

TOWN ORDINANCES

TOWN OF EAST KINGSTON, NH

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

The information contained herein is intended only as a quick reference & supplementary guide to the East Kingston Town Ordinances. The format is designed to have similar topics assembled in chapters for easy reference. Sections may be amended from time to time in order to ensure validity and consistency with current law and social environmental and constitutional changes. Please call or visit the Town Office for an official, accurate listing of Town Ordinances. The Town of East Kingston disclaims all liability in connection with the use of this information.

TOWN OF EAST KINGSTON, NH

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CHAPTER 1 PARKING REGULATIONS

(Regulations 100.1 – 100.14: Effective 6/14/2022)

The following parking regulations are adopted for the Town of East Kingston, NH. The Police Department is empowered to enforce the regulations with the imposition of fines. Fines are to be established by the Police Department and approved by the Board of Selectmen.

100.1: EMERGENCY CONDITION

When in the judgment of the Chief of Police, Police Officers, or Fire Chief an emergency situation is deemed to exist on roadways or places designated for No Parking and the area must be cleared for access by emergency vehicles, authority is granted for the removal of the illegally parked vehicles and other vehicles deemed an obstruction.

100.2: DEFINITIONS

- A. **Road or Highway:** The entire width between boundary lines of every public way or placed used by the public for vehicular traffic.
- B. **Crosswalk:** Any portion of the roadway distinctly indicated for pedestrian walking by lines or other markings on the surface.
- C. **Fire Lanes:** The portion of a traveled way established on private property, devoted to public use, where the parking or motor vehicles or other obstructions may interfere with ingress and egress of the Fire Department or other emergency vehicles for the protection of persons and property, such as shopping centers, churches or other similar locations.
- D. **Intersection:** The area bounded by the prolongation of the lateral curb lines or the lateral boundary lines to two highways.
- E. **Right-of-way:** The privilege of the immediate use of the road. Also defined as the town or State-owned property encompassing the paved or dirt traveled portion of the roadway AND the property owned by the town or State beyond the edges of that same roadway to the left and right of the traveled portion.
- F. **Private Driveway:** Every way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner.
- G. **Roadway:** That portion of the street designed or ordinarily used for vehicular travel.
- H. **Sidewalk:** That portion of the street between the curb lines and adjacent property lines intended for pedestrian use.

- I. **Vehicle:** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.
- J. **Motor Vehicle:** Every vehicle that is self-propelled.
- K. **Authorized Emergency Vehicles:** Fire and Police Department vehicles and such other vehicles as are designated as such by the Director of the Division of Motor Vehicles or the Board of Selectmen.
- L. **Traffic:** Pedestrians, draft animals, cattle, sheep, goats, vehicles or other conveyances while using the street for the purpose of travel.
- M. **No Parking Zone:** Areas in which no parking is allowed.
- N. **Abandoned Vehicle:** a vehicle that is parked in violation of any provisions of this Ordinance for a period of time of greater than 24 hours.
- O. **Railroads:** a carrier of persons or property and cars operated upon stationary rails.
- P. **Railroad Train:** a steam engine, electric, or diesel or other motor vehicle with or without cars coupled thereto, operated upon stationary rails.
- Q. **Traffic Control Device:** All signs, signals, markings and devices not inconsistent with these regulations erected pursuant to proper authority for the purpose of regulations, warning, or guiding traffic.
- R. **Traffic Movements:**
 - a. **Stop:** When required, means complete cessation of movement.
 - b. **Stop or Stopping:** When prohibited, means any stopping of a vehicle except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device

100.3 NO PARKING ZONES

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

100.4 PARKING PROHIBITED IN SPECIFIC PLACES

- A. On a public sidewalk (Fine: \$50.00)
- B. Within a public crosswalk (Fine: \$50.00)
- C. Within an intersection (Fine: \$50.00)

- D. Within 15 feet of a fire hydrant (Fine: \$50.00)
- E. In front of a public or private driveway (Fine: \$50.00)
- F. Within 30 feet of a fire station entrance (Fine: \$50.00)
- G. Alongside of or opposite any street or excavation or obstruction when parking shall obstruct traffic (Fine: \$50.00)
- H. Upon a bridge or other elevation upon a way (Fine: \$75.00)
- I. At any location where official signs prohibit parking or stopping (Fine: \$75.00)
- J. Within any designated fire lane (Fine: \$100.00)
- K. On railroad tracks (Fine: \$75.00)
- L. On the traveled portion of any highway or in a manner which is likely to impede free passage on any highway. Unless the vehicle is disabled and when told to do so by a police officer (Fine: \$50.00)
- M. In any posted area of town property (Fine: \$75.00)
- N. In zones designated for handicapped parking (Fine: \$250.00)
- O. In a designated loading or unloading zone (Fine: \$50.00)

