

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday March 3, 2016

City Council Chambers

31 Wakefield Street, Rochester, NH

7:00 PM

Committee Members Present

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

Others Present

Terence O'Rourke, City Attorney
Dan Fitzpatrick, City Manager
Councilor Gray
Jim Grant, Director of BZLS
Sheldon Perkins, Code Enforcement
Officer
Michael Allen, Police Chief
Steve Beaudoin, Resident
Dale Sprague, Somersworth City
Councilor

MINUTES

1. Call to Order

Councilor Lachapelle called the Codes and Ordinance Committee meeting to order at 7:00 PM. Nancy Carignan, Assistant City Clerk, took a silent roll call. All committee members were present.

2. Public Input

Councilor Lachapelle asked if any members of the public would like to address the committee on any issues not listed on the agenda. There was no public input at that time. Councilor Lachapelle closed public input at 7:01 PM.

3. Approval of the Codes and Ordinances Committee Minutes

• February 4, 2016

Councilor Abbott **MOVED** to **ACCEPT** the Codes and Ordinances Committee meeting minutes of February 4, 2016. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Pawnbrokers/Second Hand Dealers Ordinance Amendments

Councilor Lachapelle asked if any committee members wanted to address the suggested amendments to pawnbrokers and secondhand dealers. Councilor Gates suggested that the committee take no action on this item. Councilor Lachapelle asked if any committee members wanted to keep this item in committee at this time or take no action. There was no discussion.

Councilor Gates **MOVED** to take no action regarding the Pawnbrokers and Second Hand Dealer amendments. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5. Chapter 15.5 Highways, Sidewalks, Bridges and Street Lighting

Councilor Lachapelle explained that Chapter 15.5 was taken care of during the regular City Council meeting on March 1, 2016.

6. Penalties - Chapter 40.12

Councilor Lachapelle asked Terence O'Rourke, City Attorney, to review the penalties with the committee. Mr. O'Rourke explained that 40.12 addressed that fines would have a maximum of \$1000 per day for any code violation instead of the current \$100 fine. He said the City has the authority to do this.

Councilor Bogan questioned the wording of the fine, where it is indicating a fine of \$1000 each day after conviction or after violation and written notice. She wanted to know if there was any leeway with the fine. Councilor Lauterborn agreed. Mr. O'Rourke stated that it would be up to the court.

Councilor Abbott said state statute would supersede any inconsistencies. He referred to the "Property Maintenance Code," which has fines of \$275 and \$550. He asked if it should be in this code. Mr. O'Rourke said it would supersede.

Councilor Lauterborn asked for clarification to the answer given to Councilor Bogan. Mr. O'Rourke mentioned that when it came to the penalty phase it would be up to the court. The resident knows they have been fined at that point.

Councilor Lauterborn asked how this would work. Mr. O'Rourke said the resident would get a written notice that they are in violation and he explained that there was no fine at the time of the notice. Councilor Lauterborn explained that the wording was not clear. Councilor Abbott explained that there are several other mechanics associated with the process. He said there is the right to appeal and they can go before the Appeals Board for a stay of violation.

Councilor Lauterborn asked if the amendment was proposed to generate revenue; who proposed it and why? Mr. O'Rourke explained that it was to work in tandem with the ticketing processing system.

Councilor Lachapelle explained that Steve Beaudoin, a resident, had brought it to the Codes and Ordinances Committee a few months back. He wanted to discuss properties in violation of code and the course of speeding up the process.

Jim Grant, Director of BZLS, explained why this is being recommended. He said by having this tool it would help his office if they need it, but it might not be necessary to use it. Mr. Grant discussed this further with the committee and gave them examples of some of the ongoing violations. He said that his department will try and give verbal warnings, but some of the violations are blatant and that issuing tickets would help the process.

Councilor Abbott felt that the committee needs to skip to Chapter 44 to tie the two chapters together. He said if they work with both they can understand it better. Councilor Lachapelle agreed.

7. Chapter 11.20 - Rescission

Councilor Lachapelle said that they are looking to change the Economic Development Fund. Mr. O'Rourke stated that the City Council wants to rescind/take out section 11.20 from Chapter 11 Finance.

