

# State of New Hampshire Revised Statutes Online

[Main Index Page](#) | [General Court](#)  
[Home](#)

## Chapter 49-B: Home Rule-Municipal Charters

[Section 49-B:1 Purpose and Intent](#)

[Section 49-B:2 Scope of Authorization; Definitions](#)

[Section 49-B:3 Charter Revisions, Adoptions, Procedure](#)

[Section 49-B:4 Charter Commission, Membership, Procedure](#)

[Section 49-B:5 Charter Amendments, Procedure](#)

[Section 49-B:5-a Approval and Review](#)

[Section 49-B:6 Submission to Voters](#)

[Section 49-B:7 Recording](#)

[Section 49-B:8 Ordinance, Power Limited](#)

[Section 49-B:8-a Powers of Town Council](#) [Repealed]

[Section 49-B:8-b Powers of Representative Town Meeting](#) [Omitted]

[Section 49-B:9 Private, Special, and General Laws](#)

[Section 49-B:10 Judicial Review](#)

[Section 49-B:11 Construction](#) [Repealed]

[Section 49-B:12 Return to Former Form of Government](#)

[Section 49-B:13 Separability; Preservation](#)

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

##### Section 49-B:1

**49-B:1 Purpose and Intent.** – It is the purpose of this chapter to implement the home rule powers recognized by article 39, part first, of the constitution of the state of New Hampshire. To that end, the general court hereby provides a vehicle whereby a municipality may adopt a form of government that best addresses local needs. At the same time, however, the general court recognizes a need to require uniform procedures and practices when there is a corresponding state interest. Therefore, this chapter is intended only to provide a procedural framework by which a city or town may amend its actual form of government. Nothing in this chapter shall be construed to create any power in, or confer any power upon, any city or town beyond that necessary to carry out the amendment of a charter or form of government as set forth in this chapter. The general laws of this state shall remain in full force and effect, and they shall be construed to be consistent with this chapter to the greatest extent possible in the effectuation of this chapter's stated purpose. Accordingly, this chapter shall be strictly interpreted to allow towns and cities to adopt, amend, or revise a municipal charter relative to their form of government so long as the resulting charter is neither in conflict with nor inconsistent with the general laws or the constitution of this state.

**Source.** 1979, 241:1. 1988, 223:1, eff. June 29, 1988.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

##### Section 49-B:2

###### **49-B:2 Scope of Authorization; Definitions. –**

I. Any incorporated town or city, regardless of population, shall be entitled to exercise the home rule powers recognized by article 39, part first, of the New Hampshire constitution, and implemented through this chapter, to create a charter commission and to present to its voters by referendum a municipal charter, in which they may establish either a town or city government.

II. If the proposed charter denominates the municipality as a town, the charter shall be prepared pursuant to RSA 49-D.

III. If the proposed charter denominates the municipality as a city, the charter shall be prepared pursuant to RSA 49-C.

IV. In this chapter:

(a) "Amendment" means the enactment or repeal of a single section or subsection of a charter pertaining to any one subject matter, and any related section the meaning or operation of which is changed as a result of the enactment or repeal.

(b) "Elected body" means the mayor and board of aldermen, mayor and council, and city council in a city adopting a charter under RSA 49-C and a town council or representative town meeting in a town adopting a charter under RSA 49-D.

(c) "Governing body" means the board of selectmen, the board of aldermen, or the council in a city or in a town with a town council.

(d) "Legislative body" means a town meeting, representative town meeting, city or town council, mayor and council, and mayor and board of aldermen.

(e) "Municipality" means a city or a town.

(f) "Municipal officers" means the mayor and board of aldermen, mayor and council, and city council in a city, and board of selectmen and town council in a town.

(g) "Municipal year" means the fiscal year of the municipality.

(h) "Operating budget" means total appropriations, as determined by the department of revenue administration, exclusive of county and school taxes; principal and interest payments on bonds and notes; and amounts in satisfaction of court judgments.

(i) "Revision" means multiple changes in the basic form of government proposed by several enactments or repeals.

(j) "Revocation" means the repeal of an entire charter such that the resultant form of government is the form in existence immediately prior to the adoption of the charter being repealed.

