

WARRANT FOR THE ANNUAL TOWN MEETING SOUTH HAMPTON, NEW HAMPSHIRE 2014

To the inhabitants of the Town of South Hampton in the County of Rockingham in said State, qualified to vote in Town affairs:

You are hereby notified to meet at the Town Hall in said Town on Tuesday the 11th of March 2014, between the hours of 11:00 in the forenoon and 8:00 in the evening, to act upon Articles 1 - 3 .

You are also hereby notified to meet at the Town Hall in said Town on Saturday, the 15th of March 2014 at 10 am in the morning to act upon Article 4 and all subsequent articles.

ARTICLE 1: To choose the necessary Town Officers for the ensuing year.

1 Selectmen	3 year term
1 Town Clerk	3 year term
1 Trustee of the Cemetery	3 year term
1 Trustee of Trust Funds	3 year term
1 Library Trustee	3 year term
1 Budget Committee	3 year term
1 Auditor	2 year term

ARTICLE 2: Are you in favor of the adoption the following ordinance to the Town of South Hampton as proposed by the Selectmen:

NOISE ORDINANCE TOWN OF SOUTH HAMPTON

I. PURPOSE AND INTENT

It is declared to be the intent of the Town of South Hampton to promote an environment free from excessive noise which unnecessarily jeopardizes the health and welfare of the citizens of the Town of South Hampton and degrades the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the function of certain noise producing equipment which is not amenable to such controls yet is essential to the economy and quality of life of the community. Under the authority granted to the Town pursuant to RSA 31:39, the Town adopts this Noise Ordinance to achieve these goals.

This Ordinance promotes inspection and enforcement by defining offenses and penalties.

II. DEFINITIONS

1. **Construction:** means any and all physical activity necessary or incidental to the erection, placement, demolition, assembling, altering, cleaning, repairing, installing or equipping of buildings and other structures, public or private highways, roads, premises, parks, utility lines or other property and shall include land clearing, grading, excavation, filling and paving.
2. **Demolition:** means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces or similar property.
3. **Domestic Power Equipment:** means power equipment intended for use in residential areas by homeowners. Examples include, but are not limited to, chain saws, log-splitters, power saws, drills, grinders, lawn and garden tools and power generating equipment.
4. **Emergency:** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage that demands immediate action.
5. **Fireworks:** means any composition or device designed to produce a visible or an audible effect by combustion, deflagration, or detonation, as defined in 27 C.F.R. section 555.11 or as otherwise defined by RSA 160-C:1
6. **Muffler:** means a device consisting of a series of chambers or baffle plates, or other mechanical design for the purposes of receiving exhaust gases and effectively reducing noise. (RSA 259:66)
7. **Noise Disturbance:** means causing a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof.
8. **Night:** means the period between sunset and sunrise.
9. **Person:** means an individual, partnership, association, firm, syndicate, company, trust, corporation, department, bureau or agency or any other entity recognized by law as having rights and duties.
10. **Tractor-Trailer:** means any truck, tractor and semi-trailer. (RSA 257:109).
11. **Truck:** means every motor vehicle designed, used or maintained primarily for the transportation of property. (RSA 259:115-b)
12. **Radio, loudspeakers, phonographs, amplifiers, computers and the like:** means any radio, receiver, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine, computer or device for the production or reproduction of sound.

III. PROHIBITED SOUNDS

Because the creation and/or maintenance of loud, unnecessary or unusual noises, within the Town of South Hampton, which are prolonged, unusual and unnatural in their time, place and use, detrimentally affect public health, comfort, convenience, safety, welfare and prosperity of Town citizens, the Town deems it necessary and appropriate to enact the following provisions and prohibitions.

The following acts are declared noise disturbances prohibited by this Ordinance.

