

## **Codes and Ordinances Committee**

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



11/30/16

## **AGENDA**

### **CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

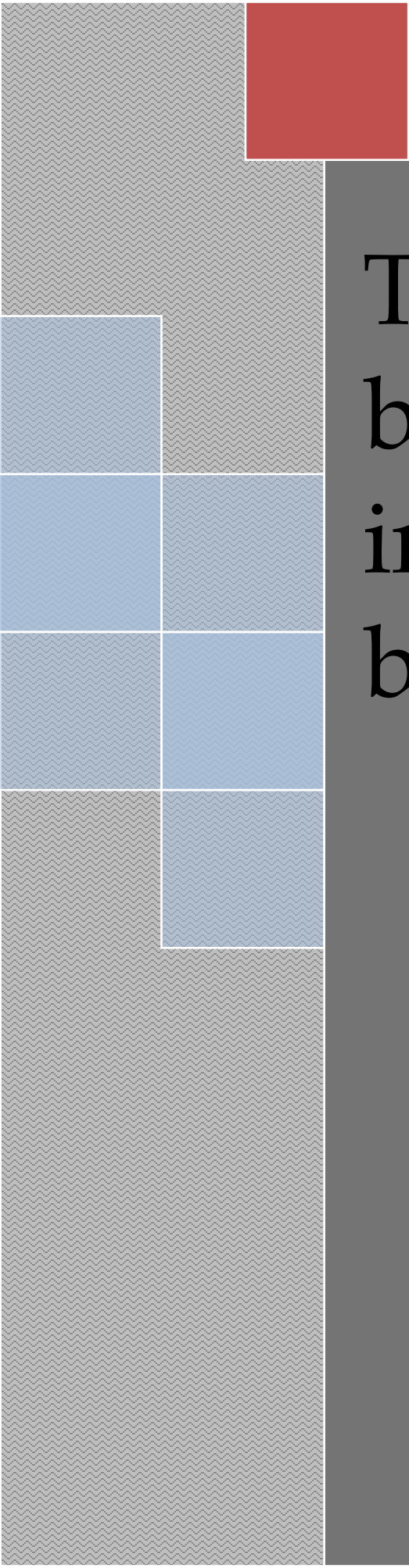
**Thursday, December 1, 2016**

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 – October 6, 2016 P. 3
  4. **Discussion:** Fireworks
    - 4.1. Current Ordinances P. 13
    - 4.2. Proposed Total Ban P. 15
    - 4.3. Proposed Ban P. 17
    - 4.4. Letter from Police Commission P. 27
  5. Amendment to the General Ordinances Relative to Chapter 45 Overnight Parking, Occupancy and Camping, on City-Owned Property *Forthcoming*
  6. Amendment to Chapter 3 P. 29
  7. Council Rules of Order P. 31
  8. Other
  9. Adjournment



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**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday, October 6, 2016**

City Council Chambers

31 Wakefield Street, Rochester, NH

6:00 PM

**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair

Councilor Elaine Lauterborn, Vice Chair

Councilor Thomas Abbott

Councilor Donna Bogan

Councilor Robert Gates

**Others Present**

Attorney O'Rourke

Councilor Gray

Councilor Willis

**Others Present Continued**

Police Commission Bruce Lindsay

Police Commission Lucien Levesque

Police Commission Derek Peters

Dennis Hancock, Resident

Margie Hancock, Resident

Michael Cormier, Resident

Lea Dill, Resident

Lisa Stanley, Resident

Phil Jacques, Resident

Barbary Soley, Resident

**MINUTES****1. Call to Order**

Councilor Lachapelle called the meeting to order at 6:00 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.

**3. Approval of the Codes and Ordinances Committee Minutes [September 1, 2016]**

Councilor Lauterborn **MOVED** to **APPROVE** the September 1, 2016, Committee meeting minutes. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**4. Discussion about Fireworks**

Councilor Lachapelle opened the discussion about setting off fireworks. He said he is not in favor of placing a complete ban of setting off fireworks in the City of Rochester; however, he supports having the Committee review the ordinance one more time.

Several Councilors agreed that it seems to be more of an enforcement issue. Councilor Gray asked if the Police Department could take any action against illegal fireworks displays if the violation was no longer in progress at the time the authorities reached the property in

question. Chief Allen replied that a neighbor could submit a written statement and photos in order to assist the Police Department with making the offender accountable.

Chief Allen said out of the 65 fireworks-related phone calls received in 2015, zero citations were issued. Similarly, to date in 2016 there have been 68 fireworks-related calls and zero citations have been given out this year.

Chief Allen said he met with the Director of Building, Zoning, and Licensing Services, the Fire Marshall, and the Police Commission to find ways to make the fireworks ordinance more enforceable. It was determined that a permitting process for fireworks displays, attaching a fee to the permitting process, limiting the permits to property owners, and requesting a lead time for obtaining a permit would be effective. Councilor Bogan asked if this would assist with “repeat” offenders. Chief Allen replied yes.

Councilor Abbott wished to clarify that no matter what ordinance is in place, the fireworks-related calls to the Rochester Police Department would still be low on the priority call list. Chief Allen replied that is correct.

Councilor Willis mentioned that Somersworth, NH, has had some success with an ordinance they have been using. It had been provided in one of the past Codes and Ordinances Committee meeting packets.

Councilor Lachapelle invited the public to come forward to speak about the topic.

Dennis Hancock, resident, gave reasons why he supported a total ban of fireworks. He said it is a quality of life issue.

Margie Hancock, resident, agreed with a total ban of fireworks and said implementing a permit fee of \$5 would do nothing to stop residents from setting off illegal fireworks since they spend thousands of dollars each year on fireworks.

