

**TOWN OF  
KENSINGTON  
ORDINANCES**

**ADOPTED BY  
TOWN  
MEETING AND  
SELECTMEN  
CREATED  
12/07/2023**

## TOWN OF KENSINGTON ORDINANCES

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**ORDINANCES ADOPTED BY TOWN MEETING**

**100.1 RAISING PIGS FOR COMMERCIAL USE ORDINANCE**

- 1.1 No person, firm or corporation officer or employee thereof, shall keep or maintain a place, area, pen or sty for pigs or swine for commercial purpose without a permit from the health officer and written approval of the Selectman of the Town.  
Approved August 1964

**100.2 SLAUGHTERHOUSE WITHOUT PERMIT ORDINANCE**

- 2.1 No person, firm or corporation officer or employee thereof, shall use or occupy a place, area, building or other structure within the Town for a slaughterhouse or related uses without a permit from the health officer and the written approval of the Selectmen. Approved August 1964

**100.3 LEAVING ANIMALS OR OTHER SUBSTANCES UNBURIED WITHOUT A PERMIT ORDINANCE**

- 3.1 No person, firm or corporation officer or employee thereof, shall place, leave or cause to be placed or left or exposed unburied, any animal or other substance or deposits of garbage or refuse on premises within the Town not designated as public dumping facilities in accordance with the provisions of RSA 147:23-29; nor shall any person, firm or corporation bring into the Town for commercial use or otherwise (including deposit on the public dumping facilities) any of the materials described herein except with written permission of the health officer and written approval of the Selectmen of the Town. Approved August 1964

**100.4 OPEN AIR ASSEMBLY ORDINANCE**

- 4.1 No person shall own or operate a place of assembly for an open-air dance in excess of one hundred or more persons within the Town of Kensington, unless licensed to do so by the Selectmen. Owner or Operator shall apply to Selectmen for a permit at least seven days before the time of assembly. Such permit shall be issued without charge for the duration of assembly and shall be revocable for cause. Town Police protection must be provided and services paid by Owner or Operator. Toilet facilities must be provided; suitable fire protection shall be designated; adequate parking facilities provided; music, noise and anything, which might cause a

## TOWN OF KENSINGTON ORDINANCES

disturbance to neighbors, must be kept to a minimum. Whoever violates any of the provisions of this act shall be fined not less than \$10.00 or more than \$100.00.

Approved March 1976

### 100.5 DOG ORDINANCE

5.1 An ordinance relative to the keeping of dogs is hereby proposed by the Dog Officer of said town of Kensington, N.H. as follows:

5.1.2 It shall be unlawful for the owner or keeper of a dog to permit a dog so owned or kept to run at large without being controlled by a leash, except up his own property or while hunting under the control of his owner or keeper.

5.1.3 The police shall impound all dogs on public property in violation of the above provision and upon a written or oral complaint of the owner of private property; the dog officer shall impound all dogs unlawfully on said private property.

5.1.4 The Dog Officer, upon impounding any dog, shall immediately make a formal complaint against the owner or keeper of the dog in the District Court.

5.1.5 Any person violating any of the provisions of this ordinance shall be subject to a fine not exceeding \$25.00 for first offense; \$50.00 for second offense; and \$75.00 on third and subsequent

5.1.6 This ordinance shall take effect upon its passage and all ordinances or parts of ordinances inconsistent therewith are hereby repealed.  
Approved March 1979/AMENDED TM 03/11/2003.

### 100.6 REGULATING USE OF THE TOWN PARK

6.1 AUTHORITY – In accordance with the authority granted by Chapter 31:39 and any other applicable Chapter or Amendment thereto of the NH Revised Statutes Annotated, the following Ordinance is hereby adopted by the Town of Kensington to regulate the care, protection, preservation and use of the Town Park.

6.1.2 RULES AND REGULATIONS:

- A. Alcoholic beverages will be permitted only after securing a permit from the Board of Selectmen. Amended At Town Meeting, March 2010
- B. Sleeping during the nighttime hours is not permitted except by Town groups with permission from the Selectmen.
- C. The Park is closed to vehicles from dusk to dawn.
- D. Fires are permitted after securing a permit from the Town Forest Fire Warden or his authorized deputies.
- E. All waste and trash must be cleaned up and removed by owner(s).
- F. No mini bikes, motorcycles or summer recreational vehicles are permitted beyond the parking lot.

6.1.3 PENALTY: Any person(s) violating any of the provisions of this Ordinance shall be liable to a penalty of not more than \$100.00 for each offence.

6.1.4 VALIDITY: If any section or part of a section or paragraph of this Ordinance is declared invalid, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of this other section or sections or part of a section or paragraph of this Ordinance. Adopted At Town Meeting, March 1980

100.7 LITTERING ORDINANCE

7.1 No person, shall put or place, or cause to be put or placed, in and upon any Town owned roadway or property any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobiles or parts thereof, or refuge of any nature, noxious thing or abandoned property.

