

# CHARTER OF THE TOWN OF HANOVER, N.H.

1963 N.H. Laws Ch. 374, as amended

**Section 1. Definitions.** The following terms, wherever used or referred to in this chapter, shall have the following respective meanings, unless otherwise qualified or unless a different meaning clearly appears from the context.

- a. "Town" shall mean the Town of Hanover.
- b. "Precinct" shall mean the Village Precinct of Hanover.
- c. "Selectmen" and the titles of other officers shall refer to the Selectmen and other officers of the Town of Hanover.

**Section 2. Village Precinct Abolished.** Transfer of Property and Disposition of Existing Indebtedness.

a. Chapter 225 of the Laws of 1901 as amended by Chapter 293 of Laws of 1935 is hereby terminated. All existing real and personal property and other rights and assets now owned by the Town of Hanover and by the Village Precinct of Hanover shall be vested in the Town of Hanover under the provisions of this chapter.

b. Payments on any indebtedness of the Town or Precinct incurred after June 1, 1962 and before the effective date of adoption of this act for the purpose of financing any special service shall be raised as provided in Section 10 hereof.

c. Payments on any of the following indebtedness of the Precinct to the extent that they are raised by taxation shall be raised by a special tax assessed against the property located within the boundaries of the Precinct as they presently exist:

(1) Any indebtedness incurred for the purpose of financing off-street parking facilities at any time before the effective date of adoption of this act.

(2) Any indebtedness incurred by the precinct for any other purpose after June 1, 1962 and before the effective date of adoption of this act.

d. Except as above provided, any indebtedness of the precinct incurred before the effective date of adoption of this act and existing at the effective date of adoption of this act shall be assumed and paid by the Town in accordance with the terms of such indebtedness.

**Section 3. Powers Granted to Town.** The Town of Hanover shall have all of the rights and be subject to all of the liabilities now belonging to it and heretofore belonging to the Village Precinct of Hanover and shall in addition have the following powers:

- a. All of the powers now or hereafter granted to Towns.
- b. All of the powers now or hereafter granted to Village Districts including those set forth in RSA 52.
- c. The power to subscribe for, take and hold stock in the Hanover Water Works Company; to make any contracts with said corporation for the use of the water for extinguishing fires and such other purposes as may be deemed expedient; to have such use of the water on paying such compensation therefore as may be agreed upon; and to incur bonded indebtedness for the purpose of raising money to subscribe for any future capital stock of said corporation.
- d. To incur indebtedness for financing the acquisition and improvement of sites for off-street parking facilities outside of its limit of indebtedness.
- e. To take part, join and cooperate in the management, control and possession of the real estate of the Pine Park Association which may be devoted to public purposes.
- f. To establish a plan for providing life, accident, medical, surgical and hospitalization, insurance benefits, or any combination of such benefits for employees of the Town and their dependents and appropriate such sums of money as may be necessary for the purposes of paying the cost of such benefits.
- g. All of the powers which may by law be exercised by its officers.

**Section 4. Legislative Body.** The legislative body of the Town shall consist of all the eligible legal voters of the Town of Hanover assembled in a duly warned meeting. The powers of the Town of Hanover shall be reserved to the voters, except insofar as they are specifically granted to the Selectmen or other officers by this act or by general law.

**Section 5. Board of Selectmen.** The governing body of the Town shall consist of a Board of five Selectmen. They shall in the first instance be chosen at a special Town Meeting to be held as hereinafter provided. In the first instance, two shall be elected for a term of three years, two for a term of two years and one for a term of one year. In each case the term of the original five Selectmen shall continue for the number of years specified and thereafter until the following annual Town Meeting. At each annual Town Meeting thereafter, the voters shall elect in place of those Selectmen, whose terms are about to expire, a like number of Selectmen to serve for terms of three years each.