100.5 EAST KINGSTON TOWN BEACH – TROLL WAY

- A. The Town Beach is defined as a town-owned parcel of land to the southwest of Powwow River Road (Route 107A), off Troll Way. There is a parking area south of the end of Troll Way and the parcel of land continues parallel to the railroad right-of-way to the Powwow River.
- B. The town has designated that parking and use of the Town Beach shall be restricted to the use of the residents and taxpayers of the Town of East Kingston only who are in possession of a valid permit for such purpose. The Selectmen shall determine the terms upon which permits shall be issued unless the Town shall otherwise designate. Said permits shall be displayed upon the outside of the vehicle in the lower left corner of the back windshield.

100.6 EAST KINGSTON BOAT LAUNCH – KELLEY LANE

- A. The Town Boat Launch is defined as a town-owned parcel of land on the east side of the railroad tracks, south of Powwow River Road (Route 107A), off Kelley Lane. There is a parking area at the end of the trail that leads up to the Powwow River for the purposes of launching and retrieving water vessels with a vehicle and parking vehicles with boat trailers.

- B. The town has designated that parking and use of the Town Boat Launch shall be restricted to the use of the residents and taxpayers of the Town of East Kingston only who are in possession of a valid permit for such purpose. The selectmen shall determine the terms upon which permits shall be issued unless the Town shall otherwise designate. Said permits shall be displayed upon the outside of the vehicle in the lower left corner of the back windshield.

100.7 MUNICIPAL LOTS – PARKING PROHIBITED

It shall be unlawful to park a boat trailer, utility trailer, camper or any vehicle in any municipal parking lot between the hours of 12:00AM (Midnight) and 6:00AM. In case of emergency please call the Chief of Police for approval. (Fine: \$50.00)

100.8 WINTER PARKING BAN

Within the Town of East Kingston, from December 1st through March 15th, no parking is permitted on any public streets. In case of emergency please call the Chief of Police for approval. (Fine \$75.00)

100.9 SNOW EMERGENCY

In the event of a predicted or on-going severe winter snowstorm requiring enhanced actions maintaining snow plowing and/or removal as deemed necessary by the Road Agent, a "Snow Emergency" shall be called by the Police Chief. The Chief shall contact the news media, including local radio station(s) to notify the public that a ban exists and shall specify the start of the snow emergency and shall estimate when same will be called off. It shall be unlawful for any person having the custody and/or control of any vehicle to park or cause the same to be parked within the public right of way during a snow emergency. Vehicles interfering with snow plowing and/or removal operations shall be towed and stored at the owner's expense. (Fine \$75.00)

100.10 PARKS, COMMONS, AND CEMETERIES

It shall be unlawful to park in any town-owned parks, commons, playgrounds, recreational area, or cemeteries between the hours of 9:00PM and 6:00AM. It shall be unlawful to park in any town-owned cemetery during the period that said cemeteries are closed for the winter months. (Fine \$50.00)

100.11 ENFORCEMENT

- A. Owner responsibility for illegal parking: A person shall not allow, permit, or suffer a vehicle registered in his or her name to stand or park in violation of any of the provisions of this ordinance, and the owner or person in whose name such vehicle is registered shall be held as prima facie responsible for such violation.
- B. Notice of Violation: A police officer or parking enforcement officer observing a violation of any of the provisions of this ordinance shall attach to the vehicle a notice

to the operator or owner that the vehicle has been parked in violation of this ordinance and ordering the operator or owner to report to police headquarters to pay the appropriate penalty. The notice shall contain the location where the vehicle is parked; the state registration number of the vehicle; the time at which such vehicle was parked in violation of this ordinance; and any other facts which are necessary to understand the circumstances of the violation.