Jackie Raab, resident, supported a total ban of setting off fireworks. She mentioned that her elderly mother has a difficult time hearing the loud noise. She questioned why the City would not ban fireworks during Mandatory Water Use Restrictions. She gave other reasons why fireworks should be prohibited in Rochester and why it was a quality of life issue.

Michael Cormier, resident, gave a lengthy heartfelt testimony of why setting off fireworks should be prohibited in the City of Rochester. He added that fireworks are being set off no matter the weather [30 mph winds] and in the middle of Mandatory Water Use Restrictions.

Lea Dill, resident, addressed the Committee about setting off fireworks. She asked if she submitted evidence to the Police Department, such as a video and/or trash bag filled with fireworks debris, would anything be done at that point. Chief Allen agreed that any evidence could be used to assist the Police Department in the ability to issue a citation.

Bruce Lindsay, Police Commission, addressed the Committee. He gave reasons why this is a quality of life issue. One neighbor can disturb the entire neighborhood for 5 or 6 hours at a

time. He questioned what is the benefit to the City of Rochester for allowing residents to set off fireworks.

Lisa Stanley, resident, said she listened to the testimony this evening and is in favor of banning fireworks all together or at least placing further restrictions on setting them off would be a step in the right direction. The current ordinance is too lenient.

Phil Jacques, resident, addressed the Committee, and said setting off fireworks should be reduced to only a few holidays a year, if not, a total ban. The current ordinance allows too many hours of letting off fireworks and among other things in Rochester it has become a quality of life issue.

Barbara Soley, resident, addressed the Committee about the impact setting off fireworks has on her son [military], animals, and elderly people in her neighborhood. She has been awoken in the middle of the night due to neighbors setting off fireworks and woken up in the morning to find small debris fires on her lawn. She added that many out of the State residents visit the Grand View Camping Area to set off fireworks.

Lucien Levesque, Police Commission, addressed the Committee and supported the permitting process. He said this has become a quality of life issue for many residents. The permitted fireworks display should be narrowed down to the one holiday a year in which the Country celebrates freedom.

Derek Peters, Police Commission, addressed the Committee and supported decreasing the permitted hours of setting off fireworks; however, he did not support an outright ban of the displaying of fireworks in the City of Rochester. He encouraged the Committee to seek legal advice from the legal Department and that a fine must be included in order to assist the local authorities to enforce the issue.

Councilor Lachapelle said that banning fireworks all together did not seem like a reasonable option. Councilor Abbott and Gates agreed.

It was determined that the following two motions would be brought to the Regular City Council Meeting in November:

Councilor Lachapelle stated that he did not support an outright ban; however, for the sake of bringing this matter to the City Council for a vote, he **MOVED** that the City of Rochester ban setting off fireworks. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Amendment is as follows:

### **23.1 Prohibition and Regulation of Fireworks.**

- 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.

- B. 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.

Councilor Lachapelle stated for the purpose of giving an option to the City Council if an outright ban fails at the City Council level, he **MOVED** that the current ordinance is amended as follows:

**23.2 Prohibition and Regulation of Fireworks.**

- 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. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.

- i. Any person wishing to obtain a permissible fireworks display permit shall apply to the Police Chief and the Fire Chief at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chief.
- ii. The applicant shall provide the following information:
  - a. Date of application
  - b. Name, address, and telephone number of applicant
  - c. Address of location where the display will be held

- d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
    - e. Name of the owner of the property where the display will be held
    - f. Intended date and time of display, including a possible rain date
    - g. Written authorization of the property owner, if different from the applicant
    - h. Signature of the applicant
  - iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.
  - iv. Site inspections:
    - a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
    - b. If, in the opinion of the Police Chief or Fire Chief, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.
- D. 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:
- v. 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 the following holiday: , Fourth of July (including the evening of July 3<sup>rd</sup> 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), after obtaining a permit.
  - 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
  - v 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."
- E. 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.
- F. This ordinance shall be construed consistently with NH Code of Administrative Rules Sa f 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
- G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
- vi. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per hour or higher.
  - vii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
  - viii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
  - ix. 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.

- H. 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.”
- I. 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 D. ii on particular days to celebrate those Special Events.

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.”

Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Lachapelle thanked the public for attending the meeting.

## **5. Proposed Amendment to the General Ordinances Relative to Chapter 45 Overnight Parking Occupancy and Camping on City owned property**

Councilor Lachapelle introduced the following Amendment and invited the public to speak on the topic:

### **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.**

human, resident, addressed the Committee. He did not support this proposed ordinance. He said there should be some type of licensing for campers on City property; however, restricted any overnight camping is not moving in the right direction.

Councilor Abbott **MOVED** to recommend this proposed amendment to the full City Council for approval at the November 1, 2016, Regular City Council Meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **6. Codification Review**

The Committee made a Sense of Committee on the following codification review questions:

Charter:

- Section A: Include the Adoption date for the City Charter
- Section B: Do not include attachment; revise note to state that the Exhibit A is on file in the City Clerk's office.

It was further recommended that the City Rules of Order should not be included with the Codification. This should be a separate document noted as an attachment on file with the City Clerk's office. The Sense of the Committee is to send the Codification to the full City Council for Approval.