The Codes and Ordinances Committee discussed the flow of monies for this fund with Mr. O'Rourke. Councilor Lachapelle asked if any members of the committee had any issues with recommending this change to the full City Council.

Councilor Abbott **MOVED** to recommend to the full City Council on April 5, 2016, the repeal of Chapter 11.20. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote with the

exception of Councilor Lachapelle who had to recuse himself from the vote, citing a possible conflict of interest.

8. Chapter 44 - Creation

Councilor Lachapelle explained to the committee members that Chapter 44 had been kept in committee from a previous meeting.

Steve Beaudoin, resident, addressed the Codes and Ordinances Committee regarding the issues that he had addressed previously. Mr. Beaudoin said that he did not know what chapter this ordinance should go in, but felt the City Attorney would put it where he thinks is best. He explained that there are landlords and property owners in the City that are in violation of maintaining their property.

Mr. Beaudoin, as a landlord, told the committee that there was a particular property in the neighborhood of one of his rental properties that has been of issue and nothing is being done. He went to show the apartment in that neighborhood and the individual who was to rent stated that he would not rent the property because of the location of the property in the neighborhood.

Mr. Beaudoin said he likes the proposed ordinance. He felt it was fair and would help the Code Enforcement Officer take care of these situations without always having to deal with the courts. He thought it would streamline things going forward and take the burden off the courts.

Mr. Beaudoin mentioned that Code Enforcement would be willing to work with the residents if they act on the violation and abide by the ordinances. He hopes that the Codes and Ordinances Committee will move forward on these ordinances. He thanked the committee for their time.

Councilor Lauterborn questioned section ten (X) from RSA 31:39. She wanted an explanation because it states that "this section shall not apply to violations of the New Hampshire building code." Mr. O'Rourke explained that it does not apply in New Hampshire; however, under the adopted International Maintenance Code the City's citations are going to fall under this ordinance.

Councilor Lauterborn asked if they were looking to adopt 31:39. Councilor Lachapelle said that the committee is looking to adopt the Chapter 44, which the City is entitled to do.

Councilor Abbott did not want to get into the technical issues, which could be disputed, but he explained to the committee that these penalties were less than they would be under the land use statute. Mr. Abbott mentioned that it only allows one penalty per citation. He liked the idea of the individuals getting a written notice; they will know their rights to appeal. He felt that this ordinance will help speed up the process and it is worth a shot. Councilor Lachapelle agreed.

Sheldon Perkins, Code Enforcement Officer, introduced Dale Sprague, City Councilor from Somersworth, to the Codes and Ordinances Committee.

Mr. Sprague said that he wanted to address the committee on the Somersworth ordinance that they are already using. He gave the committee handouts, which can be found attached to the minutes.

Mr. Sprague mentioned that SB 347 amended RSA 31:39 d, which helped cities in handling these citations. He said that these citations now would be handled at the District Court level and not the Superior Court. He cited how his city handles this type of property violation and gave examples of how the city enforces the violations.

Mr. Sprague said that currently the City of Somersworth has a fine of \$100 for the first offense, which goes up to \$275 for the second offense, and that fine will be charged each day until the violation is taken care of.

Mr. Sprague said that Somersworth had adopted a property maintenance code and he explained some of the issues they deal with, as well as the citation process. He felt that his City has been successful with the process and it is a tool to help the City implement compliancy. He said it also helps with property value.

Mr. Sprague wanted to urge the Codes and Ordinances Committee to communicate these changes to the City's residents and possibly inform the residents with a notice on the water bills.

Councilor Abbott asked if they only have the two penalties. Mr. Sprague said that was correct and subsequent offenses would accrue daily. The committee discussed the fines further. Mr. Sprague said they can suspend them the first time and not take action as long as they were compliant going forward. He mentioned giving the property owner a probationary period to correct the problem. Councilor Abbott discussed this further with Mr. Sprague.

Mr. Sprague explained that by implementing this process it gave his Code Enforcement department "teeth".

Councilor Abbott wanted to review the \$1000 maximum fine further. Councilor Lachapelle explained that every day the citation goes up if the individual chooses to do nothing. Mr. Sprague reiterated it is about the communication with the resident, as well as educating them.