7.2 **Penalty** – Any person violating any of the provisions of this Ordinance shall be guilty of a violation and up conviction thereof shall be liable to a penalty of not more than Five Hundred dollars (\$500.00) for each offense.

First offense - \$100.00

Second offense - \$250.00

Third offense - \$500.00

7.3 **Validity** – If any section or part of a section, or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect any other section or sections, or part of a section or paragraph of this ordinance.  
Amended at Town Meeting March 9, 2010

## 100.8 FALSE ALARM ORDINANCE

- 8.1 “False Alarm” means the activation of any alarm system as a result of mechanical failure, accidental activation, misoperation, malfunction, misuse or neglect, by or of the owner or lessee of an alarm system whether used for domestic, commercial or industrial purposes. “False Alarm” shall not include alarms caused by earthquake, violent winds, malfunction of telephone line circuits, or external causes of a kind beyond the control of the owner or lessee of an alarm system. Upon the evidence failing to establish an illegal intrusion or other legitimate need or cause for the activation of an alarm system, a conclusive presumption shall arise that the activation is a “false alarm”.

If an owner or lessee of an alarm system shall record more than three (3) False alarms in any period of 180 days, such owner or lessee shall be liable to a penalty of twenty-five dollars (\$25.00).

- 8.2 Validity – If any section or part of a section, or paragraph of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or sections, or part of a section or paragraph of this Ordinance.  
Adopted at Town Meeting March 1985

## 100.9 NOISE ORDINANCE

- 9.1 No person, group, firm or corporation shall, between the hours of 10:00 p.m. and 7:00 a.m., make or cause to make any noise that will create a public nuisance. Public works and public safety equipment required for effective delivery of public services shall be exempt from the provisions of this section. The term Unnecessary Noise shall be defined for all practical purposes as such: Any unreasonable volume of sound, which may be heard in continuance from the immediate or surrounding area with no indication of relief.
- 9.2 Noise generated by recreational detonation of explosive devices shall be prohibited at all times. This is not intended to apply to target shooting, blasting or controlled demolition by licensed contractors or public works providers, or fireworks.
- 9.3 Upon involvement of the Kensington Police Department, the responding police officer will have reserved the right to use (his or her) discretion and define the word unreasonable. Upon (his or her) assessment, a verbal and or written warning may be issued to remedy the complaint. Failure to

comply with the police officers reasonable alternatives will constitute a violation.

- 9.4    Validity - If any section or part of a section or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect any other section or sections, or part of a section or paragraph of this article. Adopted At Town Meeting, March 1988; amended March 19, 2019 Town Meeting (SECTION 9.2)

## TOWN OF KENSINGTON ORDINANCES

### BOARD OF SELECTMEN ORDINANCES

#### 200.1 REGULATING HEAVY HAULING OVER TOWN HIGHWAYS

Pursuant to the authority conferred by New Hampshire Revised Statutes Annotated, Chapter 41, Section 11 and Chapter 47, Section 17, in order to promote the public health and safety and provide for the general welfare of the citizens of the Town of Kensington, the following Ordinance is hereby enacted:

##### 1.1 PERFORMANCE BOND REQUIRED

From and after the effective date of this Ordinance, it shall be unlawful for any person, partnership or corporation to haul, transport or cause to be transported by vehicle with gross weight over the limits set forth in Table One, and material over Class Five (V) roads, and where they intersect with other highways without securing prior written permission to do so from the Board of Selectmen. Such permission may be conditioned upon the filing with the Board of Selectmen a Performance Bond to secure the repair of said roads damaged as a result of such hauling and transportation operations in any amount and surety sufficient to cover the estimated costs of repair as determined by the Selectmen and the Road Agent. Such bond shall be approved by the Town and conditioned upon the completion and guarantee of said repairs within a period specified by the Board of Selectmen.

##### TABLE ONE

TYPE OF VEHICLE	WEIGHT LIMIT Tons
2 axles	17
3 axles	30
4 axles	34
5+axles	40

The above weight limits may be temporarily lowered to a level not below six (6) tons gross weight if the Board of Selectmen determine that seasonal conditions mandate such an action.

##### 1.2 EXCEPTION

There shall be excepted from the load limits above prescribed, vehicles relating to agricultural uses and vehicles providing necessary periodic services and products to those persons who reside on the road, street or highway involved, but none of the above shall extend to permit through traffic by said vehicles; provided, however, that the Board of Selectmen may issue a Special Limited Permit upon prior written application for proposed use in excess of said load limit where the applicant can demonstrate a legitimate purpose, said Special Limited Permit to be on such terms and conditions as the Board deems necessary.

##### 1.3 BOND FORM

The performance Bond shall be in such form and upon such conditions and terms as shall be determined by the Board of Selectmen.



1.4 PENALTY

Whoever shall fail to comply with the conditions of this Ordinance shall be guilty of a violation and subject to fine of Five Hundred Dollars (\$500.00) plus restitution of costs for each such occurrence. For the purposes of this Ordinance, each load hauled, transported or caused to be transported over said Town roads shall be deemed a separate occurrence.

