All pipe and fittings shall be laid to a minimum slope of 1/4 inch per foot unless otherwise approved by the Town. The Town strongly recommends the use of a backwater/one-way valve in the building sewer and requires them if the slope of the building sewer is less than the required minimum slope.

Line and grade of the pipe and fittings shall be controlled by the use of a transit or by the use of batter boards and string lines set for this purpose. Batter boards shall not exceed a distance of 30 feet apart unless otherwise allowed by the Town. Line and grade are to be established by the contractor subject to the approval of the Town.

Whenever possible, the building sewer should be brought to the building at an elevation above the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain may be lifted by a Town approved means at the owner's expense and discharged to the building sewer.

No person shall make connection of roof downspouts, foundation drains, areaway drains, or other surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Town for purposes of disposal of polluted surface drainage.

No person shall connect a building sewer to a manhole unless permission is granted, in writing, from the Director.

- 1504.2 When ledge is encountered in the excavations, a permit must be obtained for the use of explosives from the Town of Exeter Fire Department.

All blasting shall be done in accordance with the requirements of the appropriate authorities; and by a person licensed in accordance with state laws.

- 1504.3 Trenches shall be backfilled and compacted and the street surface repaired in accordance with requirements specified by the Town's "Procedures and Specifications for Excavations on Town Streets or within Rights-of-Way."

Power shovels, bulldozers, loaders, trucks and other equipment shall not be operated on or across sidewalks, beams, curbing, etc., until they have been properly protected from damage by planking or other approved means. All damage resulting from the utility pipe layer's operations shall be repaired by him.

In or adjacent to State Highways the owner shall obtain necessary permits from the appropriate State Authority before the issuance, by the Town, of a sewer connection permit. All work shall then be done in accordance with the requirements set forth in the permit from the appropriate State Authority. Any costs in connection with obtaining permits shall be borne by the applicant.

- 1504.4 The owner shall notify the Town when the building sewer is ready for inspection and connection to the lateral sewer (see Section 1504.5). The connection and testing shall be made under the supervision of the Director or his representatives. Requests for inspections of sewer service connections shall be made to the Town forty-eight (48) hours in advance of backfilling, and only during normal working hours.

Inspections will ordinarily be made only during the normal working hours of the Town.

An additional charge may be made for inspections required after normal working hours.

Services in excess of 100 feet in length are subject to review and such other requirements as may be found necessary to assure a functional connection.

In new construction, and where practicable in existing buildings when the common sewer is sufficiently deep, service shall be laid directly, without deflections, from the house plumbing vent stack to the connection provided at the common sewer.

Tunneling will not be allowed unless special permission for same is given.

Connection made to the building plumbing system shall be upstream of any septic tanks or cesspools.

Upon connection of the building plumbing system to the common sewers, existing septic tanks and cesspools shall be completely filled with suitable material to the satisfaction of the Town.

- 1504.5 No Building Sewer shall be covered until it has been inspected and approved by the Town. If any part of the Building Sewer is covered before so being inspected and approved, it shall be uncovered for inspection if deemed necessary at the cost and expense of the Owner of the Improved Property to

be connected to the Sewer System.

#### 1505 Powers of Assessment and Collection

1505.1 The assessment and collection of the expense of operating and maintaining the Sewer System shall be governed by the provisions of NHRSA 149-I: 7-18, inclusive, and any other applicable general laws. The Selectmen of the Town shall have all the powers granted to Mayors and Boards of Aldermen thereunder with reference to establishing and assessing sewer charges and/or rentals. These charges will be in accordance with such Schedule of Charges for Sewer Service as the Selectmen may adopt from time to time. This schedule may include special charges for wastewater flows from private property where such flows do not originate from the Water System or are subject to a surcharge. If wastewater discharged to the sewer is significantly greater than the water consumed, the owner shall be required to install a recording flow meter. If wastewater discharged to the sewer is significantly less than the water consumed, the owner may be required to install a recording flow meter. The water consumption rate will be computed by using the Town water meters quantity readings. If the user has a special circumstance where he uses excessive amounts of water that will not be disposed of to the sewer system, he may request, in writing to the Director, permission to install a second meter as approved by the Director to accurately measure the amount of discharge into the sewer. If a sewer utilizes a source of water other than the Town's system, he may either 1) pay the rate designated for such use in the Schedule of Charges for Sewer Service adopted by the Selectmen, or 2) request, in writing, permission to install a meter on that source of water to measure the amount of discharge. Such installation shall have the prior approval of the Director, and any retrofitting of plumbing to prepare a place for a meter to be installed shall be at the sewer user's expense.

#### 1506 Restrictions on Discharge to Sewers

1506.1 No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

1506.2 Stormwater and all other unpolluted drainage shall be discharged to storm sewers, if available, or to a natural outlet approved by the Town. Unpolluted industrial cooling water or unpolluted process waters may be discharged, on approval of the Town, the Commission and E.P.A. to a storm sewer, if available, or an approved natural outlet.

1506.3 No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - b. (b) Any waters or wastes that contain toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, that constitute a hazard to humans or animals, that create a public nuisance, or that create any hazard at the sewage treatment plant, including but not limited to heavy metals, strong acids, basic wastes and cyanides in excess of 0.004 mg/l as CN in the waste is discharged to the public sewer.
  - c. Any waters or wastes having pH lower than 5.5, or higher than 8.5, having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - d. Solid or viscous substances in quantities or of such size capable of causing obstruction to tub flow in sewers, or other interference with the proper operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups milk containers, etc., either whole or ground by garbage grinders.
- 1506.4 No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Town that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming such opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials used in the construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- a. Any liquid or vapor having a temperature higher than one hundred ten (110) degrees F (43) C.
  - b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred ten (110) degrees Fahrenheit (0 to 43 degrees Centigrade.)
  - c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town.

- d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Town for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies having jurisdiction over such discharge to the receiving waters.
- g. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established in compliance with applicable State or Federal regulations.
- h. Materials which exert or cause:
  - 1. 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 sulphate.)
  - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)
  - 3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - 4. Unusual volume use of flow or concentration of wastes or both constituting slugs widely variant from the normal or average.
  - 5. Any water or wastes having a five (5) day BOD greater than 300 milligrams per liter.
  - 6. Any water or wastes containing more than 300 milligrams per liter of total suspended solids.
  - 7. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids interfering with the collection system, or create a condition deleterious to structures and wastewater treatment processes.

- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - j. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodesnadable cutting oils, or product of mineral oil origin.
  - k. Any wastes which violate federal, state or local pre-treatment standards.
  - l. Any wastes which cause the treatment plant to violate its NPDES (Nat'l Pollutant Discharge Elimination System) permit.
- 1506.5 All "significant dischargers" must have a discharge permit issued by the Town, prior to commencing wastewater discharge. The fee for this permit is established by the Selectmen's tables of fees and charges. All permittees will, in accordance with the permit conditions, pay all Town costs to test, monitor, and report to the E.P.A. and Commission as required by law for said permit conditions and requirements. Said discharge permit shall state as a minimum, the conditions under which discharges shall be made; maximum permissible concentrations of pollutants; sampling analysis and reporting frequency and procedures; and expiration date of said permit. Every significant discharger shall file a periodic Discharge Report at such intervals as are designated by the Town. The Town may require any other industrial users discharging or proposing to discharge into the treatment system to file such periodic reports.

