

# NEW CASTLE TOWN ORDINANCES

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**The Town of New Castle ordains:**

**Per RSA 31:39-III, anyone adjudged in violation of any of the following ordinances shall be subject to a fine not to exceed one thousand dollars (\$1000.00) unless otherwise indicated below.**

**STREETS & ROADS**  
**GENERAL**

**SECTION I**

**I: 1. Time Restriction for Parking on Streets.**

There shall be no parking of any motor vehicle, trailer, boat, or other object, which is eligible for registration by the Department of Motor Vehicles and Dept. of Safety State of New Hampshire, on any town streets or other public property for any period greater than 72 hours. Said objects may be towed at the owner's expense.

**I: 2. Frost Ban.**

Upon request of the Select Board, the Highway Agent shall post load limits when it is deemed necessary to protect the roads from damage caused by heavy vehicular traffic. Signs shall be posted in conspicuous locations and shall be clearly legible and waterproof.

**I: 3. Snow Ban.**

There shall be no parking on streets or highways at any time during snowstorms or snow removal; vehicles left upon a street or highway may be towed at owner's expense.

**I: 4. Parking on Right Side of Road.**

All vehicles shall stop or park with the right hand wheels of said vehicle against the right hand side of the road unless said vehicle can be completely removed from the highway.

**I: 5. Parking within 15 feet of a Fire Hydrant.**

It shall be illegal to park any vehicle or cause same to be parked within 15 feet of a fire hydrant.

**I: 6. Parking within 20 feet of an Intersection.**

No vehicle shall park in the street within 20 feet of an intersection or corner.

**I: 7. Handicap Parking on Main Street.**

Handicap Parking shall be designated as marked on the south side of Main Street.

**I: 8. Parking within 75 feet of Fire Apparatus.**

All non-emergency vehicles shall be parked at least 75 feet from a working piece of fire or rescue apparatus.

**I: 9. School Speed Zone.**

Speed in the School Zone shall not exceed 25 mph while school is in session, and 15 mph when yellow caution lights are flashing.

**I: 10. Parking on One-Way Streets.**

Parking along all one-way streets shall be allowed on the right hand side of the street with the wheels of the parked vehicle parallel to the right hand side of the road and only in areas where parking will not impede traffic.

**I: 11. One-Way Traffic on Wentworth Road, Walbach Street and Piscataqua Street.**

One-Way Traffic: Wentworth Road, Walbach and Piscataqua Streets. All vehicular traffic shall move in a northwesterly direction on Wentworth Road from its intersection with the entrance to the Coast Guard Station to Walbach Street, and continuing one way to its intersection with Piscataqua Street. One-way traffic shall continue in a northwesterly direction on Piscataqua Street to its intersection with Atkinson Street. Two-way traffic shall exist on Walbach Street between Main Street and Piscataqua Street.

**I: 12. Snow and Sump Pump Discharge.**

There shall be no snow blowing, shoveling, pushing, or dumping of snow by anyone on to town streets or highways, including Route 1-B. There shall be no discharge of sump pumps, cellar drains, or any other water from private property onto town streets or highways.

**I: 13. One-Way Traffic on Cranfield Street and Piscataqua Street.**

One-Way Traffic: From May 1<sup>st</sup>-November 1<sup>st</sup>, all vehicular traffic shall be one way on Piscataqua Street from its intersection with Atkinson Street, northwesterly on Piscataqua Street to its intersection with Cranfield Street continuing to Cranfield Street's intersection with Main Street. From November 1<sup>st</sup> to May 1<sup>st</sup>, two-way traffic shall be permitted.

**I:14. Blockage or Interference on Road.**

No motor vehicle, trailer, or other apparatus or object may block any lane or interfere with traffic movement with the exception of emergency, delivery or service vehicles.

**STREETS & ROADS**  
**SPECIFIC**

**SECTION II**

**II: 1. Parking on Wentworth Road Near the U.S. Coast Guard Station.**

There shall be no parking on Wentworth Road between the junction of Wentworth Road and Main Street to the entrance to the U.S. Coast Guard Station (Sullivan Lane).

**II: 2. Parking on Piscataqua Street.**

Parking on Piscataqua Street between Atkinson Street and Cranfield Street shall be restricted to the northeasterly side along the bank of the Piscataqua River.

