

Town of Newport

Town Ordinances

Chapter 1 thru 23

Revised January 6, 2014  
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Unless otherwise dated

## Table of Contents

Chapter 1	Definition of Terms
Chapter 2	General Traffic Regulations
Chapter 3	Stop Signs
Chapter 4	One Way Streets
Chapter 5	Right of Way Streets
Chapter 6	Street naming and numbering
Chapter 7	Turn While Traveling in an Easterly Direction on Depot Street
Chapter 8	Fire Department and Emergency Vehicles
Chapter 9	Traffic Regulations for Fire Alarms
Chapter 10	Stopping, Standing and Parking (General)
Chapter 11	Restricted Parking on Designated Streets
Chapter 12	Two Hour Parking on Designated Streets
Chapter 13	Weight Limits
Chapter 14	Bicycles
Chapter 15	Taxicabs
Chapter 16	Obstructing Public Traffic with Snow
Chapter 17	Class VI highways
Chapter 18	Restraining of Dogs
Chapter 19	Health and Garbage
Chapter 20	Control and Use of Alcoholic Beverages on Designated Public Property
Chapter 21	Speed Limit
Chapter 22	Smoking on Town Property
Chapter 23	Pawn Brokers and Second Hand Dealers

## **Chapter 1**

### **Definition of Terms**

**Section 1.1** Terms used in the Ordinances for the Town of Newport shall have the same intent and meanings and definitions as listed in the New Hampshire Revised Statutes Annotated (available for public viewing at [www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)) and or the Federal Code (available for public viewing at [www.usa.gov](http://www.usa.gov)), unless otherwise defined in this section.

## **Chapter 2**

### **General Traffic Regulations**

#### **Section 2.1**

The provisions of Chapter 259 and 265 of the New Hampshire Revised Statutes Annotated and all amendments thereto relating to definitions of terms and the use or operation of motor vehicles are hereby adopted and are in full force in the Town of Newport. The definitions therein contained shall apply to all ordinances of the Town of Newport unless from the context a different intention is manifest.

#### **Section 2.2**

No street vendor with his stand for manufacturing, displaying, or selling goods, wares or merchandise shall occupy the public streets or grounds without first obtaining a special permit from the Chief of Police or the Board of Selectman.

#### **Section 2.3**

The Police Department shall control all traffic in the streets or highways and Police Officers may divert traffic when necessary to promote safety and convenience; and no driver of the vehicle shall refuse to stop, start or place said vehicle as directed by a Police Officer.

#### **Section 2.4**

Except as otherwise provided in the New Hampshire Revised Statutes Annotated chapters 259 and 265 inclusive, any person violating any of the provisions of this chapter shall be subject to a fine not to exceed One Thousand Dollars \$1,000.00.

#### **Section 2.5**

All vehicles shall observe the traffic signs and regulations of the local police, in using the streets and highways of the town.

## **Chapter 3**

### **Stop Signs**

#### **Section 3.1.1**

Every driver of a motor vehicle or other conveyance traveling on any of the following first mentioned streets shall stop such vehicle or other conveyance at the intersection of such first mentioned streets and the intersecting street or streets.

**Section 3.1.2** Master list of streets and their intersections shall be maintained by the Public Works Department and available for inspection at the Public Works Department.

**Section 3.2.1** The owner or property manager of any privately owned and maintained way within the limits of the Town of Newport shall install and maintain at their expense a stop sign at any intersection with another way. Said sign shall conform to the latest edition of the Manual on Uniform traffic Control Devices as published by the Federal Highway Administration. Any property owner found in violation shall be subject to a fine of one hundred dollars (\$100.00) and a \$10.00 per day fine until said sign is erected. Total fines not to exceed one thousand dollars (\$1,000.00)

#### **Section 3.2.2**

There shall be erected and maintained at each appropriate intersection of the public ways of Newport , a stop sign or other sign deemed appropriate, said signs conforming to the latest edition of the manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.

#### **Section 3.3**

Any person violating any provision of this Chapter shall be subject to a fine, not to exceed One Hundred Dollars (\$100.00)

Adopted by the Board of Selectmen June 17, 1996

## **Chapter 4**

### **One Way Streets**

#### **Section 4.1**

It shall be unlawful to drive any vehicle on any street or way constituted a one-way street in a direction prohibited by this chapter.

#### **Section 4.2**

The following streets and parts of streets are hereby declared to constitute one-way streets.

#### **Section 4.3**

Park Street from Main Street Circle to Cedar Street. No person shall drive any vehicle southerly on Park Street between Cedar Street and Main Street traffic circle.

#### **Section 4.4**

No person shall drive a motor vehicle in an easterly direction on School Street between Cheney Street and Beech Street, between the hours of 7:30 AM to 3:00 PM when school is in session. (Amended by the Board of Selectmen April 17, 1995).

#### **Section 4.5**

No persons shall drive any vehicle northerly on Cross Street between Canal Street and Cross Street.

#### **Section 4.6**

No person shall drive any vehicle southerly on Canal Street between Sunapee Street and Cross Street.

#### **Section 4.7**

No person shall drive any vehicle westerly on Central Street between Sunapee Street and Main Street.

#### **Section 4.8**

A sign indicating the direction of traffic shall be erected and maintained at every intersection where movement in the opposite direction is prohibited as hereinbefore listed.

#### **Section 4.9**

Any person violating the provisions of this chapter shall be subject to a fine not to exceed One Hundred Dollars (\$100.00)

(adopted by the Board of Selectmen April 17, 1995)

## **Chapter 5**

### **Right of Way Streets**

#### **Section 5.1**

Every driver of a vehicle or other conveyance traveling on any of the following first mentioned streets, shall slow down and enter with caution the intersection of such first mentioned streets, and the intersecting street or streets designated; but need not come to a full stop, except when necessary to avoid interference with other traffic that is given the right-of-way:

Sand Hill Road	at its intersection with Reeds Mill Road
Knoll Street	at its intersection with Juniper Street
Oak Street	at its intersection with North Main Street
Fairway Avenue	at its intersection with Country Club Drive
Sunapee Street	at its intersection with Main Street
Aspen Road	at its intersection with Reeds Mill Road
Aspen Road	at its intersection with Sand Hill Road
Schoolhouse Road	at its intersections with East Mountain Road

#### **Section 5.2**

There shall be erected and maintained at every intersection above named, yield right-of-way signs conforming to standards set by Highway Commissioners and approved by him as to type, size and installation.

#### **Section 5.3**

Any person violating any provisions of this chapter shall be subject to a fine not to exceed One Hundred Dollars (\$100.00)

## Chapter 6

### *Street Naming and Numbering*

#### **Section 6.1 Definitions**

The following words, terms, and phrases, when used in this section, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

***Building:*** Any structure whether public or private, primarily used as a residence, business, school or other public use.

***Way:*** Any street, road, highway, lane, alley or court whether public or private with three or more buildings erected on said way that each qualify for separate E911 numbering.

***Driveway:*** Any access way leading to a building designed for vehicular traffic.

#### **Section 6.2 Policy Purpose**

All buildings shall be numbered in accordance with the state-wide Emergency 9-1-1 system. All buildings that are numbered shall affix a number not less than three (3) inches in height. All numbers must be clearly visible from the way and be of contrasting color to the background. Buildings more than fifty (50) feet away from a way shall have a number affixed at the intersection of the driveway and way. Numbers shall be placed to the left of the main entrance. All apartments will be numbered in a similar manner.

All ways with more than three (3) buildings shall be named. All ways with less than three (3) buildings may be named. Ways that are required to be named shall have the name posted and clearly visible. Street name signs shall be posted on the left corner of the intersecting way. Street signs will be erected and maintained by the Town of Newport except for private developments, which shall be the responsibility of the property manager.

#### **Section 6.3 Street signage**

All private ways that meet the standards outlined in sections 30.1 and 30.2 of this chapter that require street signs within the Town of Newport shall erect and maintain said signs according to the latest edition of the Manual on Uniform Traffic Control Devices, as published by the Federal Highway Administration.

#### **Section 6.4 Numbering System**

In accordance with the Emergency 9-1-1 system, buildings on ways shall be numbered. The system used to number buildings will be as follows:



1. Buildings on the left side of ways will have **odd** numbers and buildings on the right side will have **even** numbers, buildings currently numbered will be grand-fathered as to sequences.
2. Numbers shall be assigned from low numbers to high numbers as the way leads away from the center of town.
3. For the purposes of this section, the center of town shall be the small common located in the center of the rotary.
4. Low numbers will start at the end of the way which is closest to the center of town.
5. Where condominiums and developments have an established numbering system suitable to this system, those numbers will be used.
6. The system will be based on fifty (50) foot increments, with a number assigned to each of the said increments. Only those properties with existing structures will be recorded on maps.
7. Where lot sizes are such that various numbers may apply to one lot, numbers will be assigned based on the driveway location.
8. Any existing driveway serving three or more dwellings will have its own name and assigned numbers. On a driveway serving two houses, the low number will go to the house which is closest by vehicular access to the low numbered end of the road.
9. Buildings located on a corner lot of two ways will be numbered according to driveway location.
10. The owner of a building or a way shall be responsible for naming or numbering such property. Owner identification may be made from the Newport Tax Map.

#### **Section 6.5 Prohibited Acts**

No person shall fail to number the building that they own or properly sign a way that they own. Building numbers shall be maintained so that visibility will not be infringed. Owners of private ways shall have their ways named and signs visible. Acts prohibited under this section include, but shall not be limited to the following:

1. Failing to affix building number or affixing a number less than three (3) inches in height.
2. Failure to name and post a name sign for a way that has three or more buildings located on it.
3. Failure to maintain the driveway or way by affixing proper signs.