#### **7. Other**

Councilor Lachapelle briefly updated the Committee about the recommendation to have the Codes and Ordinances Committee review an Amendment to Chapter 3 of the General Ordinances of the City of Rochester Regarding Composition of the Conservation Commission. The proposed amendment would increase the amount of "alternate" positions from only having one to two alternate positions. Councilor Lauterborn **MOVED** to recommend to the full City Council that this amendment be approved. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **AMENDMENT TO CHAPTER 3 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING THE COMPOSITION OF THE CONSERVATION COMMISSION**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 3 of the General Ordinances of the City of Rochester regarding the composition of the Conservation Commission and currently before the Rochester City Council, be amended as follows:

**3.9 Conservation Commission.**

(a) -----

(b) The Conservation Commission shall consist of seven (7) members, one of whom may be a member of the Planning Board. Members of the Commission shall be appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for terms of three years. The terms of members of the Commission shall be so arranged that two regular members of said Commission shall be appointed annually and a chairperson shall be appointed every third year by the Mayor. Vacancies shall be filled for the unexpired terms. Two (2) alternate members of the Commission shall be appointed in the same manner as regular members of the Commission for a terms of three years, and when such alternates serve in the absence or disqualification of a regular member, he or she shall have full voting powers.

(c) ----

**The effective date of these amendments shall be upon passage.**

Councilor Gray asked if the discussion about political signage could be discussed at the next meeting. Councilor Lachapelle asked the City Clerk to add this topic to tentative agenda for November Codes and Ordinances Committee.

Councilor Gates **MOVED** to **ADJOURN** the Codes and Ordinances Committee at 7:50 PM. Councilor Lauterborn 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 3<sup>rd</sup> 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 31<sup>st</sup>), provided, however, that on New Year’s Eve such display shall be permitted to occur between the hours of 6 PM on December 31<sup>st</sup> and 1:00 AM on January 1<sup>st</sup>.
  - 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 3<sup>rd</sup> 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

### FIRE SAFETY MEASURES

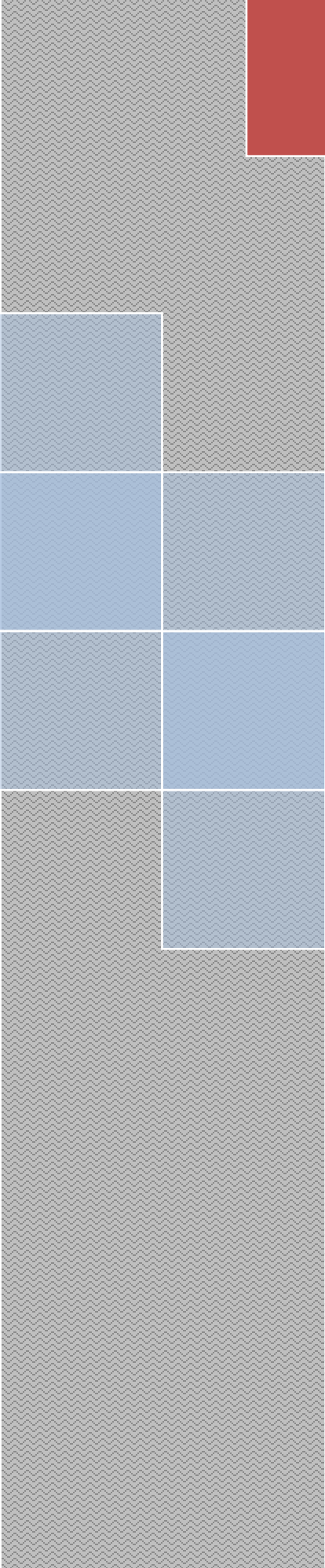
#### SECTION ANALYSIS

- 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

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#### **23.1 Prohibition and Regulation of Fireworks.**

- 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.
- B. 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.



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## CHAPTER 23

### FIRE SAFETY MEASURES

#### SECTION ANALYSIS

- 23.1 Fire Safety Rules and Regulations
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- 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.**

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**

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.
- (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 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
- (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.**

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
Commercial Hood Fire Suppression	\$1.00 per device or \$50.00 minimum
Clean Agent	\$1.00 per device or \$50.00 minimum
Initial Inspection	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.**

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 Fire Department Access**

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 Control of Fire Hazards**

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 Penalty**

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.**

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.**

- 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. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.

- i. Any person wishing to obtain a permissible fireworks display permit shall apply to the Police Chief and the Fire Chief at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chief.
- ii. The applicant shall provide the following information:
  - a. Date of application
  - b. Name, address and telephone number of applicant
  - c. Address of location where the display will be held
  - d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
  - e. Name of the owner of the property where the display will be held
  - f. Intended date and time of display, including a possible rain date
  - g. Written authorization of the property owner, if different from the applicant
  - h. Signature of the applicant
- iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.
- iv. Site inspections:
  - a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
  - b. If, in the opinion of the Police Chief or Fire Chief, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

D. 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:

- v. 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 the following holiday: Fourth of July (including the evening of July 3<sup>rd</sup> 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), after obtaining a permit.
- 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 3<sup>rd</sup> 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."

E. 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.

F. This ordinance shall be construed consistently with NH Code of Administrative Rules 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

G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:

- vi. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per hour or higher.
- vii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
- viii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
- ix. 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.