**II: 3. Parking on Cranfield Street.**

Parking on Cranfield Street between Piscataqua Street and Main Street shall be restricted to the northwesterly side; i.e. the Piscataqua River side.

**II: 4. Parking on Tabbutt Way.**

There shall be no parking allowed in the roadway on Tabbutt Way between Wentworth Road and the gated Main Entrance to the Great Island Common.

**II: 5. Parking at New Castle Library.**

Parking at the Library/Recreation Building shall be restricted to designated areas and will be for the building use only, with the following exceptions:

1. Winter parking in the area of the rifle range during snow removal only.
2. Permission by the Select Board or Chief of Police.

**II: 6. Parking on Atkinson Street.**

There shall be no parking on Atkinson Street except in designated areas only.

**II: 7. Parking on Wild Rose Lane Near Fort Stark.**

Parking is permitted in designated areas only.

**II: 8. Parking on River Road.**

Parking is not permitted on either side of River Road between the signs as posted.

**II: 9. Resident Parking.**

All vehicles must display a current year Resident Sticker on a drivers' side window or shall be deemed in violation. Resident parking only shall apply in the following areas:

- a. Four resident parking spaces on Campbell's Lane.

- b. Wentworth Road beyond the U.S. Coast Guard entrance (Sullivan Lane) and on Walbach Street between Wentworth Road and Piscataqua Street.
- c. The Public Landing south and east of the intersection of Wentworth Road and Walbach Street shall be limited to residents for overnight parking.
- e. The northeast side of Ocean Street in designated areas. There shall be no parking on either the southwest side of Ocean Street or at the turning area at the beach end of Ocean Street.

## **II: 10. Emergency Lanes.**

### a. General Locations

For places of public assembly, or any non-residential structure with a gross first floor area of over three thousand (3000) square feet, or any building containing more than seven (7) dwelling units or other areas, buildings, or facilities, the Fire Chief and Police Chief, upon joint determination that a hazardous or potentially hazardous condition exists or may exist, may request the Select Board to establish emergency lanes within thirty (30) feet of the above described buildings. These provisions shall apply to both new and existing areas/buildings/facilities and may be changed by a joint determination of the Fire Chief and Police Chief if a lesser or greater distance is reasonably required or feasible for the provision of access by emergency vehicles.

### b. Owner's Responsibilities

Within established emergency lanes prohibiting parking, the Fire Chief and Police Chief may require words "No Parking - Fire Lane" to be painted and maintained by the owner on the roadway or lot in standard traffic-safety size letters. In conjunction with the painting, the Fire Chief and Police Chief may require the owner to install and maintain signs reading "No Parking - Fire Lane - Tow Zone" in conspicuous places but at a distance of no closer than every fifty (50) feet. Such markings and sign installations shall be accomplished not later than sixty (60) days of written notification by the Fire Chief or Police Chief that they are required.

Any vehicle left unattended in a duly marked emergency lane may be removed at the direction of police personnel and/or fire department command. Removal of any vehicle shall be at the expense and risk of the owner.

### c. Specific Locations Reserved as Emergency Lanes:

- (1) The Public Safety Building in front of the overhead doors out 70 feet, parallel to the Town Hall.
- (2) The paved entrance (30 feet wide) parallel from the northside of the Town Hall running from Rte. 1-B to where it intersects with (1) above.

(3) North entrance to the Wentworth Marina Restaurant and Extended Stay Units off of Route 1-B, 43 feet wide to a cul-de-sac with a radius of 45 feet.

(4) South entrance to the Wentworth Marina off of Morgan's Way, circular drive surrounding the parking lot being 15 feet wide; entrance to Marina Pier off of the circular drive being 42 feet wide and 69 feet long.

(5) The west side of Cranfield Street, as indicated by the no parking signs.

(6) Campbell's Lane on the Rye side to the non-paved road (causeway) and the non-paved road (causeway) on both sides to Campbell's Island.

**II: 11. Vehicles Over 8000 Pounds Prohibited from Overnight Parking.**

Vehicles with more than four wheels and/or with a gross vehicle weight in excess of 8000 pounds are prohibited from overnight parking on all town streets.

**II: 12. Parking Adjacent to the New Castle Public Safety Building.**

Parking in the spaces adjacent to the Public Safety Building will be reserved for town employees, the public doing business at the town office, police or fire department, with no overnight parking. There will be no parking during snow emergencies as directed by the Public Works Department with violator being towed and ticketed.