1. Disorderly Conduct: It shall be unlawful for any person to cause any disturbance prohibited in RSA 644:2 .
2. Loud Noises: Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place that can be heard in a public place or other private places, which noises disturb a person of average sensibilities is prohibited; or,
 - A. Disrupting the orderly conduct of business in any public or governmental facility; or,
 - B. Disrupting any lawful assembly or meeting of persons without lawful authority; or,
 - C. Creating any sound that endanger or injures the safety or health of a person, or annoys or disturbs a reasonable person of normal sensitivities that can cause one or more of the following effects:
 - i.) Temporary or permanent hearing loss in persons exposed;
 - ii.) Injury to or tendency to injure, based on current information, the public health or welfare;
 - iii.) Unreasonable interference with the comfortable and reasonable enjoyment of life or property, or interference with the conduct of business.
 - iv.) Exceeding the limits or restrictions established herein or pursuant to the granting of any permit by the Town.
3. Radios, Stereos, Musical Instruments, PA Systems, etc. The using, operating or permitting to be played of any radio receiving set, musical instrument, stereo, public address systems or other machine, device or computer for the producing or reproduction of sound in such manner as to disturb the health, safety and welfare of the neighboring inhabitants at any time, or in such a manner as to be louder than normal conversation at the property line or fifty feet from an individual or vehicle on any public way or public property.
4. Construction or Repairing of Buildings. The erection (including excavation), demolition, blasting (demolition using explosives), alteration or repair of any building or property that generates noise other than between the hours of 7:00 a.m. and 10:00 p.m., except in cases of an emergency in the interest of public health and safety. All equipment used for construction shall have properly installed and maintained silencing systems as originally furnished by the equipment manufacturer. This ordinance forbids the use of unmuffled exhaust or intake systems on mobile or stationary equipment.
5. Yelling, shouting and the like. Yelling, shouting, hooting, whistling, singing on the public streets, particularly between the hours of 10:00 PM. and 7:00 AM., or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office, or in any dwelling, or other type of residence, or of any persons in the vicinity.
6. Animals, birds and the like. The keeping of any animal, bird or pet which by causing frequent noise lasting more than thirty minutes continuously or forty five minutes total out of any given hour shall disturb the comfort or repose of any person in the vicinity.
7. Fireworks: Use is prohibited between the hours of 10:00 p.m. and 7 a.m. Any such use will be prima facie evidence that the user has violated this ordinance. Law Enforcement Officers may confiscate any and all remaining fireworks on-site.
8. Firearms: Firearms may not be discharged under the circumstances prohibited by RSA 208:8 and RSA 644:13.

IV. EXEMPTIONS

This Ordinance shall not apply to noise emitted by or related to the following:

1. Persons operating vehicles, machinery, or equipment while engaged in snow clearance or snow removal operations, so long as such operations are performed within 3 days of the cessation of a winter storm resulting in the accumulation of at least three (3) inches of snow within the Town's limits.
2. Noise created by emergency vehicles in response to or relating to an emergency.
3. Noise from domestic power equipment operated between the hours of 7:00AM and 9:00PM.
4. Noise created to perform emergency work to restore property to a safe condition following an emergency, or work required to protect persons or property from exposure to imminent danger or damage. This includes noise from power generating equipment.
5. The existing State Line Field and Stream Club, INC , in accordance with NH RSA Chapter 159-B.

V. ENFORCEMENT AND PENALTIES

1. Penalty: Any person violating any of the provisions of this ordinance shall be guilty of a violation. The penalty for a first offense shall be one hundred dollars (\$100). The fine for a second offense occurring in a calendar year shall be two hundred fifty dollars (\$250). The fine for a third or subsequent offense occurring a calendar year shall be five hundred dollars (\$500).
2. Manner of Enforcement: Town Officials and Agents shall prosecute violations of this ordinance in the same manner as other violations of the Ordinances of the Town of South Hampton. The Police Department, the Building Inspector, the Board of Selectmen of the Town of South Hampton, or their Agents, may bring forward and prosecute complaints regarding non-compliance with the provisions of this ordinance. Town Officials and Agents are empowered to seek any and all relief available under the law, including but not limited to fines, fees, reimbursement of attorney's fees and injunctive relief.

VI. SEVERABILITY

The provisions of the Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstance is held invalid, such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provisions or application.

ARTICLE 3: Are you in favor of the adoption the following amendment to the Zoning Ordinances of the Town of South Hampton as proposed by the Planning Board, Recommended by Planning Board (4-0)

To see if the town will vote to amend the Zoning Ordinance to replace the existing Campground Ordinance with the following text:

Campground Ordinance

A) **DEFINITIONS:** For purposes of this ordinance the following terms are defined:

Camping Site

any area in a campground that will be used for the purpose of accommodating a tent or camper unit.