#### **Section 6.6 Penalties**

Any person who violates this article shall be fined no less than twenty-five dollars (\$25.00) and not more than one hundred dollars (\$100.00).

**Chapter 7**  
**Turns While Traveling in an Easterly Direction on Depot Street**

**Section 7.1**

All automobiles or other vehicles travelling in an easterly direction on Depot Street shall make a right hand turn only when reaching the intersection of Depot Street and Main Street.

**Section 7.2**

A sign indicating the “right hand turn only” shall be erected and maintained at a convenient location at the intersection of Depot Street and Main Street.

**Section 7.3**

Any person violating the provisions of this ordinance shall be subject to a fine not to exceed One Hundred Dollars (\$100.00)

**Section 7.4**

This ordinance shall take effect on July 10, 1972.

## **Chapter 8**

### **Fire Department and Emergency Vehicles**

#### **Section 8.1**

It shall be unlawful to park within six (6) feet of the driveway entrance to the Fire Station.

#### **Section 8.2**

It shall be unlawful to park within fifteen (15) feet of a fire hydrant.

#### **Section 8.3**

Upon sounding of the siren in front of the Fire Station the driver of a vehicle approaching said fire station shall immediately pull said vehicle as far to the right side of the road as possible and stop until the fire apparatus has passed or proceeded a reasonable distance in another direction.

#### **Section 8.4**

It shall be unlawful for the driver of any vehicle, other than one on official business, to follow closer than five hundred (500) feet, of any fire apparatus travelling in response to a fire alarm or to drive into or stop any vehicle within one block of where the fire apparatus has stopped in answer to a fire alarm.

#### **Section 8.5**

No vehicle shall be driven over an unprotected hose of the Fire Department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the Fire Chief or Fire Department Official in command.

#### **Section 8.6**

It shall be unlawful for any person not an authorized member of the Fire Department to jump on or ride or use any fire equipment unless directed to do so by the ranking fire official.

#### **Section 8.7**

The Fire Chief or Officer in charge on a fire call shall have the authority to direct any member of the department to officially direct or take charge of traffic in the absence of, or to assist, a police officer. Any person failing to comply with the order of said fireman in charge shall be deemed guilty of a violation and be subject to penalties of this chapter.

#### **Section 8.8**

Any person violating the provisions of this chapter shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00)

## **Chapter 9**

### **Traffic Regulations for Fire Alarms**

#### **Section 9.1**

On sounding of an audible and visual warning system on an emergency vehicle, all vehicles on the public thoroughfares of the town, shall move to the right side of the street and there remain until the emergency vehicle/ apparatus has passed, or it is apparent the same will not pass.

#### **Section 9.2**

No vehicle shall race with, nor attempt to pass any part of an emergency vehicle/apparatus while the same is going to a an emergency call with its emergency lights flashing and audible siren sounding, on any street or highway in town.

#### **Section 9.3**

No vehicle or pedestrian shall follow an emergency vehicle or apparatus, while the same is responding to an emergency call with said vehicles emergency lights flashing and audible siren sounding, at a distance of less than five hundred (500) feet. With the only exception being a parade or other similar special event.

## **Chapter 10**

### **Stopping, Standing and Parking (General)**

#### **Section 10.1**

It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal:

- 10.1.1**            Within an intersection way
- 10.1.2**            On a crosswalk
- 10.1.3**            Within safety zones or places not designated as parking areas
- 10.1.4**            Within twenty (20) feet upon the approach to any flashing beacon, stop sign or traffic control signal located over or at the side of the roadway.
- 10.1.5**            Within six (6) feet of the driveway entrance to the fire station
- 10.1.6**            Within fifteen (15) feet of a fire hydrant
- 10.1.7**            In front of a private driveway
- 10.1.8**            On a sidewalk
- 10.1.9**            Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic
- 10.1.10**           On the roadway side of any vehicle stopped or parked at the edge or curb of a street
- 10.1.11**           At any place where official traffic signs have been erected or marked prohibiting standing and parking
- 10.1.12**           At a distance not greater than one (1) foot from the curb line
- 10.1.13**           No automobile or vehicle shall be parked or left standing within thirty (30) feet from any corner of any intersection way
- 10.1.14**           Within any area that has been outlined by paint or stripes
- 10.1.15**           Within the immediate front of any store, mall, or building unless otherwise posted for parking
- 10.1.16**           No automobile or vehicle shall be parked or left standing on any part of the travel portion within 200 feet of any crest of hill or the incline of a hill

**10.1.17** No automobile or vehicle shall be parked or left standing on any way in such a manner as to hinder or block the clear visibility of traffic in any direction or to block a normal traffic lane when such blocking causes traffic to create an unsafe passage to other motorists

(10.1.16 and 10.1.17 Adopted by the Board of Selectmen October 17, 2005)

**Section 10.2.1**

Any person violating any of the provisions of this chapter shall be subject to a fine not to exceed fifty dollars (\$50.00)

**Section 10.3.1**

All vehicles shall be parked in accordance with the markings on the street surface or any signs designated the same and with its right side nearest to the curb line.

**Section 10.4.1**

Between the hours of 7 AM to 5 PM, Monday thru Friday, it shall be unlawful for the driver of any vehicle to park a vehicle or vehicles in the parking lot behind 30/32/34 Main Street (Newport Police/County Building). This does not include employees of the Newport Police Department, and the Sullivan County Superior Court. This also does not include Town, County or State Official vehicles. (Adopted by the Board of Selectmen October 16, 1995).

## **Chapter 11**

### **RESTRICTED PARKING REGULATIONS ON CERTAIN STREETS**

#### **Section 11.1**

No automobile or other vehicle shall be parked along the South side of Depot Street.

#### **Section 11.2**

No automobile or vehicle shall be parked on the westerly side of Park Street.

#### **Section 11.3**

No automobile or vehicle shall be parked on the northerly side of Sunapee Street from the intersection of Main Street and Sunapee Street to the intersection of Summit Road and Sunapee Street.

#### **Section 11.4**

No automobile or vehicle shall be parked on the southerly side of Sunapee Street east of the westerly intersection of Sunapee and Sullivan Streets to a point opposite the intersection of Summit Road and Sunapee Street. (Adopted by the Board of Selectmen July 14, 1971).

#### **Section 11.5**

No automobile or vehicle shall be parked on the northerly side of Central Street from a distance of eighty (80) feet from the intersection of Main and Central Streets to the intersection of Central and Sunapee Streets. (Amended by the Board of Selectmen July 14, 1971).

#### **Section 11.6**

No automobile or vehicle shall be parked on the southerly side of Central St. (Adopted by the Board of Selectmen July 14, 1971).

#### **Section 11.7**

No person shall park or cause to be parked any automobile or vehicle on either side of Maple Street from the intersection of South Main Street to the intersection of Maple Street Extension and Bradford Road.

#### **Section 11.8**

No person shall park or cause to be parked any automobile or other vehicle on either side of Elm Street from Main Street to the crossing of the Sugar River. (Adopted by the Board of Selectmen July 1, 1959).

#### **Section 11.9**

No person shall park or cause to be parked any automobile or other vehicle on the westerly side of Cheney Street from the intersection of Cheney Street and Sunapee Street to the intersection of Cheney Street and Crescent Street. No persons shall park or cause to be parked any automobile or other vehicle on the easterly side of Cheney Street from the intersection of Cheney Street and Sunapee Street to the northern end of the Gamash Block on Cheney Street.

**Section 11.10**

No automobile or vehicle shall be parked on the eastern side of Cheney Street from a point thirty-five (35) feet from the corner of the intersection of Sunapee and Cheney Street. (Amended by the Board of Selectmen July 14, 1971).

**Section 11.11**

No person shall park or cause to be parked any automobile or other vehicle on either side of Court Street from a point 554 feet west of the intersection of North Main Street and Court Street to the junction of Court Street and Myrtle Street, said points of prohibition to be marked by appropriate signs. (Adopted by the Board of Selectmen December 30, 1972).

**Section 11.12**

No person shall park or cause to be parked any automobile or other vehicle on either side of Canal Street from Sunapee Street to Cross Street between the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday. Parking will be permitted on the upper end of Canal Street, in spaces indicated, at times other than the hours previously mentioned. (Adopted by the Board of Selectmen July 1, 1965).

**Section 11.13**

No person shall park or cause to be parked any automobile or other vehicle on either side of Beech Street from Spruce Street a distance of 470 feet southerly of said Beech Street and Spruce Street intersection. (Adopted by the Board of Selectmen May 5, 1977).

**Section 11.14**

No person shall park or cause to be parked any automobile or vehicle on either side of Summer Street from the intersection of Sunapee Street to the intersection of Winter Street.

**Section 11.15**

No automobile or other vehicle shall be parked on either side of Ash Street. (Adopted by the Board of Selectmen July 14, 1971).

**Section 11.16**

No automobile or other vehicle shall be parked between the hours 12:00 .a.m. and 7:30 a.m. on any of the streets or ways within the Town of Newport from November 1<sup>st</sup> to May 1<sup>st</sup> in any year.