- C. Penalties: A person violating a provision of this ordinance shall be punished by the fine amounts designated:
- a. A person violating any provision of this ordinance by parking without a valid town permit where parking is allowed only by valid town permit shall be punished by a fine of \$100.00. The fine will remain at \$100 if paid within 5 days of the issuance of the Notice of Violation. \$125.00 if paid after 5 days from the issuance of a Notice of Violation. \$200 if a court summons must be issued.
 - b. A person violating any provision of this ordinance by parking in a handicapped designated space without the required handicapped license plate, decal, or card shall be punished by a fine of \$250.00. The fine will remain at \$250.00 if paid within 5 days of the issuance of the Notice of Violation. \$325.00 if paid after 5 days from the issuance of a Notice of Violation. \$350.00 if a court summons must be issued.
 - c. A person violating any other provision of this ordinance shall be punished by a fine of the dollar amounts listed in this ordinance not already spoken of in (a.) and (b.) of this section. That dollar amount will remain if paid within 5 days of the issuance of the Notice of Violation. The fine will increase by \$15.00 if paid after 5 days from the issuance of a Notice of Violation. \$100.00 if a court summons must be issued.
- D. Appeal to Chief of Police: Any person whom a Notice of Violation has been issued may appeal to the Chief of Police or his or her designee within 5 days of such notice. The Chief of Police, or his or her designee, is hereby authorized to review the facts and circumstances surrounding the issuance of the Notice of Violation and to (1) affirm the Notice of Violation or (2) revoke it if he or she determines that it was issued in error or otherwise as justice may require.
- E. Towing: The police department is authorized to remove and tow away, or have removed and towed away by commercial towing service, any abandoned vehicle, or other vehicle illegally parked in a place where it creates or constitutes a traffic hazard, blocks the use of a fire hydrant, blocks the use of a driveway, either public or private, or obstructs or may obstruct snow removal operations and shall be restored to the owner or operator upon their payment of all fees for towing and storage.

100.12 Select board discretion – Resident only parking

The selectmen may, at their discretion, designate resident-only parking areas.

100.13 If any provision hereof, or the application of such provision to any person or circumstance is held invalid, the remainder of this act shall not be affected thereby. (NH RSA 350-A:15)

100.14 These provisions may be amended by the Board of Selectmen. The effective date of any amendments or modifications shall be no less than fourteen (14) days from the date of the proposed change(s).

CHAPTER 2 SPEED LIMITS

201 Speed Limits

It shall be unlawful for any person to operate a motor vehicle on a town maintained public way or private residential development area of the Town of East Kingston at a speed greater than 25 miles per hour , unless otherwise provided by subsections of this Chapter.

202: 25– miles per hour

It shall be unlawful for any person to operate a motor vehicle in excess of 25 miles per hour on any of the ways, public or private with in the Town of East Kingston unless otherwise posted.

203: 30 – miles per hour

It shall be unlawful for any person to operate a motor vehicle in excess of 30 miles per hour on any of the following streets, highways and/or public ways. Main Street, East Road, or approaching an intersection as posted.

204: 35 – miles per hour

It shall be unlawful for any person to operate a motor vehicle in excess of 35 miles per hour on any of the following streets, highways or public ways. Haverhill Road, Depot Road, Powwow River Road from Haverhill Road to the Rail Road Bridge.

205: 40 – miles per hour

It shall be unlawful for any person to operate a motor vehicle in excess of 40 miles per hour on any of the following streets, highways or public ways. North Road, Burntswamp Road, Powwow River Road between the Railroad Bridge and the Kingston Town line.

206: 20 – miles per hour / School Zones

It shall be unlawful for any person to operate a motor vehicle in excess of 20 miles per hour in any school zone while flashing yellow school zone warning lights are activated.

207 Basic Rule and Maximum Speed

No person shall drive a vehicle on a way at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and duty of all persons to use due care.

208 Speed Exception

The speed limitations set forth in this Chapter shall not apply to vehicles when operated with due regard for safety under the direction of the law enforcement officers in the case of apprehension of violators of the law or of persons charged with or suspected of any such violation, in response to a fire alarm, nor to public or private ambulances or other emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

210 Penalties

A person violating any provision of Chapter 2 of the traffic code shall be punished by a fine of not less than fifty (\$50.00) or more than five hundred (\$500.00) dollars for each offense. Fines assessed shall be in accordance with the uniform fine schedule for the State of New Hampshire and be subject to change as revised by the State of New Hampshire. Fines for most appear violations shall be assessed by the Court of Jurisdiction. All fines shall be processed through the Exeter District Court and any penalty assessment shall be deducted and paid to the State of New Hampshire through the court prior to payment to the Town of East Kingston.