**Source.** 1979, 241:1. 1988, 223:2. 1991, 162:1; 304:3, 4, eff. Aug. 23, 1991. 2003, 289:9, eff. Sept. 1, 2003.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:3

##### **49-B:3 Charter Revisions, Adoptions, Procedure. –**

I. The municipal officers may determine that the revision of the municipal charter is necessary or that adoption of a new municipal charter is necessary and, by order, provide for the establishment of a charter commission to carry out such purpose as provided in this chapter; or

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in the municipality at the last regular municipal election, but in no case less than 10 voters, the municipal officers shall, by order, provide for the establishment of a charter commission for the revision of the municipal charter or for the preparation of a new municipal charter in the form and manner provided in this chapter.

III. The following procedure shall be used in the alternative method set out in paragraph II.

(a) Any 5 voters of the municipality may file with the municipal clerk an affidavit stating they will constitute the petitioners' committee, circulate the petition and file it in proper form. The affidavit shall state the names and addresses of the members and specify the address to which all notices to the committee are to be sent. The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition. Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee.

(b) The petition forms shall be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary. Petition forms shall be prepared by the municipal clerk at the expense of the municipality.

(1) Petition forms shall carry the following legend in bold lettering at the copy of each form on the face thereof.

Municipality of .....

"Each of the undersigned voters respectfully requests the municipal officers to establish a charter commission for the purpose of revising the municipal charter or preparing a new municipal charter." Each signature affixed to a petition shall be in ink or other indelible instrument and shall be followed by the place of domicile of the voter with street and number, if any. No petition shall contain any party or political designation.

(2) The clerk shall note the date of each petition form issued and all petitions, unless sooner filed, shall become null and void for every purpose on the 120th day after the date of issue.

(3) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be genuine signatures of the persons whose names they purport to be, that each signer has signed no more than one petition, and that each signer had an opportunity before signing to read the petition.

(4) Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note thereon the date of filing.

IV. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, shall promptly send a copy of the certificate to the petitioners' committee by mail, and shall file a copy with the municipal officers.

(a) A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of his certificate. Within 10 days after the date of filing of the notice of intention, the committee may file a supplementary petition to correct the deficiencies in the original petition. Such supplementary petition shall in form and content comply with the requirements for an original petition under paragraph III.

(b) Within 5 days after the filing of a supplementary petition the clerk shall complete and file a certificate as to its sufficiency in the manner provided for in an original petition.

(c) When an original or supplementary petition has been certified insufficient, the committee may, within 2 days after receiving the copy of the clerk's certificate, file a request with the municipal officers for review. The municipal officers shall inspect the petitions and shall make due certificate thereof, copies of which shall be filed with the municipal clerk and mailed to the committee. The certificate of the municipal officers shall be a final determination of the sufficiency of the petitions.

(d) Any petitions finally determined to be insufficient shall become null and void and of no further force or effect. Such petitions shall be stamped void by the clerk and shall be sealed and retained by the clerk in the manner required for secret ballots.

V. Within 30 days after the adoption of an order under paragraph I or the receipt of a certificate or final determination of sufficiency under paragraph IV, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall by order submit the question for establishment of a charter commission to the voters at a special municipal election held not less than 60 days nor more than 90 days after the adoption of such an order or receipt of such a certificate of final determination. The question to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established for the purpose of revising the municipal charter or establishing a new municipal charter?"

VI. Notwithstanding any other provision of this chapter, for the purposes of establishing a charter commission to amend or adopt a charter relative to official ballot town council under RSA 49-D:3, I-a, official ballot town meeting under RSA 49-D:3, II-a, budgetary official ballot village district meeting under RSA 52:2-a, or budgetary official ballot school district meeting under RSA 197:5-b only, the question of whether to establish a charter commission and the election of charter commission members shall be placed on the same ballot. No other issues shall be addressed by a charter commission

established under this paragraph. The question on the establishment of a charter commission to be submitted to the voters shall be in substance as follows:

"Shall a charter commission be established for the sole purpose of establishing official ballot voting under the current form of government?"

**Source.** 1979, 241:1. 1991, 304:5, 12. 1995, 53:1. 1998, 343:1, eff. Aug. 25, 1998. 2003, 289:10, eff. Sept. 1, 2003.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

##### Section 49-B:4

###### **49-B:4 Charter Commission, Membership, Procedure. –**

I. The charter commission shall consist of 9 members, all of whom shall be registered voters of the municipality and elected as hereinafter provided.

(a) Within 5 days after the deadline for a recount of a vote confirming the establishment of a charter commission, the municipal officers shall meet to order a special election to be held on the Tuesday not less than 56 days nor more than 63 days after such meeting for the purpose of electing charter commission members.

