

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Elaine Lauterborn, Vice Chair
Councilor Tom Abbott
Councilor Donna Bogan
Councilor Robert Gates

**AGENDA****CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

Thursday, October 6, 2016

City Council Chambers

31 Wakefield Street, Rochester, NH

6:00 PM

-
1. Call to Order
 2. Public Input
 3. Approval of the Codes and Ordinances Committee Minutes September 1, 2016 P.3
 4. Discussion: Fireworks
 - 4.1. Current Fireworks Ordinances P.11
 - 4.2. Proposed Amendment to the General Ordinances Relative to Chapter 23
Fire Safety Measures P.13
 - 4.3. Memo from the Rochester Police Commission P.23
 5. Proposed Amendment to the General Ordinances Relative to Chapter 45 Overnight
Parking Occupancy and Camping on City Owned Property P.25
 6. Codification Review P.29
 7. Other
 8. Adjournment

This page has
been
intentionally left
blank.

CODES AND ORDINANCES COMMITTEE
 Of the Rochester City Council
Thursday, September 1, 2016
 City Council Chambers
 31 Wakefield Street, Rochester, NH
 7:00 PM

Codes and Ordinances Committee Members Present

Councilor Peter Lachapelle, Chair
 Councilor Elaine Lauterborn, Vice Chair
 Councilor Donna Bogan
 Councilor Robert Gates

Members Absent

Councilor Thomas Abbott

Others Present

Attorney O'Rourke
 Councilor Gray
 Councilor Keans
 Councilor Varney
 Andrea Lemire, Resident

MINUTES

1. Call to Order

Councilor Lachapelle called the meeting to order at 7:00 PM. All members of the Committee were present.

2. Public Input

Councilor Lachapelle invited the public to speak about any City topic that is not currently listed on the Agenda. He noted that any citizen would be allotted time to speak during each topic listed on the agenda. Andrea Lemire, 17 Pine Street, announced that she attended the meeting because fireworks are being lit off in her own neighborhood; however, she had no further comments to make at this time. Councilor Lachapelle closed the public input portion of the meeting at 7:02 PM.

3. Approval of the Codes and Ordinances Committee Minutes [August 4, 2016]

Councilor Gates **MOVED** to revise and **APPROVE** the August 4, 2016, Committee meeting minutes. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5. Amendment to Chapter 45

Councilor Lachapelle introduced the proposed Amendment to Chapter 45 as follows:

AMENDMENT TO CHAPTER 45 OF THE GENERAL ORDINANCES OF THE CITY OF
ROCHESTER REGARDING OVERNIGHT PARKING, OCCUPANCY AND CAMPING
ON CITY OWNED PROPERTY

THE CITY OF ROCHESTER ORDAINS:

That Chapter 45 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

CHAPTER 45

**OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED
PROPERTY**

SECTION ANALYSIS

- 45.1 Authority
- 45.2 Purpose
- 45.3 Acts Prohibited
- 45.4 Definitions
- 45.5 Exceptions
- 45.6 Responsibility
- 45.7 Removal
- 45.8 Enforcement
- 45.9 Severability
- 45.10 Effective Date

45.1 Authority.

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11; 41:11-a; and 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of overnight parking or camping on all City-owned property.

45.2 Purpose.

The purpose of this Ordinance is to protect the public peace, preserve public law and order, promote safety and welfare and ensure proper and decent conduct for the residents of the City of Rochester and the general public, in the use of City-owned properties.

45.3 Acts Prohibited.

From and after the effective date of this ordinance it shall be unlawful for any person to camp, or to park, with occupancy by one or more persons, any vehicle or recreational vehicle, either overnight or for any two-hour period between dusk and dawn, on any City-owned lands within the City of Rochester.

45.4 Definitions.

- (a) *Camp*: Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.
- (b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.
- (c) *City-owned property*: All properties owned by the City of Rochester.

45.5 Exceptions.

Restrictions in this ordinance shall not apply:

- (a) When permission has been granted by the Chief of Police or designee for official or emergency purposes.
- (b) When permission has been granted by the City Manager or Chief of Police in conjunction with a performance at the Rochester Opera House or with a written special event permit.

45.6 Responsibility.

All violations of parking restrictions and charges accompanied therewith shall be deemed the responsibility of the registered owner of said vehicle. Such registrations may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability needs to be proven as an element of the offense in accordance with RSA 231:132-a.

45.7 Removal.

Any vehicle parked in violation of this Ordinance by be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

45.8 Enforcement.

- (a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).
- (b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.
- (c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

45.9 Severability.

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

45.10 Effective Date.

This Ordinance shall take effect upon passage.

Attorney O'Rourke gave a brief update of why the Public Safety Committee had sent the above Amendment to the City Council for review.

Councilor Keans mentioned that LeeAnne Rymes and her crew had parked their RV overnight in the City Hall parking lot. She questioned how this Amendment to chapter 45 of the General Ordinances would be enforced and if special permits would be given out for such circumstances. She recalled that the reason for creating this ordinance to begin with was due to the fact that the Department of Public Works has a difficult job with snowplowing and overnight parking.

Councilor Lauterborn mentioned that the two-hour parking limit seemed stringent if one is having dinner with friends and needs to worry about how long the vehicles are parked. Attorney O'Rourke replied that this ordinance specifically restricts *occupied* vehicles from loitering in the parking lots, and does not have an impact on unoccupied vehicles, as a part of this proposed amendment.

Councilor Gates stated that the word "shall" should be added to section 45.7.

Attorney O'Rourke agreed to gather more information and report back to the Committee the following month. This Amendment is kept in Committee.

6. Amendment to Chapter 46

Councilor Lachapelle introduced the Proposed Amendment to Chapter 46 as follows:

AMENDMENT TO CHAPTER 46 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING GRAFFITI ON PRIVATE PROPERTY

THE CITY OF ROCHESTER ORDAINS:

That Chapter 46 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

CHAPTER 46 GRAFFITI ON PRIVATE PROPERTY

SECTION ANALYSIS

- 46.1 Authority
- 46.2 Purpose
- 46.3 Acts Prohibited
- 46.4 Definitions
- 46.5 Enforcement
- 46.6 Severability
- 46.7 Effective Date

46.1 Authority.

In accordance with and under the authority of New Hampshire Revised Statute Annotated 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of graffiti on private property.