**Section 11.17 PARKING FOR NOTHING LARGER THAN A PICK-UP TRUCK**

Only cars shall be allowed to park on the west side of South Main Street between Mechanic Street and the first driveway north of the South Main Street Bridge. No trucks larger than a pick-up truck or a van will be allowed to park on the east side of South Main Street from Arlington Sample Book Company northward to the driveway which is the first driveway north of the bridge. For the purposes of this section, a compact car shall be any car that has an overall length of 17 feet or less.

**Section 11.18 HANDICAPPED PARKING**

The Board of Selectmen are hereby empowered, from time to time, as they deem appropriate, to



designate parking areas in the community exclusively for vehicles operated by handicapped persons with walking disabilities. All such designated parking areas shall be marked with appropriate signs and road warnings.

**Section 11.18.1**

Except where necessary to avoid conflict with other traffic or in conflict with law or the directions of a police officer or official traffic control device, no person, except a person during an emergency, shall stop, stand or park a vehicle in said parking space reserved for said handicapped persons and only vehicles displaying special license plates, decals, cards or tags issued by the Director of Motor Vehicles of the State of New Hampshire under RSA 261:86 and RSA 261:88 shall park in said designated areas.

**Section 11.19**

If any vehicle is found upon a street or highway in violation of any provision of this ordinance regulating the stopping, standing or parking of vehicle, and the identity of the driver cannot be determined, the owner or person which name such vehicle is registered, shall be held prima facie responsible for such violation.

**Section 11.20**

There shall be no parking on Sunapee Street from the westerly side of Central Street to Canal Street.

**Section 11.21**

Any person violating any provision of this chapter shall be subject to a fine not to exceed fifty dollars(\$50.00)

**Section 11.22**

When school is in session, no automobile or vehicle shall park between the hours of 7:30 AM and 3:00 PM on School Street from the intersection of Cheney Street to a point 480 feet east (east edge of entrance to school) except to discharge or pick up passengers.  
(Adopted by the Board of Selectmen April 17, 1995).

**Section 11.23**

No person shall park or cause to be parked any vehicle for longer than 30 minutes on the western side of Main Street between the intersection of Arnold Campbell Way, south to the beginning of the cement "Main Street Bridge".  
(Adopted by the Board of Selectmen November 18, 1996).

**Section 11.24**

It shall be unlawful for any vehicle to park on the south side of Belknap Avenue, from the intersection of North Main Street west for a distance of 250 ft.  
(Adopted by the Board of Selectmen April 19, 1999).

**Section 11.25**

No automobile or vehicle shall be parked on the southerly side of Sunapee Street from a point

located at the north-east corner of the “Sturm Ruger Fence”, proceeding in an easterly direction parallel with the road, 300 ft. and within the Right of Way of the road. (Approximately 12 ft. from fog line). (Adopted by the Board of Selectmen November 1, 1999).

**Section 11.26**

No automobile or vehicle shall be parked on the southerly side of Sunapee Street from Springfield Road to the Newport/Sunapee Town line, and within the Right of Way of the road. (Approximately 12 ft. from fog line). (Adopted by the Board of Selectmen November 1, 1999).

**Section 11.27**

No automobile or vehicle shall be parked on the left side of Sullivan Street from the intersection of Sunapee Street and proceeding in a southerly and easterly direction to a point 284 feet from the intersection. (Beyond the second corner, adjacent to the rear corner of garage)

**Section 11.27.1** No automobile or vehicle shall be parked on the right side of Sullivan Street, from the intersection of Sunapee Street, proceeding 52 feet in a southerly direction.  
(Adopted by the Board of Selectmen March 20, 2000).

**Section 11.28**

No automobile or vehicle shall be parked on either side of Summit Road from the intersection of Summer Street to the intersection of Sunapee Street. (Adopted by the Board of Selectmen July 15, 2002).

**Section 11.29** No automobile or vehicle shall be parked along northerly side of Cedar Street from Cheney Street to Park Street and along the northwesterly side of Park Street from Cedar to North Main Street, unless the vehicles are part of a funeral procession or actively dropping off or picking up members of a wedding party.

## **Chapter 12**

### **TWO HOUR PARKING ON CERTAIN STREETS**

#### **Section 12.1**

It shall be unlawful for any automobile or other vehicle to be parked on the following streets for a period greater than two hours from 9:00 a.m. to 6:00 p.m. exclusive of Sundays and legal holidays.

**12.1.1** On Main Street from Elm Street intersection to Depot Street and Sunapee Street intersection.

**12.1.2** Along North Main Street from Depot Street intersection to the Northern most entrance to Newport Athletic fields.

**12.1.3** On Main Street and Park Street from Sunapee Street intersection to Cedar Street, east side parking only.

**12.1.4** On Depot Street from Main Street to Depot Square, north side parking only.

**12.1.5** On Sunapee Street from Main Street to the Central Street.

**12.1.6** On Cheney Street from Sunapee Street to Cedar Street, east side parking only.

**12.1.7** On Central Street from Main Street to Sunapee Street.

#### **Section 12.2**

Any person violating the provisions of this chapter shall be subject to a fine not to exceed twenty-five dollars (\$25.00).

#### **Section 12.3**

This Amendment shall take effect on 21 December 1992.

## **Chapter 13**

### **WEIGHT LIMITS**

#### **Section 13.1 WEIGHT LIMITS ON BRIDGES**

It shall be unlawful for any driver or corporation to drive a vehicle or combination of vehicles over any bridge or other structure on any way in the Town of Newport, New Hampshire, if the weight of such vehicle or combination of vehicles and load, is greater than the capacity of the structure as shown by a sign on the right side of or overhead on the structure. The authority and posting of weight limits will be per N.H. RSA 266:18-c (General Weight Provisions). (Amended by the Board of Selectmen October 16, 1995).

#### **Section 13.2 EXCEPTION**

The provisions of Section 13.1 shall not apply if the person or corporation obtains a permit from the Director of Public Works Department, to operate a vehicle or vehicles upon a certain bridge in the Town of Newport when the weight of the load, inclusive of the vehicle, is in excess of six tons. The said permit must be displayed to any police officer upon request and must be in the vehicle or vehicles for which the permit was issued.

#### **Section 13.3 STATE MAINTAINED BRIDGES**

The provisions of this ordinance shall not affect the use of bridges maintained by the State of New Hampshire and are within the Town of Newport.

#### **Section 13.4 DESTINATION OF LIMITED WEIGHT HIGHWAYS**

The highways herein listed under Section 13.11 below, are designated as limited weight streets and highways. The Superintendent of the Highway Department shall periodically review all highways maintained by the Town and propose to the Board of Selectmen changes to this list as may be necessary. The Board of Selectmen is authorized to add or remove streets and highways as they deem necessary.

#### **Section 13.5 LIMITATION OF USE**

Except as specifically provided in Section 13.5 below, it shall be unlawful for any person to operate any motor vehicle weighing more than six (6) tons on any limited weight street or highway from April 1<sup>st</sup> to May 31<sup>st</sup> of each year or at such other times as may be designated by the Board of Selectmen.

#### **Section 13.6 EXCEPTIONS**

The provisions of this ordinance shall not apply to:

- a. Any motor vehicle operated by or for the Town.
- b. To service existing residences for non-constructive purposes.
- c. Any other vehicles for which the Superintendent of the Highway Department has issued a special permit in accordance with Section 13.6, below.

#### **Section 13.7 SPECIAL PERMITS**

The Superintendent of the Highway Department may issue a special permit for the operation of vehicles weighing more than six (6) tons over limited weight highways only on the following conditions:

- a. The Superintendent determines that the vehicle will not cause unusual damage to the highway ; or,
- b. The owner of the vehicle deposits with the Superintendent security, in the form of cash or

bond guaranteed by an insurance or bonding company licensed to do business in the State of New Hampshire, in an amount the Superintendent determines to be sufficient to pay for the repair of all unusual damage the vehicle is likely to cause. When the operation allowed by the special permit is completed, or during the operation if necessary, the Superintendent shall cause the highway to promptly repair to a condition equal to that which existed prior to the operation and return any of the security then remaining; provided, if the actual cost of repairs exceeds the security posted, the owner of the vehicle shall pay the Town the additional costs incurred.

- c. The permit, once issued shall be vehicle specific and shall remain in the vehicle it's issued to. The permit shall list specific dates of permitted operation and shall be presented to any Town of Newport or State of New Hampshire official asking for proof of permitted use.
- d. The applicant shall pay a one hundred dollar (\$100.00) fee for each permit issued.

#### **Section 13.8 APPEAL**

Any person, who is aggrieved by the Superintendent issuing or refusing to issue a special permit, may, within ten (10) days of the decision of the Superintendent and not thereafter appeal that decision to the Town Manager. Upon receipt of such appeal, the Town Manager shall schedule a public hearing, at which all interested parties may present any relevant evidence; and, at the conclusion of the public hearing, affirm, modify or set aside the decision of the Superintendent.

#### **Section 13.9 ENFORCEMENT**

The Superintendent of the Highway Department and or any law enforcement officer shall be responsible for enforcing this ordinance.

#### **Section 13.10 PENALTIES**

Any person or corporation that violates any of the provisions of this chapter shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00) nor less than one hundred dollars (\$100.00).