**BICYCLISTS, WALKERS, AND JOGGERS**

**SECTION III**

All ordinances concerning bicycles shall apply to all non-motorized wheeled means of motion for transportation and/or recreational purposes. This includes but is not limited to bicycles, tricycles, skateboards, roller blades, roller skates, scooters, etc. In addition to the decree specified in RSA 265:144, the following ordinances shall apply:

**III: 1. Walking, Jogging or Running Two Abreast Prohibited.**

Persons walking, jogging, or running shall remain in a single file only.

**III: 2. Bicycles Must Stay to the Right and in Single File.**

A person or persons operating a bicycle shall stay to the right side of the roadway, and shall ride in a single file only. Operating a bicycle on any sidewalk or safe path is prohibited.

### **III: 3. Joggers and Walkers Must Stay to the Left.**

A person jogging or walking shall stay to the left side of the roadway.

### **III: 4. Reflective Equipment Required.**

A person operating a bicycle, jogging or walking shall display on their bicycle and/or on their person, reflective equipment, vest, clothing, tape, or facsimile that is deemed safe and reasonable between 1/2 hour before sunset and 1/2 hour after sunrise.

### **III: 5. Skateboarding on Boatswains (Bos'ns) Hill Prohibited.**

There shall be no recreational skateboarding allowed in the Boatswains (Bos'ns) Hill area as defined by Walton Road, Mainmast Circle, and Quarterdeck Lane.

## **PUBLIC GATHERINGS**

### **SECTION IV**

#### **IV: 1. Gatherings of 75 or More Require a Police Officer.**

The organizer or host of any public or private gatherings of 75 people or more shall be required to have a uniformed police officer to direct traffic and keep the peace. At the discretion of the police department, an Emergency Medical Technician shall also be required.

## **EXCESSIVE NOISE**

### **SECTION V**

Per RSA 31:39, I(n), the following ordinances regulating noise shall apply:

#### **V: 1. Unreasonable Volume.**

Notwithstanding any provision to the contrary, no person shall be permitted to cause a radio, television, live entertainment, personal entertainment device, or other machine capable of sound to operate at an unreasonably loud volume. The above items are listed by way of illustration rather than limitation. The test of reasonableness shall be applied and factors such as the nature and duration of the sound, the time of day or night the sound occurs, and whether other persons have been disturbed by the excessive noise are material considerations. Any person refusing to abate said noise after request by a law enforcement officer shall be liable for arrest for disturbing the peace.

#### **V: 2. Motor Vehicle Noise.**

No person shall operate a motor vehicle, motorcycle, motor scooter, moped, snowmobile, or OHRV, on the public streets or any other public place in the Town of New Castle so that the said vehicle makes an unnecessary and excessively loud noise, including but not limited to such noises as:

- a. The squealing of tires by too rapid acceleration of the vehicle, commonly referred to as "peeling rubber";
- b. The use of horns and other warning devices;
- c. The defective or altered condition of the engine system, exhaust system, and other moving parts.

**V: 3. Exterior Construction Noise.**

No person, company, contractor, or their employee shall engage in exterior or interior construction that results in excessive noise except after 7am and one half hour (1/2) before sunset.

The Select Board may allow a waiver of this section under special circumstances as determined by the Board. State and Local government are exempt from this section.

**Violator will be subject to an order to abate the noise source, and will also be subject to a maximum fine of one thousand dollars (\$1,000.00).**

**PROHIBITION OF ALCOHOLIC BEVERAGES**

**SECTION VI**

**VI: 1. Open Container Prohibited.**

No person shall consume any liquor or alcoholic beverage or possess any open alcoholic beverage container as defined by RSA 175:1, while in any vehicle upon a public road or highway, or while upon any public property within town limits.

**DOGS**

**SECTION VII**

**VII: 1. Definitions of Terms.**

A) Dog shall be intended to mean both male and female, neutered or spayed, and including puppies.

B) Owner shall be intended to mean any person or persons, corporation, business, firm or association keeping, harboring, owning, feeding, or allowing to remain on their property or premises, or acting as caretaker or custodian of a dog for another person.