Councilor Lachapelle mentioned that there are some neighborhoods in the City which this ordinance would help.

Mr. Sprague wanted to let the Codes and Ordinances Committee that Rochester's Planning Department and Building, Zoning and Licensing Departments have been very good to work with.

Councilor Lachapelle asked Mr. O'Rourke if he had looked at Somersworth's ordinance. Mr. O'Rourke confirmed that he had. Councilor Lachapelle asked how he came up with the fee schedule. Mr. O'Rourke stated that he and Jim Grant, Director of BZLS, worked on the schedule. He mentioned that it is not revenue generated; it is about taking action immediately. Mr. Grant explained that the higher penalties are geared to the exterior of the property and the larger penalty might help to expedite the problem. He mentioned that interiors were also addressed because they are problematic, as well. Councilor Lachapelle discussed this further and added that he did not have a problem with the fee schedule.

Councilor Abbott asked if there was a reason that this schedule could not be associated with the current building code to reflect the penalty provision as a catch-all. Mr. O'Rourke discussed this further stating that the schedule could be added at the end of the violations, under "all other violations."

Councilor Abbott **MOVED** to amend Chapter 44 as it applies to other chapters, such as the Zoning ordinance, as well as to tie into all other violations. He asked that \$100 for first offence and \$275 for second and subsequent as an additional change.

Councilor Lachapelle asked if the committee could make one motion to approve sending both Chapter 40.12, as amended, and Chapter 44, as amended, to the full City Council. Mr. O'Rourke said that the committee could do that.

Councilor Gates **MOVED** to recommend to the full City Council on April 5, 2016, the amendments to Chapter 40.12 and the creation of Chapter 44. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9. Other

Councilor Lachapelle asked the committee if any other member had new business to discuss. He explained that he would like to discuss Rules of Order due to questions asked during the last regular City Council meeting.

He referred to sections 1.5 "Public Hearings" and 4.7 "Public Input." Councilor Lachapelle read these sections to the committee. Councilor Lachapelle felt that these items were okay as is.

Councilor Lauterborn mentioned that Councilor Keans thought it was illegal. She felt that it was a violation of a person's First Amendment rights. Mr. O'Rourke said not in New Hampshire. The City Council does not have to have public comment and, if allowed, it can be limited and viewpoint neutral. He explained further.

Councilor Lauterborn asked about section 1.5 "Public Hearings." Mr. O'Rourke stated that the same reasoning applies.

Councilor Lachapelle said that the City Council can always suspend the rules and allow this; they have done so in the past.

Dan Fitzpatrick, City Manager, explained that the meeting is the way the council conducts City business and the City Council has the right to control their meetings. Mr. O'Rourke agreed with Mr. Fitzpatrick and he gave further explanation.

Councilor Abbott asked if this would apply to property owners. Councilor Lachapelle stated that the same thing would apply.

Councilor Gray asked if the minutes could reflect the City Attorney's comments within quotations to help other councilors that have similar questions, which are being asked, know that legal has answered the question. Councilor Lachapelle stated that it could be done.

The Codes and Ordinances Committee discussed article 4.14 from Rules of Order elections and secret ballots. Mr. O'Rourke explained that all

votes are public with the exception of elections. He said the City Council is in compliance.

Councilor Abbott explained that there had been a court case pertaining to a sheriff in regards to this. He said that if the City Council is not in compliance then the penalty would be against all of the members.

The Codes and Ordinances Committee discussed appointments versus regular elections. Mr. O'Rourke said that an appointment is an elected position. Councilor Abbott stated that he interpreted this differently.

Councilor Lachapelle addressed having a voice vote versus a secret ballot for an elected official. Councilor Lauterborn cited that comes from State law.

Councilor Lauterborn asked Councilor Abbott if he wanted to change the Rules of Order when it pertained to casting votes. Councilor Abbott said that there are three types of elections that the courts have made very clear about; however, he did not consider appointments an election. Mr. O'Rourke stated that they did not have to change. Councilor Abbott said if the way they are conducting the voting is acceptable with the City Attorney as it currently is, then it should not be changed.

10. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Codes and Ordinances Committee meeting at 7:55 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Nancy Carignan
Assistant City Clerk

CHAPTER 24

PROPERTY MAINTENANCE CODE

24.A Property Maintenance Code

24.A.1 A certain document , two (2) copies of which are on file in the office of the City Clerk and/or The Development Services Office of the City of Somersworth, being marked and designated as “2009 International Property Maintenance Code” as published by the International Code Council (ICC), is hereby adopted as the Property Maintenance Code of the City of Somersworth in the State of New Hampshire. For the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code are hereby referred to, adopted, and made part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions, and changes, if any.

24.A.2 The ICC’s International Property Maintenance Code is amended and revised in the following respect:

Section 101.1 Insert: [City of Somersworth]

Section 103.5 Delete section

Section 112.4 Insert \$100 and \$1,000

Section 302.4 Insert [10 inches]

Section 304.14 Insert [May 1 to August 31]

Section 602.3 Insert [October 1 to June 1]

Section 602.4 Insert [October 1 to June 1]

24.B Severability

Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance.

Chapter 24 amended: deleted in its entirety and replaced on 02/04/2013.

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31

POWERS AND DUTIES OF TOWNS

Power to Make Bylaws

Section 31:39-d

31:39-d Local Ordinance Citations; Pleas by Mail. – In addition to any other enforcement procedure authorized by law, and regardless of whether a town has adopted an administrative enforcement procedure under RSA 31:39-c, a local official with authority to prosecute an offense under any municipal code, ordinance, bylaw, or regulation, if such offense is classified as a violation under applicable law, may issue and serve upon the defendant, in addition to a summons to appear in the district court, a local ordinance citation as set forth in this section. The defendant receiving such a citation may plead guilty or nolo contendere by mail by entering that plea as provided herein. If such a plea is accepted by the district court and the prescribed fine is paid with the plea by mail, the defendant shall not be required to appear personally or by counsel; otherwise the defendant shall appear as directed by the court. The following procedure shall be used:

I. Notwithstanding any other provision of law, a complaint and summons may be served upon the defendant by postpaid certified mail, return receipt requested. Return receipt showing that the defendant has received the complaint and summons shall constitute an essential part of the service. If service cannot be effected by certified mail, then the court may direct that service on the defendant be completed as in other violation complaints.

II. The local ordinance citation shall contain:

- (a) The caption: "Local Ordinance Citation, Town (City) of _____".
- (b) The name of the offender, and address if known to the prosecuting official.
- (c) The code, ordinance, bylaw, or regulation the offender is charged with violating.
- (d) The act or circumstances constituting the violation.
- (e) The place of the violation.
- (f) The date, if any, upon which the offender received written notice of the violation by the municipality.
- (g) The time and date, if any, upon which any further violation or continuing violation was witnessed subsequent to such written notice.
- (h) The amount of the penalty that is payable by the offender. If the offense is a continuing one for which a penalty is assessed for each day the offense continues, the amount of the penalty shall be based on the number of days the violation has continued since the time notice was given to the offender, up to a maximum of 10 days' violation charged in one citation.
- (i) Instructions informing the defendant that the defendant may answer the citation by mail or

may personally appear in court upon the date on the summons, and instructing the defendant how to enter a plea by mail, together with either the amount of the penalty specified in the citation, or a request for a trial.

(j) The address of the clerk of the district court where the plea by mail may be entered.

(k) A warning to the defendant that failure to respond to the citation on or before the date on the summons may result in the defendant's arrest as provided in paragraph V.

(l) The signature of the prosecuting official.

III. Defendants who are issued a summons and local ordinance citation and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the civil penalty, as set forth in the citation, to the clerk of the court prior to the arraignment date, or shall appear in court on the date of arraignment.

IV. Civil penalties collected by the district court under this section shall be remitted to the municipality issuing the citation. Whenever a defendant (a) does not enter a plea by mail prior to the arraignment day and does not appear personally or by counsel on or before that date or move for a continuance; or (b) otherwise fails to appear for a scheduled court appearance in connection with a summons for any offense, the defendant shall be defaulted and the court shall determine what the civil penalty would be upon a plea of guilty or nolo contendere and shall impose an administrative processing fee in addition to the civil penalty. Such fee shall be the same as the administrative processing fee under RSA 502-A:19-b, and shall be retained by the court for the benefit of the state.

