TOWN ORDINANCES AND OTHER REGULATIONS
TOWN OF GILFORD, NEW HAMPSHIRE

Table of Contents

ORDINANCE DESCRIPTION/TITLE	PAGE
Advertising Materials, Distribution	3
Alcoholic Beverages	6
Beach	8
Building Code	16
Camping, Roadside	20
Capital Charges for the Municipal Sewer System	21
Detergents Containing Phosphorous	26
Dog Control	27
Driveway Permit	28
Dump	29
Fire Department By-Laws	31
Fire Prevention Code	33
Floodplain Management Ordinance	44
Glendale Docks, Placement & Control of Refuse Containers	50
Glendale Facility Regulations and Boat Trailer Parking Facility Regulations	52
Nighttime Parking on Streets ***(Repealed 6/1/10)***	NA
Noises, Unnecessary	67
Overnight Parking of Recreational Vehicles	69
Parking Regulations at Airport Plaza ***(Repealed 6/1/10)***	NA
Parking Regulations at Gilford Square ***(Repealed 6/1/10)***	NA
Parking Regulations at Lakes Region Plaza ***(Repealed 6/1/10)***	NA
Parking Regulations at One Gilford Place Shopping Center ***(Repealed 6/1/10)***	NA
Parking Regulations at Wal-Mart Plaza ***(Repealed 6/1/10)***	NA
Parking Regulations - 2010	71

TITLE **PAGE**

Retailing, Sports, Exhibitions, etc. on the Lord's Day 93

Roads, Minimum Standards.....94

Outdoor Vendors, Transient Sales, Pawnbrokers & Dealers Who Sell Secondhand Articles,
Regulating Synthetic Drugs 110

Sewer, Municipal 143

Snow or Ice on Public Highways.....165

Snow Traveling Vehicles.....166

Speed Zones & Speed Zone Regulation Alteration of Limit.....167

Street Numbering System 179

Swimming Pool Safety Devices.....182

Taxes, Prepayment of.....183

Tree Regulations in Historic District ***(Repealed 3/11/15)*** .....NA

Trucking on Belknap Mountain Road.....184

Waiver of Motor Vehicle Registration Fee – P.O.W.....185

Issuance of "Written Authorization" for Liquor Licenses.....186

Traffic Regulations 191

(CHAPTER 1)
ORDINANCE

GILFORD, NEW HAMPSHIRE

AN ORDINANCE RELATIVE TO THE DISTRIBUTION OF ADVERTISING MATERIALS

Section 1. DECLARATION OF PURPOSE

It is hereby declared that the distribution of advertising materials without regulation in the Town of Gilford unreasonably interferes with the safety of persons and property in the Town in that such materials as may be placed in the entrances, doorways and porches of buildings or on posts and structures erected in front of any buildings situated in the Town may become a source of litter by being thrown about by windstorms, animals running at large, and vandals; and may facilitate the activities of burglars and vandals by identifying those structures not occupied for a protracted period of time.

Section 2. REGISTRATION OF DISTRIBUTORS

A. REGISTRATION REQUIRED

Any person, firm, partnership, trust or corporation who shall distribute advertising materials in the Town of Gilford without first having registered with the Chief of Police as hereinafter provided, shall be fined not more than one hundred dollars.

B. DEFINITIONS

1. Advertising materials means any and all kinds of flyers, posters, circulars, magazines, books, newspapers and advertisements intended to promote the sale of any product, goods or services, which materials have not been requested by the owner or occupant of the premises where the same are delivered.

2. Distribute means to deliver, other than through the United States Postal Service, to any building in the Town of Gilford.

3. Distributor means any person, firm, partnership, trust, or corporation which by itself or by employees, agents, or independent contractors, distributes advertising materials.

C. MANNER OF REGISTRATION

1. Individual Registration

Every distributor who desires to distribute advertising materials shall register annually on a form prescribed by the Chief of Police, setting forth the name and address of the registrant; the nature of the material to be distributed; whether it is proposed to distribute such material throughout the Town or in a particular section thereof; and the frequency with which such material is expected to be distributed.

2. Group Registration

Every distributor who is in the business of distributing advertising materials either by employees, agents, or independent contractors shall file a single registration annually as provided in Paragraph 1 of this subsection setting forth the names of all persons who will accomplish the physical delivery of the materials.

Section 3. REGULATION

A. UNOCCUPIED STRUCTURES

Whenever advertising materials are distributed to any building where the owner or occupant is not present to receive the same, and where the owner or occupant has not made provisions whereby said materials may be left in a place where their presence cannot be observed from outside the building, it shall be the duty of the distributor to remove or cause to have removed, all such materials as may be observed from outside the building within forty-eight hours after said materials have been distributed. Any distributor who fails to remove said materials as provided for herein shall be fined not more than twenty-five dollars and each building where said materials are allowed to remain in violation of this subsection shall be deemed to constitute a separate offense.

B. AUTHORIZATIONS

It shall be an affirmative defense to any prosecution under subsection A of this section that the distributor has received written authorization, signed by the owner or occupant of any building to leave advertising materials in excess of the time limited in said subsection.

C. REQUESTS NOT TO DELIVER

The occupant of any building in the Town may request in writing addressed to the Chief of Police that he does not desire to have advertising materials delivered to said building. The Chief of Police shall give notice to all such requests to all distributors registered at the time said request is received. Any distributor who

shall distribute advertising materials to any building after receiving notice from the Chief of Police as provided herein shall be fined not more than twenty-five dollars.

Section 4. TAKES EFFECT

This ordinance shall take effect upon its passage and shall apply to the distribution of all advertising materials distributed after April 30, 1973.

Adopted at Adjourned Town Meeting
March 7, 1973

(CHAPTER 2)
ORDINANCE

GILFORD, NEW HAMPSHIRE

AN ORDINANCE RELATING TO USE OF ALCOHOLIC BEVERAGES IN PUBLIC

I. ACTS PROHIBITED

No person shall drink any alcoholic beverage or alcoholic liquor, as defined in Chapter 175 of the New Hampshire Revised Statutes Annotated, upon any public street or on any public highway, public sidewalk, public wharf, municipal park or any public or private parking lot which is accessible and/or open to the public, within the limits of the Town of Gilford. This section shall be deemed to prohibit, among other things and without limitation, the consumption or possession of any open container of alcoholic beverages while in any motor vehicle upon any public street or on any public highway, sidewalk, wharf, park or any public or private parking lot which is maintained primarily for the benefit of paying customers. Possession of any open container of alcoholic beverages shall be deemed prima facie evidence of a violation of this section.

II. EXCEPTIONS

This ordinance shall not apply:

A. to persons transporting, carrying, possessing, having or consuming any liquor or beverage in a chartered bus, in a taxi, or in a limousine for hire, to the same extent that any such act is not prohibited by state law.

B. to persons transporting, carrying, possessing, having or consuming any liquor or beverage

1. at the Gilford Town Beach; or
2. within the confines of a town park at a special function that has been specifically exempted from the provisions of this Ordinance by the issuance of a permit in advance of the event by the Board of Selectmen.

III. PENALTY

Any person who violates any provision of this Ordinance shall be subject to a penalty of $50.00 (fifty dollars) for the first such violation and a penalty of $200.00 (two hundred dollars) for each subsequent violation.

IV. EFFECTIVE DATE

Having held a public hearing, the Board of Selectmen voted to adopt this Ordinance on the 11th day of June, 1998 which shall be the effective date hereof.

IN WITNESS WHEREOF, a majority of the Board of Selectmen have hereunder set their hands.

TOWN OF GILFORD
BOARD OF SELECTMEN

Phillippe A. Arel, Chairman
Rudolf G. Lehr
Robert A. Jordan

TOWN OF GILFORD, NEW HAMPSHIRE

TOWN BEACH REGULATIONS

(CHAPTER 3)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these regulations as the rules by which the Town Beach, (being 17 +/- acres as situated off Varney Point Road and more particularly referenced at Tax Map 223, Lot 417), shall henceforth be governed.

3.1 AUTHORITY

These Regulations are adopted pursuant to the authority granted under RSA 41:11-a.

3.2 PURPOSE

The purpose of these Regulations is to promote the safe and orderly use of the Town Beach for the benefit of Gilford residents, property owners and their guests.

3.3 REPEAL OF PREVIOUS REGULATIONS

These Regulations shall supersede and replace all previous Town Beach Regulations, including, but not limited to such admission policies and written rules which may heretofore have been adopted.

3.4 RULES

A. Residency & Entry

1. Access to and from the Gilford Town Beach shall be limited to the Varney Point Access Road only. All visitors must stop at the gatehouse whenever an Attendant is present. Access to this facility by any other means (boat, ATV, fence jumping,

etc.) or failure to stop when directed by the Attendant may result in immediate expulsion in addition to any other penalties that may be imposed as a violation.

2. During the period Memorial Day through Labor Day of each year, entry to the Town Beach is limited to the following:

   (a) Vehicles displaying a valid Town Decal

   Town Decals are available in the Town Clerk's Office on an annual (calendar year) basis to residents of the Town of Gilford and individual Gilford property owners (persons whose names are on a deed) upon proof of identification, residency and vehicle registration. Decals must be affixed to the driver's side of the motor vehicle and correspond with that vehicle's registration number. There shall be no charge for the initial Town Decal, but replacement Decals shall cost $25.00.

   NOTE: Except as otherwise established by the Ordinance Governing the Use and Restrictions of the Glendale Facility, Town Decals shall not be issued to any Gilford taxpayer whose name is not listed on a deed unless they are a resident of the Town, nor to any person who has an unpaid fine for a parking or Town ordinance violation.

   (b) Pedestrians, bicyclists or passengers in a motor vehicle without a Town Decal who show proof of identification and Gilford residency or property ownership.

   (c) Visitors who present a Guest Pass

   Daily guest passes are available for purchase only by residents or property owners from a Town Beach Attendant for $5.00 per person.

   NOTES: All guests must be accompanied by a resident or property owner. Children under the age of 12 are not required to purchase or present a guest pass but they must be accompanied by a person 18 years of age or older with identification. Also, the Town reserves the right to limit the number of guest passes that are issued on any given day.

   (d) Visitors who present a Commercial Guest Pass

   Daily Commercial Guest Passes may be purchased for $5.00 per person at the Town Clerk's Office only by owners/operators of Gilford motels, hotels, inns and other similar establishments for use by their guests.

   (e) Visitors who present a Temporary Pass signed by the Parks & Recreation Director

The Parks & Recreation Director is authorized to grant special permission for visitors to access the Town Beach under extenuating circumstances.

B. Hours of Operation

1. The Town Beach and parking areas are closed between the hours of 9:00 p.m. and 9:00 a.m. These hours may vary, however, due to weather conditions or maintenance needs. Any person found within the beach area after hours may face immediate expulsion in addition to any other penalties that may be imposed as a violation. Also, any unauthorized vehicle left on Town Beach property after hours may be towed at the expense of the owner.

2. It shall be a violation of these Regulations to trespass on Town Beach property whenever signs are posted that indicate the facility is closed or when the gate is not open.

3. The Town of Gilford makes no guarantee as to the availability of lifeguards or the protection of visitors from weather, injury, drowning or personal conduct during any specific hours of operation.

C. Parking

1. Parking at the Town Beach is limited to passenger cars and light trucks and two-wheeled motorized vehicles with a Town Decal or a Daily Pass. There is no parking for RV's, buses or trailers allowed in the Town Beach Parking Lot.

2. Limited daily parking at the overflow parking lot (at the ice rink) is available for passenger cars and trucks and two-wheeled motor vehicles with a Town Decal or a Daily Pass. Parking for RV's, buses or trailers may be allowed in the overflow lot under special circumstances upon prior approval from the Parks & Recreation Department.

3. There is no overnight parking allowed between the hours of 9:00 p.m. and 9:00 a.m. on Town Beach property (including the overflow lot) except by written permission of the Parks & Recreation Director and/or display of a special permit.

4. The parking lot and all access roads into and throughout the Town Beach facilities have a 10 mile per hour speed limit.

5. The Town of Gilford reserves the right to designate parking in the overflow facility (at the ice rink) and/or to limit the number of vehicles that are allowed to park at the Town Beach.

6. Vehicles parked at the Town Beach or in the overflow parking lot without a visible Town Decal or Guest Pass are subject to being towed at the owner's

expense, in addition to any other penalties that may be applicable as a violation of these Regulations.

D. Beach Activities

1. The Town of Gilford provides restrooms, changing facilities, picnic facilities, grills, playground equipment and trash receptacles as a convenience to beach users. The use of such items, however, may be restricted at anytime for any reason. All visitors are required to treat Town Beach property with respect and in a manner that is consistent with their intended purpose.

2. It shall be a violation of these Regulations to damage Town Beach property, (including trees and other vegetation) or dispose of trash in an improper manner, (especially on the beach or in the water). It shall also be a violation of these Regulations to emit loud noises, bright lights or disrupt the peaceful enjoyment of the beach area by others.

3. The Lifeguards are authorized to restrict, limit, prohibit or delegate specific areas for any beach activity (such as ball playing, frisbee tossing, horseshoes, metal detectors, kite flying, etc.) to the extent deemed reasonable and in the best interests of the Town Beach visitors. The failure of any person to comply with the directions of a Lifeguard shall be a violation of these Regulations.

4. The Town reserves the right to restrict or limit group outings of more than eight (8) people under such terms and conditions as may be established by the Recreation Commission. Written requests for organized group outing activities must be submitted at least one (1) month in advance to the Parks & Recreation Department.

E. Swimming Activities

1. The Town of Gilford provides designated swim areas and roped swim lines and a floating dock for the convenience of beach visitors. The use of such facilities, however, may be restricted at anytime for any reason, including, but not limited to weather, lack of staff, or unsafe behavior as may be determined by a Lifeguard, (such as running, pushing, diving, horseplay, lack of swimming ability or faking an emergency). Failure to comply with any order or direction of a Lifeguard shall be a violation of these Regulations.

2. It shall be a violation of these Regulations to use floatation devices, life jackets, swim toys, snorkels, fins, masks or scuba gear in the swim area that is designated as the guarded area, unless medically necessary or approved by the Lifeguards.

3. Swim areas may be closed to the public during such times when swimming lessons or other Parks & Recreation Department scheduled activities are taking place.

F. General Safety

1. Children under the age of 12 must be supervised by an adult in their party at all times.

2. Visitors are asked to report all injuries, equipment defects, facility malfunctions, restroom issues, acts of vandalism, observations of rule violations or missing persons to a Lifeguard or Attendant immediately.

3. Do not leave a charcoal fire unattended. All grills shall be left in an orderly fashion with the fire extinguished, and all charcoal refuse shall be placed in designated concrete containers. The use of portable gas grills by visitors who bring their own appliances onto the Town beach property is not encouraged, however persons may do so at their own risk, provided that such use may be restricted by the Town using its sole discretion in the interests of public safety.

G. Prohibitions

1. There shall be no smoking anywhere on Town Beach property (including designated swim areas), except in the privacy of a motor vehicle or in the street. Failure to comply with this rule or properly dispose of cigarette waste shall be a violation of these Regulations.

2. There shall be no solicitation or commercial activity on Town Beach property without the written permission of the Recreation Commission.

3. There shall be no motor vehicles allowed on the beach.

4. There shall be no pets allowed on Town Beach property except for certified service dogs with a doctor's note. Patrons with service dogs must make arrangements to properly dispose of waste.

5. There shall be no camping, tents, screen houses or open flames (except for charcoal fires in grills provided or portable grills).

6. There shall be no watercraft (including boats, canoes, kayaks, inflatable rafts, windsurfers, surfboards, jet skis, amphibious planes, etc.) to be stored, launched, driven or moored on the Town Beach or in a designated swim area or within twenty-five feet (25') of a swim line.

7. There shall be no skinny dipping, nude tanning, female topless sun bathing or exposure of genitalia allowed on Town Beach property.

8. Glass bottles are not allowed on Town Beach property.

9. Feeding of ducks, geese, sea gulls or any other birds or wildlife is not allowed.

10. The use of baseballs, metal or wooden bats, water guns, illegal drugs or weapons of any kind are prohibited on Town Beach property.

11. There is no parking anywhere along Varney Road.

12. Harassment, intimidation or willful disregard of the staff is strictly prohibited.

3.5 EXEMPTIONS

A. The following activities are exempt from these Regulations:

1. Maintenance activities authorized by the Town.

2. Public safety (police and fire-rescue) activities.

3. Recreation activities authorized by the Town.

4. Concession activities authorized by the Town.

5. Winter use of the Town Beach Property for access to Lake Winnipesaukee when frozen.

3.6 VIOLATIONS

A. Failure to comply with any of these Regulations shall be considered a violation subject to the penalties set forth herein.

B. Each continuation of a violation after notice and each rule infraction shall constitute a separate offense.

3.7 ENFORCEMENT

A. These Regulations shall be administered and monitored by any and all employees of the Gilford Parks & Recreation Department who have been duly appointed by the Board of Selectmen with responsibilities for oversight and/or maintenance of the Town Beach, including, but not limited to the Parks & Recreation Director, Program Director, Program Assistant, Gatekeepers, Attendants and Lifeguards. The authority to administer and monitor shall consist of the following:

1. Documenting and reporting violations to the Police Department;

2. Educating visitors about these Regulations;

3. Seeking voluntary compliance and/or expulsion from the facility;

4. Prohibiting entry to the facility or use of the Town Beach property in the event of non-compliance, (to include denial of entry for up to 30 days for repeated or severe violations, subject to a right of written appeal to the Board of Selectmen);

5. Collecting Fees.

B. These Regulations shall be enforced by any duly certified Gilford Police Officer. Enforcement shall consist of (1) an order to vacate the premises; (2) the issuance of a citation; (3) demand for restitution; (4) the revocation of a Town Decal; (5) the issuance of a summons; (6) arrest; and/or (7) any combination of these actions at the discretion of the enforcement official based upon the severity and egregiousness of the violation(s).

3.8 FINES AND PENALTIES

A. Any person who has committed a violation of these Regulations shall be subject to a fine as follows:

First Offense: The amount due shall be twenty-five dollars ($25.00)

Second Offense: The amount due shall be fifty dollars ($50.00)

Third (or more) Offense: The amount due shall be one hundred dollars ($100.00)

B. No person who has been issued a violation citation shall be allowed to enter the Town Beach property until such time as the fine has been paid or they have been found not guilty by a court of competent jurisdiction or unless otherwise ordered by the Board of Selectmen.

C. Failure to make payment for a fine as indicated on a citation within thirty (30) days of issuance shall result in prosecution in Laconia District Court. Any person found guilty in a court of law for violating these Regulations shall thereafter not be eligible for a Town Decal or entry to the Town Beach for a period of one (1) year from the date of conviction.

3.9 SEVERANCE

In the event that any word, sentence or section of these Regulations is found to be invalid as a result of judicial or legislative action, the remainder of these Regulations shall remain in full force and effect.

3.10 EFFECTIVE DATE

These Regulations shall take effect as of February 12, 2009.

IN WITNESS WHEREOF, these Town Beach Regulations are adopted and approved on the 11th day of February, 2009 by the Gilford Board of Selectmen, upon recommendation of the Parks and Recreation Commission at a duly posted public meeting held on the 2nd day of February, 2009. ATTEST:

Connie Grant, Chair

Gus Benavides, Vice-Chair

J. Kevin Hayes, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 23rd DAY OF March, 2009, BY:

Denise A. Morrissette, Town Clerk

(CHAPTER 4)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE TO AMEND THE BUILDING CODE FOR THE TOWN OF GILFORD TO ENFORCE THE STATE BUILDING CODE AND ADOPT ADDITIONAL PROVISIONS THERETO, FOR THE CONSTRUCTION, REMODELING, AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES.

Be it ordained by the Town of Gilford at Town Meeting assembled on March 11, 2003, that the building code for the Town of Gilford as enacted on March 4, 1975 and amended on March 14, 1978, March 10, 1983, March 11, 1986, and March 11, 1991, be further amended by striking it out in its entirety and inserting in place thereof the following:

Town of Gilford Building Code comprising of all codes listed in Sections 1 and 2 and referred to hereafter as "The Code".

Section 1. Enforcement of State Building Code

1.01 The following codes have been adopted by the State of New Hampshire, herein also referred to as the "State Building Code" and are applicable to the construction, remodeling, and maintenance of all structures within the Town of Gilford:

a) International Building Code 2000
b) International Plumbing Code 2000
c) International Mechanical Code 2000
d) International Energy Conservation Code 2000
e) National Electrical Code 1999.

1.02 The State Building Code will be administered and enforced by the Town Building Inspector under the Director of Planning and Land Use.

NOTE: For future use, in the event the State of New Hampshire amends, repeals, or adds additional codes, the respective code listed above would be automatically superseded upon the effective date of the amendment or repeal. Any new code adopted by the State would become part of this code.

Section 2. Adoption of additional Regulation

2.01 The following codes are hereby adopted by the Town of Gilford in addition to the State Building Code: International Residential Code 2000 for One and Two Family Dwellings, in that, the International Residential Code 2000, including appendix chapters (A) through (H) and (J) through (L)as published by the International Code

Council is hereby adopted by the Town of Gilford as revised below for regulating the design, construction, quality of materials, erection, installation, repair, location, relocation, replacement, addition to, use, or maintenance of one and two family dwellings and townhouses not more than three stories in height. In addition, providing for the issuance of permits and collection of fees.

Section 3. Revisions

3.01

a) Section 101.1 of the International Building Code 2000, International Plumbing Code 2000, International Mechanical Code 2000, and International Energy Conservation Code 2000 substitute the word "jurisdiction" with the word "Gilford".

b) Section R101.1 of the International Residential Code 2000, substitute the word "jurisdiction" with the word "Gilford".

c) Table R301.2(1) of the International Residential Code 2000 to read: Ground snow load…..80 PSF, Wind…..90 mph, Seismic Design….C, Weathering…..severe, Frost line….4 feet, Termite….slight to moderate, Decay…none to slight, Winter Design…-3, Flood Hazard…..FIRM dated May 4, 1992.

d) Section 917.3 of the International Plumbing Code 2000, after the word "valve" at the end of the first sentence add: "only when conventional venting systems cannot be installed".

Section 4. Public Access

4.01 A copy of the building code for the Town of Gilford shall be placed on file with the Gilford Town Clerk for public inspection(RSA 675:8). Additional copies may be posted at the Department of Planning and Land Use, the Gilford Fire Department, and the Gilford Library.

Section 5. Administration Provisions

5.01 Administration. The provisions of this code shall be administered by the Department of Planning and Land Use.

5.02 Executive Official. The Director of the Department of Planning and Land Use shall be the Executive Official in charge of the administration and enforcement of all provisions of this code. For the purposes of this section, the Director shall have the duties and responsibilities enumerated under RSA 674:51-III(c) and such other duties as the Board of Selectmen may designate.

5.03 Building Official/Inspector. The Board of Selectmen shall appoint a Building Official/Inspector, herein also referred to as the Code Enforcement Officer, and shall determine his compensation. The Code Enforcement Officer shall serve at the will of the Board of Selectmen and shall have the duties and responsibilities prescribed under RSA 674:51-III(c) and such other duties as the Board of Selectmen may designate. The Code Enforcement Officer is assigned to the Department of Planning and Land Use and shall coordinate the discharge of his duties subject to the supervisory authority of the Director.

5.04 Gilford Fire Department shall have the authority and responsibility to review all commercial and multi-dwelling applications relative to life-safety, alarm, sprinkler, and any other pertinent fire codes and perform all related inspections. Further, the fire department shall issue all commercial and residential heating system permits and perform all required inspections.

5.05 Building Code Board of Appeals. There is hereby established a Building Code Board of Appeals. The Board of Appeals shall consist of 3 or 5 members who shall be appointed by the Selectmen for terms of three years, except that initially one member shall be appointed for a one year term and one member for a two year term. Alternatively, if the Board of Selectmen elects not to appoint a Building Code Board of Appeals, then the Zoning Board of Adjustment shall be the Building Code Board of Appeals pursuant to RSA 673:1,V, 673:3,IV, and 673:5. The Building Code Board of Appeals is granted the powers and authority as delineated under RSA 674:34 and the individual effective codes as adopted by the State of New Hampshire and the Town of Gilford.

Section 6. Fines and Penalties

6.01 Penalties. Subject to determination of probable cause by the Board of Selectmen, any violation of this code shall be punishable in accordance with the provisions of RSA 676:17.

6.02 Prosecution. Upon a finding of probable cause, the Board of Selectmen or their authorized designee may commence an action in District or Superior court as prescribed under RSA 676:17.

6.03 Recovery of costs. In the event that the Town is a prevailing party in any prosecution, all legal fees, inspection fees, expert fees and investigatory expenses may be recovered in accordance with RSA 676:17, II.

Section 7. Fees

7.01 The Board of Selectmen may establish fees for the processing and review of building permit applications and for the performance of inspections required by this code. A schedule of such fees shall be published and copies shall be made available at the Department of Planning and Land use.

7.02 Subject to the approval of the Board of Selectmen, the Code Enforcement Officer may require the engagement of third party professionals for the purpose of verifying the code compliance of design requiring the practice of a licensed professional. The cost of such service shall be borne by the applicant.

Section 8. Applicability and Saving Clause

8.01 In the event there is a conflict between other laws in effect and this code, the more stringent code prevails.

8.02 In the event a portion of this code is proven to be unconstitutional, all remaining sections will be considered valid.

(CHAPTER 5)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE RELATING TO ROADSIDE CAMPING

Roadside camping shall not be permitted in Gilford at any time on any town roads or public highways, and on town-owned lands except by regulation of the Selectmen.

Penalty – A penalty of not more than $50.00 is to be assessed for violation of this ordinance.

Adopted at Adjourned Town Meeting
March 5, 1975

(CHAPTER 6)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE RELATIVE TO THE ASSESSMENT OF CAPITAL CHARGES FOR THE MUNICIPAL SEWER SYSTEM

I. PURPOSE – The Board of Selectmen of the Town of Gilford hereby adopts an ordinance relative to the assessment of capital charges for the municipal sewer system. Charges collected pursuant to this ordinance shall be utilized to defray the cost of sewer construction, payment of the interest on any sewer debt incurred, and the repair, improvement and/or enlargement of sewer lines, sewer or waste treatment and disposal works.

II. AUTHORITY – Pursuant to the provisions of RSA 149-I, the Board of Selectmen is hereby empowered to assess upon persons whose drains enter such main drains, common sewers or treatment facilities, or whose lands receive special benefit therefrom in any way, their just share of the expense of constructing or maintaining the same or paying off any capital debt or interest incurred in constructing and/or maintaining the same.

III. ASSESSMENT FORMULA AND REGULATIONS – In order to provide for the equitable assessment of charges upon the persons whose drains enter such sewers, or whose lands receive special benefit, the following formula and regulations are hereby enacted:

A) Rate – The Assessment of individual properties will be computed on a basis of lot frontage (feet) on the sewer line and lot area (square feet) within 250 feet of the sewer line. Said rates are hereby established to be $4.89 per foot of frontage and $0.0317 per square foot of lot area.

B) Surcharges – In addition to the basic charges listed in Section III. A, a surcharge equal to 35 frontage feet per unit shall be applied to all lots which contain multiple residential structures, apartment buildings, mobile home parks and condominium developments. A surcharge equal to 14 frontage feet per unit shall be in addition to the charges listed in Section III. A for each additional unit in motels.

C) Maximum Allowable Frontage in Area – All rates assessed in accordance with Section III. A. shall be limited to the actual square footage and linear frontage of each lot, or the following maximum allowable frontage in area, whichever is less:

Land Use	Maximum Frontage (Feet)	Maximum Area (Square Feet)
Residential Year Round or Seasonal	150	37,500
Residential Multiple Structures	200	50,000
Apartment Buildings	300	75,000
Motels	500	125,000
Commercial Industrial Development	500	125,000
Mobile Home Park	No Max.	No Max.
Condominium Development	No Max.	No Max.
Recreational Use	300	75,000
Undeveloped Land	50	12,500
Marina	No Max.	No Max.

D) Corner Lots – Corner lots which may be sewered from either street will be assessed upon frontage on the longest side.

E) Undeveloped Land – Undeveloped land shall be assessed as vacant land. If the land is developed at some future time, a new assessment is computed based upon the new user type. That assessment is reduced by the principle amount previously paid.

F) Assessments will be calculated using the entire frontage for lots where sewer terminates at a point along the frontage to the allowable maximum.

G) Land-locked lots shall be assessed for frontage along the property line parallel to the street in which the sewer lies to the allowable maximum.

H) Lots which have access frontage of 25 feet or less leading to a larger area will have assessments for frontage and area computed by using the average frontage in area as determined by Appraisal Department. The maximum frontage in area will be as established in this report for the particular land usage.

I) Lots through which cross country sewers are constructed and which utilize the sewer will have assessments calculated on frontage measured along the sewer easements and area within a 250 foot parallel line from easement line on the side which yields the largest area. Assessments will be as calculated but shall not exceed the maximum values contained in this ordinance.

J) Easements – Property owners who granted easements to the Town which allowed for the construction of the municipal sewer and contains the following language: "The grantor, in consideration of the grant of easements, shall be allowed to connect to the sewer line free of any connection charges normally assessed excluding permit and meter fees...", shall be eligible for a credit towards the Capital Cost Fee for that property in the amount of $750.00 per unit. If the total credit exceeds the total amount due on that property, then the property owner shall be absolved of all capital cost fee obligations.

K) Private Line Extensions – Property owners and/or developers who extend the municipal sewer system shall be eligible for a credit equal to 1/3 of the capital cost fee for that property as set forth in Section VII of this Ordinance.

IV. BILLING PROCEDURE – Upon adoption of this ordinance by the Board of Selectmen, a bill will be generated and forwarded to each property owner whose drains enter such main drains, common sewers or treatment facilities, or whose lands receive special benefit therefrom in any way. This bill shall be due and payable within 120 days of the date of billing. The property owner shall have the option of paying either of the two totals on the bill. The larger amount will reflect the entire fee due to satisfy any further capital cost obligations on the parcel assessed. (In the case of undeveloped land, as set forth in Section III. E, an additional assessment may be due if the land is developed at some future point.) The smaller of the two amounts as stipulated on the invoice reflects the first of fifteen annual payments to retire that property's proportionate share of the fee. If the installment option is chosen, then the remaining balance shall be financed at an annual percentage rate of 7.9078%, which is the composite interest rate on the current sewer debt outstanding.

Annual installments shall be warranted through the Selectmen's Office and collected by the Tax Collector in accordance with RSA 149-I:11. Delinquent accounts will be subject to the real estate tax lien procedure in accordance with RSA 38:22.

V. SEWER CAPITAL COST FUND – Pursuant to RSA 149-I:10, the Board of Selectmen shall hereby establish a Sewer Capital Cost Recovery Fund. All assessments and interest collected shall be deposited into this fund.

a) On or before December 31 of each year, the Town Treasurer shall cause the funds designated in Appendix A to be transferred from the Sewer Capital Cost Recovery Fund to the General Fund. This amount is equal to ½ of the Town's total debt service obligations for sewer purposes for that fiscal year.

b) Deficits – In the event that the total balance in the Capital Cost Recovery Fund is less than the amount to be transferred into the General Fund, then the Treasurer shall transfer those funds available into the General Fund. The amount of funds which were not available but due to the General Fund in any fiscal year shall be forwarded to the next fiscal year as funds still due to the General Fund.

VI. ABATEMENTS – The Board of Selectmen with good cause shown, may abate any Capital Cost Fee assessed by them or by their predecessors. Any person aggrieved by the assessment of this fee may within 4 months after notice of the tax, and not afterwards, apply in writing to the Selectmen for an abatement of the fee.

VII. PRIVATE EXTENSIONS TO THE MUNICIPAL SEWER SYSTEM – Any person or persons whose drains enter such main drains, common sewers or treatment facilities whose lands receive special benefit therefrom in any way, and are connected to the municipal sewer via a private extension shall be eligible for a 1/3 credit of the Capital Cost Fee due on their respective properties. A private extension of the Municipal Sewer System is hereby defined as an extension to the Municipal Sewer System which is privately constructed and financed, and may be deeded to the Town for operation and maintenance purposes. For persons residing or benefiting from the use of the Municipal Sewer via said private extensions up until the date of enactment of this ordinance, the 1/3 credit shall be credited to the current property owners.

After adoption of this ordinance, the 1/3 credit shall be reimbursed to the person or persons who have constructed and financed said future extensions. The Town shall assess the total Capital Cost Charge to those properties benefiting from said new private extensions, and then shall remit 1/3 of all principle funds collected to said contractor or developer.

This ordinance shall take effect on its adoption this 3rd day of August, 1989.

Gordon H. Weymouth, Chairman
Russell R. Dumais
Philip D. LaBonte

Board of Selectmen
Town of Gilford

TOWN OF GILFORD

TOWN POLICY

EFFECTIVE DATE: 3/14/07	**NUMBER** 07-02
SUBJECT: Sewer Capital Cost Recovery Policy for the 2003 Village Extension of Sewer System	
DISTRIBUTION:	**NO. PAGES** 1
AMENDS/SUPERCEDES:	**APPROVED:** 3/14/07

This policy is intended to address the particular situation created when sewer users (approximately 130) connected to the "Village Extension" of the sewer system since 2003, and have not yet been assessed any capital cost recovery charges.

Each dwelling unit (as defined in the Gilford Zoning Ordinance) shall be assessed a $1500 capital cost recovery fee. This fee may be paid in full within 60 days of the notification or it may be incorporated into the quarterly sewer bills as a $25 special assessment. This will be levied each quarter of each year for 15 years.

If payment is not received within 60 days from the date of notification, we will implement the $25 special assessment in the next quarterly sewer billing.

By:
Gilford Board of Selectmen

Dennis J. Doten, Chairman

Alice H. Boucher, Vice-Chairman

Connie Grant, Clerk

(CHAPTER 7)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE PROHIBITING THE USE AND SALE OF DETERGENTS CONTAINING PHOSPHORUS IN THE TOWN OF GILFORD

Be it ordained by the Town of Gilford, as follows:

Section 1. Purpose. The purpose of this ordinance is to bring about an immediate and substantial decrease in the rate of phosphorus pollution discharging into our lakes, streams and other surface and ground waters.

Section 2. Definition.

a. "Person" shall mean an individual, corporation or other entity, and where applicable the singular shall include the plural.
b. "Soaps and Detergents" shall mean any soap or other cleansing agent containing phosphorus in any form and in any quantity and shall include laundry and cleaning compounds, boosters, all-purpose cleaners and enzyme pre-soaks.
c. "Phosphorus" shall mean the element phosphorus in the form of various chemical compounds shown as "Phosphates" which fosters and promotes the accelerated and excessive growth of algae and other nuisance plant growth.

Section 3. Prohibition of the Use and Sale. The sale and/or offer for sale of soaps and detergents containing phosphorus in any substantial quantity within the boundaries of the Town of Gilford is hereby prohibited. This ordinance shall not apply to soaps and detergents for use in automatic dishwashers.

Section 4. Labeling of Soaps and Detergents. No person shall sell or offer for sale within the boundaries of the Town of Gilford any soap or detergent unless its wrapper or container shall be plainly labeled as to the generic name or chemical formation of all active ingredients expressed as a percent of the total packaged product.

Section 5. Enforcement. The Selectmen for the Town of Gilford shall administer the provisions of this chapter.

Section 6. Penalty. Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding $50.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

This ordinance shall take effect from and after June 1, 1971. Adopted at Town Meeting March 10, 1971.

(CHAPTER 8)
ORDINANCE
TOWN OF GILFORD, NEW HAMPSHIRE

DOG CONTROL

Pursuant to RSA 466:30-b, the Town of Gilford adopted RSA 466:30-a at Town Meeting on March 13, 1984.

New Hampshire RSA 466:30-a Dog Control Law

I. Notwithstanding any other provisions of this chapter, it shall be unlawful for any dog to run at large, except when accompanied by the owner or custodian, and when used for hunting, herding, supervised competition and exhibition or training for such. For the purpose of this section, "accompanied" means that the owner or custodian must be able to see or hear, or both, or have reasonable knowledge of where the dog is hunting, herding or where training is being conducted or where trials are being held. Nothing herein provided shall mean that the dog must be within sight at all times.

II. In this section, "at large" means off the premises of the owner or keeper and not under the control of any person by means of personal presence and attention as will reasonably control the conduct of such dog, unless accompanied by the owner or custodian.

III. Any authorized person may seize, impound or restrain any dog in violation of this section and deliver said dog to a person or shelter authorized to board dogs. Such dogs shall be handled as strays or abandoned dogs pursuant to applicable law.