**Section 6. Powers of Selectmen.** The Selectmen of the Town of Hanover shall have all of the powers conferred by law and by custom on the Selectmen of Towns and in addition shall have the following powers:

- a. The power to appoint a Town Manager;

b. The power by any three or more of their number to sign orders on the Town treasurer in payment of the obligations of the Town; and

c. Such further powers as may be delegated to them by vote of the Town as hereinafter provided. [Section (a) amended, 1973 N.H. Laws, Ch. 15:1]

**Section 7. Additional Powers of Selectmen.** By affirmative majority vote at any regular or special Town Meeting duly warned for the purpose, the Town may from time to time delegate to the Selectmen and authorize them to exercise any of the powers now or hereafter conferred upon the mayor and aldermen of cities respecting highways, sidewalks and sewers and all of the powers now or hereafter conferred on city councils by RSA 47:17 through 26 and RSA 249:1. By like vote any of such additional powers may from time to time be withdrawn and/or restored to the Selectmen. However, the powers so delegated shall not include any power to enact or amend any zoning ordinance or to abandon any public highway. (See 1964 Town Meeting for delegation of additional powers).

a. **Hanover Housing Authority.** Notwithstanding the provisions of RSA 203:5 and RSA 203:7, the Board of Selectmen shall be the Hanover Housing Authority and shall perform all the functions of a Housing Authority as provided in RSA 203, 204 and 205. [Added, 1971 N.H. Laws, Ch. 309:1]

b. **Tax Anticipation Notes.**

I. The Selectmen may incur debt in anticipation of the collection of taxes for the financial year in which the debt is incurred, in order to pay current maintenance and operation expenses, and may issue notes therefore to an aggregate principal amount not exceeding the total tax levy during the preceding financial year, provided that after the tax levy of the current year has been determined an amount not exceeding in the aggregate the total tax levy of the Town for the current financial year may be borrowed. In order to meet necessary expenses which may arise during the period from the beginning of the financial year to the date of the annual Town Meeting, the treasurer of the Town, with the approval of the Selectmen, may issue notes to an aggregate principal amount not exceeding thirty percent of the total receipts from taxes during the preceding financial year.

II. All notes issued under authority of this section shall be general obligations of the Town. They may be sold at discount and shall be payable not later than one year from their date. Notes issued for a shorter period than one year may be refunded or renewed, pursuant to a resolution of the Board of Selectmen, by the issue of the other notes maturing within the required period, provided, however, that the period from the date of issue of the original loan to the date of maturity of the refunding or renewal loan shall not be more than one year. [Added, 1973 N.H. Laws, Ch.15:3]

**Section 8. The Town Manager.** The Town Manager shall be appointed and have the general authority, powers, and duties as prescribed in RSA 37:1-10. [Amended, 1973 N.H. Laws, Ch. 15:2]

**Section 9. Duties of Overseer of Public Welfare.** The overseer of public welfare under the direction of the Selectmen shall perform all of the duties and have all of the responsibilities of an overseer of the poor and such other public welfare responsibilities as the Selectmen may assign. In default of the appointment of an overseer of public welfare, the Selectmen shall themselves perform the duties of that office.

**Section 10. Special Services Defined.** Certain services and public improvements presently existing or likely to be provided in the future by the Town will benefit certain of the residents and/or property owners more than others. Accordingly, the expense thereof shall be met by special taxes and/or charges as hereinafter provided. In each case the expense of the particular service shall include but not be limited to: the employment of personnel, including supervisors, and contributions on such account to social security and retirement systems, the cost of supplies and services, the construction, acquisition, rental and maintenance of capital and expendable equipment and real property, and the payment of principal and interest charges on any indebtedness incurred after June 1, 1962 in connection therewith. The following shall for the purposes of this chapter be considered special services.

a. **Fire Protection.** Fire protection which shall include the protection of lives and property from damage by fire and other casualties, the maintenance of a fire alarm system, the rental of fire hydrants and (for fiscal purposes) the cost of any stock in the Hanover Water Works Company acquired after the effective date of adoption of this act.

b. **Sewage Disposal.** Sewage disposal shall include the provision of sanitary sewers to serve property owners, the transmission through interceptor sewers and pumping stations and treatment at one or more sewage disposal plants of sewage and other wastes as defined in RSA 149 in accordance with the standards of the New Hampshire Water Supply and Pollution Control Commission and Sound Sanitary Engineering Practice.

c. [Repealed]

d. **Sidewalks.** Sidewalks which shall include sidewalks as defined by RSA 250:13. [(b) amended, 1977 N.H. Laws, Ch. 348:1; (c) repealed, 1977 N.H. Laws, Ch. 348:3.]