46.2 Purpose.

This purpose of this Ordinance is to promote the health, safety and general welfare of the community by creating an aesthetically pleasing environment in which graffiti is declared a nuisance which must be promptly abated by property owners and imposing penalties on vandals.

46.3 Acts Prohibited.

It shall be a nuisance for any person to place graffiti upon any property located within the City of Rochester. Any owner of property within the City of Rochester *shall* remove any graffiti on his/her property within five *business* days of notice of its placement on such property. Maintenance of property in violation of this section is a public nuisance.

46. 4 Definitions.

(a) *Graffiti*: Any inscription, word, figure, marking or design that is written, marked, etched, scratched, drawn or painted on any real property that was not authorized in advance by the owner of the real property.

(b) *Owner*: Any person in possession of the affected property and any person having or claiming to have, any legal or equitable interest in the property.

(c) *Person*: Any individual, firm, partnership, corporation, association, or any other organization or entity, however formed.

(d) *Property*: All residential, industrial, or commercial real property, and other property, including but not limited to, fences, poles, signs, rocks, trees, paving, etc.

46.5 Enforcement.

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00).

(b) Any duly appointed police officer for the City of Rochester and the City of Rochester Code Enforcement Officer may enforce this Ordinance by utilizing any process authorized by

state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

46.6 Severability.

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

46.7 Effective Date.

This Ordinance shall take effect upon passage.

The effective date of these amendments shall be upon passage.

Attorney O'Rourke gave a brief update of why the Public Safety Committee sent this Amendment to the City Council for review. He said the City does not currently have an ordinance to enforce property owners to clean up vandalism. This amendment would force the property owner to clean the vandalism up in a matter of 5 days, or receive a fine. Councilor Lachapelle said that if anything, it should be 5 days from the receipt of the official notice and not of the offense.

The Committee debated if this Amendment would create a burden on property owner rights.

Councilor Gray suggested revising Section 46.3 to be more specific with the amount permitted for clean up. He suggested "5 **Business Days**".

Councilor Lauterborn **MOVED** to have the Amendment revised and sent to the next Regular Council meeting to be held in October. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 3 to 1 voice vote.

7. Amendment to Chapter 11.24

Councilor Lachapelle introduced the Proposed Amendment to Chapter 11.24 as follows:
Amendment to 11.24

AMENDMENT TO CHAPTER 11 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING SCHOOL DEPARTMENT CAPITAL RESERVE FUND

THE CITY OF ROCHESTER ORDAINS:

That Chapter 11 of the General Ordinances of the City of Rochester regarding the School Department Capital Reserve Fund and currently before the Rochester City Council, be amended as follows:

11.24 City of Rochester School Department Capital Reserve Fund.

(a) By adoption of a Resolution on December 15, 2015, the City Council established a Capital Reserve Fund pursuant to RSA 34:1 for the purpose of rehabilitating, enlarging, replacing, and/or constructing new school facilities and/or the purchase of land for the enlargement of existing school facilities and/or siting of new school facilities. The name of such fund shall be the School Building Fund.

(b) The City Council, at its sole discretion, may appropriate monies to said School Building Fund through the annual budgeting process. The City Council may also by favorable vote of $\frac{3}{4}$ of its members, transfer to such fund after a public hearing with notice as provided in RSA 34:2, not more than $\frac{1}{2}$ of its unencumbered surplus funds remaining on hand at the end of the fiscal year, within limits as provided in RSA 34:4. No transfer from the City's unencumbered surplus funds to the School Building Fund shall be considered until after the annual audit presentation by the independent auditor and confirmation of the stated surplus. The City Council may also accept and appropriate gifts, legacies and trusts to the School Building Fund by majority vote.

(c) Expenditure of funds from the School Building Fund is at the sole discretion of the City Council.

(d) Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all capital reserves transferred to the School Building Fund. The Trustees of the Trust Fund will hold the monies appropriated to the School Building Fund in a separate account. Appropriations made to the School Building Fund will be paid over to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

(e) The City Council may dissolve the School Building Fund at its sole discretion. Upon dissolution of any portion of said fund appropriated from the General Fund said funds will lapse to surplus (Unassigned General Fund fund balance) and cannot be repurposed directly to a different capital fund or project. Any funds contained in the School Building Fund accepted and appropriated from gifts, legacies or trusts may be redirected at the discretion of the City Council.

The effective date of these amendments shall be upon passage.

Attorney O'Rourke said this is an Amendment similar to any other Capital Reserve Fund. This amendment is intended to implement guidelines for the newest Capital Reserve Fund, which had been adopted in December, 2015, by the full City Council relative to the School Department's Capital Reserve Fund.

Councilor Bogan **MOVED** to send this Amendment to the next Regular City Council meeting in October for approval. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

8. Fireworks

Councilor Lachapelle introduced the Proposed Amendment to Chapter 23. Councilor Bogan questioned how this ordinance could be enforced. It was determined if enough debris/evidence were found at a particular location without the required regulations being followed then a fine could be issued.

Several suggestions were made to tighten up the language. The matter will be kept in Committee for one month and Attorney O'Rourke is to provide a revised version to the next Codes meeting, which is meeting on October 6, 2016 at 6:00 PM in Council Chambers.

8. Drug Free Zone

Councilor Lachapelle referred to a memo from the Director of the Rochester Public Library, which indicates that the Library is already in a "Drug Free Zone".

9. Other

Kelly Walters, City Clerk, gave a brief update on the codification process. She informed the Committee that the interim City of Rochester General Ordinances could be accessed on the City's Website: <http://www.ecode360.com/RO2619>. She mentioned that the Rules of Order had not been included in the initial bidding process. More information can be found on a Change Order, which would be submitted to the City Manager's Office in September.

10. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Committee meeting at 8:14 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

23.1 Prohibition and Regulation of Fireworks.

[7][8][9]

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this ordinance.
- B. As used in this ordinance:
- i. “Display” means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.
 - ii. “Permissible fireworks” means those consumers firework devices defined as “permissible fireworks” in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.
 - iii. “Fire Chief” means the Fire Chief of the City of Rochester or his/her designee.
 - iv. “Police Chief” means the Police Chief of the City of Rochester or his/her designee.
- C. Subject to, and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
- i. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner’s presence, subject to the provisions of this ordinance and RSA Chapter 160-C, and any other applicable ordinance regulation or statute.
 - “ii No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on Saturdays in the months of June and July and between the hours of 6 PM and 10 PM on Saturdays between the months of August through May. Permissible fireworks shall be permitted on the following holidays; Labor Day, Fourth of July (including the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds), on New Year’s Eve (December 31st), provided, however, that on New Year’s Eve such display shall be permitted to occur between the hours of 6 PM on December 31st and 1:00 AM on January 1st.
 - iii The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA Chapter 160-C no permissible fireworks shall be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.

- 10/3
- iv. No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
 - v. Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any all discharge debris shall remain within the property lines of the lot on which the display originates.
 - vi. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.
 - vii. Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorized in a duly issued Block Party Application/Permit from the City's Licensing Board covering the public property on which the display is to occur."
- D. A violation of this ordinance shall be subject to the penalties provided for in Chapter 23, Section 23.11, Penalty, of the City of Rochester General Ordinance.
- E. This ordinance shall be construed consistently with NH Code of Administrative Rules Sa c 2600, as made applicable by state statute and as adopted by reference in Section 23.1, of the General Ordinances of the City of Rochester, and is not meant to repeal any section thereof. Nothing in this ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.11-9-10
- F. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
- i. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per hour or higher.
 - ii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
 - iii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
 - iv. If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- G. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance."

CHAPTER 23

Proposed

FIRE SAFETY MEASURES

SECTION ANALYSIS

- 23.1 Fire Safety Rules and Regulations
- 23.2 Smoke Detector Wiring
- 23.3 Enforcement Officer
- 23.4 Control of Outdoor Fires
- 23.5 Knox Box Installations
- 23.6 Public Safety Amplification System Required in Large Facilities
- 23.7 Administration and Enforcement
- 23.8 Means of Escape
- 23.9 Fire Department Access
- 23.10 Control of Fire Hazards
- 23.11 Penalty
- 23.12 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.13 Prohibition and Regulation of Fireworks
- 23.14 Listed Agent Program
- 23.15 Regulation of Fire Alarms

23.1 Fire Safety Rules and Regulations.

The rules and regulations of the State Fire Marshal as they are now constituted and as they are from time to time amended are hereby adopted as and for the Fire Safety Rules and Regulations of the City of Rochester. The full text of such rules and regulations may be obtained by any person at the office of the Chief of the Fire Department of the City of Rochester.

23.2 Smoke Detector Wiring.

[1]

When installing 120 volt, hard-wired smoke detectors in any type occupancy, the smoke detector shall be wired to a lighting circuit.

23.3 Enforcement Officer.

The words “officer” and/or “local authorities” wherever used in the rules and regulations of the State Fire Marshall adopted in the foregoing section shall be deemed to refer to the Chief of the Rochester Fire Department.

23.4 Control of Outdoor Fires.

No person shall kindle, light, or otherwise start an outdoor fire in the City of Rochester for any purpose whatsoever without first having obtained a written permit, without cost, from the Chief of the Rochester Fire Department. All such permits shall be in writing and in such form as the Chief of the Rochester Fire Department shall prescribe and shall set forth any conditions or restrictions which, in the opinion of the Fire Chief, shall be reasonably necessary and prudent to insure the safe performance of permitted activities.

23.5 Knox Box Installations.

For purposes of rapid entry in cases of emergencies or required access to buildings after hours, any new construction on the following type occupancies occurring after the date of the adoption of this ordinance will require a KNOX BOX to be installed on such premises:

2/8/2000

1. Assembly
2. Educational
3. Mercantile
4. Business
5. Industrial
6. Apartment Complex

The Fire Chief shall have authority to require any other type of building, not listed above, to install a KNOX BOX to meet rapid entry requirements, if in his discretion public safety considerations require such installation.

23.6 Public Safety Amplification System Required in Large Facilities

[5]

The purpose of this system is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the City to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

(a) Applicability

The provisions of this article shall apply to:

- (1) New buildings greater than fifty thousand (50,000) square feet;
- (2) Existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and
- (3) All sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

(b) Radio coverage

- (1) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.
- (2) The City's fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.

1/2/2007

- (3) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.

(c) Inbound into the Building

- (1) A minimum average in-building field strength of 2.25 micro-volts (-100 dbm) for analog and five (5) micro-volts (-93 dbm) for digital systems throughout eighty-five percent (85%) of the area of each floor of the building when transmitted from

the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

- (2) If the field strength outside the building where the receive antenna system for the in-building system is located is less than (-100 dbm) for analog, or (-93 dbm) for digital systems, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.
- (3) As used in this article, eighty-five percent (85%) coverage or reliability means the radio will transmit eighty-five percent (85%) of the time at the field strength and levels as defined in this article.

(d) Outbound from the Building

A minimum average signal strength of 112 micro-volts (-6 dbm) for analog and five (5) micro-volts (+1 dbm) for digital systems as received by the City's Police dispatch center and the appropriate emergency service dispatch centers, which are providing fire and emergency medical protection services to the building.

FCC authorization. If amplification is used in the system, all FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the City's Fire Department.

(e) Enhanced amplifications systems

- (1) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).
- (2) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or

1/2/2007

generator system for a period of at least eight (8) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

- (3) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located almost must be free of hazardous materials such as fuels, asbestos, etc.