IV. In addition to impounding a dog found at large or in violation of this section, any law enforcement officer may issue, in the name of the owner or keeper of such dog, a notice of violation. Such notice shall impose upon the owner or keeper of such a dog a forfeiture of $10, which must be paid to the clerk of the town or city wherein such dog is owned or kept within 96 hours of the date and time notice is given, in full satisfaction of the assessed penalty. In the event such penalty is not paid to the town or city clerk within the time limitations specified, a summons shall be issued for appearance in district court or municipal court and any person found guilty of violating the provisions of this section shall be guilty of a violation.

V. The provisions of this section shall not be effective in any city or town unless adopted by a city or town pursuant to RSA 466:30-b.

(CHAPTER 9)
ORDINANCE
GILFORD, NEW HAMPSHIRE

DRIVEWAY PERMIT

It was voted to require a permit from the Selectmen before a driveway leading into a public way maintained by the Town of Gilford may be constructed or paved. Such permit to be granted only upon approval of Road Agent with respect to location, drainage and grade.

Adopted Adjourned Town Meeting
March 10, 1965

(CHAPTER 10)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE ESTABLISHING A TOWN DUMP AND PROVIDING FOR THE USE THEREOF

Section 1. ESTABLISHMENT. The Selectmen of the Town of Gilford are hereby authorized to establish a town dump (the "Town Dump") at such place or places as may be deemed appropriate by them.

Section 2. USE OF THE TOWN DUMP. The Town Dump may be used by the following persons upon the following conditions:

2.1 Dump Users. The following are the classes of persons who may use the Town Dump.
- (a) Taxpayers of the Town of Gilford ("Taxpayers")
- (b) Persons who abide in rental units situated within the Town of Gilford ("Renters")
- (c) Persons supplying rubbish collection services within the Town of Gilford ("Rubbish Collectors");

2.2 Dump Permits. The Town Dump users will be permitted to use the Town Dump for the disposal of garbage and waste material upon obtaining and displaying, when using the Town Dump, a permit in the following manner:
- (a) Taxpayers shall apply for a permit at the Town Hall and upon filling out the appropriate application form shall be issued a Taxpayer's Sticker which sticker will be evidence of their right to use the Town Dump.
- (b) Renters shall apply for a permit at the Town Hall and upon filling out the appropriate application form shall be issued a Renter's Sticker which sticker still state thereon "Disposal Privileges Only Until . . .", the blank space being filled in with a date to which the Renter will be allowed to use the Town Dump.
- (c) Rubbish Collectors shall apply for a permit at Town Hall and upon filling out the appropriate application form, in which they must agree to use the Town Dump for the deposit of garbage and wasted materials collected from Gilford Taxpayers or Renters only, shall be issued a sticker upon which will be noted the words "Business Dumping Only".
- (d) Other classes of Town Dump Users and Stickers. The Selectmen are hereby authorized and empowered to establish such other classes of users of the Town Dump and the stickers allowing the use by such users as they shall deem necessary and appropriate.

(e) Such sticker shall be displayed by affixing the same to the side window of the applicant's motor vehicle on the driver's side.

Section 3. OPERATION OF DUMP. The Selectmen are hereby authorized and empowered to determine during what days, during what hours, and upon what conditions the Town Dump shall be open to receive garbage and other waste material.

Section 4. OPERATION AND MAINTENANCE OF THE TOWN DUMP. The Selectmen are hereby authorized and empowered to make provisions for the proper maintenance and operation of the Town Dump and to expend for such purposes such sums of money as the Town may vote therefore at any annual or special meeting thereof. The power to operate and maintain the Town Dump shall include, without limitation, the following powers and duties: to provide what type and kinds of garbage and waste materials may or may not be deposited in the Town Dump, to provide for such personnel to oversee the operation of the Town Dump as may be necessary and appropriate within the funds available to the Selectmen for Town Dump purposes, and to make such contracts as they may deem necessary and appropriate for the operation and maintenance of the Town Dump.

Section 5. ENFORCEMENT. Any person using the Town Dump without having first obtained a permit from the Town authorizing such use shall be fined up to $100.00 for each separate use of the Dump in violation of this ordinance. If a person using the Dump without a permit from the Town can show to the satisfaction of the Selectmen that he falls in one of the classes of persons to use the Town Dump, then the above fine will be reduced to an amount of $10.00 upon the guilty party obtaining the required permit and displaying it to the Selectmen. Violations are subject to loss of dump usage at the discretion of the Selectmen.

Section 6. This Ordinance shall become effective upon passage.

Adopted at Town Meeting
March 8, 1972

(CHAPTER 11)
ORDINANCE
GILFORD, NEW HAMPSHIRE

A BY-LAW ESTABLISHING A TOWN FIRE DEPARTMENT

Section 1. PURPOSE

The Fire Department of the Town of Gilford shall consist of a Board of Fire Engineers, a Fire Chief, permanent firemen and volunteer firemen. The Board of Fire Engineers shall consist of three Fire Engineers elected at the annual Town Meeting. The Board shall have at all times the control of all fire apparatus designed for the extinguishment of fire in the Town and provided at the public expense, and of such emergency medical, rescue, and ambulance equipment as vote at the annual Town Meeting may from time to time determine. The Board shall also appoint and control all Fire Department personnel.

Section 2. PROCEDURES

At each annual Town Meeting, according to the provisions for the election of Town Officers, there shall be elected one Fire Engineer to serve for a period of three years. Whenever a vacancy shall occur among the Fire Engineers, the remaining members of the Board shall fill the vacancy appointment of a Fire Engineer to serve until the next annual Town Meeting. The voters at the Town Meeting shall then elect a person to fill the remaining balance, if any, of the unexpired term.

Section 3.

The Chief Engineer shall be appointed by the elected members of the Board of Fire Engineers, to serve for an indefinite period of time, depending on his good conduct and efficiency. He shall have the technical qualifications and the duties prescribed by statute. He may be removed by the elected members of the Board of Fire Engineers but only for just cause and after a hearing with reasonable notice in writing of the charges against him.

Section 4.

There shall be the necessary number of permanent paid firemen to afford the town coverage on a 24 hour per day basis. A permanent fireman shall serve during good behavior so long as he is competent to discharge the duty of his position.

Section 5.

There shall be a sufficient number of volunteer firemen as deemed necessary by the Board of Fire Engineers. A volunteer fireman shall remain a member of the Fire Department until he shall resign, move from town, die, or be removed for just cause.

Section 6.

No Town Official shall be disqualified to serve a member of the Fire Department by virtue of the office he holds.

Section 7.

It shall be the duty of the Board of Engineers to appoint the succeeding Fire Chief when a vacancy occurs as specified in Section 3 or a vacancy occurs as a result of death or resignation.

It shall be the duty of the Board of Engineers to appoint the permanent firemen and to remove same for just cause after a fair hearing.

It shall be the duty of the Board of Engineers to approve the membership of Volunteer Firemen and to remove same for just cause after a fair hearing.

It shall be the duty of the Board of Engineers to submit an itemized estimate of the money necessary to be raised and appropriated for the purposes relating to the Fire Department for the year ensuing when requested by the Budget Committee for consideration at the annual Town Meeting.

It shall be the duty of the Board of Engineers to supervise the expenditures of the Fire Department as approved by the Selectmen. They shall keep an accurate record of same and shall submit to the Town such bills for payment.

The Board of Engineers shall have general supervision and control over the operation of the Fire Department and shall have full power to make all rules for the Government of the Department, and to enforce said rules. The Chief and assistants shall have all powers possessed by firewards in the extinguishment of fires. The Board of Engineers shall consult the Fire chief on all matters covered under this section.

Section 8.

Any by-law, or part thereof, inconsistent with the provisions of this by-law is hereby repealed.

Section 9.

The invalidity or unconstitutionality of any part of this by-law shall not affect any other part thereof.

Section 10.

This by-law shall take effect upon its passage.

Adopted at the Adjourned Town Meeting, March 11, 1964
Amended at the Adjourned Town Meeting, March 13, 1968
Amended at the Adjourned Town Meeting, March 16, 1979

(CHAPTER 12)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE TO AMEND THE FIRE PREVENTION CODE FOR THE TOWN OF GILFORD TO ENFORCE THE STATE FIRE CODE AND ADOPT ADDITIONAL PROVISIONS THERETO FOR THE CONSTRUCTION, REMODELING AND MAINTENANCE OF ALL COMMERCIAL/MULTIFAMILY BUILDINGS AND STRUCTURES.

Section 1. AUTHORITY

This Ordinance is adopted pursuant to the authority granted under RSA 674:51; RSA 675:2-4; RSA 154:2 II, RSA 154:2 III and RSA 154:18.

1.02 REPEAL OF PREVIOUS FIRE CODE

This Ordinance shall supersede and replace the Ordinance known as the Fire Prevention Code as adopted on March 8, 1989. Portions of previously adopted ordinance are contained within this Code and remain in effect as originally adopted.

Section.2 GENERAL PROVISIONS

TITLE

These regulations as set forth herein shall be known as the Fire Prevention Code of the Town of Gilford and are herein referred to as such or as "this code".

PURPOSE

The purpose and intent of this code is to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises.

This code is intended to insure minimum levels of fire safety protection to life and property. The provisions of the code should not be considered maximum limits of desirable or necessary fire protection, nor is this code intended to guarantee sufficient fire safety protection for any building or occupancy. This code does not take precedence over any other code or requirement, whether state, local or federal, which may be more stringent.

Section.3 ADOPTED CODES AND STANDARDS

Town of Gilford hereby adopts the New Hampshire State Fire Code (SAF-C 6008) and by reference the following National Fire Protection Association (NFPA) codes as adopted and amended within the State Fire Code.

· NFPA 1* Uniform Fire Code
· NFPA 101* Life Safety Code

· NFPA 70* National Electric Code
· NFPA 72* National Fire Alarm Code
· NFPA 13*, 13D* & R* Sprinkler Codes.

* - Additional codes referenced in these publications shall be considered as adopted by the Town of Gilford and enforceable.

The State Fire Code will be administered and enforced by the Gilford Fire Chief or designee under the direction of the Gilford Fire Chief and authority as delegated by the NH State Fire Marshal.

Note: For future use, in the event the State of New Hampshire amends, repeals or adds additional codes, the respective code listed above would be automatically superseded upon the effective date of the amendment or repeal. Any new code adopted by the State would become part of this code.

Section 4 GENERAL CONDITIONS

DEFINITIONS

AHJ (authority having jurisdiction): This shall be the Gilford Fire Chief or his designee.

APPLICANT: Applicant means a person who files an application for a permit to install equipment regulated by the Town of Gilford.

FIRE ALARM SYSTEM: A fire alarm system is a combination of devices that provides the general fire alarm needs of the protected premises to include automatic detection, occupant and fire department notification.

LRMFA: Lakes Region Mutual Fire Aid

MULTI-FAMILY RESIDENCE: Residential occupancies containing more than two dwelling units where the occupants are primarily permanent in nature including but not limited to: Apartment Buildings; Lodging or Rooming Houses; Condominiums; Convents; Dormitories; Fraternities and Sororities; Monasteries; Row Houses and Townhouses

NEW CONSTRUCTION: Shall refer to any structure being built or expansion of an existing structure. Also for the purpose of this ordinance whenever there is a change in the occupancy use group of an existing premise the structure shall be considered new construction for the purpose of code and ordinance requirements.

PUBLIC WATER SUPPLY: For the purposes of this Ordinance; a water supply, which has been granted a franchise to operate in the Town of Gilford by the State of New Hampshire Public Utilities Commission.

RADIO MASTER BOX: A radio master box is a wireless fire alarm box that can also be operated by one or more fire alarm systems used to send an alarm to the LRMFA communications center.

RADIO MASTER BOX SYSTEM: A radio master box system shall be that system designated and maintained by LRMFA for the direct connection of a building, structure or facility fire alarm system to the mutual aid communications center operated by LRMFA.

RENOVATIONS: Shall refer to any modifications made to an existing structure that are structural, non-structural and cosmetic. For the purpose of this ordinance renovations in existing structures are cumulative and once the accumulated area of renovations equals or exceeds 50% of the structure area the entire building must be brought into compliance with adopted codes and ordinances to the same level as a new structure.
TOWN: Town shall refer to the Town of Gilford.

Where terms are not specifically defined in this ordinance; their meaning shall be derived from adopted codes. Where the terms are not defined under any adopted code their meaning shall be their ordinarily accepted meanings within the context they are used.

REQUIRED PLANS

All new or replacement life safety system designs must be reviewed and approved prior to the start of installation. The plan submissions must include, but not limited to, the following:

Equipment cut sheets.
Hydraulic calculations (where applicable)
Plans depicting equipment layout

When in the opinion of the AHJ the submitted plans do not readily verify code or local ordinance compliance, the Gilford Fire Department reserves the right to require the plans to be reviewed and certified by a NH licensed Fire Protection Engineer.

Section 5 INSPECTIONS

The AHJ is authorized to inspect, at all reasonable times, any building or premises for the purpose of:

- Verifying code and ordinance compliance
- Place of assembly inspections
- Complaint investigations
- Fire prevention inspections

5.02 All non-residential occupancies shall at the time of a change of ownership or tenancy; notify the fire department of said change and arrange for a life safety inspection.

Section 6 DEPARTMENT FIRE CODE HANDBOOK

The Gilford Fire Chief or his designee shall create and maintain a document known as the "The Town of Gilford Fire Code Handbook". This document shall contain and outline the fire department policies for permits, inspections, codes being used. Other items as needed to provide the adequate information for design and operational requirements for fire safety prevention will also be included.

Section 7 EMERGENCY LIGHTING, EXIT SIGNS, FIRE EXTINGUISHERS, AND FIRE ALARM SYSTEMS

EMERGENCY LIGHTING

Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have emergency lighting in exits, exit discharges and in all restrooms.

EXIT SIGNS

Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have exit signs in exit paths.

FIRE EXTINGUISHERS

Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have fire extinguishers at all exits and access to the extinguisher not to exceed a travel distance of seventy-five feet (75').

Fire extinguishers shall be a minimum of five (5) pound ABC or as specified by the Gilford Fire Department.

SMOKE DETECTORS

It was voted to make a town ordinance that at least one smoke detector powered by the house electrical service or battery service shall be installed in an approved manner in every dwelling unit. When activated the detector shall initiate an alarm which is audible in the sleeping rooms. [Adopted: Town Meeting March 9, 1983 original language to be retained]

FIRE ALARM SYSTEMS

Whereas not specified by the adopted codes, all new nonresidential construction and renovations of structures shall install an approved fire alarm system.

All fire alarm systems required by codes and town ordinances shall provide for automatic emergency forces notification.

All existing fire alarm systems must be maintained in a manner consistent with their original approval and acceptance.

All Fire alarm systems shall be zoned to the effect of separation from early warning devices, i.e. heat and smoke, and alerting devices, i.e. pulls stations and horn strobes. There shall be a separation of zoning between floors.

All fire alarm systems required by this code and referenced codes after the date of adoption of this shall transmit a notification of alarm signal to the LRMFA communications center.

Fire Alarm systems in operation prior to the adoption date of this code may continue to use the existing means of alarm transmission. In the event the alarm system is modified or the means of transmission must be replaced; a radio alarm box must be installed.

The signal shall be transmitted by means of the City of Laconia municipal fire alarm system or a radio alarm box that complies with the specifications of the LRMFA.

7.05.5.3 The property owner or party responsible for the fire alarm system and the alarm installer shall comply with all regulations and requirements of the LRMFA pertaining to radio alarm boxes.

7.05.5.4 All fees for connection and monitoring shall be the responsibility of the property owner or occupant.

7.06 FINES FOR FALSE ALARM NOTIFICATIONS

7.06.1 The Fire Chief / Police Chief shall assess fines when personnel and equipment are dispatched to a structure for alarm system notifications being received due to system malfunctions or repeated inadvertent triggering of initiation devices. The fines to be assessed for false alarms within any 12-month period are as follows:

Third Alarm $100.00
Fourth Alarm $150.00
Fifth Alarm $200.00
Sixth alarm $250.00
Subsequent Alarms $500.00

7.06.2 If in the opinion of the Fire Chief / Police Chief the automatic initiation and subsequent dispatch of personnel and equipment is due to blatant disregard for the protection of alarm system integrity and the lack of prudent precautions to prevent inadvertent device initiation. Then the fine shall be a minimum of $500.00 for each and every event.

7.06.3 The alarm system owner or occupant of a building serviced by an alarm will be notified of a false alarm either in person by responding emergency personnel, written notice, or regular mail. If the fine has not been received within thirty days of notice and there is no appeal pending on the validity of the alarm, the Fire Chief / Police Chief may initiate a reduced response policy; the enforcement of penalties or a disconnect process that may require the building to be vacated.

7.06.4 The Fire Chief / Police Chief have the right to waive any or all false alarm assessments if determined to be in the best interest of the Town of Gilford.

Section 8 FIRE SUPPRESSION SYSTEMS

This section of the ordinance is only applicable to those structures where suppression systems are not required by any adopted code.

8.01 MULTI UNIT RESIDENTIAL SPRINKLER SYSTEMS

8.01.1 After the date of adoption of this Ordinance, no new building used or designed for permanent or temporary human residence, of more than four units or greater than two stories in height of attached wood frame units, shall be permitted to be constructed unless furnished with a sprinkler system installed in accordance with standards set forth in the current adopted Fire Prevention and Building Code and NFPA Standard 13, or 13R Residential Sprinkler System.

8.01.2 For the purpose of this Section, “new” shall refer to either the erection of new structures or the re-erection of existing structures that have been destroyed or damaged to such an extent as to be unsuitable or unsafe for human residence, or elevating, relocating, or remodeling of fifty percent (50 %) or more of an existing building.

8.02 NON-RESIDENTIAL SPRINKLER/SUPPRESSION SYSTEMS

8.02.1 After the date of adoption of this Ordinance, in locations where a public water supply presently exists, all new construction, nonresidential structures of three (3) or more stories and/or totaling twelve thousand square feet (12,000 s.f.) or more shall be fully sprinklered.

8.02.1.1 After the date of adoption of this Ordinance, in locations where a public water supply does not exist, all new construction of nonresidential structures shall have an automatic fire sprinkler system as required by the adopted codes.

8.02.2 For the purpose of this Section, "new construction" shall refer to erection of new structures, re-erection of existing structures destroyed or damaged to such an extent as to be unsuitable or unsafe for occupancy, or where cumulative remodeling is equal to or greater than fifty percent (50 %) of the existing building.

8.02.3 In those cases where additions to existing structures bring the total gross square footage of the entire structure to or above the 12,000 s.f. threshold, both the new construction and the pre-existing area shall be sprinklered.

8.03 AUTOMOTIVE FUELING FACILITIES

All motor vehicle fuel dispensing facilities shall be protected by a fully automatic suppression system, complying with NFPA 17, located at the dispensing location.

8.04 SPRINKLER/SUPPRESSION SYSTEM MAINTENANCE

8.04.1 All systems required by the preceding sections or by any of the adopted codes must be serviced and maintained per NFPA 25 or the appropriate governing NFPA standard. Documentation of the maintenance must be submitted to the Gilford Fire Department on an annual basis.

Section 9 FIRE DEPARTMENT ACCESS

9.01 LOCK BOXES

9.01.1 All buildings and structures of assembly, mercantile, business, educational, storage, health care, industrial and multi-family residential (whether existing on the date of adoption of this ordinance or which may exist in the future) having a monitored fire alarm system shall have a key depository lock box installed and paid for by the property owner. Type/Style of lock box and location to be approved by the Fire Chief or designee.

9.01.2 The installation, required keys and list of emergency contacts shall be in place prior to occupancy. The owner shall notify the Fire Department whenever locks, keys and or emergency contacts are to be changed.

9.03 GATED ACCESS TO GATED COMMUNITIES AND PRIVATE PROPERTY

9.03.1 The Fire Department shall have the authority to require fire department access to Gated Communities and Individual Properties through the use of an approved device or system.

9.03.2 The owner or occupant of a structure or area with the required fire department access shall notify the fire department whenever the required access is modified in such a manner as to prevent fire department access.

Section 10 REQUIRED PERMITS & FEES

10.01 PERMITS & FEES

Fees are charged for some permits and associated inspections in accordance with the fee schedule as adopted by the Board of Selectmen with an effective date of January 1, 2009. The Board of Selectmen has the authority to revise the fee schedule after a duly noticed public hearing has been held. The fee schedule is contained in Appendix A.

10.02 REQUIRED PERMITS

Permits shall be required by the Town of Gilford to ensure the minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the installation of heating equipment and appliances; storage, handling or use of flammable and combustible substances; use and storage of explosive materials or devices. These permits are in addition to any required by Federal, State law or other local ordinances and regulations. A list of permits required by the Town of Gilford is located in Appendix A.

Section 11 OUTDOOR COOKING and RECREATIONAL DEVICES

11.01 The use of any, charcoal, gas, wood or other open flame cooking grill, barbecue grill, hibachi, chimenea, electric grill, or other similar device shall be prohibited within the Town of Gilford as follows:

a) on or within ten (10) feet of an exterior wall, means of egress and any combustible balcony, deck, porch, patio or similar projection of any multiple-family residential structure.

Section 12 PENALTIES

Where violation penalties are not called out in a specific section of this ordinance; the fines, penalties, and remedies for violations of this chapter shall be the same as for violations of title LXIV, as stated in RSA 676:15 and 676:17.

Section 13 SEVERABILITY

If any section, provision, or part of this Ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and, to this end, the provisions of this Ordinance are severable.

Section 14 APPEALS OF DECISION

Any person that is aggrieved by the enforcement of this Code has the right to appeal the decision and notice of violation. The appeal process shall be as follows:

14.01 APPEAL OF ADOPTED NFPA CODE

Appeal of a decision resulting from enforcement of an adopted NFPA code shall be made to the NH State Fire Marshal. The process shall follow that which is established in the NH State Fire Code (Saf-C 6008).

14.02 APPEAL OF NON NFPA CODE PORTIONS

Appeal of the portions of this Code that are not related to the adopted NFPA Codes shall be made to the Gilford Zoning Board of Adjustment. The process for this appeal is established by the Department of Planning and Land Use.

Section 15 EFFECTIVE DATE

This ordinance shall become effective upon passage as voted on March 9, 2010.

TOWN OF GILFORD, NEW HAMPSHIRE

AN ORDINANCE
TO PERMIT "PERMISSIBLE" FIREWORKS

(CHAPTER 12-A)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to repeal, replace and supersede the Ordinance Prohibiting "Permissible" Fireworks as previously adopted on February 12, 2014; and in lieu thereof, adopt this Ordinance To Permit Permissible Fireworks, to read as follows:

12-A.1 AUTHORITY

This Ordinance is adopted pursuant to the authority granted under RSA 160-C:6; whereby the Board of Selectmen, acting in its capacity as the municipal governing body, does hereby vote to permit the use and display of Permissible Fireworks, (also known as Consumer Fireworks and Class "C" Fireworks as defined by RSA 160-C:1,II; RSA 160-C:1,V and C.F.R. 555.11), within the corporate limits of the Town of Gilford, under the specific terms and conditions as set forth herein.

12-A.2 PURPOSE

I. The primary intent of this Ordinance is to protect people, animals (domestic and wild), buildings, trees, and undeveloped land, from the inherent dangers associated with the display of incendiary materials by untrained and uncertified persons; along with preventing unwanted disturbances attributable to loud bangs and other noises associated with fireworks.

II. An additional intent of this Ordinance is to rescind a previous vote of the Board of Selectmen dated June 8, 1988, which prohibited the use of fireworks.

III. Lastly, another intent of this Ordinance is to establish a system of fines and penalties for violations to be used for enforcement purposes.

12-A.3 PROHIBITIONS

I. Except as otherwise specifically permitted herein, it shall be a violation of this Ordinance for any person to display or ignite fireworks within the corporate limits of the Town of Gilford.

II. Fireworks shall not be used between the hours of 10:00pm and 12:00noon, except on New Year's Eve and during Independence Day Celebrations (July 3-5 only), in which case fireworks may be used between the hours of 12:00noon and 12:15am.

12-A.4 EXEMPTIONS

I. This Ordinance shall not apply to persons who are otherwise licensed under New Hampshire law to display fireworks.

II. This Ordinance does not apply to the possession or transportation of fireworks to the extent that such possession or transportation is otherwise allowed by law.

12-A.5 PENALTIES

I. Any person who has committed a violation of this Ordinance shall be subject to a fine as follows:

(a) First Offense: The amount due shall be one hundred dollars ($100.00);

(b) Second Offense: The amount due shall be two hundred fifty dollars ($250.00);

(c) Third (or subsequent) Offense: The amount due shall be five hundred dollars ($500.00).

II. All fireworks that are used in violation of this Ordinance are subject to confiscation by law enforcement officials or certified fire citation officers upon application to a court of competent jurisdiction as otherwise set forth in RSA 160-C:5.

III. Notwithstanding any other penalties that may be imposed under this Ordinance or RSA 160-C, any person who commits a violation may be liable, in a civil action, for damages resulting from the illegal use of permissible fireworks, and neither assumption of risk nor contributory negligence shall be a defense for such violator.

12-A.6 ENFORCEMENT

I. Any duly sworn Police Officer is hereby given authority to enforce the provisions of this Ordinance by issuing a verbal warning and/or written citation, along with

imposing a fine and taking action in a court of competent jurisdiction within the State of NH in order to collect such fines as may otherwise be due.

II. For enforcement purposes, in the absence of any evidence to the contrary, the use, display or ignition of fireworks in a manner that is contrary to this Ordinance shall be presumed based upon existing laws that are otherwise applicable to the transportation of illegal substances and/or home owners who house illegal substances.

12-A.7 SEVERANCE

The provisions of this Ordinance shall be severable, and if any phrase, clause, sentence, or provision of this Ordinance shall, for any reason, be held invalid or unconstitutional, the validity of the remainder of these regulations shall not be affected thereby.

12-A.8 EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and approval by a majority of the members of the Gilford Board of Selectmen.

IN WITNESS WHEREOF, this amended Ordinance To Permit Permissible Fireworks is hereby adopted and approved on the 10th day of September, 2014 by the Gilford Board of Selectmen, upon the convening of a public hearing and deliberations during a duly posted, public meeting of the Gilford Board of Selectmen held on the 10th day of September, 2014; to be effective as otherwise noted herein. ATTEST:

John T. O'Brien
John T. O'Brien, Selectman - Chair

Gus Benavides
Gus Benavides, Selectman - Vice-Chair

Richard Grenier
Richard Grenier, Selectman - Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS *11th* DAY OF *September*, 20*14*, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk – Tax Collector

(CHAPTER 13)

Town of Gilford
Floodplain Management Ordinance

Authority
The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the Town of Gilford, NH dated May 4, 1992", together with the associated Flood Insurance Rate Maps (FIRM), dated May 4, 1992, which are declared to be a part of this ordinance, and are hereby incorporated by reference.

Item I – Definition of Terms
Throughout this ordinance, the following definitions shall apply:

"100-Year Flood" – See "Base Flood".

"Area of Special Flood Hazard" is the land in the floodplain subject to a one (1) percent or greater possibility of flooding in any given year. The area is designated on the FIRM as zone A or zone AE.

"Base Flood" is a flood having a one (1) percent possibility of being equaled or exceeded in any given year.

"Basement" is any area of a building having its floor below grade on all sides.

"Building" is a man-made, occupiable structure having walls, a roof, and a permanent foundation.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

"Federal Emergency Management Agency" or "FEMA" is the independent agency created in 1978 to provide a single point of accountability for all Federal activities related to disaster mitigation and emergency preparedness, response, and recovery. FEMA administers the NFIP.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Elevation Study" is a study of the height of flood waters above an elevation datum plane.

“Flood Insurance Rate Map” or “FIRM” is the official map incorporated with this ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Gilford.

“Flood Insurance Study” is a study performed by any of a variety of agencies and consultants to delineate the special flood hazard areas, base flood elevations, and risk premium zones. The study is funded by FEMA and is based on detailed site surveys and analysis of the site-specific hydrologic characteristics. The information in the study helps guide updates of floodplain regulations, and further promote sound land use and floodplain development.

“Floodplain” or “Flood-Prone Area” means any land area susceptible to flooding.

“Flood proofing” means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Floodway” – See “Regulatory Floodway”.

“Historic Structure” is a structure registered with the National Register of Historic Places, or the New Hampshire State Register of Historic Places.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided, that such an enclosure is not built so as to render the structure in violations of the applicable non-elevation design requirements of this ordinance.

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days.

“Mean Sea Level” means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the community’s Flood Insurance Rate Map are referenced.

“National Flood Insurance Program” or “NFIP” is the federal program created in 1968 which makes flood insurance available in communities that enact satisfactory floodplain management regulations.

“Recreational Vehicle” means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation.

"Special Flood Hazard Area" means an area having flood, and/or flood-related erosion hazards, and shown on a FIRM as zone A or AE (see "Area of Special Flood Hazard").

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Start of Construction" includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal (1) the appraised value prior to the start of the initial repair or improvements, or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Water Surface Elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

<u>Item II</u>
All proposed development in any special flood hazard areas shall require a permit.

<u>Item III</u>

1. The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction or substantial improvements shall:

a. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
b. be constructed with materials resistant to flood damage,
c. be constructed by methods and practices that minimize flood damages,
d. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Item IV

Where new or replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

Item V

Applicants shall provide to the building inspector, and the Building Inspector shall maintain for public inspection and furnish upon request, any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of any new or substantially improved structure, whether or not any such structure contains a basement.

Item VI

The Building Inspector shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to provide the Building Inspector evidence that all such permits have been granted prior to the issuance of a building permit.

Item VII

1. In riverine situations, prior to the alteration or relocation of a watercourse, an applicant seeking authorization to alter or relocate a watercourse shall notify the Wetlands Board of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board.

2. The applicant shall submit to the Building Inspector certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

3. In zone A, the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from federal, state and other sources as criteria for requiring that, in regard to any development, there are no encroachments, including fill, new construction, substantial improvements, and other development within the floodway that would result in any increase in flood levels within the community during the base flood discharge.

4. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

Item VIII

1. In special flood hazard areas, the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:

a. In zone AE refer to the elevation data provided in the community Flood Insurance Study and accompanying the FIRM.

b. In unnumbered A zones, the Building Inspector shall obtain, review, and reasonably utilize any 100 year flood elevation data available from federal sources, state sources, development proposals submitted to the community (i.e. subdivisions, site plans, etc.), or other sources.

2. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in zones A and AE that:

a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;

b. All new construction or substantial improvement of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:

(i) be flood proofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

(ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

c. all manufacture homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not

limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;

d. All recreational vehicles placed on sites within zones A and AE shall either:

(i) be on the site for fewer than 180 consecutive days,

(ii) be fully licensed and ready for highway use, or

(iii) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Section 60.3(c)(6);

e. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

(i) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;

(ii) the area is not a basement;

(iii) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must have a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;

Item IX – Variance and Appeals

1. Requests for variances, appeals, or waivers of these regulations may be made to the Town of Gilford Building Code Board of Appeals.

2. Appeals, revisions, and amendments to National Flood Insurance Program Maps may be requested through FEMA.

Approved at Town Meeting
March 10, 2003

REFUSE CONTAINERS – Refuse containers have been placed at the Glendale Docks for the proper disposal of trash generated by Gilford island residents and renters of Gilford island property. Those not allowed to use the refuse containers include the general public, contractors working on island property, and commercial establishments. The containers are for typical household refuse normally generated in the home that can be contained in boxes or trash bags. All trash is to be placed inside the refuse containers. Trash is not to be left next to the dumpsters or on the ground in the surrounding area. Prohibited refuse includes: furniture, appliances, building materials, toxic/hazardous wastes, unbagged leaves, grass, brush, etc. The Town will make available a day for this type material to be disposed of during the summer season. Violators are subject to penalty prescribed by ordinance. For more information regarding refuse pick-up at Glendale, contact the Department of Public Works, 55 Cherry Valley Road, Gilford, N.H. 03249, (603) 527-4778. Recycling containers are made available for the use of island residents. Please sort items as instructed on containers.

(CHAPTER 14)
PLACEMENT AND CONTROL OF REFUSE CONTAINERS
GLENDALE DOCKS

Article I. GENERAL

The Selectmen of the Town of Gilford are hereby authorized and empowered to place refuse containers and control the proper disposal of trash generated at specified locations at the Glendale Docks subject to the provisions of this Ordinance.

Article II. USERS

Section 1. Allowed: The following shall be permitted to use the refuse containers at the Glendale Docks:

A. Gilford Island Residents
B. Renters of Property on Gilford Islands
C. Persons Launching Boats Registered in the Town of Gilford

Section 2. Not Allowed: The following shall be prohibited from using the refuse containers at the Glendale Docks:

A. General Public Not Mentioned Above
B. Contractors Constructing Facilities on any Island Property
C. Commercial Establishments, i.e. Restaurants, Motels, Cabin Colonies, Contractors, etc.

Article III. TYPES OF REFUSE

Section 1. Typical household refuse normally generated in the home that can be contained in boxes or plastic trash bags. All containers with refuse are to be placed in the metal skids provided. Trash is not to be left next to or on the ground immediately surrounding the trash containers. Overflow is to be hauled by the user to the Lakes Region Disposal transit station on Meredith Center Road, Laconia, NH. A taxpayer decal available from the Gilford Town Clerk will be required to use the transfer station.

Section 2. Prohibited trash:

A. Furniture, appliances, etc.
B. Building materials, lumber, concrete, asphalt, roofing materials, windows, doors, etc.
C. Toxic wastes to include waste oil, grease, etc.
D. Auto parts and other bulky metallic objects.
E. Unbagged leaves, grass clippings, branches, shrubs, trees, etc.
F. Any unbagged or loose trash.

Article IV. IDENTIFICATION

Identification is to be as deemed required by the Board of Selectmen either by vehicle and/or boat registration as available at the Town Clerk's Office.

Article V. ENFORCEMENT & FINES

This ordinance is to be in force during the period from April 1 to October 31 and at all times dumpsters are available.

Any person(s) violating the provisions of this ordinance shall be fined up to $100.00 for the first violation and $250.00 for each subsequent violation.

Article VI. EFFECTIVE DATE

This ordinance becomes effective upon passage and supersedes that passed at Town Meeting, March 8, 1972, which is hereby repealed.

Adopted March 14, 1984
Adjourned Town Meeting
Amended March 8, 2005

COMFORT STATION (Restrooms) – Separate restroom facilities are located at the small brick comfort station adjacent to the lower parking lot. (Open during summer season only)

EXCEPTIONS – No exceptions to these regulations will be made.

These regulations have been established in order to:
(A) Comply with insurance requirements and recommendations; and
(B) Eliminate safety hazards to the boating public; and
(C) Provide reasonable access to these facilities for all taxpayers.

Questions regarding these regulations should be directed to:

Town Administrator
47 Cherry Valley Road
Gilford, NH 03249
(603) 527-4700

TOWN OF GILFORD, NEW HAMPSHIRE

GLENDALE FACILITY REGULATIONS

(CHAPTER 15)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these regulations as the rules by which the Glendale Facility, (being 4.033 +/- acres situated along the shore of Lake Winnipesaukee at 33 Dock Road and more particularly referenced at Tax Map 242, Lots 183 & 197), shall henceforth be governed.

15.1 AUTHORITY

These Regulations are adopted pursuant to the authority granted under RSA 41:11-a as further authorized by vote on Article 24 at the 1970 Annual Town Meeting whereby it was voted to restrict the use of the launching facilities and parking lots at Glendale to residents, landowners and their guests from April 1 to October 12 each year under such rules and regulations as the Selectmen shall adopt; and Article 21 at the 2005 Annual Town Meeting whereby the season was extended until October 31.

15.2 PURPOSE

The purpose of these Regulations is to promote the safe and orderly use of the Glendale Facility for the benefit of Gilford residents, property owners and their guests. In addition, these Regulations are intended to prevent the Glendale Facility from being over-utilized to the greatest extent possible for the preservation of the only Town-owned property that is used for boat access to Lake Winnipesaukee.

15.3 REPEAL OF PREVIOUS REGULATIONS

These Regulations shall supersede and replace all previous Chapter 15 Glendale Facility Ordinances and Regulations which may heretofore have been adopted and amended through April 25, 2007, (not including Chapter 14 – Placement and Control of Refuse Containers at the Glendale Docks).