(b) Members shall be elected in the same manner as the municipal officers except that they shall be elected at large and without party designation. The names of the candidates shall be arranged alphabetically by surname.

II. The municipal clerk shall within 7 days after the election of the charter commission members, notify those elected to the charter commission of the date, time and place of the organizational meeting of the charter commission. Such date, time and place shall be fixed by the clerk and 7 days' notice of the organizational meeting shall be given. The charter commission shall organize by electing from its members a chairman, vice chairman and a secretary and shall file notice thereof with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality. Members shall serve without compensation but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

III. The charter commission may adopt rules and regulations governing the conduct of its meetings and proceedings and may employ such legal, research, clerical or other employees and consultants as are deemed necessary within the limits of its budget.

IV. (a) A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to such commission, and shall permit it to consult with and obtain advice and information from municipal officers, officials and employees during ordinary working hours. Within 20 days after the election of a charter commission, the municipal officers shall credit to the charter commission account the sum of \$100. A municipality may from time to time appropriate additional funds to the charter commission account. Such funds may be raised by taxation, borrowed or transferred from surplus.



(b) In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, provided, that no contribution of more than \$5 shall be accepted from any other source other than the municipality unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the clerk. Within 30 days after submission of its final report the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account.

V. Within 14 days after its organizational meeting, the charter commission shall hold a public meeting for the purpose of receiving information, views, comments and other pertinent material relative to its functions. Within 180 days after its election, the charter commission shall prepare a preliminary report including the text of the charter or charter revision which the commission intends shall be submitted to the voters and any explanatory information the commission deems desirable, shall cause such report to be printed and circulated throughout the municipality, and shall provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting it. Within 225 days after its election, the charter commission shall submit to the municipal officers its final report, which shall include the full text and explanation of the proposed new charter or charter revision, such comments as the commission deems desirable, an indication of the major differences between any current and proposed charters and a written opinion by an attorney admitted to the bar of this state that the proposed charter or charter revision is not in conflict with the constitution or the general laws. Minority reports if filed shall not exceed 1,000 words. All public hearings before a charter commission shall be held within the municipality at such times and places as may be specified in a notice published at least 7 days prior to the hearing in a newspaper having general circulation in the municipality, but hearings may be adjourned from time to time without further published notice.

VI. Upon the filing of the final report, the municipal officers shall order, as determined by the charter commission, the proposed new charter or charter revision to be submitted to the voters at the next primary or general municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election held at least 45 days after the filing of the final report.

VII. The charter commission shall continue in existence for 60 days after submission of its final report to the municipal officers for the purpose of winding up its affairs.

**Source.** 1979, 241:1. 1988, 223:3. 1991, 304:6, 7. 1992, 96:1; 194:1-3, eff. July 11, 1992. 2003, 25:4, eff. April 30, 2003.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:5

##### **49-B:5 Charter Amendments, Procedure. –**

I. The municipal officers may determine that amendments to the municipal charter are necessary and, by order, provide for notice and hearing on them in the same manner as provided in RSA 49-B:5, IV(a). Within 7 days after the hearing, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election held not less than 60 days after the order is passed; or they may order a special election to be held not less than 60 days from the date of the order for the purpose of voting on the proposed amendments.

(a) Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

II. On the written petition of a number of voters equal to at least 20 percent of the number of votes cast in a municipality at the last regular municipal election, but in no case less than 10 voters, the municipal officers shall, by order, provide that proposed amendments to the municipal charter be placed on a ballot in accordance with the procedures set out below.

(a) Each amendment shall be limited to a single subject but more than one section of the charter may be amended as long as it is germane to that subject.

(b) Alternative statements of a single amendment are prohibited.

III. The petition forms shall carry the following legend in bold lettering at the top of each form on the face thereof.

Municipality of .....

"Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment of the municipal charter as set out below." No more than one subject may be included in a petition. In all other respects the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under RSA 49-B:3 including procedures relating to filing, sufficiency and amendments.

IV. (a) Within 10 days of receipt of a report that a petition is sufficient, the municipal officers shall by order provide for a public hearing on the proposed amendment. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the

hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them.

(b) Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this state that the proposed amendment is not in conflict with the general laws or the constitution. In the case of a committee report, a copy shall be filed with the municipal officers.