#### **Section 13.11 DESIGNATED LIMITED WEIGHT STREETS AND HIGHWAYS**

The following streets and highways are hereby designated as Limited Weight Streets or Highways:

Allen Road	Langley Road
Aspen Road	McDonough Road
Ayres Road	Moore Road
Barton Whitney Road	Mosquito Schoolhouse Road
Bascom Road	Old Kelleyville Road
Bradford Road *	Page Hill Road
Brook Road	Paradise Road
Chandler Mills Road	Pike Hill Road
Chestnut Road	Pine Street *
Coon Brook Road	Pysz Road
Cornish Turnpike	Ram Brook Road
Croydon Brook Road	Sand Hill Road
Cutts Road	Saterlee Road *
East Mountain Road	Spring Brook Road *
Edgell Road	Springfield Road
Elm Street *	Turkey Hill Road

Endicott Road  
Hickery Road  
Hickey Road  
Hurd Road

Webster Road  
Whipple Road  
Whitcher Road \*  
Wilcox Road

(adopted by the Board of Selectmen: 4-05-93)

#### **Section 13.12 WEIGHT LIMIT ON BRADFORD ROAD**

No vehicle having a gross vehicle weight of Ten Thousand (10,000) pounds or more as listed on its registration shall be operated on Bradford Road between the intersection<sup>s</sup> of East Mountain Road and the Newport/Sunapee Town line, except for the purposes of making deliveries to, providing services for, or going to or from a specific place.

The provisions of above shall not apply if the person or corporation obtains a permit from the Town Manager or his designee, to operate a vehicle or vehicles over Ten Thousand (10,000) pounds on Bradford Road. The said permit must be displayed to any Police Officer upon request and must be in the vehicle or vehicles for which the permit is issued.

(Adopted by the Board of Selectmen March 21, 1994).

#### **Section 13.14 WEIGHT LIMIT ON POLLARDS MILLS ROAD**

No vehicle having a gross vehicle weight of ten thousand (10,000) pounds or more as listed on its registration shall be operated on Pollards Mills Road between the intersections of Unity Road and Route 10 except for the purposes of making deliveries to, providing services for, or going to, from a specific place.

The provisions of the above shall not apply if the person or corporation obtains a permit from the Town Manager or his designee, to operate a vehicle or vehicles over the ten thousand (10,000) pounds on Pollards Mills Road. The said permit shall be displayed in the vehicle and shown to any police officer or highway employee upon request and must be in the vehicle or vehicles for which the permit is issued.

(Adopted by the Board of Selectmen September 18, 2001).

#### **Section 13.15 WEIGHT LIMIT ON CHANDLERS MILLS ROAD**

No vehicle having a gross vehicle weight of ten thousand (10,000) pounds or more as listed on its registration shall be operated on Chandlers Mills Road in the Town of Newport, New Hampshire, except for the purposes of making deliveries to, providing services for, or going to and from a specific place.

The provisions of the above shall not apply if the person or corporation obtains a permit from the Town Manager or his designee, to operate a vehicle or vehicles over the ten thousand (10,000) pounds on Chandlers Mills Road. The said permit shall be displayed in the vehicle and shown to any police officer or highway employee upon request and must be in the vehicle or vehicles for which the permit is issued.

(Adopted by the Board of Selectman June 4, 2007).

## **Chapter 14**

### **BICYCLES**

#### **Section 14.1 RIDING ON MAIN STREET SIDEWALDS PROHIBITED**

Whereas for the safety of the general public, riders of bicycles will be prohibited from riding bicycles upon the sidewalks of Main Street, between the intersections of Elm Street, Pearl Street and Park Street respectively. This shall not prohibit any person from walking a bicycle on the sidewalk within said area.

#### **Section 14.2 RIDING BICYCLE ON MAIN STREET SIDEWALKS PENALTY**

Any person who shall violate Section 14.1, shall be subject to a fine not to exceed Ten Dollars (\$10.00) for the first offense and not more than Fifty Dollars (\$50.00) for any subsequent offenses.

#### **Section 14.4 SERIAL NUMBER REQUIRED**

No bicycle shall be operated unless it has a permanently cut, impressed or embossed on some portion thereof, a factory serial or identification number or mark.

#### **Section 14.5 REMOVAL OF FACTORY SERIAL NUMBER PROHIBITED**

It shall be unlawful for any person to remove, deface, change or cause to be removed, obliterated, defaced or changed any factory serial or other identification number or mark on or from any bicycle. Any person who violates this section shall be fined not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00).

#### **Section 14.6 STATEMENT TO CHIEF OF POLICE, BICYCLE WITHOUT FACTORY SERIAL NUMBER**

Any person who shall knowingly have in his possession any bicycle from which such number or mark shall have been removed, defaced, obliterated or changed shall, forthwith, file with the Chief of Police a sworn statement, describing such bicycle showing the source of his title, and if known, the reason for such removal, defacement, obliteration or change. If satisfied, as to facts, the Chief of Police may grant permission to cut, impress, or emboss permanently on to the bicycle a special identification number or mark which shall thereafter be deemed sufficient for the purpose of registration of such bicycle.

#### **Section 14.7 BICYCLES WITHOUT SERIAL NUMBER IMPOUNDED**

Any person who shall knowingly have in his possession any bicycle from which such number or mark shall have been removed, defaced, obliterated or changed and the said person fails to file the above stated sworn statement with the Chief of Police, shall have the bicycle impounded at the police department or suitable location until such time as the source of title is satisfactorily proven.

#### **Section 14.8 BRAKES REQUIRED**

No bicycle shall be operated unless it is equipped with an adequate braking device.

**Section 14.9 LIGHTING REQUIRED AFTER DARK**

It shall be unlawful for any person to operate a bicycle on any way within the limits of the Town of Newport during the period from one-half hour after sunset to one-half hour before sunrise unless said operator shall display on his bicycle a lighted lamp on the front of said bicycle and tail-light, so called, or a reflector on the rear.

**Section 14.10 RIDING OF BICYCLES BY MORE THAN ONE PERSON PROHIBITED**

It shall be unlawful for more than one person to ride on a bicycle, unless it can be a tandem bicycle equipped with two sets of handlebars, two sprockets and two seats.

**Section 14.11 EXPIRATION OF REGISTRATION**

All registrations granted shall remain in effect for the life of the bicycle.

**Section 14.12 SUSPENSION OR REVOCATION OF REGISTRATION**

The Chief of Police may revoke or suspend any registration for just cause. An appeal to the District Court may be had by any person whose registration has been revoked or suspended. It shall be unlawful for any person to operate a bicycle while the registration thereof is revoked or suspended.

**Section 14.13 PENALTIES**

Any person violating any provision of this ordinance shall be subject to a fine not to exceed Twenty-five Dollars (\$25.00), for each offense.

**Section 14.14 SKATEBOARDS**

Whereas for the safety of the general public, no person will ride a skateboard upon the sidewalk of Main Street between the intersection of Elm Street, Pearl Street and Park Street respectively



## **Chapter 15**

### **TAXICABS**

#### **Section 15.1 LICENSES FOR TAXICABS**

No person, firm or corporation shall operate or cause to operate a taxicab within the Town of Newport unless licensed as herein provided. No license shall be issued unless and until the Chief of Police determines that public convenience and necessity require the operation thereof.

#### **Section 15.2 APPLICATION**

Applications for taxicab license shall be made on forms provided by the Town, and shall set forth the name and address of the applicant, the trade names under which the applicant does or proposes to do business, where proposed stands and garages are to be located, the number of vehicles the applicant desires to operate, a description of each vehicle, rates to be charged, and such other facts as the Chief of Police may require.

#### **Section 15.3 FEES**

The fee for each taxicab licensed hereunder shall be Ten Dollars (\$10.00) and shall be paid to the Chief of Police at the time such license is issued. The monies to be collected under this section shall be remitted to the Town Treasurer.

#### **Section 15.4 FINANCIAL RESPONSIBILITY**

It shall be unlawful to operate a taxicab for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for license deposits with the Chief of Police policy or certificate of liability insurance for each taxicab for which a license is sought, said policy or certificate of liability insurance to be acceptable and approved by Town Counsel and issued by a company authorized to do business in the State of New Hampshire, indemnifying the applicant in the sum of at least \$10,000 for injury to one person, \$50,000.00 for injury to more than one person and \$10,000.00 property damage in any one accident, through or by the operation of the taxicab by the applicant. The policy of insurance shall contain a clause obligating the company insuring the same to give 10 days written notice before cancellation to said Chief of Police and the license of the operation of such taxicab shall expire upon the lapse or termination of said policy.

#### **Section 15.5 EXPIRATION OF LICENSE**

Expiration of taxicab licenses issued hereunder shall be at midnight on the last day of May, unless previously revoked.

#### **Section 15.6 LICENSE NOT TRANSFERABLE**

No license for the operation of a taxicab shall be sold, transferred or assigned. No license granted as aforesaid shall apply to any taxicab except the particular one designed therein.

#### **Section 15.7 TAXICAB MARKINGS**

Every taxicab licensed as aforesaid shall be conspicuously marked as such, marking shall include a taxicab roof light which shall be marked with the word "taxi" or similar type markings. Also, the name of the owner, and the rates of fare duly established, shall be conspicuously posted on a printed card in every taxicab.

**Section 15.8 RATES OF FARE**

No owner, driver or other person having charge of any taxicab, licensed as aforesaid, shall demand or receive a higher rate of fare than so posted in said vehicle. The rates of fare shall be placed on file with the Chief of Police. At all times the schedule of fares posted in the taxicab shall agree with the fares on file in the office of the Chief of Police.