Camper Unit

any recreational vehicle, trailer, tent trailer, van, pickup camper, etc. (but not including mobile homes) which can be used to sleep in.

Mobile Home

any trailer unit exceeding 40 feet in length.

Campground

a recreational camping park on which 10 or more tents or camper units are used as temporary living quarters for recreational use and a fee is charged for such land use.

B) The area shown on the South Hampton Tax Map as parcels 1-31 and 1-32, bounded Southerly by the State Line, Northerly and Westerly by the shore line of Tuxbury Pond at a pool elevation of 99 feet above sea level and Easterly by land formerly of Woodsom shall be designated as a Campground Zone.

C) The camping season shall be from April 15 through October 15. No campground may be occupied during off- season.

D) Camping shall be restricted to tents and camper units.

E) Adequate community bathrooms shall be provided for all tent sites.

F) No camper unit shall be installed on a camping site in such a way as to consider it permanent. This shall include but is not limited to the following methods.

1.No removal of tires.

2.No removal of towing arms, hitches etc.

3.No mounting on blocks or foundations, except for the purpose of leveling.

4.No skirting around the base of any camper unit.

G) No porches or enclosed areas shall be attached to any camper unit unless the porch or enclosed area has been designed to be removed and packed for travel.

H) All water, electric, telephone and sewage disposal systems shall be disconnected from all camper units remaining in campgrounds during the off-season.

I) Should any provision of this Ordinance be declared invalid by a Court of competent jurisdiction, this will not invalidate any other provisions of this Ordinance.

J) Any person who violates any provision of this Ordinance shall be subject to a fine of \$100.00 per day for each day the violation is found to exist.

The current ordinance reads as follows:

CAMPGROUNDS

The area shown on the South Hampton Tax Map as parcels 1-31 and 1-32 that are North of the State Line, East and South of Tuxbury Pond and west of land formerly of Woodsom shall be designated as a campground zone for the use of recreation and family camping from April 30 to October 31 and not to be used as a mobile home park and to be governed pursuant to the laws of the State of New Hampshire pertaining to Campgrounds. (Adopted March 14, 1978, Amended March 14, 2002)

ARTICLE 4: To see if the Town will vote to raise and appropriate the sum of One Hundred Seventy Five Thousand Dollars (\$175,000) for the purchase of a used fire truck for the Volunteer Fire Department and further to authorize the withdrawal of Fifty-Seven Thousand Dollars (\$57,000) from the Fire Engine Replacement Capital Reserve Fund created in 1993 under RSA 35:1, and to authorize the issuance of not more than One Hundred Eighteen Thousand Dollars (\$118,000) of bonds or notes in compliance with the Municipal Finance Act (RSA 33) and to authorize the Board of Selectmen to issue and negotiate said bonds or notes and to determine the rate of interest and time period thereon, and to take other such action as may be necessary to affect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town; Proceeds from the sale of the old truck shall be used to offset the tax impact of this article. If this Warrant Article passes, article 6 is null and void. (A 2/3 ballot vote is required for passage) *The Board of Selectmen recommends this article by a vote of 3-0 and Budget Committee recommend this article by a vote of 5-0. (Passage of this article will not affect property taxes until 2015)*

ARTICLE 5: To see if the Town will vote to raise and appropriate the Budget Committees recommended sum of Seven Hundred Fifty One Thousand Three Hundred Forty One Dollars (\$751,341) for the general operation of the Town. (The selectman's recommendation is Seven Hundred Fifty One Thousand Three Hundred Forty One Dollars (\$751,341) for general Town operations. (Majority Vote required)

The following table shows the relationship between the operating budget, other warrant articles, and the total appropriations compared to last year:

	<u>2014 Selectmen</u>	<u>2014 BudCom</u>	<u>2013Actual</u>
Operating Budget	751,341	751,341	683,275
Warrant Articles	190,625	180,625	52,500
Special Warrant Articles			17,760
Total Appropriations	941,966	931,966	753,535

The selectman's operating budget is an increase of approximately 4% from last year.

