



Town of Danville
New Hampshire 03819

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Town of Danville
New Hampshire 03819

TOWN ORDINANCE #1: Illegal Dumping

Approved March 1992 Town Meeting

It shall be unlawful for any person or persons to dump, deposit, throw or leave, or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the Town of Danville, or in or on ice or in any waters in the Town of Danville, unless:

- I. Such property is designated by the Town of Danville or by the State of New Hampshire (or by any of its agencies or political subdivisions) for the disposal of such litter, and such person is authorized by the proper public authority to use such property;
- II. Such litter is placed into a litter receptacle or container installed on such property;
- III. Such person is the owner or tenant in lawful possession of such property, or has first obtained consent of the owner of such property, or has first obtained consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of said owner or tenant, all in a manner consistent with the public welfare.

For the purposes of this bylaw, "litter" means all rubbish, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind and description.

The Maximum penalty for each offense shall be one thousand dollars (\$1,000.00). Any amounts received by the Town under this bylaw shall be applied by the Selectmen (who are hereby authorized to expend the funds) to costs of prevention, detection and cleanup of illegal littering."



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TOWN ORDINANCE #2 Unlawful Disposal of Hazardous Materials

Approved 2005 Town Meeting

1. No person shall cause or permit the deposit of any hazardous waste as defined by NH State Law with regular trash in any Town trash receptacle or in a privately-owned trash container where collected by the Town-contracted vendor.
2. Hazardous waste may be but is not limited to; Tires, Appliances, Roofing materials, Building material, Automotive parts, Oils, Motors, paints, Asbestos Materials, Biomedical Materials i.e., syringes, Petroleum, etc.
3. Violators of this bylaw shall be fined Two Thousand Dollars (\$2,000.00).



Town of Danville
New Hampshire 03819

TOWN ORDINANCE #3 Control & Containment of Hazardous Materials

Approved March 1994 Town Meeting

Section I. Authority:

This Ordinance is enacted under the authority of RSA 31:39, RSA 41:11, RSA 47:17 VII & VIII, RSA 154, Laws of 1935 Chapter 315 and RSA 52.

Section II. Purpose:

To provide for the control and containment of hazardous materials after accident or discharge. The purpose of the ordinance is not to impose upon the Town, or any of its officers and agents, any obligation to secure or remove any hazardous material from the town once safe containment of the material is made; and that nothing in the ordinance is intended to relieve any owner or person in possession of hazardous material of any obligation imposed by state or federal law; and specifically, that nothing in the ordinance shall be deemed to permit that possession, storage, or use of hazardous materials, except in conformance with all state, federal, or local laws.

Section III. Application:

This ordinance shall apply to all incidents involving hazardous waste or hazardous materials within the boundaries of the town of Danville, and to all persons who may possess such material found within the town except as prevailing state or federal laws or regulations may take precedence and control over such incident or person. (See RSA 146-A: RSA 147 and RSA 265:115-118 for examples of such prevailing state law at the time this ordinance is adopted).

Section IV. Definitions:

For the purposes of this ordinance, the following definitions apply:

- A. Cleanup – the management, control, containment, recovery, removal or neutralization of any released hazardous material for the purpose of promoting or protecting public health and safety.
- B. Hazardous materials – those substances or materials in such quantities and form which may pose an unreasonable risk to health and safety or property, which may include but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids and solids, combustible liquids and solids, poisons, oxidizing or corrosive materials, compressed gases which are listed by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the code of federal regulations and any amendment thereto.
- C. Person – any individual, corporation, partnership, trust or other legal entity.
- D. User – any person who manufactures or transports, or owns, uses, handles, stores, or has the legal authority to control hazardous materials, specifically including their officers, directors, employees and agents.

Ordinance 3 (continued)

- E. Responsible Party – any individual, partnership, corporation, association, trust or other entity partially or solely responsible for the release of any hazardous material within the town.