**Section 15.9 PARKING, STOPPING OR SOLICITING PASSENGERS**

No taxicab shall be allowed to stand or wait for passengers on any streets, square or public place or such portions thereof, unless otherwise designated by the Board of Selectmen. No taxicabs shall be stopped to take on or to discharge passengers at any place or on any street, square or public place except at the curb or as near thereto as possible. No passengers shall be permitted to enter or leave the vehicle except from the side nearest the curb. No taxicab shall cruise or be driven upon the streets of the Town for solicitation of business, and public streets shall not be used for servicing, repairing or washing taxicabs nor shall taxicabs in any way interfere with the full passage of pedestrian or vehicular traffic while standing for the purpose of discharging or taking on passengers.

**Section 15.10 EXCLUSIVE USE**

No driver of a taxicab shall, during business hours, carry any other person than persons employing said cab and no other passenger may be carried in an engaged taxicab without consent of the first passenger. Any taxicab agent or driver before directing a second passenger to a taxicab employed shall ask the first person employing the taxicab if he consents to another passenger or passengers.

**Section 15.11 SUSPENSION AND REVOCATION OF LICENSE**

The violation of any of the provisions of the Motor Vehicle Laws of the State of New Hampshire or of ordinances governing the regulation of Motor Vehicle Laws within the Town of Newport or of this ordinance shall be grounds for the revocation of any license issued hereunder. Revocations of the licenses for taxicabs shall be within the discretion of the Chief of Police.

**Section 15.12 TAXICABS OPERATORS' LICENSE**

Taxicab operators shall be licensed as hereinafter provided. The Chief of Police, may, at his discretion, issue to such persons, as he deems expedient, licenses to operate taxicabs. Application for such operator's licenses shall be on forms provided by the Town who shall keep a record of all applications and licenses granted. Each application shall contain the name, address, age and personal description of the applicant and such other information as the Chief of Police may require.

**Section 15.13 TAXICAB OPERATOR'S LICENSE FEES**

The fee for such operator's license shall be Five Dollars (\$5.00) which shall be paid to the Chief of Police at the time the license is issued.

**Section 15.14 TAXICAB OPERATOR'S LICENSE APPLICATION DENIED**

No license shall be granted hereunder to any person under the age of 18 years, or any person who cannot read or speak the English language intelligently, nor unless the applicant shall present a valid license as chauffeur as issued by the Director of the Division of Motor Vehicles for the State of New Hampshire. Also the Chief of Police shall have the right to refuse an operator's license to any applicant who has a criminal record or an excessive motor vehicle record.

**Section 15.15 TAXICAB LICENSE EXPIRATION**

All licenses to drivers shall expire at midnight on the last day of May unless previously revoked.

**Section 15.16 TAXICAB OPERATOR'S LICENSE SUSPENSION OR REVOCATION**

The license of any driver issued hereunder may be suspended or revoked by the Chief of Police for any violation of the Motor Vehicle Laws of the State of New Hampshire, or of any ordinances of the Town of Newport relating to regulations of the highways or of this ordinance or for violations of any criminal laws.

**Section 15.17 APPEAL BOARD**

The Board of Selectmen is hereby designated and constituted an appeal board to which an aggrieved applicant for an operator's license may appeal any decision of the Chief of Police rendered under this ordinance. Such notice of appeal shall be filed by such applicant or operator with the Town Clerk. Said Board shall fix a reasonable time for the hearing of the appeal, giving due notice thereof to the interested parties and shall decide the appeal within a reasonable time. Due notice of any hearing shall be deemed to be at least seven (7) days. All decisions of said Board of Appeal shall be final.

**Section 15.18 RESTRICTED AREAS FOR TAXICAB STAND**

No taxicab stand shall be located on the Main Street in the Town of Newport; said street extending from the south end of the common, to the corners of Elm Street and Maple Street.

**Section 15.19 DESIGNATION OF STANDS**

The Board of Selectmen shall designate and assign suitable parking places within the confines of the Town of Newport wherein taxicab stands may be situated. Taxi stands on the public streets or ways shall not be used by more than two taxicabs at one time. If applicant wishes to license more than two cabs per stand and operate from a public street, he must have available for his use adequate off the street parking space for the extra taxicab.

**Section 15.20 TELEPHONE LOCATIONS**

Owners of taxicabs operating from such stands may have individual telephones located on nearby public property, such locations and types of apparatus, however, to be approved by the Chief of Police and said operators shall remain near their respective vehicles while said vehicle is parked.

**Section 15.21 PENALTIES**

Any person who violates the provisions of this ordinance shall be subject to a fine not to exceed One Hundred Dollars (\$100.00), or by suspension or revocation of license or both.

**Chapter 16**  
**OBSTRUCTING PUBLIC TRAVEL WITH SNOW**

**Section 16.1    OBSTRUCTING PUBLIC PASSAGE WITH SNOW**

No person shall deposit by any manner or means snow upon any public street, lane, alley, or public sidewalk adjacent thereto which shall be within said public street, lane, alley or public sidewalk so as to obstruct thereby the passage of men or vehicles.

**Section 16.2    PENALTY**

Any person violating the provisions of this chapter shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00).

## Chapter 17

### Regulation of Vehicles on Class VI Highways

#### Section 17.1

- 17.1.1** Definition – Class VI highway usage permit. For the purposes of this section, the term “Class VI highway usage permit” shall mean a permit issued by the Newport Police Department under section 17.1.6
- 17.1.2** Definition – Excessive Erosion. For the purposes of this section, the term “excessive erosion” shall mean a breaking down or wearing away of the existing road bed surface due to water, wind, or other forces for an extended period of time, and where repeated motor vehicle traffic is likely to cause further wearing away of the existing road bed. Such conditions are typically seen during the spring thaw or periods of heavy rain.
- 17.1.3** Definition – Impassible. For the purposes of this section, the term “impassible” shall mean any Class VI highway that is not regularly or easily passable by a vehicle as defined in section 17.1.4.
- 17.1.4** Definitions – Vehicle. For the purposes of this section, the term “vehicle” shall mean any motor vehicle, including but not limited to off-highway recreational vehicles (OHRVs), all-terrain vehicles (ATVs), motorcycles, cars, and trucks.
- 17.2.** Violations – failure to Obtain or produce Permit. In the event the Director of Public Works Department deems a particular Class VI highway to be impassible or susceptible to excessive erosion, it shall be unlawful and a violation of this section to operate a vehicle over a Class VI highway without a Class VI highway usage permit for that particular Class VI highway. The vehicle operator shall make the Class VI highway usage permit immediately available for inspection to any Town officer, employee, or agent requesting it.
- 17.3** Issuance of Permit. The Newport Police Department shall issue a Class VI highway usage permit only to the owner or lessee, or their agent, of a property that is accessible from a Class VI highway. The permit shall clearly identify the Class VI highway to which it applies and the location of the property to be accessed. The permit shall allow the permit holder to use the identified Class VI highway to access the identified property, and for no other use. There shall be no charge or fee for the Class VI highway usage permit.
- 17.4** Notice of Class VI Highway Closure. In the event the Director of the Public Works Department deems a particular Class VI highway to be impassible or susceptible to excessive erosion, the Director of Public Works Department or their designee shall post notice at the common entrance or transition points of the Class VI highway that the Class VI highway is closed until further notice and may be used only by the holder of a Class VI highway usage permit for that particular highway. The Director of the Public Works Department or their designee shall notify the Board of Selectmen and the Newport Police Department of any such Class VI highway closure.
- 17.5** Travel on Road Bed Only. The operator of a vehicle on a Class VI highway shall at all times operate the vehicle only on the existing road bed. It shall be unlawful and a violation of this section for a vehicle operator to depart from the existing road bed in a manner that causes or could reasonably damage or alter the land surrounding the existing road bed; for example, by operating the vehicle into ditches or muddy holes. Additionally, this section is further notice that anyone who, without authority, willfully injures any highway or bridge thereon by destroying or taking away any plank, timber, stone or other material thereof, or by digging any pit therein, may be guilty of a misdemeanor pursuant to N.H. R.S.A. 236:38. This section applies whether or not the particular Class VI highway had been deemed impassable or susceptible to excessive erosion.
- 17.6** Fines. A first violation of the provisions of this section shall be subject to a fine of \$100; a second violation within a 12-month period shall be subject to a fine of \$250; and any additional violations within a 12-month period may be subject to a fine up to \$1,000 and a mandatory court appearance. In addition, a person who violates the provisions of this section may also be held liable for damage to the highway as provided under N.H. R.S.A. 236:38 and N.H. R.S.A. 236:39.

(Adopted by the Board of Selectmen October 1, 2012)

## **Chapter 18**

### **Restraining of Dogs**

#### **Section 18.1 DOG CONTROL**

**Section 18.1.1** It shall be unlawful for any dog within the Town of Newport to:

- (a) run at large, except when:
  - (1) accompanied by its owner, handler or keeper; or
  - (2) when used for hunting, herding, supervised competition, exhibition or training for said hunting, herding, supervised competition or exhibition
- (b) bark for sustained periods of time, or during the nighttime hours, so that the peace and quiet of the neighborhood is disturbed;
- (c) dig, scratch, excrete, or cause waste, trash or garbage to be scattered on property other than its owners;
- (d) while in heat, run at large or be off the premises of its owner, handler, or keeper except when:
  - (1) kept on a leash by a responsible adult,
- (e) growl, snap, run after, or chase any person, bicyclist, horse, or other animal, motor vehicles, motorcycles or other vehicles being driven, pulled or pushed on property other than that of the owner, handler, or keeper;

**Section 18.2.1** For the purpose of this chapter “Accompanied” shall mean the owner, handler, or keeper can see, or hear the dog or both or have reasonable knowledge of where the dog is hunting or herding or where training or trials are being conducted or held.