The discharge report shall include, but, in discretion of the Town, shall not be limited to, nature of process, volume use, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. In addition to discharge reports, the Town may require information in the form of Industrial Discharge Permit Applications and self-monitoring reports.

- 1506.6 If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 1504.6 of this Article, and which in the judgment of the Town, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:
- a. Reject the waste;

- b. Require pretreatment to an acceptable condition for discharge to the public sewers. If applicable or required, such pretreatment requirements will conform to the requirements of the E.P.A.;
  - c. Require control over the quantities and rates of discharge, and/or;
  - d. Require payment to cover the added cost of handling and treating the wastes.
- 1506.7 Where pretreatment or equalization of wastewater flows prior to discharge into any part of the wastewater treatment system is required, plans, specifications and other pertinent data or information relating to such pretreatment of flow-control facilities shall first be submitted to the Town for review and approval. Such approval shall not exempt the discharge or such facilities from compliance with any applicable code, ordinance, rule, regulation or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow-control facilities shall not be made without due notice to and prior approval of the Town.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

- 1506.8 Grease, oil, and sand traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, as described in 1506.4, or any flammable wastes, sand or other harmful ingredients as described in 1506.3 except that such traps shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity approved by the Town, and shall be located so as to be readily and easily accessible for cleaning by the owner and inspection by the Town.
- 1506.9 When required by the Town, the Owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. 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.
- 1506.10 All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no

special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the Building Sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples). The duration of the period for the composite sample shall be determined by the Town based on the operating cycle of the industrial concern.

All industries discharging into a public sewer shall perform such monitoring of their discharges as the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Town. Such records shall be made available upon request by the Town to other agencies having jurisdiction over discharges to the receiving waters.

The Town, with the advice of a consulting engineer, shall determine the quantity and quality of all industrial wastes which can be properly taken into the sewerage system and treated at the wastewater treatment facility, in addition to the sanitary wastewater from the Town.

The Town shall be notified by the owner at least sixty (60) days before any new discharges or substantial change in volume or character of an existing discharge is commenced. Before commencing said discharge, the Owner shall obtain written approval from the Director.

1506.11 Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner or Operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection and conforming to the spill prevention control regulations of the E.P.A. shall be submitted to the Town for review. 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.

If, for any reason, a facility does not comply with or will be unable to comply with any prohibition or limitations in this Ordinance, the facility responsible for such discharge shall immediately notify the Town so that corrective action may be taken to protect the treatment system. In addition, a written report

addressed to the Town detailing the date, time and cause of accidental discharges, the quantity and characteristics of the discharge, and corrective action taken to prevent future discharges, shall be filed by the responsible industrial facility within five (5) days of the occurrence of the non-complying discharge.

1506.12 No statement contained in this Article shall be construed as precluding any special agreement or arrangement between the Town and any Industrial Concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to extra payment therefore, by the Industrial Concern, provided that such agreements do not contravene any requirements of existing Federal or State Laws, and/or regulations promulgated thereunder, and are compatible with any user charges and Industrial Cost Recovery System in effect.

1506.13 No septic tank wastes shall be disposed of in the wastewater treatment facility or related structures.

1506.14 No wastewaters, which otherwise will not meet the requirements of these regulations, shall be diluted with river water or other unpolluted waters in order to render the wastewater acceptable as meeting the requirements of these ordinances.

## 1507 Powers and Authority of Inspectors

1507.1 Duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurements, sampling, and testing pertinent to discharge to the Town Sewer system in accordance with the provisions of this Ordinance.

1507.2 Duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater Collection system. An industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.

1507.3 While performing the necessary work on private properties referred to in Section 1507.1, above, duly authorized employees of the Town shall observe all safety rules applicable to the premises, and the owner shall be held harmless for injury or death to Town employees, and the Town shall indemnify the owner 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 owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required in Section 1506.9

## 1508 Enforcement and Penalties

- 1508.1 The Town, upon being informed in writing of a possible violation of this Ordinance or on its own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violations may exist. When investigation reveals evidence of any violation, the Town shall give written notice, either hand delivered or by certified mail with receipt acknowledged, of such violation to the owner and the occupant of such premises. The Town shall demand in such notice that such violation be abated within some designated reasonable time. If, after such notice and demand, such violation has not been abated within the time specified, the Town shall institute appropriate action to prevent, correct, restrain or abate any violation of the Ordinance. The Town or its agents have the authority to enter the premises, cause the violation to be abated and recover any direct expenses.
- 1508.2 If the owner of any Improved Property located within the Town and benefited, improved, served or accommodated by any Sewer, or to which any Sewer is available, shall fail, after ninety (90) days notice from the Town, in accordance with Section 1501, to connect such Improved Property, as required, he shall be subject to the actions and penalties prescribed in NH RSA 149-I and NH RSA 147 and regulations issued pursuant thereto; or 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 Lateral sewer.

Any person, firm, partnership, or corporation 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 violations.

If any Person 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, 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. The 45-day notice period shall not apply to a condition that threatens public health and/or safety.

- 1508.4 Violation: With the exception of Section 1509 offenses, any person violating any provisions of this Chapter 1500 shall be guilty of a violation and shall be fined for each day of such violation in an amount of at least \$1,000 per day, but not to exceed \$10,000 per day. Each day in which any such violation shall continue shall be deemed a separate violation.

**1509 Protection for Damage**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the wastewater treatment facilities. Any person violating this provision shall be subject to immediate arrest under prevailing sections of the criminal code of the State of New Hampshire.

**1510 Conflict of Ordinance**

1510.1 If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety, 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 of health, shall prevail.

1510.2 The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance, which can be given effect without such invalid part or parts.

**1511 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.

**1512 Bell and Flynn Agreement  
(Agreement terminated 12/19/94)****1513 Oak Haven Sewer District  
(Agreement terminated 04/03/95)**

## CHAPTER 16 WATER SERVICE REGULATIONS

### 1600 Purpose

The purpose of this Chapter is to regulate the use, consumption, and operations of the municipal water system in the Town of Exeter pursuant to RSA 38. It is the intent of the Town that this Chapter shall bind all customers as hereinafter defined to take water only in accordance with the provisions of this Chapter, and any customer, by taking water, shall be considered as expressing his assent to be bound by this Chapter.