ARTICLE 6: To see if the Town will raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be placed in the Fire Engine Replacement Capital Reserve Fund created in 1993, under RSA 35:1, and to further grant the selectmen as agents to expend from said fund. In the event Warrant Article 4 passes, this Article shall be deemed unnecessary. *The Board of Selectmen recommend this article by a vote of 3-0 and Budget Committee recommend this article by a vote of 5-0 (Majority vote required)*

ARTICLE 7: To see if the Town will vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to be placed in the Town Buildings & Maintenance Expendable Trust Fund created in 1992 under RSA 31:19, and to further grant the selectmen as agents to expend from said fund. *The Board of Selectmen recommend this article by a vote of 3-0 and Budget Committee recommend this article by a vote of 5-0 (Majority Vote Required).*

ARTICLE 8: To see if the Town will vote to raise and appropriate the sum of Thirty Thousand Dollars (\$30,000) to be placed in the Highway Restoration Capital Reserve Fund created in 1997, under RSA 35:1, and to further grant the selectmen as agents to expend from said fund. *The Board of Selectmen recommend this article by a vote of 3-0 and Budget Committee does not recommend this article. (Majority Vote Required).*

ARTICLE 9: To see if the Town will vote to raise and appropriate the sum of Two Thousand Five Hundred Dollars (\$2,500) to be placed in the Library Technology Capital Reserve Fund created in 2012, under RSA 35:1 Further to name the Library Trustees as agents to expend with no further approval required by the legislative body to expend. *The Board of Selectmen recommend this article by a vote of 3-0 and Budget Committee recommend this article by a vote of 5-0 (Majority vote required)*

ARTICLE 10: To see if the Town will vote to establish a Capital Reserve Fund named Bridges Repair Capital Reserve Fund and to raise and appropriate the sum of Two Thousand Five Hundred Dollars (\$2,500) to go into this fund, further to name the selectmen as agents to expend from said fund. *The Board of Selectmen recommend this article by a vote of 3-0 and Budget Committee recommend this article by a vote of 5-0 (Majority vote required)*

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of Five Thousand Six Hundred Twenty Five Dollars (\$5,625) to be placed in the Revaluation Capital Reserve Fund created in 2011 under RSA 35:1 *The Board of Selectmen recommend this article by a vote of 3-0 and Budget Committee recommend this article by a vote of 5-0 (Majority vote required)*

ARTICLE 12: To see if the Town will vote to establish a Capital Reserve Fund named Ball Field Restoration Capital Reserve Fund and to raise and appropriate the sum of Two Thousand Dollars (\$2,000) further to name the selectmen as agents to expend from said fund. *The Board of Selectmen recommend this article by a vote of 3-0 and Budget Committee recommend this article by a vote of 5-0 (Majority vote required)*

ARTICLE 13: To see if the town will vote to discontinue the Campaign 2000 Capital Reserve Fund created in 1998, with accumulated interest to date of withdrawal, are to be transferred to the town's general fund. Est. balance \$1424.77 If this article fails, Warrant Article 14 is null and void. (Majority vote required)

ARTICLE 14: To see if the town will vote to raise and appropriate the sum of one thousand four hundred twenty four dollars (\$1424) to be placed in the Town Buildings & Maintenance Expendable Trust Fund with such sum to come from the unreserved fund balance created from the discontinuance of the Campaign 2000 Capital Reserve Fund in Warrant Article 13. If Warrant Article 13 fails, this article is null and void. (Majority vote required)

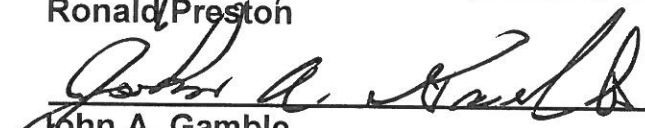
ARTICLE 15: To transact any other business that may legally come before this meeting.

GIVEN UNDER OUR HANDS AND SEALS AT SOUTH HAMPTON
THIS 19TH DAY OF FEBRUARY, 2014

A true copy of warrant -- attest


Pamela Noon, Chairman


Ronald Preston


John A. Gamble

SELECTMEN OF SOUTH HAMPTON, NH

Signed in my presence 

Town Clerk Andrea Condon - Notary Public

My Commission Expires 02-12-19