H. 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.”

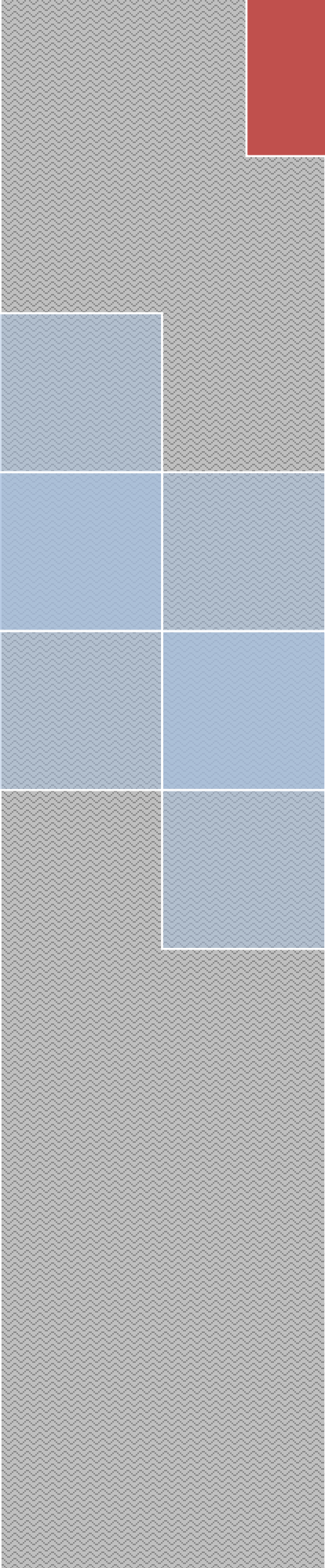
I. The City Manager, Mayor, and/or the City Council may declare a Special Event of cultural or civic significance and authorize the display of fireworks on the same terms as Section D. ii on particular days to celebrate those Special Events.

#### **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.



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11/30/16



## ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET  
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127  
FAX (603) 330-7159  
[www.rochesterpd.org](http://www.rochesterpd.org)

*"Dedication, Pride, Integrity"*

POLICE COMMISSION

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

MICHAEL J. ALLEN  
*Chief of Police*



September 27, 2016

TO: Codes and Ordinances Committee  
Peter Lachapelle, Chair

FROM: Michael J. Allen  
Chief of Police

RE: Fireworks Ordinance Review/Recommendation

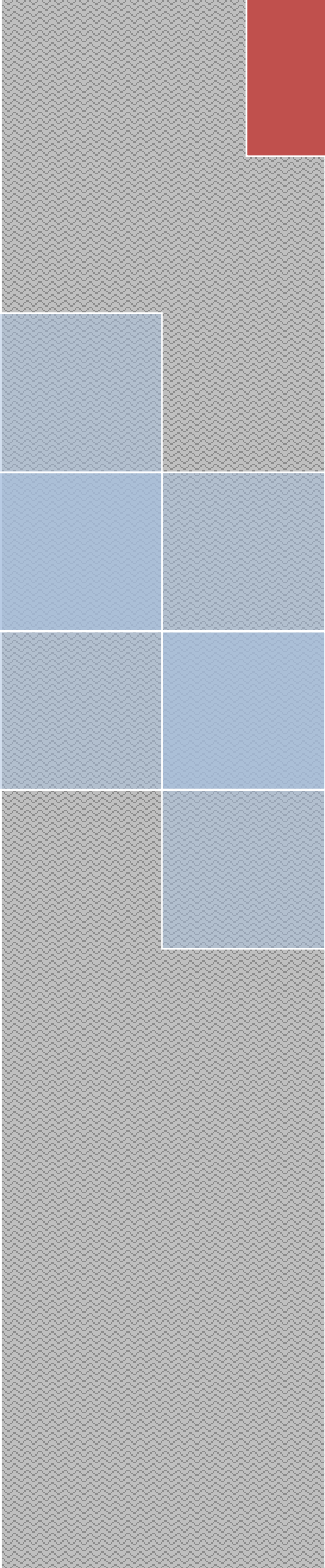
Dear Chair Lachapelle:

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.



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**AMENDMENT TO CHAPTER 3 OF THE GENERAL ORDINANCES OF THE CITY OF  
ROCHESTER REGARDING THE COMPOSITION OF THE CONSERVATION  
COMMISSION**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 3 of the General Ordinances of the City of Rochester regarding the composition of the Conservation Commission and currently before the Rochester City Council, be amended as follows:

**3.9 Conservation Commission.**

(a) -----

(b) The Conservation Commission shall consist of seven (7) members, one of whom may be a member of the Planning Board. Members of the Commission shall be appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for terms of three years. The terms of members of the Commission shall be so arranged that two regular members of said Commission shall be appointed annually and a chairperson shall be appointed every third year by the Mayor. Vacancies shall be filled for the unexpired terms. Two (2) alternate members of the Commission shall be appointed in the same manner as regular members of the Commission for a terms of three years, and when such alternates serve in the absence or disqualification of a regular member, he or she shall have full voting powers.

(c) ----

**The effective date of these amendments shall be upon passage.**

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# **ROCHESTER NEW HAMPSHIRE**



# **2014 CITY COUNCIL RULES OF ORDER**

**AMENDED AND ADOPTED ON MARCH 4, 2014**



# **RULES OF ORDER OF THE CITY COUNCIL CITY OF ROCHESTER, NEW HAMPSHIRE**

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**RULES OF ORDER OF THE  
CITY COUNCIL  
CITY OF ROCHESTER, NEW HAMPSHIRE**

**ARTICLE 1  
CITY COUNCIL MEETINGS**

**SECTION 1.1 REGULAR MEETINGS**

Regular meetings of the City Council shall be held in the Council Chamber in City Hall on the first Tuesday of each month, at 7:00 o'clock PM, except when a state general election or a regular municipal election is held on said first Tuesday of the month of November. The November meeting date in the year in which a regular municipal election is conducted shall be the Wednesday following said municipal election, in accordance with Section 52 of the City Charter. The November meeting date in the year in which a state general election is conducted shall be the second Tuesday of that month, unless the City Council shall otherwise direct. The inaugural meeting date following the regular municipal election shall be the first Tuesday after January 1. If any such date shall fall upon a legal holiday or upon the day on which a special state or municipal election is conducted the City Council shall vote to conduct said meeting on the day following or on the Tuesday following that holiday or Election Day.