**Section 11. Budget and Appropriations for Special Services.** The Selectmen shall prepare and present in advance of the annual Town Meeting a budget of anticipated expenditures and income which shall report as separate items their estimate of the total expense for each special service, their estimate of any anticipated contributions by the State and Federal governments, their estimate of any income from charges for the furnishing of such special service and the estimated portion of such expense to be raised by taxation. The Town at the annual Town Meeting shall appropriate such amount for each special service as may be necessary to defray the estimated expense thereof. Any unexpended balance of an appropriation for a special service shall be placed in a separate capital reserve fund for such service or shall be applied to reduce the appropriation for such service as the voters shall under an article in the warrant determine. [Amended, 1965; eff. 4/1/66.]

**Section 12. Special Service Areas.** Special service areas for the assessment and collection of

taxes to defray a part or all of the expense of providing certain special services shall be established in the Town. No later than February 1st of the year following that in which this act is adopted, the Selectmen shall prepare and make available for public inspection a map or maps of the Town or a written description of each proposed special service area. Within forty-five days thereafter the Selectmen shall hold a public hearing upon the recommendations of area boundaries made by them. After such hearing and after any revisions or adjustments which the Selectmen may deem proper, such areas shall become effective for the purposes of this act. Changes in area lines shall be made by the Selectmen from time to time as a result of the change in nature of the property in the area or the services provided. Such changes may be made by the Selectmen upon thirty days written notice of the proposed change being sent first class mail to the last known address on the tax rolls of the owners of each of the properties affected. Such changes shall be effective without hearing unless written objection thereto is filed with the Town Clerk or with one of the Selectmen within such thirty day period. If such an objection is filed, the Selectmen shall postpone the effective date of the change until at least ten days after the date of hearing. However, if such postponement shall delay the effective date until after April first of any year the area line as revised shall be effective retroactive to March thirty-first of such year.

**Section 13. Taxes for Special Services.** The net amount to be raised by taxation for each special service shall be assessed against the owners of property in each special service area or areas as provided in this act. For such purpose the Selectmen shall establish a separate inventory for the purpose of assessment of taxes of the property in each special service area. The inventory of property in the sewer area and the inventory of property in the sidewalk area shall include only real property and not personal property. The inventory of property in the fire protection area shall include both real and personal property. Such taxes shall be otherwise assessed and collected in the same manner as taxes on property for other purposes and each property owner shall have the same rights of abatement and appeal with respect to the taxes for special services as he does for taxes on property for other purposes. If, for any reason, funds raised by special taxes, charges or otherwise are insufficient to pay the principal of or interest on any bonds, notes or other evidences of indebtedness issued for special services, the Town shall have the power to levy unlimited ad valorem taxes on all taxable property in the Town to pay the principal of and interest on said bonds, notes or evidences of indebtedness; and such indebtedness shall be the general obligation of the Town of Hanover. [Amended, 1965; amended, 1975 N.H. Laws, Ch. 296:1.]

**Section 14. Fire Protection.**

**I. Fire Protection Areas.** The Selectmen shall divide the entire Town into two or more fire protection areas in proportion to the fire protection afforded to property owners within each area. In allocating property to each area, the Selectmen shall take into account in addition to all other relevant factors:

- a. The distance of each property from a hydrant and the pressure at the hydrant.
- b. The distance of each property from a fire station.

c. Such other relevant standards currently applied by the New Hampshire Board of Underwriters as the Selectmen may deem applicable.

II. **Fire Protection Expense.** The estimated net expense for fire protection shall be allocated by the Selectmen in their budget among the various fire protection areas and raised by special taxes assessed against all real and personal property in each area on such basis as the Selectmen shall determine reasonably and equitably reflects the benefits received. In making such determination the Selectmen shall take into account the current cost of fire insurance in each fire protection area in addition to all other relevant factors on real and personal property. [Amended, 1965.]