1.5 VALIDATION

If any portion or section of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other provision hereof.

1.6 EFFECTIVE DATE

This ordinance shall be effective upon its being adopted by the Board of Selectmen. Adopted December 1984

200.2 FIREWORKS ORDINANCE

"The Town of Kensington Prohibits the sale, purchase or use of all fireworks in the Town, except for professional operators with a Class B license from the state, and evidence of liability insurance coverage satisfactory to the Board of Selectmen. Passed On Monday, May 16, 1988

200.3 WINTER PARKING BAN ORDINANCE

The purpose of the winter parking ban is to allow unimpeded winter snow and ice control maintenance within the Town of Kensington, from November 15th to April 15th, it shall be unlawful for any person to cause or allow their motor vehicle to stop, stand, or park on any public street, public right of way, town park, town conservation lands or any approved trails within the town when such action prohibits or interferes with the operation of snow removal and clean up. Snow Emergency Parking Bans can be instituted by the Kensington Road Manager with the concurrence of the Chief of Police in the event of a predicted or on-going severe snowstorm. Failure to comply with said notice may result in the removal and storage of any vehicle at the owner's expense.

- 3.1 Validity - If any section or part of a section, or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect any other section or sections, or part of a section or paragraph of this ordinance.

3.2 ENFORCEMENT AND PENALTY:

All vehicles found in violation of this ordinance may be removed (towed) at the discretion of the Police Department. Costs of such removal and subsequent storage of removed vehicles shall be at the expense of the owner of the vehicle.

Any vehicle parked on any street in the Town of Kensington between the dates of November 15th and May 15th dates will be in violation of the

## TOWN OF KENSINGTON ORDINANCES

Kensington Town Ordinance may result in a fine of Fifty dollars (\$50.00) first offense and One Hundred Dollars (\$100.00) second offense.

### 3.3 EFFECTIVE DATE:

This ordinance shall be effective upon posting at the Kensington Town Hall and upon recording an attested copy of same with the Kensington Town Clerk.

As adopted by the Kensington Board of Selectmen on, MAY 1, 2023.

### 200.4 SNOW OBSTRUCTION ORDINANCE

Within the Town of Kensington, it shall be unlawful for any person, organization, or corporation to put or place or cause to be put or placed any snow or ice up any town roadway including all right of ways thereof as defined in RSA 236:20.

Town departments may be excluded from this requirement when in compliance with their official duties. Violation of this section may result in a penalty not to exceed \$500.00 and /or cost incurred in removing said obstruction.

- 4.1 Validity - If any section or part of a section, or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect any other section or sections, or part of a section or paragraph of this ordinance.
- 4.2 RSA 236:20 Snow Obstruction. – Any person who shall put or place or cause to be put or placed any snow or ice upon the surface of the traveled portion of any class I, class III, or class III-a highway or state maintained portion of any class II highway for any purpose, except to provide a place necessary for crossing, recrossing and traveling upon said highways by sleds, logging or farm equipment, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. The provisions of this section shall not apply where snow or ice is pushed across the traveled surface of said highways for the purpose of snow removal from land adjoining said highways.
- 4.3 ENFORCEMENT AND PENALTY:  
All vehicles found in violation of this ordinance may be removed (towed) at the discretion of the Police Department. Costs of such removal and subsequent storage of removed vehicles shall be at the expense of the owner of the vehicle.  
No vehicle shall be parked on any street in such a manner as to obstruct or impede snow removal. No person shall stop or cause to be stopped or park a vehicle so as to impede or interfere with the proper snow-clearing operations of the town when snow-removal operations are in effect. Violations of this section may result in a penalty not to exceed Five Hundred (\$500.00) and/or cost incurred in removing any obstruction at the owner's expense.

4.4 EFFECTIVE DATE:

This ordinance shall be effective upon posting at the Kensington Town Hall and upon recording an attested copy of same with the Kensington Town Clerk. As adopted by the Kensington Board of Selectmen on, MAY 1, 2023.

200.5 SNOW AND EVENT EMERGENCY ORDINANCE

In the event of a predicted or ongoing weather, accident or severe winter snowstorm requiring enhanced actions maintaining snow plowing and/or removal of snow or debris as deemed necessary by the Kensington Board of Selectmen or their designee, a Snow Emergency shall be called by the Chief of Police and Emergency Management Director. The chief shall contact the news media and post on social media, including local radio station to notify the public that a ban exists and shall specify a start of the emergency and shall estimate when same will be called off. It shall be unlawful for any person having the custody and/or control of any vehicle to park or cause the same to be parked within any public street, public right of way, town park, town conservation lands or any approved trails within the town during an event or emergency. Vehicles interfering with snowplowing, removal or snow and/ removal of debris shall be towed and stored at owner's expense.