15.4 RULES FOR THE USE OF THE GLENDALE FACILITIES

15.4.1 The Glendale Facility consists of a boat launch, docks, parking areas and ancillary facilities that are owned, maintained and regulated by the Town of Gilford for use by Gilford residents, residential property owners and their guests along with commercial entities that are located in Gilford and provide marine related services on behalf of Gilford taxpayers.

15.4.2 During the period April 1 through October 31 of each year, the use of the Glendale Facility is strictly limited to vehicles with proper identification as follows:

(a) Vehicles displaying a valid Town Decal

Town Decals are available in the Town Clerk's Office on an annual (calendar year) basis to residents of the Town of Gilford and individual owners of residential property (persons whose names are on a deed) along with members of their immediate household upon proof of identification, residency and vehicle registration. Decals are not transferable and must be permanently affixed to a window on the driver's side of the motor vehicle in plain view at all times and correspond with that vehicle's registration number. There shall be no charge for the initial Town Decal, but replacement Decals shall cost $25.00. Town Decals allow the use of the boat launch, docks and parking areas as otherwise set forth in these Regulations. Town Decals shall not be issued to any Gilford taxpayer whose name is not listed on a deed unless they are a resident of the Town or a member of that person's immediate household, nor to any person who has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

(b) Boats displaying a valid Island Resident Decal

The Island Resident Decal permits owners of island property that is accessible only by boat to dock at those piers reserved specifically for their use and to use the Boat Launch. There is a limit of four (4) Decals (maximum) per island property owner. All requests for Island Resident Boat Decals must be accompanied by a copy or proof of boat registration in the name of the island property owner to the Town Clerk. Decals will be numbered with the bow identification of the boat and are non-transferable. Initial Decals are issued at no charge, but **no** replacement Decals will be issued. Decals must be placed above the waterline on the port side of the transom, to be clearly visible at all times. No Island Resident Decal shall be issued to any taxpayer that has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

(c) Vehicles displaying a valid Guest Card

A maximum of three (3) Guest Cards per residential parcel are available for purchase in the Town Clerk's Office for use of the Glendale Facility. There are two different Guest Cards available: $50 (park & launch permit) or $25 (parking only permit). Park and launch Guest Cards allow the use of the Boat Launch, Docks 1-A & 1-B and parking in Levels 2, 3 & 4 (but not for trailers) as otherwise set forth in these Regulations. Park only Guest Cards allow the use of Levels 2, 3 & 4 (but not for trailers) as otherwise set forth in these Regulations. The Guest Cards are valid for one season only and are the property of the taxpayer. Guests should be encouraged to return all Guest Cards to the taxpayer. Replacement Guest Cards will not be issued. Guest Cards must be placed in the front windshield on the driver's side in plain view at the time the vehicle is parked and remain in the vehicle in plain view during the entire period that the vehicle is parked. No Guest Cards shall be issued to any taxpayer that has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

NOTE: It shall be a violation of these Regulations to duplicate or sell a Guest Card to a non-resident or to otherwise allow the use of a Guest Card by persons who are not the guests of a Gilford taxpayer or a family member.

(d) Vehicles displaying a Commercial Marine Operator Decal

Commercial Marine Operators (CMO's) are eligible to purchase up to five (5) decals (maximum) in the Town Clerk's Office on an annual (calendar year) basis for marine businesses that are located in the Town of Gilford. Decals must be permanently affixed to a window on the driver's side of a vehicle or boat in plain view at all times and correspond with the vehicle or boat registration number. The cost for a CMO Decal shall be one thousand dollars ($1,000.00) for up to three (3) Decals, and five hundred dollars ($500.00) for each additional Decal. CMO Decals allow the use of the Boat Launch and Dock 1-A as otherwise set forth in these Regulations, however the Board of Selectmen may limit the hours of operation for CMO use of the Glendale Facility. No CMO Decal shall be issued to any taxpayer/business that has a defaulted parking ticket or unpaid fine related to the Glendale Facility.

NOTE: Commercial Marine Operators must provide the Town with proof of liability insurance and list the Town of Gilford as an additional insured party in order to be eligible for a CMO Decal.

(e) Contractors that present a valid Commercial Contractor Permit

Commercial Contractor Permits for the use of the Boat Launch only are available from the Building Inspector for the loading and unloading of barges or construction vessels that are working on (or servicing) a Gilford property. Permits may be issued upon application by the taxpayer who owns the property where the work is taking place or to the Contractor who presents a written work order to perform work on (or deliver goods to) a Gilford property. Signed Permits must be presented to the Glendale Attendant in order for a Commercial Contractor to use the Boat Launch as otherwise set forth in these Regulations. The cost for each permit shall be fifty dollars ($50.00) per day. Commercial Contractor use of the Glendale Facility shall be by appointment only, but such use shall not be allowed on Fridays after noon, Saturdays, Sundays or holidays except upon authorization by a Police Officer for emergencies.

NOTE: Commercial Contractors must provide the Town with proof of liability insurance and list the Town of Gilford as an additional insured party in order to be eligible for a Permit to use the Glendale Facility.

(f) Visitors who present a Temporary Pass signed by the Town Administrator

The Town Administrator is authorized to grant special permission for visitors to access and use the Glendale Facility under extenuating circumstances.

15.4.3 Use of Facilities

15.4.3.1 Docking of Boats

(a) During the period April 1 through October 31, no boat shall be docked at the public wharves at Glendale except as follows:

1. Dock #1-A: The first 50% (approximately 98 feet) shall be reserved for the loading/unloading of boats that shall not be left unattended for more than 15 minutes; the remaining 50% shall be limited to three (3) hours of parking/docking.

2. Dock #1-B: The first 1/3 (approximately 65 feet) shall be reserved for the loading/unloading of boats that shall not be left unattended for more than 15 minutes; the remaining 2/3 shall be limited to three (3) hours of parking/docking.

3. Docks #2-A & 2-B shall be reserved for boats with a Town of Gilford Island Resident Decal. Use of these docks shall be limited to eight (8) hours.

4. Docks #3-A & 3-B shall be reserved for boats with a Town of Gilford Island Resident Decal. Use of these docks shall be limited to twelve (12) hours.

(b) No boat shall be docked at the Glendale Facility between the hours of 2 a.m. and 4 a.m. except upon authorization of a Police Officer for emergency purposes. Any boat found docked at the Glendale Docks during these hours may be ticketed and subject to the penalties for a violation as set forth in these Regulations.

(c) No commercial barge or vessel over thirty (30) feet in length shall be allowed to utilize the Glendale Docks.

(d) No commercial passenger boat or vessel shall be allowed to utilize the Glendale Docks, except for emergencies upon authorization of a Police Officer.

(e) Any boat, commercial barge or vessel that is found to be in violation of these Regulations may be towed or removed. The cost of towing, removal and storage shall be the responsibility of the owner.

(f) No unregistered boat, vessel or watercraft shall be allowed to utilize the Glendale Docks, except for emergencies upon authorization of a Police Officer. (These craft may be beached in the designated area near the trash dumpsters.)

15.4.3.2 Parking

(a) During the period April 1 through October 31, no vehicle, trailer, boat, barge or vessel shall be parked or stored at the Glendale Facility except as follows (prohibited parking):

Level 1: Limited to passenger motor vehicles displaying a Town Decal. No boats or trailers are allowed.

Level 2: Limited to passenger motor vehicles displaying a Town Decal or Guest Card. No boats or trailers are allowed

Level 3: Limited to passenger motor vehicles displaying a Town Decal or Guest Card. No boats or trailers are allowed.

Level 4: Limited to vehicles that display a Town Decal or Guest Card. Extra long parking spaces are limited to trailers that are attached to vehicles with a Town Decal (no trailer parking with a Guest Card is allowed) and over-sized motor vehicles (that fit within the lines) or two cars from the same party provided that both vehicles enter and leave the facility at the same time – a single car parked in an extra long space may be ticketed and towed. A limited number of standard car sized parking spaces are available and two of these may also be used for a

vehicle with a trailer and Town Decal if back-to-back spaces are available. No boats are allowed.

(b) No motor vehicles or trailers shall be parked or driven on any of the Glendale Docks. (improper parking)

(c) Any vehicle that is parked at the Glendale Facility without a Town Decal or Guest Card in plain view is subject to all of the penalties set forth in these Regulations as if no such Decal or Guest Card existed. (no official decal)

(d) All parking spaces that are designated as handicap accessible require the display of a Town Decal or Guest Card in addition to the handicap identification placard or license plate that is otherwise required by law. (no official decal)

(e) It shall be a violation of these Regulations to park any vehicle in disregard or contrary to the designated lines or posted signs.

(f) Parking at the Glendale Facility during the off-season (November 1 through March 31) shall not require a Town Decal or Guest Card, but no parking is allowed between the hours of 2 a.m. and 4 a.m. from December 1 through March 31, except upon authorization of a Police Officer.

(g) Any vehicle or trailer that is parked in violation of these Regulations may be towed or removed in addition to the other penalties as set forth herein. The cost of towing, removal and storage shall be the responsibility of the owner.

15.4.3.3 Boat Ramp

(a) During the period April 1 through October 31, use of the Boat Launch is limited to vehicles or boats that have a valid Town Decal, Island Resident Decal, Guest Card with launch privileges, Commercial Marine Operator Decal, Commercial Contractor Permit or Temporary Pass.

(b) The Boat Ramp may not be used for the launching of a barge over thirty (30) feet in length, however, vehicles and other materials may be loaded onto barges over thirty (30) feet as otherwise set forth in these Regulations.

(c) The use of a propeller or engine for the loading and unloading of watercraft at the Boat Launch shall not exceed the power needed to maintain headway speed; however the Town strongly encourages the floating or winching of boats and other vessels onto trailers in order to preserve the underwater ramp structures to the greatest extent possible.

15.4.3.4 General Information

(a) The beaching of any watercraft at the Glendale Facility that requires a New Hampshire registration is prohibited, except for emergencies upon authorization of a Police Officer.

(b) It shall be a violation of these Regulations to park a motor vehicle, trailer or watercraft, whether in the water or on land, in such a way as to unreasonably impede or obstruct access to the Glendale Docks or Boat Launch.

(c) Public swimming anywhere at this facility is prohibited.

(d) Fuel Tanks:

1. No unattended fuel tanks of any size, full or empty, shall be left at the Glendale Facility. Fuel tanks shall include, but are not limited to containers used for gasoline, propane, diesel, heating oil, kerosene, waste oil, etc.

2. The use of the Glendale Facility for the "pass thru" of fuel tanks shall not exceed 40 lbs. or ten (10) gallons, unless such tanks are loaded by duly permitted Commercial Marine Operators or Commercial Contractors, in which case they must be in containers that meet all state and federal regulations.

3. There shall be no fueling or transfer of fuels from one container to another allowed anywhere at the Glendale Facility.

(e) The Town of Gilford shall strive to provide weather shelters, benches, comfort stations, trash receptacles and restroom facilities as a convenience to Glendale visitors to the extent that resources are available. The use of such facilities, however, may be restricted at anytime for any reason. All persons using the Glendale Facility are required to treat Town property with respect and in a manner that is consistent with signage and their intended purpose. It shall be a violation of these Regulations to damage Town property, (including trees and other vegetation) or dispose of trash in an improper manner, (especially in the water).

(f) It shall be a violation of these Regulations to emit loud noises, bright lights or disrupt the peaceful enjoyment of the Glendale Facility by others.

(g) The use of the Glendale Facility for commercial purposes shall be limited to the permits and activities specifically set forth herein in accordance with the provisions of Sections 15.4.2(d), 15.4.2(e), 15.4.3.1(c), 15.4.3.1(d), 15.4.3.1(e) & 15.4.3.4 (d) 2. All other commercial uses and activities are strictly prohibited. Any unauthorized commercial use of the Glendale Facility shall result in severe penalties as otherwise set forth in Section 15.8.B.

(h) All of the Glendale facilities are made available on a first-come, first-served basis. There are no provisions whatsoever for reservations and no person may reserve or claim a dock space or parking space for someone else.

(i) Nothing in these Regulations is intended to prevent the Town of Gilford from seeking restitution for damages caused by any person using the Glendale Facility, regardless of whether or not such damages were caused intentionally; in addition to any other enforcement actions that may be imposed.

15.5 EXEMPTIONS

The following activities are exempt from these Regulations:

1. Maintenance activities authorized by the Town.

2. Public safety (police and fire-rescue) activities.

3. Recreation activities authorized by the Town.

4. Concession activities authorized by the Town.

15.6 VIOLATIONS

A. Failure to comply with any of these Regulations shall be considered a violation subject to the penalties set forth herein.

B. Each continuation of a violation after notice or citation and each different rule infraction shall constitute a separate offense.

15.7 ENFORCEMENT

A. These Regulations shall be administered and monitored by any and all employees of the Gilford Police Department who have been duly appointed by the Board of Selectmen with responsibilities for oversight and/or maintenance of the Glendale Facility, including, but not limited to Attendants, Special Police Officers and regular Police Officers. The authority to administer and monitor shall consist of the following:

1. Educating users of the Glendale Facility about these Regulations and distributing copies of these Regulations as may be necessary;

2. Issuing an order to achieve voluntary compliance under threat of expulsion from the facility;

3. Issuing an order to vacate the premises;

4. Issuing citations for violations;

5. Having a vehicle, boat, trailer or other vessel towed from the facility;

6. Prohibiting entry or use of the Glendale Facility in the event of non-compliance, (to include temporary or permanent revocation of a Town Decal, Guest Card or other permits for repeated or severe violations, subject to a right of written appeal to the Board of Selectmen);

7. Issuing a summons;

8. Any combination of these actions at the discretion of the enforcement official based upon the severity and egregiousness of the violation(s).

B. Any person who has been ordered to vacate the premises by a duly authorized Town of Gilford enforcement official who refuses to comply with such order may be subject to arrest and prosecution for criminal trespass in addition to any other penalties that may result from the violation(s).

15.8 FINES AND PENALTIES

A. Any person who has committed a violation of these Regulations shall be subject to a fine as follows, except in the case of violations of Section 15.4.3.4 (g) for commercial activities, in which case the fines shall be as noted in paragraph B below:

First Offense: The amount due shall be fifty dollars ($50.00)

Second Offense [per season]: The amount due shall be one hundred dollars ($100.00)

Third (or subsequent) Offense [per season]: The amount due shall be two hundred fifty dollars ($250.00)

B. Any person who has committed a violation of Section 15.4.3.4(g) for unauthorized commercial use of the Glendale Facility shall be subject to a fine as follows:

First Offense: The amount due shall be two hundred fifty dollars ($250.00)

Second Offense [per season]: The amount due shall be five hundred dollars ($500.00)

Third (or subsequent) Offense [per season]: The amount due shall be one thousand dollars ($1,000.00)

C. Failure to make payment for a fine as indicated on a citation within seven (7) days of issuance shall result in prosecution in Laconia District Court. Any person found guilty in a court of law for violating these Regulations who fails to pay the fine shall thereafter not be eligible for a Town Decal or entry to the Glendale Facility for the remainder of that season.

15.9 SEVERANCE

In the event that any word, sentence or section of these Regulations is found to be invalid as a result of judicial or legislative action, the remainder of these Regulations shall remain in full force and effect.

15.10 EFFECTIVE DATE

These Regulations shall take effect as of April 1, 2011.

IN WITNESS WHEREOF, these Glendale Facility Regulations are adopted and approved on the 23rd day of February, 2011 by the Gilford Board of Selectmen, upon recommendation of the Glendale Committee at a duly posted public meeting held on the 23rd day of February, 2011.
ATTEST:

J. Kevin Hayes, Chair

John T. O'Brien, Vice-Chair

Gus Benavides, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 9th DAY OF March, 2011, BY:

Denise M. Gonyer, Town Clerk

Adopted March 11, 1970
Amended March 8, 2005
Amended April 25, 2007
Amended April 8, 2009
Amended February 23, 2011

TOWN OF GILFORD, NEW HAMPSHIRE

BOAT TRAILER PARKING FACILITY REGULATIONS
(CHAPTER 15-A)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these regulations as the rules by which the Town shall make public property adjacent to the Ice Rink on Varney Point Road, (being 17 +/- acres situated at Tax Map 223, Lot 417); and within the Recycle Center off Kimball Road (being 27 +/- acres at Tax Map 215, Lot 25), available for the purposes of allowing boat trailer parking.

15-A.1 AUTHORITY

These Regulations are adopted pursuant to the authority granted under RSA 41:11-a.

15-A.2 PURPOSE

The purpose of these Regulations is to promote the safe and orderly use of the Boat Trailer Parking Facilities for the exclusive benefit of Gilford residents and property owners.

15-A.3 RULES FOR THE USE OF THE BOAT TRAILER PARKING FACILITIES

15-A.3.1 No boat trailers shall be allowed to be parked or stored at the Varney Point Road or Recycle Center facilities without a valid permit issued by the Town of Gilford (Office of the Town Clerk) to be affixed in plain sight in the vicinity of the trailer tongue.

15-A.3.2 A maximum of sixty-two (62) boat trailer parking permits will be issued per calendar year on a lottery basis. Fifty (50) permits are available for the Varney Point Road facility and twelve (12) permits are available for the Recycle Center. There is a limit of one application per trailer (duplicates shall be rejected). The application period is January 1 through April 1 of each year. The Town Administrator shall randomly draw names from a list of applicants in a public ceremony to be held in the Selectmen's Meeting Room at 12:00 noon on the first Thursday following the first Monday in April. Winners shall be promptly notified thereafter.

15-A.3.3 Winners of the lottery shall have until the last Friday in June to purchase a boat trailer parking permit from the Office of the Town Clerk for a fee of twenty-five dollars ($25.00) upon presentation of proof of residency or taxpayer status and trailer ownership (with a valid boat

trailer registration). Selection of the parking location (Varney Point Road or Recycle Center) shall be made available on a first-come first-served basis for either facility based on availability at the time of purchase. Any permits unsold after that date shall be made available to applicants in sequence based on the lottery drawing number. Permits will only be issued to the registered owner of a boat trailer. Once a permit has been issued by the Town, it may not be transferred to any other person or trailer.

15-A.3.4 The use of these facilities is limited to seasonal parking/storage of boat trailers with one or two axles only. Parking spaces are allocated on a first-come, first-served basis without reservations; daily use or frequent removal is not recommended, and it should be noted the Recycle Center facility is gated with limited hours for public access. No other vehicles shall be parked or stored at these facilities except in the course of delivery.

15-A.3.5 The storage of boats or parking of trailers with boats on them is not allowed at these facilities.

15-A.3.6 Boat trailer parking is allowed during the period May 1 through November 30 only. All vehicles must be removed before December 1 or they shall be considered abandoned and subject to impoundment, removal and/or disposal.

15-A.3.7 The Town of Gilford is not responsible for any damages, theft, liability, injury, acts of nature or any other claims resulting from the use of these facilities. The Town of Gilford assumes absolutely no duty of care for personal property (trailers) that are parked or stored at these facilities. These areas will not be routinely patrolled by Police and the ground surfaces consist of uneven, natural terrain that are not subject to any type of maintenance.

15-A.3.8 No boat trailer shall be parked in such a way as to unreasonably impede or obstruct access to these facilities or travel along access roads. Trailers at Varney Point Road must be tucked away from the entrance/exit travel routes to the greatest extent possible.

15-A.3.9 The following activities are prohibited at these facilities: overnight parking of motor vehicles or RV's, picnicking, camping, open flames, damage or removal of any vegetation, harassment or feeding of wildlife.

15-A.3.10 Notwithstanding the Town's ability to enforce these Regulations and manage these parking facilities by moving boat trailers as may be deemed necessary, it shall be a violation of these Regulations to tamper with any boat trailer without authorization from the registered owner.

15-A.3.11 Boat storage, trailer parking and overnight parking of any type in the parking lot directly in front of the ice rink is prohibited at all times.

15-A.3.12 The ecosystem surrounding the Varney Point Road facility is an environmentally sensitive wetland. No person shall cause any plants, fluids, waste or trash to be disposed of or left behind.

15-A.3.13 These facilities have a carry-in carry-out trash requirement – no trash receptacles will be provided and littering is strictly prohibited.

15-A.4 VIOLATIONS

15-A.4.1 Failure to comply with any of these Regulations shall be considered a violation subject to the penalties set forth herein.

15-A.4.2 Each continuation of a violation after notice or citation and each different rule infraction shall constitute a separate offense.

15-A.4.3 Any vehicle or trailer that is found to be in violation of these Regulations may be impounded, towed and/or removed at the complete risk of the registered owner. The cost of impoundment, towing, removal and storage shall be the responsibility of the owner. Vehicles that are confiscated and/or relocated due to a violation shall not be released until such time as all fines due are paid in full.

15-A.4.4 Any person who has committed a violation of these Regulations shall be subject to a fine as follows:

- First Offense: The amount due shall be fifty dollars ($50.00)
- Second Offense [per season]: The amount due shall be one hundred dollars ($100.00)
- Third (or subsequent) Offense [per season]: The amount due shall be two hundred fifty dollars ($250.00)

15-A.5 ENFORCEMENT

15-A.5.1 These Regulations may be enforced by any and all employees of the Gilford Police Department who have been duly appointed by the Board of Selectmen, including, but not limited to Attendants, and any Police Officers.

15-A.5.2 Any person who disobeys or refuses to comply with an order to vacate the premises by a duly authorized Town of Gilford enforcement official may be subject to arrest and/or prosecution for criminal trespass in addition to any other penalties that may result from the violation(s).

15-A.5.3 Failure to make payment for a fine as indicated on a citation within seven (7) days of issuance may result in prosecution in Laconia District Court. Any person found guilty in a court of law for violating these Regulations who fails to pay the fine shall thereafter not be eligible for any Town Facility Permits for the remainder of that season.

15-A.6 SEVERANCE

In the event that any word, sentence or section of these Regulations is found to be invalid as a result of judicial or legislative action, the remainder of these Regulations shall remain in full force and effect.

15-A.7 EFFECTIVE DATE

These Regulations shall take effect as of February 1, 2010.

IN WITNESS WHEREOF, these Boat Trailer Parking Facility Regulations are adopted and approved on the 27th day of January, 2010. ATTEST:

Gus Benavides, Chair

J. Kevin Hayes, Vice-Chair

John T. O'Brien, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 2nd DAY OF February, 2010, BY:

Denise A. Morrissette, Town Clerk

TOWN OF GILFORD, NH
BOAT TRAILER PARKING FACILITY
PERMIT APPLICATION

APPLICANT'S NAME: _____

ADDRESS: _____

TELEPHONE: _____

EMAIL ADDRESS: _____

TRAILER REGISTRATION NUMBER: _____

TRAILER DESCRIPTION
(LENGTH, MAKE, MODEL, COLOR, ETC.): _____

_____

"I, _____, hereby certify that I am the registered owner of the boat trailer that is the subject of this application and that I am a resident/taxpayer of the Town of Gilford. I also certify that I have read and understand the Town of Gilford Boat Trailer Parking Facility Regulations and that I will comply with these regulations if I am selected for a permit."

_____ _____
Signature of Applicant Date

****

↓ FOR TOWN USE ONLY ↓

_____ _____
Application Received By Date

_____ _____
Lottery Drawing Number Permit Number (if applicable)

Permit Payment (if applicable): [ ] $25.00 PAID [ ] cash [ ] check #_____

_____ _____
Issuing Official (if applicable) Date of Issuance (if applicable)

Facility to be used: [ ] Varney Point Road [ ] Recycle Center

(CHAPTER 17)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE RELATING TO NOISE CONTROL

SECTION 1. It is found and declared that:

(a) The making, creation, maintenance or continuation of such loud, unnecessary, unreasonable or unusual noises which are prolonged, unusual, unreasonable or unnecessary in their time, place, use and effect are a detriment to the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of the residents of the Town of Gilford; and

(b) The necessity and the public interest for the provisions and prohibitions hereinafter contained and enacted is a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of the Town of Gilford and its inhabitants.

SECTION 2. It shall be unlawful for any person, firm or corporation to make, continue or cause to be made or continued, or to allow to be continued any loud, unnecessary, unreasonable or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety, convenience, welfare and prosperity of others within the limits of the Town of Gilford.

(a) Loud, unnecessary, unreasonable and unusual noises shall include, but not be limited to, any noise occasioned by any one or more of the following actions of the operator of a motor vehicle operated within the limits of the Town of Gilford: misuse of power exceeding tire traction limits in acceleration sometimes known as “laying down rubber” or “peeling rubber”; misuse of braking power exceeding tire traction limits in deceleration where there is no emergency; rapid acceleration by means of quick up shifting of transmission gears with either a clutch and manual transmission or automatic transmission; rapid deceleration by means of quick down shifting of transmission gears with either a clutch or manual transmission or an automatic transmission; racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selection whether the vehicle is either in motion or standing still; 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; and the operation of a mobile refrigeration unit or other types of compressors between the hours of 11:00p.m. and 7:00 a.m. while the vehicle is not in motion except for emergency use or while actually loading or unloading.

(b) Any person who is the owner, or a tenant, or a resident, or otherwise in control of any house, apartment, condominium unit, structure or other property located within the Town of Gilford, shall be responsible and liable for any loud, unnecessary, unreasonable or unusual noises created by one or more persons gathered on said property which disturbs the public comfort, repose, health, peace, safety, convenience, welfare or prosperity of another. Further, any person who is the owner, tenant, resident or otherwise in control of

any house, apartment, condominium unit, structure or other property located within the Town of Gilford is responsible and liable for any loud, unnecessary, unreasonable or unusual noises if he permits or allows any gathering of one or more persons to continue to make loud, unnecessary, unreasonable or unusual noises upon such property after having been advised of the disturbing effects such noise is having on another, and the said noise then continues to disturb the public comfort, repose, health, peace, safety, convenience, welfare and prosperity of another within the Town of Gilford.

SECTION 3. Without limitation of the prohibition in Section 2, it shall be unlawful for any person within any residential, commercial, retail or industrial zone of the town to use or operate any radio, musical instrument, phonograph, television set, loudspeaker, or any other sound amplifying equipment or device for the purpose of producing or reproducing sound in such a manner as to disturb the comfort, repose, health, peace, safety, convenience, welfare and prosperity of any neighboring resident or any reasonable person of normal sensitiveness residing in the area. Additionally any person who uses or operates any such sound amplifying machine or device for the purpose of producing or reproducing sound which is either located outside of an enclosed structure so that the sound is directed outside of said structure shall constitute a prima facie violation of the section if any noise or sound can be heard by any neighboring residents or any other person while upon any adjoining private property. Nothing in this section shall prevent the use of loudspeakers or other sound producing or reproducing machine or device to be used provided that the Town of Gilford has issued a license to the said function or activity involving public noises that it deems reasonable, and its determination shall be final.

SECTION 4. Any person who violates any of the provisions of the ordinance shall be guilty of a violation and a penalty shall be imposed not to exceed the sum of one thousand dollars ($1,000.00). Such person shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person and shall be punishable therefor as provided herein.

SECTION 5. This ordinance adopted by the Board of Selectmen in accordance with the authority of the Town Meeting vote dated March 15, 1995, is intended to replace and supersede the ordinance adopted by the Town Meeting vote of March 13, 1985.

Sources:

Town Meeting Approval – March 15, 1995
RSA 31:39, I (n)

Reference Material:

City of Laconia, NH: Ordinance Chapter 55.
Unnecessary Noises Ordinance 108.85.11 of 07/29/85.
Town of Gilford, NH: Ordinance Relating To Unnecessary Noises Adopted March 13, 1985.
City of Claremont, NH: City Ordinance Chapter 11. Nuisances; Article II Noise; Section 11-26 through 11-34.
City of Keene, NH: Noise Ordinance; 1601.0
State V. Yee, 129 N.H. 155 (1987)
RSA 651:2 Sentences and Limitations.

ORDINANCE TO PROHIBIT CERTAIN OVERNIGHT PARKING OF RECREATIONAL VEHICLES (CHAPTER 18)

Pursuant to RSA 31:19 and every other applicable law, by the adoption of Article 16 of the warrant for the 1999 Annual Town Meeting, the Town of Gilford hereby ordains as follows:

I. ACTS PROHIBITED

From and after the effective date of this Ordinance it shall be unlawful for any person to park, for the purposes of occupancy, any recreational vehicle overnight within any private parking lot in the Town of Gilford which serves a commercial establishment and which is generally maintained for the benefit of the public.

II. DEFINITION OF RECREATIONAL VEHICLE

For the purposes of this Ordinance, "recreational vehicle" is defined to include motor home, van, pickup camper, recreational trailer or tent trailer.

III. PENALTY

Any person who violates this Ordinance shall be subject to a civil penalty of one hundred dollars ($100) for the first and each subsequent offense.

IV. ENFORCEMENT AUTHORITY

All duly appointed police officers of the Town of Gilford Police Department are hereby authorized as the enforcement authority for this Ordinance.

V. JURISDICTION; AVOIDANCE OF SUMMONS

Under RSA 502-A:11-a the District Court shall have jurisdiction of the prosecution of any violation of this Ordinance. All fines collected shall be for the use of the Town. The enforcement authority may issue a summons and complaint along with a notice of fine pursuant to the procedures for pleas by mail set out in RSA 502-A:19-b. Any alleged violator may avoid the filing of a summons and complaint by the voluntary payment of the civil penalty. Such voluntary payments shall be deposited in the Town's general fund.

VI. ORDINANCE NOT EXCLUSIVE

This Ordinance shall not be construed as exclusive, and any other applicable federal, state or local law, regulation or ordinance which also applies to the prohibited acts may be given full force and effect at the discretion of the enforcement authority.

VII. EFFECTIVE DATE

The Annual Town Meeting of the Town of Gilford voted to adopt this Ordinance on the 10th day of March, 1999 which shall be the effective date hereof.

CERTIFICATION

I hereby certify that the foregoing is a true copy of the Ordinance adopted by the passage of Article 16 of the warrant for the 1999 Annual Town Meeting of the Town of Gilford, New Hampshire.

Date: 3/16/99 Debra E. Eastman, Town Clerk

TOWN OF GILFORD, NEW HAMPSHIRE

PARKING REGULATIONS

(CHAPTER 24)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt these regulations as local ordinances by which the Town shall regulate the parking of motor vehicles along public streets, within Town-owned property and at parking areas that are open for public use.

24.1 AUTHORITY

24.1.1 These regulations are adopted pursuant to the authority granted under RSA 41:11, 41:11-a, 47:17, 231:59-a, 231:132-a, 259:83, 259:125, and 265:70. In addition, these regulations are intended to incorporate specific provisions from RSA 265:68, 265:69, 265-69-a, and 265:71 as a local ordinance to be enforced as parking regulations applicable within the Town of Gilford. (See Appendix A for copies of the relevant language from each statute cited.)

24.1.2 These regulations shall not apply to the Glendale Facility (see Chapter 15 – Glendale Facility Regulations); the Town Beach (see Chapter 3 – Town Beach Regulations); boat trailer parking next to the Ice Rink (see Chapter 15-A – Boat Trailer Parking Facility Regulations); or overnight parking of recreational vehicles (see Chapter 18 – Ordinance to Prohibit Overnight Parking of Recreational Vehicles).

24.2 PURPOSE

24.2.1 The purposes of these regulations are as follows:

(a) To ensure emergency vehicle access throughout the Town of Gilford as may be necessary.

(b) To prevent vehicular obstructions, travel inconveniences, and visibility impairments along travel ways; in so much as practical.

(c) To implement and provide local enforcement methods for the motor vehicle laws promulgated by the State of New Hampshire; in addition to establishing enforcement methods for these regulations as otherwise set forth herein.

(d) To regulate the manner of parking upon particular highways for the safety and welfare of the general public, (including, but not limited to motorists and pedestrians) as may be necessary on a case-by-case basis, taking into account the needs and observations of local residents as well as the Town's duty of care for maintenance and emergency response purposes.

(e) To protect and preserve Town-owned property, especially during such periods of time when facilities are not open to the public; while striving to enhance the peaceful enjoyment and safety of private property situated adjacent to public lands.

(f) To establish a system of fines and penalties for violations.

24.3 REPEAL OF PREVIOUS REGULATIONS

24.3.1 These regulations shall supersede and replace the Ordinance Related to Parking Regulations as originally adopted on May 28, 1970 and subsequently repealed and/or amended through July 11, 2007. In addition, these regulations shall supersede and replace the following regulations: An Ordinance with Respect to Nighttime Parking on Streets and Public Ways from November 15 to April 1st (Chapter 16);An Ordinance Relating to Parking Regulations at 9 Lakeshore Road Shopping Plaza (Chapter 19); An Ordinance Relating to Parking Regulations at 18 Weirs Road Shopping Plaza (Chapter 20); An Ordinance Relating to Parking Regulations at 1401 Lakeshore Road Shopping Plaza (Chapter 21); An Ordinance Relating to Parking Regulations at One Gilford Place Shopping Center (Chapter 22); and An Ordinance Relating to Parking Regulations at 1458 Lakeshore Road Shopping Plaza (Chapter 23).

24.4 GENERAL PARKING RESTRICTIONS

24.4.1 Parking Lots

A. Notwithstanding the authority of the Selectmen to declare emergency lanes pursuant to the provisions of RSA 231:59-a; (see also Section 24.4.9 and Appendix C); nor the authority of the Planning Board to determine the alignment and configuration of parking spaces as part of a site plan approval process under RSA 674:43, the following regulations shall apply to all parking areas, (including privately owned facilities) for shopping plazas and malls where fifty (50) or more parking spaces are provided:

(1) It shall be a violation of these regulations to park any vehicle within twenty feet (20') of a walkway immediately in front of the main entrances and exits.

(2) It shall be a violation of these regulations to park any vehicle within twenty feet (20') of the side walls or rear walls of a mall or plaza building as regulated herein, except for vehicles that are actively engaged in the loading/unloading process.

B. The regulations in subsections (1) and (2) as noted above may be waived by the Fire Chief upon a written determination (on a case-by-case basis) that sufficient space is otherwise available for emergency apparatus. (See Appendix D for applicable correspondence related thereto.)

C. Owners, lessees and/or operators of such malls and plazas shall be required to post "no parking" signs and refrain from designating parking spaces in accordance with this section of the regulations.

D. The installation of any gates or fences within a travel lane in a regulated public parking lot travel area shall be prohibited except when otherwise approved by the Fire Chief, provided that a lock box is made available for access by emergency service providers.

24.4.2 Winter Parking Ban

A. During the period November 15 through April 1; and during such other times as snow or ice may be accumulating on the ground, it shall be a violation of these regulations to park any vehicle on a public street or way between the hours of 12:00 midnight and 7:00am.

24.4.3 Special Parking Regulations

A. The following areas are specifically designated as no parking zones, to include the entire width of the travel lanes and road shoulders:

(1) Varney Point Road, on the westerly side in its entirety, and on the easterly side between Route 11 and Casey Road;

(2) Varney Point Road Left, both sides, in its entirety;

(3) Varney Point Road Right, both sides, in its entirety;

(4) Potter Hill Road on the easterly side from Belknap Mountain Road to the entrance for Gilford Village Knolls; and on the westerly side from Belknap Mountain Road to the intersection with Tannery Hill Road north of the Soldier's Memorial Monument;

(5) Kimball Road from Weirs Road (a.k.a. Route 11-B) for a distance of five hundred feet (500') on both sides;

(6) Glendale Place, both sides, in its entirety;

(7) Route 11, both sides, between the Alton town line and Ames Cemetery and between the Laconia city line and Liscomb Circle;

(8) Belknap Mountain Road, both sides, in its entirety within the limits of the Gilford Village District, except for the eleven (11) diagonal spaces on the north side in the vicinity of the Old Library which are hereby authorized;

(9) Weirs Road (a.k.a. Route 11-B), both sides, for a distance of nine hundred feet (900') for a total distance of one thousand eight hundred feet (1,800') within the southern-most intersection of Dockham Shore Road;

(10) Roberts Road, both sides, in its entirety;

(11) Route 11-A, both sides, between the southernmost intersection of Intervale Road (a.k.a. Route 11-B) and Potter Hill Road;

(12) Summit Avenue, both sides in its entirety.

B. The six (6) diagonal parking spaces on Easy Street are hereby authorized.

24.4.4 General Rules

A. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the roadway or upon any public way when it is practicable to park such vehicle off the travel portion of a roadway; nor shall any person park a vehicle in such a way as to create a hazard to other users of a roadway or block the orderly flow of traffic, including the unrestricted passage of emergency vehicles.