CHAPTER 3 (RESERVED)

CHAPTER 4 REGULATORY SIGNS AND SIGNALS

400 Definitions

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

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

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

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

401 Stop Signs and Signals

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

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

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

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

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

(b) Every driver of a vehicle approaching a traffic signal displaying a green arrow light signal shall proceed through an intersection only in the direction as indicated by the arrow.

402 Yield Signs

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

402.1 Private Ways

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

403 Pedestrians

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

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

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

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

404 Left Turns

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

409 Exemptions

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

410 Penalties

A person violating any provision of Chapter 4 of this code shall be punished by a

fine in accordance with Chapter 2 Section 210.

CHAPTER 5 HIGHWAY USE REGULATIONS

501 Snow Removal

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

501.1 Fire Hydrants

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

502 Highway and Sidewalk Obstruction

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

502.1 Signs in Rights-of-Way

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

502.2 Waiver

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

503. Prohibition of Through Trucks on Public Ways

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

503.(a) Vehicle being operated point to point in East Kingston for the purpose of local deliveries:

503.(b) Vehicle is being operated to a designated point in East Kingston to make a delivery.

503.1 Vehicle is being operated from a permanent base of operation in East Kingston to the designated truck route.

503.2 Exemptions

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

504 Covered Load

504.1 No vehicle shall be driven or moved on any way unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from, except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a way in cleaning or maintaining such a way.

504.2 No person shall drive, on any way, any open vehicle loaded with earth, sand, asphalt, stone, gravel, debris, trash, rubbish or other particulate substance unless said load is covered and secured so as to prevent the escape of any substance from said load onto the way.

504.3 The provisions of Section 504.1 and 504.2 shall not apply to a local farmer transporting his own farm products or materials incidental to his farming operations, provided that such farmer shall not thereby be relieved of his duty to exercise reasonable care in carrying on such operations.

504.4 The provisions of Section 504.2 shall not apply to the operation of municipal maintenance equipment while performing an official town related function.

505 Loud, Unusual or Unnecessary Noise

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

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

- a. Misuse of power exceeding tire-traction limits in acceleration, sometimes known as "laying down rubber" or "peeling down rubber".
- b. Misuse of braking power exceeding tire-traction limits in deceleration where there is no emergency.
- c. Rapid acceleration by means of quick up shifting of transmission causing unnecessary noise from the engine or exhaust system.
- d. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or an automatic transmission or engine brake.
- e. Racing of engines by manipulation of the accelerator, gas pedal, carburetor or gear selection whether the vehicle is either in motion or standing still.
- f. The blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still.
- g. The playing of music or sound upon or heard from a public way or area or private area at an unreasonable level such that could be heard from thirty (30) feet or more from its originating source.

506 Traffic Flow in Construction Areas

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

506:1 No person, business or corporation shall place equipment, vehicles, work materials or personnel in such a way as to interrupt the safe and continuous regular flow of vehicular and pedestrian traffic along a public way within East Kingston without taking specific safety precautions.

506.2 Definition

For purposes of this ordinance, "Construction" will be defined as activity on or about a public way that involves laying or relaying of sewers, electrical, telephone, gas lines, water or any type of communications equipment, cable

TV or any other type of underground utilities or the installation of aboveground utilities; and construction, reconstruction, excavation, paving or other work requiring cutting into the pavement, or street paving.

506.3 Responsibility of the Primary Contractor:

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

- a. Construction, re-construction, excavation, paving or any other type of work on existing streets, or the construction of new streets.
- b. When the street traffic is primarily controlled by a traffic control signal which will become ineffective in the proper control of traffic due to the existence of construction activity.
- c. When any such activity affects the flow of traffic in that it slows, prevents or interferes in any way the safe and normal flow of traffic.

506.4 Methods of Compliance:

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

- a. Place traffic cones, flares, barricades or similar devices that clearly mark travel lanes and hazards within the travel portion of the road in compliance with NH DOT standards: and/or,
- b. Employ properly trained "Flag persons", wearing safety vests, at such locations that are clearly visible from all approaches of the construction site and using such hand signals and/or signage to safely control and direct the flow of traffic ONLY AFTER approval from the Chief of Police or his designee and option (c) has been exhausted and it is deemed by the Chief of Police or his designee to be safe to use a flag person: and/or,
- c. Employ as many detailed uniformed officers as deemed necessary by the Chief of Police to carry out traffic and safety control particularly in high vehicle congestion areas, major intersections, or areas where traffic signs/signals are overridden.