(c) Within 7 days after the hearing, the municipal officers shall order the proposed amendment to be placed on the ballot at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular municipal election or, in the case of municipalities with biennial elections, at the next regular state biennial election, if such election is held not less than 60 days nor more than 180 days thereafter. Otherwise, the municipal officers shall order a special election to be held not less than 60 days nor more than 90 days from the date of the order for the purpose of voting on the proposed amendments.

**Source.** 1979, 241:1. 1988, 223:4, 5. 1991, 304:13. 1992, 96:2, 3. 1995, 53:2, eff. July 8, 1995.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

##### Section 49-B:5-a

###### **49-B:5-a Approval and Review. –**

I. Within 10 days of the filing of the preliminary report relative to any new municipal charter, charter revision, or charter amendment, the municipal clerk shall file a certified copy of said report with the secretary of state, the attorney general and the commissioner of the department of revenue administration. Within 14 days of the receipt of said report by the secretary of state, attorney general and commissioner of the department of revenue administration, they shall review the proposed charter, charter revision, or charter amendment to insure that it is consistent with the general laws of this state.

II. If the secretary of state, the attorney general, or the commissioner of the department of revenue administration do not approve, the proposed charter or charter amendment question shall not be placed on the municipal ballot. The secretary of state, attorney general and commissioner of the department of revenue administration shall specify their objections in writing to the municipal clerk within the period of time allowed for review and shall offer recommendations for changes in language which would correct any inconsistencies they may find in the proposed charter or charter amendment to be voted upon. Failure to specify objections to a proposed charter or charter amendment under this section shall constitute approval by the secretary of state, attorney general, or the commissioner of the department of revenue administration.

III. The governing body of the municipality may seek judicial review of a decision of the secretary of state, attorney general or the commissioner of the department of revenue administration by appeal in superior court, pursuant to RSA 49-B:10, IV.

**Source.** 1988, 223:6. 1991, 304:8. 1992, 194:4, eff. July 11, 1992.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

##### Section 49-B:6

**49-B:6 Submission to Voters.** – The method of voting at municipal elections when a question relating to a charter revision, a charter adoption or a charter amendment is involved shall be in the manner prescribed for municipal elections.

I. In the case of a charter revision or a charter adoption the question to be submitted to the voters shall include a summary which explains both the current form of government utilized by the municipality as well as the changes in that form of government which will occur if the charter revision or charter adoption question is approved by the voters. The question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

II. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

##### III. VOTER INFORMATION.

(a) In the case of a charter revision or charter adoption, at least 2 weeks prior to the date of the election the municipal officers shall cause the final report of the charter commission to be printed, shall make copies available to the voters in the clerk's office and shall post the report in the same manner that proposed ordinances are posted.

(b) In the case of a charter amendment, at least 2 weeks prior to the date of the election, the municipal officers shall cause the proposed amendment and any summary thereof to be printed, shall make copies available to the voters in the clerk's office and shall post the amendment and any summary thereof in the same manner that proposed ordinances are posted.

IV. If a majority of the ballots cast on any question under paragraph I or II favor acceptance, the new charter, charter revision or charter amendment becomes effective as provided in subparagraph (a) or (b).

(a) Charter revisions, new charters, or revocations of a charter adopted by the voters shall become effective immediately for the purpose of conducting necessary elections; otherwise charter revisions, new charters, and revocations of charters become effective on the first day of the next succeeding municipal year or as specified in any transition provisions of the charter.

(b) Charter amendments adopted by the voters shall become effective on the first day of the next

succeeding municipal year or on a date determined by the municipal officers, whichever occurs first.

**Source.** 1979, 241:1. 1983, 34:1. 1985, 128:1. 1991, 304:9, eff. Aug. 23, 1991.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:7

**49-B:7 Recording.** – Within 3 days after the results of the election have been declared, the municipal clerk shall prepare and sign duplicate certificates setting forth any charter that has been adopted or revised and any charter amendment approved. One certificate shall be recorded in the office of the secretary of state and one certificate shall be deposited in the office of the municipal clerk.

**Source.** 1979, 241:1, eff. Aug. 14, 1979.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:8

**49-B:8 Ordinance, Power Limited.** – Any municipality may, by the adoption, amendment or repeal of ordinances or bylaws, exercise any power or function granted to a municipality by the constitution or general law. No change in the composition, mode of election or terms of office of the legislative body, the mayor or the manager of any municipality may be accomplished by bylaw or ordinance.