### 1601 Definitions

- A. The word "**Board**" shall mean the Board of Selectmen.
- B. The word "**Manager**" shall mean the Town Manager.
- C. The word "**Department**" shall mean the Public Works Department of the Town of Exeter.
- D. The word "**Customer**" shall mean any firm, person, corporation, body politic, or organization of any type supplied or taking water from the Exeter Water System.
- E. The word "**Main Pipe**" is the main water pipe so-called, from which service connections are made to supply water to customers.
- F. The word "**Service Pipe**" is the pipe running from the main pipe to the meter, including all pipe, fittings and valves necessary to make the connection, both domestic and fire.
- G. The word "**Shut-Off**" shall mean the valve located on the service pipe immediately before the water meter.
- H. The word "**Lien**" shall mean the statutory lien of the municipality as provided by RSA 38:22.
- I. The word "**Curb Stop**" shall mean the valve located on the service line at or near the public right-of-way line and used to shut off the water service outside the premises being served.
- J. The word "**Water and Sewer Division**" shall mean the Water and Sewer Division of the Public Works Department of the Town of Exeter.
- K. The words "**High Hazard**" shall mean that if a backflow were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans either from a chemical, bacteriological or radiological standpoint. The effects of the contaminants may result from short or long-term exposure.
- L. The words "**Low Hazard**" shall mean that if backflow were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be non-toxic to humans.

### 1602 Procedures

- 1602.1 No person, firm or corporation shall take water from any hydrant, main, blow-off, or outlet without the express permission of the Town of Exeter.

**1602.2 Methods of Authorization:**

- (a) Application for metered service,
- (b) Bulk purchase at Treatment Plant may be purchased upon approval of the Public Works Director and paid for at prevailing rates,
- (c) Special application for metered or bulk use from hydrant only if approved in writing by the Town Manager.

**1602.3 Application for metered service.** Application must be made at least two business days before service is required to allow for proper scheduling and notification. In general, a minimum of two business days is required for requests with the Water and Sewer Division, excepting emergency situations. Line location requires seventy-two (72) working hours advance notice. All persons requiring metered service shall make application in the following manner:

- (a) **New Service:** On the applicable forms, make application to the Town and pay the appropriate fees for the following (a licensed contractor must do the installation).
  - 1. Entrance Permit
  - 2. Excavation Permit
  - 3. Special Meter, if applicable
  - 4. Sign the application authorizing inspections and agreeing to payment of fees.
- (b) **New owner existing service:** On the applicable forms, make application to the Town to have service placed in the name of the new owner and sign the application authorizing inspection and agreeing to payment of fees.
- (c) **Replace existing service:** On the applicable forms, make application to the Town and pay the appropriate fees for the following (a licensed contractor must do the installation):
  - 1. Inspection Fee
  - 2. Digging Permit

**1602.4** No person shall uncover, repair, connect, make any opening into or use, alter or disturb in any manner any part of the Water system without first executing an "Application for Water Service Work" from the Public Works Department and paying all applicable fees. All work must be performed and completed in accordance with all applicable regulations by persons who are: 1) certified and employed by firms that hold a valid "Utility Pipe Installers" license, or 2) with special permission of the Public Works Director, a residential building owner doing work for themselves, at their residence. Utility pipe installers shall maintain minimum insurance coverage in accordance with Selectmen's

Policy 96-05.

1602.5 Inspections Required

No person, firm or corporation shall install any water mains, services, or devices connected to the Town system that are in conflict with AID, AWWA, and NH WSPCC regulations, nor shall they engage in excavation backfill or pipe fitting methods that will or may cause damage to the system or public way. Installation and construction work shall be inspected by an authorized representative of the Town.

Water division employees, upon showing of town identification card, shall be allowed access to the customer's premises after reasonable notice during normal working hours of examination of pipes, fixtures, connections, and quantity of water used and the manner of use. In case of emergency, no prior notice need be given and, in the event of refusal of entry, application can be made to the Courts for an appropriate order with all legal costs being charged to the customer.

1603 Installation

The purpose of this section is to define, in general terms, the methods of installation required for the Exeter Water System. The Public Works Director shall annually publish rules and regulations that specify exact construction and plumbing methods. These are entitled "Standard Specifications for Construction in Exeter, New Hampshire."

1603.1 Mains

Extension of the main pipe shall be made only upon written request to the Board of Selectmen by persons or prospective customers and subject to such terms and conditions as the Board of Selectmen shall impose, but in no event shall the main pipe be extended except in highways, streets and roads which are public highways under the provisions of the laws of the State of New Hampshire and public rights-of-way acceptable to the Selectmen. The cost of such extension shall be borne by the customer or developer to such extent as shall be determined by the Board of Selectmen and a contract shall be executed by the customer or developer prior to the commencement of the extension or further installation. Any extension of the mains in the Town shall be with the approval of the Board of Selectmen and the Planning Board, and may be at the expense of the developer or customer.

Construction of mains shall be in accordance with current EPA, AID and AWWA standards.

1603.2 Service Pipes

- a. Location: Service pipe connections will be made only from the street which is the legal address of the premises served.

- b. **Installation, Ownership and Maintenance:** All service pipes shall be gated on Municipal property. All service pipes, including the curb-stop within the limits of the highway, shall be owned and maintained by the Town. The cost of the initial installation, including materials, of the service pipes including the curb-stop within the limits of the highway shall be paid by the customer. From the limits of the curb-stop to the premises serviced, the service pipe shall be installed, owned, and maintained by the customer. The materials and fixtures shall have been approved by the Water and Sewer Division, prior to installation. Exterior lines shall maintain five feet of cover. The service shall extend at least 24 inches inside the premises to allow for meter shut-off and fitting.

When a service is installed from a water main which is located in a highway controlled by the State of New Hampshire, Division of Public Works and Highways, and said Division of Public Works and Highways requires, the service shall be installed by boring the roadbed beneath the surface.

The cost of the installation shall be at the customer's expense. All installations shall be in a manner approved by the Water and Sewer Division and for all future services, the pipe shall not be less than 3/4" outside diameter. On future installations or reinstallation of service lines, only one customer will be supplied through one service pipe. Where more than one customer is now supplied through one service pipe, and under control of one curb stop, any violation of the rules of the Town by either or any of the customers so supplied shall be deemed a violation by all and the Town may take such action as could be taken against a single customer, except that such action shall not be taken until the innocent customer who is not in violation of the Town's rules has been given a reasonable opportunity to attach his pipe to a separately controlled service connection. The violator shall be responsible for all costs.

- c. **Joint Use of Service Pipe Trench:** Joint use of water service pipe trench for multiple service pipes will be allowed in a four-foot trench with 18" horizontal separations.
- d. **Temporary Service Connection:** Temporary service is one installed to any building or trailer not placed on a permanent foundation, or to a garden, or for other temporary use. The whole cost of installation from the nearest available main, and maintenance shall be at the customer's expense.
- e. **Thawing:** When it becomes necessary to thaw a frozen service pipe and it cannot be determined where it is frozen and the Town, at the customer's request, undertakes to thaw the same, one-half of the cost thereof shall be paid by the customer.
- f. **Maintenance of Plumbing:** Customers shall maintain the plumbing and

fixtures within their own premises in good repair, free from leaks, and protected from freezing, at their own expense; and for failure to do so service may be disconnected. Any relocation of the service pipe on customer's premises due to change in grade, relocation of grade or otherwise shall be at the customer's expense, and in no event shall the Town be responsible for any damage done by water escaping therefrom.