5.1 Validity - If any section or part of a section, or paragraph of this Article is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect any other section or sections, or part of a section or paragraph of this ordinance.

5.2 ENFORCEMENT AND PENALTY:

All vehicles found in violation of this ordinance may be removed (towed) at the discretion of the Police Department. Costs of such removal and subsequent storage of removed vehicles shall be at the expense of the owner of the vehicle.

No vehicle shall be parked on any public street, public right of way, town park, town conservation lands or any approved trails within the town in such a manner as to obstruct or impede snow plowing, snow removal or storm/ event clean up. No person shall stop or cause to be stopped or park a vehicle so as to impede or interfere with the proper snow plowing, snow removal or storm/ event cleanup operations of the town when snow or event operations are in effect. Violations of this section may result in a penalty not to exceed Five Hundred (\$500.00) and/or cost incurred in removing any obstruction at the owner's expense.

5.3 EFFECTIVE DATE:

This ordinance shall be effective upon posting at the Kensington Town Hall and upon recording an attested copy of same with the Kensington Town Clerk. As adopted by the Kensington Board of Selectmen on MAY 1, 2023.

## 200.6 TOWING ORDINANCE

### 6.1 Authority

In accordance with the authority granted by New Hampshire RSA's 31:39, 41:11, 47:17 and any other applicable chapter or amendment thereto of the New Hampshire Revised Statutes Annotated.

#### 6.1.1 Purpose

The purpose of this ordinance is to establish procedures and regulations pertaining to the operation and maintenance of a 24-hour Police Wrecker Call List.

#### 6.1.2 Definitions

- A. **Approved Business Location:** A readily recognizable place of business conforming to the zoning regulations of the town in which the business is located, operating with normal business hours. For the purpose of this ordinance, there will only be one towing company at each business location.
- B. **Disabled Motor Vehicle:** Any vehicle unsafe for the roadway due to a mechanical failure or accident damage.
- C. **Disciplinary Action:** This may take the form of either a written reprimand or a suspension from the Police Wrecker List.
- D. **Itemized Bill:** This will be a detailed bill listing the basic towing charge, and the specification of any other additional charges incurred such as storage, labor, equipment, etc.
- E. **No Preference Tow:** This type of tow will be mandatory as the result of an arrest, parking violation, unregistered or abandoned vehicle, road service calls, accident scenes, where the driver of said vehicle is incoherent or disabled, absent or in the interest of public safety.
- F. **Owner's Preference Tow:** This type of tow will be the result of a disabled motor vehicle's driver or owner selecting a towing company.
- G. **Remedial Action:** Any form of a corrective measure that is initiated by a problem not foreseen by the formulation of the rules, regulations, and requirements that are not the result of deliberate misconduct or non-adherence to this ordinance.
- H. **Storage:** Any vehicle left at a towing company's business location unclaimed over 24 hours from the time of the initial tow is subject to the basic storage rate.

- I. Towing Company: Any person, corporation, firm or entity properly qualified to tow vehicles for the Town of Kensington.
- J. Wrecker Call List: To be maintained and regularly updated by the Police Department. Said list will provide the name of each towing company properly qualified to tow vehicles for the Town of Kensington or any of its public safety agencies and shall contain each company's address, telephone number, and AAA or ALA designation if applicable.
- K. Twenty-four (24) Hour Service: All towing companies will be expected to respond to any towing request, and will also be responsible for the releasing of a towed vehicle to its owner/driver upon request and payment of all charges, at any hour of the day or night (7) days a week.
- L. Wrecker Operator: The owner/driver or any employee(s) of a towing company performing any wrecker service.

#### 6.1.3 Compliance Required

Only towing companies agreeing to these conditions in writing will be allowed to perform any wrecker service in conjunction with the Town of Kensington or any of its public safety agencies.

#### 6.1.4 Call List Records

Wreckers for removal of vehicles from accident scenes, parking violations, arrest, for unregistered or abandoned vehicles, and where otherwise required in the interest of public safety, will be made available by means of a call list that will be maintained and administered by the Police Department. Said call list will be open to public inspection. Impounded vehicles towed at the request of the Town of Kensington shall be towed to a destination stipulated by the Town, and charges for these tows shall be paid for by the Town of Kensington if applicable.

#### 6.1.5 General Procedure

Police officers requiring a wrecker will advise the dispatcher of his/her needs. The officer will then request by name the tow company according to their current call list. This company will be requested to perform said wrecker service. If a wrecker does not arrive at the tow site within 30 minutes, the tow will be forfeited, and the dispatcher will notify the next tow company on the wrecker list and the tow is assigned to that tow company. When an arrest situation is the cause behind a wrecker being required to tow a vehicle in the interest of public safety, there will be no officer preference under any circumstances.

In circumstances where there is a disabled motorist requesting assistance, said motorist will be afforded an opportunity to review a list of the wrecker services available on the call list. All individuals present at the scene of any tow should be allowed to have the police call for any preference, providing that time avails itself and that the vehicle doesn't hamper movement of traffic. No officer shall recommend a specific wrecker service. If a specific wrecker on the list is requested, then that request will be so noted and recorded on the call list as the result of owner's preference. If no owner request is made, the officer will follow the normal rotational sequence of the standard list.