V. The court may, in its discretion, issue a bench warrant for the arrest of any defendant who:

(a) Is defaulted in accordance with the provisions of paragraph IV of this section;

(b) Fails to pay a fine or other penalty imposed in connection with a conviction for a violation of a local code, ordinance, bylaw, or regulation which a court has determined the defendant is able to pay, or issues a bad check in payment of a fine or other penalty; or

(c) Fails to comply with a similar order on any matter within the court's discretion.

VI. For cause, the court in its discretion may refuse to accept a plea by mail and may impose a fine or penalty other than that stated in the local ordinance citation. The court may order the defendant to appear personally in court for the disposition of the defendant's case.

VII. The prosecuting official may serve additional local ordinance citations, without giving additional written notice or appeal opportunity under paragraph I, if the facts or circumstances constituting the violation continue beyond the date or dates of any prior citation. A plea of guilty or nolo contendere to the prior citation shall not affect the rights of the defendant with respect to a subsequent citation.

VIII. Forms and rules for the local ordinance citation and summons shall be developed and adopted by the New Hampshire supreme court.

IX. This section is not intended in any way to abrogate other enforcement actions or remedies in the district or superior court, nor to require written notice as a prerequisite to other types of actions or remedies for violations of local codes, ordinances, bylaws, or regulations.

IX-a. For any offense that is subject to enforcement under RSA 676:17, a person who fails to respond to a citation under this section within the time stated in the citation shall be subject to the subsequent offense penalties of RSA 676:17.

X. This section shall not apply to violations of the New Hampshire building code as defined in RSA 155-A:1, IV, or to motor vehicle offenses under title XXI or any local law enacted thereunder.

Source. 2009, 270:1, eff. Jan. 1, 2010. 2014, 77:1, 2, eff. Jan. 1, 2015.

Suggestions from Somersworth

Process:

- Senate Bill 347 amended RSA 31:39-d that allowed a simpler method of issuing land use citations which will result in more timely enforcement action. One big difference is these citations are handled in District Court instead of Superior Court like with RSA 676:17.
- SB 347 became effective in January 2015.
- With RSA 31:39-d Citations and Summons are served in hand or sent through the mail and can be pled by mail or settled in District court. This doesn't take away our ability to peruse violations in Superior Court using 676:17 if we choose to use this method, perhaps for more egregious violators.
- This new enforcement tool was implemented in Somersworth as part of our efforts to address lands use and property maintenance code violations throughout the City.

Enforcement:

- The Code enforcement Officer has the authority to issue a citation with a fine for violations of our local ordinances.
- Citations can be issued for many of our City Ordinances that include but are not limited to our Property Maintenance Code, Zoning Ordinance, Hawkers, Vendors & Peddlers License, and Site Plan and Subdivision Regulations.
- Violators will have the option to pay the fine or appeal the matter to District Court.

Example:

- The Code Officer discovers a violation and determines a land use citation is the best enforcement method to remedy the issue.
- A citation with a fine is served upon the violator.
- Somersworth City Council passed a resolution that states \$100 fine for the 1st Offense and \$275 for the 2nd Offense. Each day the violation remains after the compliance date set forth in the citation constitutes a separate offense. This is a requirement of RSA 31:39-D
- The citation includes a Court date if the violator chooses to take the matter to District Court.

How did we get there?

The Code office will need to do the following

- Derive a citation form
- Create an acceptable fine schedule for violations
- Establish an SOP (Standard Operating Procedure)

- Become confident with this new tool

The City Council will need to:

- Approve implementation and use of these RSA's
- Approve the format of the citation
- Approve the fine schedule for violations of the citation

Property Maintenance Code:

- The City of Somersworth has adopted the International Property Maintenance Code which is published by the International Code Council (ICC).
- Under this we are able to enforce a wide array of compliance issues cities and towns may battle. A few examples are:
 - Sanitation
 - Weeds (tall grass)
 - Rodents harborage or pest elimination
 - Motor Vehicles (junkyard)
 - Defacement of property
 - Swimming Pools
 - Exterior of structures (Windows, Painting, Chimneys, Screens, Foundation)
 - Interior of structures
 - Rubbish and Garbage
 - Light, ventilation and occupancy limits
 - Plumbing facilities and fixture requirements
 - Mechanical and electrical requirements
 - Fire Safety requirements

Somersworth has been very successful using the new citation process and property maintenance code within the City. We have taken landlords and property owners to court using the citation process and have been very successful thus far. While we don't use this means on everyone it is just another tool we have to help ensure compliance within the City.