**SECTION 1.2 SPECIAL MEETINGS**

The City Clerk shall call a special meeting of the City Council at the written request of the City Manager, the Mayor, or at the written request of a majority of City Council. Special meetings of the City Council shall be held upon written notice being delivered by the City Clerk to each City Councilor at least forty-eight (48) hours prior to said meeting, said notice stating the purpose for which the meeting is called. The Mayor shall take the chair precisely at the hour appointed for the meeting and call the members to order, and within ten minutes or sooner if a quorum be present, shall cause the roll to be called, and the names of the members present to be recorded. The Clerk shall also record the names of the members coming in after the calling of the roll.

**SECTION 1.3 ABSENCE OR DISABILITY OF MAYOR, DEPUTY MAYOR**

In the absence or disability of the Mayor, the Deputy Mayor shall take the chair and preside over the meeting and shall act as Mayor during such absence or disability. In the absence or disability of both Mayor and Deputy Mayor, the Clerk shall call the Council to order and shall preside until a chairperson shall be chosen by a roll call vote and plurality of votes, who shall preside and act as Mayor during such absence or disability.

[6/4/2013]

## **SECTION 1.4 ORDER OF BUSINESS**

(a) The order of business for regular meetings of the City Council shall be as follows:

1. Call to order
2. Pledge of Allegiance
3. Prayer
4. Roll Call
5. Approval of the minutes of the previous meeting(s)
6. Communications from the Mayor
7. Communications from the City Manager
8. Presentation of Petitions and Council Correspondence [and Disposal thereof by Reference or Otherwise]
9. Nominations, Appointments and Elections
10. Report of Committees
11. Old Business [Items Remaining from Prior Meetings]
12. New Business
13. Other
14. Adjournment

(b) New Business: Items requiring Council action may be introduced by any member of the City Council, but may not be acted upon at the meeting in which they are introduced unless the items are properly filed in accordance with Article 4, Section 4.1 herein. The Council may act upon said items if they have not been filed in advance by suspending Council Rules by a two-third (2/3) vote of the City Council.

## **SECTION 1.5 PUBLIC HEARINGS**

Public Hearings: To receive citizen input and feedback on certain specific matters that have been placed on the meeting agenda for consideration and action by the City Council, Public Hearings will be scheduled and held as required by law and/or whenever referred for a public hearing by simple majority vote of Council Members present. Upon being referred by Council vote, Public Hearings will be noticed for and held during a subsequent Regular and/or Special Meeting or Committee Meeting. At the request of the presiding officer, Ordinances or Resolutions scheduled on an agenda for public hearing will be briefly introduced with appropriate explanations by staff. Citizens will then have the opportunity to address the Council speaking to the specific item(s) subject to public hearing, subject to the following guidelines: [6/4/2013]

- I. All speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester;
- ii. All speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;
- iii. Speakers shall first recite their name and address for the record, and, if applicable, the name and address of the civic organization and/or business they have been designated to represent;
- iv. For each public hearing item, a speaker shall be provided a single opportunity for comment;
- v. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff; and
- vi. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

**ARTICLE 2**  
**DUTIES AND POWERS OF PRESIDING OFFICER**

**SECTION 2.1      PRESIDING OFFICER - DECORUM AND ORDER**

The presiding officer shall preserve decorum and order, may speak to points of order in preference to the members, and shall decide all questions of order, subject to an appeal to the Council on motion of any member, and no other business shall be in order until the questions on the appeal shall have been decided.

**SECTION 2.2 PRESIDING OFFICER - DECLARING VOTES**

The presiding officer shall declare all votes, but if any member doubts the vote, the presiding officer, without further debate upon the question, shall require a division and shall declare the results.

**SECTION 2.3 PRESIDING OFFICER - ROLL CALL VOTES**

When any member shall require a question to be put in the roll call vote, the presiding office shall so order if the request is seconded.

**SECTION 2.4 PRESIDING OFFICER - ORDER OF QUESTIONS**

The presiding officer shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature.

**SECTION 2.5 DISPOSAL OF MOTIONS**

After a motion is made and seconded, it shall be considered, and, after it is stated by the presiding officer, it shall be disposed of by vote of the City Council, unless the mover withdraws it before a decision or amendment and the second agrees to withdrawal of the motion.

**SECTION 2.6 MOTION FOR ADJOURNMENT**

The presiding officer shall consider a motion to adjourn as always in order, the time of the next meeting having been agreed upon, unless a member has possession of the floor, or any question has been put and not decided. The motion to adjourn, or to lay on the table, or to take from the table, if seconded, shall be decided without debate.

**SECTION 2.7 PRESIDING OFFICER - RECOGNIZING MEMBERS**

When two or more members ask to be recognized at the same time, the presiding officer shall name the member who shall speak first.

**SECTION 2.8 COMMITTEE APPOINTMENTS**

All Council committees shall be appointed and announced by the presiding officer, who shall designate the chairperson and vice-chairperson thereof. The Mayor shall be Chair of the Finance Committee and an Ex-Officio voting member of all other committees of the Council.

**SECTION 2.9 ROBERT'S RULES OF ORDER**

When no other provision is herein made, questions of parliamentary law shall be decided as prescribed in the most recent edition of Robert's Rules of Order.