All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

(4) The following information shall be provided to the Fire Department by builder:

- (A) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and
- (B) Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling.

(f) Testing procedures – Method to Conducts Tests

- (1) Tests shall be made using frequencies close to the frequencies used by the Police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the Police, Fire or emergency medical frequencies.

(g) Measurements Shall be Made Using the Following Guidelines

- (1) With a service monitor using a unity gain antenna on a small ground plane;
- (2) Measurements shall be made with the antenna held in a vertical position at three (3) to four (4) feet above the floor;
- (3) A calibrated service monitor (with a factory calibration dated within twenty-four (24) months may be used to do the test);
- (4) The telecommunications unit representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3 db between the instruments will be allowed; and 1/2/2007
- (5) If measurements in one location are varying, then average measurements must be used.
 - (A) All testing shall be done in the presence of a Fire Department representative at no expense to the City or appropriate emergency services department.
 - (B) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

(h) Annual Tests

Annual tests will be conducted by the City's telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services departments as required in the original testing procedures.

(i) Field Testing

Police and Fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.

23.7 Administration and Enforcement.**[2]**

The authority having jurisdiction for the administration and enforcement of this chapter shall be Fire Prevention of the City of Rochester. The fee schedule under this chapter shall be as follows:

Tank Removal	\$25.00	
Blasting	\$25.00	
Incident Report	\$5.00	
Fire Marshal's Investigation Report	\$25.00	
Photographs (Fire Scene)	\$15.00	
CD Photos (Fire Scene)	\$15.00	
Fire Alarm System Plan Review	\$1.00 per device or \$50.00 minimum	
Sprinkler System Plan Review	\$1.00 per device or \$50.00 minimum	1/2/2007
Commercial Hood Fire Suppression	\$1.00 per device or \$50.00 minimum	
Clean Agent Initial Inspection	\$1.00 per device or \$50.00 minimum Free of Charge	
Re-Inspections (Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)	\$50.00 per person with \$100.00 minimum	
Fine	\$175.00 (working without a permit or license)	
Listed Agent	\$25.00 per year, per restriction	
False Alarm, Fire Alarm Activation	\$175 after 2 Consecutive, per calendar year	

23.8 Means of Escape.**[3]**

All factories, hotels, tenement houses, public halls, schoolhouses and other buildings used as places of public resort in the City shall be provided with ample means of escape in case of a fire and adequate facilities for entrance and exits on all occasions; and be so erected as not to endanger the health and safety of persons who occupy them.

23.9**Department Access****Fire****[4]**

Before construction on commercial buildings, a residential street or a private street with two (2) or more duplexes or single-family dwellings may begin, Fire Department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface suitable for all-weather driving capabilities.

23.10**rol of Fire Hazards****Cont****[4]**

The Chief of his/her designee shall examine, or cause to be examined, at regular intervals, all places where combustible material may be collected or deposited and cause the same to be removed by the tenants, occupants or owners of such place, at their expense, whenever, in the opinion of the Fire Chief, such removal is necessary for the security of the City against fires. A record of all such inspections shall be kept by the Chief or his/her designee.

23.11**ty****Penal****[3]**

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 23 shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) or not more than five hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense.

23.12 Sprinkler Requirements for Certain Single-family Dwelling Units.**[6]**

In addition to sprinkler requirements for structures under the provisions of the applicable N.F.P.A. (National Fire Protection Association) Code and/or any other applicable law or regulation all newly constructed duplexes, triplexes and single-family dwelling unit combination structures that are attached to each other, shall be sprinkled in accordance with National Fire Protection Association (N.F.P.A.) Code standards as contained in the New Hampshire State Fire Code.

23.13 Prohibition and Regulation of Fireworks. [7][8][9]

A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this ordinance.

B. As used in this ordinance:

- i. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.
- ii. "Permissible fireworks" means those consumers firework devices defined as "permissible fireworks" in RSA 160-C, as the same currently exists or as, from

time to time, hereinafter amended.

- iii. “Fire Chief” means the Fire Chief of the City of Rochester or his/her designee.
 - iv. “Police Chief” means the Police Chief of the City of Rochester or his/her designee.
- C. Subject to, and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
- i. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner’s presence, subject to the provisions of this ordinance and RSA Chapter 160-C, and any other applicable ordinance regulation or statute.
 - ii. No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on Saturdays in the months of June and July and between the hours of 6 PM and 10 PM on Saturdays ~~between~~ during the months of August ~~through May~~. Permissible fireworks shall be permitted on the following holidays; ~~Labor Day~~, Fourth of July (including the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds), ~~on New Year’s Eve (December 31st), provided, however, that on New Year’s Eve such display shall be permitted to occur between the hours of 6 PM on December 31st and 1:00 AM on January 1st.~~
 - iii. The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA Chapter 160-C no permissible fireworks shall be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
 - iv. No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
 - v. Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any all discharge debris shall remain within the property lines of the lot on which the display originates.
 - vi. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.
 - vii. Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date

established for the annual city-wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorized in a duly issued Block Party

Application/Permit from the City's Licensing Board covering the public property on which the display is to occur."

[11]