Section V. Duty to Report:

Any person who causes or has knowledge of any discharge or release of hazardous materials from their safe container, in any manner, which poses an actual or potential threat to people, animals, wildlife, vegetation, property or the environment, shall immediately report the incident to the Danville Fire Department.

Section VI. Cleanup:

The user or transporter of a hazardous material which is intentionally or accidentally discharged or released within the town shall, in addition to reporting the accident as required by Section V, take immediate action to cause the discharge or release to be cleaned up in a environmentally safe and scientifically sound manner, and to restore the site and the surrounding environment.

Section VII. Intentional Discharge or Release:

The intentional discharge or release of a hazardous material within the Town of Danville is strictly prohibited.

Section VIII. Remedy not exclusive:

Nothing in this ordinance shall be constructed to limit any other remedy the town may have to collect from responsible parties from the cost of cleanup of hazardous materials incidents.

Section IX. Penalties:

- A. Any person who fails to report, as required by Section V, shall be assessed a penalty not to exceed One Thousand Dollars (\$1,000.00). Each 24-hour period that the incident is not reported shall constitute a separate violation.
- B. Any person who intentionally discharges or releases, or causes another to discharge or release any hazardous materials from their safe container, in any manner which poses an actual or potential threat to people, animals, wildlife,
- C. vegetation, property, or the environment, shall be assessed a penalty not to exceed One Thousand Dollars (\$1,000.00).
- D. Any person who fails to take the action required by Section VI shall be assessed a penalty not to exceed One Thousand Dollars (\$1,000.00). Each 24-hour period that a person fails to take action to cause the discharge or release of a hazardous material to be cleaned up, shall constitute a separate violation.

Section X. Use of penalties collected:

All penalties collected under this ordinance shall be placed in the account from which the expenditure was expended.

Ordinance 3 (continued)

Section XI. Emergency Operations:

The Fire Chief of the Town of Danville Fire Department or his designated representative shall take, and be in control of, any actions necessary to mitigate a hazardous materials incident within the Town of Danville, except where the state or federal agencies have jurisdiction by law.

Section XII. Enforcement:

The Fire Chief, or his designee, of the Danville Fire Department shall be responsible for enforcing this ordinance.

Section XIII. Repeal:

Any provision of any ordinance, which is inconsistent with this ordinance, is hereby repealed.

Section XIV. Severability:

If any section, subsection, sentence, clause, phrase, or part of this ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions; which shall remain in full force and effect; and, to this end, the provisions of this ordinance are severable.

Section XV. Effective Date:

This ordinance shall become effective upon passage by the Town Meeting.

Section XVI. Recovery of costs:

- A. Upon completion of any mitigation and/or cleanup in which town employees participate, all cost incurred by the town, whether within the town or outside the town pursuant to the provisions of the mutual aid system, shall be itemized. Such costs shall include but not limited to cost of cleaning, repair, restoration or replacement of any town material or equipment used in the cleanup, the cost of any illness or injury sustained by any employee who participated in the mitigation and/or cleanup, the cost of police, fire, public safety and municipal personnel involved in the emergency response and the cost of all contracted services utilized in the mitigation and cleanup operations.
- B. The Fire Department shall, upon receipt of these itemizations, submit a bill for the full cost of the cleanup to the responsible party or parties within thirty (30) days after the conclusion of the mitigation/cleanup operations. The bill shall include a description of all cost incurred. Partial billing may be allowed, provided that the partial bill contains the date by which complete and final billing will be issued.
- C. The responsible party shall be jointly and severally liable to the town for the cost of cleanup. Such costs may be collected by any lawful means, including but not limited to court proceedings.
- D. Any and all costs for recovery from responsible parties shall be separate and in addition to penalties which may be assessed for violation of any provision of this ordinance.