<b>ARTICLE 3</b> <b>RIGHTS AND DUTIES OF MEMBERS</b>
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**SECTION 3.1 COUNCIL MEMBER SPEAKING**

When any member is about to speak in debate, or deliver any matter to the Council, the member shall use a raised hand to be recognized, shall remain seated, respectfully address the presiding officer, shall be confined to the question under debate, and shall avoid personalities. The presiding officer shall attempt to allow a particular stream of discussion to be completed prior to allowing a member to change the direction of the debate at hand.

**SECTION 3.2 COUNCIL MEMBER IN DEBATE**

Members in debate shall address each other as Councilor or may use a description by the ward represented, or such other designation as may be intelligible and respectful.

**SECTION 3.3 INTERRUPTION OF COUNCIL MEMBER**

No member speaking shall be interrupted by another, except to call to order or to correct a mistake. But if any member, in speaking or otherwise, transgresses the Rules of the Council, the member so called to order shall immediately cease speaking unless permitted to explain, and the chair shall decide the question of order. The City Council, if appealed to, shall decide the question with limited debate.

**SECTION 3.4 COUNCIL MEMBER SPEAKING, LIMITATIONS**

Upon a motion and 2/3 vote by the council to limit debate, the chair shall limit discussions on any motion before the council. After such vote and if no time limit is set as part of the motion, no member shall speak more than twice on the same question, or more than five minutes at one time, nor more than once, until all other members choosing to speak shall have spoken.

**SECTION 3.5 PRECEDENCE OF MOTIONS**

The following motions shall have precedence in the order in which they are arranged:

1. **TO ADJOURN:** A privileged motion to be voted on at once if seconded; not debatable.
2. **TO LAY ON THE TABLE/TO TAKE FROM THE TABLE:**  
Requires a second, not debatable.
3. **TO CALL FOR THE PREVIOUS QUESTION/TO MOVE THE QUESTION (TO CLOSE DEBATE):**  
Requires a second, not debatable.
4. **TO POSTPONE TO A TIME CERTAIN:**  
Requires a second, debatable.

5. **TO REFER:** Requires a second; debatable.
6. **TO AMEND:** Requires a second; debatable.
7. **TO POSTPONE INDEFINITELY:** Requires a second; debatable.
8. **MAIN MOTION:** Requires a second; debatable.

### **SECTION 3.6 MOTION REDUCED TO WRITING**

Every motion shall be reduced to writing, if the presiding officer directs, or if a member of the Council requests it.

### **SECTION 3.7 VOTING ON MOTIONS. ABSTENTIONS**

Every member who shall be in the Council Chamber when a question is put shall vote, except that no member may vote on any question in which the member has a direct interest to a degree that may significantly impair the independent and impartial exercise of that member's judgment as a Councilor. If a member takes this rule for purposes of not voting, the member shall inform the City Council before a vote be taken on the motion under consideration.

### **SECTION 3.8 MAYORAL VETO - EXERCISE AND VOTE TO OVERRIDE**

To be effective, the right of veto accorded to the Mayor under the provisions of Section 10-A of the Rochester City Charter, must be exercised, and notice of such exercise must be communicated in writing to the City Clerk, within one hundred forty-four (144) hours after action by the Council. As soon as practicable after receipt of the Mayor's written notice of exercise of the veto power, and in no event later than seventy-two (72) hours after receipt of such notice, the City Clerk shall inform the Council in writing of the Mayor's exercise of such veto. The Council may override said veto by a two-thirds (2/3) vote of all Councilors serving in office, as provided for in Section 10-A of the Rochester City Charter, no later than the close of the next regular meeting of Council.

### **SECTION 3.9 DIVISION OF A QUESTION**

The division of a question may be called for when the sense will admit it.

### **SECTION 3.10 READING OF A PAPER, OBJECTIONS**

When the reading of a paper is called for, and the same is objected to by any Member, it shall be determined by a vote of the Council.

### **SECTION 3.11 SUSPENSION, AMENDMENT, AND REPEAL OF RULES**

No standing Rule of Order of the Council shall be suspended unless two-thirds (2/3) of the members present shall consent thereto. Nor shall any Rule of Order be repealed or amended without a motion therefore, made at a previous meeting, nor unless a majority of the whole City Council concur therein. The Rules of Order of the

City Council shall be reaffirmed by the new Council following each municipal election. The Rules of the former Council shall not be binding.

**SECTION 3.12 ATTENDANCE OF MEMBERS**

Every member shall take notice of the day and hour to which the Council may stand adjourned, and shall give his punctual attendance accordingly.

<p style="text-align: center;"><b>ARTICLE 4</b>  <b>AGENDAS, COMMUNICATIONS, COMMITTEES,</b>  <b>REPORTS, RESOLUTIONS</b></p>
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**SECTION 4.1 AGENDA PREPARATION**

The agenda for each Council meeting shall be prepared by the Mayor, the Deputy Mayor and the City Manager in conjunction with the City Clerk. Any Councilor may place an item on the agenda provided that the items be submitted in writing or email to the City Clerk, the Mayor, the Deputy Mayor or the City Manager seven (7) days prior to the meeting of Council. The City Clerk shall provide Council members with copies of the agenda at least five (5) days before the meeting of the Council. All resolutions, and subject matter, to be presented to the Council shall be made available to the members prior to said Council meeting.

**SECTION 4.2 MEMORIALS AND DOCUMENTS. PRESENTATION**

All memorials and other documents addressed to the City Council shall be presented by the presiding officer or by a member in the presiding officer's place, who shall explain the subject thereof; and they shall lie on the table to be taken up in order in which they are presented, unless the Council shall otherwise direct.