**Section 18.2.2** For the purpose of this chapter “At Large” shall mean off the premises of the owner, handler, or keeper, and not under the control of the owner, handler, or keeper by means of personal presence and attention as will reasonable control the conduct of the dog.

**Section 18.2.3** For the purpose of this chapter “Authorized Person” shall mean any law enforcement or Animal Control Officer appointed by the Board of Selectmen, or landowners while on their property.

**Section 18.2.4** For the purpose of this chapter “night Time Hours” shall mean the hours between 8:00 pm and 7:00 am.

**Section 18.2.5** It shall not be an affirmative defense to a violation of any provision of this chapter that the dog was a different breed or sex than a dog that was subject of previous violations. Only that the owner, handler, or keeper is the same.

#### **Section 18.3 SEIZURE AND NOTICE OF VIOLATION**

- Section 18.3.1** Any authorized person may seize, impound or restrain any dog found in violation of this chapter and deliver the said dog to a person or shelter authorized to board dogs.
- Section 18.3.2** Any authorized person who has seized, impounded or restrained a dog found in violation of this chapter may request a law enforcement or Animal Control Officer issue in the name of the owner, handler or keeper of such dog, a notice of violation. Such notice shall impose upon the owner, handler or keeper of such dog a civil penalty in accordance with Section 18.5.
- Section 18.3.3** Nothing in this section shall prohibit a law enforcement or Animal Control Officer from issuing a citation requiring the owner, handler or keeper of a dog to appear before the District Court.
- Section 18.4 DOG BITES**
- Section 18.4.1** If the skin of any person has been punctured by a dog and the incident was reported to the Police Department or Animal Control Officer, a law enforcement officer or Animal Control Officer shall within 24 hours, notify the injured person, or, in the case of a minor, the minor's parents or guardian, whether, according to Town Records, the dog has been appropriately immunized against rabies.
- Section 18.4.2** The owner, handler or keeper of a dog shall be in violation of this section if the dog punctures the skin of any person. Provided however, that the incident occurred off the property of the owner, handler or keeper or the dog was not protecting the property of the owner, handler or keeper. Any person found to have violated this section shall be sentenced as provided in Section 18.10 of this chapter.
- Section 18.5 CIVIL PENALTY**
- Section 18.5.1** Any owner, handler or keeper of a dog found in violation of this chapter may be issued a civil penalty in accordance with the provisions set forth below:
- (a) for a first offense a civil penalty in the amount of twenty-five dollars (\$25.00) may be imposed;
  - (b) for any subsequent offense a civil penalty in the amount of fifty dollars (\$50.00) may be imposed
- Section 18.5.2** Nothing in this chapter shall prohibit a law enforcement or Animal Control Officer from issuing the owner, handler or keeper of a dog a citation requiring their appearance before the District Court.
- Section 18.5.3** All civil penalties shall be paid to the Town of Newport at the Police Department within ninety-six (96) hours of the date and time such penalty was given by the law enforcement or Animal Control Officer.
- Section 18.5.4** In the event a civil penalty is not paid to the Town of Newport at the Police Department as specified in Section 18.4 Paragraph III, the owner, handler or keeper of the dog shall be issued a citation requiring the owner, handler or keeper to appear before the District Court.
- Section 18.5.5** Any owner, handler or keeper found to be in violation of this section by the District Court, shall be sentenced in accordance with Section 18.10
- Section 18.5.6** It shall not be an affirmative defense to the imposition of a civil penalty under this section that

the dog was a different breed or sex than a dog that was the subject of previous violations, only that the owner, handler or keeper is the same.

## **Section 18.6 PROCURING A LICENSE: TAG**

**Section 18.6.1** Every owner, handler or keeper of a dog three (3) months old or older shall on or before April 30 of each year, cause it to be registered, numbered, described and licensed for one year from the ensuing May 1.

**Section 18.6.2** Every owner, handler or keeper shall register a dog in accordance with Section 18.6.1, in the office of the Newport Town Clerk and shall cause the “Tag” issued by the Town Clerk to be affixed to a collar around the dog(s) neck.

(a) the “tag” issued by the Newport Town Clerk shall be of a the size and type as directed by the Town Clerk and shall have the following information on it:

- (1) name of the Town;
- (2) year of issue; and,
- (3) the registration number

(b) the “tag” shall be furnished by the Town Clerk at the expense of the Town and paid for out of the amount received from Dog License Fees. License Fees shall be set by the Board of Selectmen but shall not exceed statutory requirements.

**Section 18.6.3** Any owner, handler or keeper of a dog may at any time have it licensed until the ensuing May 1; and a person becoming the owner, handler or keeper of a dog after May 1 shall cause it to be registered, numbered, described and licensed as provided in this chapter.

**Section 18.6.4** Any owner, handler or keeper of a dog who fails to license the dog prior to May 1 of each year, may be issued a civil penalty by a law enforcement or Animal Control Officer in accordance with Section 18.5 of this chapter or be issued a citation requiring the owner, handler or keeper to appear before the District Court.

## **Section 18.7 VACCINATION REQUIRED**

**Section 18.7.1** The owner, handler or keeper of a dog over three (3) months old shall furnish to the Newport Town Clerk a certification that the dog has been vaccinated against rabies in accordance with the provisions of N.H. RSA 442-A.

**Section 18.7.2** The owner, handler or keeper of a dog shall affix to a collar around the dog(s) neck a “Rabies Tag”. This rabies tag shall have the following information on it:

- (a) name of veterinarian or clinic who vaccinated the dog; and
- (b) the year the vaccination was given.



## **Section 18.8 BOARDING FACILITY REQUIREMENTS**

**Section 18.8.1** Any facility used for boarding of dogs picked up shall not release the dog from the facility unless the owner, handler or keeper has satisfied the following requirements:

- (a) proof is furnished that all civil penalties have been paid to the Town of Newport;
- (b) all fees charged by the boarding facility have been paid or other arrangements for payment have been made;
- (c) proof is furnished that the dog is properly licensed; and
- (d) proof of the dog's rabies vaccination if the dog is more than three (3) months old.
- (e) Boarding facility shall have staff on site during normal business hours Monday through Friday.
- (f) Boarding facilities shall be responsible for the feeding and care of dogs brought to them by the Newport Police Department.
- (g) Efforts shall be made to adopt out all dogs not claimed by their owner, with the adopter covering all charges associated with the boarding of said dog.
- (h) Boarding facility shall maintain and be licensed by the New Hampshire Agricultural Department as a boarding facility.

## **Section 18.9 FAILURE TO PAY BOARDING FACILITY FEES**

**Section 18.9.1** Any owner, handler or keeper of a dog who fails to pay the boarding facility fees shall be issued a citation by a law enforcement or Animal Control Officer requiring the owner, handler or keeper to appear before the District Court.

**Section 18.9.2** Any owner, handler or keeper of a dog who is found in violation of any provision of this section shall be sentenced in accordance with Section 18.10 of this chapter.

## **Section 18.10 PENALTIES (DISTRICT COURT)**

**Section 18.10.1** Except as otherwise provided in this section:

- (a) any owner, handler or keeper of a dog who is convicted of any offense under this chapter shall be:
  - (1) guilty of a violation;
  - (2) fined not less than \$100.00

**Section 18.10.2** Upon conviction of any offense under Chapter 18 based upon a complaint which alleged that the owner, handler, or keeper of a dog had one (1) prior conviction under Chapter 18 within the preceding two (2) years shall be:

- (1) guilty of a violation;
- (2) fined not less than \$250.00

**Section 18.10.3**

Upon conviction of any offense under Chapter 18 based upon a complaint which alleged that the owner, handler, or keeper of a dog had two (2) prior convictions under Chapter 18 within the preceding two (2) years shall be:

- (1) guilty of a violation;
- (2) fined not less than \$500.00;
- (3) not own or keep a dog within the Town of Newport for two (2) years

**Section 18.10.4** Upon conviction of any offense under Chapter 18 based upon a complaint which alleged that the owner, handler, or keeper of a dog had three (3) or more prior convictions under Chapter 18 within the preceding two (2) years shall be:

- (1) guilty of a violation;
- (2) fined not less than \$1,000.00;
- (3) not own or keep a dog within the Town of Newport for five (5) years.

**Section 18.10.5** If the owner, handler, or keeper of a dog is convicted of violating any provision of Chapter 18 and the conviction is not based upon a complaint which alleges prior conviction as provided in Chapter 18.13 II, III or IV, but the owner, handler, or keeper is found to have one or more prior convictions during the preceding two (2) years under Chapter 18, the owner, handler or keeper shall be:

- (1) guilty of a violation
- (2) fined not less than \$200.00 nor more than \$750.00

**Section 18.10.6** Upon conviction of a violation of Chapter 18.4, the owner, handler or keeper shall be ordered by the District Court to pay the medical expenses incurred, by the person, as a direct result of the dog bite. This provision shall be in addition to the minimum mandatory penalties outlined in this section.

**Section 18.10.7** Upon conviction of a violation of Chapter 18.6, the owner, handler or keeper shall be ordered by the District Court to have the dog licensed within ten (10) days. This provision shall be in addition to the minimum mandatory penalties outlined in this section.

**Section 18.10.8** Upon conviction of violating Chapter 18.7, the owner, handler or keeper shall be ordered by the court to have the dog vaccinated against rabies within ten (10) days. This provision shall be in addition to the minimum mandatory penalties outlined in this section.