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TOWN ORDINANCE #4 Unlawful Possession/Consumption of an Alcoholic Beverage

Approved March 2011 Town Vote

No person shall consume any liquor or any alcoholic beverage as these terms are defined in RSA 175:1, in or on:

- (a) A "way" as defined by RSA 259:125;
- (b) Town owned land or buildings without securing the proper license from the New Hampshire State Liquor Commission and a permit of use by the Board of Selectmen.



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TOWN ORDINANCE #5 Misuse of Town Recreational Facilities

Approved March 2005 Town Meeting

I. It shall be unlawful for any person to park or operate any motor vehicle, OHRV or horse on the grounds of a town park or field outside of the area specifically designated for parking.

II. Any motor vehicle or horse parked or operated on any part of the field, grass area or playing area, other than those areas specifically designated for parking, shall be subject to a fine in the amount of fifty dollars (\$50.00) and if the motor vehicle is not immediately removed, the vehicle may, at the discretion of the Danville Police Department, be towed at the owner's expense.

III. This ordinance shall not apply to Town employees acting in their official capacity in maintenance activities at the park or in the enforcement of this section.

IV. All town parks and fields shall be closed between dusk to dawn. Violators shall be prosecuted for trespass.



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TOWN ORDINANCE #6 Alarm Activation Response

Approved March 2005 Town Meeting

The intent of the ordinance is one of public safety. It shall be the responsibility of each homeowner to keep their fire and entry alarm in good working condition. Responding to any alarm, whether real or false, places the public and the responding officer in danger.

The Danville Police and Fire Departments are hereby authorized by the Board of Selectmen to charge a fee for responding to a false alarm when more than two (2) false alarms have occurred at the same location within one calendar year. The fees will be as follows:

- Police Department: \$25.00 per response
- Fire Department: \$50.00 per response (residential)
\$100.00 per response (commercial or industrial)



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TOWN ORDINANCE #7 Business Reporting Requirements

Approved March 2005 Town Meeting

Purpose: Police personal are required to provide for the safety and security of its citizens and citizen's property located within the Town of Danville, New Hampshire. Therefore, it is imperative that police be provided with the necessary information so that owners or managers of businesses can be readily locatable after hours should an emergency arise involving their place of business. When this information is not available, police may be placed in a situation where they must physically guard a business or property until the business or property can be secured.

Regulation:

1. All businesses, retail outlets, professional offices or other commercial and industrial enterprises shall, within thirty (30) days of the effective date of this regulation, provide to the Danville Police Department the following information:
 - a. Name of Business.
 - b. Name(s) of owner or manager and home telephone number(s).
2. Any changes of the above information for any reason shall be reported to the Police Department within five (5) business days.
3. Any person that violates the provisions of this regulation shall be fined fifty dollars (\$50.00) for a first offense, and one hundred dollars (\$100.00) for any subsequent offenses occurring within the same calendar year.
4. Where special or unusual circumstances exist, the Chief of Police is authorized to waive any of the provisions of this regulation.
5. The Chief of Police shall provide the aforementioned information to the Fire Department and Office of Emergency Management as appropriate.



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TOWN ORDINANCE # 8: Cemetery Operations

Approved at March 2005 Town Meeting

The Danville Cemeteries are used by the public to visit the deceased friends and loved ones who have passed onward. Any State Statutes that do not cover specific areas of the law to enforce specific crimes within cemeteries shall revert to Danville Town Ordinances.

1. For purposes of visiting hours, the Danville Cemeteries shall be closed each day from Dusk to Dawn.
2. No recreation vehicles, OHRV(s) or snowmobiles shall be operated within any town cemetery pursuant to RSA 215-A:6 VII.
3. No bicycles, domesticated animals, sports or recreational activities are allowed in any part of the cemeteries.

Any person found to be in violation of this provision shall be guilty of a violation and shall pay a fine at the discretion of the court.

This ordinance is not applicable to authorized personal performing their functions or duty of enforcement or maintenance.