LOCAL ORDINANCE CITATION OF THE CITY OF SOMERSWORTH

One Government Way, Somersworth, NH 03878

NOTICE OF VIOLATION

DATE: _____ TIME: _____

☐ CITATION 1st Offense \$100.00 - 2nd Offense \$275.00 - Subsequent Offense ☐ WARNING

☐ You MUST COME TO COURT AT _____ o'clock ☐ AM ☐ PM on _____ to answer this citation.

☐ You DO NOT HAVE TO COME TO COURT but must answer this citation by 12 o'clock NOON on _____

Follow the instructions on the front of this Summons.

COUNTY OF STRAFFORD, 7th CIRCUIT COURT DISTRICT DIVISION • 25 St Thomas Street • Dover, NH 03820 • (603) 212-1234

CONTRARY TO RSA or ORDINANCE(S): _____

THE DEFENDANT: _____

(LAST NAME)

(FIRST NAME)

(AO)

FOR PROPERTY LOCATED AT _____

(Where Violation occurred)

LOCATION OF THE VIOLATION ON ABOVE PROPERTY _____

CONTRARY TO THE RSA OR ORDINANCE SECTION(S) INDICATED, THE ABOVE DID COMMIT THE OFFENSE OF: _____

(DESCRIPTION)

Against the laws of New Hampshire and the City of Somersworth which the defendant should be held to answer.

Against the peace and dignity of the State.

Complainant/Signature (Code Enforcement Officer) _____

Date _____

INSTRUCTIONS

Unless you have been instructed to come to court in person, you may answer this complaint by mail or may personally appear in court on the date indicated above. If this is a warning you must notify the issuing department that you have met the obligation of the condition of the warning to avoid further action. If this is a Summons you must (x) one of the following choices, sign below, and return this Summons to the court no later than the date indicated above. Check and money orders shall be made payable in U.S. FUNDS ONLY to the DOVER CIRCUIT COURT. DO NOT SEND CASH through the mail. FAILURE TO RESPOND ON OR BEFORE THE DATE SHOWN ON THE TOP OF THIS CITATION MAY RESULT IN YOUR ARREST.

1. ☐ I plead NOT GUILTY and wish to have a trial. I understand that I DO NOT HAVE TO APPEAR IN COURT ON OR BEFORE THE DATE INDICATED ABOVE, and that I will be notified by mail when and where to appear for trial. I understand I have the right to represent myself or to hire a lawyer at my own expense.

2. ☐ I plead ☐ GUILTY or ☐ NO CONTEST and have enclosed a check or money order for the TOTAL amount of my civil penalty.

3. ☐ I have been charged with an offense for which no fine amount is shown on this Summons. I wish to plead ☐ GUILTY or ☐ NO CONTEST and to be notified of the amount of my fine by mail.

WARNING

1. Defendants who are issued a summons and citation and who wish to plead guilty or *nolo contendere* shall enter their plea on the summons and return it with payment of the civil penalty, as set forth in the citation, to the clerk of the court prior to the arraignment date, or shall appear in court on the date of the arraignment.

2. Failure to respond to this summons by the date shown on the front of this summons, or failure to appear for the hearing scheduled with regard to this summons will result in a \$50.00 administrative fee added to your civil penalty (RSA 676:17).

3. If you default in accordance with Paragraph 2, or fail to pay any penalty or comply with any order with regard to this summons or similar order on any matter within the court's discretion, or issue a bad check in payment of a fine or other penalty, the court may in its discretion, issue a bench warrant for YOUR ARREST.