C) At large shall be intended to mean off the premises or property of the owner/keeper and not under the control of a responsible person and obedient to that person's commands, or on a leash, cord, chain, or lead not over (8) feet in length, or confined within a vehicle, or within the real property limits of the owner or keeper. At no time, without the property owner's permission, shall any dog be permitted on the private property of another person.

D) Torture, cruelty, or neglect shall be intended to mean any act or deed or the omission of any act that any animal, wild, domestic, or tamed, shall be tormented, suffer, caused pain or die from lack of shelter, food, care, or neglected to the extent that suffering, pain, or death is caused.

E) Animal control officer shall be intended to mean the Chief of Police of the Town of New Castle, his designee or any other person the Select Board shall appoint to enforce the terms of this ordinance.

## **VII: 2. License, Registrations, and Vaccination Required.**

All dogs kept, harbored or maintained within the Town of New Castle shall be licensed, registered and rabies vaccinated as required in the Revised Statutes Annotated of NH.

## **VII: 3. Confinement of Certain Dogs.**

It shall be unlawful to permit any female dog in season (in heat) to run at large or be off the premises of the owner or keeper during such period and such dog shall be confined within a building or enclosure in such a manner that she will not be in contact (except for intentional breeding purposes) with another dog.

## **VII: 4. Appointment of Animal Control Officer and Assistants.**

The Select Board may appoint from time to time and for such terms as expedient an Animal Control Officer and such assistants as may be necessary and required, whose duty it shall be to enforce, as practical, the Revised Statutes of NH pertaining to animals, and the provisions of this ordinance.

The Animal Control Officer, his assistants, or any police officer may take into custody and impound:

- A) Any dog off the premises of the owner or keeper "running at large."
- B) Any dog at any time off or on the premises of the owner or keeper not licensed and rabies vaccinated as required by the Revised Statutes Annotated of New Hampshire.
- C) Any female dog at any time in violation of this ordinance.
- D) Any dog at any time on or off the premises of the owner or keeper if the owner or keeper fails to cooperate and/or assist the Animal Control Officer or police officer in the case of a dog bite, or investigation of a dog bite.

E) In case of a dog bite, the Animal Control Officer or any police officer, may, after collection of sufficient evidence that the property, safety, health or welfare of other persons is in jeopardy or fear, order in writing, for the owner or keeper to deliver up said animal or to remove the animal from the premises to a veterinary kennel, impounding area, boarding facility or other agreed upon place of confinement or restraint. Such restraint or confinement shall continue until the Animal Control Officer, the Select Board or their representative releases the animal from custody. The decision to confine or restrain the animal may be changed, modified or overruled by the Judge of a District Court. The Owner shall be liable for the expense of confinement or boarding.

If the owner or keeper fails, refuses or neglects to deliver up said animal as ordered, or to comply with the order to restrain or confine said animal, he shall be subject to the maximum penalty of this ordinance and each day in violation shall constitute a separate offense.

If any dog seized as provided in this ordinance wears a collar or harness to which is attached a registration tag or the owner of the dog is otherwise known, the Animal Control Officer shall serve said owner forthwith a notice in writing stating that the dog has been seized and impounded and will be liable to be disposed of or destroyed if not claimed within (10) days from the time of impounding and/or service of such notice.

Such notice may be served by mailing to, delivering in hand or leaving at last known place of abode of said owner as determined by the registration tag or other available information.

When any dog seized in accordance with the ordinance has been detained for ten (10) days, with notice given to the owner in the manner prescribed, and if the owner has not claimed such dog and paid all expenses including maintenance and has not produced a current dog license, then the Animal Control Officer shall cause the dog to be destroyed in the least painful and humane manner possible.

However, the Animal Control officer is authorized to keep or cause to be kept in the Town Shelter any dog which in his opinion may be amenable to new ownership or valuable and see that such dog is placed in a new home. In order to expedite this alternative, the Dog Officer shall keep a list of such dogs by number, description, and other references. A list of prospective owners and those desiring to place dogs of their own in new homes shall also be kept. The said lists may be made public by posting the same at Town Hall.

Those persons desiring to procure Town owned dogs in this manner may do so on application to the Animal Control Officer, and may pay an acquisition fee for title to the dog at the determination of the Animal Control Officer. Board and care afforded such dog may be considered by the Animal Control Officer in the determination of the acquisition fee.