- g. Installation of stops, waste devices, and other elements of the water system within a customer's building may be subject to an inspection by the Town. All such installations shall be in compliance with BOCA Building Codes.
- h. Fluctuation of pressure by customer's apparatus: No customer shall install or use water consumption apparatus which will affect the pressure or operation conditions so as to interfere with the service of another customer. Where a customer has or proposes to install apparatus which requires water in sudden and/or material quantities, impairing pressure to the detriment, damage, or disadvantage of other customers, the Water Division reserves the right to require such customer to install devices or apparatus which will confine such fluctuation of demand or reduction of pressure to reasonable limits determined by the Water Division.

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

- i. Emergency Turnoffs: Emergency turn-offs, at the customer's request, will be attended to as soon as possible at any time of the day. Turn-offs, in the event of any type of disaster or unattended home where a leak is discovered may be carried out without notifying the customer.
- j. Alteration in Pipes: No customer shall install any additions or alterations of any service pipe or pipes for any purpose not mentioned in the customer's application without first giving written notice to the Water Division and obtaining its approval.

#### 1603.3 (a) Cross Connections

No cross connection between the public water system and any nonpotable supply will be allowed unless protected by a system specifically designed for this purpose, and the connection is approved by the Water Division and by the N.H. Water Supply & Pollution Control Division. No connection capable of causing back-flow between the public water supply system and any plumbing fixture, device, or appliance or between any waste outlet or pipe having direct connection to waste drains will be permitted. If the Water Division discovers such a connection, service will be discontinued immediately.

All customer service shall be protected with a device commensurate with the degree of potential hazard. All such devices shall be located at the service entrance and all water consumption within the premises shall pass through the protective device. All owners of backflow prevention devices must have a valid permit issued by the Town for each device.

#### 1603.3 (b) Back Flow Prevention Devices

An approved backflow prevention device shall be required on a commercial and industrial enterprise using municipal water. Said device shall be purchased and maintained by the owner of the enterprise. Said device shall be inspected by the Water and Sewer Division or its agents as follows: High hazard should be tested every six (6) months; Low hazard should be tested every twelve (12) months. The cost of said inspection will be billed to the owner.

#### 1603.3 (c) Method of Connections

The Public Works Director shall annually publish such rules and regulations as are necessary to describe the methods of cross connection and back flow prevention for services connected to the Town system. These will be found in the "Standard Specifications for Construction in Exeter, New Hampshire."

#### 1603.4 Fire Protection Devices

Hydrants and Gate Valves: No person(s) shall at any time, operate a fire hydrant or gate valve even if said hydrant or gate valve is owned privately. Hydrants or valves can only be used:

By the Water and Sewer Division personnel or designees,  
By fire fighters testing, filling fire trucks after a fire, at a working fire, or other emergency.

Private Fire Protection: An application for private fire service must be submitted to the Director of Public Works, or his designees, for approval and must be accompanied by a plan of the proposed piping system, together with a statement telling for what other purposes the system might be used. Fee will be charged in accordance with the fee schedule.

All fire protection service pipes, including those that have the dual purpose of providing regular water service in the right-of-way and on private property, shall be furnished, laid, connected and maintained by the customer in conformance with town ordinances and regulations. All water supplied through fire service pipes may, at the option of the Water Division, be metered and special measuring or detecting devices may be installed, and all such meters and devices may be approved, furnished, and set by the Water Division at the owner's expense. Where a standpipe, reservoir, pump, tank, or cistern is used, it shall be constructed so as to shield and protect the water

from all possible contamination according to complete plans submitted to and approved by the Water Division.

In construction of stand pipes, reservoirs, pumps, tanks, and cisterns, provision shall be made for means of easy access to their interiors by the agents of the Water Division for the purpose of inspection and to permit cleaning as required by the Water Division. Also, a draw-off pipe shall be fitted for the purpose of draining off all the water periodically for inspection. Such draw-off pipe shall not be connected with a sewer, drain, or outlet in anyway that would permit pollution of the public water supply.

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

Notice to be given to the Water Division and Fire Department, and the date and hour agreed upon by the departments,  
Conducted in the presence of a Water Division and Fire Department Agent,  
Cost of the Water Division Work to be paid by the owner.

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

#### 1604 Metering

- 1604.1 All services connected to the Town system shall be metered. The sizes, types, and requirements for meters shall be determined by the Water Division. No person, except a duly authorized agent of the Water Division, shall set, take off, or repair a water meter.
- 1604.2 The customer shall supply a dry, easily accessible place so the meter can be worked on, read, and inspected. Meters shall be set, as nearly as possible, at the point of entrance of the service pipe.
- 1604.3 When the customer fails or neglects to furnish a suitable location for a meter inside the building, or where for other reasons it is necessary or expedient to locate the meter in an underground box or vault, the customer shall bear the expense of same.
- 1604.4 The Water Division will install all water meters up to 3/4" in size. The customer will pay the entire cost for meters over 3/4" and their accessories. All meters shall be the property of the Town of Exeter.
- 1604.5 For services up to 3/4" in size, meter repairs or replacements necessitated by ordinary wear will be paid for by the Water Division. Those repairs necessitated by freezing, hot water, willful damage, or other fault of the customer will be charged to the customer.

- 1604.6 Access to Meters: The customer, upon connection of service, shall be deemed to have granted permission for the reading, inspection, and installation of meters, including the installation of remote readers for meters. Failure to respond to meter replacement requests of any nature will result in a notice by certified mail notifying customers of a water shut off date in accordance with Public Works Operating Guidelines Section 5-501.
- 1604.7 Seasonal Meters: Meters will be removed, stored, and reinstalled when the customer requires such because of the nature of the business or the likelihood of freezing. Such installations will be subject to the normal turn-on/turn-off fees.
- 1604.8 Defective Meters: Upon request of a customer, the Water and Sewer Division shall test a meter to determine its accuracy, removing it, if necessary, from the premises of a customer. If the meter is found to be defective to the extent of a variance of more than two percent, no charge shall be made for the test and an adjustment shall be made on the water bill to the extent of the variance from the period beginning with the last scheduled reading to the date of the discovery of the variance. If the meter is found to be less than the two percent variance, the customer shall pay \$20.00 for the test. By request, the customer may be present when the testing is done.
- 1604.9 Meter Seal: All meters shall have a suitable seal affixed there-to, in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of seal will be cause for discontinuance of service.
- 1604.10 Second Meters: Upon request of a single-family, residential customer, second meters are permissible for the purpose of metering irrigation water that will not be discharged to the municipal sewer system in accordance with the following provisions:
1. Customer must make application and make payment of standard "Water-New Service" hook-up fee.
  2. All plumbing work must be done by a NH licensed Master Plumber and in accordance with the National Plumbing Code and Standard Specifications for Construction of Public Utilities in Exeter, NH and inspected by the Water Department.
  3. Customers must pay quarterly "Flat Rate" per size of meter for the duration of the second meter installation. Seasonal, intermittent payment of the flat rate fee is prohibited.
  4. No adjustments will be made for service fee for leaks or unwanted water usage.

## 1605 Fees and Charges

Customers shall be charged for services and water consumption in accordance with the prevailing rates established by the Board of Selectmen and published in the Town of Exeter Fee Schedule.