At accident scenes, the Police Officer in charge will afford the owner or person responsible for any disabled vehicle the opportunity to request a specific wrecker on the call list. This situation will be honored as an owner's preference. In circumstances at an accident scene where there is an arrest or the driver of a disabled vehicle is unable to exercise his right to owner's preference, the call list will be utilized in the manner enumerated in arrest situations. There will be no deviation from this procedure.

#### 6.1.6 Rules and Regulations Governing Towing Companies and Wrecker Operators

The Chief of Police is authorized to enter into agreements with towing companies in the Town of Kensington. The following regulations, rules and requirements are established as a prerequisite to participation. They are as follows:

- A. Towing companies desiring to participate in the wrecker call list must have an approved business location within a timely response distance as determined by the Town of Kensington, and that any towed vehicles be stored at the tow company's principal place of business unless otherwise specified by the owner of said vehicle.
- B. Adequate insurance coverage be maintained to cover liability of said towing company. Proof of this insurance coverage will be filed with the Chief of Police. Thirty (30) days notice of cancellation of any such policy is required. The towing company also will agree to hold the Town of Kensington harmless of any claims arising out of any towing nor shall the Town be held liable for any towing fees incurred.
- C. The Chief of Police reserves the right to regulate maximum basic rates for towing and storage. Those rates will be predicated upon the requests and consensus of the towing companies and the Chief's

discretion in fairness to both the public and the companies participating. These rates will be posted at each towing company's place of business in a conspicuous location. These rates are subject to review upon petition by 2/3 of the participating towing companies to the Chief of Police. A hearing will be held where each towing company will have an opportunity to justify its request for a rate increase, and a rate revision will be made by the Chief of Police at his discretion. This basic maximum rate does not preclude additional charges in instances where additional labor, equipment, manpower are required to perform minimum or any additional services that may be requested by the owner or operator of the vehicle.

- D. The driver/owner of any vehicle being towed under this ordinance will be provided an itemized bill detailing all charges.
- E. The towing company will agree to be reliable, timely and cooperative with the Police Department in its methods of towing, storage, and relations with the public. The towing company agrees that 30 minutes is a reasonable length of time to respond to a tow request and that the Town will move to the next tow company on the list in the event that 30 minutes is exceeded. Requests by the Police to clean debris off the roadways at accident scene, will be honored within reason, equipment and manpower available.
- F. The Chief of Police will have the authority to suspend the use of the wrecker call list in times of emergency when the imminent threat to life, personal injury, or property damage exists, which requires that the wrecker call list be suspended and the action taken be that which would most readily relieve the existing emergency.
- G. The Chief of Police will have the authority to conduct informal administrative hearings that will oversee the proper processing of any complaints regarding a towing company or the call list. Notwithstanding other provisions of this ordinance; Public Utilities Commission Rights are a requirement for any "tow" which traverses any town boundary.

#### 6.1.7 Administrative Hearings

The purpose of administrative hearings is to investigate a complaint or complaints against any participating towing company that indicates a need for corrective action. It is also intended to analyze all the factors involved in any complaint in order to decide upon the most suitable action, be it either remedial or disciplinary.

- A. Prior to any administrative hearing, complaints will be investigated by a staff officer appointed by the Chief of Police to determine the nature and validity of the complaint.



The purpose of this procedure is to effectively administrate the wrecker call list in a manner best suited to the interests of the town, to towing companies, and the community.

- B. If a hearing is recommended, it will be conducted as an administrative hearing, and in an informal manner. The procedure used will be as follows:
  - B.1 Evidence of a misconduct substantiating a complaint will be presented by the Chief of Police or a staff officer appointed by the Chief of Police. Witnesses maybe called upon to testify, but this will not be a requirement of any of these administrative hearings.
  - B.2 Questions may be asked in the form of cross examination of any evidence that may have been presented. It is to be remembered that this administrative hearing is informal in nature and that the rules of evidence will not be an absolute pre-requisite.
  - B.3 The towing company who has allegedly committed a misconduct will be allowed to present evidence in its behalf. Witnesses may be called upon to testify, but this will not be a requirement of any of these administrative hearings.
  - B.4 The representative of the Police Department presenting the complaint will have an opportunity to ask questions in the form of cross examination on the evidence that the towing company may have introduced.
  - B.5 The Chief of Police will have the authority to determine if indeed there was a violation of the aforementioned rules, regulations or requirements set forth and agreed upon by said towing company. If a violation has been found to have occurred, remedial or disciplinary action may be initiated by the Chief of Police as he deems appropriate.