## **VII: 5. Interference With Officers.**

Any person or persons who hinders, interferes with, molests, obstructs or uses abusive or profane language against the Animal Control Officer or his assistants when such persons are in the performance of any duty under the terms of this ordinance shall be subject to a fine of not more than one thousand dollars (\$1000.00).

## **VII: 6. Method of Impounding.**

The Select Board, with the assistance and cooperation of the Animal Control Officer, may select a suitable place of confinement for impounded animals and those held under suspicion of rabies and after biting.

## **VII: 7. Duties of Animal Control Officer.**

It is a requirement that the Animal Control Officer or appointee shall be a special police officer and that he shall report directly to the Select Board. Special consideration shall be given to the qualifications of the officer who must display an ability to deal with the public in a satisfactory manner as well as have acquired an ability to handle animals and care for them in a recognized humane method. Specific duties beyond the work function of the performance of his work as Animal Control Officer may be delegated by the Select Board to him/her in line with improving his efficiency and service to the taxpayers of the Town of New Castle.

## **VII: 8. Penalties.**

Any owner or keeper of a dog shall not permit the dog to act in such a fashion as to be a nuisance, or a menace or vicious to another person or dog as such terms are defined in RSA 466:31 and as depicted in this ordinance. For any act constituting a violation of the parts of this ordinance relating to RSA 466:31, said owner or keeper shall be subject to a penalty in accordance with RSA 466:31-a.

Any owner or keeper found in violation of any provision of this ordinance for acts outside of those reflected in RSA 466:31 shall be guilty of a misdemeanor and upon conviction thereof may be punished by a fine of not more than one thousand dollars (\$1000.00) and each day in violation shall constitute as a separate offense.

## **VII: 9. Alternative Procedures to Issuance of Summons/Warrant.**

In addition to or in lieu of impounding a dog found "At Large, or in violation of this ordinance," the Animal Control Officer or any police officer may issue in the name of the owner or keeper of such dog a Notice of Ordinance Violation. Such notice shall impose on the owner or keeper of such dog a penalty of one hundred dollars (\$100.00) or other fee as determined by the Select Board which must be paid to the Town Clerk of New Castle, New Hampshire, within ninety six (96) hours of date and time notice is given, in full satisfaction of the assessed penalty.

In the event such penalty is not paid to the Town Clerk within the time limitations specified, a Summons or Warrant of Arrest may be served for appearance in District Court and upon conviction of a violation of this ordinance, the owner or keeper may be punished as prescribed in this ordinance.

## **VII: 10. Restraint of Dogs.**

Dogs while confined to the premises of the owner shall be kept so confined in a humane and safe manner so that said dogs shall have the maximum freedom and shall in no way permit undue hardship or neglect to the animal and shall provide the animals with water and adequate shelter from the weather. Any infraction or report found to be true, when duly filed, shall subject the owner to the maximum penalty of this ordinance.

## **VII: 11. Abandonment of Animals.**

Any owner of a dog, cat, domestic animal or fowl who abandons such animals or who leaves it to die in a street, road, public place or upon the property of another or on any waterway, or who leaves such animal if it becomes disabled or dead and who has knowledge of such fact shall be guilty of a misdemeanor.

It shall be unlawful for any person who, while operating a motor vehicle on any public way in the city strikes and injures or kills any dog, cat or domestic animal, to continue on without stopping such vehicle at the scene as soon as possible to render aid and assistance to such animal. If by reason of absence or removal from the place of the accident, the owner is unable to receive such information required hereunder, such information shall be given to any uniformed police officer arriving at the scene of the accident or immediately to an officer at the nearest police station.

## **VII: 12. Separability of Provisions.**

It is the intention of the Select Board that any separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Select Board that if any provisions are found to be invalid, all others shall remain valid and enforceable.

## **VII: 13. Conflict With State Statutes.**

It is the intention of the Select Board to include in this ordinance not only those State Statutes specifically referred to by title or number, but embrace also those others made a part of the law and they are hereby included under this section by reference.

## **VII: 14. Failure to Claim Impounded Animal.**

It shall be unlawful for any person who owns or keeps an animal, and has been notified as required by Town Ordinance that said animal has been impounded, to refuse or neglect to claim said animal from the holding facility, or authorize in writing to the holding facility the disposition of said animal within ninety six (96) hours from time and date of notice of impoundment.