1605.1 Estimated Bill: In the event a meter stops because of mechanical failure, the customer shall be billed for the average consumption for the previous twelve (12) months.

1605.2 Charges:

- Water rate - base consumption 10,000 gallons
- Bulk Water Rate
- Hook-up Fee on Individual Line
- Hook-up Fee on Subdivision
- Re-do Existing Service
- Turn-on/Turn-off
- After Hours Turn-on Fee
- Meter Test Fee
- Backflow Prevention Inspection Retest
- Meter Repairs - parts cost
- Rates to other towns
- Rates for Special Contracts
- Bad check - fine RSA 544-B
- Bad Check Service Charge

1605.3 Payment Due

All charges are due and payable upon presentation of the bill and are considered past due thirty (30) days after the date of the bill.

Failure of a customer to receive water bills does not relieve the customer of the responsibility of making prompt payment upon notification. Seasonal customers will not be eligible for service unless the previous years' bill has been paid in full.

1605.4 Deposit Required

The Town may require a deposit to cover the estimated costs of installation and other future obligations of the customer up to one year from the time service commences.

1605.5 Late Payment Charges

Amounts not paid within thirty (30) days shall be subject to a late payment charge of one percent (1%) per month on the unpaid balance (equivalent to a 12% annual rate). Late payment charges shall be calculated on the entire past due amount, for the delinquent period. Accounts that are unpaid after ninety (90) days are subject to service being shut off, and collection fees (including reasonable attorney's fees and costs) that may be incurred by the

Town shall be borne by the customer. Final notice of shutoff will be sent by certified mail - return receipt requested, cost of which shall be borne by the customer.

#### 1605.6 Partial Payments

Partial payments equal to no less than one-third (1/3) of the unpaid arrears will be accepted, but the debtor must satisfy the entire balance within ten (10) working days. Failure to pay the balance will result in service shut-off, in accordance with Section 1605.5 unless waived by the Town Manager.

1605.7 The Water and Sewer Division, by supplying water, doing work or furnishing material, shall deal with only the owner of the premises, and such owner shall keep the division advised of the address to which bills, notices and communications may be forwarded. Although payment for service rates may be assumed by an agent or tenant, the owner of the premises will be held personally responsible for same. A change in ownership will not relieve the premises from payment of back bills; in case of forfeiture, the water may be shut off and will not be turned on again until all unpaid charges have been settled in full.

#### 1606 Procedures in Non-payment Cases

Failure to pay appropriate charges will subject the customer to one or more of the following enforcement procedures:

1606.1 Shut off: Water service can be shut off in accordance with the provisions of 1605.5 of this Chapter.

1606.2 Civil Court Action: The Town may bring action in small claims court to recover the amount due for an unpaid water charge and the customer attorney's fees incurred by the Town.

1606.3 Lien: Under the provisions of New Hampshire RSA 38:22 (c), all charges for water services shall constitute a lien in favor of the Town of Exeter upon the real estate where the services were furnished and the lien shall continue for eighteen (18) months from the date of the last unpaid bill, unless the Town records in the Rockingham County Registry of Deeds a notice of lien, in which case the lien shall continue for six (6) years from the date of the last unpaid bill. The lien may be enforced in a suit by the Town against the owner of such real estate. In such a suit, the Town shall have the right to a judgment for per year charges, entered at the rate of 12 percent from the date of the last unpaid bill to the date of judgment, and costs. The records in the Water and Sewer Division shall be sufficient notice to maintain suit upon the lien against subsequent purchases or attaching creditors of real estate.

#### 1607 Forms Required

From time to time, the Town Manager or Public Works Director may require

appropriate forms to be utilized to maintain accurate and effective records for the department. Forms issued as applications for service are bidding contracts when signed by or on behalf of the owner/customer.

## 1608 Violations and Enforcement

1608.1 Disconnection without notice: Service may be shut off without notice for any of the following reasons, if the Public Works Director or his authorized agents, determines that there has been:

Use of water for purposes other than described in the application,  
Misrepresentation in the application,  
Willful waste  
Tampering with Utility property,  
Vacancy  
Cross-connecting the Utility's service pipe with any other supply source,  
Refusal of reasonable access to property, or  
Violation of any water bans imposed by the Board of Selectmen.

1608.2 Any violations of the provisions of these rules and regulations, or failure on the part of any customer utilizing the water to promptly pay any and all claims for service or other charges of the water division, shall be considered sufficient cause for shutting off the water supply of such customer and such supply shall not be turned on again until all such causes of complaint shall have been removed, including any additional work costs incurred for turning on or off the water.

## 1609 Damage and Liability

1609.1 The Water and Sewer Division reserves the right to shut off service temporarily whenever it becomes necessary to make extensions, alterations or repair, or to curtail the use of water whenever conditions so require. Notice of shut off for repairs to mains or service pipes will be given when practicable.

1609.2 The Water and Sewer Division will not be responsible for any damage claims or shutoffs in the mains or service pipes because of supply, setting, or removing meters, repairs, construction, or for other reasons beyond the control of the Division. Notice of shut off will be given when practicable, however, nothing in this rule shall be construed as requiring the giving of such notice. The Water and Sewer Division will not be liable for any damages from leakage or water escaping from any part of a customer's system. All customers having direct pressure hot water tanks or appliances must place proper automatic vacuum and relief valves in the pipe system to prevent any damage to such tanks or appliances, should it become necessary to shut off water on the street mains or service pipe. Water service will be provided to such direct pressure installations only at the customer's risk and in no case shall the Water Division be liable for any damage occasioned thereby.

## **CHAPTER 17 STORM DRAINAGE REGULATIONS**

### 1700 Purpose

The rules and regulations herein set forth for the maintenance and operations of the Exeter Municipal Drainage System are established by the Selectmen of the Town of Exeter, as necessary or desirable for the efficient operation of said Exeter Drainage System and for the protection of the health and safety of the people of Exeter.

### 1701 Definitions

Unless the context specifically and clearly indicates other, the meaning of terms and phrases used in the ordinance shall be as follows:

**Building Drain** - Shall mean the connecting pipe between the tap at the Town Main, or appurtenance, and the building owner's source of drainage water and shall include all the owner's pipe fittings and couplings necessary to make the connection (including those portions located in the public right-of-way).

**Director** - Shall mean the Public Works Director for the Town of Exeter.

**E.P.A.** - Shall mean the United States Environmental Protection Agency.

**Easement** - Shall mean an acquired legal right for the specific use of land owned by others.

**Natural Outlet** - Shall mean any outlet of surface or groundwater into a watercourse, river, pond, ditch, lake aquifer or other body of surface or groundwater.

**Owner** - Shall mean any person(s) vested with ownership, legal or equitable, sole or partial, or possession of any improved property.

**Person** - Shall mean any individual, partnership, company, association, society, corporation or other legal entity.

**Pollutant** - Shall include, but not be limited to, the materials identified in Sections 1506 "Restrictions on Discharge to Sewers of the Town's Ordinances."

**Receiving Waters** - Shall mean any watercourse, river, pond, ditch, lake, aquifer, or other body of surface or groundwater receiving discharge of storm water.