506.5 After Hours Construction Sites:

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

506.6 Evaluation of Traffic and Safety Conditions:

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

506.7 Authority:

In the event that any provision of Section 508 is violated, the Chief of Police, or their designees, are empowered to issue an immediate Verbal order to cease & desist and issue a complaint against the contractor or its employees. Such order shall remain in effect until there is strict compliance with this ordinance and the authority is satisfied.

507 Penalties

A person violating any provision of Chapter 5 of this code shall be punished by a fine of not less than two hundred fifty (\$250) or more than five hundred (\$500.00) dollars for each offense.

CHAPTER 6 CONDUCT REGULATIONS

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

601 Unnecessary Noise

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

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

601.1 Radios, Stereos, etc: The using or operating of any radio receiving set, musical instrument, phonograph or other machine or device for producing or reproducing the sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of such between the hours of eleven (10:00) o'clock PM and seven (7:00) o'clock AM in such a manner as to be plainly audible beyond the noisemaker's premises, building, structure

or vehicle, as applicable and which is unreasonable and offensive as above described shall be prima facie evidence for a violation of this Section.

601.2 Loud Speakers, Amplifiers, Public Address Systems and etc., for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker or other machine or device for the producing or reproducing of sound which is used upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure, without a permit and only between the hours of 8AM and 6PM.

601.3 Yelling, shouting, hooting, vulgarity, whistling or singing on the public streets between the hours of 10 PM and 7AM or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.

601.4 Exhausts and Unloading: Loading, unloading, opening boxes: The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers between the hours of 10 PM and 7AM.

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

601.5 Construction or Repairing of Buildings: The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7AM and 10PM except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector should s/he determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 7PM and 7AM and if he shall further determine that loss or inconvenience would result to any party in interest, s/he may grant permission for such work to be done within the hours of 7PM and 7 AM upon application being made at the time the permit for the work is awarded or during the progress of the work.

601.6 Schools, Courts, Churches: The creation of any excessive noise on any street adjacent to any school, institution of learning , church while the same are in use, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys a person of average sensibilities,

601.7 Pile Drivers, Hammers, etc: The operation between the hours of 7PM and 7 AM of any pile driver, shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.

601.8 Exemptions: Public Works and Public Safety equipment required for the effective delivery of public services shall be exempt from the provisions of this Section.

602 Loitering

Two or more persons shall not loiter, assemble or congregate on any public way or sidewalk, or in any public place in the Town of East Kingston, in such a way as to impede the progress of, or cause annoyance to any person, nor shall any person remain upon any public street after being ordered by a Police Officer to move on. Violation of this Section shall be deemed disorderly conduct.

603 Public Drinking

No person shall consume any alcoholic beverage, or have in his/her possession any open container of alcoholic beverage, while upon any public park, playground, sidewalk, commons, town-owned property or any public way within the geographic limits of East Kingston.

603.1 No person shall consume any alcoholic beverage, or have in his/her possession any open container of alcoholic beverage while in any vehicle or while upon a public park, playground, sidewalk, common, town-owned property or any public way within the geographical limits of East Kingston.

603.2 Exemptions to this section may be granted by the Board of Selectman upon concurrence with the Chief of Police of the Town of East Kingston provided, however, that application for same is made in writing fifteen (15) days prior to the scheduled event.

604 Discharging Firearms

No person shall discharge any cannon, pistol or other firearms within any Cemetery boundaries within the Town of East Kingston.

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

604.2 Discharge of firearms on town property:

Notwithstanding the provisions of 605.1 above, no person, except a Law Enforcement Officer in the proper execution of his duties shall fire or discharge any cannon, gun, pistol or other firearm, rocket or squibs upon any property owned or leased by the Town of East Kingston except that the following activities shall be permitted:

a. A designated firing range approved by the Board of Selectmen upon recommendation of the Chief of Police at which instruction in the use of firearms shall be allowed as part of the Police Department's training procedures:

b. Under the supervision of the Laws of the State of New Hampshire Fish and Game Division on which property hunting for birds and mammals according to New Hampshire State Law shall be allowed:

605 Prohibited Areas for Health & Safety Concerns:

Dikes, dams, berms, sewer lagoons, holding ponds and the structures of any spillways shall be prohibited areas for persons fishing, diving or swimming from, Persons found in violation of this Section shall be considered trespassing.