Address if different than on Summons _____

(Date)

(Defendant's Signature)

White - Responsible Party

Yellow - Court

Pink - File

City Ordinances: (Checked boxes may not represent the entire Ordinance, section, or RSA)

☐ Chapter 7, Section 7.2 - Collection Schedule - Residential - Rubbish collection will be made Monday through Thursday of each week... It will place their rubbish to be collected along the curbside or street-side when normally the curbing would be, in specially marked bags as in Section 7.1... on the evening before, or by 7:00am on their scheduled pickup day.

☐ Chapter 7, Section 7.5 - Litter on Public/Private Property - Owner's Duty - Litter, rubbish or refuse shall not be cast, scattered, thrown, dug or permitted to remain on or about public or private property within the corporate limits of the City to the detriment of public peace, health, and welfare. The owner, lessee, agents or other in charge of premises within the City shall not such land and adjoining sidewalks and in of such nuisance as defined in Sections 7.1 of this ordinance within twenty-four (24) hours after receiving notification from the City violation... It shall be unlawful for any person to dump, place, scatter litter, refuse or rubbish on or about private premises, whether such premises are vacant or inhabited.

☐ Chapter 7, Section 7.6 - Removal of Empty Containers (Home/Commercial) - Rubbish containers, and rubbish must be removed by the from the curbside within twenty-four (24) hours after the scheduled pickup. Any debris stream from this rubbish by animals, wind, etc., cleaned up by the owners within twenty-four (24) hours.

☐ Chapter 7, Section 7.9 - Residential Curbside Recycling - Recyclable materials will be collected from residences... every other week on the day as rubbish collection. The City Manager will publish a list of materials accepted by the curbside collection program. Recyclable materials be placed in Residential Recycling Bins... Bins must be placed at the curb on the evening before or by 7:00am on the scheduled pickup. Unacceptable materials found in the Residential Recycling Bins will be grounds for not emptying the bin.

☐ Chapter 11, Section 15 - Public Health - No owner or occupant, or any person having control or charge of any lot, tenement, premises, or other place, shall cause or permit any nuisance to be or remain in or upon said lot, tenement, building, or other place, or between the and the center of any street, lane, or alley adjoining.

☐ Chapter 13D.3 - Noise Prohibited: Unnecessary Noise Standard - The following acts are declared to be noise disturbances and are prohibited this Ordinance: A- Radio, Stereo, Musical Instruments, Etc.; B- Loud speakers, Amplifiers for Advertising, C- Animals, Birds, Etc.; H- idling; I- Construction or Repairing of Buildings (Other than between the hours of 7am until dark); J- Pile Drivers, Hammer, Engine Repair, etc.

☐ Chapter 14B.4 - License Required: Display of License - No hawker, peddler, vendor or itinerant vendor... shall engage in the business... license being granted by the Licensing Board of the City. Such license as granted shall at all times be conspicuously displayed on or in an vehicle or stand used in such business.

☐ Chapter 19, Section 18A - Fence Regulations - No fence shall be erected without a permit from the Building Inspector.

☐ Chapter 19, Section 19C - Swimming Pool Regulations - Selfback Requirements - No swimming pool, temporary or permanent, shall be constructed or installed within twelve feet (12') of the nearest lot line.

☐ Chapter 19, Section 20 - Sign Regulations

☐ Chapter 19, Table of Uses - Table 4.A.3 - #11 - Storage of more than one unregistered and untagged by the State and/or the City vehicle (also in PA 302.8 and RSA 236:111-129)

☐ Chapter 24 - Property Maintenance Code - (2009 IPMC)

☐ 302.1 - Sanitation - All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant the that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

☐ 302.4 - Weeds - All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches (25.4 cm) in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs or flowers, that shall not include cultivated flowers and gardens.

☐ 304.3 - Premises Identification - Buildings shall have approved address numbers placed in a position to be plainly legible and visit the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of 4 inches (102mm) high with a minimum stroke width of 0.5 inch (12.7mm).

☐ 305.1 - General - The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

☐ 308.1 - Accumulation of rubbish or garbage - All exterior property and premises, and the interior of every structure, shall be free an accumulation of rubbish or garbage.

☐ 308.3.1 - Garbage facilities - The owner of every dwelling shall supply one of the following: an approved mechanical food waste processor; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved less covered, outside garbage container.

NOTES:

☐ Other: _____