B. No person shall stop, park, or leave standing any vehicle, whether attended or unattended, unless necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, in the following manner:

(1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parked);

(2) On a sidewalk;

(3) Within an intersection or within 30 feet of a curb, except momentarily to pick-up or discharge passengers;

(4) On a crosswalk or within 20 feet of a crosswalk at an intersection, except momentarily to pick-up or discharge passengers;

(5) Alongside or opposite any street excavation or construction;

(6) Upon any bridge or other elevated structure upon a public way;

(7) On any railroad tracks or within 50 feet of a railroad crossing;

(8) On any controlled access highway;

(9) In the area between roadways of a divided highway, including crossovers;

(10) In or overlapping into any access aisle;

(11) Within 15 feet of a fire hydrant, except momentarily to pick-up or discharge passengers;

(12) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

(13) On the "wrong" side of the road (parked vehicles within a roadway must have the right-hand wheels parallel to the right-hand side of the traveled portion of the way, except in locations where diagonal parking is otherwise delineated);

(14) Too far from the edge of roadway (parked vehicles within a roadway must have the right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, except in locations where diagonal parking is otherwise delineated);

24.4.5 Handicap Designations

A. It shall be a violation of these regulations for any person to park or stop a motor vehicle in a parking place specially designated for a person with a disability by means of a sign or symbol as required by RSA 265:73-a , unless that person has a special plate or placard issued or recognized pursuant to NH law, and the person who qualifies for the plate or placard is being transported to or from the parking place.

B. The Board of Selectmen and/or Director of Public Works is authorized to establish specific parking places that are specially designated for a person with a disability. Such places shall be identified with signs and/or symbols as otherwise required by law.

24.4.6 Public Recreation Areas

A. It shall be unlawful to park or leave any vehicle between the hours of 11:00 P.M. and 5:00 A.M. at any public recreation area, including, but not limited to Lincoln Park, Stonewall Park, Gilford Village Field, Sarah Peck Park, Arthur A. Tilton Ice Rink, the Lockes Hill Trail Parking Area, Saltmarsh Pond Parking Area, Weeks Town Forest, Weeks Woods, etc. (Note: the Selectmen may vote to extend these hours for special events upon written request or for good cause.)

B. It shall be unlawful to park or leave any vehicle at any Town Park, Forest, Recreation Facility or Conservation Area unless the occupants of such vehicle are utilizing the facility for its intended purpose or some other official purpose during normal hours. In addition, the use of the Gilford Village Field parking lot is hereby authorized for student parking during weekday daylight hours whenever the access gate is left open.

C. The Board of Selectmen may authorize the installation of gates and the limiting or closing of public access to Town Recreation Areas for any reason that may be in the Town's best interest.

24.4.7 Temporary Parking Regulations

A. The Board of Selectmen and/or Police Chief may issue temporary parking bans under extraordinary circumstances or during special events. It shall be a violation of these regulations to stop or park a motor vehicle in a manner that is contrary to the official posted signs indicating a temporary parking ban is in effect.

B. The Board of Selectmen may temporarily waive any of the parking regulations set forth herein for extraordinary circumstances or during special events.

C. A written record of temporary parking regulation decisions with dates and locations shall be recorded in Exhibit E.

24.4.8 Signs

A. The Board of Selectmen may vote at any time to have "no parking" signs installed at any location within the Town of Gilford, provided that any vote intended to establish a permanent "no parking" area shall require a public hearing. A record of such vote shall be attached hereto and incorporated herein under Appendix B.

B. It shall be a violation of these regulations to stop or park a motor vehicle at any place where an official sign indicates that parking is not allowed.

24.4.9 Emergency Lanes

A. The Board of Selectmen may declare an emergency lane pursuant to the authority of RSA 231:59-a. A record of such vote and the specific description of the emergency lane shall be attached hereto and incorporated herein under Appendix C.

B. It shall be a violation of these regulations to park or leave any vehicle within an emergency lane as designated and marked pursuant to these regulations.

C. Owners, lessees and/or operators of property that has been declared an emergency lane shall be required to post "no parking" signs and refrain from designating parking spaces in accordance with this section of the regulations.

24.5. ENFORCEMENT

24.5.1 These regulations may be enforced by any duly appointed Gilford Police Officer by the issuance of a ticket. In addition, Gilford Police Officers are authorized to have any motor vehicle towed at the expense and liability of the owner, for repeated violations or to remove a safety hazard pursuant to the provisions of RSA 262:32-33.

24.5.2 Any person who stops or parks a motor vehicle in a manner that does not comply with these regulations shall be guilty of a Class B violation. The following fines shall apply in a manner prescribed by law, (see RSA 231:132-a for a presumption of guilt), except for violations of Section 24.4.5 (handicap parking) which are set forth in Section 24.5.3:

- First Offense: The amount due shall be fifty dollars ($50.00)
- Second Offense: The amount due shall be one hundred dollars ($100.00)
- Third (or subsequent) Offense: The amount due shall be two hundred fifty dollars ($250.00)

  (Note: Each day of violation shall constitute a separate offense.)

24.5.3 Any person who stops or parks a motor vehicle in a manner that does not comply with the provisions of Section 24.4.5 (handicap parking) shall be guilty of a Class A violation. The following fines shall apply in a manner prescribed by law, (see RSA 231:132-a for a presumption of guilt):

- First Offense: The amount due shall be two hundred fifty dollars ($250.00)
- Second Offense: The amount due shall be five hundred dollars ($500.00)
- Third (or subsequent) Offense: The amount due shall be one thousand dollars ($1,000.00)

  (Note: Each day of violation shall constitute a separate offense.)

24.5.4 Failure to make payment for a fine as indicated on a citation within seven (7) days of issuance shall result in prosecution in Laconia District Court. Any person found guilty in a court of law for violating these regulations who fails to pay the fine shall be subject to having their vehicle towed and/or impounded; and may thereafter also lose their eligibility for a Town Decal and Glendale Facility privileges.

24.5.5 Any person aggrieved by the issuance of a parking regulation citation (ticket), may appeal in writing to the Chief of Police for a review, whereupon the decision of the Police Chief (or his/her designee) shall be final. However, appeals may also be made to the Laconia District Court upon issuance of a summons for failure to pay a fine.

24.6 SEVERANCE

24.6.1 In the event that any word, sentence or section of these regulations is found to be invalid as a result of judicial or legislative action, the remainder of these regulations shall remain in full force and effect.

24.7 EFFECTIVE DATE

24.7.1 These regulations shall take effect as of June 1, 2010.

IN WITNESS WHEREOF, these Parking Regulations are adopted and approved on the 12th day of May, 2010 by the Gilford Board of Selectmen, following a public hearing held on the same date which was duly posted and published. ATTEST:

J. Kevin Hayes, Chair

John T. O'Brien, Vice-Chair

Gus Benavides, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 13th DAY OF May, 2010, BY:

Denise A. Morrissette, Town Clerk

TOWN OF GILFORD
PARKING REGULATIONS
APPENDIX A

APPLICABLE LAWS OF THE STATE OF NEW HAMPSHIRE

RSA 41:11 Regulation of Use of Highways, etc.

Unless regulated by the commissioner of the department of transportation as provided in RSA 236:1, the selectmen may regulate the use of all public highways, sidewalks, and commons in their respective towns and for this purpose may exercise all the powers conferred on city councils by RSA 47:17, VII, VIII, and XVIII, and by any other provisions of the laws upon the subject.

RSA 41:11-a Town Property.

I. The selectmen shall have authority to manage all real property owned by the town and to regulate its use, unless such management and regulation is delegated to other public officers by vote of the town, or is governed by other statutes, including but not limited to RSA 31:112, RSA 35-B, RSA 36-A:4, and RSA 202-A:6.

RSA 47:17 Bylaws and Ordinances.

The city councils *[and selectmen]* shall have power to make all such salutary and needful bylaws as towns and the police officers of towns and engineers or firewards by law have power to make and to annex penalties, not exceeding $1,000, for the breach thereof; and may make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and bylaws for the purposes stated in this section. Provisions in this section granting authority to establish and collect fines for certain violations shall not be interpreted to limit the authority hereunder to establish and collect fines for any other violations:

II. Order and Police Duty. To … prescribe the powers and duties of police officers and watchmen.

VII. Use of Public Ways. To regulate all streets and public ways, wharves, docks, and squares, and the use thereof, and the placing or leaving therein any carriages, sleds, boxes, lumber, wood, or any articles or materials, and the deposit of any waste or other thing whatever; the removal of any manure or other material therefrom; the erection of posts, signs, steps, public telephones, telephone booths, and other appurtenances thereto, or awnings; the digging up the ground by traffic thereon or in any other manner, or any other act by which the public travel may be incommoded or the city subjected to expense thereby; the securing by railings or otherwise any well, cellar, or other dangerous place in or near the line of any street; to prohibit the rolling of hoops, playing at ball or flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets and sidewalks, or to frighten teams of horses within the same; ...

XVIII. Automobile Parking Controls. The city councils shall have the authority to adopt such bylaws and ordinances as are necessary to control the parking, standing and stopping of automobiles within the city limits, including ordinances allowing for the towing or immobilization of automobiles for nonpayment of parking fines and creating parking fines recoverable by means of civil process.

RSA 231:59-a Emergency Lanes.

I. Notwithstanding RSA 231:59 or any other provision of law, a town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency vehicles. A capital reserve fund under RSA 35 or a trust fund under RSA 31:19-a may be established for this purpose.

II. No expenditures shall be made under paragraph I unless the selectmen, following a public hearing, declare the relevant class VI highway, private way, or portion thereof, as an emergency lane, and make written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.

III. In the case of a private way, notice shall be mailed to all persons known to have a legal interest in the way, 10 days prior to the hearing, and the emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission. Neither the appearance nor non-appearance of such persons at the hearing shall prevent such permission from later being denied or withdrawn.

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9--13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA 227-L concerning forest fires.

RSA 231:132-a Parking Enforcement Provisions.

Notwithstanding any other provision of law, a municipality which … establishes other parking restrictions pursuant to RSA 41:11 or 47:17, or which seeks to enforce the stopping, standing and parking restrictions set forth in RSA 265:68-74, may utilize the following provisions in the enforcement of such parking restrictions … :

I. All violations of such parking restrictions and charges shall be deemed the responsibility of the registered owner of the vehicle. Such registration may be proven as set forth in RSA 261:60. Such registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability need be proved as an element of the offense. It shall be an affirmative defense that at the time of the infraction the vehicle was beyond the control of the registered owner as a result of a violation of RSA 262:12, 637:3 or 637:9 or a similar statute in another jurisdiction.

II. Municipalities may establish, by ordinance, systems for the administrative enforcement of parking violations and collection of penalties, to be utilized prior to the service of a formal summons and complaint. Such a system may be administered by a police department or other municipal agency. Such a system may include opportunities for persons who do not wish to contest parking violations to pay such penalties by mail. Such a system may also provide for a schedule of enhanced penalties the longer such penalties remain unpaid; provided, however, that the penalty for any separate parking offense shall in no case exceed the maximum penalty for a violation as set forth in RSA 651:2.

III. A written notice of violation containing a description of the parking offense and any applicable schedule of penalties, affixed to the vehicle at the time of the offense, shall be deemed adequate service of process on the vehicle owner for purposes of any administrative enforcement system established under paragraph II.

IV. If the administrative enforcement system established under paragraph II is unsuccessful at resolving alleged parking violations, or in the case of municipalities which have not established such a system, a summons may be issued as in the case of other violations of RSA title XXI, including the use of the procedure for plea by mail set forth in RSA 502-A:19-b. Notwithstanding any other provision of law, a complaint and summons for a parking offense may be served upon the defendant by postpaid certified mail, return receipt requested. Return receipt showing that the defendant has received the complaint and summons shall constitute an essential part of the service. If service cannot be effected by certified mail, then the court may direct that service on the defendant be completed as in other violation complaints.

RSA 259:83 Public Way.

"Public way" shall mean:

II. As used elsewhere in this title, the same as "way".

RSA 259:125 Way.

"Way" shall mean:

I. Except as provided in paragraph II, the entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use, or any such way which has been used for public travel thereon, other than to and from a toll bridge or ferry, for 20 years, or any public or private parking lot which is maintained primarily for the benefit of paying customers;

II. For the purposes of RSA 265:71, IV, RSA 265:79, RSA 265-A:2, I, and RSA 265-A:3, any public highway, street, avenue, road, alley, park, parking lot or parkway; any private way laid out under authority of statute; ways provided and maintained by public institutions to which state funds are appropriated for public use; any privately owned and maintained way open for public use; and any private parking lots, including parking lots and other out-of-door areas of commercial establishments which are generally maintained for the benefit of the public.

RSA 261:88 Walking Disability Plates and Placards.

I. In this section:

(a) "Removable windshield placard" means a two-sided, hanger style placard which includes on each side the international symbol of access, which is at least 3 inches in height, centered on the placard, and which is white on a blue shield, has an identification number, a date of expiration, and a seal or other identification of the department of safety.

(b) "Temporary removable windshield placard" means a two-sided, hanger style placard which includes on each side the international symbol of access, which is at least 3 inches in height, centered on the placard, and which is white on a red shield, has an identification number, a date of expiration, and the seal or other identification of the department of safety.

(c) "Walking disability" means a disability which limits or impairs a person's ability to walk, as determined by a licensed physician, podiatrist, or advanced practice registered nurse, to such an extent that such person:

(1) [Repealed.]

(2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device; or

(3) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than 1 liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; or

(4) Uses portable oxygen; or

(5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class 3 or class 4 according to standards set by the American Heart Association; or

(6) Is severely limited in the ability to walk due to an arthritic, neurological, orthopedic, or other medically debilitating condition.

II. The director shall design and issue, with the approval of the commissioner, special number plates which shall incorporate the international accessibility symbol. The director shall make such plates available as an optional number plate to be used on a motor vehicle:

(a) Owned by a person with a walking disability.

(b) Owned by an organization in this state and primarily used to transport persons with walking disabilities.

(c) Owned by a relative of a person with a walking disability when such person is a resident of this state, member of the relative's household, and dependent on the owner of the motor vehicle as the person's primary means of transportation.

II-a. A person with a walking disability may receive separate special number plates for each motorcycle owned by the person.

III. An applicant for such special plates shall furnish the director with satisfactory proof, as the director may require, that the applicant meets the requirements of paragraph II. Such proof must be submitted every 5 years except in the case of a veteran who has been evaluated by the United States Department of Veterans Affairs to be permanently and totally disabled from service-connected disability. Such proof shall only have to be made upon initial application. Satisfactory proof of a walking disability, at a minimum, shall consist of the certification of a licensed physician, podiatrist, or advanced practice registered nurse that the applicant has a walking disability, as defined in paragraph I. Upon request and for the fee set forth in RSA 261:75, I, the director shall exchange special plates for regular plates currently issued to an applicant who qualifies for special plates.

VIII. Any person who finds or has reason to believe that such special plates or placards are being improperly used may report any such violation to the department. Any police officer of a city or town who finds that such special plate or placard is being improperly used shall report such violation to the department. The director may, at his or her discretion, revoke such special plate

or placard for violation of any provision or law related to the use of special plates or placards.

IX. The state of New Hampshire shall recognize removable windshield placards, temporary removable windshield placards, and special license plates which have been issued by issuing authorities of other states and countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with walking disabilities.

X. Special license plates, removable windshield placards, or temporary removable windshield placards displaying the international symbol of access shall be the only recognized means of identifying vehicles permitted to utilize parking spaces reserved for persons with walking disabilities.

RSA 262:32 Reasons for Removal and Impoundment.

An authorized official may cause the removal and storage of a vehicle if he has reasonable grounds to believe that:

I. A vehicle has been left unattended on the paved portion of a toll road, turnpike, or interstate and defense highway for a period of greater than 4 hours;

II. A vehicle has been left unattended on any way or the right-of-way thereof for a period of greater than 24 hours;

III. A vehicle is obstructing any way or the access thereto, or access to a public building, or is or will be a menace to traffic if allowed to remain, or is obstructing snow removal or highway maintenance operations;

IV. The owner or legal occupant of private property has complained that a vehicle is obstructing the passage of vehicles from a public street or highway onto the driveway of such private property;

V. A vehicle is reported stolen, or is apparently abandoned, or without proper registration, or apparently unsafe to be driven;

VI. The owner or custodian of the vehicle is under arrest or otherwise incapacitated, and the vehicle will be a menace to traffic if permitted to remain; or

VII. A vehicle has been left unattended within a state-owned park and ride facility for a period of greater than 21 days.

RSA 262:33 Procedure for Removal and Impoundment.

I. Upon satisfying the requirements of RSA 262:32, such vehicle may be removed and stored in a suitable place, and all reasonable charges incurred as a result of such removal and storage shall be a lien against the vehicle which shall be paid by the owner, custodian, or person claiming such

vehicle, except as otherwise provided in this section.

II. Whenever a vehicle is towed pursuant to RSA 262:32 the owner or other person lawfully entitled to the possession of the vehicle shall be entitled to recover said vehicle and release of the above lien by payment of all reasonable towing and storage charges. If the owner or other person lawfully entitled to possession of the vehicle wishes to challenge whether there was sufficient grounds for towing and impoundment, he may pay over to the custodian of the vehicle an amount equal to the towing and storage charges to secure the release of such vehicle, and, within 15 days of the towing and impoundment, request in writing a hearing.

III. The hearing shall be held before the head of the law enforcement agency which employs the authorized official who caused the vehicle to be removed and stored, or his designee. In the event such agency head or his designee determines sufficient grounds did not exist for the removal and storage of the vehicle, the law enforcement agency shall reimburse the owner or other person lawfully claiming possession for any amount paid to the custodian to secure release of the vehicle.

IV. Nothing in this section shall prevent a review of the reasonableness of the towing or other action as may be permitted by laws of this state by a court of competent jurisdiction.

RSA 265:68 Stopping, Standing or Parking Outside Business or Residence Districts.

I. Upon any way outside of a business or residence district no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the way when it is practicable to stop, park or so leave such vehicle off such part of said way, but in every event an unobstructed width of the way opposite a standing vehicle shall be left for the free passage of other vehicles and clear view of such stopped vehicles shall be available from a distance of 200 feet in each direction upon such way.

II. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a way in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

RSA 265:69 Stopping, Standing or Parking Prohibited in Specified Places.

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

I. Stop, stand or park a vehicle:

(a) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(b) On a sidewalk;

(c) Within an intersection;

(d) On a crosswalk;

(e) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone;

(f) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;

(g) Upon any bridge or other elevated structure upon a way or within a highway tunnel;

(h) On any railroad tracks;

(i) At any place where official signs prohibit stopping;

(j) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88, and the person who qualifies for the plate or placard is being transported to or from the parking place. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of $250;

(k) On any controlled access highway;

(l) In the area between roadways of a divided highway, including crossovers;

(m) In or overlapping into any access aisle. Notwithstanding the provisions of title LXII or any other provision of law, a person who violates the provisions of this subparagraph shall be fined a minimum of $50 for a first offense and a minimum of $100 for each subsequent offense.

II. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(a) In front of a public or private driveway;

(b) Within 15 feet of a fire hydrant;

(c) Within 20 feet of a crosswalk at an intersection;

(d) Within 30 feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;

(e) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly signposted;

(f) At any place where official signs prohibit standing.

III. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(a) Within 50 feet of the nearest rail of a railroad crossing;

(b) At any place where official signs prohibit parking. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

RSA 265:69-a Enforcement of Parking Prohibition in Parking Spaces and Access Aisles Designated for Persons With a Walking Disability.

Testimony under oath with clear photographic evidence from a person with a walking disability pursuant to RSA 261:86 or RSA 261:88 or the driver of a vehicle transporting such a person that a vehicle that does not display a special plate or placard issued or recognized pursuant to RSA 261:86 or RSA 261:88 was parked in a designated parking space for persons with a walking disability or any vehicle parked in or overlapping into an access aisle shall be sufficient evidence to prove that the owner of the vehicle has violated RSA 265:69, I(j) or (m), unless such evidence is rebutted or contradicted.

RSA 265:70 Local Ordinances Not Superseded.

The provisions of RSA 265:69 shall not supersede the provisions of any local ordinance which has been adopted to regulate parking in restricted areas in the compact part of any city or town.

RSA 265:71 Additional Parking Regulations.

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

II. Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement with its right-hand wheels within 12 inches of the right-hand curb or edge of the roadway, or its left-hand wheels within 12 inches of the left-hand curb or edge of the roadway.

III. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state way unless authorized by the

commissioner of transportation.

IV. The commissioner of transportation with respect to ways under the department's jurisdiction may place signs to prohibit or restrict the stopping, standing or parking of vehicles on any way where in the commissioner's opinion such stopping, standing or parking is dangerous to those using the way or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon or to control the parking of vehicles at a park and ride facility. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

RSA 265:73-a Parking Signs; Disabled.

A parking space on private or public property that is reserved for persons who are disabled shall be marked by a sign affixed to a post or a building. Said sign shall be clearly visible to anyone directly approaching that particular space.

RSA 651:2 Sentences and Limitations.

III-a. A person convicted of a violation may be sentenced to conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil penalty, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation. The amount of any fine imposed on:

(a) Any individual may not exceed $4,000 for a felony, $2,000 for a class A misdemeanor, $1,200 for a class B misdemeanor, and $1,000 for a violation.

(b) A corporation or unincorporated association may not exceed $100,000 for a felony, $20,000 for a misdemeanor and $1,000 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.

RSA 674:43 Power to Review Site Plans.

I. A municipality, having adopted a zoning ordinance as provided in RSA 674:16, and where the planning board has adopted subdivision regulations as provided in RSA 674:36, may by ordinance or resolution further authorize the planning board to require preliminary review of site plans and to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

TOWN OF GILFORD
PARKING REGULATIONS
APPENDIX B

"NO PARKING"
SIGN AUTHORIZATIONS

TOWN OF GILFORD
PARKING REGULATIONS
APPENDIX C

EMERGENCY LANE DECLARATIONS

TOWN OF GILFORD
PARKING REGULATIONS
APPENDIX D

FIRE CHIEF
PARKING WAIVERS

TOWN OF GILFORD
PARKING REGULATIONS
APPENDIX E

TEMPORARY PARKING REGULATIONS

(CHAPTER 25)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE REGULATING RETAIL BUSINESS, PLAYS, GAMES, SPORTS AND EXHIBITIONS ON THE LORD'S DAY

Be it ordained by the Selectmen of the Town of Gilford, as follows:

SECTION 1. Retail business, plays, games, sports, and exhibitions are hereby permitted on the Lord's Day EXCEPT as follows:

(a) Public dancing after 1:00 a.m. on the Lord's Day is not permitted.

(b) No games of baseball, hockey or football, and no games, sports, or exhibitions of physical skill at which admission is charged or donations accepted, shall be held earlier than one o'clock in the afternoon on the Lord's Day.

(c) No theatrical or vaudeville performances or motion pictures shall be opened earlier than two o'clock in the afternoon on the Lord's Day.

Adopted March 5, 1970, to become effective upon approval of Voters at Annual Town Meeting.

Edward H. Needham

R. Keith

BOARD OF SELECTMEN

Adopted at Town Meeting
March 11, 1970

(CHAPTER 26)

TOWN OF GILFORD
MINIMUM ROAD STANDARDS

Amended 9/24/70, revised 1/14/71, revised 1/25/71, revised 12/13/73, revised 2/1/2006

[See last page for list of References]

INTRODUCTION

These standards are established to encourage safe and efficient roads in Gilford while promoting smooth traffic flow and optimum sight distances. They are designed to ensure wise use of municipal revenues for road construction and maintenance and to provide suitable travel for intracommunity and intertown commerce. They are intended to minimize conflict with pedestrians and assist in maintaining quiet residential neighborhoods consistent with Gilford's rural character.

These standards shall apply to all new street and road construction as well as the upgrading of private ways when same are proposed for acceptance as a public way by the Town. Any road(s) accepted by the Selectmen shall meet or exceed the Gilford Minimum Road Standards in effect at the time of Gilford subdivision approval. If the physical condition of the road(s) has deteriorated before acceptance by the Town, the road(s) must be reconstructed to meet the Gilford Minimum Road Standards in effect at the time of subdivision approval (added 10/3/74 by Board of Selectmen).

1. GENERAL LAYOUT. Roads and streets shall be logically related to the topography so as to produce usable lots. Selection of the highway alignment should be on the basis of minimizing cuts and fill slopes. Major road and street alignment shall conform to the future land use and Town Master Plan or its most current revisions. The protection and enhancement of the environment shall be of major importance in the design and construction. Streets or roads shall have satisfactory access to existing and accepted class V streets or roads of the Town of Gilford. These standards shall govern new subdivision layouts, road extensions, private to public requests and class VI to V upgrades.

Application in writing for acceptance of the street or road shall be made by the property owner to the Board of Selectmen. The Selectmen may accept such street or road upon verifying that such street or road corresponds with a road shown on a plan approved by the Planning Board and after review by the Department of Public Works. No street or road shall be accepted unless there is a public need for such street or road.

2. STREET LAYOUT.

A. **General.** All subdivisions shall have adequate provision for a safe and suitable access to a Class V or better road or, shall make provision for the construction and

dedication of a Class V or better road in order to ensure safe and suitable access to the subdivision. Where the Planning Board determines an existing access street, or portion thereof to be substandard, it may require the upgrading of said street. Where traffic from a proposed subdivision will adversely impact a nearby street or intersection, provisions shall be made for the mitigation of said impacts. Proposed streets shall be of suitable location, width, grade, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire fighting, emergency equipment, snow removal, sanitation, and road maintenance equipment. The arrangement and character of all streets in subdivisions shall conform to the Master Plan, when applicable, in relation to other existing and planned streets, to topographic conditions, and to the proposed uses of land to be served by the street(s). Existing stonewalls shall be retained or relocated and restored as required by the Planning Board and as referenced in RSA 472:6.

B. **Access.** Each lot shall have a safe, independent and direct access to and from a Class V or better road. Where warranted, the Planning Board may require that two (2) lots share a driveway. All shared portions of such shared driveways shall be improved to facilitate two (2)-way traffic flow beyond the Town right-of-way to the point where the shared responsibility ends. Rights of passage over and across such shared driveways shall be established by a recorded easement for each of the lots so served. Unless shared as permitted by this section, driveways shall be located a minimum of fifteen (15) feet from any side and rear property lines.

C. **Arrangement.** Streets shall be laid out so as to intersect at right angles as nearly as possible. No street shall intersect another at less than 60 degrees. New streets shall be continuous and in alignment with existing streets as much as possible. All streets shall be integrated with existing and proposed street systems. Where thru streets are not proposed, the design shall provide for a cul-de-sac or other approved terminuses. Streets entering on the opposite side of another existing street or road shall be laid out either directly opposite of another or with a minimum distance of one hundred and twenty five (125) feet between their centerlines. Where extension of an existing roadway is proposed, the existing terminus shall be removed in its entirety. (See standards for Dead-End Streets below).

D. **Classification of Streets.**

1) **Arterial Streets** [1500 & over ADT] are intended to carry traffic from collector streets to the system of highways; that is, to move through-traffic to and from major traffic generating areas.

2) **Collector Streets** [750-1500 ADT] carry traffic from local streets to the major system of arterial streets and highways. They are intended to collect from and to distribute traffic in minor traffic generating areas.

3) **Local Streets** [0-750 ADT] provide primarily for access to abutting properties but are intended and designed to carry through-traffic.

4) **Dead End and Loop Streets** provide for access to abutting properties but, have only one point of access from an approved street that may have multiple points of access.

5) **Private Streets or Ways** are on property held under private ownership and are not maintained by the Town.

3. **DEAD-END STREET(S).** Streets designed to be permanent, dead-end streets shall not exceed one thousand (1,000) feet, as measured from the edge of the existing road pavement to the end the of proposed right-of-way, and shall be provided with a turn around within that right-of-way having an inside road surface diameter of at least one hundred (100) feet or some other approved road terminus..

4. **STREET NAME(S).** All streets shall be named to comply with the provisions of the "Enhanced 911 System" (RSA 106-H: 2 and RSA 106-H: 10) and shall be subject to the approval of the Selectmen.

5. **STREET SIGN(S).** The location and type of sign(s) to be installed shall be in accordance with the Manual on Uniform Traffic Control Devices (MUTCD).

6. **STREET LIGHT(S).** Streetlight(s) shall be provided as required by the Planning Board and approved by the Selectmen. Newly created intersections may require that a street light(s) be installed for the purpose of public safety.

7. **GUARDRAIL(S).** Guardrail(s) shall be used in locations where the New Hampshire Department of Transportation's typical warrant for guardrail is met and/or as required by the Planning Board and approved by the Selectmen. Guardrail(s) shall be metal beam on wood posts (or approved equal), meeting *State Specification 606* and, as applicable, *State Plans* GR-1 through GR-8. All guardrail(s) must end safely using an appropriate terminal unit.

8. **RIGHT-OF-WAY.** The minimum width of a road right-of-way shall be not less than fifty (50) feet. A greater width may be required to construct roads and ditches as described in the attached Figure 1, "Geometric Cross Section Design Element." The Planning Board, with the approval of the Selectmen, may require greater right-of-way width where, in its judgment, the width is warranted due to present or future demands.

9. **RIGHT-OF-WAY BOUND(S).** Bounds of a type recommended by the Planning Board and approved by the Selectmen shall be installed at each point of curvature (PC), point of tangent (PT), and changes in property ownership, as it abuts the right-of-way, at all street intersections, at all points of change in direction and at any other points the Planning Board, with the approval of the Selectmen, may deem necessary to designate the street lines (intended for new layouts but may include change of road ownership such as, but not limited to, a town line designation, public to private ownership or Class V to VI status).

A. Type: The following boundary markers shall be used to satisfy the requirements of this section. Nothing herein shall preclude the use of state of the art monumentation when said monumentation is deemed to be in compliance by the Planning Board.

1) *Stone or Concrete Bounds* shall be of concrete, stone or equal, not less than thirty-six (36) inches in length, not less than four (4) inches square or five (5) inches in diameter, and marked on top with a cross, brass plug, iron rod, or other durable material securely imbedded. Drill holes are acceptable where existing conditions allow.

2) *Iron Pipes or rebar* shall be at least thirty (30) inches long and a minimum of five-eighths (5/8) inch in diameter or square.

B. Location:

1) *Bound Locations***.** The external boundaries and rights-of-way lines of a roadway shall be monumented by bounds. These bounds shall be placed not more than 1,400 feet apart along any straight line and at all corners, at each end of all curves, at each point where a curve changes its radius, and at all angle points in any line. Said points shall not be less than twenty (20) feet from the bank of any river or stream.

2) *Iron Pipe Locations***.** The lines of all lots abutting the right-of-way and any other points not marked by bounds shall be monumented by iron pipes or equal. Those monuments located along rivers and streams shall be located along the top of the stream bank.

C. Placement:

Bounds may be set flush with finish grade. No permanent bounds shall be set until all construction that would disturb or destroy the monuments is completed. All bounds shall be set under the direction of a licensed land surveyor and noted on the final "as-built" plan(s).

10. ALIGNMENT AND GRADES. Chart 1, "Roadway Geometric Design Standards," provides minimums for curves, grades, and other road and street geometry.

A. **Exception:** Where it has been demonstrated to the satisfaction of the Planning Board that adherence to the maximum grade specified in Chart 1 will cause local streets to be constructed with what the Planning Board considers to be excessive cuts or fills, a waiver from the above specified maximum grade may be granted by the Selectmen, provided:

1) The maximum allowable grade shall not exceed ten (10%) percent;

2) The maximum length of such grade as measured between vertical points of intersection (PVI) shall not be greater than five-hundred (500) feet;

3) No other such slope greater than six (6%) percent occurs within five hundred (500) feet measured along the centerline of the road from PVIs.

11. APPLICATION TECHNICAL REVIEW. At a regularly scheduled meeting the Planning Board (or is delegated to its Site Study Committee) will review the application for completeness and determine its acceptability for further processing.

12. CONSTRUCTION SUPERVISION. All roads, streets, drainage facilities, sidewalks, curbs and all other elements within the right-of-way shall be constructed under the supervision, and with the approval, of the Selectmen or their designated representative(s). If the town chooses to utilize independent construction testing and inspection, the following shall apply:

A. The cost of independent construction testing and inspection shall be borne by the contractor/applicant. Prior to receiving final approval of subdivision involving required improvements, the applicant shall deposit with the Treasurer of the town a sum sufficient to pay for such inspections as estimated by the Selectmen or their designated agent. The amount deposited under this section shall be held in a special escrow account by the Treasurer for the purpose of paying the independent agency to perform the necessary inspections and/or tests.

B. Whenever the actual amount required to make necessary inspections exceeds the amount deposited under this section, such amount in excess of the deposited amount shall be paid to the Treasurer prior to the final acceptance of the improvements and prior to the release of any bond money deposited.

C. Any amount deposited under this section and not used for the purposes stated herein shall be returned to the applicant upon final acceptance of the require improvements. Escrow amounts shall be returned to the applicant within thirty (30) working days of such acceptance.

13. CLEARING AND GRUBBING. The entire area of each roadway shall be cleared and grubbed of all stumps, brush, roots, boulders, like materials and all trees not intended for preservation. Said material shall not be used for fill or buried within the road foot print, including all contiguous slopes. Clearing and grubbing shall conform to *Section 201 of* the *State Specifications*. A temporary entrance (covered with crushed stone for at least one hundred (100) feet in continuous length) shall be established and maintained functional during construction to ensure dirt, mud and other debris is not tracked onto any public way by exiting trucks and/or equipment. The contractor/applicant shall be responsible to ensure said stone remains effective.

14. SUBGRADE PREPARATION. All loam, humus, soft clay, and other yielding material shall be removed from within the limits of the roadway area to a depth of no less than

twenty-four (24) inches below subgrade or to a greater depth as may be required by the Department of Public Works. Ledge occurring anywhere in the full cross-section of the roadway must be cleared to a minimum depth of twenty-four (24) inches below the finished surface. Ledge occurring in pipe trenches must be cleared so as to have a gravel cushion of at least one (1) foot below and on both sides of the pipe.

15. STORM DRAINAGE (within the Right-of-Way). The proposed development shall provide for proper surface drainage so that removal of surface waters will in no way adversely affect any neighboring properties or the public storm water management system and will help in reducing flooding, erosion, and sedimentation. The drainage system shall be designed so that the post-development runoff rate does not exceed the pre-development run-off rate. Surface water runoff shall be controlled and directed into a system of catch basins, pipes, swales, drainage ways, culverts, and/or channels that flow into a natural watercourse or existing drainage facilities. Where a right-of-way is traversed by an existing watercourse, drainage way, channel, or stream, there shall be provided an easement conforming to the lines of such watercourse for the purpose of maintenance. When a proposed drainage system will result in water encroaching on land outside a subdivision, appropriate drainage rights must be secured and indicated on the plan. Where the Planning Board determines that an existing downstream, offsite drainage system is substandard, the Planning Board will require the applicant to improve said drainage system. Construction shall be in accordance with *State Specifications* Sections *603, 604* and *605*, and *State Plans Standards DR-1, DR-2, DR-3, DR-4* and *DR-5.*

A. Drainage Study: For all new roadways a drainage study/stormwater management report shall be submitted for review and shall include:

1) A table of contents;

2) A narrative statement indicating how the contractor/applicant has met the requirements of *Section 7 of the State Specifications* and will describe the methodology and results of said analysis;

3) As the drainage study relates to the proposed roadway, a summary table comparing existing and post-development rates of runoff for each individual drainage basin/watershed to abutting properties shall be supplied. All watersheds and drainage areas shall be consistently labeled in all tables, calculations and plans;

4) A summary table of each pipe indicating project location, pipe size, type, length, slope, Manning's "n" value peak discharge, depth of flow, and peak velocity for the design storm shall be provided. The summary shall also include hydraulic grade line (HGL) elevations at each location in closed conduit piping systems;

5) A summary table of each swale and channel indicating project location, cross-section/channel width, slope, Manning's "n" value, peak discharge, depth of flow, and peak velocity for the design storm shall be provided;

6) The project location and watershed as shown on a 7 ½ minute USGS quadrangle, shown as a chart in the report;

7) A watershed area plan for the existing conditions showing topography and existing ground elevations at two (2) foot contour intervals for the project site. The plan shall clearly show the boundary of each drainage area and sub area with identifying label and size, indicated in acres;

8) A watershed area plan of post-development conditions showing existing and proposed topography at two (2) foot contour intervals for the project's right-of-way. The plan shall clearly show the boundary of each drainage area and sub area with identifying label and size, indicated in acres. The post-development area shall be shown on a separate plan from the existing condition plan;

9) Runoff calculations shall be completed for the existing and post-development conditions using Soil Conservation Services (SCS) methods as described in the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire* for the appropriate design storms, as required by the regulations;

10) Flood routing calculations shall be provided for the design of each detention pond using acceptable methods such as Modified Puls, Storage Indication, or as may be approved by the Director of Public Works. In addition to the design storm (listed under section D. below), a fifty- (50) year storm analysis shall be conducted to establish the fifty- (50) year elevation at the detention basin. A minimum of twelve (12) inches of free board shall be provided above the fifty (50) year storm to the minimum elevation of embankment at the detention basin;

11) Water quality treatment facilities shall be designed to New Hampshire Department of Environmental Services standards and are in addition to the requirements of these regulations;

12) Riprap design calculations shall be provided to the requirements of the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire* for each pipe outfall location and, where necessary, for all open channels and swales; and

13) A licensed professional engineer in the State of New Hampshire shall stamp and sign the report.