605:1 No person, firm or corporation shall kindle a fire of any kind on the shores of or on the ice covering the Powwow Pond, River or Cove.

605:2 Town Conservation Land Use

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

605:3 Drug Paraphernalia

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

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

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

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

608 Penalties

Any person violating any provision of Chapter 6 shall be punished by a fine of not more than one hundred (\$500) dollars for each offense.

CHAPTER 7: VENDORS, HAWKERS, PEDDLERS, SOLICITATION AND FIREWORKS

700. Ordinance to Regulate Vendors, Hawkers, Peddlers, Solicitors, and other Itinerant Vendors, and Door-to-Door Solicitations and Canvassing

701. Requirement

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

701.1 Exemptions

No permit is required under this ordinance for the following:

- a. The solicitation of signatures for political purposes.
- b. Any public event sponsored by a non-profit organization.
- c. Any event taking place in Town recreation areas and is part of a Town sponsored event or has the express written permission of the Board of Selectmen or designee.
- d. Any event taking place on land owned or controlled by the public school system and has the express written permission of the School Board or Principal of the school in question.

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

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

application;

c. the local and permanent telephone and fax numbers of said person and/or entity;

d. the date of birth and social security number of all persons to be involved and taxpayer's identification number of the entity;

e. vehicle information, including the license plate number, state of issue, and physical description of all vehicles involved:

f. the nature of the goods or services involved;

g. the method of solicitation to be used and copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in solicitation.

h. the dates upon which solicitations, canvassing, or vending are to occur and the location and times on each of those dates.

i. the names of Town parking lots, commons, or parks at which vending is proposed to occur.

j. a non-refundable permit fee of twenty-five (\$25) dollars per day, one hundred (\$100) dollars per week, or two hundred fifty (\$250) dollars per year or any part thereof, payable at the time of application.

702 Official Action on the Permit

A. Before granting any permit under this chapter, the Board of Selectmen of the Town of East Kingston, or designee shall:

1. determine whether the applicant has submitted a complete and accurate application;

2. determine whether the applicant has met all requirements and purposes of this chapter;

3. forward application and information to the Chief of Police or designee for review.

B. After the application for a permit has been reviewed by the Board of Selectmen or designee and the Chief of Police or designee, the permit will be approved or disapproved. The decision to approve or disapprove will be based on the findings of the Board of Selectmen or designee. A decision shall be made no later than five (5) working days after receipt of application.

If the permit is denied, the Board of Selectmen or designee shall provide reasons for the denial to the applicant.

C. Reasons for denial may include but are not limited to any one of the following:

1. conviction of any offense which would warrant such denial;
2. evidence that the permittee has accepted or solicited money, otherwise than through a bonafide sale or barter of goods, wares, or merchandise, or has in any manner solicited same from the public;
3. evidence of any falsification of information on the application;
4. evidence that the permittee is insane, a sexual psychopath, is or has been guilty of assault upon others or whose conduct has been otherwise disorderly and is of such violent or offensive demeanor that to grant such permit would constitute a threat to the peace or safety of the public;
5. the permittee is at large pending appeal from a conviction for a violation of the law involving extreme moral turpitude; or
6. failure to supply the information required under NH RSA 321:19
7. any negative past experience with the organization's or individual's conducting of activities either in the Town of East Kingston or elsewhere, that would require a permit under this ordinance.

703 Revocation of Permit

A. Upon receipt of any complaint concerning nuisance, hazard, annoyance, or disorderly conduct concerning any section of this Chapter, any or all solicitors may be asked to stop solicitation.

B. The Town of East Kingston may amend or revoke a permit if any of the following occur:

1. The existence of any of the reasons for denial listed above
2. Failure to supply the identification required under 703:3 below.
3. The occurrence of any prohibited conduct as set forth below under 703:4

703:1 Appeal Process

A person may appeal to the Board of Selectman from the denial, revocation or amendment of a permit by filing a written notice within five (5) working days of denial, revocation or amendment of the permit. The Board of Selectmen may affirm or reverse the decision, or attach such additional conditions to the

permit as will, in their best judgment, protect the health and safety of the public and the persons required to apply for the permit.