**Source.** 1979, 241:1. 1988, 223:8, eff. June 29, 1988.



**TITLE III**  
**TOWNS, CITIES, VILLAGE DISTRICTS, AND**  
**UNINCORPORATED PLACES**

**CHAPTER 49-B**  
**HOME RULE--MUNICIPAL CHARTERS**

**Section 49-B:8-a**

**49-B:8-a Powers of Town Council.** – [Repealed 1991, 304:15, eff. Aug. 23, 1991.]

**TITLE III**  
**TOWNS, CITIES, VILLAGE DISTRICTS, AND**  
**UNINCORPORATED PLACES**

**CHAPTER 49-B**  
**HOME RULE--MUNICIPAL CHARTERS**

**Section 49-B:8-b**

**49-B:8-b Powers of Representative Town Meeting [Omitted]. –**

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:9

**49-B:9 Private, Special, and General Laws.** – Private and special laws applying to a specific municipality and general laws which a municipality has the option to adopt or rescind shall continue in force and effect unless specifically repealed by a charter adoption, revision, or amendment under this chapter.

**Source.** 1979, 241:1. 1988, 223:11, eff. June 29, 1988.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:10

##### **49-B:10 Judicial Review. –**

I. The superior court may, upon petition of 10 voters of the municipality or on petition of the attorney general, enforce this chapter.

II. A petition for declaratory relief may be brought on behalf of the public by the attorney general or, by leave of the court, by 10 voters of the municipality. In the case of petition of 10 voters, the attorney general shall be served with notice of the preliminary petition for leave, and may intervene as a party at any stage of the proceedings; and the petitioners shall be liable for, but may in the court's discretion also be awarded costs, which may include reasonable attorney's fees.

III. Judicial review to determine the validity of the procedures whereby any charter is adopted, revised or amended may be had by petition of 10 voters of the municipality brought within 30 days after the election at which such charter, revision or amendment is approved. If no such petition is filed within such period, compliance with all the procedures required by this chapter and the validity of the manner in which such charter adoption, revision or amendment was approved shall be conclusively presumed. No charter adoption, revision or amendment shall be deemed invalid on account of any procedural error or omission unless it is shown that the error or omission materially and substantially affected such adoption, revision or amendments.

IV. Any municipality aggrieved by the decision of the secretary of state under RSA 49-B:5-a may seek review by way of appeal in superior court to determine the lawfulness of the secretary's decision. The clerk shall schedule a hearing on any such appeal within 10 days of the filing of such petition.

**Source.** 1979, 241:1. 1988, 223:10, eff. June 29, 1988.

**TITLE III  
TOWNS, CITIES, VILLAGE DISTRICTS, AND  
UNINCORPORATED PLACES**

**CHAPTER 49-B  
HOME RULE--MUNICIPAL CHARTERS**

**Section 49-B:11**

**49-B:11 Construction.** – [Repealed 1988, 223:14, eff. June 29, 1988.]

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:12

##### **49-B:12 Return to Former Form of Government. –**

I. Notwithstanding the provisions of this chapter, any town, through the petition procedure in RSA 49-B, may repeal its charter and return to its former form of government without establishing a charter commission.

II. The question of whether the town should repeal its charter and return to its former form of government shall be put to the voters in the same manner as an amendment to a charter, under RSA 49-B:5.

**Source.** 1991, 304:10, eff. Aug. 23, 1991.

# TITLE III

## TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

### CHAPTER 49-B

#### HOME RULE--MUNICIPAL CHARTERS

#### Section 49-B:13

##### **49-B:13 Separability; Preservation. –**

I. The provisions of this chapter and of charters created under this chapter are separable. If any portion of this chapter, or of any charter adopted under the provisions of this chapter, or if the application of the chapter or such charter to any person or circumstance shall be invalid, the remainder of the chapter or such charter or the application of such invalid portions to other persons or circumstances shall not be affected by such invalidation.

II. All town and city charters which have been adopted, revised or amended; all charter commissions which have been properly established and elected; all elections properly held; and actions properly taken pursuant to such charters are hereby legalized, provided that such charters at the time of their adoption were not contrary to the general laws and constitution of the state.

III. RSA 32 shall not apply to a municipality adopting, revising, or amending a charter under RSA 49-C or RSA 49-D unless that municipality adopts a budgetary town meeting or representative town meeting pursuant to RSA 49-D:3, II and III.

**Source.** 1991, 304:10. 1993, 332:4, eff. Aug. 28, 1993.