

HB 1267 - AS INTRODUCED

2022 SESSION

22-2192

11/04

HOUSE BILL **1267**

AN ACT relative to municipal authority for road and sidewalk closure.

SPONSORS: Rep. Yokela, Rock. 33

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires cities and towns to grant power to their governing board to shut down public roads and sidewalks for recreation or parades, and permits cities and towns to revoke that power.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to municipal authority for road and sidewalk closure.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Legislative Findings. The general court find that municipal budgets have a purpose listed for
2 the sum to be raised from taxes, and that raising taxes for one purpose and then allowing use of
3 those funds for another purpose is fraudulent. Furthermore, the general court finds that the
4 taxpayers in a community should have a say in determining whether and to what extent travel
5 within their community is interrupted, and taxpayers may wish for community events to be held in
6 recreation areas so as to limit any interference on travel within the community.

7 2 Powers and Duties of Towns; Street Fairs. Amend RSA 31:100 to read as follows:

8 31:100 Street Fairs.

9 ***I. Interference with the intended use of roads and streets for uses other than***
10 ***maintenance and safety is prohibited without the passage of a warrant article that grants***
11 ***the selectmen of a town or governing body of a city [may] power to grant a license in writing to any***
12 ***person or persons to use and occupy a portion of any street or sidewalk specified in such warrant***
13 ***article, as may be designated in general or in specific terms, for the purpose of conducting thereon***
14 ***street fairs or other community events, including but not limited to the sale of merchandise by***
15 ***commercial retailers, or by community associations conducting street fairs or other promotions.***
16 ***Such licenses may include the right to encumber the designated area with boxes, shelves, stands and***
17 ***other devices useful in conducting such sales and shall be issued for not in excess of 3 consecutive***
18 ***business days. Licenses may also be subject to such other terms and conditions, to be expressed in***
19 ***the license, as the public convenience and safety may require. Warrant articles granting the***
20 ***power to the governing body pursuant to this section shall include:***

21 ***(a) The specific dates or maximum number of days or hours per year travel on***
22 ***the road and/or sidewalk may be interrupted for uses other than maintenance or safety.***

23 ***(b) The road and/or sidewalk which are to be granted the exemption.***

24 ***(c) If the exemption is perpetual or time-limited.***

25 ***II. The power granted under a warrant article may be revoked by passage of a***
26 ***warrant article stating the road(s) and/or sidewalk(s) and the date of the end of the power***
27 ***granted.***

28 3 Games, Amusements, and Athletic Exhibitions; Parades. Amend RSA 286:2 to read as follows:

29 286:2 Theatricals; Parades; Meetings. No theatrical or dramatic representation shall be
30 performed or exhibited, and no parade or procession upon any public street or way, and no open-air
31 public meeting upon any ground abutting thereon, shall be permitted, unless ***the power to grant a***

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1 *license has been adopted for that public street or way pursuant to RSA 31:100, and* a special
2 license therefor shall first be obtained from the selectmen of the town, or from a licensing committee
3 for cities hereinafter provided for.

4 4 Effective Date. This act shall take effect 60 days after its passage.