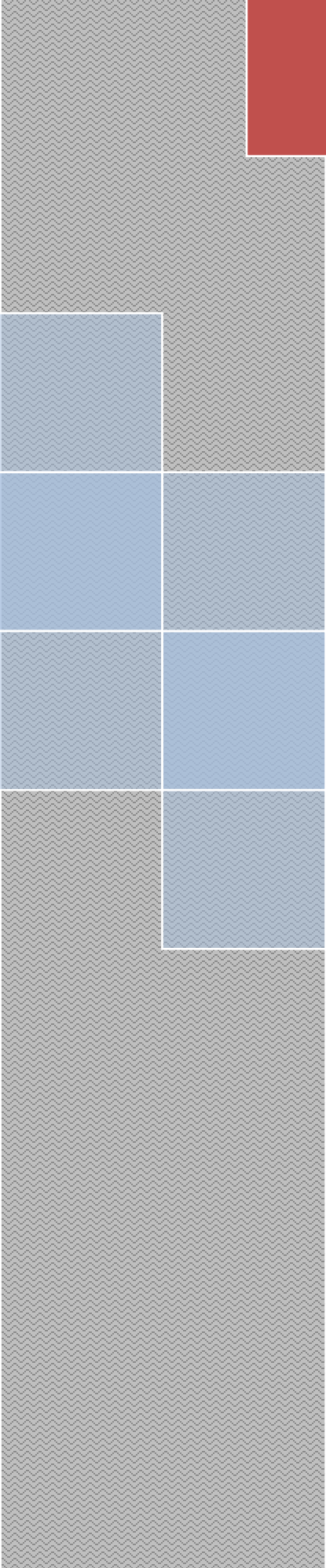
- D. A violation of this ordinance shall be subject to the penalties provided for in Chapter 23, Section 23.11, Penalty, of the City of Rochester General Ordinance.
- E. This ordinance shall be construed consistently with NH Code of Administrative Rules Saf c 2600, as made applicable by state statute and as adopted by reference in Section 23.1, of the General Ordinances of the City of Rochester, and is not meant to repeal any section thereof. Nothing in this ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.11-9-10
- F. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
 - i. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per hour or higher.
 - ii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
 - iii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
 - iv. If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- G. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance."
- G.H. The City Manager, Mayor, and/or the City Council may declare a Special Event of cultural or civic significance and authorize the display of fireworks on the same terms as Section C. ii on particular days to celebrate those Special Events.

23.14 Listed Agent Program

In accordance with NFPA 1:2009 1.13, or the applicable adopted section of the current Code, the Rochester Fire Department enacts the Listed Agent Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Listed Agent Program."

23.15 Regulation of Fire Alarms

The Fire Chief or his designee shall promulgate administrative rules for the management of the installation and maintenance of Fire Alarms.



This page has
been
intentionally left
blank.





ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127
FAX (603) 330-7159
www.rochesterpd.org

"Dedication, Pride, Integrity"

POLICE COMMISSION

DEREK J. PETERS
Chairman
BRUCE E. LINDSAY
Vice Chairman
LUCIEN G. LEVESQUE
Commissioner



September 27, 2016

TO: Codes and Ordinances Committee
Peter Lachapelle, Chair

FROM: Michael J. Allen
Chief of Police

RE: Fireworks Ordinance Review/Recommendation

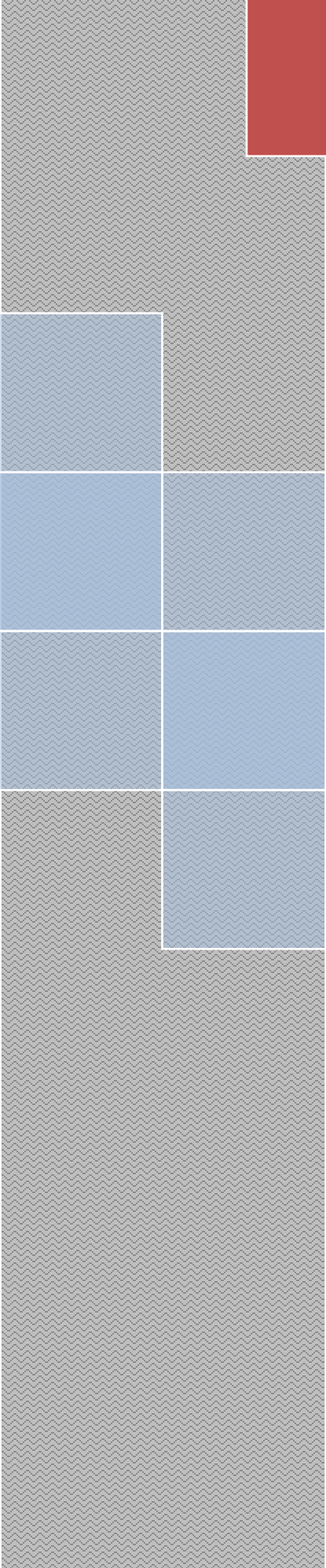
Dear Chair Lachapelle:

At the request of the Codes and Ordinances committee the Police Department and Police Commission were asked to weigh in on the current fireworks ordinance and offer suggestions on changes to the ordinance to make it more enforceable.

We held a meeting on September 27, 2016 with representatives of the Fire Department, the Building, Licensing and Zoning Services Department, Police Department and Police Commission. At the conclusion of the meeting we have the following suggestions for further discussion by the committee.

1. Implementation of a permitting process for fireworks display
2. Attaching a fee to the permitting process.
3. Limiting permitting only to property owners
4. Establish a lead time for obtaining a permit of 15 days prior to the requested display date.

Along with members of the Police Commission I plan to attend the October 6, 2016 Codes and Ordinances committee meeting to take part in further discussions on the fireworks ordinance.



This page has
been
intentionally left
blank.



**AMENDMENT TO CHAPTER 45 OF THE GENERAL ORDINANCES OF THE CITY
OF ROCHESTER REGARDING OVERNIGHT PARKING, OCCUPANCY AND
CAMPING ON CITY OWNED PROPERTY**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 45 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

CHAPTER 45

**OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED
PROPERTY**

SECTION ANALYSIS

45.1 Authority

45.2 Purpose

45.3 Acts Prohibited

45.4 Definitions

45.5 Exceptions

45.6 Responsibility

45.7 Removal

45.8 Enforcement

45.9 Severability

45.10 Effective Date

45.1 Authority.

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11; 41:11-a; and 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of overnight parking or camping on all City-owned property.

45.2 Purpose.

This purpose of this Ordinance is to protect the public peace, preserve public law and order, promote safety and welfare and ensure proper and decent conduct for the residents of the City of Rochester and the general public, in the use of City-owned properties.

45.3 Acts Prohibited.

From and after the effective date of this ordinance it shall be unlawful for any person to camp or to park any vehicle or recreational vehicle with occupancy by one or more persons, either overnight or for any period of time over two hours between dusk and dawn, on any City-owned lands within the City of Rochester.