**Section 18.10.9** Upon conviction of a violation of Chapter 18, Section 8, the owner, handler or keeper shall be

ordered by the court to pay all boarding facility fees within thirty (30) days. This provision shall be in addition to the minimum mandatory penalties outlined in this section.

**Section 18.10.10** No portion of the minimum mandatory portion of any fine nor any minimum mandatory loss or right to keep a dog shall be suspended or reduced by the court. No case brought to enforce this section shall be continued for sentencing for longer than thirty-five (35) days.

(Approved, Town Meeting May 13, 1992)

## **Chapter 19**

## **Health and Garbage**

**Section 19.1.1 Appointment of Health Officer** Pursuant to NH RSA 128:1, The commissioner of the Department of Health and Human Services shall appoint as health officer for each town such person as the Selectmen of the Town recommend, and the Commissioner of the Department of Health and Human Services shall issue to the health officer a certificate of appointment; but, if no recommendation is made within 15 days after notice, the Commissioner may appoint a health officer without such recommendation.

**Section 19.1.2 Duties of Appointed Health Officer** The appointed Health Officer shall be responsible for investigating and maintaining all records and reports pertaining to any and all complaints regarding violations of NH RSA 147 *Public Health* and the provisions of Newport Town Ordinance *Chapter 19 Health and Garbage*.

**Section 19.1.3 Definitions** Any term used in this section shall have the express intent and meaning as defined by the Revised Statutes of New Hampshire unless otherwise herein stated.

**Section 19.1.4 Penalties** All reports of Health Violations pursuant to Chapter 147 of the Revised Statutes of New Hampshire and Chapter 19 of Newport's Town Ordinances shall be investigated and upon completion shall have a finding of "Unfounded" meaning no violation of the above listed law or ordinance was found or "founded" indicating that a violation of the above listed RSA and or Town Ordinance was sustained. First offense for a founded complaint may be subject to a civil penalty not to exceed \$100.00, if the violation is not corrected within 72 hrs. The violator may be subject to an additional \$250.00 fine every 24 hrs. With the total fine for any single violation or single course of conduct for any violation of this chapter shall not exceed \$1000.00, unless otherwise restricted by Statute. A second offense and any other subsequent violations of this chapter shall start with a \$250.00 civil penalty, with the total violation and/or single course of conduct not to exceed \$1000.00.

**Section 19.1.5 Appeals** any cited violation of this chapter may be appealed to the Newport Board of Selectmen, unless otherwise specified by NH state law.

**Section 19.2.1 Household Waste/Trash** all household waste/trash stored outside of an enclosed structure shall be contained by bag or container.

**Section 19.2.2 Trash/waste receptacles** all trash contained in bags shall not be permitted to be left outside of a container designed for the holding of trash for more than 12 hours. Bags of trash shall not be permitted to overflow from a container designed for the holding of trash for more than 24 hrs. Weekends and holidays excluded.

**Section 19.2.3 Household goods/refuse** No furniture, appliance or other household refuse item shall be permitted to remain outside of a residence or structure for sale or for free for more than 24 hrs.

unless said item is awaiting removal to a trash/waste facility, in such case it shall be removed within 7 days. Furniture, appliances and other household refuse items may remain for sale or for free removal provided that said items are removed and placed under cover during the nighttime hours of each day.

**Section 19.2.4 Discarded refrigerators/freezers** all refrigerators and freezers that are no longer in use and have been removed from the residence for disposal, shall have the door, doors or lid removed.

**Section 19.2.5 Use of Town/Public Trash Receptacles** No person shall discard household waste/trash into a public or municipal receptacle; said containers are for incidental trash and are intended to prevent littering.

**Section 19.3.1 Enforcement** The provisions of Chapter 19 may be enforced by the Appointed Health Officer, Planning and Zoning Administrator or any Officer of the Newport Police Department.

**Section 19.3.2 Precedence/Conflicting Provisions:** Whenever the regulations differ from any statute, ordinance or other regulation, the provision which imposes the higher standard shall be controlling.

## **Chapter 20**

## **ORDINANCE RELATING TO THE CONTROL AND USE OF ALCOHOLIC BEVERAGES ON CERTAIN PUBLIC PROPERTY**

### **Section 20.1 DRINKING IN PUBLIC PROHIBITED**

It shall be unlawful to drink, consume, and attempt to consume or possess any open bottle, can or other container, having therein any alcoholic liquor or malt beverage in the following public places.

**Section 20.1.1** Newport Town Common.

**Section 20.1.2** All school property and premises.

**Section 20.1.3** Newport Community Center property and premises.

**Section 20.1.4** Depot Street including Depot Square so-called, Korn Alley and the old freight yard.

**Section 20.1.5** Newport Softball Field on Route 10 North of Newport High School.

**Section 20.1.6** Any “way” or “sidewalk” within the town of Newport as those locations are defined by the New Hampshire Revised Statutes Annotated.

### **Section 20.2 ALCOHOLIC BEVERAGES DEFINED**

Alcoholic liquors and malt beverages shall include all distilled liquors, or rectified spirits, vinous, fermented, brewed, and one percent of alcohol by volume at 60 degrees Fahrenheit; and any beverages of which any part is an alcoholic liquor or malt beverages.

### **Section 20.3 PERMIT REQUIRED**

The Board of Selectmen upon application to it may issue a permit to any person, persons, groups or corporations, for the consumption of alcoholic liquors or malt beverages within any of the prohibited areas as herein before set forth upon terms and conditions as the Board may see fit to impose upon the granting of any such permit.

### **Section 20.4 TRANSPORTING ALCOHOLIC BEVERAGES BY DRIVERS OF MOTOR VEHICLES PROHIBITED**

It shall be unlawful for any driver to transport, carry, possess or have any liquor or malt beverage within the passenger area of any motor vehicle upon any way in the Town of Newport except in the original container and with the seal unbroken. Securely capped, partially filled containers of liquor or malt beverages shall be stored and transported in the trunk of the motor vehicle. If the motor vehicles does not have a trunk, such containers shall be stored and transported in the compartment or area of the vehicle which is the least accessible to the driver.

**Section 20.5 POSSESSION OF ALCOHOLIC BEVERAGES BY PASSENGERS WITHIN MOTOR VEHICLES PROHIBITED**

It shall be unlawful for any passenger to carry, possess or have any liquor or malt beverage within any passenger area of any motor vehicle upon any way in the Town of Newport except in the original container and with the seal unbroken. Securely capped, partially filled containers of liquor or malt beverages may be stored and transported in the compartment or area of the vehicle which is the least accessible to the driver.

**Section 20.6 PENALTIES**

Any person who violates the provisions of this Ordinance shall be subject to a fine not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00)

**Chapter 21**

## **Speed Limits**

### **Section 21.1 Corbin Covered Bridge**

It shall be unlawful for the driver of any vehicle to operate said vehicle on the Corbin covered bridge at a rate of speed greater than fifteen (15) miles per hour. **(Adopted by the Board of Selectmen October 16, 1995).**

### **Section 21.2 Pollards Mills Road**

It shall be unlawful for the driver of any vehicle to operate said vehicle on Pollards Mills Road at a rate of speed greater than twenty five (25) miles per hour. Anyone violating such speed may be cited under this ordinance or New Hampshire motor vehicle code for speed rules. **(Adopted by the Board of Selectmen July 21, 2003).**

### **Section 21.3 Chandlers Mills Road**

It shall be unlawful for the driver of any vehicle to operate a vehicle on Chandlers Mills Road from the Newport/Claremont town line to a point 2500 feet east of the Newport/Claremont town line at a speed greater than fifteen (15) miles per hour.

Anyone violating such speed may be cited under this ordinance or New Hampshire motor vehicle code for speed rules. **(Adopted by the Board of Selectmen June 4, 2007).**

### **Section 21.4 Fairway Avenue**

It shall be unlawful for the driver of any vehicle to operate on Fairway Avenue in the Town of Newport at a speed greater than twenty-five (25) miles per hour.

Anyone violating such speed may be cited under this Ordinance or New Hampshire Motor Vehicle Codes for Speed Rules. **(Adopted by the Board of Selectmen October 6, 2008).**



## **Chapter 22**

### **Smoking on Town Owned Property**

**Section 22.1.1 Definitions** all terms used in this section shall have the same intent and meaning as defined in the New Hampshire Revised Statutes Annotated, specifically NH RSA 155:65 entitled *Definitions*.

**Section 22.1.2 “Smoking”** means having in one’s possession a lighted cigarette, cigar, or pipe or any device designed to produce the effect of smoking.

**Section 22.1.3 Smoking on Town Owned Property** Pursuant to NH RSA 155:64, the State of New Hampshire has banned smoking indoors in all public places, in furtherance of that statute there shall be no smoking permitted at any municipal park, common, ball fields or municipal parking lot while any sanctioned event is being held.

**Section 22.1.4 Entrance to public buildings** there shall be no smoking within 20 feet of the common entrance into any municipal building. At each common entrance point, there shall be a fire resistant tobacco receptacle to ensure the safe disposal of any used smoking tobacco.

**Section 22.1.5 Penalty** each offense shall constitute a violation and subject to a civil penalty no to exceed \$100.00 dollars.

## **Chapter 23**

### **PAWNBROKERS, DEALERS IN SECONDHAND PROPERTY AND SCRAP DEALERS**

## **Section 23.1 Definitions:**

**Section 23.1.1 DEALER:** Includes, unless otherwise specified, pawnshop dealers, dealers in secondhand personal property and junk dealers as defined in NH RSA 322:1 and 398:1 who operate a retail store as defined in Newport's zoning ordinance as defined in article X.