**Storm Drain (sometimes termed "Storm Sewer")** - Shall mean a drain which is intended to carry storm and surface waters and drainage, but not waste water and industrial wastes (other than unpolluted cooling water).

**Town** - Shall mean the Town of Exeter, Rockingham County, New Hampshire, 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.

**Unpolluted Water** - Is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided by the Town of Exeter.

1702 Use of Municipal Storm Drain System

Upon application and approval by the Director, or his designee, owners may connect or discharge unpolluted water into the Town Storm Drain System. Owners must submit an "Application for Storm Drainage Work," pay an entrance fee, and have a licensed "Utility Pipe Layer" complete all work in strict conformance with the Public Works Department's "Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire."

1702.1 No person shall place, deposit or discharge any pollutant into the storm drain system.

1702.2 No person, corporation or firm shall discharge any storm drain water into the storm drain system in an amount that the system cannot adequately handle.

1702.3 Each building drain, including connection to the structures service, will initially be constructed by the owner at his expense and such owner shall indemnify and save harmless the Town, its officers, agents, and employees from all loss or damage that may be occasioned directly or indirectly, as a result of construction of a building drain on his premises, or as a result of its connection to the drain system. After initial construction of the building drain, the owner shall thereafter be obligated to pay all costs and expense of operation, repair and maintenance, and of reconstruction (if needed) of the building sewer, beginning at the main of the storm drain system and ending at the building.

1703 Powers and Authority of Inspectors

Duly authorized employees of the Town, bearing proper credentials and identification, shall be permitted to enter all properties and buildings that are connected to the storm drain system for the purposes of inspection, observation, measurement, sampling and testing of the building drain or of discharges to the storm drain system.

1709 Enforcement

The Town, upon being informed of a possible violation of this ordinance or on its own initiative, shall make, or cause to be made, an investigation of facts and an inspection of the premises where such violations may exist. When investigation reveals evidence of any violation, the Town shall give written notice, either hand

delivered or by certified mail with receipt acknowledged, of such violation of the owner and to the occupant of such premises. The Town shall demand in such notice that such violation be abated within some designated reasonable time. If, after such notice and demand, such violation has not been abated within the time specified, the Town shall institute appropriate action to prevent, correct, restrain or abate any violation of the ordinance. The Town, or its agents, has the authority to enter the premises, cause the violation to be abated and recover any direct or indirect expenses thereby incurred.

#### 1710 Penalties

Any person, firm or corporation violating any provisions of Chapter 1700 shall be guilty of a violation and shall be fined for each occurrence or each day the violation continues in an amount of \$1,000 per day maximum (but not to exceed \$10,000 per occurrence). Each day in which any such violation shall continue, shall constitute a separate violation.

**CHAPTER 18 LIFE SAFETY AND FIRE PREVENTION CODE****1801 NFPA Life Safety Code**

The NFPA Life Safety Code 1985 edition, as approved by Town Meeting, March 11, 1986 is adopted by reference as Section 1801 of this ordinance book. (NFPA Life Safety Code is now referenced as "New Hampshire State Fire Code, as amended" and the NH State Fire Code was approved by Town Meeting, March 13, 2001, allowing for updates to be accepted by the Town without the need for Town Meeting vote on each amendment.

**1802 BOCA Fire Prevention Code**

The BOCA Fire Prevention Code 1984 edition is approved by Town Meeting, March 11, 1986, is now referenced as "New Hampshire State Fire Code, as amended", as approved by Town Meeting, March 13, 2001, allowing for updates to be accepted by the Town without the need for Town Meeting vote on each amendment.

**1809 Appeals**

Any person who feels they have been denied a permit or subjected to sections of this Chapter improperly, may appeal the decision of the issuing or enforcement official to the Board of Adjustment.

**1810 Penalties**

Pursuant to RSA 676:17 1(a), any violation of any local ordinance code or regulation adopted by the Town of Exeter (pursuant to Title LXIV of the New Hampshire Revised Statutes Annotated) shall be made punishable by a civil fine of not more than \$100.00 for each day that such violations is found by a court to continue after the conviction date or after the day on which the violator receives written from the municipality that he is in violation of any ordinance or regulation adopted under this title, whichever date is earlier.

**CHAPTER 19 ZONING ORDINANCE AND MAP****1901 Zoning Ordinance**

The Town of Exeter Zoning Map and Zoning Ordinance, adopted March 6, 1973 at the Annual Town Meeting and as amended through March, 1987, is adopted by reference as Section 1901 of this ordinance book.

**1902 Rules and Regulations of the Planning Board & Subdivision Regulations**

The Town of Exeter Rules and Regulations of the Planning Board and Sub-Division Regulations, as adopted and amended by the Planning Board pursuant to RSA 674:44, is adopted by reference as Section 1902 of this ordinance book.

**1909 Appeals**

Any appeal for relief from the conditions of the ordinance shall be filed in accordance with the prevailing section of the ordinance and the RSA governing at the time of the appeal.

**1910 Penalties**

Pursuant to RSA 676:17 1(a), any violation of any local ordinance code or regulation adopted by the Town of Exeter pursuant to Title LXIV of the New Hampshire Revised Statutes Annotated shall be made punishable by a civil fine of not more than \$100.00 for each day that such violation is found by a court to continue after the conviction date or after the day on which the violator receives written notice from the municipality that he is in violation of any ordinance or regulation adopted under this title, whichever date is earlier.

**CHAPTER 20      TIMBER CUTTING ORDINANCE**

## 2000 Purpose and Jurisdiction

## 2001 Purpose

The purpose of this ordinance is to develop minimum standards for forest cutting practices within the Town of Exeter and a process for review of such practices in order to insure that the following values of interest are not jeopardized:

- (a) The protection of landowners and abutting landowner;
- (b) The protection of the aesthetic character of the Town;
- (c) The conservation of water;
- (d) The maintenance of water and air quality;
- (e) The prevention of floods and soil erosion;
- (f) The improvement of conditions for outdoor recreation and wildlife;
- (g) The protection of a continuing and increasing supply of forest products.

This ordinance defines and clarifies the administration of the law by establishing standard definitions and uniform procedures by which landowners, harvesters of forest product, and the Town can carry out their responsibilities.

## 2002 Jurisdiction

- (a) Areas subject to the Ordinance: All land devoted to forest growth owned or administered by private persons, corporations, or organizations, or by any federal, state, county, municipal or other public agency.
- (b) Activities subject to the ordinance: Any private or commercial cutting of forest products which encompass an area of two (2) acres or more within the Town of Exeter.
- (c) Activities exempt under the ordinance: Any party proposing to cut forest products who believes the operation is exempt under this ordinance may request exemption from the ordinance in writing when the notice of Intent to Cut is filed with the Town pursuant to NH RSA 79:10

## 2003 General Regulations

- (a) Notice of Intent to Cut: Pursuant to RSA 79:10 a "Notice of Intent to Cut" must be filed with the Town of Exeter prior to the operation commencing.
- (b) Plan to Cut: Every owner or agent responsible for the operation who intends

to cut forest products over an area of two (2) acres or greater must submit a "Plan of Cut" to the Town of Exeter Planning Department. The Plan of Cut must be prepared by a professional forester registered with the Town of Exeter. A list of registered foresters may be found at the Exeter Planning Department office.

The Planning Department will review the Plan of Cut, and, at their discretion, request review by an appropriate person or agency at the expense of the applicant, determine the amount of the bond to be posted, and make its recommendations to the Exeter Board of Selectmen.

- (c) Bond: All cutting operations of two (2) acres or greater will be required to post a bond in the amount sufficient to cover the estimated yield tax due to commencement of the operation.
- (d) Town Cut Permit: All operations in compliance with a, b, and c above will be issued a "Town Cut Permit" to be posted in full view upon the site of the operation. Such permit shall be valid for one (1) year from the date of issuance.
- (e) Report of Cut: Pursuant to RSA 79:11, a "Report of Cut" must be filed with the Town of Exeter immediately upon the completion or termination of the cutting referred to in the "Notice of Intent to Cut."
- (f) Statement of Compliance: The professional forester must file a "Statement of Compliance" upon the completion or termination of cutting which states that the original, or Town-approved amended Plan of Cut, was correctly executed. To insure compliance, the forester should monitor and supervisor the cutting. Any noncompliance should be reported to the Town.
- (g) List of Registered Foresters and Loggers: Any forester and/or logger who wishes to operate within the town limits of Exeter must register with the Planning Department. A record will be kept of each operation by the Town. Any forester or logger found to be in deliberate violation of this ordinance will be removed from the list and shall not be permitted to operate within the town limits for a period of one (1) year. At that time, the offending party may re-apply for inclusion in the list.

#### 2004 Enforcement

- (a) The Town of Exeter and its agents shall administer and enforce this ordinance, and shall have the right to stop any operation in violation of its provisions.
- (b) Officials responsible for the enforcement of this ordinance may enter upon any lands for which a Town Cut Permit has been issued or upon which they believe may have an operation in violation of this ordinance, for the purposes

of inspection.

2010 Penalties

If any person shall violate the provisions of this ordinance, he shall be guilty of a misdemeanor, and subject to any and all applicable state and local penalties.

**CHAPTER 21 DOCKS, PIERS AND FLOATS****2100 Purpose**

This ordinance is designed to regulate the use of piers, floats and any other docking locations within the town of Exeter.

**2101 Regulations**

The use of piers, floats and any other docking locations at the Exeter Waterfront Park shall be limited and regulated as follows:

- 2101.1 Piers and docks are intended for short term use only (i.e. loading and unloading passengers and equipment). No long term use is authorized.
- 2101.2 No commercial craft shall be secured at any such docking location;
- 2101.3 No pleasure craft in excess of 35 feet in length shall be secured at any such docking location without written permission from the Harbor Master.
- 2101.4 No craft may be "rafted" (secured to another craft) which is secured at any such docking location;
- 2101.5 No craft shall remain secured at the floats in excess of six (6) consecutive hours per docking, after which, at least twenty-four (24) hours shall have elapsed before the craft may be permitted to re-secure except to load or unload;
- 2101.6 No fishing from docks;
- 2101.7 Skiffs and tenders shall not be left at the dock;
- 2101.8 No swimming or diving from docks;
- 2101.9 The Harbor Master may inquire of the person in charge of any craft to be secured to the floats, the intended length of stay and may collect, in advance, the appropriate fee.
- 2101.10 Any person, firm, or corporation who secures a craft or allows a craft under its ownership or control to be secured in violation of the terms of this ordinance, shall be subject to the following:
  - (a) a fine of not more than One Hundred Dollars (\$100) per day;
  - (b) prosecution under the New Hampshire Criminal Code;
- 2101.11 The provisions of this ordinance shall be posted in plain view at the piers and floats at the Waterfront Park.

## 2103 Traffic

### 2103.1 State Motor Vehicle Laws Apply

No person in a park shall fail to comply with all applicable provisions of the State Motor Vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other Ordinances.

### 2103.2 Enforcement of Traffic Regulations

No person in a park shall fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations, and such supplementary regulations as may be issued subsequently by the Board.

### 2103.3 Traffic Signs

No person in a park shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

### 2103.4 Speed of Vehicles

No person in a park shall ride or drive a vehicle at a rate of speed exceeding 15 mph except upon such roads as the Board may designate, by posted signs, for speedier travel.

### 2103.5 Operation Confined to Roads

No person in a park shall drive any vehicle on any area except the park roads or parking areas, or such other areas as may on occasions be so designated.

### 2103.6 The use of skateboards, rollerblades, roller-skates or other similar devices are prohibited from docks, piers and walkways.

## 2104 Fees

Docking fees, as relating to this ordinance, will be set by the Board of Selectmen, and so noted in their Fee Schedule (as updated from time to time).

## 2110 Penalties

A person, firm or corporation violating any provisions of Chapter 21 of this code shall be punished by a fine of not more than one thousand (\$1000) dollars for each offense.

(Passed: 8/22/90 Effective: 8/29/90)

**CHAPTER 22 BUILDING AND HOUSING CODE****2201 Building Code**

BOCA Building Code 1987 Edition, as approved by Town Meeting of March, 1988, is adopted by reference as Section 1700.1 of this ordinance book.

**2002 Permit Fees**

The following schedule of fees shall be used for applications for building permits:

Application Fee	\$10
Building Permit	\$ 5 per \$1,000 - for "construction value" of \$1,500 or more

The application fee of \$10 will be charged for all building permit applications upon submission to the Building Inspector's office. The "construction value" is to include the estimated cost of materials and labor. (effective 3/08/93)

**2205 Exeter Housing Code Adopted by Town Meeting 1981****ADMINISTRATION:**

2205.1.1 A public agency to be known as the Housing Code board is hereby created, pursuant to RSA 48A, composed of the Health Officer, the Fire chief, and the Planning Director.

2205.1.2 The position of Housing Code Enforcement Officer is hereby created, appointment to be made by the Board of Selectmen.

2205.1.3 The Housing Code Enforcement Officer, upon receiving notice of a suspected violation of this code, is hereby authorized to take such steps as appropriate under RSA 48A, 1-13, to enforce the provisions of this code.

2205.1.4 In order that he may perform his statutory duty of safeguarding the health and safety of the occupants of the dwelling and general public, the Housing Code Enforcement Office or his authorized representative is hereby empowered and directed upon complaint to make inspections to determine the conditions of dwellings and premises located within the Town, and to that end, to enter, examine and survey at reasonable times any such dwellings and premises within the Town.

The officer shall notify the owner so as to arrange an inspection of the premises in the company of the owner. The Code Enforcement Officer may obtain an order from a court of competent jurisdiction in the event entry is denied or restricted.

Upon examination, the Housing Code Enforcement Officer shall notify the property owner in writing of any violation of this code. The Enforcement

Officer shall communicate with the Housing Code Board the nature of the violation and disposition of the owner toward remedying within a reasonable period of time such violations. If the Enforcement Officer determines there are no violations of this code, no further action will be taken unless a petition is submitted in accordance with Section 2205.1.5.

2205.1.5 Whenever a petition is filed with the Housing Code Board by at least 10 residents of the municipality charging that any dwelling is unfit for human habitation, or, whenever it appears to the Housing Code Board by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee or record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail, and if there are any unascertained persons having an interest in said dwelling, notice may be given them in publication in a newspaper having general circulation

2205.1.6 If, after such notice and hearing, the Housing Code Board determines according to the standards of the code that the dwelling under consideration is unfit for human habitation, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order to remove or demolish such dwelling.

2205.1.7 If an owner is aggrieved by an order of the Housing Code Board made pursuant to Section 1.6 hereof, he may appeal to the Board of Selectmen. Said Board of Selectmen shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the Housing Code Board and to the owner. The Board of Selectmen may affirm or revoke the order of the Housing Code Board, or they may modify the same in accordance with their findings. If they shall affirm or modify such order, the Housing Code Board shall proceed to enforce said order as affirmed or so modified. If the Board of Selectmen shall revoke said order, the proceedings shall be terminated.

2205.1.8 Nothing under this ordinance shall be construed to restrict rights of landlords or tenants as defined under NH RSA 540-A.

## 2205.2 Sub-Standard Conditions Defined

2205.2.1 The following sub-standard conditions, as specified by RSA 48-A: 14 (and as amended) for rental units, shall not occur in any dwelling unit within the Town of Exeter:

- A. The premises are infested by insects and/or rodents, for which infestation the

- landlord is not conducting a periodic inspection and eradication program;
- B. There is defective internal plumbing or a back-up of sewage caused by a faulty septic or sewage system;
  - C. There are exposed wires, improper connectors, defective switches or outlets or other conditions which create a danger of electrical shock or fire.
  - D. The roof or walls leak consistently;
  - E. The floors, walls or ceilings contain substantial holes that seriously reduce their function or render them dangerous to the inhabitants;
  - F. The porches, stairs or railings are not structurally sound;
  - G. There is an accumulation of garbage or rubbish in common areas resulting from the failure of the landlord to remove or provide a sufficient number of receptacles for storage prior to removal unless the tenant has agreed to be responsible for removal under the rental agreement and the landlord has removed all garbage at the beginning of the tenancy;
  - H. There is an inadequate supply of water, or whatever equipment that is available to heat water is not properly operating;
  - I. There are leaks in any gas lines or leaks or defective pilot lights in any appliance furnished by the landlord; or
  - J. There are heating facilities that are improperly installed, unsafely maintained or in poor working condition, or are incapable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, at a temperature of at least an average of 65 degrees F., or, when the landlord supplies heat in consideration for the rent, the premises are not actually maintained at a minimum average room temperature of 65 degrees F., in all habitable rooms.\* (\*RSA revised for the sake of clarity.)

### 2205.3 Minimum Standards

2205.3.1 Sanitary Facilities: Each dwelling unit shall have available a room or rooms which afford privacy and are equipped with a toilet, lavatory basin and bath or shower unit, supplied with hot and cold running water. All such facilities shall be in proper operating condition and connected to water and sewage systems approved by the Health Inspector. Such facilities above described shall not be shared by more than six (6) persons living therein, except members of the same family, in a single-family dwelling unit.

2205.3.2 Food Preparation and Refuse Disposal: When a dwelling or lodging unit contains kitchen and cooking facilities, there shall be suitable space and

equipment to store, prepare and serve foods in a sanitary manner. The unit shall contain a kitchen sink with hot and cold running water. Hookups shall be provided by the owner for cooking stove or range and refrigerator.

- 2205.3.3 Space and Security: The dwelling unit shall afford the occupants adequate space and security. Exterior doors and windows accessible from outside the unit shall be lockable.
- 2205.3.5 Structure and Materials: The dwelling shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment. Ceilings, walls, and floors shall not have any serious defects, such as severe bulging or leaning, large holes, severe buckling or noticeable movement under walking stress, missing parts or ether serious damage. The roof structure and exterior wall surface shall not have any serious defects, such as serious leaning, buckling, sagging, cracks or holes, loose siding or other serious damage. The condition and equipment of interior and exterior stairways, halls porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in a safe and operating condition.
- 2205.3.6 Interior Air Quality: The dwelling shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.
- 2205.3.7 Water Supply: The dwelling shall be served be served by an approved public or private sanitary water supply, free of contamination.
- 2205.3.8 Lead-Based Paint: If a dwelling unit presents a hazard from chipping, peeling or loose lead-based paint, all such surfaces shall be cleaned so as to remove all chipping, peeling or loose paint, and the surfaces so cleaned shall be given at least two coats of suitable non-leadad paint.
- 2205.3.9 Entrances and Exits: Every dwelling unit shall have a safe, unobstructed means of exit to a safe and open space at ground level. Entrance and exit to a dwelling unit and passage thereto shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household.
- 2205.4 Penalty
- Any person violating any of the provisions of this ordinance, or failing, or neglecting or refusing to obey any lawful order or direction of a person authorized to investigate and enforce the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$20, and each day's violation shall be a separate offense.

### 2205.5 Effective Date

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

2205.6.1 **Dwelling** shall mean a room or group of rooms designated or used as a place of occupancy by a person or family for cooking, living and/or sleeping purposes.

2205.6.2 **Dwelling Unit** shall mean a room or group of rooms designated or used as a place of occupancy by a person or family for cooking, living and/or sleeping purposes.

2205.6.3 **Habitable Room** shall mean a room used or intended to be used for living, sleeping, cooking or eating, excluding bathroom, water closet, hall foyer, cellar space or storage space.

2205.6.4 **Lead – Based Paint** shall mean any paint containing more than 5/10th of one percent lead (0.5%) by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied. With respect to paint manufactured after June 22, 1977, lead based paint means paint containing more than 6/100th of one percent (0.06%) by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied.

2205.6.5 **Unfit for Human Habitation:** The Housing Code Board may determine that a dwelling is unfit for human habitation if it finds that conditions exists in such dwellings which are unusually, abnormally or unreasonably dangerous or injurious to the health or safety of the occupants of such dwellings, the occupants of neighboring dwellings or other residents of such municipality. Such conditions may include the following: defects which increase beyond normal the hazards of fire, accident or other calamities, lack of reasonable adequate ventilation, light or sanitary facilities; overcrowding, inadequate entrance and exit; inadequate drainage; or serious violations of other health, fire or safety regulations.

### 2209 Appeals

Any person who feels they have been denied a permit or subjected to sections of this Chapter improperly, may appeal the decision of the issuing or enforcement official to the Board of Adjustment.

### 2210 Penalties

Pursuant to RSA 676:17 1(a), any violation of any local ordinance code or regulation adopted by the Town of Exeter pursuant to Title LXIV of the New Hampshire Revised Statutes Annotated shall be made punishable by a civil fine of not more than \$100.00 for each day that such violation is found by a court to continue after the conviction date or after the day on which the violator receives written notice from the municipality that he is in violation of any ordinance or regulation adopted under this title, whichever date is earlier.