#### **Section 15. Sewage Disposal Expense.**

a. The Selectmen shall establish a sewage disposal area which shall comprise all that part of the Town in which public or private sewer service is available.

b. The entire expense of sewage disposal shall be met by sewer rentals as herein provided. The Selectmen shall establish a scale of rates to be called sewer rents and prescribe the manner in which and the time at which such rents are to be paid, and shall have the power to change such scale from time to time as may be deemed advisable. Such rents may be based upon either the metered consumption of water on premises connected with the sewer system, taking into consideration as the Selectmen deemed necessary the commercial use of water, the number or kind of plumbing fixtures connected with the sewer system or the number of persons served by said sewage disposal system or upon any other equitable basis. In addition, the Selectmen may establish reasonable connection fees, extension charges and allowances on account of new users of the sewage disposal system. All of such sewage disposal charges shall become a lien upon the real estate benefitted thereby and such lien may be enforced by a suit on behalf of the Town ordered by the Selectmen against the owner or owners of such real estate. The record in the office of the Selectmen or superintendent of public works and the charges for service furnished as aforesaid shall be sufficient notice to maintain suit upon such lien against subsequent purchasers or attaching creditors of such real estate.

c. The Selectmen shall apply against the total appropriation for sewage disposal expense in each year the anticipated State and Federal aid during such period and shall raise the balance from the sewage disposal charges as above provided. [Amended, 1977 N.H. Laws, Ch. 348:2.]

#### **Section 16. [Repealed, 1977 N.H. Laws, Ch. 348:3]**

#### **Section 17. Sidewalks.**

I. **Sidewalk Area.** The Selectmen shall establish a sidewalk area which shall comprise all that part of the Town served by public sidewalks. A piece of property whether improved or unimproved shall be deemed to be served by a public sidewalk when it either abuts a sidewalk or is found by the Selectmen to receive substantial direct benefits from the public sidewalk system.

II. **Sidewalk Expense.** The estimated net expense for sidewalks shall be raised by a special tax assessed against all real property (but not personal property) in the sidewalk area. [Amended, 1965.]

**Section 17a. Parking Districts.** The Selectmen shall have the authority to establish one or more parking districts in the following manner:

I. The area to be included in any parking district shall be determined as set forth in 1963, 374:12 [Section 12 supra]. In addition, the Selectmen in their discretion may delete properties in those cases where the present use does not justify inclusion within a parking district.

II. The Selectmen shall establish a separate inventory for the purpose of assessment of taxes and establishment of parking space fees of the property located in each parking district.

III. The Selectmen shall establish a separate inventory setting forth the off street parking requirements for each property in the district by using as a measure the off street parking requirements set forth in the Town Zoning Ordinance regardless of whether or not such requirements apply under the Town Zoning Ordinance to any particular property. An individual property's required off street parking spaces as reduced by the number of such parking spaces actually provided as of the first day of April in each year, shall be the adjusted parking requirement.

IV. Prior to the establishment of the first parking district, and thereafter on an annual basis, the Selectmen shall prepare and present in advance a budget of anticipated expenditures and income for the operation of the parking system in the Town. There shall be included as anticipated income all revenue from the operation of the parking system in the Town. At least 50 percent of the net expenses shall be paid by the parking district or districts on the basis as set forth in paragraph V. The remainder of the net expenses shall be paid by taxes assessed on all real estate in Town. The percentage of the amount of net expenses to be paid by the parking district or districts shall be determined by the Selectmen at the time the first district is established and may be changed by the Selectmen at the time of the establishment of other districts or changed after a public hearing held in the same manner as when a parking district is established as described in 1963, 374:12 [Section 12 supra.]

V. The amount of the net expenses to be paid by each district shall be on the basis of an allocation between parking space fees and taxes assessed on real estate in the district. This allocation shall be determined by the Selectmen at the time of the establishment of the parking district and may be changed at the time additional districts are established or changed after a public hearing held in the same manner as when a parking district is established as described in 1963, 374:12 [Section 12 supra.]

VI. The parking space fee for each property in the district shall be equal to the proportionate share that each property's adjusted parking requirement bears to the total adjusted parking requirements for all property in the district. All such parking space fees shall become a

lien upon the property so charged and such lien may be enforced by a suit on behalf of the Town ordered by the Selectmen against the owner or owners of such property. The record in the office of the Selectmen and the charges for the parking space fee set forth therein shall be sufficient notice to maintain suit upon such lien against the subsequent purchasers or attaching creditors of such real estate. In the event that the off street parking requirements set forth in the Town Zoning Ordinance are amended, then the inventory of off street parking requirements for each property in the property district shall be adjusted accordingly.