B. Hydraulic Grade Line (HGL):

1) Closed Pipes: Closed pipe systems shall be designed to convey the appropriate design storm required by the regulations, under gravity flow conditions;

2) Open Channels and Swales: For open channels and swales, the HGL shall be shown for the appropriate design storm required by the regulations; and

3) Detention Basins/Ponds: The HGL shall be shown for a minimum fifty (50) year flood event.

C. Flow Computations: Flow computations shall be in accordance with the following:

1) *Manning's formula* shall be used to compute capacities for all open channels, swales, and closed piping drainage systems; and

2) The capacity of cross culverts shall be computed in accordance with *Manual on Drainage Design for Highways – New Hampshire Department of Transportation*.

D. Design Runoff: The rainfall frequency to be used for design calculations shall be as follows:

1)	Residential Areas ……	10 years
2)	Commercial Areas ……..	25 years
3)	Industrial Areas ……....	25 years
4)	Flood Protection Areas ……...	50 years

E. Placement of Drain Lines. All off-site drain lines shall be placed within public right(s)-of-way dedicated as public road/street unless the use of easements is specifically approved by the Planning Board.

F. Pipe Size, Velocity and Type.

1) Minimum allowable pipe diameter in any storm drain system shall not be less than fifteen (15) inches in diameter;

2) The design velocity in all pipes, up to the maximum velocity, shall be ten (10) feet per second;

3) The minimum depth of cover for storm drain lines shall not be less than thirty (30) inches, measured from the top of road finished grade.

4) Bedding shall be three-quarter (3/4) inch crushed stone and wrapped with a non-woven fabric to ensure stone is remains clean. The depth of bedding shall be a minimum six (6) inches if in earth and twelve (12) inches if in ledge; and

5) Acceptable pipe material shall be as recommended and approved by the Director of Public Works and Planning Board.

6) Maximum length between drain manholes shall be one hundred (100) feet.

G. Drainage Structures. Manholes and other drainage structures shall be pre-cast concrete sections meeting H-20 loading, constructed and installed in accordance with *New Hampshire Department of Transportation Standards and Specifications for Road and Bridge Construction*. Drainage structures shall not exceed fifteen (15) feet in depth (from rim to bottom of structure). Outlet structure at detention basins, when necessary, shall be submitted to the Director of Public Works for approval.

H. Driveway Culverts. Prior to installation, the Department of Public Works (DPW) shall approve the location, length, size, bedding and backfill of all driveway culverts installed within the right-of-way. Driveway culverts shall be located a minimum of four (4) feet off edge of roadway pavement, unless otherwise approved by DPW. Driveway location(s), driveway culvert(s) and all related items shall be designed, located, approved and incorporated in the subdivision plan. It is the responsibility of the homeowner to service and maintain their driveway culvert(s).

16. **CURBS.** Depending upon field conditions, curbing may be required along one or both sides of proposed roadways and drained appropriately. Construction shall be in accordance with *State Specifications*, Section 609, and *State Plans Standards* CR-1 and CR-2.

17. **SIDEWALKS.** The Planning Board may require construction of sidewalks for pedestrian access to, but not necessarily limited to, schools, parks, shopping areas and transit stops or where population density and /or traffic volume conditions are such that the Planning Board determines the construction of sidewalks to be prudent. In commercial and industrial districts, sidewalks may be required on both sides of the street. In residential districts, sidewalks may be required on one side of the street. Sidewalks shall be a minimum of five (5) feet in width; no closer that twelve (12) feet to the street centerline and constructed utilizing granite curb; six (6) inches of base gravel (*State Specifications*, Section *304.2)* except maximum stone size may be two (2) inches), plus six (6) inches of crushed gravel and a minimum of two (2) inches of hot bituminous pavement. All curbing shall be set in Portland Cement Concrete. Curb ramps and sidewalks shall be constructed to comply with the applicable design references listed in the footnote[1].

18. **DRIVEWAY (at front property line).** Driveway width for commercial and industrial subdivisions shall be a minimum of twenty (20) feet in width. Minimum driveway width for residential single family and duplex lots shall be twelve (12) feet at the right-of-way and not greater than twenty (20) feet with five (5) foot radius at the edge of pavement at the street. All driveways shall be located a minimum of fifteen (15) feet from all side and rear property lines.

---

[1] *Designing sidewalks and Trails for Access*, Part II of II: Best Practices Design Guide

A. When a proposed driveway is located on a Town road, the owner is responsible for certifying the proper sight distance is provided at the location indicated on the plans. For all residential driveways located on the lot serving a single family or duplex lot, the minimum, proper, all season sight distance shall be two-hundred fifty (250) feet in all directions. For all other driveways including, but not necessarily limited to, common, commercial, industrial and multi-family uses, the minimum all season sight distance shall be three-hundred sixty-five (365) feet in all directions meeting the requirements for roadway intersections. Proper visibility easements shall be provided to meet the sight distance requirements. The owner is responsible for obtaining a driveway permit from the Gilford Department of Public Works prior to the issuance of a building permit or any access is proposed off a town right-of-way for purposes of, but not limited to, agriculture or forest management uses. The Town requires that all newly constructed driveways shall have a minimum ten (10) foot apron of asphalt or other suitable material for the purpose of ensuring that sand, gravel, mud and other surface materials are not tracked into or onto the surface of a public road and,

B. When a proposed driveway is located on a State road, the owner is responsible for obtaining the necessary approval and permits from the State. A copy of the permit shall also be submitted to the Town and the New Hampshire Department of Transportation and approval number shall be shown on the plan.

19. **BASE COURSE**. The road base course shall be of materials at least the width and thickness indicated in the attached Figure 1, "Geometric Cross Section Design Elements." Crushed gravel shall conform to Pay Item 304.3 in *State Specification*. Gravel shall conform to Pay Item 304.2 in *State Specification*, except that the maximum size stones shall be three (3) inches. All other provisions of *State Specifications,* Section 304, are part of these standards.

20. **ASPHALT SURFACE**. Where designated in the attached Figure 1, "Geometric Cross Section Design Element," Hot Bituminous surfaces shall be Hot Bituminous Pavement in accordance with *State Specifications,* Section 403. Widths and thicknesses shall be at least as indicated in Figure 1. At least a forty-four (44) foot wide pavement is required in areas where on-street parking is expected on both sides of the travel way. Angle parking is allowed by special permission only and shall be approved by the Selectmen, upon recommendation of the Planning Board.

21. **GRAVEL SURFACE**. In cases of very low traffic volumes, defined herein as up to 50 vehicles per day, where the Planning Board determines that an asphalt surface is not required the total usable roadway width shall be a minimum of twenty-two (22) feet. Provision for a wider section shall be considered to allow for future upgrading to an asphalt surface as recommended above. The gravel-wearing course shall conform to *State Specifications,* Section 304.2, except that the maximum size stones shall be 1 ¼ inches. All other provisions of *State Specifications,* Section 304, are part of these standards.

22. **GRAVEL SHOULDERS**. Gravel shoulders, and their base courses, shall be at least the depth, width, and thickness indicated in the attached Figure 1, "Geometric Cross Section Design Element." Gravel shall conform to *State Specifications,* Section 304.33. All other provisions of *State Specifications* Section 304 are part of these standards.

23. **BRIDGES**. Bridges, as defined by State Law (RSA 234:2), are structures of ten (10) feet or greater clear span, and shall be designed to MS-18 (HS-20) loading (AASHTO Specifications). The minimum roadway width shall be twenty-four (24) feet. Bridges shall be designed by a professional engineer and constructed in accordance with that design.

24. **ENVIRONMENTAL IMPACTS AND PERMITS**. The owner shall be responsible for determining the compliance with any and all environmental regulations that apply to the project, for acquiring the necessary permits, for taking whatever action is necessary to comply with applicable regulations and permits, and, if necessary, for terminating the necessary permits. The applicable work could include, but not be limited to:

A. Any fill, dredge, excavation, etc. that impacts wetlands or other jurisdictional areas;

B. All temporary and permanent measures and treatment devices necessary to prevent erosion and control sediment during and after construction;

C. Any construction activity proposed to disturb one (1) or more acres of land as defined by US EPA NPDES permits;

D. Any disturbance of more than 100,000 square feet of terrain (50,000 sq. feet if within the protected shoreland) as defined by NHDES rules for a "Site Specific" permit.

25. **UTILITIES**. Utilities shall be underground and kept close to the right-of-way line, in no case closer than the ditch's back slope and always well back of a curb. Water and sewer mains may be constructed outside the road surface area.

26. **SAFETY**. Safety is an important factor on all roadway improvements. Every effort should be made to provide clear areas within the maintenance limits. The use of flatter slopes, the use of guardrail where necessary, and the use of warning signs are other safety factors to be considered. These areas are addressed in the publication Roadside Design Guide by AASHTO, 2002 or most current edition.

27. **BONDING REQUIREMENTS.** Security for improvements shall only be accepted in the form of cash held in the name of the town, or an irrevocable letter of credit, drawn on a NH bank, and in a form acceptable to the town's legal counsel. Land, mortgage or insurance bonds shall NOT be acceptable under this section. It is also required that a written agreement accompany said bond that clearly describes what work is to be accomplished and the deadline for completion of the improvements. All work must be completed prior to the expiration of the security so that there is adequate time to review whether all necessary tasks have been completed.

28. WAIVER PROVISION. The Board of Selectmen has the authority to vote to waive any portion of these regulations, provided however, that any such waiver shall state the standard which must be met as a condition of granting such waiver.

References

(a) *A Policy on Geometric Design of Highways and Streets*, 2001 edition. (AASHTO).
(b) *Designing Sidewalks and Trails for Access, Part II of II*: Best Practices Design Guide.
(c) *Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT<400),* 2001 edition. (AASHTO).
(d) *Roadside Design Guide*, 2002 edition. (AASHTO).
(e) *Standard Specifications for Highway Bridges*, 17th Edition 2002. (AASHTO).
(f) *Standard Plans for Road and Bridge Construction*, 2001 edition. (NHDOT).
(g) *Standard Specifications for Road and Bridge Construction*, 2002 edition. (NHDOT).
(h) *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*, 1992 edition. (Rockingham County Conservation District).

DEFINITIONS:

AASHTO – American Association of State Highway & Transportation Officials.

AADT – Annual average daily traffic.

ADT – Average daily traffic.

APPROVED MATERIAL – Material obtained from within the limits of the project or from outside sources suitable for the intended use. Also, manufactured materials [DOT].

ARTERIAL STREET – A street intended to carry traffic from collector streets to highways; that is, a street that will be utilized to move through traffic to and from major generating areas.

BASE COURSE – One or more layers of specified or selected material of designed thickness placed on a properly prepared subbase or subgrade to support a surface course.

CLASS V – Class V consists of all traveled highways other than Class IV, that the town or city has the duty to maintain regularly.[2]

CLASS VI – Class VI, per RSA 229:5, VII, includes "…all highways which have not been maintained and repaired by the town in a suitable condition for travel thereon for 5 successive years or more." [3]

COLLECTOR STREET – A street intended to carry traffic from local streets to the major system of arterial streets and highways. They are intended to collect and distribute traffic in minor traffic generating areas.

CUL-DE-SAC – A local street open at one end only and with special provisions for turning around. [DOT]

CULVERT – Any structure not classified as a bridge which provides an opening under any roadway. [DOT]

DEAD END STREET – A street having only one point of access from an approved street.

DIRECTOR – Gilford Public Works Director.

EASEMENT – A right acquired by public authority to use or control property for a designated highway purpose. [DOT]

EPA – Environmental Protection Agency.

[DOT] "Standard Specifications for Road and Bridge Construction, NHDOT, 2002
[2] "A Hard Road to Travel", 2004 Edition
[3] "A Hard Road to Travel", 2004 Edition

HIGHWAY, STREET, ROAD – A public way designated for purposes of vehicular travel or vehicular and pedestrian travel, including the entire area within the right-of-way. [DOT]

HOT BIT – Hot bituminous asphalt.

LANE – That portion of the traveled way that is utilized for the movement of a single line of vehicles.

LOCAL STREET – A street designed primarily for access to abutting properties, but intended and designed to carry through traffic.

LOOP STREET – A street having only one point of access from an approved street that loops back onto itself without exiting.

MUTCD – Manual on Uniform Traffic Control Devices (current edition).

NHDES – New Hampshire Department of Environmental Services.

PLANNING BOARD – Gilford Planning Board.

PRIVATE S STREETS – Street held under private ownership that are located on private property and that are not maintained by the Town.

ROW – Right-of-way. Land, property, or an interest therein (usually in a strip), that is acquired for and/or is devoted to transportation purposes. [DOT]

R.S.A. – New Hampshire, Revised Statutes Annotated.

SELECTMEN – Gilford Board of Selectmen.

STATE – State of New Hampshire.

STREET LIGHT – An electric luminary fixture mounted to a pole and used to light a road surface or area.

STREET NAME – Name officially accepted by the Board of Selectmen for official identification of a particular road or street.

SUBBASE – Layers of specified material thickness placed on a subgrade to support a base course. [DOT]

SUBGRADE – The top surface of a roadbed upon which the pavement structure and shoulders are constructed. [DOT]

TOWN – Town of Gilford, N. H.

TRIPS PER DAY – One trip is equal to, "from point A to point B".

[DOT] "Standard Specifications for Road and Bridge Construction, NHDOT, 2002

Town of Gilford Road Standards – Figure 1
Geometric Cross Section Design Elements

Average Daily Traffic (Trips/ Day)	0-200	200-750	750-1500	1500-OVER
Pavement Width (Feet)	20	22	24	24
Shoulder Width (Feet)	2 (unpaved)	2 (unpaved)	2 (unpaved)	4 (paved)
Center of Road to Ditch Line (feet)	Varies	Varies	Varies	Varies
Pavement Type	Hot Bituminous 2 in. + 1 in.	Hot Bituminous 2 in. + 1 in.	Hot Bituminous 2 in. + 1 in.	Hot Bituminous 3 in. + 1 in.
Slope of Roadway	2%	2%	2%	2%
Base Course Depth – Gravel	12 in.	12 in.	16 in.	16 in.
Base Course Depth – Crushed Gravel	6 in.	6 in.	8 in.	8 in.

NOTES

1. Gravel surfaces should be paved where steep grades occur
2. For Average Daily Traffic over 1000 vehicles per day, paved shoulders should be considered
3. Base Course material depths may need to be increased in areas of poor soils

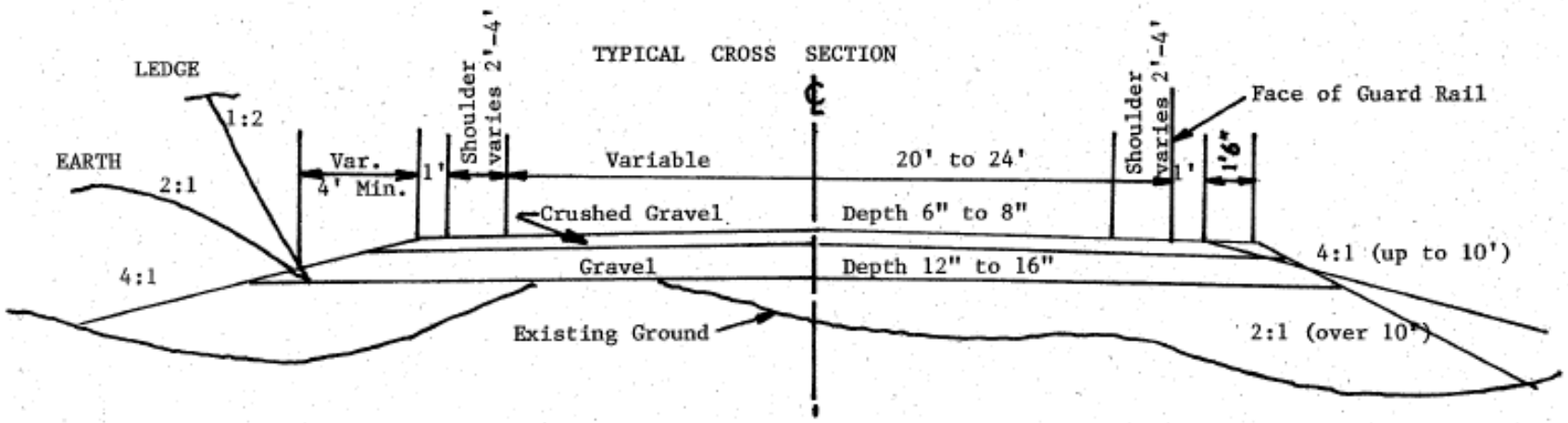

Chart 1

Roadway Geometric Design Standards

Description (ADT)	*0 - 200*	*200 - 750*	*750 - 1500*	*1500 - over*
Right-of-Way Width	50 feet	50 feet	60 feet	60 feet
Pavement Width	20 feet	22 feet	24 feet	24 feet
Shoulder Width	2 feet [non paved]	2 feet [non paved]	2 feet [non paved]	4 feet [paved]
Minimum Grade	1%	1%	1%	0.5%
Maximum Grade	10%	10%	8%	5%
Maximum Grade within 75 feet of intersection center line	4%	3%	2%	2%
Minimum Angle of intersecting road(s)	60 degrees	60 degrees	60 degrees	60 degrees
Minimum Centerline Radii	300 feet*	300 feet*	300 feet*	500 feet
Intersection Radii	20 feet	25 feet	25 feet	30 feet
Maximum Rate of super elevation [Use current AASHTO Chart]	.04 feet	.04 feet	.06 feet	.08 feet
Minimum Pavement cross slope	2%	2%	2%	2%
Shoulder cross slope	5%	5%	5%	5%

* May be less with superelevation, but in no case less than 150 feet

TOWN OF GILFORD, NEW HAMPSHIRE

AN ORDINANCE
REGULATING OUTDOOR VENDORS AND TRANSIENT SALES
(CHAPTER 27)

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

27.1 AUTHORITY

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

27.2 PURPOSE

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

27.3 REPEAL OF PREVIOUS REGULATIONS

This Ordinance shall supersede and replace the Ordinance Relative to Salesman and Solicitors as adopted on March 15, 1967.

27.4 PERMIT PROCEDURES

27.4.1 <u>Pre-Application Requirements</u>

Permit applications are to be submitted to the Gilford Director of Planning and Land Use who shall be the Issuing Authority. Any person aggrieved by a decision of the Director of Planning

and Land Use may submit a written appeal to the Board of Selectmen whose decision shall be final.

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

B. All applicants for food or other sales that are subject to regulation under NH law (He-P 900 - massages, 1100 – body art, 1300 – electrology or 2300 - food), must first obtain a Permit from the NH Department of Public Health. Copies must be provided with each Town of Gilford application.

C. All vendor applicants who will be utilizing a motor vehicle must provide the Town with a copy of the vehicle registration and proof of insurance.

D. An incomplete application as determined by the Gilford Director of Planning and Land Use shall be returned to the applicant with an indication of corrective action that is necessary to process the Permit.

E. Per RSA 321:12, every application for a Town of Gilford Vendor Permit by an itinerant vendor shall be signed by the holder of the accompanying State License, and shall specify the type of goods that are offered for sale in the Town of Gilford, the name of the town from which said goods were last shipped, and the name of the town in which they were last offered for sale. (Attach a separate sheet if necessary.)

27.4.2 Permit Locations

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

A. On the grounds of publicly owned property upon proof approval by the agency with jurisdiction over such lands, including, but not limited to recreation areas, parking lots, school facilities, etc.;

B. Along the public streets or within public rights-of-way within the Town of Gilford from a vehicle (such as an ice cream vendor) equipped with adequate warning lights, provided that such vehicle does not obstruct the public way or pose an undue safety hazard, as determined by a Gilford Police Officer;

C. From a private vehicle for door-to-door sales, provided such vehicle shall not obstruct the public way and that no sales tactics shall be utilized except upon the invitation of a household resident over the age of eighteen (18);

D. On the grounds of private property that has obtained specific site plan approval from the Gilford Planning Board for outdoor vending.

27.4.3 Permit Conditions

A. Permits are limited to a single vehicle, booth, tent, trailer or defined sales area, as determined solely by the Town. Each additional vehicle, booth, tent, trailer or defined sales area shall require a separate Permit.

B. Every Permittee is required to comply with all applicable local, state and federal laws and regulations that may pertain to their specific sales operations and any general criteria (such as the Americans with Disabilities Act, employment laws, sign regulations, noise restrictions, etc.) that may also apply.

C. All Hawker & Peddlers and Itinerant Vendors Licenses issued by the State of New Hampshire and Vendor Permits issued by the Town of Gilford must be publicly displayed at all times.

D. Due to the transitory nature of outdoor temporary and transient sales and the inability of the Town of Gilford to closely monitor such activities, Permits will not be issued under this Ordinance to any person that has been convicted of a felony involving morale turpitude, acts of violence or crimes related to sales activity or an applicant who employs such a person. In addition, the Town reserves the right to deny a Permit to any person upon the refusal of the Chief of Police to recommend an applicant based upon motor vehicle and/or criminal background checks.

E. Permittees are responsible for the legal disposal of all trash generated from their sales activity.

F. Permittees in a stationary setting shall not emit lights or sounds beyond the confines of their vending area.

G. Permittees in a mobile setting shall comply with the directions of any enforcement official as it pertains to lights and broadcasting of sounds based on safety factors or public complaints.

H. The Town reserves the right to limit Permits issued under this Ordinance to daylight hours only.

I. Permits issued under this Ordinance shall not be transferred, sublet or assigned to any person other than the Permittee.

J. The Town reserves the right to impose any special conditions on the issuance of a Permit as may be deemed necessary in the interests of public safety.

K. All applicants who will be utilizing cooking apparatus (other than warming devices or microwave ovens) must obtain a Fire Permit from the Gilford Fire-Rescue Department to ensure that such devices comply with applicable fire prevention and life safety codes. Copies of these Fire Permits must be displayed with along with the Town of Gilford Vendor Permit. (There is no additional fee for this Permit – see Appendix A as attached for Fire Permit Requirements.)

L. The Town shall notify applicants upon approval of their Permit. Thereafter, Permits may either be picked up at the Department of Planning & Land Use Office (upon payment of fees) during regular business hours, (M-F, 8am-5pm) or a Permit will be mailed to the applicant if the Town is provided with a self-addressed, stamped envelope.

27.5 EXEMPTIONS

The following activities are exempt from this Ordinance:

A. The sale of agricultural products or home-made crafts on private property. (Note the sale of such goods by a any person selling the product of his/her own labor or the labor of his/her family or the product of his/her own farm or the one he/she tills is not subject to a Permit under this Ordinance, however no such sales shall take place on public property within the Town of Gilford unless the seller has first obtained written permission from the agency with jurisdiction over such property.)

B. Vendor sales from within the confines of a permanent structure that is privately owned and recognized as legally in existence by the Town of Gilford Department of Planning & Land Use or outdoor sales displays that are ancillary to an existing business and approved by the Planning Board.

C. Political activity that consists of soliciting signatures or the free distribution of handouts.

D. Charitable, educational or religious sales activity, (including raffles), provided that absolutely no part of any sales proceeds are used as compensation or for the benefit of any private shareholder or individual.

E. Vendor sales that take place on Town property as part of Old Home Day events sanctioned by the Board of Selectmen or Recreation Commission shall be exempt from this Ordinance.

F. Yard sales or the use of private property for the exclusive sale of homemade products, antiques, used goods or vintage items.

G. Additional exemptions from any of the provisions set forth in this Ordinance may be requested upon written application to the Board of Selectmen for good cause, as determined solely by the Selectmen acting at a duly posted, public meeting.

H. Sales activities that take place at Laconia Airport, Gunstock Mountain Resort, Ellacoya State Park, or the Meadowbrook Performing Arts Center.

I. Concession sales at Town-owned recreation areas that have been approved by the Recreation Commission.

27.6 VIOLATIONS

A. It shall be a violation of this Ordinance to engage in any outdoor sales activity as regulated herein without a valid Permit issued by the Town of Gilford.

B. It shall be a violation of this Ordinance to engage in any outdoor sales activity in a manner that is not consistent with the terms and conditions of the Permit or the provisions of this Ordinance.

C. It shall be a violation of this Ordinance to engage in any outdoor sales activity on Town property without the written consent of the Board of Selectmen or Recreation Commission.

D. Each continuing day of a violation after notice shall constitute a separate offense.

27.7 ENFORCEMENT

A. This Ordinance shall be enforced by any duly certified Gilford Police Officer or a duly appointed Gilford Code Enforcement Official. Enforcement may consist of (1) an order to cease operations; (2) the issuance of a citation; (3) the revocation of a Permit; (4) issuance of an arrest summons; and/or (5) any combination of these actions at the discretion of the enforcement official based upon the severity and egregiousness of the violation(s).

B. Any duly certified Gilford Firefighter may revoke a Permit for repeated or willful violations of fire safety requirements upon notice to the Permittee and a Gilford Police Officer.

27.8 FEES

A. The fee structure for a Permit under this Ordinance shall be as follows upon submission of a completed application at least seven (7) days prior to the sales activity:

Daily: $65 1st Permit; $50 2nd Permit and all others
Weekly: $400 1st Permit; $300 2nd Permit and all others
(Applies to any 7 consecutive day period)
Monthly: $1,500 1st Permit; $1000 2nd Permit and all others
(Applies to any 30 consecutive day period)
Annual: $2,500 1st Permit; $2,000 2nd Permit and all others
(Applies to any 365 consecutive day period)

B. The fee for an expedited Permit upon submission of a completed application that is less than seven (7) days prior to the event shall be a twenty-five percent (25%) surcharge based on the entire Permit fee.

27.9 PENALTIES

A. Any person who has committed a violation of this Ordinance shall be subject to a fine as follows:

First Offense: The amount due shall be one hundred fifty dollars ($150.00)
Second Offense: The amount due shall be two hundred fifty dollars ($250.00)
Third (or more) Offense: The amount due shall be five hundred dollars ($500.00)

B. Upon receipt of a citation, a person who submits payment to the Town of Gilford Office of the Town Clerk within five (5) days of issuance shall be eligible for a ten percent (10%) fine reduction.

C. Failure to make payment for a fine as indicated on a citation within thirty (30) days of issuance shall result in prosecution in Laconia District Court. Any person found guilty in a court of law for violating this Ordinance shall thereafter not be eligible for a Permit issued hereunder for a period of three (3) years from the date of conviction.

27.10 SEVERANCE

In the event that any word, sentence or section of this Ordinance is found to be invalid as a result of judicial or legislative action, the remainder of this Ordinance shall remain in full force and effect.

27.11 EFFECTIVE DATE

This Amended Ordinance shall be in effect immediately as of the date noted below.

IN WITNESS WHEREOF, this Amended Ordinance regulating outdoor vendors and transient sales is adopted and approved on the 9th day of April, 2014 by the Gilford Board of Selectmen, having been previously adopted and approved on January 15, 2009, and previously amended on September 26, 2012.

ATTEST:
John T. O'Brien, Chair: *John T. O'Brien*
Richard Grenier, Clerk: *Richard Grenier*

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 10th DAY OF April, 2014, BY:

Denise M. Gonyer, Town Clerk – Tax Collector: *Jennifer L. Mooney, Deputy*

TOWN OF GILFORD, NH
HAWKERS, VENDORS AND TRANSIENT SALES
PERMITAPPLICATION

DATE: _____

APPLICANTS NAME: _____

ADDRESS: _____

HOME TELEPHONE: (_____) _____

BUSINESS PHONE: (_____) _____

EMERGENCY PHONE: (_____) _____

E-MAIL ADDRESS: _____

TYPE OF BUSINESS: _____

REGULATED SERVICES: [ ] NO [ ] YES (IF YES, ATTACH NH HEALTH PERMIT)

FOOD SALES: [ ] NO [ ] YES (IF YES, ATTACH NH HEALTH PERMIT)

COOKING DEVICE: [ ] NO [ ] YES (IF YES, GILFORD FIRE PERMIT SHALL BE REQUIRED)

MOTOR VEHICLE: [ ] NO [ ] YES (ATTACH REGISTRATION AND INSURANCE PROOF)

TYPE/SIZE OF VEHICLE: _____

TYPE/SIZE OF EQUIP: _____

SALES LOCATION: _____

SALES AREA SIZE: _____

SALES DATES & TIMES: _____

PERMIT TYPE: [ ] DAILY [ ] WEEKLY [ ] MONTHLY [ ] ANNUAL [ ] EXPEDITED

EMPLOYEE IDENTIFICATION: (LIST THE NAMES OF ALL EMPLOYEES INCLUDING THE APPLICANT)

(ATTACH A COPY OF DRIVER'S LICENSE OR GOV'T ID FOR EACH NAME)

_____

_____

_____

_____

I, _____, hereby certify that I have read and understand the Town of Gilford Outdoor Vendor and Transient Sales Ordinance. I am aware that a Permit issued under this Ordinance applies only to the information listed herein. I promise that my employees and I will comply with the terms of the Ordinance at all times and I understand that this Permit may be revoked as provided in the Ordinance. Furthermore, I certify that my employees and I are legally qualified to work in the United States.

SIGNATURE OF APPLICANT _____

****

RECOMMENDATION OF POLICE CHIEF: [ ] APPROVE [ ] DENY; INITIALS:_____

PERMIT ISSUED: [ ] NO [ ] YES (ATTACH COPY) AMOUNT DUE:_____

SPECIAL CONDITIONS:_____

SIGNATURE OF PLANNING & LAND USE DIRECTOR:_____

cc: Police Department; Fire-Rescue Department, Selectmen's Office

GILFORD FIRE-RESCUE DEPARTMENT
FIRE PREVENTION BUREAU
39 Cherry Valley Road
Gilford, New Hampshire 03249
(603) 527-4758

FIRE SAFETY REQUIREMENTS FOR VENDING ESTABLISHMENTS

The following requirements apply to all food service establishments and other vendors who require a vendor's permit from the Gilford Planning Department. The Gilford Fire-Rescue Department will inspect all establishments for compliance with these requirements prior to operations, and issue a temporary permit to operate. Additional inspections may be conducted at any time to determine continued compliance.

1 All facilities shall be equipped with a least **ONE** portable UL Listed Fire Extinguisher with a minimum rating of 2A-20BC, with a valid inspection tag dated within the past 12 months.

2 Food service establishments utilizing LP Gas, or using deep fat fryers, grilles, or burners of any kind shall be equipped with at least **ONE** additional UL Listed Fire Extinguisher with a minimum rating of 40BC, [Ref:NFPA-961 with a valid inspection tag dated within the past 12 months.

3 All Fire Extinguishers shall be securely mounted in a conspicuous location near a door or entranceway to the establishment, available to employees at all times.

4 LP GAS TANKS [Those in service, and any spares/empties] shall be placed on a firm, level base and securely attached by a metal chain or cable to a stable structure of some type. Tanks shall not be located next to an aisle or walkway used for public access. All tanks shall be protected from the weather with approved hoods placed over the valve area. Tanks shall also be located so as not to be subject to vehicle impact and damage.

5 LP GAS piping shall be installed using approved piping methods and materials as allowed under NFPA-54/NFPA-58.

6 **NO** flammable liquids shall be present in any vendor's stand, vending vehicle, or building unless specifically approved by the Gilford Fire-Rescue Department.

7 All doors and/or exits which may be used as a means of escape by an employee or a customer of any vendor's facility shall be kept clear of all debris, trash or other obstructions at all times.

8 Facilities using electricity not supplied by a self contained or portable generator shall comply with the following requirements. [Ref: NFPA-70, the National Electric Code.]

A. Electricity shall be supplied from a GFCI receptacle or protected by a GFCI circuit breaker.
B. Extension cords shall be #14 AWG minimum, with grounding conductor, and the outer jacket shall not show evidence of damage. [No tape or splices.]
C. All cords shall be protected from mechanical damage by foot or vehicle traffic wherever the cord(s) extend across walkways, paths, or driveways. ["Duct Tape" is not approved.]

NOTICE

ALL ESTABLISHMENTS USING LP GAS, AND/OR COOKING SHALL BE INSPECTED BY THE GILFORD FIRE-RESCUE DEPARTMENT PRIOR TO THEIR FIRST DAY OF OPERATION, AND EVERY DAY THEREAFTER THAT THE ESTABLISHMENT IS IN OPERATION. FAILURE TO COMPLY WITH THESE REQUIREMENTS AT ALL TIMES MAY RESULT IN REVOCATION OF THE PERMIT TO OPERATE.

TOWN OF GILFORD, NEW HAMPSHIRE

AN ORDINANCE
REGULATING PAWNBROKERS
&
THE LICENSING OF DEALERS WHO SELL SECONDHAND ARTICLES

(CHAPTER 27-A)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this Ordinance Regulating Pawnbrokers and the Licensing of Dealers Who Sell Secondhand Articles within the corporate limits of the Town of Gilford.

27-A.1 AUTHORITY

This Ordinance is adopted pursuant to the authority granted under RSA 41:11-c, 322, and 398; whereby the provisions of each referenced statute shall be incorporated herein and made a part of this Ordinance. Furthermore, the Selectmen have been authorized to adopt this Ordinance pursuant to a majority vote on Article 24 of the March 13, 2012, Annual Town Meeting.

27-A.2 PURPOSE

(a) The primary intent of this Ordinance is to establish a system which fairly and impartially regulates the sale of secondhand articles by dealers and pawnbrokers for the purpose of:

1) Identifying stolen property that may be unintentionally received by such dealers and pawnbrokers; and

2) Deterring and preventing the sale of stolen goods, insomuch as possible.

(b) In addition, this Ordinance is intended to aid law enforcement personnel in their duty to apprehend and prosecute any person who facilitates the possession and/or sale of stolen goods, while also enabling the return of stolen property to the rightful owners.

27-A.3 DEFINITIONS

(a) AUCTION shall mean the sale of real or personal property, or both, in which the sale price of the property offered is increased by competitive bids, regardless of the method, until the highest accepted bidder becomes the purchaser.

(b) BUYER shall mean any person (other than a secondhand dealer or pawnbroker) who has purchased or otherwise obtained custody, (whether temporarily or permanently) of secondhand articles, used goods, old junk, scrap metals, or unwanted personal property. This definition shall also refer to any person who acquires such goods from a secondhand dealer or pawnbroker as a gift or in lieu of some other form of compensation that may have been due.

(c) CONSIGNMENT shall mean any transaction where a person places goods into the custody of another but retains ownership until such time as the goods are sold or transferred to another person.

(d) PAWNBROKER shall mean any person, firm, partnership, or corporation engaged in the business of lending money or other goods secured by taking possession of personal property with the understanding that such property may be sold, transferred, or redeemed under certain terms and conditions.

(e) SECONDHAND DEALER shall mean any person, firm, partnership, or corporation engaged in the business of buying, selling, exchanging, or dealing in any way with secondhand articles, used goods, old junk, scrap metals, or unwanted personal property; regardless of the number of transactions (frequency of sales shall not be relevant) or the location where such sales take place, (having a dedicated shop, or store and the use of residential property shall not be relevant). This definition shall include all persons who conduct business in the sale of unwanted personal property at a flea market, antique shop, coin show, gun show, jewelry show, refinery reclamation drive, transient dealers in precious gems, metals, and/or memorabilia, and any jewelry store whose gross sales of used items exceeds twenty-five percent (25%) of total receipts per day (on average).

(f) SELLER shall mean any person who has relinquished or is intending to relinquish custody, (whether temporarily or permanently) of secondhand articles, used goods, old junk, scrap metals, or unwanted personal property by means of offering for sale, consignment, barter, loan, exchange, or to hold as security.

27-A.4 LICENSES REQUIRED

(a) No person shall engage in business as a secondhand dealer or pawnbroker unless such person shall first obtain a license from the Board of Selectmen.

(b) All employees and/or subcontractors who engage in business as a secondhand dealer or pawnbroker on behalf of a firm, partnership, or corporation must first obtain a

license from the Board of Selectmen prior to conducting any such business transactions.