703:2 Notification of Police

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

703:3 Identification Required

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

703:4 Prohibited Conduct Under a Permit

A. No door-to-door solicitation or canvassing regulated under this chapter is to occur before 9 AM or after 6 PM on any given date.

B. Sidewalk Vendors: A vendor selling on the sidewalk shall not:

1. Vend at any location where the unobstructed sidewalk area after deducting the area occupied by the stand is less than three (3) feet in width;
2. Vend within thirty (30) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway;
3. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the building or structure owner's written permission.

C. Motor Vehicle Vendors: A vendor selling from a motor vehicle shall not:

1. Conduct his motorized business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to Fire, Police or Town/State vehicles;
2. Stop, stand, or park his vehicle upon any street for the purpose of selling or sell on any street under any circumstances during the hours when parking, or stopping or standing has been prohibited or is prohibited by statute by signs or curb markings or ordinance;

703:5 Penalty

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

704: Fireworks

No person shall possess any fireworks in violation of Chapter 160 New Hampshire Revised Statutes Annotated unless said person is in the business of the sale of fireworks for pyrotechnic displays as licensed by the Federal and State Government, or holds a valid permit for display of fireworks as provided elsewhere in this section.

704.1 Permit for Pyrotechnic Displays:

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

704.2 Penalty:

Failure to comply with the provisions of Section 7 shall be guilty of a violation and shall be fined not more than one hundred (\$100.00) dollars.

CHAPTER 8: ALARMS

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

800.1 Definitions:

a. **Alarm System:** Any assembly of equipment and devices, arranged to signal the presence of a hazard requiring the urgent attention and to which public safety personnel and equipment are expected to respond.

b. **False Alarm:** The activation of an alarm system through mechanical failure, accidental tripping, malfunction or misuse of the owner or lessee of an alarm system, or his employees or agents. A conclusive presumption shall be made that a false alarm occurred upon the failure of the responding town agency to find any evidence of a legitimate cause for activation. False alarms shall not include alarms caused by severe weather conditions, power outages, malfunction of telephone circuits or other external causes beyond the control

of the owner or lessee of the alarm system.

800.2 Standards:

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

NFPA 101 (Life Safety Code)

The Fire Prevention Code (ALA)

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

800.3 Direct Dial alarm Systems:

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

800.4 External Audible Alarms:

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

800.5 Required Information:

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

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

800.6 False Alarms:

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

800.6 Appeals:

Any false alarm, fee or other action taken may be appealed to the Board of Selectman.

800.7 Penalties:

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

- a. Violation of 800.3 (Direct Dial Alarms) shall be \$100 per activation.
- b. Violations of 800.4 (Audible Alarms cut-off) shall be \$25.00 per activation.
- c. Violations of 800.1 (more than 3 false alarms at any one alarm site during a calendar year) shall be as follows:
 - 4-6 alarms \$25.00 each
 - 7-9 alarms \$50.00 each
 - Each alarm in excess of 9 \$100.00 each
- d. An excess of 3 false activations in a calendar year, shall be assessed a Fire Department response expense determined by the Fire Chief on a case by case basis.

CHAPTER 9 ANIMAL CONTROL

900 Purpose

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

901 Definitions of Terms

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

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

902 At Large Prohibited

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

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

903 Impounding of Dogs

Any dog found at large without the premises or property of the owner and within the Town of East Kingston shall be restrained and impounded by the Animal Control Officer.

903-A: Any dog so impounded may be confined in a suitable animal shelter for no less than seven (7) days then may be humanely disposed of by the East Kingston Animal Control Officer after all efforts have been exhausted for placement of such animal and thoroughly documented. A report shall be provided to the East Kingston Police Department indicating the attempts made for placement by name. Age, Breed, Sex and condition prior to destruction how and where the animal was destroyed and where the animal's carcass was disposed of.