VII. In determining the formula for allocating the expenses between the parking space fees and the amount to be raised by real estate taxes assessed on properties in the district, the Selectmen shall take into consideration the following and in this order of priority:

- a. A determination as to the need for parking spaces not met by off street parking in any proposed parking district.
- b. Present parking revenue obtained from the parking system in the proposed parking district as well as additional revenue from additions to the parking system in the proposed parking district.
- c. The valuation of real estate subject to real estate taxes in the proposed parking district. [Added, 1977 N.H. Laws Ch. 305:1.]

#### **Section 18. Existing Officers and By-Laws of Precinct and Town.**

a. The incumbents of the following Town offices shall remain in office notwithstanding the adoption of this act: Moderator, Town Clerk, Town Treasurer, Auditor, Tax Collector, Supervisors of the Checklist, Library Trustees, Trustees of Trust Funds, Advisory Assessors Board, Fence Viewers, and Surveyors of Wood and Lumber.

b. The terms of the incumbents of the following Town officers shall terminate on the effective date of adoption of this act: Selectmen, Board of Health, Zoning Board of Adjustment, and Town Planning Board.

c. The terms of office of all incumbents of precinct offices shall terminate upon the effective date of adoption of this act. However, for a period of six months thereafter they may continue to exercise the powers of their offices for the sole purpose of carrying out the transfer of property of the precinct and winding up its affairs.

d. Within the territorial limits of the precinct as it exists immediately prior to the effective date of adoption of this act, all by-laws and ordinances enacted by the Town or Precinct including Zoning Ordinances and Subdivision Regulations then in effect shall remain in full force and effect thereafter until repealed or amended in accordance herewith; and the Selectmen shall exercise the powers conferred upon the commissioners therein.

e. Outside the territorial limits of the Precinct as it exists immediately prior to the adoption of this act, all by-laws and ordinances enacted by the Town including Zoning

Ordinances and Subdivision Regulations then in effect shall remain in full force and effect thereafter until repealed or amended in accordance herewith.

**Section 19. Other Statutory Provisions.** Except to the extent inconsistent herewith:

a. The Town shall have all the powers, be subject to all the limitations and conduct its affairs in the same manner as now or hereafter provided by law.

b. The Selectmen and other officers shall be elected in the same manner and have all of the powers and duties as now or hereafter provided by law.

**Section 20. Separability.** If any of the provisions of this act shall be held invalid or unconstitutional in relation to any of the applications thereof, such invalidity or unconstitutionality shall not affect other applications thereof or other provisions thereof; and to this end the provisions of this act are declared to be severable.

**Section 21. Referendum.** This act shall not take effect unless it shall be adopted by the voters of Hanover at a special Town Meeting held on or before December 1, 1963, or at the annual Town Meeting held in 1964 or in 1965 as hereinafter provided. Said special meeting shall be held to vote on the question of the adoption of this act. The vote on the question shall be by checklist on ballots printed by the Town Clerk. On the ballot shall appear the following question: "Shall the provisions of an act relative to the powers and duties of the Town of Hanover and repealing the Charter of the Village Precinct of Hanover be adopted?" Beneath the question shall be printed the word "Yes" and the word "No" with a square immediately opposite each word, and the voter may indicate his choice by making a cross in the appropriate square. If sixty per cent of the legal voters of the Town of Hanover present and voting at said special meeting shall vote yes upon the question, this act shall be declared to have been adopted. If said act is so adopted, the transfer of powers and duties and other provisions of this act shall be deemed to be in effect as of January 1, 1964, which date shall be considered the effective date of adoption. If the Town fails to adopt the act at the said special Town Meeting the same question, upon petition of twenty-five voters, shall be presented to the voters in like manner and with like effect at the annual Town Meetings held in 1964 and 1965. If the act is adopted at one of such annual Town Meetings the transfer of powers and duties and other provisions of this act shall be deemed to be in effect as of the first day of January following, which date shall then be considered the effective date of adoption. If the act is adopted a further special Town Meeting or an adjournment of the meeting at which the act is adopted shall be held before the effective date of adoption for the purpose of electing a Board of five Selectmen as herein provided.

**Section 22. Repeal.** If this act is adopted by the referendum herein provided, all acts or parts of acts inconsistent herewith are repealed insofar as the Town of Hanover and the Village Precinct of Hanover are concerned.

**Section 23. Takes Effect.** Insofar as the provisions for the adoption of this act provided in Section 21 (Referendum) is concerned, this act shall take effect upon its passage; other provisions of this act shall take effect as provided hereinbefore.