27-A.5 LICENSE APPLICATIONS & ISSUANCE PROCEDURES

(a) Applications for new licenses and renewal licenses for a secondhand dealer or pawnbroker shall be made in writing to the Office of the Selectmen on forms provided for this purpose by the Town of Gilford; (see attached Appendix I).

(b) License applications shall be reviewed by the Town Administrator, Police Chief, Fire Chief, and Director of Planning & Land Use (or their designees) upon receipt of a completed application for up to thirty (30) days prior to submission to the Board of Selectmen. Each Town Official shall make an independent recommendation as to whether a license should be approved or denied; however, the final decision is at the sole discretion of the Board of Selectmen.

(c) Under no circumstances shall a license be issued for any establishment or premises that are operating in a manner that is not in compliance with the Town of Gilford Zoning Ordinance, Building Code, or Fire Code.

(d) Under no circumstances shall a license be issued for an employee or subcontractor of a firm, partnership, or corporation that is not registered to do business with the NH Secretary of State.

(e) Under no circumstances shall a license be issued to any person who has been previously convicted of a felony, burglary, larceny, theft, fraud, or any crime involving receipt of stolen property, in this state or any other state or territory of the United States. Furthermore, no license shall be issued to any person who has been convicted in a court of law for a violation of this Ordinance as otherwise set forth in Section 27-A.5(h) of this Ordinance.

(f) The Gilford Board of Selectmen shall vote at a duly posted, public meeting to consider the approval or denial of a license for a secondhand dealer or pawnbroker, upon a determination that the application is complete. Nothing in this Ordinance is intended to require any member of the Board of Selectmen to vote to approve such a license if a Selectman is opposed to the issuance for any lawful reason, provided, however, that no Selectman who has a financial interest in any existing business or establishment with a secondhand dealer or pawnbroker license shall participate in the deliberations or vote on a license application.

(g) A final decision on the issuance or denial of a license shall be rendered by the Board of Selectmen in writing within twenty-one (21) days of the application reviews being completed by Town staff. In the event that the Town takes no action on a complete application within fifty-one (51) days of submittal, the applicant shall be deemed to have an unconditional license in effect for a period of thirty (30) days.

(h) Upon approval of the Board of Selectmen and payment of the fee as noted in Section 27-A.10 of this Ordinance, a license shall be issued to a specific person and shall only be valid at a specified location in accordance with the terms and conditions as otherwise set forth herein.

27-A.6 LICENSE REVOCATIONS

(a) The Chief of Police may suspend or revoke a license upon a finding that the licensee has knowingly and repeatedly violated this Ordinance after issuing a written warning for non-compliance. This action will be stayed if an appeal is filed.

(b) A licensee who is aggrieved by a decision of the Police Chief to suspend or revoke a license may file an appeal to the Board of Selectmen within thirty (30) days of such action, in which case the Selectmen shall then have twenty-one (21) days to schedule a public hearing, as otherwise set forth above in Section 27-A.6(c).

(c) Notwithstanding the authority of the Police Chief to revoke a license as noted above in Section 27-A.6(a) of this Ordinance, the Town Administrator shall notify a licensee of the Selectmen's intentions to hold a public hearing on the revocation of a license in writing at least fourteen (14) days in advance, at the sole convenience of the Selectmen. Such notice shall include a summary of the reasons that revocation will be considered; however, nothing herein is intended to prohibit the consideration of additional causes for revocation that may be introduced at the hearing.

(d) Public hearings to consider an appeal or the revocation or suspension of a license issued under this Ordinance shall be governed by the provisions of RSA Chapter 43.

(e) The Board of Selectmen may revoke or suspend a license upon a finding that (i) the applicant or licensee has provided false information on the application; or (ii) the licensee has violated any of the regulations set forth in this Ordinance, (to include the provisions of RSA 322 & 398).

(f) Upon the conclusion of a hearing, the Board of Selectmen may take the following action:

1) Allow the license to remain in effect;

2) Determine that the license shall be reinstated after a period of suspension not to exceed ninety (90) days; or

3) Determine that the license shall be revoked for the remainder of its term, in which case that person shall then be ineligible to re-apply for a license for two years (for a first offense) or on a permanent basis (for any subsequent offense), as otherwise noted in Section 27-A.6(h) of this Ordinance.

(g) Any person aggrieved by the suspension, revocation or reinstatement of a license may petition a court of competent jurisdiction for such relief as may be deemed necessary.

(h) Any person who has pled guilty or been found guilty by a court of competent jurisdiction for violating any provision of this Ordinance shall automatically have their license as a secondhand dealer and/or pawnbroker revoked; and that person shall not be eligible for a new license for a period of two years from the date of conviction or guilty plea. Furthermore, any subsequent convictions or revocations shall result in that person being permanently ineligible for a license under this Ordinance.

27-A.7 REGULATIONS

(a) Upon approval by the Board of Selectmen, a license shall be issued and continue in force until April 1 next following, unless sooner revoked. (Licensees are strongly encouraged to apply for a renewal at least 30 days in advance of the April 1 expiration.)

(b) A license issued under this Ordinance must be clearly and prominently displayed at all times in the location where business transactions are permitted to take place.

(c) Licenses shall not be assigned or transferred to any other person or location.

(d) No licensed secondhand dealer or pawnbroker shall directly or indirectly purchase any secondhand articles, used goods, old junk, scrap metals, or unwanted personal property from anyone under 18 years old, except when said minor is accompanied by a parent or legal guardian, who shall be required to sign a transaction record in person before the licensee.

(e) No licensed secondhand dealer or pawnbroker shall directly or indirectly purchase any secondhand articles, used goods, old junk, scrap metals, or unwanted personal property from any person who appears to be visibly intoxicated or under the influence of alcohol or drugs.

(f) No licensed secondhand dealer or pawnbroker shall knowingly purchase any secondhand articles, used goods, old junk, scrap metals, or unwanted personal property that has been stolen. Furthermore, every secondhand dealer and pawnbroker shall have a duty to exercise such reasonable care as may be necessary to ensure that the goods they are accepting have not been stolen.

(g) Every secondhand dealer and pawnbroker, upon the acquisition of any secondhand articles, used goods, old junk, scrap metals, or unwanted personal property, shall complete a transaction record that includes the following information and documentation:

1) The full name of the seller who has relinquished custody of goods to a secondhand dealer or pawnbroker, including their mailing address, residential address, government issued ID type and number, and telephone number; along with a photocopy or picture of the government issued identification;

2) The date and time of all business transactions pertaining to each article that is accepted, transferred, sold, consigned, bartered, loaned or exchanged;

3) A full, accurate, and detailed description (to include make, model, serial number, size, shape, engravings or other distinguishing markings) of each article to be sold, consigned, bartered, loaned or exchanged; along with pictures of each article of such resolution as to make each item clearly identifiable;

4) The full name of the buyer who has accepted custody of goods from the secondhand dealer or pawnbroker, including their mailing address, residential address, government issued ID type and number, and telephone number; along with a photocopy or picture of the buyer's government issue identification; or in lieu thereof, the name and address of any secondhand dealer or pawnbroker to whom the article was transferred.

5) A seller shall be furnished a written receipt by the buyer for all transactions that includes a signed statement (pursuant to RSA 641:3) acknowledging the goods being sold are not stolen. This receipt shall also state the name and address of the buyer/licensee, the agreed upon value of the item with a description thereof, and the details of any loan terms (if applicable).

6) All transaction records shall be legibly written in the English language.

(h) All transaction records shall be retained for a minimum period of one year; during which time they shall be made available for inspection by any duly sworn police officer; whereby such inspections shall be required as a condition of a license issued under this Ordinance without the need for any warrant or demonstration of reasonable suspicion or probable cause as otherwise set forth in RSA 322:7 and 398:13. In addition, transaction records shall be made available to any potential buyer upon request and information from transaction records shall be electronically submitted to the Gilford Police Department on a weekly basis in such form and detail as may be required by the Police Chief or his/her designee.

(i) No secondhand dealers shall sell, transfer custody, encumber by sale, contract, alter in appearance, or otherwise dispose of any secondhand articles, used goods, old junk, scrap metals, or unwanted personal property within fifteen (15) days of acquisition, unless granted permission in writing from the Chief of Police (or his designee).

(j) All secondhand articles, used goods, old junk, scrap metals, or unwanted personal property items that are acquired by a secondhand dealer shall remain secured on-premises and available for public viewing (but not for sale) during the fifteen (15) day waiting period, unless they are relinquished to the original seller, in which case such buyback activity shall be noted in the official transaction record.

(k) Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed by the original seller, be retained by the pawnbroker on the licensed premises for at least four (4) months after the date of deposit, if not of a perishable nature; and if of a perishable nature, one (1) month after said date.

(l) All secondhand articles, used goods, old junk, scrap metals, or unwanted personal property items that are intended to be sold at auction by a secondhand dealer or pawnbroker shall be subject to terms and conditions set forth in this Ordinance in addition to the applicable provisions of RSA 311-B.

(m) Copies of this Ordinance shall be provided by the Town to licensees in sufficient quantities upon reasonable request to ensure that they are available to any potential buyer and that they are in plain view at all times during business hours.

(n) Licensees shall be required to post a sign in a conspicuous place next to the license that clearly states "THIS ESTABLISHMENT DOES NOT BUY OR SELL STOLEN GOODS – ALL SALES ARE RECORDED AND ALL TRANSACTIONS REQUIRE A GOVERNMENT ID". Letters for such signs shall be no less than two inches in height in a color that contrasts with the background.

(o) In the event a licensee has installed electronic monitoring or recording equipment on the business premises, such devices shall be kept operational at all times, to the extent reasonably practicable, and an archive of all recordings shall be kept for a minimum of sixty (60) days; during which time they shall be made available for inspection by any duly sworn police officer; whereby such inspections shall be required as a condition of a license issued under this Ordinance without the need for any warrant or demonstration of reasonable suspicion or probable cause.

27-A.8 PENALTIES

(a) Notwithstanding the separate license suspension and/or revocation proceedings as otherwise set forth herein, any person who fails to comply with this Ordinance shall be guilty of a violation and shall be subject to a fine of not less than one hundred dollars ($100.00) and not more than one thousand dollars ($1,000.00) as may be determined by a court of competent jurisdiction.

(b) Each day (or portion thereof) of non-compliance and each different infraction of a regulation as set forth in this Ordinance shall constitute a separate violation.

27-A.9 ENFORCEMENT

(a) Any duly sworn police officer is hereby given authority to enforce the provisions of this Ordinance; and to take action in any court of competent jurisdiction within the State of NH in order to impose and collect such fines as may otherwise be due; and furthermore, such officials are also authorized to seek injunctive relief to prevent future violations, as set forth in RSA 322:5.

(b) In the event that a police officer has reasonable cause to believe any item for sale by a licensed secondhand dealer or pawnbroker is stolen property, such item may be seized upon presentation of a valid warrant, unless voluntarily relinquished by the licensee, in which case the police officer shall issue a receipt for the article. Such property shall be held in the custody of the law enforcement agency in accordance with the applicable retention and disposition procedures established by law. It shall be a violation of this Ordinance for any person to attempt to dispose or transfer custody of an item or alter its appearance upon order of a police officer to set aside such property until a warrant is obtained.

(c) It shall be a violation of this Ordinance for any licensee to hinder or fail to fully cooperate with an investigation by a police officer into the business conduct of a secondhand dealer or pawnbroker, including, but not limited to providing reasonable access to transaction records, financial books, and inventories related to the buying, selling, exchanging, consignment, loan, collateralization, or dealing in any way with secondhand articles, used goods, old junk, scrap metals, or unwanted personal property.

27-A.10 FEES

(a) The fee for each license shall be fifty dollars ($50.00) payable at the time of issuance.

(b) Under no circumstances shall the Town issue a refund for the suspension, revocation or relinquishing of any license issued under this Ordinance, unless otherwise approved by the Board of Selectmen at a duly posted, public meeting upon written request of the licensee for extenuating circumstances.

27-A.11 EXEMPTIONS

(a) Except as otherwise required by law, this Ordinance shall not apply to the following activities:

1) Yard sales that have been issued a permit by the Gilford Police Department;

2) Private sales of personal property that is owned by the seller, to include private sales on behalf of the owner by any person who is not engaged in business as a secondhand dealer;

3) The sale of food, beverages, books, furniture, motor vehicles, mechanical replacement parts by junk yards or repair shops, or real property;

4) Governmental events sponsored by a municipality, county, state, federal or village district entity;

5) Mail-order transactions or retail stores that exchange or provide cash or credit for returned articles;

6) Tickets sold for entertainment, sporting, political, or other special events;

7) Charitable activities that are operated by a non-profit entity, provided that the seller is either designated a 501(c)3 by the IRS or registered with the NH Division of Charitable Trusts;

8) Religious activities by an organization that would otherwise qualify for a tax exemption under the provisions of RSA 72:23, III;

9) School events that have been authorized under rules and regulations as otherwise set forth in RSA Title XV;

10) Craft sales or the sale of other items by persons who hold a valid Hawkers and Peddlers License pursuant to RSA 31:102-a or a Vendor's Permit pursuant to the Town of Gilford Ordinance Regulating Outdoor Vendors and Transient Sales (Chapter 27);

11) Transaction records shall not be required for any item that is bought and sold for under ten dollars ($10.00).

(b) The Board of Selectmen may, at its sole discretion, for good cause, grant a waiver from any of the terms and conditions set forth in this Ordinance, upon a determination that strict compliance will pose an undue hardship and that such an exemption will not adversely affect public safety.

27-A.12 SEVERANCE

The provisions of this Ordinance shall be severable, and if any phrase, clause, sentence, or provision of these regulations shall for any reason be held invalid or unconstitutional, the validity of the remainder of these regulations shall not be affected thereby.

27-A.13 EFFECTIVE DATE

This Ordinance shall take effect as of May 1, 2012; and shall apply to any person engaged in business as a secondhand dealer or pawnbroker in the Town of Gilford, regardless of whether or not they were operating in such a capacity on or before the effective date.

IN WITNESS WHEREOF, this Ordinance Regulating Pawnbrokers and the Licensing of Dealers Who Sell Secondhand Articles is hereby adopted and approved on the 28th day of March, 2012 by the Gilford Board of Selectmen, upon the convening of a public hearing and deliberations during a duly posted, public meeting of the Gilford Board of Selectmen held on the 28th day of March, 2012; to be effective as otherwise noted herein. ATTEST:

Gus Benavides
Gus Benavides, Selectman - Chair

J. Kevin Hayes
J. Kevin Hayes, Selectman - Vice-Chair

John T. O'Brien
John T. O'Brien, Selectman - Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 29th DAY OF March, 2012, BY:

Denise M. Gonyer
(Office of the Town Clerk – Tax Collector)

APPENDIX I
TOWN OF GILFORD, NH
PAWNBROKER & SECONDHAND DEALER
LICENSE APPLICATION

DATE: _____

APPLICANT INFORMATION:

NAME OF APPLICANT: _____

TITLE: _____

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

MAILING ADDRESS: _____

TAX MAP/LOT: _____

PHONE NUMBERS: _____

EMAIL: _____

TAXPAYER ID/SSN: _____

TYPE OF BUSINESS: (CHECK ALL THAT APPLY)

[ ] PAWNBROKER
[ ] SECONDHAND DEALER
[ ] SELF-PROPRIETOR
[ ] PARTNERSHIP
[ ] LLC
[ ] CORPORATION

IS THE BUSINESS REGISTERED WITH THE NH SECRETARY OF STATE?

[ ] NO/NOT APPLICABLE
[ ] YES (ATTACH COPY)

ARE YOU REQUESTING A WAIVER FROM ANY OF THE REGULATIONS SET FORTH IN THE ORDINANCE REGULATING PAWNBROKERS & THE LICENSING OF DEALERS WHO SELL SECONDHAND ARTICLES?

[ ] NO
[ ] YES _____

IS THERE A VALID OCCUPANCY PERMIT FOR THE PREMISES?

[ ] NO/NOT APPLICABLE/GRANDFATHERED
[ ] YES (ATTACH COPY)

IS THERE A VALID PLACE OF ASSEMBLY PERMIT FOR THE PREMISES?

[ ] NO/NOT APPLICABLE
[ ] YES (ATTACH COPY)

IS THERE A VALID SITE PLAN APPROVAL FROM THE TOWN FOR THE ACTIVITIES THAT ARE PLANNED TO TAKE PLACE?

[ ] NO/NOT APPLICABLE/GRANDFATHERED
[ ] YES – DATE ISSUED: _____

PROVIDE A DETAILED DESCRIPTION OF THE TYPES OF ITEMS THAT WILL BE SOLD ON THE PREMISES: (ATTACH A SEPARATE SHEET IF NECESSARY)

_____

_____

_____

_____

_____

DOES THE BUSINESS (OR CONTACT PERSON LISTED ON PAGE 1) OWN THE PREMISES OR LEASE?

[ ] OWN
[ ] LEASE OWNER'S NAME _____
OWNER'S ADDRESS _____
OWNER'S PHONE/EMAIL _____

HAVE YOU EVER BEEN CONVICTED OF (OR PLED GUILTY TO) A FELONY, BURGLARY, LARCENY, THEFT, FRAUD, OR ANY CRIME INVOLVING RECEIPT OF STOLEN PROPERTY?

[ ] NO
[ ] YES _____

HAVE YOU EVER HAD A PAWNBROKER OR SECONDHAND DEALER LICENSE DENIED, SUSPENDED OR REVOKED BY THE TOWN OF GILFORD OR ANY OTHER GOVERNMENTAL ENTITY?

[ ] NO
[ ] YES _____

"I hereby acknowledge that I have read and understand the Town of Gilford Ordinance Regulating Pawnbrokers & The Licensing of Dealers Who Sell Secondhand Articles and that I intend to fully comply with the regulations. I realize that failure to comply may result in the revocation of my License and/or the imposition of fines. Furthermore, I hereby agree to indemnify, hold harmless and release the Town of Gilford and its agents from any claims, liability, injuries and damages that may result from the issuance, suspension, or revocation of my License. I certify that I am the person listed on this application form and that I agree to be held accountable hereunder for all enforcement purposes related thereto. Lastly, I promise that I will promptly inform the Town of Gilford, Office of the Selectmen of any changes to the information that I have provided in this application, should the need arise due to changes in business operations, my employment status, or if I discover any inadvertent errors or omissions."

_____ _____
Print Name Title

_____ _____
Signature Date

****

↓ FOR TOWN USE ONLY ↓

Date Received: _____ Amount Paid: _____

Date that Application is determined to be complete: _____ by_____

Department Recommendations/Approvals:

Fire Chief	[ ] YES	[ ] NO	[ ] SEE ATTACHED	by_____
Planning Director	[ ] YES	[ ] NO	[ ] SEE ATTACHED	by_____
Police Chief	[ ] YES	[ ] NO	[ ] SEE ATTACHED	by_____
Town Administrator	[ ] YES	[ ] NO	[ ] SEE ATTACHED	by_____

Date(s) Reviewed by Board of Selectmen: _____

Final Decision of Board of Selectmen: [ ] APPROVE [ ] DENY

Issue Date: _____ Expiration Date: _____

Signature of Selectman: _____

Signature of Selectman: _____

Signature of Selectman: _____

TOWN OF GILFORD, NEW HAMPSHIRE

AN ORDINANCE
REGULATING SYNTHETIC DRUGS

(CHAPTER 27-B)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this Ordinance Regulating Synthetic Drugs that shall be applicable on or upon the roadways, sidewalks, common areas, parks, forests, libraries, cemeteries or other Town-owned property, as well as businesses within the corporate limits of the Town of Gilford.

27-B.1 AUTHORITY

This Ordinance is adopted pursuant to the authority granted under RSA 31:39 and RSA 41:11-a, whereby the provisions of each referenced statute shall be incorporated herein and made a part of this Ordinance.

27-B.2 PURPOSE

The primary intent of this Ordinance is to establish a system that prohibits the transportation, possession, sale, or use of illicit synthetic drugs, whether controlled substances or analogs of controlled substances, in order to protect the well-being of Town of Gilford residents and/or visitors.

27-B.3 REGULATIONS

It shall be unlawful for any person to sell, barter, give, publicly display for sale or attempt to sell, or to possess or transport, any material, compound, mixture or preparation which contains any quantity of synthetic drug or their optical, positional and geometric

isomers, salts and salts of isomers whenever the existence of such isomers, salts and salts of isomers is possible within the specific chemical designation, as defined below, on or upon the roadways, sidewalks, common areas, parks, forests, libraries, cemeteries or other property owned by the Town of Gilford.

27-B.4 DEFINITIONS

(a) ANALOG shall mean a substance that:

I. has a chemical structure substantially similar to that of a synthetic drug, as defined herein, or a controlled drug as defined under the laws of the United States or the laws of the State of New Hampshire, as amended; and

II. has an effect that is substantially similar to or greater than a synthetic drug or controlled drug as defined under the laws of the United States or the laws of the State of New Hampshire, as amended.

An analog shall be treated as a synthetic drug for the purposes of this ordinance.

(b) PERSON shall mean an individual, corporation or other legal entity, and any licensed or unlicensed business to include clerks, managers and/or owners of such businesses.

(c) SYNTHETIC DRUG shall mean any chemical that is entirely synthesized in a laboratory-like setting and whose effects are designed to mimic and/or enhance the effects of natural drugs. Synthetic drugs shall include, but shall not be limited to, synthetic cannabinoids, synthetic stimulants, and any analogs of such drugs.

(d) SYNTHETIC CANNABINOID shall mean any chemical compound that is chemically synthesized and either:

I. Has been demonstrated to have binding activity at one or more cannabinoids receptor(s); or

II. Is a chemical analog or isomer of a compound that has been demonstrated to have binding activity at one or more cannabinoids receptor(s); or

III. Has already been identified and controlled by the federal or state government, to include but not limited to:

1. 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678).
2. 1-butyl-3-(1-naphthoyl)indole (JWH-073).
3. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH- 200).
4. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497).
5. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue).

6. (1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144).
7. 1-(5-fluoro-pentyl)-1H- indol-3-yl](2,2,3,3-tetramethylcyclopropyl)methanone (5-fluoro-UR-144, XLR11).
8. N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide (APINACA, AKB48).
9. Quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22;QUPIC).
10. Quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate(5-fluoro-PB-22; 5F-PB-22).
11. N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ABFUBINACA).
12. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1Hindazole-3-carboxamide (ADB-PINACA).
13. Cannabimimetic Agents (as defined as one of the following structural classes of synthetic cannabinoids and their analogs):

    a. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with a substituent at the 5-position of the phenolic ring: whether or not substituted on the cyclohexyl ring to any extent.
    b. Any compound containing an indole or indazole ring system with a substituent on the nitrogen atom (the 1-position nitrogen atom for indazoles) and bearing an additional substituent at the 3-position of the indole or indazole ring system, with a linkage connecting the ring system to the substituent:

       where the linkage connecting the indole or indazole ring system to the substituent at its 3 position is any of the following:
       - Alkyl
       - Carbonyl
       - Ester
       - Thione
       - Thioester
       - Amino
       - Alkylamino
       - Amido
       - Alkylamido

       where the substituent at the 3 position of the indole or indazole ring system is, disregarding the linkage, any of the following groups:

- Naphthyl
- Quinolinyl
- Adamantyl
- Phenyl
- Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl)
- Biphenyl
- Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido)
- Benzyl
- Carboxylic acid
- Ester
- Ether
- Phenylpropylamido
- Phenylpropylamino

whether or not the substituent at the 3 position of the indole or indazole ring system, disregarding the linkage, is further substituted to any extent;

whether or not further substituted on the indole or indazole ring system to any extent.

c. Any compound containing a pyrrole or pyrazole ring with a substituent on the nitrogen atom (the 1-position nitrogen atom for pyrazoles) and bearing an additional substituent at the 3-position of the pyrrole or pyrazole ring, with a linkage connecting the ring to the substituent in any of the following:

- Alkyl
- Carbonyl
- Ester
- Thione
- Thioester
- Amino
- Alkylamino
- Amido
- Alkylamido

where the substituent at the 3 position of the pyrrole or pyrazole ring is, disregarding the linkage, any of the following groups:

- Naphthyl
- Quinolinyl
- Adamantyl

- Phenyl
- Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl)
- Biphenyl
- Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido)
- Benzyl
- Carboxylic acid
- Ester
- Ether
- Phenylpropylamido
- Phenylpropylamino

whether or not the substituent at the 3 position of the pyrrole or pyrazole ring, disregarding the linkage, is further substituted to any extent

whether or not further substituted on the pyrrole or pyrazole ring to any extent.

d. Any compound containing a 1-(1-naphthylmethyl)indene ring system with a substituent at the 3-position of the indene ring system: whether or not further substituted on the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

e. Any compound containing a benzimidazole ring system with a substituent at the 1-position nitrogen atom and bearing an additional substituent at the 2-position of the benzimidazole ring system, with a linkage connecting the ring system to the substituent:

where the linkage connecting the benzimidazole ring system to the substituent at its 2 position is any of the following:

- Alkyl
- Carbonyl
- Ester
- Thione
- Thioester
- Amino
- Alkylamino
- Amido
- Alkylamido

where the substituent at the 2 position of the benzimidazole ring system is, disregarding the linkage, any of the following groups:

- Naphthyl
- Quinolinyl
- Adamantyl
- Phenyl
- Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl)
- Biphenyl
- Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido)
- Benzyl
- Carboxylic acid
- Ester
- Ether
- Phenylpropylamido
- Phenylpropylamino

f. Any compound containing a naphthalene ring system with a substituent on the 1 position carbon atom and bearing an additional substituent at the 4 position of the naphthalene ring system, with a linkage connecting the ring system to the substituent:

where the linkage connecting the naphthalene ring system to the substituent at its 4 position is any of the following:

- Alkyl
- Carbonyl
- Ester
- Thione
- Thioester
- Amino
- Alkylamino
- Amido
- Alkylamido

where the substituent at the 4 position of the naphthalene ring system is, disregarding the linkage, any of the following groups:

- Naphthyl
- Quinolinyl
- Adamantyl
- Phenyl

- Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl)
- Biphenyl
- Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido)
- Benzyl
- Carboxylic acid
- Ester
- Ether
- Phenylpropylamido
- Phenylpropylamino

whether or not the substituent at the 4 position of the naphthalene ring system, disregarding the linkage, is further substituted to any extent

whether or not further substituted on the naphthalene ring system to any extent.

g. Any compound containing a carbazole ring system with a substituent on the nitrogen atom and bearing an additional substituent at the 1, 2, or 3 position of the carbazole ring system, with a linkage connecting the ring system to the substituent:

where the linkage connecting the carbazole ring system to the substituent at its 1, 2, or 3 position is any of the following:

- Alkyl
- Carbonyl
- Ester
- Ethione
- Thioester
- Amino
- Alkylamino
- Amido
- Alkylamido

where the substituent at the 1, 2, or 3 position of the carbazole ring system is, disregarding the linkage, any of the following groups:

- Naphthyl
- Quinolinyl
- Adamantyl
- Phenyl

- Cycloalkyl (limited to cyclopropyl, cyclobutyl, cyclopentyl, or cyclohexyl)
- Biphenyl
- Alkylamido (limited to ethylamido, propylamido, butanamido, or pentanamido)
- Benzyl
- Carboxylic acid
- Ester
- Eether
- Phenylpropylamido
- Phenylpropylamino

whether or not the substituent at the 1, 2, or 3 position of the carbazole ring system, disregarding the linkage, is further substituted to any extent

whether or not further substituted on the carbazole ring system to any extent.

h. Specific examples include, but are not limited to:

a) 1-hexyl-3-(1-naphthoyl)indole (JWH-019)
b) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250)
c) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081)
d) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122)
e) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398)
f) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201)
g) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694)
h) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8)
i) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)
j) 1-(cyclohexylmethyl)-1H-indole-3-carboxylic acid 8-quinolinyl ester (QUCHIC/BB-22)
k) N-(Adamantan-1-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (STS-135)
l) quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FUB-PB-22)
m) 1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-indole-3-carboxamide (APICA/SDB-001)
n) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADBICA)
o) N-[(1S)-1-(aminocarbonyl)-2-methylpropyl]-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA)

p) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA)
q) 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole (AM-1248)
r) 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (AM-2233)
s) 1-pentyl-3-(adamant-1-oyl)indole (AB-001)
t) N-benzyl-1-pentyl-1H-indole-3-carboxamide (SDB-006)
u) (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone (5-chloro UR-144)
v) (1-(5-fluoropentyl)-1H-indazol-3-yl)(naphthalen-1-yl)methanone (THJ-2201)

IV. In addition to the foregoing, the definition of "synthetic cannabinoid" as provided herein, shall include all such substances having a chemical composition and structure prohibited by the laws and regulations of the State of New Hampshire and the United States, currently in effect and as amended.

(e) SYNTHETIC STIMULANTS shall mean, but shall not be limited, to:

I. Synthetic cathinones and synthetic phenethylamines to include their analogs and isomers including, but not limited to:

1. 2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7).
2. N-Benzylpiperazine (BZP).
3. 3-Trifluoromethylphenylpiperazine (TFMPP).
4. 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT).
5. Alpha-methyltryptamine (AMT).
6. 3,4- methylenedioxypyrovalerone (MDPV).
7. 4-methyl-N-methylcathinone (mephedrone).
8. 3,4- methylenedioxy-N-methylcathinone (methylone).
9. 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36).
10. 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82).
11. 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5).
12. 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
13. 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
14. 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
15. 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
16. 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
17. 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).

18. 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
19. 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
20. 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
21. Alpha-pyrrolidinobutiophenone (α-PBP).
22. 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one(naphyrone).
23. 3-fluoro-N-methylcathinone (3-FMC).
24. 4-fluoro-N-methylcathinone (4-FMC).
25. 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one(pentylone).
26. 2-(methylamino)-1-phenylpentan-1-one (pentedrone).
27. 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one(butylone).
28. Alpha-pyrrolidinopentiophenone (α-PVP).
29. 4-methyl-alpha-pyrrolidinopropiophenone (4-MePPP).
30. 4-methyl-N-ethylcathinone (4-MEC).

II. Any such items already identified and controlled by the laws and regulations of the State of New Hampshire and/or United States, currently in effect and as amended.

(f) TRANSPORTATION shall mean the movement of goods or persons from one location to another, by any means, and through any medium, including but not limited to, motor vehicle, OHRV, snowmobile, boat, or bicycle.

(g) POSSESSION shall mean the act of any person having an item in his/her physical custody and exercising dominion and control over such item, as defined in the decisions of the New Hampshire Supreme Court.

(h) SALE shall mean any act of barter, exchange or gift, or offer, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

(i) USE shall mean the act of introducing any synthetic drug into a person's body by smoking, ingesting, snorting, injecting, and/or introduction into the body by through a transdermal nature. For the purposes of this definition, smoking shall be defined as burning, combusting, or otherwise vaporizing of the synthetic drug, whether by flame, steam, or otherwise, and the subsequent inhalation of the resulting smoke and/or vapor.

27-B.5 PENALTIES

(a) Any person who sells, barters, gives, publicly displays for sale or attempts to sell, any quantity of a synthetic drug, as prohibited in Section 27-B.3 shall be guilty of a violation and shall be subject to a fine of five hundred dollars ($500.00) for the first offense and a minimum of one thousand dollars ($1,000.00) for each subsequent offense.

(b) Any person who possesses any quantity of a synthetic drug, as prohibited in Section 27-B.3 shall be guilty of a violation and shall be subject to a fine of two

hundred and fifty dollars ($250.00) for the first offense and a minimum of five hundred dollars ($500.00) for each subsequent offence.

(c) In addition to any penalty provided in 27-B.5(a) or (b), if any of the aforementioned substances listed above are found in the possession of any person, such substances will be forfeited and seized by the Gilford Police Department, or any of its officers, and may be destroyed by said law enforcement officials in a method consistent with the laws of the State of New Hampshire.

27-B.6 ENFORCEMENT

(a) Any duly sworn police officer is hereby given authority to enforce the provisions of this Ordinance, and to take action in a Court of competent jurisdiction in order to impose and collect such fines as may otherwise be due.

(b) This ordinance shall not be construed as limiting or otherwise precluding the enforcement or prosecution of any provision of the New Hampshire Criminal Code, the New Hampshire Controlled Drug Act or the Federal Controlled Substances Act.

27-B.7 EXEMPTIONS

Except as otherwise required by law, this Ordinance shall not apply to:

(a) Endocannabinoids that are naturally found in the human body; or

(b) Any other drugs that have cannabinoid receptor activity that are currently FDA-approved for medical use;

27-B.8 SEVERANCE

The provisions of this Ordinance shall be severable, and if any phrase, clause, sentence, or provision of these regulations shall, for any reason, be held invalid or unconstitutional the validity of the remainder of said regulations shall not be affected thereby.

27-B.9 EFFECTIVE DATE

This Ordinance shall take effect as of February 26, 2015.

IN WITNESS WHEREOF, this Ordinance Regulating Synthetic Drugs is hereby adopted and approved on the 25th day of February, 2015 by the Gilford Board of Selectmen, upon the convening of a public hearing and deliberations during a duly posted, public meeting of the Gilford Board of Selectmen held on the 25th day of February, 2015; to be effective as otherwise noted herein. ATTEST:

John T. O'Brien
John T. O'Brien, Selectman - Chair

Gus Benavides
Gus Benavides, Selectman - Vice-Chair

Richard A. Grenier
Richard Grenier, Selectman - Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 26th DAY OF February, 2015, BY:

Denise M. Gonyer
(~~Office of the~~ Town Clerk – Tax Collector)

(CHAPTER 28)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE RELATIVE TO THE OPERATION AND MAINTENANCE OF THE GILFORD MUNICIPAL SEWER SYSTEM AND REGULATION GOVERNING SUBSURFACE SEWAGE DISPOSAL

Adopted: 3/6/81
Amended: 8/26/82; 1/17/86

In the year of our Lord one thousand nine hundred and eighty, the Town of Gilford ordains:

That the Ordinance regulating the use of private sewers and drains and private sewage disposal in the Town of Gilford, adopted May 18, 1967, as amended, is hereby rescinded and replaced by Chapter 4; this Ordinance effective upon adoption.

That the rules and regulations herein set forth for the maintenance and operation of the Gilford Municipal Sewer System and those controls governing subsurface sewage disposal are necessary and desirable for effective and efficient operation of said systems and for accomplishing the purpose set forth in RSA's 147 (adopted March 5, 1975, Article 4) and 149-I (adopted March 3, 1972, Article 15) to provide for the protection of the health and safety of the people of Gilford. This Ordinance applies only to sewers installed in conjunction with the Winnipesaukee River Basin Project and does not apply to any pre-existing sewer systems.

Pursuant to RSA 149-I and every other authority thereto enabling, the Town of Gilford enacts and ordains the following rules and regulations, which are also adopted by the Health Officer and Public Works Director of the Town of Gilford and approved by the Board of Selectmen, pursuant to RSA 147.

This Ordinance is not intended to replace or void the B.O.C.A. Basic Plumbing Code (latest edition) or any other code, ordinance, regulation or lawful requirement of the Town of Gilford (see Article IX).

The Health Officer, Public Works Director, Building Official and Gilford Sewer Superintendent of the Town of Gilford shall be responsible for the enforcement of this Ordinance, for issuing permits, for the inspection of facilities and systems inspection and for the collection of permit fees as provided herein.

CHAPTER I

ARTICLE I: DEFINITIONS

Sec. 1. "BOARD" shall mean the board for the examination and licensing of plumbers.

Sec. 2. "B.O.C.A." shall mean Building Officials and Code Administrators International, Inc.

Sec. 3. “BOD” (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 C, expressed in milligrams per liter.

Sec. 4. “BUILDING DRAIN” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys it to the building sewer beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Sec. 5. “BUILDING SEWER” shall mean the extension from the building drain to the service connection or other place of disposal.

Sec. 6. “CHEMICAL OXYGEN DEMAND” (COD) shall mean a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. (See Standard Methods, latest edition).

Sec. 7. “COMBINED SEWER” shall mean a sewer receiving both surface runoff and sewage.

Sec. 8. “COMMISSION” shall mean the New Hampshire Water Supply and Pollution Control Commission.

Sec. 9. “COOLING WATER” shall mean the clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus and from hydraulically powered equipment. Cooling water shall include only water which is sufficiently clean, uncontaminated and unpolluted and may be discharged, without treatment or purification, and with written permission of the Commission, into any natural open stream or watercourse.