6.2 Remedial or Disciplinary Action

When a violation of the rules, regulations or requirements are found to have occurred with a towing company, the Remedial or Disciplinary Action that the Chief of Police may take are as follows:

- 6.2.1 Remedial Action: This is any form of corrective measure that is initiated by a problem not foreseen by the formulation of the rules, regulations, and requirements that are not the result of deliberate misconduct or non-adherence to the aforementioned policies in this ordinance.
- 6.2.2 The remedial action will be whatever the Chief of Police feels is



necessary to rectify any administrative or operational shortcomings of this wrecker call list procedure. Repetitive occurrences of the same complaint against the same towing company will not be treated with remedial action if a prior hearing has been held and the difficulty continued to arise on the part of said towing company.

6.2.3 Written Reprimand: The Chief of Police may deem it necessary to issue a written reprimand as a form of disciplinary action. This written reprimand will be maintained in a file pertaining to said towing company and a copy will be forwarded to the owner of said company. Two (2) written reprimands are prerequisite to the suspension of a towing company from the wrecker list.

6.2.4 Suspension: The Chief of Police will have the authority to suspend a towing company from the wrecker list for any period of time he deems appropriate in relation to the nature of the complaint against the company and the prior record of said towing company. The third suspension from the wrecker list may be for an indefinite period of time.

6.3 Right to Appeal of Findings and Action of Administrative Hearings  
Appeal of the findings of the Chief of Police and or any action that he may have taken against a towing company may be appealed to the Board of Selectmen, Town of Kensington. The findings and action of the Board of Selectmen will be final and binding.

6.3.1 Validity

If any section or part of a section, or paragraph of this ordinance is declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or paragraph of this ordinance.

## 200.7 VENDORS, HAWKERS, PEDDLERS, SOLICITORS AND OTHER ITINERANT VENDORS ORDINANCE

Adopted by the Board of Selectmen on May 19, 1997

Amended by the Board of Selectmen on June 16, 2003

7.1 No person, partnership, corporation or other entity (hereafter known as applicant) not having a permanent location in the Town of Kensington, and which is operating from a temporary or seasonal location (including door to door) shall sell, solicit, barter, purchase or otherwise carry on commerce in goods or services within the Town of Kensington without first receiving a permit to do so from the Town of Kensington.

7.2 This section shall not apply to homegrown fruits and vegetables that are harvested on resident properties and then sold on said properties. All other so called "vegetable stands" are required to comply with this ordinance.

## TOWN OF KENSINGTON ORDINANCES

- 7.3 This section shall also apply to anyone requesting use of a right of way, fireworks display, and the use of any town facility. – Amended June 16, 2003
- 7.4 Persons subject to this ordinance shall apply to the Office of the Selectmen for a permit. The application for permit shall include the following information:
- 7.4.1 The name of the applicant or entity for whom the application is made;
  - 7.4.2 The permanent address of the applicant, and the entity, if different from the person making application;
  - 7.4.5 The local and permanent telephone number(s) of the applicant and/or entity;
  - 7.4.6 The nature of the goods or services involved, and the area or location to be canvassed, the vehicle to be used and the names of all solicitors;
  - 7.4.7 The method of solicitation to be used and copies of any proposed contracts, agreements, promotional materials, or other materials designed to be used in solicitation;
  - 7.4.8 Insurance coverage shall be provided as required on application.
- 7.5 The Selectmen shall send one copy of the application together with a copy of the attachments to the Chief of the Kensington Police Department.
- 7.6. The Board of Selectmen shall grant said permit at the next regularly scheduled meeting unless they determine that:
- 7.6.1 The Administrative Assistant has previously issued said permit under the guidelines of this ordinance;
    - A. The applicant has been convicted of actions involving consumer fraud, or;
    - B. The applicant has outstanding charges for consumer charges lodged against him/her anywhere in the State of New Hampshire or elsewhere if determined.
- 7.7 There shall be no fee for said permit.
- 7.8. If an applicant believes the permit to have been wrongly denied, an appeal of said decision may be made to the Board of Selectmen who shall hold a meeting on the issue and who shall grant or deny the permit. The Selectmen shall hold said hearing within seven (7) business days of the request for same by the applicant.
- 7.9. Other Persons Covered:  
This ordinance also covers Itinerant Purchasers of goods from persons, or organizations in the community, which are not normally in business or retail or wholesale trade. This shall include persons seeking to purchase

such items as gold, jewelry, antiques, junk, mobile home accessories and other items, which are not held out for sale in the normal course of business by the owners thereof. This shall not be deemed to include real estate.

7.10. Complaints:

Upon receipt of any complaint concerning nuisance, hazard, annoyance or disorderly conduct concerning any section of this ordinance, any or all solicitors may be asked to stop solicitation by the Board of Selectmen or their designee and a petition to revoke the permit may be filed with the Board of Selectmen by any person pending a review hearing within seven (7) days.

7.11 Notification to Police:

Upon the issuance of a permit to any person, firm, corporation, religious group or church, the Selectmen shall notify the Police Department of the same.