**SECTION 4.3 REPORTS AND PAPERS, LEGIBLY WRITTEN OR TYPED**

All reports and other papers submitted to the City Council shall be written in fair hand or typewritten. The Clerk shall make copies on any papers to be reported by the committees, at the request of the chairs thereof. At the request of any councilor a digital copy may be provided in place of printed page.

**SECTION 4.4 STANDING COMMITTEES**

At the commencement of the new year following the regular municipal election, the following committees shall be appointed by the Mayor:

**Finance:**

Shall consist of seven (7) members including the Mayor who shall serve as chair.

**Public Works and Buildings:**

Shall consist of five (5) members.

**Public Safety:**

Shall consist of five (5) members.

**Codes and Ordinances:**

Shall consist of five (5) members.

**Community Development:**

Shall consist of five (5) members.

**Appointments Review Committee:**

Shall consist of five (5) members.

- A. No Council Member shall serve on more than three (3) standing committees, excluding the Finance Committee.
- B. All vacancies occurring in any standing committee shall be filled by the Mayor.

**SECTION 4.5 SPECIAL COMMITTEES**

Special committees shall consist of three (3) members unless a different number be ordered by the Mayor.

**SECTION 4.6 REMOVAL OF A COMMITTEE MEMBER**

A member of any committee may be removed by a two-thirds (2/3) vote of the entire Council.

**SECTION 4.7 PUBLIC INPUT AT WORKSHOP OR COMMITTEE MEETINGS**

The chair shall call the committee together and no committee shall act by separate consultations, and no report shall be received from any committee unless agreed to in committee actually assembled, and voted upon by a majority of the members thereof.

Public input on any subject appropriate to be brought before the Council shall be allowed at the beginning of every committee meeting or council workshop and shall be placed as the first item of business on the agenda of said meeting. When possible, the chair shall allow for reasonable input from the public during the meeting, to allow citizens to comment on any item appearing on the agenda, except for any items discussed in any non-public session. The chair may limit any public input to insure that the committee is able to complete its work and to provide for the decorum of the meeting.

- i. Speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester; [6/4/2013]

- ii. Speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;

- iii. Speakers shall first recite their name and address for the record, and, if applicable, the name and address of the civic organization and/or business they have been designated to represent;

iv. Each speaker shall be provided a single opportunity for comment, limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of named and address by the speaker;

v. Public Input shall not be a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff; and

vi. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

#### **SECTION 4.8 SITTING OF COMMITTEE DURING COUNCIL MEETINGS**

No committee shall sit during the meetings of the City Council without special leave.

#### **SECTION 4.9 COMMITTEE REPORTS**

It shall be the duty of every committee of the Council to which any subject may be specially referred to report thereon at the next meeting of the City Council, or to ask for further time.

#### **SECTION 4.10 COMMITTEE OF THE WHOLE. COUNCIL RULES**

The rules of proceedings in Council shall be observed in a committee of the whole so far as they may be applicable, excepting the rules limiting the time speaking.

#### **SECTION 4.11 AUTHORIZATION OF EXPENDITURES. CITY DEBT**

After the annual appropriations shall have been passed, no subsequent expenditure shall be authorized for any object, unless provisions for the same shall be made by a specific transfer from some of the annual appropriations or money in the treasury unappropriated or by expressly creating therefore a City debt; and no City debt shall be created except by a majority vote of the Council in the affirmative.

#### **SECTION 4.12 ORDINANCES AND RESOLUTIONS**

Every ordinance, and all resolutions imposing penalties or authorizing the expenditure of money when introduced, shall be written and shall pass through the following stages before they shall be considered as having received the final action of the Council, to wit: First reading for information, and if not rejected or otherwise disposed of, the City Attorney and City Clerk, shall carefully examine them to see that they are in technical form and that their provisions are not repugnant to the Laws and Constitution of the State of New Hampshire or to the Charter and Ordinances of the City of Rochester: They shall then be referred by the chair to the appropriate Council committee for review, public hearing (if required) and discussion. All committees shall make a report for final action to the Council. After such report, the question shall be, "Shall they be read a second time?" If not then rejected, the question shall be on the passage of the same to be enrolled. Upon an affirmative vote, the chair shall refer such ordinance or resolution to the Codes and Ordinances Committee for review as set forth in Section 4.13. and

make a report of them to the Council, at which time they shall be deemed to be enrolled. No ordinance or resolution as above referred shall be amended except on its second reading. All other resolutions shall have one reading before they shall finally be passed by the Council.

#### **SECTION 4.13 CODES AND ORDINANCES COMMITTEE.ORDINANCE ENROLLMENT**

It shall be the duty of the Codes and Ordinances Committee to examine every ordinance that shall have passed the several readings required, and if found correctly enrolled, officially made part of the general ordinances of the City of Rochester and/or the official record of the City Council and to report the same to the Council.

#### **SECTION 4.14 ELECTIONS BY BALLOT**

In all elections by ballot on the part of the City Council, blank ballots and all ballots for persons not eligible shall be reported to the Council.. To be elected any person seeking election must receive a majority of the votes of those members present and voting. Tally of the ballots shall be reported to the Council and recorded in the minutes. Unless otherwise directed by the Council all ballots shall be destroyed after being reported.

A. Boards and Commissions appointments shall be elected by ballot of the City Council with the exception of a single candidate. Single candidates upon nominations ceasing will be elected by City Council voice vote that the City Clerk cast one ballot for that candidate.

*(A) Amended and adopted by the City Council on 3/04/2014.*

#### **SECTION 4.15 RECORD OF VOTES AND PROCEEDINGS**

The Clerk shall keep a record of the votes and proceedings of the City Council, entering thereon all orders and resolutions, except such as it is necessary to engross; reports, memorials, and other papers submitted to the Council shall be noted only by their titles or a brief description of their purpose, but any accepted reports may be entered at length on said record.