Sec. 10. “CONTRACTOR” shall mean either an individual, partnership or corporation and the proper agents and representatives thereof.

Sec. 11. “EPA” shall mean the Federal Environmental Protection Agency.

Sec. 12. “GARBAGE” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Sec. 13. “GREASE” shall mean volatile and non-volatile residual fats, oils, fatty acids, soaps, waxes, mineral oils and other similar materials.

Sec. 14. “GRIT” shall mean heavy inorganic matter such as stone, gravel, cinders, sand, silt, ashes, and heavy particulate matter such as bone chip and coffee grounds.

Sec. 15. “IMPROVED PROPERTY” shall mean any property located within the jurisdiction 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.

Sec. 16. "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 or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

Sec. 17. "INDUSTRIAL WASTES" shall mean any liquid, gaseous or solid waste substance resulting from any process of industry, manufacturing, trade or business or from development of any natural resources, and shall exclude Sanitary Sewage as described herein.

Sec. 18. "INSPECTOR" shall mean the person or persons duly authorized by the Town of Gilford to inspect and approve the installation of building sewers and their connection to the sewage collection system.

Sec. 19. "INTERCEPTOR" shall mean a channel or sewer which serves to collect the flow from the sewage collection system.

Sec. 20. "MAJOR INTERCEPTOR" shall mean a channel or sewer which serves to collect the flow from the sewage collection system and is owned and maintained by the State.

Sec. 21. "NATURAL OUTLET" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Sec. 22. "OTHER WASTES" shall mean garbage, municipal refuse, decayed wood, sawdust, shaving, bark, lime, ashes, offal, oil, tar, chemicals and other substances harmful to human, animal, fish or aquatic life.

Sec. 23. "PERSON" shall mean any individual, partnership, company, association, society, corporation or other legal entity.

Sec. 24. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

Sec. 25. "PROPERLY SHREDDED GARBAGE" shall mean the wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than one-half (½) inch.

Sec. 26. "PRETREATMENT" shall mean the application of physical, chemical, and biological processes to reduce the amount of pollutants in or alter the nature of the pollutant property of a waste prior to discharging such waste into a public treatment works.

Sec. 27. "PROPERTY OWNER" or "OWNER" shall mean any person vested with ownership, legal or equitable, sale or partial, or possession of any improved property.

Sec. 28. "PUBLIC SEWER" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

Sec. 29. "SEWAGE' shall mean a combination of the water carried wastes residences, business buildings, institutions and industrial establishments, excluding such ground, surface and storm waters as may be present through natural infiltration processes.

Sec. 30. "SANITARY SEWAGE" shall mean a combination of the water-carried household and toilet wastes from residences, business buildings, institutions, and industrial establishments, excluding such groundwater infiltration, surface and storm waters as may be present.

Sec. 31. "SANITARY SEWER" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

Sec. 32. "SERVICE CONNECTION" shall mean that part of the sewer system extending from a sewer to the curb line, or, if there shall be no curb line, to the property line, or, if sewer is located in a right-of-way, to the edge of the right-of-way or beyond the normal traveled way, or if no such service connection shall be provided, then "service connection" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

Sec. 33. "SEWAGE COLLECTION SYSTEM" shall mean each, and all, of the common lateral sewers, within a publicly-owned treatment system, which are primarily installed to receive wastewaters directly from facilities which convey wastewater from individual structures from private property, and which include service connection "Y" fittings, designed for connection of those facilities.

Sec. 34. "SEWAGE TREATMENT PLANT" shall mean any arrangement of devices and structures used for treating sewage.

Sec. 35. "SEWERAGE" shall mean a system for the collection and pumping of sewage.

Sec. 36. "SEWER" shall mean a pipe or conduit for carrying sewage.

Sec. 37. "SHALL" is mandatory, "MAY" is permissive.

Sec. 38. "SLUG" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow, exceeds (for any period of duration longer than fifteen (15) minutes) more than five (5) times the average twenty-four (24) hour concentration or flow during normal operation.

Sec. 39. "STANDARD LABORATORY PROCEDURE" shall mean those procedures or tests for the examination of water and wastewater as described in "Standard Methods for the Examination of Water and Wastewater", latest edition, as published jointly by the

American Public Health Association, Inc., American Water Works Association and the Water Pollution Control Federation.

Sec. 40. "STATE" shall mean the State of New Hampshire.

Sec. 41. "STATE PLUMBING CODE" shall be as defined under Chapter 330 of the Revised Statutes Annotated of the State of New Hampshire. (B.O.C.A. Basic Plumbing Code, latest edition and amendments thereto.)

Sec. 42. "STORM DRAIN" (sometimes termed "storm sewer") shall mean a conduit which carries storm and surface waters and drainage, but excludes Sanitary Sewage and Industrial Wastes, other than cooling water.

Sec. 43. "SUPERINTENDENT" shall mean that individual employed by the State of New Hampshire who is responsible for the operation and maintenance of the treatment works, or his authorized deputy, agent or representative.

Sec. 44. "SUPERINTENDENT, TOWN" shall mean that individual employed by the Town of Gilford who is responsible for the operation and maintenance of Town collection systems, pump stations, metering devices and sub-surface inspection or his authorized deputy, agent or representative.

Sec. 45. "SUSPENDED SOLIDS" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 46. 'TOWN" shall mean the Town of Gilford, a municipality in the County of Belknap, State of New Hampshire acting by and through its Board of Selectmen and through its authorized representatives.

Sec. 47. "TRAPS" shall mean intercepting devices, grease traps, oil separators or grit removal chambers located at the source and placed in the building drain prior to discharge to the sewage collection system.

Sec. 48. "TREATMENT WORKS" shall mean any device or system used in the storage, treatment, recycling, or reclamation of sanitary sewage or industrial waste as those terms are defined herein. It shall mean the sewage collection system, interceptor sewers, pumping stations, sewage treatment plant and appurtenant facilities essential to the operation of the entire system.

Sec. 49. "WATERCOURSE" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 50. "UNPOLLUTED WATER" shall mean water that does not contain any pollutants limited or prohibited by effluent standards in effect or water whose discharge will not cause any violation of receiving water quality standards.

ARTICLE II: USE OF PUBLIC SEWERS REQUIRED

Sec. 1. Pursuant to the provisions of RSA 147 and 149-I, and any other authority thereto enabling the owner of any improved property benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, shall connect such improved property therewith, in such manner as the Town may require, within sixty (60) 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 sewage collection system subject to such limitations and restrictions as 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.

A sewage collection system shall be deemed available to improved property if such improved property is such improved property is within two-hundred fifty (250) feet of the sewage collection system as measured from the closest part of any structure which contains plumbing on said improved property, along or across the shortest available easement to the centerline of the sewage collection system. All facilities located between a sewage collection system and Lake Winnipesaukee must connect. All commercial or industrial users must connect in entirety if any portion of the site is within the two-hundred fifty (250) foot limit, including, but not limited to, marinas, motels, stores and mobile home parks.

Sec. 2. A. EFFLUENT CHANGES AND PROPOSED NEW DISCHARGES:
Any person proposing a new discharge or a substantial change in the volume or character of pollutants that are being discharged into the treatment works, shall notify the Town at least forty-five (45) days prior to the proposed change and/or connection.

B. Proposed new discharged from residential or commercial sources involving loadings exceeding 50 population equivalents or any increase in industrial discharge must be approved by the New Hampshire Water Supply and Pollution Control Commission.

Sec. 3. All Sanitary Sewage and Industrial Wastes from any improved property, after connection of such improved property to a public sewer as required under Article II-1, shall be conducted into a public sewer, subject to such limitations and restrictions as shall be established herein or otherwise shall be established by the Town from time to time.

Sec. 4. No person shall place or deposit or permit to be placed or deposited upon public or private property within the Town's jurisdiction, any Sanitary Sewage, Garbage, or Industrial Wastes in violation of Article II-1. No person shall discharge or permit to be discharged to any natural outlet within the Town's jurisdiction, any Sanitary Sewage, Garbage or Industrial Wastes in violation of Article II-1, except where suitable treatment has been provided which is satisfactory to the Town.

Sec. 5. 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 public sewer or which shall be required under Article II-1 to be connected to a public sewer. Aforesaid privy vaults, cesspools, sinkholes, septic tanks or similar receptacles shall be abandoned and filled with suitable material.

Sec. 6. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall, at any time, be connected with a public sewer.

ARTICLE III: BUILDING SEWERS AND CONNECTIONS

Sec. 1. A separate and independent building sewer shall be provided for every building on an improved property; except where one building stands at the rear of another, and no private or public sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway; in such instance the building sewer from the front building may then be extended to the rear building and the whole considered as one building sewer. This modification shall require the approval of the Town in writing.

Sec. 2. Old building sewers may be used in connection with new buildings only when they are found, on examination and tested by the Town, to meet all requirements of this ordinance.

Sec. 3. The size, slope, alignment, materials of construction, methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench of the building sewer, shall all conform to the requirements or the building and plumbing code or applicable rules and regulations of the Town.

Sec. 4. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sewage carried by such building drain shall be lifted, at the owner's expense, by means approved by the Town and discharged to the building sewer.

Sec. 5. No person shall connect roof downspouts, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or groundwater or building floor drains to a building sewer or building drain which in turn is connected directly or indirectly to a sanitary sewer. No person shall remove a cleanout cap from any drain, vent waste pipe or fixture for purposes of allowing water, surface or subsurface, by sump pump or by gravity flow, to enter into the sanitary sewer. No person shall obstruct the free flow of air through any drain or soil pipe.

Sec. 6. The connection of the building sewer into the public sewer shall conform to the requirements of the building and State Plumbing Code or other applicable rules and regulations of the Town.

Sec. 7. During construction of a new sanitary sewer, the Town will construct the service connections for existing building to the curb or property line or edge of the rights-of-way or normal traveled way, whichever is appropriate. Construction of the building sewer, including connection to the structures served, shall be the responsibility of 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 sewage collection 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 and service connection.

Sec. 8. The building sewer shall be continued to the building from the stub end provided by the Town at the curb or property line or edge of right-of-way or normal traveled way, and from no other point, unless the owner is authorized to do otherwise by the Town. The invert of the building sewer at the point of connection to the stub provided by the Town at one of the proceedings described point shall be at the same elevation as the stub provided by the Town. A smooth, neat joint shall be made at the connection of the building sewer to the stub provided by the Town and shall be made secure, watertight and acceptable to the Town with the cost of said connection to be borne by the owner.

Sec. 9. If the owner of any improved property, located within the Town's jurisdiction, is benefited, improved, served or accommodated by any public sewer, or to which any public sewer is available, shall after sixty (60) days notice from the Town, in accordance with Article II-1, fail to connect such improved property, as required, he shall be subject to the actions and penalties prescribed in RSA 149-I and 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 proceedings as may be permitted by law.

Sec. 10. There shall be two classes of building sewer permits: (A) for residential, commercial and institutional service, and (B) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application for permission to connect to a public sewer. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. A permit and inspection fee of $25 shall be paid to the Town at the time the application is filed, for each and every connection to the public sewer for each residential, commercial and institutional unit, structure, facility or integral part thereof and for each industrial unit, structure, facility or part thereof.

Sec. 11. No person shall uncover, connect with, make any opening into or use, alter or disturb in any manner any public sewer or any part of the sewage collection system, service connection or building sewer without first obtaining a permit, in writing, from the Town. In the event that a connection must be made to a major interceptor sewer, it will first be necessary to obtain a permit in writing from the Commission and the Town. Any costs

for labor or materials incurred by the Town during the connection process shall be borne by the owner, where applicable. Said costs shall be paid to the Town Treasurer for deposit to the "Sanitary Sewage Fund" at the time the connection process is complete. Where excavation in a public street is involved, a digging permit must be obtained from the appropriate agency.

Sec. 12. The applicant for the building sewer permit shall notify the Town when the building sewer is ready for inspection and connection to the public sewer. The connection to the main sewer line will be made under the supervision and in the presence of the Town or its representative. Other associated work (ditching, laying pipe, etc.) may be performed by an approved contractor or homeowner.

Sec. 13. Suitable provisions must be made at the point of connection for testing, which responsibility shall rest with the holder of the sewer connection permit. Details of connections and bedding are specified by the Town. The building sewer shall be tested by insertion of a test plug at the point of connection with the public sewer. The building sewer shall then be filled with water under a head of not less than ten (10) feet or the equivalent air pressure. The water level at the top of the test head of water shall not drop for at least 15 minutes. If air is used, the test acceptance criteria shall be consistent with the technical paper entitled, "Low Pressure Air Test for Sanitary Sewers" as published in the Journal of the Sanitary Engineering Division from the proceedings of the American Society of Civil Engineers, dated April, 1964.

ARTICLE IV: RULES AND REGULATIONS GOVERNING BUILDING SEWERS AND CONNECTIONS TO SEWERS

Sec. 1. No building sewer shall be covered until it has been inspected and approved by the Town. If any part of a building sewer is covered before being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to the public sewer.

Sec. 2. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.

Sec. 3. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of the work on a building sewer shall be restored, at the cost and expense of the owner of the improved property being served, in a manner satisfactory to the Town.

Sec. 4. If any persons shall fail or refuse, upon receipt of a notice from 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 land of the property owner to do whatever is necessary to remedy the unsatisfactory condition.

Sec. 5. The Town reserves the right to exclude or adopt, from time to time, rules and regulations as it shall deem necessary and proper, relating to connections with a public sewer and the sewage collection system. Such additional rules and regulations, to the extent appropriate, shall be part of these regulations.

ARTICLE V: RULES AND REGULATIONS GOVERNING DISPOSAL OF SEPTIC TANK WASTES

Sec. 1. Septic tank and holding tank wastes will be accepted into the treatment works at designated receiving structures within the treatment works area, provided such wastes do not violate any of the terms or conditions of this ordinance, or any other special requirements established by the Commission and/or the Town. Permits to use such facilities and assessment of fees for such use shall be under the jurisdiction of the Commission or their duly authorized representatives. The sewage treatment plant superintendent, acting in behalf of the Commission, shall have authority to limit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Winnipesaukee River Basin Sewage Treatment Plant superintendent, and disposal shall be accomplished under his supervision unless specifically permitted otherwise.

ARTICLE VI: SEWERED WASTE RESTRICTIONS

Sec. 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.

Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to storm drains, if available, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, with written permission of the Town, to a storm drain, if available, or an approved natural outlet providing the industry has a State permit or a permit issued by the Environmental Protection Agency.

Sec. 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, benzine, naphtha, fuel, oil, or other flammable or explosive liquid, solid or gas.

(b) Any waters or wastes containing 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, constitute a hazard to human or animals, create a public nuisance, or create any hazard at the sewage treatment

plant, or its receiving waters, including but not limited to cyanides in excess of 0.004 mg/l as CN in the wastes as discharged to the public sewer.

(c) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable to 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 to causing obstruction to the flow in sewers, or other interference with the proper operation of the sewer system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair or fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

Sec. 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 Commission and/or the Town, that such wastes can harm either the treatment works, 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 Commission and/or Town will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capability of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are, but not limited to:

(a) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees F, (65 degrees C).

(b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F, (0 to 65 degrees C).

(c) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

(d) 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 plant exceeds the limits established by the EPA or the State for such materials.

(e) Any waters or wastes containing phenols or other taste or odor-producing substances in such concentrations as to exceed limits which may be established by the Commission and/or the Town as necessary, after treatment of the composite

sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

(f) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Commission and/or Town, in compliance with applicable State or Federal regulations.

(g) Any water or wastes having a pH in excess of 9.5.

(h) Material which exerts or causes:

(1) Unusual concentration of inert suspended solids (such as, but not limited to, fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solution).

(3) Unusual BOD, COD, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of wastes or both constituting "slugs" as defined herein.

(i) Waters or wastes containing substances which are not amendable 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 receiving waters.

Sec. 5. 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 4 of this Article, and which in the judgment of the Commission and/or the Town, may have a deleterious effect upon the treatment works, processes, equipment, or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Commission and/or Town may:

(a) Reject the waste.

(b) Require pretreatment to an acceptable condition for discharge to public sewers.

(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.

If the Commission and/or Town permits to pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Commission and/or Town and subject to the requirements of all applicable codes, ordinance and laws.

Sec. 6. Grease, oil, and sand traps shall be provided when, in the opinion of the Commission and/or the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes and/or other harmful ingredients; except that such traps shall not be required for private living quarters or individual dwelling units. All traps shall be of a type and capacity approved by the Commission and/or Town, and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining the interceptors, the owner shall be responsible for the proper removal and disposal of captured materials by himself or a currently licensed waste disposal firm.

Sec. 7. Where pretreatment 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.

Sec. 8. When required by the Commission and/or the Town, any property owner served 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 Commission and/or 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.

Sec. 9. All industries discharging into a public sewer shall perform such monitoring of their discharges as the Commission and/or the Town may reasonably require including installation, use and maintenance of monitoring equipment, keeping records and reporting the results of such monitoring to the Commission and/or the Town. Such records shall be made available upon request by the Commission to other agencies having jurisdiction over discharges to the receiving waters.

Sec. 10. The Commission and/or the Town, through its duly authorized employees and officials, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Commission and/or the Town or its representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

Sec. 11. 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 from the building sewer in the public sewer to which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the treatment 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 premises 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.)

Sec. 12. The Town and/or Commission may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

(a) Wastewaters discharge peak rate and volume over a specified time period.

(b) Chemical analyses of wastewaters.

(c) Information on raw materials, processes and products affecting wastewater volume and quality.

(d) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.

(e) Details of wastewater pretreatment facilities.

(f) Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Sec. 13. No statement contained in this Article shall be construed as precluding any special agreement or arrangement between the Commission and/or the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Commission and/or the Town for treatment, subject to extra payment therefore, by the industrial concern, and provided that such agreements do not contravene any requirements of existing Federal laws and are compatible with any User Charges and Industrial Cost Recovery System in effect.

ARTICLE VII: APPROVAL OF CONTRACTORS

Sec. 1. The Town reserves the right to prohibit any person from installing building sewers, septic tanks, leaching fields or any other facilities for the handling or disposing of Sanitary Sewage or Industrial Wastes, if in the past, said person has refused to abide by this ordinance or if said person's performance has proven to be of inferior quality and,

therefore, requires an unusual amount of supervision by the Town in relation to other persons.

ARTICLE VIII: PRIVATE WASTEWATER DISPOSAL SYSTEMS

Sec. 1. The type, capacity, location, layout and installation (including inspection) of a private wastewater disposal system shall comply with all requirements of the New Hampshire Water Supply and Pollution Control Commission. No permit shall be issued for any new private wastewater disposal system employing subsurface soil absorption facilities where the lot area is less than is required by subdivision lot size requirements of the New Hampshire Water Supply and Pollution Control Commission. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

ARTICLE IX: PENALTIES

Sec. 1. Any person found to be violating any provisions of this ordinance or the State Plumbing Code shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article IX, shall be subject to all penalties provided by New Hampshire RSA 252:8 and 252:24 and other applicable legislation.

Sec. 3. Any person violating any of the provisions of this ordinance or the State Plumbing Code shall become liable to the Commission and/or the Town for any expense, loss, or damage occasioned by the Commission and/or the Town by reason of such violation.

This Ordinance shall take effect upon its passage. Passed and approved this 6th day of March 1981.

Sandra T. McGonagle, Chairman
Lawrence W. Guild, II
Thomas T. Weekes

GILFORD BOARD OF SELECTMEN

CHAPTER II
SEWER USER CHARGE SYSTEM

General Requirements:

1. This user charge system is established to insure the equitable distribution of the costs of operation, maintenance, management, reconstruction, replacement, and repairs of the wastewater collection system within the Town of Gilford. Each individual user or user class within the Town shall pay in proportion to their contribution to the total wastewater loading on the treatment works.

2. Annual Review of Charges – The Town of Gilford, through its Board of Selectmen, shall annually review the wastewater contribution of users, the total costs of the sewage system, and its approved charge system. The Town shall revise charges, as appropriate, for use or user classes to accomplish the following:

   A. Maintain the proportionate distribution of costs among users and use classes as required.
   B. Generate sufficient revenue to pay the total costs necessary to properly maintain the system to include replacement costs as required and necessary.

3. Connection Fees – No application for a permit to connect to the Town's sewer system shall be approved until the Permit Fee is paid in full. The permit fee shall be reviewed annually by the Board of Selectmen to ensure that it accurately reflects the average cost to buy in to the investment in the total sewer system.

4. Charges for Extraneous Flows – The user charge system shall provide that the costs of all flow not directly attributable to users or user classes (ie. infiltration/inflow) be distributed among all users of the system in the same manner that system costs are distributed among users or user classes for their actual use, or under a system which uses one or any combination of the following factors:

   - Flow Volume of users
   - Land area of users
   - Number of hook ups or discharges to the users.

5. Sewer Fund – The funds received from the collection of the sewer charges authorized by this ordinance and all other receipts resulting from the operation of the sewage system shall be deposited with the Town Treasurer and shall be separately accounted for and be known as the "Sewer Fund". This fund, when appropriated by the Board of Selectmen, shall be available for the payment of the first instance of the cost and expense of the management, maintenance, operation and repair of the Town Sanitary Sewage System and Sewage Disposal and any surplus thereafter for the cost of construction, reconstruction, replacement and for the payment of any interest and principal of any debt incurred to pay such costs for the improvement of the Town's sanitary sewage system or regional system.

6. Sewer User Charges – The user charge shall be sufficient to cover all costs associated with the operation and maintenance of the collection system as well as providing a replacement fund. The charges for use of the system will be based upon volume as measured by installed water or wastewater meters as approved by the Town of Gilford. The basic charges for each individual connection to the sewer system will be determined by one of the following methods of assessment:

   A. Upon the metered volume of water consumed as it relates to wastewater generated. Volume shall be directly measured by a metering device approved by the Town.
   B. Where a metering device cannot be reasonably utilized, an adjustment as to sewer charges may be made by the execution of a contract between the owner and the Town.
   C. Industrial Users are those whose wastes entering the Town's sewer system (following pretreatment) exceed the following standards:
      I. Five (5) day BOD of not more than 200 milligrams per liter at twenty degrees centigrade (20˚ C).
      II. Suspended solids concentration of not more than 200 milligrams per liter or in any way cause additional treatment expenses to be incurred will be charged at a rate determined at the time such conditions occur. The strength of wastewaters exceeding the normal characteristics as specified above is to be determined by the Town, employing the services of an approved testing firm and/or the services of the State. Any testing costs shall be borne by the User.

      Charges shall be based on:
      A rate per 1,000 gallons of measured volume, plus
      A rate per pound in excess of 200 mg/liter of BOD concentration, plus
      A rate per pound in excess of 200 mg/liter of Suspended Solids concentration.

   D. The basic charges for seasonally operated cottages, camps, motels, hotels, homes and similar users shall be assessed the Administrative fee plus a fee per 1,000 gallons of water consumed for each unit during the period of use. The term "unit", as used herein, refers to each living unit.
   E. A surcharge shall be levied on all users whose wastes exceed the normal concentration for BOD and/or suspended solids as outlined above in C. I, and II. The surcharge will be established as a rate per pound as described in paragraph C.

7. User Charge Computation - All costs related to the municipal sewer collection system will be borne by those utilizing the system. Included in these costs are those fees necessary to operate, maintain, administer, upgrade and provide for limited future expansion. The costs will be calculated by determining an Administrative Fee and a usage rate per thousand gallons.

   A. Each sewer user (living unit) shall pay the Administrative Fee each quarter of the year to cover administrative costs. The Administrative Fee shall be reviewed annually, and is intended to cover certain costs of the system that are not dependant on usage volume. Including, but not limited to: personnel, office expenses, and the administrative portion of the WRBP billing.

Fee = Administrative Costs / # of living units / 4 quarters

B. The rate per gallon shall be calculated by dividing the total estimated budget for the Sewer Fund, less revenue to be generated by the administrative fee and any other projected revenues, by the total estimated annual usage (per thousand gallons).

Rate = Total Sewer Costs – projected revenues / total estimated usage per 1,000 gallons

8. Meter Rules and Regulations

A. Meters for the purpose of metering private water supplies will be provided by the owner of the premises at their own expense and accepted and approved by the Town.
B. Meters may be purchased from the Town, at cost, by individuals for installation by a licensed plumber on their premises.
C. In the case of a meter stopping or failing to register, the quantity of water used shall be based upon the average of past usage which most accurately reflects current usage.
D. Any owner may place on his premises, at his own expense, a meter which shall be approved by the Town, to measure the flow of water which does not enter the sewage system, and an adjustment of the sewer charge shall be made commensurate with said metered use in accordance with the applicable rate charged by the Town.
E. The Town's duly authorized personnel shall have the right to enter the premises to read said meter.
F. No person shall maliciously, willfully, or negligently damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment that is part of the public sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct pursuant to the local ordinances, and shall also be subject to penalties under State and Federal statutes.

9. Billings and Other Charges

A. Billing: Pursuant to RSA 149-I:11 and 38:22, the Town shall issue a warrant to the Tax Collector four (4) times a year, who shall send bills and collect these charges for sewer services.
B. Payment: Payment is due within thirty (30) days of said billing. Any bills not paid within this time period will be subject to collection procedures of the Tax Collector, as defined in NH RSA 80.
C. Delinquency: The Tax Collector shall include, on an annual basis with the list of unpaid property taxes, all delinquent sewer accounts and shall have all the rights and remedies, including a lien on the real estate, and be subject to the same liabilities in relation thereto, as in the collection of taxes as provided in RSA 80.
D. Abatements: Upon written request to the Board of Selectmen within thirty (30) days of the due date, an abatement of all or a portion of sewer charges will be considered. The request may be granted for good cause and with proper justification.

(Chapter II, Sewer User Charge System, Amended 3/14/07)

CHAPTER III

OPERATION AND MAINTENANCE

Adopted August 26, 1982

ARTICLE I: General

The operation and maintenance (O&M) costs of the Gilford Municipal Sewer System as relating to the Winnipesaukee River Basin Program will be based upon those costs as provided by the Water Supply and Pollution Control Commission. These costs are to be specified annually in Water Supply and Pollution Control Commission Control Regulation, WS 1200, or as provided in quarterly billings from the State will be utilized to adjust sewer user charges as necessary to defray costs. Administrative costs relating to the costs of administrating the program at both State and Municipal level are to be included.

Sec. 1 "Operations and Maintenance Costs"

(A) State: These costs relate to those billed by the State on a periodic basis for those O&M items directly related to the total Winnipesaukee River Basin Project which includes the Franklin Treatment Plant. Such costs are: chemicals for the plant, utilities at the plant and various pumping stations, fuel, and salaries of plant and maintenance personnel. These costs are estimated in advance of the fiscal year, July, billed quarterly, and adjusted in the 1st quarter of the following fiscal year. At this time, estimating the rates consists of two variables, operational costs and flow costs. This total estimated cost is then divided by the estimated flow to arrive at a unit flow charge, usually dollars per thousand gallons. As both flow and operational costs are varying greatly as the system grows, these costs will tend to stabilize as it reaches design capacity. Gilford is billed upon their contribution to the system and includes the following:

1. Treatment Charge:

   Franklin Treatment Plant _____MG @ $ _____/1,000 gal.

2. System Replacement Charge _____MG @ $ _____/1,000 gal.

3. Maintenance Charge _____MG @ $ _____/1,000 gal.
   (27.52 mi.)

4. Pump Station Charges:

   Pendleton Beach: _____MG @ $ _____/1,000 gal.

   Gilford: _____MG @ $ _____/1,000 gal.

Glendale: _____MG @ $ _____/1,000 gal.

Winnisquam: _____MG @ $ _____/1,000 gal.

Total State O&M Charges $ _____/1,000 gal.

(B) Town O&M Costs: Town O&M costs are required to perform the same type functions as for the State, but upon Town owned assets. It will include such items as meter repair and maintenance; repair items and tools; line cleaning and repair; manhole cleaning and repair; etc. The amount to be charged is to be 15% of the total State O&M charges.

Total State O&M Charges x 15% $_____/1,000 gal.

(C) Total O&M charges is the sum of the results of Paragraph "A" and "B" above at a rate of $_____/1,000 gallons.

Sec. 2 "Administrative Costs"

(A) State: These costs relating to the administration of the program are limited to the salaries of the Administrator, secretarial help, and those office related duties. These costs are determined by the State utilizing design system flows as contributed by each community according to the following formula.

$$C_u = \frac{\text{Total State Administrative Costs}}{\text{Total Estimated Flow}} \times _____\text{MGD} = \text{Town \% Contribution}$$

$$C = \frac{\text{Total State Administrative Costs}}{_____\text{MGD}} \times _____\text{MGD} = \frac{\$\text{Town Charge}}{}$$

(B) Town: Town costs are again required to perform the same type function as for the State and are limited to the salaries of the Sewer Superintendent, secretarial help, billing preparation, and related office duties. The formula to be used will be as the State's.

$$c_{ut} = \frac{\text{Town's Administrative Costs}}{\text{Total Estimated Flow}} \times \text{Town's \% Contribution}$$

or

$$c_{ut} = \frac{\text{Total Town's Administrative Costs}}{_____\text{MGD}} = _____\text{MGD} = \$_____$$

Where:

c_{ut} = Town's user's charge for administration per unit of time

MGD – Million Gallons per day.

(C) Total administrative charges is the sum of paragraph "A" and "B" above at a rate of $_____/per connection.

Sec. 3 "Total Sewer User Rate"

The total sewer user rate to be charged each customer serviced by the Winnipesaukee River Basin Project will be that resulting from those charges stated in Paragraph C of Sections 1 and 2. This rate will be recomputed annually based upon estimated costs provided by the State during the 4th quarter of the State fiscal year (April – June) to become effective the 1st fiscal quarter (July – September) of the following State fiscal year. See Attachment #1 for actual computations which is to be updated at least annually or as dictated by State billing procedures.

ATTACHMENT #1
SEWER USER RATE COMPUTATIONS

Administrative Costs:

State:	[1] $13,950.
Town:	[2] $60,389.
	$74,339.

Service Connections: 600 (Estimated)

Administrative Cost Computations:

Total costs – number of connections – four quarters = Administrative Costs

$74,339 – 650 – 4 = $28.60 ($25.50)

Operation & Maintenance Costs:

State:	[3] $106,600.
Town:	[4] $ 15,975.
Total	$122,575.

Flow:

[5] 58,612,800 Gals. + 8,791,920 (Est.) Gals – 67,404,720 Gals.

Flow Charge Computations:

Total cost – number of Gallons x 1,000 = Flow Charge

$122,575 – 67,404,720 x 1,000 = $1.81/1,000 Gals. ($1.70)

/s/ Sandra T. McGonagle
Sandra T. McGonagle

/s/ Richard L. Richardson
Richard L. Richardson

/s/ Thomas T. Weekes
Thomas T. Weekes

GILFORD BOARD OF SELECTMEN
Revised 11/86

(CHAPTER 29)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE PROHIBITING THE PLACEMENT OF SNOW OR ICE ON PUBLIC HIGHWAYS

It appearing that winter road plowing and maintenance is being hampered and unnecessary expense being incurred by the placing of snow and ice on the highways, the following regulation is adopted regulating the use of public ways in the Town of Gilford:

No person shall plow, shovel or put any snow or ice into any public way as defined under RSA 259:125 from any place outside thereof, except temporarily in case of necessity on account of no other place being available; and in such case he shall immediately remove the same or cause it to be removed.

Any person found in violation of the provisions herein provided shall be fined no more than fifty dollars ($50.00).

Amended and Approved November 14, 1990

Russell R. Dumais, Chairman
Philip D. LaBonte
Gordon H. Weymouth

(CHAPTER 30)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE REGULATING THE USE OF SNOW-TRAVELING VEHICLES IN THE TOWN OF GILFORD

1. Definition. "Snow-traveling vehicle" shall mean any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts or cleats, or low pressure tires, used principally for recreational purposes.

2. No person shall operate a snow-traveled vehicle in the Town of Gilford, upon the main traveled portion of the plowed snow banks of any public way or sidewalk, except as permitted by RSA 215-A:6.

3. No person shall operate a snow-traveling vehicle on the land of another person without first having obtained permission of the land owner.

4. No person shall operate a snow-traveling vehicle in the single family residential zone of the Town of Gilford between the hours of 10:00 p.m. and 7:00 a.m.; nor in the limited and natural resource residential, commercial or industrial zones between the hours of 11:00 p.m. and 7:00 a.m.

5. Any person who violates this ordinance shall be punished by a fine of one hundred dollars ($100.00) for each offense.

Amended and Approved November 14, 1990

Russell R. Dumais, Chairman

Philip D. LaBonte

Gordon H. Weymouth

(CHAPTER 31)
ORDINANCE
GILFORD, NEW HAMPSHIRE

ORDINANCE RELATIVE TO THE ESTABLISHMENT OF CERTAIN SPEED ZONES WITH THE TOWN OF GILFORD, NEW HAMPSHIRE

I. Where no hazard exists that requires a lower speed for compliance with the provisions of the Laws of the State of New Hampshire, Revised Statutes Annotated Chapter 265:60, the speed of any vehicle not in excess of this Ordinance shall be prima facie lawful, but any speed in excess of the limits specified in this Ordinance, except as authorized by NH RSA 265:61 entitled "Speed Exceptions" shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful;

(A) Thirty (30) miles per hour on Belknap Mountain Road, so-called, from the intersection of Route 11-A to Weeks Road, except during school hours, then the speed limit is twenty (20) miles per hour from Potter Hill Road to Alvah Wilson Road;

(B) Thirty (30) miles per hour on Alvah Wilson Road, except during school hours, then the speed limit is twenty (20) miles per hour on Alvah Wilson Road from the intersection of Sprucewood Drive to Belknap Mountain Road.

(C) Thirty (30) miles per hour on the following ways. Way is defined under RSA 259:125.

1. Dockham Shore Road
2. Robertson Drive, Colmar Court, Baxter Court, Mitchell Road, Margaret Way, Sanborn Road
3. Harris Shore Road, Smith Cove Road and Wharf Road
4. Glendale Place, Dock Road, Belknap Point Road, Dinsmoor Point Road, Lockes Hill Road and ~~Scenic Drive~~ (*Scenic Drive speed limit amended to (25) miles per hour on August 25, 2010)*
5. Valley Drive, Chicory Lane, Escarol Lane, Damson Lane, Bramble Lane, Avocado Lane and Glidden Road
6. Sargent Place, Liscomb Circle, Annis Drive, Breton Road, Gilford East Drive and Mutual Way
7. Gunstock Hill Road, Henderson Road, Coach Road and ~~Cat Path~~ (*Cat Path speed limit amended to (25) miles per hour on June 8, 2011)*
8. Old Lake Shore Road from the intersection of Route 11-B to the intersection of Henderson Road
9. David Lewis Road, Colonial Drive, Bedford Road, Ridgewood Avenue, Sunset Avenue, Sleeper Hill Road, Elderberry Drive, October Lane, Flower Drive, Countryside Drive, Vincent Drive, Hillside Drive, Skyline Drive, Pinecrest Drive, Cyrus Lane, McGinness Drive, Clayton Road,

Woodland Avenue, Allen Road, Glenridge Way, Marine Drive, Sawmill Road, Sherwood Forest Drive, High View Circle, Hammond Road and Stone Road.

10. Country Club Road from the intersection of Route 11-A to the intersection of Liberty Hill Road.
11. Schoolhouse Hill Road, Easy Street, ~~Potter Hill Road~~ *(Potter Hill Road speed limit amended to (25) miles per hour on July 27, 2011)*, Sprucewood Drive, Emery Way, Robindale Circle, Timber Lane, Burr Lane, Farmer Drive, Jameson Avenue, Hedgewood Circle, Hawthorne Way, Hatch Drive, Heather Lane, Hazelnut Road, Ox-Bow Lane, Longridge Drive, Doris Drive, Linda Lane, Chipmunk Circle, Gary Circle, Wilderness Trail, Haywagon Road, Weeks Road, Gilford Glen Road, Tannery Hill Road, Bacon Drive, Goodwin Road, Williamsburg Avenue, Gilman Drive, Foxborough Drive.
12. Hoyt Road from the intersection of Route 11-A to the intersection of Goodwin Road.
13. Chalet Road, Chestnut Drive, Huntress Circle, Falls Avenue, Laurel Circle, Guild Circle, Balsam Drive, Oakland Avenue, Silver Street, Foxglove Road, Ryswick Street, McPhail Street, Sagamore Road, Barefoot Place, Yasmin Drive, Greenleaf Trail, Auburn Circle, Tate Road, White Birch Drive, Brookside Circle, Jeremy Court, Leisure Drive, Hide-A-Way Circle, Cumberland Road, Briarcliff Road, Cottonwood Trail, River Drive, Buckboard Drive, Deer Run Lane, Mountain Drive, Trailview Drive, Hickory Stick Lane, Crestview Drive, Cross Lane, Upland Drive, Alpine Drive, Ridgeline Loop, Hermit Lane, Forest Avenue, Highland Drive, Larch Drive, Hook Road, Jay Drive, Ironwood Drive, Checkerberry Lane and Riley Road.
14. Morrill Street from the Laconia/Gilford Town Line to the intersection of Stone Road.
15. Olde English Lane, Harvest Run, Aspen Circle, Knollwood Drive, Morgan Way and Palomino Road.