7.12. Identification Required:

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

7.13. Penalty:

Any person violating any section of this ordinance shall be guilty of a violation and subject to prosecution in the District Court. Fines not to exceed \$500.00 dollars.

*7.13.1 HAWKER & PEDDLER BACKGROUND CHECKS*

An ordinance relative to require background checks on individuals applying for licensure as hawkers, peddlers or certain vendors is hereby proposed by the Board of Selectmen of said town of Kensington, N.H. as follows:

This ordinance is enacted pursuant to NHRSA Section 31:102-a and NHRSA § 31:102-b to regulate the issuance of licenses of those engaged in said activities.

Upon receipt of the fingerprints and the appropriate fees, the Town of Kensington will transmit both sets of fingerprints and appropriate fees to the State of New Hampshire Department of Safety. The Department of Safety will compare the subject's fingerprints against its criminal file and, if no disqualifying conduct is found therein or if necessary, submit the fingerprints to the Federal Bureau of Investigation for a comparison with

nationwide records. The results of the Federal Bureau of Investigation check will be returned to the Department of Safety which will disseminate the state and national results to the Town of Kensington Chief of Police.

If an organization is a private entity, the Town of Kensington shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such private employer or organization. If an organization is a public entity, the Town of Kensington shall render a fitness determination based upon the results of the criminal background check and communicate its fitness determination to such public entity or disseminate the results of the criminal background check to the public entity for a fitness determination.

In rendering a fitness determination, the Town of Kensington will decide whether the record subject has been convicted of or is under pending indictment for a crime which bears upon his/her ability or fitness to serve in that capacity; (b) any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense; or (c) enumerated disqualifiers.

A record subject may request and receive a copy of his/her criminal history record information from the Town of Kensington. Should the record subject seek to amend or correct his/her record, he/she must contact the Department of Safety for a New Hampshire state record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.

## 200.8 REGULATING THE USE OF TOWN ROADS ORDINANCE

Adopted by the Board of Selectmen June 2, 2003

8.1 AUTHORITY – In accordance with the authority granted by Chapter 41:11 and any other applicable Chapter or Amendment thereto of the NH Revised Statutes Annotated, the following Ordinance is hereby adopted by the Kensington Board of Selectmen to regulate the use of town roads.

### 8.2 RULES AND REGULATIONS:

8.2.1 A permit is required for any and all races or events traveling over roads in Kensington. Painting or marking of the roads in any permanent way is prohibited.

8.2.2 Temporary markings, ex., chalk, or paper signs may be permitted but must be cleaned up following the event.

8.2.3 No littering is permitted.

8.2.4 A deposit of \$50.00 must be submitted with the application for permit. Deposit will be refunded if the above rules and regulations are fully complied with as certified by the Kensington Police Department.

- 8.3 PENALTY: Any person(s) violating any of the provisions of this Ordinance shall be liable to a penalty of not more than \$100.00 for each offense.
- 8.4 VALIDITY: If any section or part of a section or paragraph of this Ordinance is declared invalid, or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of this other section or sections or part of a section or paragraph of this Ordinance.

## 200.9 PARKING ORDINANCE

Pursuant to RSA 41:11 and RSA 47:17 XVIII, the Town of Kensington, New Hampshire hereby ordains as follows:

- 9.1 PURPOSE: This ordinance is designed to reduce or eliminate illegal parking as outlined by the Board of Selectmen of the Town of Kensington. It is intended to enforce and regulate the parking and standing of illegal stopped or parked vehicles regardless of whether the vehicle is attended or unattended. All parking regulations will be determined at the discretion of the Kensington Police Department.
- 9.2 DEFINITIONS:
- 9.2.1. PUBLIC STREET: All ways maintained and/or accepted by the town.
  - 9.2.2. PRIVATE AREAS: Any way, business or area which is considered private.
  - 9.2.3. VEHICLE: Includes but not limited to any car, truck, bus, highway equipment, motorcycle or any other vehicle defined in RSA 259:1.
- 9.3 PARKING RESTRICTIONS:
- 9.3.1 Handicap parking: Any area designated as parking for handicap parking. This will pertain to any area marked by means of paintings and/or signs.
  - 9.3.2 Roadway Parking: No portion of a vehicle shall be parked on any paved portion of a roadway which would impede the smooth flow of traffic.
  - 9.3.3 Prohibited Areas: No vehicle shall be parked in area designated as no parking areas by the NH Department of Transportation and/or Board of Selectmen, Town of Kensington and/or by signs indicated a "No Parking" area.
  - 9.3.4 Winter Parking Ban: No vehicle shall be parked on any street in the Town of Kensington between the dates of November 15th and May 15th Dates and times may be changed by the Board of Selectmen. Failure to comply with the town ordinance may result in removal and storage of any vehicle at the owner's expense.

