Town of Hancock, New Hampshire
Ordinance and Regulation
Prohibiting Feeding of Aquatic Birds in Certain Areas of the Town of Hancock

SECTION I: Purpose:
This ordinance and regulation is adopted by the Hancock Health Officer with approval of the Hancock Selectmen, acting pursuant to authority granted in RSA 147:1 to protect the public from illness while swimming at the Town of Hancock public beach and to prevent nuisances, and to prescribe penalties for failure to comply.

SECTION II: Definitions:
For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing aquatic birds. Feeding does not include baiting in the legal taking of fish and/or game.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Aquatic Bird – ducks, geese, Canada geese, gulls, loons or other aquatic birds.

SECTION III: Prohibited Conduct:

a. No person shall feed aquatic birds in any portion of the Hancock Public Beach at Norway Pond defined as the area between the grassy hills behind the horse sheds to the boat launch and the docks or

b. on or from land within 100 yards of the shore of Norway Pond

SECTION IV: Enforcement:

a. This ordinance shall be enforced by the Police Department and/or other Municipal Officials of Town of Hancock.

b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION V. Violations and Penalties:
Any person(s) who is willfully violating the provisions of this ordinance shall be subject to a fine not to exceed $1,000. In the alternative, any person violating this ordinance and regulation shall be subject to a civil penalty not to exceed $10,000 per day of such violation.

SECTION VI: Severability:
Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII: Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

ALL OF WHICH IS ADOPTED this___________day of ________, 2015, by the Hancock Town Clerk,

__________________________________
Joan Joseph
147:1 Local Regulations. –
I. The health officers of towns may make regulations for the prevention and removal of nuisances, and such other regulations relating to the public health as in their judgment the health and safety of the people require, which shall take effect when approved by the selectmen, recorded by the town clerk, and published in some newspaper printed in the town, or when copies thereof have been posted in 2 or more public places in the town.

II. The health officers of towns may make regulations relative to the sanitary and health conditions for issuing a license to restaurants or other food serving establishments operating within the town limits, subject to the approval of the commissioner of the department of health and human services.

(a) Notwithstanding any other law to the contrary or other licensing authority, any restaurant or other food serving establishment found to be in violation of the sanitary and health code adopted may be closed without a hearing for a 10-day period or until the violation is corrected and the sanitary condition is approved by the local health officer.

(b) If the sanitary or health violations are not corrected within the 10-day period, the local health officer may suspend the license to operate the restaurant or other food serving establishment after notice and hearing.

III. Any person willfully violating such regulations shall be guilty of a violation. Such health officers shall forward, when issued, copies of all regulations made by them to the department of health and human services and furnish it such information concerning their work as may be requested. They shall be paid by the town a reasonable compensation for their services and all expenses incurred by them in the performance of their duty; and the selectmen are required to advance them such sums as may be necessary, of which and of all their receipts and disbursements they shall, before each annual town meeting, render an account to the selectmen, to be laid before the town.