#### **SECTION 4.16 FUNCTIONS OF FINANCE COMMITTEE**

Functions shall include: Purchasing, Trust Funds, Operating Budget, Final Capital Budget, Taxes, City Reports, Legal Affairs, Insurance, Audits, Claims, Accounts, Bids, Review of Expenditures, Receipts, Contract Change Orders, Welfare and Grants. The Finance Committee shall present a monthly report of the City accounts to the Council.

#### **SECTION 4.17 FUNCTIONS OF CODES AND ORDINANCES COMMITTEE**

Functions shall include: Municipal Elections and Returns, Charter and Ordinances, Council By-Laws, Enrolled Bills, Planning, Zoning, and such other matters as may be directed by the City Council.

#### **SECTION 4.18 FUNCTIONS OF PUBLIC WORKS AND BUILDING COMMITTEE**

Functions shall include: Roads, Sewer Systems, Water Systems, Engineering, Public Buildings, Recycling and Solid Waste, Pollution, Water Resources, Space Allocations.

#### **SECTION 4.19 FUNCTIONS OF PUBLIC SAFETY COMMITTEE**

Functions shall include: Police, Fire, Parking, Traffic, Street Signs, Street Lights, Animal Control, and Public Health Services.

#### **SECTION 4.20 FUNCTIONS OF COMMUNITY DEVELOPMENT COMMITTEE**

Functions shall include: Economic Development, Industrial Development, Land Use Policy, Technology Issues, Chamber of Commerce, Rochester Main Street, Arts and Cultural, Recreation, Parks, Adult & Youth Services, Promotional Activities and Festivals, Public Relations, COAST, CDBG and Human Services Agencies.

#### **SECTION 4.21 FUNCTIONS OF THE APPOINTMENTS REVIEW COMMITTEE**

Functions shall include: Interviewing of candidates for Council appointed positions on various boards of the City, including but not exclusive of Planning Board, Zoning Board of Adjustment, Trustees of the Trust Fund, Library Trustees, Arena Commission, Recreation, Parks and Youth Services, Welfare Appeals Board, Utility Advisory Board.

Incumbents of any Committee who have submitted Statements of Interest for reappointment and are running unopposed: the Appointments Committee reserves the right to waive the presence of the candidate.

*Second paragraph amended and adopted by the City Council on 3/04/2014.*

#### **SECTION 4.22 INAUGURAL MEETING. ORDER EXERCISES**

The order of exercises at the meeting held on the first Tuesday after January 1, or Wednesday, January 2, following the regular municipal election shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Prayer
4. Roll Call of Councilors-Elect
5. Mayor takes Oath of Office

6. Councilors-Elect take Oath of Office
7. Roll Call of School Board Members-Elect
8. School Board Members-Elect take Oath of Office
9. Roll Call of Police Commissioners-Elect
10. Police Commissioner-Elect takes Oath of Office
11. Election of Deputy Mayor
12. Inaugural Address
13. Old and/or New Business

### **SECTION 4.23 COUNCIL COMMUNICATIONS**

- (a) No member shall cause to be mailed, electronically transferred, delivered, or left at City Hall any documents or correspondence for any other member or the City Manager which does not clearly identify the name of the member sending such information and, if possible, the source of such information.
- (b) No anonymous correspondence shall be placed in any member's Council mailbox. All mail, electronic media or other correspondence shall clearly identify the sender, source and date it was received.

### **SECTION 4.24 MINUTES**

All meetings of the City Council including all standing and special committees of the Council shall take roll call at all committee meetings and record their proceedings and provide minutes of any meeting to the City Clerk's Office in a manner prescribed under NH RSA 91-A (NH Right To Know Law).

### **APPENDIX**

REVISED AND ADOPTED BY CITY COUNCIL FEBRUARY 6, 1990 [ 1 ]  
 AMENDED AND REAFFIRMED BY CITY COUNCIL JANUARY 14, 1992 [ 2 ]  
 REAFFIRMED BY CITY COUNCIL JANUARY 11, 1994 [3]  
 AMENDED BY CITY COUNCIL MARCH 1, 1994 [4]  
 AMENDED AND REAFFIRMED BY CITY COUNCIL JANUARY 9, 1996 [ 5 ]  
 AMENDED AND ADOPTED BY CITY COUNCIL FEBRUARY 3, 1998 [ 6 ]  
 AMENDED AND ADOPTED BY CITY COUNCIL FEBRUARY 5, 2002 [ 7 ]  
 AMENDED AND ADOPTED BY CITY COUNCIL MARCH 5, 2002 [ 8 ]  
 AMENDED AND ADOPTED BY CITY COUNCIL FEBRUARY 3, 2004 [9]  
 AMENDED AND ADOPTED BY CITY COUNCIL JANUARY 10, 2006 [ 10 ]  
 AMENDED AND ADOPTED BY CITY COUNCIL JANUARY 15, 2008 [ 11 ]  
 AMENDED AND ADOPTED BY CITY COUNCIL February 2, 2010 [12]  
 AMENDED AND ADOPTED BY CITY COUNCIL February 7, 2012 (1.4) (3.1) (3.5) and (4.1) [13]  
 AMENDED AND ADOPTED BY CITY COUNCIL June 4, 2013 (1.3) (1.5) and (4.7) [14]  
 AMENDED AND ADOPTED BY CITY COUNCIL March 4, 2014 (4.21) and (4.14) [15]