45. 4 Definitions.

(a) *Camp*: Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.

(b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.

(c) *City-owned property*: All properties owned by the City of Rochester.

45.5 Exceptions.

Restrictions in this ordinance shall not apply when permission has been granted by the City Manager or the Chief of Police for official or emergency purposes or in conjunction with a special event.

45.6 Responsibility.

All violations of parking restrictions and charges accompanied therewith shall be deemed the responsibility of the registered owner of said vehicle. Such registrations may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability needs to be proven as an element of the offense in accordance with RSA 231:132-a.

45.7 Removal.

Any vehicle parked in violation of this Ordinance shall be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

45.8 Enforcement.

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).

(b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

45.9 Severability.

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

45.10 Effective Date.

This Ordinance shall take effect upon passage.

The effective date of these amendments shall be upon passage.

This page has
been
intentionally left
blank.

**GENERAL
CODE**

August 31, 2016

Ms. Kelly Walters
Clerk, City of Rochester
31 Wakefield Street
Rochester, NH 03867

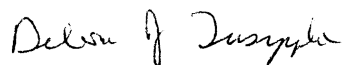
Dear Ms. Walters:

As the first step of the project to prepare the new City Code I have reviewed the Charter and the current City Code and now have some preliminary questions for your review. Please see the enclosed Organizational Analysis. The purpose of this first step is simply to ensure that we have all necessary materials and information to move forward with the project.

Under the terms of our agreement, the City has 30 business days to review the Organizational Analysis. We should receive a response by October 21, 2016. If you find that more time is needed, please let me know. Once the Organizational Analysis is completed we will begin the next phase of the project, the preparation of the Manuscript (rough draft) of the new Code and the Editorial and Legal Analysis, which will provide a more in-depth review of the Charter and Code.

If you have any questions about the materials or any aspect of the codification project please do not hesitate to contact me at 800-836-8834 or dtuszynski@generalcode.com. An invoice is also enclosed for completion of this step of the codification project.

Sincerely,
GENERAL CODE



Debora J. Tuszynski
Editor

DJT:lac

Enc.

Organizational Analysis

Return to General Code by October 21, 2016

City of Rochester, New Hampshire

Project Editor: Deb Tuszynski
dtuszynski@generalcode.com

Printed in the United States of America

General Code
781 Elmgrove Road
Rochester, NY 14624
800-836-8834
www.GeneralCode.com

Contents

Introduction	2
Project Materials	3
Charter.....	3
City Code	3
Organization of New Code.....	5
Organization Generally	5
Chapter Numbers	5
Numbering and Formatting.....	6
Derivation Table	6
Disposition List.....	6
Proposed Table of Contents	7
Project Steps.....	8
Manuscript and Editorial and Legal Analysis.....	8
Final Draft.....	8
Publication; Adoption of Code	8

INTRODUCTION

Purpose

The City of Rochester has contracted with General Code to update and republish the City Code. The purpose of this Organizational Analysis is to ensure that we have all materials necessary to prepare the new Code and to reach agreement with the City on the contents and organization of the new Code.

Legal Advice

Please note that it is not the intent of General Code to give legal advice or opinions by way of this Organizational Analysis but rather to provide as much information as possible to enable City officials to make necessary decisions. Any questions as to the validity or legal sufficiency of legislation, or as to interpretation of statutes, will properly remain the responsibility of the City Attorney.

Review by City; Next Steps

The City has 30 business days (by October 21, 2016) to review and respond to this Organizational Analysis. If additional time is needed please contact the project editor, Deb Tuszynski, at 800-836-8834 or dtuszynski@generalcode.com.

Once the City has provided its response we will proceed with the next phase of the project, the preparation of the Manuscript (rough draft) of the new Code and the Editorial and Legal Analysis. The Editorial and Legal Analysis will provide a review of the Code for inconsistencies, duplications, conflicts with current state law, and outdated or unclear wording.

The time frame for submission of the Manuscript and Editorial and Legal Analysis is 120 business days from receipt of the completed Organizational Analysis.

PROJECT MATERIALS

Charter

--

- A. We received a copy of the City Charter as last amended at the referendum on November 6, 2012, effective January 1, 2013. No changes will be made to the Charter. We would like to include a statement at the beginning as to the original adoption date of the Charter. Section 80 states that the Charter went into effect on January 2, 1990, but there is currently no indication as to the date on which the Charter was passed.

Decision:

- ☐ Adoption date of Charter: _____
- ☐ This information does not need to be included

- B. There is a note following Section 3 in the Charter which refers to an attached "Exhibit A" regarding ward line revisions adopted in 2002. The copy we received for the Charter did not include this attachment. If this attachment should be included in the new Code please provide a copy.

Decision:

- ☐ Copy of attachment enclosed
- ☐ Do not include attachment; revise note to state that Exhibit A is on file in the City Clerk's office
- ☐ Other:

City Code

--

- A. The current City Code was adopted in 1995. In June 2016 we received the files for Chapters 1 through 67 of the Code with amendments through April 5, 2016. We also received updated copies of Chapter 42, Zoning, in July and Chapter 11, Finance, in August. These files will be used as the basis for the new City Code. From this point forward we should receive amendments to the Code as they are adopted, and we will incorporate the amendments into the Code.