904 Claiming Impounded Dogs

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

905 License and Registration

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

906 Killing Dogs

Any member of the East Kingston Police Department may kill any dog found in the act of maiming or in close pursuit of deer, caribou, moose, cattle, swine, poultry or other domestic animal. Any dog that is located without proper identification and that is suffering serious injury (ie), distemper or other apparent

serious illness may be disposed of forthwith at the discretion of the East Kingston Police Department

907 Dogs a Menace, Nuisance or Vicious

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

907.1 If it runs at large without being controlled by a leash. (See Section 902)

907.2 If it barks for sustained periods of more than one-half hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area.

907.3 If it digs, scratches or excretes on any property other than its owner's;

907.4 While in heat is unconfined (confinement shall mean within an enclosed building - not accessible to any other dog (s);

907.5 If it growls, snaps at, runs after or chases any person or persons;

907.6 If it runs after or chases bicycles, motor vehicles, motorcycles or other vehicles being driven, pulled or pushed on the streets, highways or public ways;

907.7 If whether alone or in a pack with other dogs, it bites, attacks or preys on game animals, fowl or human beings;

907.8 If the skin of a person has been punctured by a dog and the incident was reported, including the identity of the dog and its owner, to the animal control officer, such officer shall, within 24 hours, notify the injured person or, in the case of a minor, the minor's parent or guardian, whether, according to town records, the dog has been appropriately immunized against rabies.

907.9 Any person who fails, by appropriate action including but not limited to restraining an animal from running at large, or otherwise effectively abating a nuisance found such under the provisions of this section, or who fails to comply with any other provisions of this section after being so ordered, shall have the person's dog taken into custody by the East Kingston Animal Control Officer and such disposition made of the dog as the court may order.

908 Removal of Animal Excrement Required

Any person who owns or is responsible for an animal shall, if the animal defecates upon public property or private property, promptly clean up and

dispose of the excrement. The excrement shall be disposed of in a lawful and sanitary manner.

909 Prohibition in Parks and Commons

No person, firm or corporation shall allow to have in their physical control any dog while in the geographical confines of parks and commons:

910 Enforcement Procedure

The enforcement of this Chapter shall be the responsibility of the East Kingston Animal Control Officer. The East Kingston Police Department may issue complaints alleging violations of this Chapter.

911 Vicious Dogs

No persons owning a vicious dog shall keep such dog on private property unless said dog is in a secure enclosure of the residence of the owner. Vicious dogs shall not be allowed on public property except when on a leash of three feet or less in length and a tensile strength of at least 300 pounds. If said dog has caused serious bodily injury, it shall also be muzzled while on public property. Vicious dogs so restrained shall be under the control of an adult able to restrain the dog while off the owner's premises.

912 Enclosures

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

913 Bodily Injury

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

914 Insurance

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

915 Violations/Fines

Any person who violates any provision of paragraph 907 shall be guilty of a violation; provided that if such person chooses to pay the civil forfeiture specified below, the person shall be deemed to have waived the right to have the case heard in district or municipal court and shall not be prosecuted or found guilty of a violation of paragraph 907. Any person who does not pay the civil forfeiture specified below shall have the case disposed of in district or municipal court. Any person who violates any of the provisions of paragraph 907 shall be liable for a civil forfeiture, which shall be paid to the Town Clerk within 96 hours of the date and time notice is given by any law enforcement officer to the owner or keeper of a dog in violation of paragraph 907. If the forfeiture is paid, said payment shall be in full satisfaction of the assessed penalty. The forfeiture shall be in the amount as specified for the following violations:

\$25 for the first nuisance offense under sub-paragraph 907.1, 907.2, 907.3 or 907.4;

\$50 for the second nuisance offense committed within 12 months of the first nuisance offense under sub-paragraph 907.1, 907.2, 907.3 or 907.4.

\$50 for the first menace offense under sub-paragraph 907.5 or 907.6; \$100 for the second or subsequent menace offense committed within 12 months of the first menace offense under sub-paragraph 907.5 or 907.6.

\$100 for the first vicious offense under sub-paragraph 907.7; \$200 for the second or subsequent vicious offense committed within 12 months of the first vicious offense under sub-paragraph 907.7.

Any person who pays a civil forfeiture specified above 2 times in any 12-month period according to the records of the Town Clerk, may not pay a civil forfeiture for subsequent violations of paragraph 10 in that 12-month period, but shall have those case disposed of in district or municipal court. In the case of a vicious dog, as described by paragraph 907, where its behavior presents a threat to public safety, immediate District Court or Municipal Court proceedings may be initiated in lieu of the civil forfeiture.

916 Penalties

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