**Section 23.1.2 DEALER IN SECONDHAND PERSONAL PROPERTY:** A person, corporation, member or members of a corporation, business or firm whose primary business is to buy, sell, take in trade or is otherwise in the business of buying and selling secondhand personal property; excepting furniture and books. "Dealers in secondhand personal property" shall include but not be limited to the following: Antique dealers; coin dealers; television dealers; electrical appliance dealers; jewelry dealers; gold and silver dealers; pawnshops, when trading or buying secondhand personal property; and any dealer who purchases or otherwise acquire any secondhand heating equipment, automotive parts, plumbing fixtures, electrical wire or fixtures or similar property from a junk dealer or other person, unless otherwise identified as an excepted business in this ordinance.

**Section 23.1.3 JUNK DEALER:** Every person, corporation, member or members of a corporation, business or firm who buy, sell, trade or are otherwise in the business of buying and selling any junk, scrap or used materials.

**Section 23.1.4 PAWNBROKER:** Any person, corporation, member or members of a corporation, business or firm who loans money on deposits or pledge on personal property or other valuable things, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable things on condition of selling the same back at a stipulated price.

**Section 23.1.5 LICENSEE:** Any person acting as a dealer or pawnbroker who is operating a retail business required to be licensed under the provisions of this chapter.

**Section 23.1.6 PLEDGE:** A person who pawns an item with a pawnbroker.

**Section 23.2 License required** No person shall carry on the business of a secondhand dealer or of a pawnbroker without first having obtained a license to do so, as provided by this chapter and by the Revised Statutes of New Hampshire, specifically chapters 322 and 398.

**Section 23.3 License Application** Application for secondhand dealer or pawnbroker license shall be made to the office of the Chief of Police. All applications shall be reviewed and forwarded to the office of the Planning and Zoning Administrator for further review to ensure all zoning rules and regulations are met. The Town may refuse to grant, rescind or refuse to renew a license if all applicable local, state and federal laws or rules and regulations are not met or adhered to.

**Section 23.4 License fee** The license fee shall be collected upon completion of the approved application and prior to any operation of business as defined in this chapter. The fee shall be determined by the Board of Selectmen and is subject to change.

**Section 23.5 Records to be kept** Items purchased by licensee: Every licensee shall be required at all times to keep a chronological, accurate and complete record of all merchandise purchased by or pledged with such licensee. Such record shall be kept in the form of a book or electronic record. No entry made in such book or record shall be erased, obliterated or defaced. This book/record shall contain the following information with regard to each purchase made: an accurate account and description of the articles bought or pledged, the amount of money paid, loaned or advanced thereon, the number of the pawn ticket given to the pledge if applicable, the time when the pledge may redeem the pledger's articles, and the name, residence, age, sex, physical description, and a driver's license or other personal identification number of the person pawning or delivering the goods or articles, as well as the date of purchase or pledge. This record book/ledger shall be open to inspection by any law enforcement officer at any reasonable time during working hours for the business.

A. Accurate records should reflect the following:

- A.1. All articles, such as guns, pistols, typewriters, microscopes, bicycles, etc., shall be reported by the maker's name and number, together with any initials, inscriptions or any peculiar distinguishing marks or characteristics or serial numbers.
- A.2. Diamonds and other precious stones shall be described by giving the approximate weight of the stone(s), style of mounting, whether lady's or gentleman's ring, the number of stones and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics.
- A.3. Watches shall be designated by the kind of metal, maker's name, movement, whether lady's or gentleman's and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics.
- A.4. All jewelry shall be described as to kind, character and whether lady's or gentleman's, number of stones, name of each, stone and any initials, inscriptions, scratch numbers or peculiar distinguishing marks or characteristics, in the case of rings, the design or setting and whether lady's or gentleman's or child's.
- A.5. Chains shall be designated by kind, character of metal or other material, design of link and whether lady's, gentleman's or child's and, in all cases, any inscriptions, initials or peculiar distinguishing marks or characteristics.

- A.6. Silverware shall be designated by the kind or character, maker's name and any initials, inscriptions or peculiar distinguishing marks or characteristics.
  - A.7. Furs shall be designated by kind; character; whether lady's, gentleman's or child's; color; maker's, owner's or alterer's name, if any attached; or any initials, inscriptions or peculiar distinguishing marks or characteristics.
  - A.8. Instruments, such as surgical, architectural, mathematical, surveying, etc., shall be designated by the kind, character, design, name of maker and any initials, inscriptions or peculiar distinguishing marks or characteristics, whether upon the case or the instrument.
  - A.9. Tools shall be designated by the trade in which they same may be used, whether carpenter's machinist's or otherwise, also, all numbers, name of maker or number and any initials, inscriptions or peculiar distinguishing marks or characteristics, whether upon the tools or upon the box or case.
- B. Items purchased off premises of business: If items are not otherwise excluded in this chapter are purchased through yard sales, garage sales, want ads or at public auction, records required in this chapter need only show: an accurate account of the articles purchased; the amount paid; the name of the person from whom the articles were purchased; the location where the articles were purchased; and the nature of the sale (yard sale, auction etc.).
  - C. No person who sells or otherwise disposes of goods, wares or merchandise to a dealer or his agent or employee shall fail or refuse to give his true name, correct address, and correct date of birth. The dealer will require a reliable form of photo identification.

**Section 23.6 Pawn ticket to be furnished.** Each pawnbroker shall furnish to the pledge a separate pawn ticket for each item pledged showing the amount pledged, detailed description of the property pawned, the date for redemption thereof, the date of receipt by the pawnbroker, and the name of the pledgee. The pawn ticket shall also state: the payments to be made and their allocation between principal and interest, the date on which the goods will be forfeited b the pledgee if the payments are not made; and all information that may be required by NH RSA 339 entitled Pawnbrokers.

**Section 23.7 Report required of property acquired:** Each licensee that is required to do so, shall no later than five (5:00) o'clock P.M. on Monday of each week submit to the Office of the Chief of Police a record of all purchases of merchandise (not otherwise exempted in this ordinance) during the preceding week, setting forth the date of acquisition, a detailed description of the merchandise, the name and address of the person making the sale or pledge, and all other information required to be detailed in the record book/ledger.

**Section 23.8 Records to be shared and maintained.** The Newport Police Department, shall at the direction of the Chief of Police maintain a record of all items taken in by secondhand dealers, junk and scrap

dealers and pawnbrokers operating within the Town of Newport. Reports obtained from operating licensed dealers may be submitted to the NESPIN/RISS (New England State Police Information Network/ Regional Information Sharing Network and or directly to any other law enforcement agency requesting said records pursuant to an active investigation.

**Section 23.9 Storage of merchandise.** Licensees shall maintain their business in an orderly fashion; all merchandise received shall be kept or stored inside a building or behind a sight obscuring fenced area or as is permitted in applicable Newport Zoning districts.

**Section 23.10 Items to be retained.** Any law enforcement officer may require that items in the possession of a licensee, which is believed to be stolen property, must be retained by the licensee for a period of up to thirty (30) days. An order to retain property need not be in writing and may be appealed to the Chief of Police.

**Section 23.11 Appeals.**

1. Any person aggrieved by the action of denial, suspension or revocation of the license by the Chief of Police shall have the right to have that decision appealed to the Board of Selectmen.
2. Such appeal shall be taken by filing with the Town Manager office a written request for a hearing on the denial, suspension or revocation. Such request shall be made within ten (10) business days after the denial, suspension or revocation.
3. At the appeal hearing before the Board of Selectmen, the applicant or person appearing shall be entitled to appear in person and offer evidence pertinent to the denial, suspension or revocation or may appear through legal counsel. The Chief of Police shall likewise be entitled to appear at the hearing and offer evidence in support of the denial, order or suspension or revocation. Failure by applicant, person appealing, or their representative to appear before the board of selectmen at the time scheduled to hear such an appeal shall result in the automatic denial of such appeal.
4. The Board of selectmen shall determine whether the denial, suspension or revocation shall be sustained and shall make a final reasoned statement in writing within fifteen (15) business days following the close of the hearing.

**Section 23.12 Exceptions** This chapter shall not apply to the following:

1. Dealers in motor vehicles
2. The selling of secondhand furniture and books
3. Nonprofit organizations
4. Recycling centers
5. Second hand clothing dealers
6. Auctioneers selling merchandise on consignment from the owner of the merchandise

7.A holder of a Federal Firearms License who is permitted to conduct business by the State of NH and the Town of Newport.

8.Any item received as a trade-in on a new item or of a like nature.

**Section 23.13 Violations** Any person who receives, retains or disposes of the property of another knowing that it has been stolen, or believing that it has probably been stolen, with a purpose to deprive the owner may be guilty of a misdemeanor as defined by NH RSA 637:7, Receiving Stolen Property. Violations or repeated violations of this ordinance may result in the suspension, revocation or non-renewal of the licensee to operate said pawnshop, scrap or secondhand shop within the town of Newport.

#### **SAVINGS CLAUSE**

Should any chapter, section or portion thereof, of these Ordinances be in violation of a State law or be held unlawful and unenforceable by any court of competent jurisdiction, such decision of the court shall apply only to the specified Chapter, Section, or portion thereof directly specified in the decision. Upon the issuance of such decision, the board of Selectmen agrees to formulate a substitute for the invalid chapter, section or portion thereof.