- B. The Administrative Code currently appears as Chapters 1 through 14. In the new Code the Administrative Code will be designated as a single chapter. See Chapter 7 on the enclosed Table of Contents. Each of the current chapters will be designated as an article within Chapter 7 in the new Code, as follows:

Chapter 7, Administrative Code

Article I, Legal Basis and Departmental Organization

Article II, Municipal Departments

Article III, Boards and Committees

Article IV, Purchases and Contracts

Article V, Salaries

Article VI, Legislative Body

Article VII, Finance

Article VIII, Municipal Elections

Article IX, Appointment, Election and Removal of City Officers

Article X, Bonds of City Officials

- C. The Traffic Code (current Chapters 60 to 65) will also be included as a single chapter as follows:

Chapter 254, Vehicles and Traffic

Article I, Definitions

Article II, Operation of Motor Vehicles

Article III, Stopping, Standing and Parking

Article IV, Rights and Duties of Pedestrians

Article V, Enforcement

Article VI, Penalties

- D. We will be combining § 26.4, Junk dealer's license, with Chapter 34, Junk and Secondhand Dealers, so that all provisions relating to junk dealers are in the same chapter. Likewise we will be combining § 26.7, Moving of buildings through streets, with § 15.7, Moving of buildings through streets.
- E. City Council Rules of Order. We received a copy of the Rules of Order adopted on March 1, 2016. If the City elects to add these rules to the Code, they will be included as a chapter in the Code Appendix.

ORGANIZATION OF NEW CODE

Organization Generally

The standard organization and numbering systems used by General Code are somewhat different from the current City Code. Before we can proceed with preparation of the Manuscript (rough draft) for the new City Code, we need to reach agreement with the City on the organization of the new Code. Please refer to the "Proposed Table of Contents" enclosed and review the following information:

- The City Charter will appear first in the Code. No changes will be made to the Charter.
- The City ordinances will follow the Charter and make up the main body of the Code. The ordinances will be arranged in alphabetical order by chapter title (with the exception of Chapter 1, General Provisions, which applies to the entire Code and therefore appears first). It is General Code's experience that alphabetical order is a structure that is easy for most code users, including members of the public, to recognize and use. It is also a flexible structure that allows new topics to be added to the Code simply by inserting them in the proper alphabetical order (see "Chapter Numbers" below). It is important that the Code be designed to accommodate not only the City's existing ordinances but also ordinances that will be added in the future.
- One of the primary goals of our organizational system is to create smaller, more subject-specific chapters in order to make material easier to locate and access. So, for example, the ordinances dealing with pawnbrokers, bowling alleys and outdoor dining establishments, which are not really related topics, are included in separate chapters rather than being lumped together under a general heading such as "licenses and permits" or "licensing."

Chapter Numbers

Because the chapters are in alphabetical order, when chapter numbers are assigned the numbers are staggered (there are gaps) instead of consecutive in order to provide room for new chapters to be added in the future in the proper alphabetical order. The numbers that are not used are considered "reserved" chapters available for future use. Example:

Ch. 40. Building Construction and Property Maintenance
 Ch. 49. Cemeteries
 Ch. 54. Citations
 Ch. 75. Fires and Fire Safety

Using the above example, if a new chapter on emergency management needed to be added, it could be assigned as Chapter 68, Emergency Management, to put in the proper order between "Citations" and "Fires and Fire Safety."

Numbering and Formatting

The section numbering system used by General Code is similar to the current numbering, except that a hyphen is used instead of a decimal. Examples: the first section of Chapter 4 would be § 4-1 (instead of § 4.1); the fifth section in Chapter 16 would be § 16-5 (instead of § 16.5), and so on.

Each section in the City Code, including the Zoning Ordinance, will be renumbered to reflect the new organization (the new chapter numbers). Note that tickets, signs, software and other City documents that refer to the existing Code numbering will need to be updated once the new Code is adopted.

See the "Sample Code Page" provided which explains the various features of the Code. A number of codes are posted on our website and can also be reviewed with respect to the organization and numbering. For New Hampshire codes see: <http://www.generalcode.com/ecode360/NH>

Derivation Table

To assist in the transition to the new Code's organization, a Derivation Table (parallel table) will be included in the new Code which indicates where each chapter of the former Code has been included in the new Code. We will also make all necessary updates to cross-references to reflect the new numbering.

Disposition List

The Code will also include a list of all ordinances we receive from the City during this project (the "Disposition List"). This list will show, for each ordinance, its adoption date, subject matter and location in the Code. After the Code is published, this list will continue to be updated with each supplement to include all ordinances added with that supplement.

Proposed Table of Contents

We have prepared a Proposed Table of Contents for the new Code based on our review of the existing City Code and in accordance with our standard organizational system. A copy of this document is enclosed for the City's review. The "Source" column on the Proposed Table of Contents shows the location of the material in the current City Code.

Please note that once the Table of Contents is approved and we have prepared the Manuscript, any requests by the City to alter the overall organization of the Code or for special numbering or formatting, including requests to change back to the original numbering, will be subject to additional charges based on the time and materials required to make the changes requested.

If the City would like a different organizational structure for the Code that determination needs to be made now, before the Manuscript of the new Code is prepared. Please contact the project editor if a different organization is desired or if more information is needed.

Decision:

- ☐ Proposed Table of Contents is approved; the City understands that all chapters, sections and subsections will be renumbered and that other City documents may need to be updated accordingly
- ☐ Table of Contents is approved with revisions shown on enclosed copy
- ☐ Please call to discuss

PROJECT STEPS

Manuscript and Editorial and Legal Analysis

As the next step in the codification project we will create the Manuscript (rough draft) of the new Code based on the approved Table of Contents. The Manuscript will then be reviewed by the project editor and the Editorial and Legal Analysis prepared. The Analysis will provide a review of the Code for inconsistencies, duplications, conflicts with the City Charter and current state law, and outdated or unclear wording. The Manuscript and Analysis will be submitted within 120 business days of receipt of the completed Organizational Analysis. The City will have 90 business days to review the Manuscript and Editorial and Legal Analysis.

Final Draft

Once the City has completed its review of the Manuscript and Editorial and Legal Analysis we will incorporate any requested changes to the Manuscript and submit a final Draft for the City's review. The Draft will be submitted within 100 business days of receipt of the City's response to the Editorial and Legal Analysis, and the City will have 30 business days to review the Draft.

Publication; Adoption of Code

Following the City's review and approval of the Draft we will proceed with final publication of the new City Code. The City is scheduled to receive 20 hard copies of the Code and eCode360® (Code on the Internet), along with copies in pdf and Word format.

