

**ORDINANCE #**  
***Town of Goffstown***

The Town of Goffstown ordains as follows:

- I. **TITLE:** This ordinance shall be known and may be cited as the “PLEA BY MAIL FOR LOCAL ORDINANCE AND CERTAIN NUISANCE VIOLATIONS” ordinance of the Town of Goffstown.
- II. **AUTHORITY:** 31:39-c, 47:17 Adoption and Amendment of Town Codes and Ordinances.
- III. **DECLARATION OF PURPOSE:** In order to promote a more streamlined, efficient and user-friendly system for payment of scheduled fines associated with local ordinance violations and certain nuisance violations the Town of Goffstown will issue local civil citations and accept pleas by mail for said violations as outlined in this ordinance.
- IV. **DEFINITION:** Plea by Mail is intended to be an option for persons who do not wish to contest violations of local ordinances and by-laws to pay the penalties provided thereon by mail to the Goffstown Court on using citation forms promulgated by the Town of Goffstown. The plea by mail system also provides for enhanced, graduated penalties for delinquent cases or repeated violations of the same ordinance or provision thereof.
- V. **STATEMENT OF REGULATION:** Upon implementation of the plea by mail system a local official with authority to prosecute an offense under any town ordinance, local code, by-law or regulation, if such offense is classified as a violation under applicable law, may issue and serve upon the defendant, in addition to a summons to appear in the Goffstown Court, a local plea by mail ordinance citation as authorized and set forth in this ordinance.
  - A. The defendant receiving such a citation may plead guilty or nolo contendere (no contest) by mail by entering that plea on the place designated for the plea on the plea by mail citation form and mailing the form to the Goffstown Court at 329 Mast Road Goffstown, NH 03045.
  - B. If the plea is accepted by the court, and the prescribed fine is paid with the plea by mail form, prior to the arraignment date on the summons, the defendant shall not be required to appear in court personally or by counsel.
  - C. If the defendant chooses not to pay the citation prior to the arraignment date and wishes to have a trial, the defendant shall appear in Goffstown Court on the date listed on the citation.
  - D. The citation/complaint and summons may be served upon the defendant by postpaid certified mail, return receipt requested. The return receipt indicating that the defendant has received the citation/complaint and summons has received the citation/complaint and summons shall be require as proof of valid service. If service cannot be completed via certified mail, or is inadvisable in the circumstances personal service may be completed as with other violation complaints.
  - E. The form of the citation/complaint and summons shall comply with the provisions of RSA 31:39-d II.
  - F. Civil penalties collect via the plea by mail system shall be remitted to the Town of Goffstown by the Goffstown Court once processed.

- G. Whenever a defendant does not enter a plea by mail prior to the arraignment date, or fails to personally appear as ordered in the summons, or move for a continuance, or otherwise fails to appear, the court shall enter a default and determine what the civil penalty will be on a plea of nolo or guilty for that offense, and shall impose an administrative processing fee under RSA 502-A:19-b which shall be retained by the court for the benefit of the state.
- H. The court, in its discretion may issue a bench warrant for the arrest of any defendant who defaults on their appearance, fails to pay fines or penalties as ordered, pays the fine with a bad check, or fails to comply with any order of the court on any matter within the court's discretion.
- I. For cause, the court has discretion to refuse to accept a plea by mail and may impose a fine or penalty other than stated in the local ordinance citation. The court may also order the defendant to appear personally to dispose of their case.

**VI. ENFORCING AUTHORITY:** The Goffstown Police Department, Goffstown Fire Department or other local code enforcement authorities shall enforce the terms of this ordinance.

**VII. PENALTIES:** Unless otherwise stated, any person or unnatural person within the meaning of the Criminal Code, who violates an ordinance shall be guilty of a violation. Pursuant to RSA 502-A:11-a, the District Court shall have jurisdiction of the prosecution of any violation of the Town of Goffstown Ordinances. All fines collected shall be for the use of the Town. The Town may enforce to the maximum penalty allowed by law.

**VIII. WAIVERS:** The Board of Selectmen retains the authority to waive any or all provisions of this ordinance for emergencies at a duly noted meeting.

**IX. EXCLUSIONS:** These requirements shall not apply where such matters are governed by State Law, or offenses that are subject to enforcement under RSA 676, or to motor vehicle offenses under Title XXI or any local ordinance enacted thereunder.

**2011 Annual Town Meeting**  
**Passed: 1,814 – Yes    595 – No**