

ORDINANCE: SUNDAY SALES:

SECTION I : PURPOSE:

To amend the Ordinance relating to the Observance of the Lord's Day by repealing the Ordinance in its entirety and replacing it as hereinafter recited.

SECTION II : AUTHORITY:

It is the intent of this Ordinance to exercise the option granted to the Town of Windham by Chapter 332-D, Section 4, of the Revised Statutes Annotated of New Hampshire, as amended, and to hereby assume the regulation of the categories of retail business, plays, games, sports, and exhibitions on Sunday.

SECTION III : GAMES AND SPORTS:

It shall be lawful to conduct and engage in the game of baseball, hockey or football, or any games, sports, or exhibitions of physical skill at which admission is charged or donations accepted, after one o'clock in the afternoon on the Lord's Day, commonly called Sunday, provided that peace and quiet are not unreasonably disturbed thereby. The Board of Selectmen may regulate the time, manner and area of such games, sports, and exhibitions together with the license fee to be paid for each amateur or professional game, sport or exhibition. But no such game, sport or exhibition shall be held without license from the Board of Selectmen and no license shall be granted for public dancing or prize fighting on Sunday.

SECTION IV : MOVING PICTURES, DRAMATICS AND THEATRICALS:

It shall be lawful on Sunday to conduct motion pictures, lectures, plays, concerts, dramatic events, theatrical vaudeville performances, musical events and special events, but not earlier than two o'clock in the afternoon. But in the case of any such entertainment in connection with which admission is charged or donations are made or accepted, a special Sunday License shall be obtained therefor from the Board of Selectmen, and further that said Board of Selectmen may make regulations controlling such entertainment.

SECTION V : RETAIL BUSINESS:

A) It shall be lawful at any hour to sell at retail on Sunday: newspapers, books, magazines, periodicals, greeting cards, cigars, cigarettes, tobacco,; toilet articles, health and beauty aids, cosmetics; paper products; film, film processing and flashbulbs; all foodstuffs of every kind and nature, pastry and bakery products, fruit and vegetables, ice cream, soft drinks, alcoholic beverages, confectionery products, candy, gum, peanuts, nuts; flowers and nursery stock; decorations, natural or artificial; drugs and medicines; charcoal, lighter fluid, electric light bulbs, soaps, detergents, cleaners, polishes, disinfectants, waxes, sponges, starches, insecticides, sunglasses, matches, toothpicks, brooms, mops, clothespins, flashlight batteries, hardware; pets, pet foods and supplies; sale or rental of mechanical appliances for medical purposes; gasoline and oil.

- B) It shall also be lawful at any hour on Sunday to engage in or operate the following businesses only; funeral homes, restaurants, all establishments selling prepared food, hotels, motels, rooming houses, tourist and trailer camps, newspapers, radio and television studios; Laundromats, real estate offices, car washes, taxis, gliderports, mobile home sales, hospitals and clinics, dairies, ski-tows, skating rinks, and emergency vehicular services.
- C) It shall be lawful on Sunday for all other retail stores to remain open on Sunday between the hours of nine o'clock in the morning and eight o'clock in the afternoon.
- D) It shall be lawful for public bathing beaches to operate on Sunday between the hours of eight o'clock in the morning and nine o'clock in the evening.

SECTION VI : PENALTY:

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be liable to a penalty of not more than ten dollars for each offense. Each separate sale or exchange of property in violation of this Ordinance constitutes a separate offense. The Board of Selectmen may revoke any Sunday License for a period not to exceed twelve months upon proof of conviction of violation of this Ordinance.

SECTION VII : LICENSE FEE:

A license fee shall be charged for each separate place of business, store or stand that is operated on Sunday. Said fee shall be set by the Board of Selectmen.

SECTION VIII : SEVERABILITY:

If any provisions or part of this Ordinance is held invalid, such invalidity shall not affect other provisions or parts of this Ordinance which can be given effect without the valid provisions, and to this end the parts and provisions hereof are declared to be severable.

SECTION IX : EFFECTIVE DATE:

This Ordinance shall take effect upon its approval by a majority vote of the legal voters present and voting at the next Town Meeting.

Adopted at Town Meeting - March, 1967

Re-codified and affirmed by the Board of Selectmen - May 11, 1998

Charles E. McMahon
Douglass L. Barker
Carolyn B. Webber
Margaret M. Crisler
Galen A. Stearns
Board of Selectmen