(D) Thirty-five (35) miles per hour on Watson Road, so-called and Saltmarsh Pond Road.

II. Under the authority of RSA 265:63 <u>Alteration of Limits</u> the following speed limitations shall apply to the following ways within the Town of Gilford. Way is defined under RSA 259:125.

(A) Twenty five (25) miles per hour on the following ways:

1. Varney Point Road Left
2. Varney Point Road Right
3. Heights Road
4. Terrace Hill Road
5. Roberts Road
6. Varney Point Road

7. Dow Road, Casey Road, Davis Road and Wildwood Road
8. Hollow Spur
9. Hollow Spear
10. Sand Hill Road and Spring Hill Circle

III. All other Town roads as defined under way RSA 259:125 (Way) not listed in section I or II of this ordinance shall be considered as roads with speeds defined under RSA 265:60.

Amended and Approved October 14, 1998

TOWN OF GILFORD
BOARD OF SELECTMEN

Phillippe A. Arel, Chairman

Rudolph G. Lehr

Robert A. Jordan

TOWN OF GILFORD, NEW HAMPSHIRE

SPEED ZONE REGULATION
ALTERATION OF LIMIT
(CHAPTER 31-A)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this regulation to reduce the prima facie speed limit on the public ways situated on Governor's Island as set forth below.

31-A.1 AUTHORITY

This Regulation is adopted pursuant to the authority granted under RSA 265:63, based upon the results of a traffic investigation which is attached hereto and incorporated herein.

31-A.2 PURPOSE

The purpose of this Regulation is to establish a reasonable and safe condition, in so much as possible, for the use of motor vehicles on Governor's Island.

31-A.3 25 MPH SPEED LIMITS

The following highways shall henceforth have a posted speed limit of 25 miles per hour:

(a) Edgewater Drive
(b) Shore Road
(c) Loch Lane
(d) Brook Road
(e) Broadview Terrace
(f) Pineway Street
(g) Blueberry Hill Lane
(h) Sturrock Place
(i) Natalie's Way
(j) Summit Avenue

31-A.4 VIOLATIONS

Any speed in excess of the limits specified herein shall be a violation and subject to a fine as otherwise set forth in RSA 265:60.

31-A.5 EFFECTIVE DATE

These Regulations shall take effect immediately, as of this date, July 28, 2010, upon the installation of appropriate signs.

IN WITNESS WHEREOF, this is adopted and approved on this 28th day of July, 2010.
ATTEST:

J. Kevin Hayes, Chair

John T. O'Brien, Vice-Chair

Gus Benavides, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 29th DAY OF JULY, 2010, BY:

Denise A. Morrissette, Town Clerk

TOWN OF GILFORD, NEW HAMPSHIRE

SPEED ZONE REGULATION
ALTERATION OF LIMIT
(CHAPTER 31-B)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this regulation to reduce the prima facie speed limit on Scenic Drive from 30 miles per hour to 25 miles per hour as set forth below.

31-B.1 AUTHORITY

This regulation is adopted pursuant to the authority granted under RSA 265:63, based upon the results of a traffic investigation which is attached hereto and incorporated herein.

31-B.2 PURPOSE

The purpose of this regulation is to enhance the public safety, in so much as possible, for the use of Scenic Drive by motor vehicles, pedestrians, bicyclists and others who may travel over this public highway.

31-B.3 REPEAL OF PREVIOUS 30 MPH SPEED LIMIT REGULATION

The previously existing 30mph regulation on Scenic Drive as set forth in Chapter 30, Article I, Paragraph (C), Subsection 2 is hereby superseded, repealed and replaced with this regulation.

31-B.4 VIOLATIONS

Any speed in excess of the limits specified herein shall be a violation and subject to a fine as otherwise set forth in RSA 265:60.

31-B.5 EFFECTIVE DATE

This regulation shall take effect immediately, as of this date, August 25, 2010, upon the installation of appropriate signs.

IN WITNESS WHEREOF, this is adopted and approved on this 25th day of August, 2010.
ATTEST:

J. Kevin Hayes, Chair

John T. O'Brien, Vice-Chair

Gus Benavides, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 30th DAY OF AUGUST, 2010, BY:

Denise A. Morrissette, Town Clerk

TOWN OF GILFORD, NEW HAMPSHIRE

CAT PATH TRAFFIC REGULATIONS

(CHAPTER 31-C)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to amend the Cat Path Traffic Regulations as previously adopted on June 8, 2011; to read as follows:

31-C.1 AUTHORITY

These regulations are adopted pursuant to the authority granted under RSA 41:11, 47:17, 231:191, 265:9, and 265:63.

31-C.2 PURPOSE

The primary purpose of these regulations is to enhance the public safety, in so much as possible, for the use of Cat Path by motor vehicles, pedestrians, bicyclists and others who may travel over this public highway. In addition, these regulations are intended to prevent unreasonable damage and extraordinary municipal maintenance expenses resulting from traffic volumes and vehicle weights that exceed the highway topography, design, and construction capabilities.

31-C.3 REPEAL OF PREVIOUS 30 MPH SPEED LIMIT REGULATION

The previously existing 30mph regulation on Cat Path as set forth in Chapter 31, Article I, Paragraph (C), Subsection 7 is hereby superseded, repealed and replaced with this regulation.

31-C.4 ESTABLISHMENT OF 25 MPH SPEED LIMIT REGULATION

The speed limit for the entire way of Cat Path shall be twenty-five miles per hour, (25mph), based upon traffic investigations conducted by personnel of the Department of Public Works and Police Department.

31-C.5 WEIGHT LIMITS

The maximum weight limit for motor vehicles on Cat Path shall be six (6) tons. This regulation shall not apply to emergency vehicles, service vehicles used to deliver fuel or other supplies to the residents of Cat Path, school buses or any operator with written permission issued by the Director of Public Works (or his/her designee) upon demonstration of unnecessary hardship under such terms and conditions (such as bonding) as may be deemed necessary to protect the road surface.

31-C.6 ONE-WAY TRAFFIC

Cat Path is hereby designated for one-way traffic only. All motor vehicles, (except for emergency vehicles as otherwise allowed by law), shall be prohibited from traveling in a northerly direction. This regulation is intended to prevent motor vehicles from traveling along Cat Path from NH Route 11-A in the direction towards NH Route 11-B, also known as Intervale Road, further described as meaning that motor vehicle traffic is prohibited from traveling in the downhill direction.

31-C.7 SIGNAGE

The Director of Public Works is hereby authorized to install such signs as may be deemed appropriate in accordance with currently acceptable practices and technology to inform the public of the regulations as set forth herein. These regulations shall not be enforced until such time as these signs are in-place. In addition, signs shall be installed (for informational purposes only) at the entrances to Cat Path near the intersection with NH Route 11-A (Cherry Valley Road) and also near the intersection with NH Route 11-B (Intervale Road) that indicate Cat Path is for local traffic only.

31-C.8 VIOLATIONS

(a) Any motor vehicle operator that violates the speed limit specified herein shall be guilty of a violation and subject to a fine as otherwise set forth in RSA 265:60,V, to wit:

- 1-10 mph over the posted limit = $50 fine
- 11-15 mph over the posted limit = $75 fine
- 16-20mph over the posted limit = $100 fine
- 21-25 mph over the posted limit = $200 fine
- 26+ mph over the posted limit = $350 minimum fine (plus mandatory appearance in court)

(b) Any motor vehicle operator that violates the weight limits specified herein shall be guilty of a violation and subject to a fine of up to $1,000.00 per offense as may be determined by a court of competent jurisdiction. In addition, in the event of any road damages caused by a vehicle exceeding the posted weight limits, the operator of such vehicle shall be held liable for the cost to restore the Cat Path highway to its previous condition.

(c) Any motor vehicle operator that violates the one-way traffic regulation or fails to obey the traffic control devices applicable thereto shall be guilty of a violation and subject to a fine of one hundred dollars ($100.00) as otherwise set forth in RSA 265:23,IV.

(d) These regulations may be enforced by any duly appointed Police Officer or other law enforcement official with the power and authority to pursue and apprehend such violators under NH law.

31-C.9 EFFECTIVE DATE

These regulations shall be in effect as of September 1, 2014.

IN WITNESS WHEREOF, these Cat Path Traffic Regulations are hereby adopted and approved, following a duly noticed public hearing, held on the 27th day of August, 2014, by the Gilford Board of Selectmen. ATTEST:

John T. O'Brien
John T. O'Brien, Chair

Gus Benavides
Gus Benavides, Vice-Chair

Richard Grenier
Richard Grenier, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS *2nd* DAY OF *September*, 20*14*, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk

TOWN OF GILFORD, NEW HAMPSHIRE

SPEED ZONE REGULATION
ALTERATION OF LIMIT
POTTER HILL ROAD
(CHAPTER 31-D)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to amend the existing speed zone regulation pertaining to Potter Hill Road in response to a citizen petition.

31-D.1 AUTHORITY

This amended regulation is adopted pursuant to the authority granted under RSA 41:11 and 265:63.

31-D.2 PURPOSE

The purpose of this regulation is to enhance the safety of the residents, children and pets along this narrow, residential street; and for the benefit of all motor vehicle operators that travel and park along Potter Hill Road.

31-D.3 REPEAL OF PREVIOUS 30 MPH SPEED LIMIT REGULATION

The previously existing 30mph regulation on Potter Hill Road as set forth in Chapter 31, Article I, Paragraph (C), Subsection 11 is hereby superseded, repealed and replaced with this regulation.

31-D.4 ESTABLISHMENT OF 25 MPH SPEED LIMIT REGULATION

The speed limit for the entire way of Potter Hill Road shall be twenty-five miles per hour, (25mph), based upon traffic investigations conducted by personnel of the Department of Public Works and Police Department which are attached hereto and incorporated herein.

31-D.5 SIGNAGE

The Director of Public Works is hereby authorized to install such signs as may be deemed appropriate in accordance with currently acceptable practices and technology to inform the public of this regulation as set forth herein. This regulation shall not be enforced until such time as these signs are in-place.

31-D.6 VIOLATIONS

(a) Any motor vehicle operator that violates the speed limit specified herein shall be guilty of a violation and subject to a fine as otherwise set forth in RSA 265:60.

(b) This regulation may be enforced by any duly appointed Police Officer or other law enforcement official with the power and authority to pursue and apprehend such violators under NH law.

31-D.7 EFFECTIVE DATE

This regulation shall be in effect as of July 28, 2011.

IN WITNESS WHEREOF, this Speed Zone Regulation – Alteration of Limits on Potter Hill Road is hereby adopted and approved, following a duly noticed public hearing, held on the 27th day of July, 2011, by the Gilford Board of Selectmen. ATTEST:

John T. O'Brien, Chair

Gus Benavides, Vice-Chair

J. Kevin Hayes, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 28th DAY OF July, 2011, BY:

Denise M. Gonyer, Town Clerk

(CHAPTER 32)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE FOR THE ESTABLISHMENT OF A STREET NUBMERING SYSTEM

Section 1. PURPOSE

A. To establish a uniform system of numbering properties.

B. To promote efficiency in locating properties.

C. To identify road problems within the community.

D. To provide more expedient emergency and mail service.

Section 2. PARTIES AFFECTED

All building within the corporate limits of the Town of Gilford shall hereafter be identified by reference to the uniform numbering system as promulgated or amended by the Department of Public Works.

Section 3. PROCEDURES

All owners of buildings within the corporate limits of the Town of Gilford Shall affix designated numerals on their respective buildings, placed conspicuously above or on the side entrance which faces the assigned street.

Such numerals are to be at least three (3) inches in height and of a contrasting color to the building.

If the numbers on the building are not visible from the street then a second set of numbers shall be displayed at the point of entry to the property.

Secondary locations will be mailboxes if available. Otherwise, sign posts will be required. Mailboxes located in remote locations shall also display assigned number.

All existing numbers of property and buildings not presently in conformity with provisions of this ordinance shall be changed to conform to this system within one (1) year of enactment of this ordinance.

Section 4. NUMBERING SYSTEM

A street numbering system has been developed for all buildings in Gilford, based on the following process.

A. The starting point of each street is determined by its main intersection.

B. The direction of travel (North, South, East and West ONLY) of each street is determined at its starting point.

C. All buildings and properties on the Left Side of the street will have EVEN numbers.

D. All buildings and properties on the Right Side of the street will have ODD numbers.

E. One odd and one even number will be assigned to each Fifty (50) foot interval from the starting point.

F. If a building or property frontage has several possible numbers available, then the assigned number will be at the discretion of the Department of Public Works.

G. Unused numbers will be held for future use to insure against the need for renumbering.

H. Multi-family dwellings, Mobile Home Parks, Shopping Centers, Malls, Condominium Projects and Cottage Colonies shall be assigned only one number to each entrance, and shall internally number units within, according to the logical pattern as approved by the Department of Public Works.

I. The internal number of buildings in Part H above shall provide a means of identifying individual units with addresses including:

1. Street Address.
2. Building letter or number.
3. Unit letter or number.

Section 5. NEW BUILDING & SUBDIVISIONS

Whenever a house or structure shall be erected or located in the Town of Gilford, designated numbers shall be fastened upon said buildings as provided by this ordinance. Final approval of an occupancy permit for any structure shall be withheld by the Building Inspector until permanent and proper numbers have been affixed as provided in Section 3.

Every subdivision plan submitted to the Planning Board for approval shall show a street or building number of each lot, and these shall be approved as to conformity with this policy by the Department of Public Works.

In all cases, local postal officials, Police and Fire Departments shall be advised of street numbers approved for the subdivision.

Section 6. PENALTY

Whoever shall fail to comply with any provision of this ordinance within one year of enactment, or whoever shall affix to, or display upon a structure any number other than that assigned to it, shall be guilty of a Violation, with penalty not to exceed $100.00.

Adopted at Adjourned Town Meeting
March 12, 1986

(CHAPTER 33)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE PROVIDING FOR SWIMMING POOL SAFETY DEVICES

Section 1. Every person owning land on which there is situated a swimming pool, which contains twenty-four inches of water in depth at any point, shall erect and maintain thereon an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must not be less than four (4) feet in height above the underlying ground; all gates must be self-latching with latches placed four (4) feet above the underlying ground or otherwise made inaccessible from the outside to small children.

Section 2. A natural barrier, hedge, pool cover or other protective device approved by the governing body may be used as long as the degree of protection afforded by the substituted devices or structures is not less than the protection afforded by the enclosure, gate and latch described herein.

Section 3. All gates or doors opening through such enclosures shall be equipped with a self-closing as well as a self-latching device designated to keep and capable of keeping such door or gate securely closed at all times when not in actual use and prevent a small child opening same.

Section 4. Any owner found to be in violation of any of the provisions of this Ordinance shall be fined an amount up to $50.00.

Section 5. This Ordinance shall become effective July 1, 1972.

Adopted at Town Meeting
March 8, 1972

LAWS OF 1963

CHAPTER 34

AN ACT AUTHORIZING PREPAYMENT OF TAXES

Be it Enacted by the Senate and House of Representatives in General Court Convened:

36:1 Authority Granted. Amend RSA 80 by inserting after section 52 the following new section.

80:52 – a. Prepayment. Any town by vote at a town meeting under a proper article in the warrant and any city by vote of its governing board may authorize the prepayment of taxes and authorize the collector of taxes to accept payments in prepayment of taxes. If a town or city so votes, any person, firm or corporation owning taxable property on April first may, after April first and before notice of the amount of taxes assessed against said property for that year has been received, make payments on account of such taxes in sums of not less than ten dollars or in any sum divisible by ten dollars, and the collector shall receive such payments and give a receipt therefore and credit the amounts paid toward the amount of the taxes eventually assessed against said property. In any town or city which shall vote to authorize the prepayment of taxes the collector of taxes shall give such bond in the form and amount which the tax commission shall require, and he shall pay over all sums so received to the town treasurer under the provisions of RSA 41:35.

36:2 Takes Effect. This act shall take effect sixty days after its passage.

(Approved April 5, 1963)
(Effective date June 4, 1963)

Adopted at Adjourned Town Meeting March 10, 1965

ORDINANCE
GILFORD, NEW HAMPSHIRE

ORDINANCE WITH RESPECT TO THRU TRUCKING
ON BELKNAP MOUNTAIN ROAD
BETWEEN ALVAH WILSON ROAD AND ROUTE 11A

It appearing that the traversing of thru trucking traffic on Belknap Mountain Road between the Alvah Wilson Road and Route 11A constitutes a danger to the many school children who traverse that portion of the Road, and a disturbance and annoyance to the citizens residing in that area; the following regulation is adopted regulating the use of the aforesaid portion of Belknap Mountain Road:

There shall be no thru trucking for trucks with a gross vehicle weight greater than 15,000 pounds permitted on the Belknap Mountain Road from the intersection of Belknap Mountain Road and the Alvah Wilson Road to the intersection of Belknap Mountain Road and Potter Hill Road.

Any person violating the provisions of this ordinance shall be fined no more than $25.00 for each offense.

This Ordinance takes effect upon passage and repeals the provisions of any prior Ordinance inconsistent herewith.

Passed and approved this 16th day of August, 1978.

Gregory M. Dickinson, Chairman

Nelson B. Page

Sandra T. McGonagle

GILFORD BOARD OF SELECTMEN

(CHAPTER 37)
ORDINANCE
GILFORD, NEW HAMPSHIRE

AN ORDINANCE WAIVING A MOTOR VEHICLE PERMIT REGISTRATION FEE FOR FORMER PRISONERS OF WAR

Section 1. PURPOSE

To exempt a motor vehicle registration permit fee for former prisoners of war.

Section 2. PARTIES AFFECTED

Any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28IV, and who was honorably discharged.

Section 3. PROCEDURES

Individuals claiming an exemption under this ordinance shall provide the Town Clerk with proof of the qualifying circumstances.

Adopted at Adjourned
Town Meeting, March 11, 1987

TOWN OF GILFORD, NEW HAMPSHIRE

A POLICY GOVERNING THE ISSUANCE OF "WRITTEN AUTHORIZATION" FOR LIQUOR LICENSEES

(CHAPTER 38)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby adopts this Policy Governing the Issuance of "Written Authorization" for Liquor Licensees as the means by which the Town shall implement the provisions of RSA 179:19, II.

38.1 AUTHORITY

This policy is adopted pursuant to the authority granted under RSA 41:8.

38.2 PURPOSE

A. The primary purpose of this policy is to enable liquor licensees in the Town of Gilford to obtain such written authorization as may be necessary to provide dancing and/or entertainment. In addition, this policy shall establish the administrative processes by which the Town of Gilford shall provide such written authorization as may be necessary for applicants to obtain a NH liquor license pursuant to the practices in effect by the NH Liquor Commission.

B. Another purpose of this policy is to ensure, in so much as possible, that liquor licensees in the Town of Gilford comply with all applicable public safety laws, rules and regulations, as well as duly enacted local land use regulations.

38.3 REPEAL OF PREVIOUS ORDINANCES/REGULATIONS/POLICIES

This policy shall supersede and replace the Written Authorization Policy & Entertainment Business Permit Ordinance as previously adopted on January 25, 2012. However, all written authorization issued under that previous Ordinance shall continue in effect until such time as they may be revoked as otherwise set forth herein.

38.4 WRITTEN AUTHORIZATION - ISSUANCE

A. The Town Administrator shall provide written authorization for liquor license applicant(s) with proposed premises situated in the Town of Gilford who are seeking an initial liquor license from the State of New Hampshire to sell alcoholic beverages upon written request under the following conditions:

(1) The requestor shall provide the Town with a copy of the NH liquor license application that clearly identifies the applicant(s) and all of the areas on the proposed premises where liquor shall be sold and/or consumed.

(2) The Director of Planning & Land Use (or his/her designee) has affirmed in writing that the proposed premises are in compliance with the Town of Gilford Zoning Ordinance and Building Code.

(3) The Fire Chief (or his/her designee) has affirmed in writing that the proposed premises are in compliance with the State Fire Code and Town of Gilford Fire Prevention Code.

(4) The Police Chief (or his/her designee) has affirmed in writing that there are no current outstanding arrest warrants or felony conviction(s) within the past six (6) months pending against the applicant(s) for the liquor license.

(5) Written authorization under these specific circumstances shall clearly indicate that the Town does not give consent for dancing or entertainment.

B. The Town Administrator shall provide written authorization for liquor license applicant(s) with proposed premises situated in the Town of Gilford to provide dancing and/or entertainment upon written request, under the following conditions:

(1) The requestor shall provide the Town with a copy of a valid NH liquor license and a drawing that clearly defines all of the areas on the licensed premises where dancing and/or entertainment shall take place.

(2) The Director of Planning & Land Use (or his/her designee) has affirmed in writing that the proposed premises are in compliance with the Town of Gilford Zoning Ordinance and Building Code.

(3) The Fire Chief (or his/her designee) has affirmed in writing that the proposed premises are in compliance with the State Fire Code and Town of Gilford Fire Prevention Code.

(4) The Police Chief (or his/her designee) has affirmed in writing that there are no current outstanding arrest warrants or felony conviction(s) within the past six (6) months pending against the applicant(s) for the liquor license.

(5) Written authorization under these specific circumstances shall clearly indicate that the Town gives consent for dancing and/or entertainment as noted in the application materials.

C. There shall be no application or administrative fee charged by the Town to provide written authorization as set forth in this policy.

D. Written authorization shall be deemed to be in effect indefinitely unless otherwise revoked as set forth herein.

E. Notwithstanding the provisions of Section 38.7.B, it shall be expressly understood that the beneficiary of written authorization issued under this policy is not being issued a permit, license, contract, or any form of vested property rights as it pertains to the sale and consumption of alcoholic beverages in association with dancing and entertainment.

38.5 WRITTEN AUTHORIZATION – REVOCATION

A. Written authorization for dancing and/or entertainment issued pursuant to this policy shall be revoked upon receipt of official notice that a NH liquor license has been relinquished, transferred, expired, revoked, suspended, or placed in safekeeping status; in which case the Town Administrator shall promptly send a written notice of revocation to the NH Liquor Commission and the licensee. Every licensee shall provide the Town with a copy of their current liquor license within thirty (30) days of renewal; otherwise the Town Administrator shall send notice of written authorization revocation as set forth herein.

NOTE: Written authorization shall be reissued whenever the conditions noted above have been corrected as verified by official written documentation, in which case the Town Administrator shall promptly send a written notice of the reissuance to the NH Liquor Commission and the licensee.

B. Written authorization for dancing and/or entertainment issued pursuant to this policy shall be revoked upon a finding by the Board of Selectmen that a liquor licensee is not in compliance with the terms and conditions of this policy pursuant to a public hearing process as set forth below in Section 38.6; in which case the Town Administrator shall promptly send a written notice of the revocation to the NH Liquor Commission and licensee.

38.6 REVOCATION PROCEEDINGS

A. The Board of Selectmen shall schedule a public hearing to consider the revocation of written authorization issued pursuant to RSA 179:19, II under the following circumstances:

(1) Receipt of official notice by the Director of Planning and Land Use (or his/her designee) that a licensee is operating in a manner that is not in compliance with the Town of Gilford Zoning Ordinance or Building Code.

(2) Receipt of official notice by the Fire Chief (or his/her designee) that a licensee is operating in a manner that is not in compliance with the State Fire Code or Town of Gilford Fire Prevention Code.

(3) Receipt of official notice by the Police Chief (or his/her designee) that a licensee has an outstanding arrest warrant or felony conviction(s) within the past six (6) months or that any criminal activity has taken place at the licensed premises that was known or should have been known by the licensee or that the licensee has failed to comply with the provisions of Section 38.7.A as noted below.

B. Public hearings to consider written authorization revocation shall be scheduled at the convenience of the Board of Selectmen in accordance with the provisions of RSA Chapter 43.

C. Within thirty (30) days upon the conclusion of the public hearing, the Board of Selectmen shall render a written decision with its findings. If no written decision is released, the previously issued written authorization shall remain in effect.

D. The decision and/or findings of the Board of Selectmen shall be deemed final and not subject to any appeal. Any person aggrieved by the decision of the Board of Selectmen may petition a court of competent jurisdiction for such relief as may be deemed necessary.

38.7 GENERAL INFORMATION

A. Pursuant to RSA 105:9, the Police Chief shall have the authority to require private police details to be paid by a liquor licensee to attend any public functions upon a determination that such action is necessary to prevent, in so much as possible, (i) traffic-related problems; (ii) public disturbances or nuisances; or (iii) endangerment to public health, safety or welfare. Such orders may be issued at anytime as otherwise allowed by law.

B. The issuance of written authorization for entertainment shall be deemed to concurrently convey a Showman License for any entertainer who performs at the licensed premises as otherwise required by RSA 286:1.

C. Nothing in this policy is intended to infringe upon the ability of any Town Official, including, but not limited to the Selectmen, Town Administrator, Code Enforcement Officer, Fire Chief, their designees and any duly sworn law enforcement officer from entering upon the public areas of the licensed premises during regular business hours without a warrant or advance notice, nor is this policy intended to prevent such Town Officials from taking any other action that is otherwise allowed by law in the exercise of their official duties.

D. The invalidity of any provision of this policy shall not affect the validity or enforceability of any other provisions.

E. Any licensee that has had his/her written authorization revoked as otherwise set forth herein, may reapply after thirty (30) days has expired since the revocation took effect, provided that they meet all of the other requirements for the issuance of the written authorization in accordance with the terms and conditions of this policy.

IN WITNESS WHEREOF, this Policy Governing the Issuance of "Written Authorization" for Liquor Licensees is hereby adopted and approved on the 28th day of January, 2015 by the Gilford Board of Selectmen, upon the convening of a public hearing and deliberations during a duly posted, public meeting of the Gilford Board of Selectmen held on the 28th day of January, 2015; to be effective immediately. ATTEST:

John T. O'Brien
John T. O'Brien, Chair

Gus Benavides
Gus Benavides, Vice-Chair

Richard Grenier
Richard Grenier, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 29th DAY OF January, 2015, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk – Tax Collector

TOWN OF GILFORD, NEW HAMPSHIRE

TRAFFIC REGULATIONS
(CHAPTER 39-A)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this regulation to authorize the installation of stop signs and temporary speed barriers as set forth below.

39-A.1 AUTHORITY

This regulation is adopted pursuant to the authority granted under RSA 41:11 and 265:9, based upon the recommendation of the Director of Public Works as attached hereto and incorporated herein.

39-A.2 PURPOSE

The purpose of this regulation is to enhance the public safety, in so much as possible, for the use of Ridgewood Avenue, Sunset Avenue and Bedford Avenue by motor vehicles, pedestrians, bicyclists and others who may travel over these public highways.

39-A.3 3-WAY STOP INTERSECTIONS

(1) The intersection of Ridgewood Avenue and Sunset Avenue is hereby designated as a 3way stop, with stop signs and other appropriate markings as otherwise allowed by the Manual for the Uniform Control of Traffic Devices to be installed at each junction.

(2) The intersection of Bedford Avenue and Sunset Avenue is hereby designated as a 3way stop, with stop signs and other appropriate markings as otherwise allowed by the Manual for the Uniform Control of Traffic Devices to be installed at each junction.

39-A.4 TEMPORARY SPEED BARRIER

The Director of Public Works is hereby authorized to install a temporary speed barrier and appropriate warning markings on Ridgewood Avenue for the purposes of requiring motor vehicles to travel at a safe speed. This authority shall expire after 90 days, unless further extended by vote of the Board of Selectmen or a decision to is made to install a permanent speed barrier, upon a recommendation by the Director of Public Works.

39-A.5 VIOLATIONS

Any failure to obey the instructions of the traffic control devices as authorized in this regulation shall be a violation subject to a fine of one hundred dollars ($100.00) as otherwise set forth in RSA 265:31.

39-A.6 EFFECTIVE DATE

This regulation shall take effect immediately, as of this date, August 25, 2010, upon the installation of appropriate signs.

IN WITNESS WHEREOF, this is adopted and approved on this 25th day of August, 2010.
ATTEST:

J. Kevin Hayes
J. Kevin Hayes, Chair

_____
John T. O'Brien, Vice-Chair

Gus Benavides
Gus Benavides, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 29th DAY OF December, 2011, BY:

Denise M. Gonyer
Denise ~~A. Morrissette~~, Town Clerk
M. Gonyer

TOWN OF GILFORD, NEW HAMPSHIRE

TRAFFIC REGULATION

SHORE ROAD AND BROOK ROAD STOP INTERSECTION

(CHAPTER 39-B)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this regulation to authorize the installation of a Stop Sign as set forth below.

39-B.1 AUTHORITY

This Traffic Regulation is adopted pursuant to the authority granted under RSA 41:11, 265:9, and 265:31 based upon the recommendation of the Director of Public Works and Chief of Police as attached hereto and incorporated herein.

39-B.2 PURPOSE

The purpose of this Traffic Regulation is to enhance the public safety, in so much as possible, at the intersection of Brook Road and Shore Road for the benefit of motor vehicles, pedestrians, bicyclists and others who may travel over these public highways.

39-B.3 STOP INTERSECTION

All vehicular traffic traveling in a southerly direction along Brook Road shall stop at the intersection of Brook Road and Shore Road; whereby said intersection is hereby designated as a Stop Intersection; and provided further that such intersection shall be appropriately signed and marked in conformity with the Manual for the Uniform Control of Traffic Devices to the extent practical.

39-B.4 VIOLATIONS

Any failure to stop or obey the instructions of the traffic control devices as authorized in this Traffic Regulation shall be a violation subject to a fine of one hundred dollars ($100.00) as set forth in RSA 265:31, plus such additional penalty assessments as may normally be imposed by the courts or as otherwise set forth in the New Hampshire Department of Safety Uniform Fine Schedule.

39-B.5 EFFECTIVE DATE

This Traffic Regulation shall take effect on January 12, 2012; upon the installation of appropriate signs and markings.

IN WITNESS WHEREOF, this Traffic Regulation is adopted and approved on this 11th day of January, 2012, upon the convening of a public hearing and deliberations during a duly posted, public meeting of the Gilford Board of Selectmen held on this same date. ATTEST:

John T. O'Brien
John T. O'Brien, Chair

Gus Benavides
Gus Benavides, Vice-Chair

J. Kevin Hayes
J. Kevin Hayes, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 12th DAY OF January, 2012, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk – Tax Collector

TOWN OF GILFORD, NEW HAMPSHIRE

TRAFFIC REGULATIONS
(CHAPTER 39-C)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this regulation to authorize the installation of stop signs as set forth herein.

39-C.1 AUTHORITY

This regulation is adopted pursuant to the authority granted under RSA 41:11 and 265:9, in response to a citizen petition as attached hereto; and based upon consideration of testimony and/or evidence presented at a duly posted, public hearing held on October 9, 2013.

39-C.2 PURPOSE

The purpose of this regulation is to enhance the public safety, in so much as possible, in the vicinity of the four-way intersection at Cotton Hill Road, Young Road, and Swain Road; for the benefit of motor vehicles, school buses, pedestrians, bicyclists and others who may travel over these public highways.

39-C.3 FOUR-WAY STOP INTERSECTION

The intersection of Cotton Hill Road, Young Road, and Swain Road is hereby designated as a four-way stop, with stop signs and other appropriate markings as otherwise allowed by the Manual for the Uniform Control of Traffic Devices to be installed at each junction.

39-C.4 VIOLATIONS

Any failure to obey the instructions of the traffic control devices as authorized in this regulation shall be a violation subject to a fine of one hundred dollars ($100.00) as otherwise set forth in RSA 265:31.

39-C.5 EFFECTIVE DATE

This regulation shall take effect as of October 10, 2013, upon the installation of appropriate signs by the Department of Public Works.

IN WITNESS WHEREOF, this is adopted and approved on this 9th day of October, 2013.
ATTEST:

J. Kevin Hayes
J. Kevin Hayes, Chair

John T. O'Brien
John T. O'Brien, Vice-Chair

Gus Benavides
Gus Benavides, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 10th DAY OF October, 2013, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk-Tax Collector

TOWN OF GILFORD, NEW HAMPSHIRE

TRAFFIC REGULATIONS
(CHAPTER 39-D)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this regulation to authorize the installation of stop signs as set forth herein.

39-D.1 AUTHORITY

This regulation is adopted pursuant to the authority granted under RSA 41:11 and 265:9, in response to a traffic investigation conducted by the Police Chief and Director of Public Works, as summarized in a memorandum dated November 25, 2014 as attached hereto; and based upon consideration of additional testimony and/or evidence presented at a duly posted, public hearing held on December 17, 2014.

39-D.2 PURPOSE

The purpose of this regulation is to enhance the public safety, in so much as possible, on several road intersections in the area of Town known as Gunstock Acres, as more particularly set forth herein; for the benefit of motor vehicles, school buses, pedestrians, bicyclists and others who may travel over these public highways.

39-D.3 STOP SIGN INTERSECTIONS

1. Sagamore Road at the junction with Silver Street is hereby designated as a Stop Sign Intersection, with stop signs, warning signs and other appropriate markings as otherwise allowed by the Manual for the Uniform Control of Traffic Devices to be installed as deemed appropriate by the Public Works Director.

2. Ryswick Street at both junctions with Sagamore Road are hereby designated as Stop Sign Intersections, with stop signs, warning signs and other appropriate markings as otherwise

allowed by the Manual for the Uniform Control of Traffic Devices to be installed as deemed appropriate by the Public Works Director.

39-D.4 VIOLATIONS

Any failure to obey the instructions of the traffic control devices as authorized in this regulation shall be a violation subject to a fine of one hundred dollars ($100.00) as otherwise set forth in RSA 265:31.

39-D.5 EFFECTIVE DATE

This regulation shall take effect as of December 18, 2014, upon the installation of appropriate signs by the Department of Public Works.

IN WITNESS WHEREOF, this Traffic Regulation is adopted and approved on this 17th day of December, 2014; ATTEST:

_____
John T. O'Brien, Chair

Gus Benavides
Gus Benavides, Vice-Chair

Richard Grenier
Richard Grenier, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 19th DAY OF December, 2014, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk-Tax Collector

TOWN OF GILFORD, NEW HAMPSHIRE

TRAFFIC REGULATIONS
(CHAPTER 39-E)

KNOW ALL PERSONS BY THESE PRESENTS, the Gilford Board of Selectmen hereby ordains to adopt this regulation to authorize the installation of stop signs as set forth herein.

39-E.1 AUTHORITY

This regulation is adopted pursuant to the authority granted under RSA 41:11 and 265:9, in response to a traffic investigation conducted by the Police Chief, as summarized in a memorandum dated December 29, 2014 as attached hereto; and based upon consideration of additional testimony and/or evidence presented at a duly posted, public hearing held on January 28, 2015.

39-E.2 PURPOSE

The purpose of this regulation is to enhance the public safety, in so much as possible, on a road intersection in the area of Town known as Gunstock Acres, as more particularly set forth herein; for the benefit of motor vehicles, school buses, pedestrians, bicyclists and others who may travel over these public highways.

39-E.3 STOP SIGN INTERSECTION

Greenleaf Trail at the junction with Yasmin Drive is hereby designated as a Stop Sign Intersection, with a stop sign, warning signs and other appropriate markings as otherwise allowed by the Manual for the Uniform Control of Traffic Devices to be installed as deemed appropriate by the Public Works Director.

39-E.4 VIOLATIONS

Any failure to obey the instructions of the traffic control devices as authorized in this regulation shall be a violation subject to a fine of one hundred dollars ($100.00) as otherwise set forth in RSA 265:31.

39-E.5 EFFECTIVE DATE

This regulation shall take effect as of January 29, 2015, upon the installation of appropriate signs by the Department of Public Works.

IN WITNESS WHEREOF, this Traffic Regulation is adopted and approved on this 28th day of January, 2015; ATTEST:

John T. O'Brien
John T. O'Brien, Chair

Gus Benavides
Gus Benavides, Vice-Chair

Richard Grenier
Richard Grenier, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 12TH DAY OF February, 2015, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk-Tax Collector