Such refusal or neglect to claim said animal, upon conviction, shall make the owner or keeper guilty of a misdemeanor, and the owner or keeper may be punished by a fine of not more than one hundred dollars (\$100.00) plus expenses to the Town of New Castle disposition of said animal and all rights of ownership shall be forfeited.

**VII: 15. Leash and Waste Law.**

Warrant Article 10, Adopted at Town Meeting on May 1, 1979: The adoption of RSA 466:30 -- also known as the Dog Control Law.

All domestic animals must be leashed when in all town parks or on other town property with the exception of the town-owned park located on Wentworth Road (former USCG land) commonly known as "Town Landing."

No domestic animals will be allowed at any time in any town cemeteries.

No domestic animals will be allowed at any time in any town building.

It shall be unlawful for the owner or person in control of any dog to appear in any public place or upon the property of any other person unless said owner or person in control has in his or her possession any device for the removal of excrement; nor shall said owner or person in control fail to expeditiously remove any such excrement deposited by said dog in any such place. This ordinance shall not apply to a blind person while walking his or her guide dog.

**HAWKERS AND PEDDLERS**

**SECTION VIII**

Per NH RSA 31:102-a and RSA 31:102-b the following ordinances regulating hawkers and peddlers shall apply:

**VIII: 1. General.**

A person shall not engage in the business of peddler, as defined in RSA 320:1, within the Town of New Castle without first obtaining a permit therefore as provided herein.

**VIII: 2. Definitions.**

A. Motor Vehicle – Any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.

B. Peddler – As used herein shall be defined in 320:1 and shall include any person traveling by foot, vehicle, or other mode of transportation, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, products or services, offering and exposing the same for sale, or making sales and deliveries to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from stand, vehicle, or other mode of transportation including one who solicits orders and as a separate transaction makes deliveries to purchasers. The terms

“Hawker,” “Vendor” and “Huckster,” for the purposes of this ordinance, shall be designated as synonymous with the definition of “Peddler.”

C. Public Assembly Building – As used herein shall be defined in the BOCA Basic/National Building Code/1984.

D. Public Property – Any town owned or controlled property including but not limited to streets and sidewalks.

E. Sell – Shall include any offer to sell or attempt to sell.

F. Stand – Any table, showcase, bench, rack, pushcart, wagon, or any other wheeled vehicle or device which may be moved with or without the assistance of a motor and/or motor vehicle which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing, or the transporting of articles offered for sale by a vendor.

G. Vendor – A peddler who on public property sells food, beverages, merchandise or other items from a stand, motor vehicle or his person.

### **VIII: 3. Application and Criminal Background Check Requirement.**

Prior to submitting an application for a Peddler’s Permit, the applicant must first pass a criminal background check conducted by the Police Department, and pay any related fees.

The application for a Peddler’s Permit shall include:

1. The name, home and business address of the applicant, and name and address of the owner, if other than the applicant, of the business.
2. A description of the type of food, beverage, merchandise or other item to be sold, and in the case of products of farm or orchard, whether produced or grown by the applicant.
3. A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
4. A copy of the current Hawkers and Peddlers License issued by the State of New Hampshire.
5. A certificate of insurance or other proof acceptable to the Permitting Officer that the applicant has been issued an insurance policy by an insurance company licensed to do business in the State of New Hampshire, protecting the permittee and the Town from all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the permit.

The insurance policy shall provide that the policy shall not be terminated or cancelled prior to the expiration date except with thirty (30) days advance written notice to the Town. The policy shall provide coverage in the amount of \$100,000 for personal injury and \$100,000 for property damage.

#### **VIII: 4. Issuance.**

The permit required by this Section shall be issued or denied as follows:

1. Upon the recommendation of the Police Department, a permit shall be denied if the applicant has failed to pass a criminal background check.
2. Not later than thirty (30) days after the filing of a completed application for a vendor's permit, the applicant shall be notified by the Permitting Authority of the decision on the issuance or denial of the permit. The Permitting Authority shall consider the standards set forth in this Section and the Ordinances of the Town of New Castle in determining whether to grant a permit.
3. If the issuance of the permit is approved, the Permitting Authority shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons for the denial. The reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing before the Select Board. All permits issued under the provisions of this shall expire on such date as indicated on the permit.
4. All permits issued hereunder shall be displayed by the vendor on the vending cart or vehicle in a place visible to the public.