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TOWN ORDINANCE #9 Dog Control

Approved at March 2005 Town Meeting, Supersedes 1989 Town Meeting ordinance

This ordinance is governed by the Laws of the State of New Hampshire RSA 466:31.

1. All dogs within the Town of Danville must be restrained or under the control of the owner at all times.
2. Any dog running at large and seized by an Officer, shall be held by the town and the owner of the dog shall pay a Twenty-five Dollar (\$25.00) fine for the first offence and a Fifty Dollar (\$50.00) fine for any subsequent offense.
3. For any dog found to be a menace in the Town of Danville, the owner, upon notification by an Officer, shall be fined Fifty Dollars (\$50.00) for the first offense and One Hundred Dollars (\$100.00) for any subsequent offenses.
4. For any dog found to be vicious in the Town of Danville, the owner upon notification by an Officer shall be fined One Hundred Dollars (\$100.00) for the first offense and Two Hundred Dollars (\$200.00) for any subsequent offenses.
5. All dogs in the Town of Danville must be licensed once a year in accordance to RSA 466:1 with the Town Clerk. All licenses are due by May 1st of each year, penalty of fine imposed after June 1st of each year.
6. Officer, as used in this ordinance, is defined as the Danville Animal Control or the Danville Police Department.
7. Any owner of a dog that violates these provisions of this ordinance shall be summoned to court and prosecuted under these provisions and the laws of the State of New Hampshire.

Any owner of a dog seized under this ordinance, shall pay a fee of Twenty Dollars (\$20.00) for a pick up charge. If the dog is held by the town for more than Twenty Four (24) hours, boarding costs shall also be charged to the dog owner at the discretion of the holding facility.



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TOWN ORDINANCE #10 Regulation of Horses and Other Domestic Animals

Approved at March 2007 Town Meeting

1. Any horse or other domestic animal found in a public place away from the property of the animal's owner or keeper and not under the restrained control of said owner or keeper, may be taken into custody by the Danville Animal Control Officer or a Danville Police Officer. The Officer shall make reasonable efforts to notify the owner or keeper of the animal(s) before seizing them.
2. Any horse or other domestic animal that is seized by the Danville Animal Control Officer or a Danville Police Officer in a public place, where the owner or keeper cannot be identified or located, shall be held by the Town at a Town approved facility. The owner or keeper of the animals(s) shall be responsible for all damages and expenses incurred in the capturing and holding of the escaped animal(s), and for boarding costs and any medical care required by the holding facility.
3. Any owner or keeper of a horse or other domestic animal who willfully or negligently permits such animals to run at large in public places, out of the enclosure of such owner or keeper, may be subject to a penalty not exceeding \$1,000 for each offense.
4. In addition to any penalty, or in conjunction with any penalty, or as an alternative to any penalty imposed under this section, the Town of Danville may request that the Court require the owner or keeper of the horse or other domestic animal which has been impounded for running at large, to pay for the boarding and impoundment fees established by the animal shelter or holding facility and any reasonably necessary medical expenses incurred during the impoundment of the animal(s) regardless of whether the animal(s) is redeemed by the owner or keeper from the animal shelter or holding facility.



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TOWN ORDINANCE #11 Ordinance Regarding the Discharge of Firearms on Town Property

Approved at (March 2012) Town Meeting

Authority

This ordinance is enacted pursuant to the authority granted by RSA 31:39 I (a), RSA 159:26 and RSA 207:59.

Prohibited Activities

No person shall discharge a firearm on property of the Town of Danville except:

- (a) Hunting as defined and allowed by RSA Title XVIII
- (b) Law enforcement activities authorized by state law
- (c) Self defense or the defense of others to the extent permitted by state law.
- (d) Firing of blanks (gunpowder but no projectile)

This ordinance shall not be construed to prohibit the possession or carrying of firearms to the extent permitted by state law.

Enforcement

Violators will be subject to a fine of up to \$1,000 per occurrence, as provided by RSA 31:39 III, to be paid to the general fund of the town.