In conjunction with the final publication of the Code we will provide a draft ordinance for adoption of the new Code by the City.

Proposed Table of Contents

Code of the City of Rochester, New Hampshire

**NOTE: Chapter and article titles and numbers may change at final editing depending on new subject matter legislated and/or input from municipal officials.*

New Ch. Number	New Title	Source
THE CHARTER		
--	Charter	Charter
THE CODE		
1.	General Provisions	
	Art. I, General Penalty	Ch. 30
	Art. II, Adoption of Code	<i>New</i>
7.	Administrative Code	Ch. 1 to Ch. 14
11.	Adult-Oriented Establishments	Ch. 25, Art. 4
16.	Alarm Systems	Ch. 33
22.	Amusements and Entertainment	
	Art. I, Theaters	§ 26.2
	Art. II, Boxing and Wrestling Exhibitions	§ 26.5
	Art. III, Public Dances, Circuses and Parades	§ 26.6
	Art. IV, Bowling Alleys and Billiard Tables	§ 26.8
	Art. V, Pinball and Video Games	Ch. 27
28.	Animals	Ch. 29
40.	Building Construction and Property Maintenance	Ch. 40
49.	Cemeteries	Ch. 36
54.	Citations	Ch. 44
75.	Fires and Fire Safety	
	Art. I, Fire Department	Ch. 22
	Art. II, Fire Prevention	Ch. 23

New Ch. Number	New Title	Source
80.	Food and Food Service	
	Art. I, Food Service Establishments	Ch. 25, Art. 3
	Art. II, Outdoor Dining Establishments	§ 26.10
94.	Health and Sanitation	Ch. 25, Arts. 1 and 2
110.	Junk and Secondhand Dealers	§ 26.4; Ch. 34
123.	Licensing Board	§ 26.1
135.	Mobile Home Parks	Ch. 43
149.	Nuisances	Ch. 28
158.	Parks, Recreation and Arena	Ch. 21
162.	Pawnbrokers	§ 26.3
167.	Peace and Good Order	Ch. 24
171.	Peddling and Soliciting	
	Art. I, Hawkers, Peddlers and Itinerant Vendors	Ch. 32
	Art. II, Soliciting Funds	§ 26.9
176.	Planning Board	Ch. 41
183.	Public Buildings	Ch. 20
200.	Sewers	Ch. 16
210.	Solid Waste	Ch. 19
218.	Stormwater Management and Erosion Control	Ch. 50
223.	Streets and Sidewalks	
	Art. I, General Regulations	Ch. 15; § 26.7
	Art. II, Newsracks and Public Way Obstructions	Ch. 35
230.	Taxicabs	Ch. 66
237.	Towing Services	Ch. 67
254.	Vehicles and Traffic	Ch. 60 to Ch. 65
260.	Water	
	Art. I, Use Regulations and Rates	Ch. 17
	Art. II, Cross-Connections	Ch. 18
275.	Zoning	Ch. 42

New Ch. Number	New Title	Source
APPENDIX		
A300.	City Council Rules of Order	
DERIVATION TABLE		
DISPOSITION LIST		
INDEX		

Section numbers reflect both the number of the chapter in which the legislation is included and the location of the section within that chapter. This facilitates referencing and indexing sections.

Page heads indicate which sections appear on a particular page, making sections quick to locate.

§ 198-1

Chapter 198

§ 198-3

TAXICABS

§ 198-1. License required.

§ 198-2. Licensing authority; revocation; records.

§ 198-3. Rates of fare.

§ 198-4. Licensing conditions.

§ 198-5. Use of public ways.

Every chapter is preceded by a Scheme, which lists each section by title. Taken together, the titles serve as a summary of the contents of the chapter.

[HISTORY: Adopted by the City Council of the City of Springfield. Amendments noted where applicable.]

The History indicates the specific legislative source from which the chapter is derived.

GENERAL REFERENCES

Vehicle noise restrictions — See Ch. 75.

Vehicle and traffic regulations — See Ch. 111.

A table of General References directs the reader to related chapters.

§ 198-1. License required.

No person shall set up, use, or drive in the City any unlicensed taxicab or motor vehicle for the conveyance of passengers for hire from place to place.

§ 198-2. Licensing authority; revocation; records.

City Council may license taxicabs or motor vehicles for the conveyance of persons for hire from place to place within the City. It may revoke such licenses at its discretion. A record of all licenses so granted or revoked shall be kept by the City Council.

For precision of reference, section titles are repeated as headings in the text.

§ 198-3. Rates of fare.

A. Minimum zone rates. **[Amended 2-12-1980 by Ord. No. 80-73 ¹]**

Amendments to individual sections or subsections are noted in the text at the location which most precisely pinpoints the amended material.

(1) On all trips originating or terminating north of Riverside Cemetery, the following minimum zone rates may be charged for distances north of said cemetery, which portion of the City is hereby divided into three zones as follows:

- (a) Zone A, from Riverside Cemetery to and including Boxart Street: \$2.50, plus \$1 for each additional passenger.
- (b) Zone B, from Boxart Street to and including Denise Road: \$3.50, plus \$1 for each additional passenger.
- (c) Zone C, from Denise Road to and including Beach Avenue: \$4, plus \$1 for each additional passenger.

(2) Each zone shall include all areas lying between the lines of its boundary streets extended to the easterly and westerly limits of the City. The minimum rates

1. **Editor's Note: This ordinance provided an effective date of 3-31-1980.**

Editor's Notes provide supplementary information for the Code user.

198:1

The page-numbering system reflects the chapter number plus the page sequence. This allows the insertion of new chapters without affecting the existing Code organization.

01 - 15 - 2010

The dateline indicates the date the page was printed.



Information made civil.

Debora J. Tuszynski

Editor

781 Elmgrove Road
Rochester, NY 14624

Toll Free: 855 GEN CODE

Office: 585 328 1810

Fax: 585 328 8189

dtuszynski@generalcode.com

GeneralCode.com

10/3