#### **VIII: 5. Prohibited Conduct-Vendor.**

A vendor shall NOT:

1. Operate one hour after sunset to one hour before sunrise.
2. Vend within one thousand (1,000) feet of the grounds of any elementary or secondary school between one hour prior to the start of the school day and one hour after dismissal at the end of the school day;
3. Vend within fifty (50) feet on the same street of any public assembly building while such building is in use;
4. Vend on any street or sidewalk where vending is otherwise prohibited;
5. Leave any stand or motor vehicle unattended;
6. Store, park, or leave any stand overnight on any street, or sidewalk, park any motor vehicle other than in a lawful parking place, in conformance with Town and State parking regulations;

7. Sell food and beverages for immediate consumption unless the vendor has provided a litter receptacle which is available for patron use;
8. Leave any location without first picking up, removing and disposing all trash or refuse remaining from sales made by him;
9. Allow items relating to the operation of the vending business to be placed anywhere other than in, on, or under the stand or motor vehicle, except as expressly indicated in the application for a permit;
10. Set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described in his application;
11. Solicit or conduct business with persons in motor vehicles;
12. Sell anything other than that which he is permitted to vend;
13. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract attention of the public;
14. Vend without the insurance coverage specified in paragraph III (5) of this section;
15. Vend without a fire extinguisher of a type approved by the Fire Chief or his designee if the vendor utilizes heat generation equipment.

### **VIII: 6. Prohibited Conduct - Sidewalk Vendors.**

In addition to the conduct prohibited by XI: Paragraph V, a vendor selling from a stand 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 owner's written permission.

### **VIII: 7. Prohibited Conduct – Vendor From Motor Vehicle.**

In addition to the conduct prohibited by XI: Paragraph V, 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, or 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 sanitation vehicles;
2. Stop, stand, or park his vehicle upon any street for the purpose of selling or sell on any street under any circumstances during the hours when parking, or stopping or standing has been prohibited or is prohibited by statute by signs or curb markings or ordinance;
3. Remain in any one location longer than is authorized by the parking ordinances of the Town, unless specifically authorized to do so. In areas not covered by the parking ordinances, parking shall be limited to thirty (30) minutes.

### **VIII: 8. Health and Sanitation Requirements for Food & Beverage Vending.**

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in the provisions of the State Public Health and Human Services, and/or the State Liquor Commission.

1. The vending of food and/or beverages shall not be allowed until the vendor receives a certificate of inspection indicating compliance with this section.
2. Each food and beverage vending business shall be inspected at least quarterly by the New Castle Health Officer.

### **VIII: 9. Advertising.**

A peddler shall not permit advertising on any stand or motor vehicle, except to identify the name of the product or the name of the vendor and the posting of prices.

### **VIII: 10. Motorized Food Vendors Identification.**

All motorized food vendors operating in the Town of New Castle are required to have lettering on both sides and rear of their vehicles(s), identifying the name of the business. The letters shall be at least four inches (4”) in height and of such color and design as to be clearly visible at a distance of at least fifty (50) feet. The letters shall be of a material and affixed in a manner approved by the Permitting Authority.

### **VIII: 11. Renewal.**

An application to renew a license shall be made not later than thirty (30) days before the expiration of the current license in accordance with paragraph IV (3).

## TEMPORARY SUSPENSION FOR STREET CLOSINGS

An official temporary encumbrance or closure of a street or sidewalk by the Town for purposes of maintenance or reconstruction shall cause the suspension of all licenses to operate thereon.

### **VIII: 12. Street Fairs.**

Any person or persons wishing to use or occupy a portion of any street or sidewalk for the purposes of conducting thereon street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers, or by community associations conducting street fairs or other promotions must, pursuant to the provisions of RSA 31:100, obtain a permit from the Select Board.

### **VIII: 13. Public Celebrations.**

The Permitting Authority may grant a temporary vendor's permit to operate during public celebrations.

### **VIII: 14. Permit Fees.**

The permit required by this Section shall be issued upon approval by the Permitting Authority and the payment of a fee as determined by the Permitting Authority. The fee is for one year or any part thereof.

### **VIII: 15. Lemonade Stands.**

Children's lemonade stands and the like shall not require a "Hawkers and Peddlers" permit.