- 9.3.5 Snow Removal: No vehicle shall be parked on any street in such a manner as to obstruct or impede snow removal. No person shall stop or cause to be stopped or park a vehicle so as to impede or interfere with the proper snow clearing operations of the town when snow removal operations are in effect. Violations of this section may result in a penalty not to exceed \$500.00 and/or cost incurred in removing any obstruction at the owner's expense.
  - 9.3.6 Blocking: No vehicle shall be parked in a manner which causes driveways, crosswalks or fire hydrants to be blocked
  - 9.3.7 Distance: Any vehicle parked on the roads in the Town of Kensington shall be parked in a manner that traffic has a clear view of the parked vehicle for a distance of at least two hundred feet each direction. Police will determine this enforcement area based on safety of the traffic.
  - 9.3.8 Fire Hydrants: No vehicle shall be parked within 15 feet of a fire hydrant
  - 9.3.9 Intersection: No vehicle shall be parked within 30 feet on an intersection.
  - 9.3.10 Fire Station Entrance: No vehicle shall be parked within 75 feet of a Fire Station Entrance or across the street.
  - 9.3.11 Fire Lanes: No vehicle shall be parked in an area designated as a fire lane.
  - 9.3.12 Parking after Hours: No vehicle shall be parked after hours in any designated public parking area.
  - 9.3.13 Kensington Sawyer Park and Kensington Conservation Land and Trails. It shall also be unlawful for any person having the custody or control of any motor vehicle to park or allow the motor vehicle to be parked at either of the Town parks, trails or conservation land from 10:00pm to 6:00am. If a town sanctioned event is being held beyond 10:00 pm, the time will be extended only to the end of that event. Permission to leave/park a motor vehicle overnight at any parking area may be obtained from the Chief of Police or the ranking on-duty Police Officer
- 9.4 TOWING:
- 9.4.1 All vehicles found in violation of this ordinance may be removed (towed) at the discretion of the Police Department. Costs of such removal and subsequent storage of removed vehicles shall be at the expense of the owner of the vehicle.
  - 9.4.2 The release of this vehicle will be after all required fees and/or fines are paid.
  - 9.4.3 Unless safety dictates otherwise, the Police Department will not have the vehicle removed until they have attempted to contact the owner and/or operator of the vehicle.

9.5 ENFORCEMENT AND PENALTY:

- 9.5.1 Enforcement action or prosecution may be initiated against the operator or the registered owner of any vehicle parked in violation of this Ordinance. The penalty for the violation of this Ordinance shall be a fine of Twenty-Five Dollars (\$25.00) for each offense. Fines shall be payable within 7 calendar days at the Kensington Police Department.
- 9.5.2 Winter Parking Ban: Any vehicle parked on any street in the Town of Kensington between the dates of November 15th and May 15th dates will be in violation of the Kensington Town Ordinance may result in a fine of \$50.00 and removal and storage of any vehicle at the owner's expense.
- 9.5.3 Snow Removal: No vehicle shall be parked on any street in such a manner as to obstruct or impede snow removal. No person shall stop or cause to be stopped or park a vehicle so as to impede or interfere with the proper snow clearing operations of the town when snow removal operations are in effect. Violations of this section may result in a penalty not to exceed \$500.00 and/or cost incurred in removing any obstruction at the owner's expense.

9.6 EFFECTIVE DATE:

This ordinance shall be effective upon posting at the Kensington Town Hall and upon recording an attested copy of same with the Kensington Town Clerk.

As adopted by the Kensington Board of Selectmen on May 1, 2023. A signed copy of this policy is on file at the Kensington Town Hall.

200.10 MISUSE OF POWER ORDINANCE

This ordinance shall take effect upon passage. MISUSE OF POWER Authority Pursuant to the authority conferred by Chapter 31, Section 39, and 41:11 New Hampshire Revised Statutes Annotated, (RSA 31:39 and 41:11), the Board of Selectmen of the Town of Kensington adopt the following ordinances:

10.1 Purpose

No Person shall operate any motor vehicle within the Town of Kensington so as to make excessive noise by any of the following means:

- 10.1.1. Misuse of power, acceleration or traction so as to spin the wheels, in the manner commonly known as "Laying Rubber".
- 10.1.2. Misuse of brake and stopping power in the deceleration of a motor vehicle where no emergency exists.
- 10.1.3. Misuse of power, acceleration or traction by means of rapid up shift of gears causing unnecessary noise from the engine, exhaust system or (wheeling) lifting the front wheel off the pavement portion of the roadway from a motorcycle during a high acceleration.
- 10.1.4. Misuse of stopping or deceleration by means of rapid downshift of

transmission gears.

10.1.5. Racing of engine by means of the accelerator, carburetor, gear selector, either when the motor vehicle is in motion or stationary.

10.1.6. The blowing of any horn except as a warning signal or the use of any other noise making device whether the vehicle is either in motion or standing still.

10.2 Penalty:

Any person who violates the provisions of this ordinance shall be guilty of a violation and shall be fined not less than one hundred dollars (\$125.00) for the first offense and not more than two hundred fifty hundred dollars (\$250.00) for each violation thereafter within one year.

Adopted by the Town of Kensington NH on: