

Codes and Ordinances Committee

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



CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday, Feb. 1, 2017

City Council Chambers

31 Wakefield Street, Rochester, NH

MINUTES

1. Call to Order

Councilor Lachapelle called the Codes and Ordinances Committee to order at 6:00 PM. Susan Morris, City Clerk Typist, took a silent roll call. All Committee members were present. Also present were Councilor Hamann, Councilor Varney, Councilor Walker and City Attorney, Terence O'Rourke.

2. Public Input

Councilor Lachapelle opened Public Input at 6:03 pm.

The two residents present for public input intended to speak regarding agenda item #6 "Amendment to Chapter 19.8 ***Storage of Containers/Dumpsters.***" Councilor Lachapelle invited them to speak at the time that agenda item is discussed.

Councilor Lachapelle closed Public Input at 6:05 pm.

3. Acceptance of the Minutes: October 5, 2017

Councilor Lauterborn **MOVED** to **ACCEPT** the minutes of October 5 2017 Codes and Ordinances Committee meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Amendment to Chapter 45 *Overnight Parking, Occupancy, and Camping on City owned Property*

Councilor Lauterborn **MOVED** to recommend this amendment to the full Council with the following correction: typo in 45.7 Removal: *Any vehicle parked*

in violation of this Ordinance ~~by~~ may be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle. Councilor Gates seconded the motion.

Councilor Hamann asked why the Rochester Opera House is singled out in **45.5 Exceptions**. Councilor Lauterborn explained that there are sometimes traveling bands and shows that come to the opera house in motor homes and they occasionally stay overnight, leaving early the next morning. The Rochester Opera House does not fall under a special even permit. Further discussion was held. The **MOTION CARRIED** by a unanimous voice vote. *See attached Amendment.*

5. Amendment to Chapter 63.2 *Passing of Items from the Occupant of a Motor Vehicle*

Councilor Lauterborn **MOVED** to recommend to full Council to repeal 63.2 in its entirety. Councilor Gates seconded the motion. After discussion, the **MOTION CARRIED** by a unanimous voice vote. *See attached Amendment.*

6. Amendment to Chapter 19.8 *Storage of Containers/Dumpsters*

Recommendation was made to full Council to strike the last sentence of 19.8; *“and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way.* The full City Council did not approve this amendment of removing the last sentence. This was sent back to the Committee for further review.

Councilor Lachapelle stated that if this sentence is left in the ordinances as it currently appears, it is going to create a burden on business owners that do not have the room for enclosures as well as the dumpster and/or the 96 gallon carts. Councilor Abbott stated that leaving this in doesn't address the issues of illegal dumping as some of the pictures in the packet show. Enclosures are not going to fix the problems that are depicted in these photos.

At this time Councilor Lachapelle called forward the residents that were present for Public Input on this item.

Kris Kozlowski of Academy Street spoke regarding the tight situation of the street on which he lives. He spoke of the by-law that requires the containers be removed within 24 hours of being emptied. Mr. Kozlowski stated this by-law is unenforceable, as Code Enforcement only enforces this if it is on a private lot. He also spoke about absentee landlords in regards to tenants moving out and the problem with bulk waste. He made suggestions to help fix this problem.. On Academy Street, which is a one-way street, a problem is created on trash/recycle day with all the containers lined up along one side of the street. Mr. Kozlowski made a suggestion that the City designates one particular area on the street to dump the rubbish.

David Clark of Academy Street spoke regarding the problem on the street as well. He stated that Mr. Kozlowski is the only single family home on the street. Mr. Clark owns a duplex next to him. He agrees with the issues brought up by Mr. Kozlowski and wanted to add to his comments. Mr. Clark stated that what he and Mr. Kozlowski are advocating for is a different approach to high density areas in the City, such as Academy Street. There are also the enforcement concerns of the toters being placed out too early for trash pickup the following day. The requirement about removing the toters within 24 hours after said “pick-up” is not being enforced either. They both would like to see something in the ordinance that would address these concerns.

Councilor Lachapelle spoke about some of the heavier congested areas in the City. He stated that as the ordinance is written, anything above 4 units is classified as commercial and would require a dumpster. Unfortunately in these areas, a dumpster would not be viable because of the tight constraints of the properties boundary lines. Councilor Lachapelle also spoke about the challenges of Bulk Waste.

Councilor Lachapelle stated he would like to keep this on the agenda for the March 1st meeting and invite Jim Grant and Joe Devine from Building, Zoning and Licensing to speak and answer questions. Councilor Lauterborn requested that the March 1st meeting start at 7pm rather than 6pm, as there is the Chamber Showcase Event at the Legion that same evening and also stated that several of the councilors attend this event. Councilor Lachapelle agreed that a 7:00 PM start would be ok.

Councilor Lachapelle recommended to send it back to Council informing them there have been no changes recommended, that toters/dumpsters need to be screened, and let codes enforce it.

Councilor Abbot **MOVED** to send it back to Council with the last sentence deleted (same as last time). The City Council can decide to vote it up or down again. Councilor Gates seconded the motion. **MOTION CARRIED** with a majority voice vote.

7. Review of Council Rules of Order

Councilor Lachapelle recommended adding a new number **12** to be titled **Consent Calendar** under **Section 1.4 Order of Business**. **Consent Calendar** would appear between **Old Business** and before **New Business**. He stated that Council is doing this currently when there are de-authorizations or similar so it makes sense to have it under **Order of Business**. **New Business** would become **13**, **Other** would become **14**, and **Adjournment** would be **15**.

Councilor Lachapelle **MOVED** to create new #12 labeled **CONSENT CALENDAR** under **Section 1.4 Order of Business**. Councilor Lauterborn seconded the motion. **MOTION CARRIED** with a unanimous voice vote.

Councilor Lauterborn spoke regarding the proposed addition to Rules of Order **New 4.25, Cancellation or Postponement of Meetings Item C**. She stated that she felt 5:00 PM was a little late for making that final decision to cancel. She liked that it was stated that the City Clerk is to notify Council Members of cancellation/postponement, and that an e-mail can be sent asking them to respond. Those who don't reply by a certain time would receive a phone call. Discussion was held about the cut-off time to make the final decision to cancel or postpone the meeting.

Councilor Gates **MOVED** to accept **4.25 Cancellation or Postponement of Meeting** with the amendment to **Item C** to change the decision time to **3:00 pm from 5:00 pm**. Councilor Bogan seconded the motion. The **MOTION CARRIED** with a unanimous voice vote. See the proposed change below:

SECTION 4.25 CANCELLATION OR POSTPONEMENT OF MEETING(S)

- (a) **The Mayor, Deputy Mayor, and City Manager shall confer and determine if insufficient business or other non-urgent matter warrants postponement or cancellation of a scheduled Council meeting.**
- (b) **The Mayor, Deputy Mayor, and City Manager shall confer and determine if inclement weather or other emergency warrants postponement or cancellation of a scheduled Council meeting.**
- (c) **All such decisions regarding postponement or cancellation shall be made no later than 3:00 PM on the date of the scheduled meeting.**
- (d) **The City Clerk will notify Council members by both email and telephone upon determination of a meeting cancellation or postponement.**
- (e) **The City Clerk shall ensure that notification of any such cancellation or postponement shall immediately post on the City's website and Face book page.**

Councilor Hamann spoke regarding **Section 4.12 Ordinances and Resolutions**. He stated that to his knowledge Council has "suspended the rules and read by title only for a second time" every single reading for the past 10

years. If Council is going to suspend the rules every single time, why not change the rules? Councilor Lauterborn stated that some items are read and sent to committee. If it's a money issue it has to go to a public hearing and on some of the bigger financial issues Council does not suspend the rules. Rules are usually suspended on routine business items. More discussion was held on how to write this in as an exception to the rules. Councilor Lachapelle stated that this item should be kept in committee and the City Attorney could review the matter for the next Codes and Ordinances Committee meeting on March 1, 2018.

Councilor Hamann wished to address **Section 4.14 Elections by Ballot**. He inquired why the City Council is still using paper ballots for votes to be taken on members of boards and commissions. Why, as elected officials, are Council members permitted to vote privately? Councilor Lauterborn stated that these are volunteer members for boards/commissions. These are volunteers who are putting their names forward without expectation of compensation, and Council should not create an embarrassing situation. Councilor Lachapelle stated that when Council does use a paper vote, City Attorney O'Rourke and the City Manager collect the votes, count them, and the City Manager makes the announcement. For example: 12 to 1, Councilor Walker won. This way it isn't known who the 1 was. Councilor Hamann stated this is why he has a problem with this voting method. Councilor Hamann stated that the public is already losing faith and said if elected officials are there to publicly make decisions he think they should be making decisions publicly.

Councilor Varney stated that when considering the process for volunteer appointments to boards and commissions, it is not particularly rigorous now. Does the appointments committee ever turn anyone down? This has happened not more than once or twice. Rochester is a small city, and Council would not want to hurt anyone's feelings or create animosity. It only takes a few minutes to do a paper ballot; if they are done monthly and Council stays up to date on nominations, they won't have 15-20 elections in one night.

Councilor Walker stated that he understands when there are two people running for one position, there needs to be a paper ballot, but when there is only one, Council shouldn't have to do this. Councilor Lauterborn pointed out that right in the Rules of Order it states "Single candidates upon nominations ceasing will be elected by City Council Voice vote that the City Clerk Cast one ballot for that candidate."

Councilor Bogan stated that on the next Appointments Committee agenda they have nine appointments, so at the following Council Meeting there will have to be 9 ballots.

Councilor Lachapelle asked if any of the Committee members wished to make an amendment to the Rules of Order. He added that Councilor Hamann or any other Councilor would have an opportunity to make further recommendations

at the City Council meeting.

Councilor Lachapelle asked to entertain a motion to recommend the two changes; **1.4 Order of Business #12 Consent Calendar**; and addition of **NEW 4.25 Cancellation or Postponement of Meeting** made to the Council Rules of Order to the full Council. Councilor Bogan **MOVED** to recommend the changes to the full City Council. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. .

8. Other

No discussion.

9. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Committee meeting at 7:00 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Susan Morris
Clerk Typist

**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, with occupancy by one or more persons, any vehicle or recreational vehicle, either overnight or for any two-hour period between dusk and dawn, on any City-owned lands within the City of Rochester.

45. 4 Definitions.

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

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

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

45.5 Exceptions.

Restrictions in this ordinance shall not apply:

(a) When permission has been granted by the Chief of Police or designee for official or emergency purposes.

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

45.6 Responsibility.

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

45.7 Removal.

Any vehicle parked in violation of this Ordinance may 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.

**AMENDMENT TO CHAPTER 63 OF THE GENERAL ORDINANCES OF THE CITY
OF ROCHESTER**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 63 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

63.2 ~~The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway.~~

(a) Definitions. For the purpose of this Section, the following definitions apply:

—— (1) ~~**Pass/Passing.** Distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in the roadway.~~

—— (2) ~~**Roadway.** All ways within the City as that term is defined in RSA 259:125, II. This definition excludes privately owned property not open for public use or generally maintained for the benefit of the public, areas in which parking is permitted in the City, and property maintained specifically for drive-thru or drive-up transactions.~~

—— (3) ~~**Item.** Any physical object.~~

(b) Prohibitions on Roadways. It shall be unlawful to violate any of the prohibitions set forth below in the City.

—— (1) ~~No person shall knowingly pass any item to the occupant of any motor vehicle when the vehicle is located in the roadway, nor shall any occupant of any motor vehicle located in the roadway pass any item to a person located outside of the vehicle.~~

—— (2) ~~This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on privately owned property not open for public use or generally maintained for the benefit of the public, areas in which parking is permitted in the City, and property maintained specifically for drive-thru or drive-up transactions.~~

—— (3) ~~This Section shall not apply to any law enforcement officer acting in the scope of his official duty.~~

—— (4) ~~This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.~~

(c) Penalty. A person found in violation of this Section shall be fined as follows:

—— (1) ~~1st Offense: Not less than \$500.00.~~

~~———— (2) 2nd Offense: Not less than \$750.00.~~

~~———— (3) 3rd and subsequent Offenses: Not less than \$1,000.00.~~

~~(d) Severability. If any provision of this section is declared invalid or unconstitutional by any Court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.~~

The effective date of these amendments shall be upon passage.

**Amendment to Chapter 19 of the General Ordinances of the City of Rochester Regarding
Storage of Containers and Dumpsters**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 19 of the General Ordinances of the City of Rochester, currently before the Rochester City Council, be amended as follows:

19.8 Storage of Containers and Dumpsters. Except on the day scheduled for collection and during the time period provided in 19.6 of this chapter, no person shall place or store any refuse in any street, alley or other public place or upon any private property within the City of Rochester unless such refuse is placed in proper containers/dumpsters. ~~and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way.~~

The effective date of these amendments shall be upon passage.

CC FY 18 2017, 12-05 AB 67

**ROCHESTER
NEW HAMPSHIRE**



**2018
CITY COUNCIL
RULES OF ORDER**

PROPOSED CHANGES

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

ARTICLE 1: CITY COUNCIL MEETINGS	3
SECTION 1.1 REGULAR MEETINGS.....	3
SECTION 1.2 SPECIAL MEETINGS	3
SECTION 1.3 ABSENCE OR DISABILITY OF MAYOR, DEPUTY MAYOR.....	3
SECTION 1.4 ORDER OF BUSINESS.....	4
SECTION 1.5 PUBLIC HEARINGS.....	4
ARTICLE 2: DUTIES AND POWERS OF PRESIDING OFFICER.....	6
SECTION 2.1 PRESIDING OFFICER - DECORUM AND ORDER	6
SECTION 2.2 PRESIDING OFFICER - DECLARING VOTES.....	6
SECTION 2.3 PRESIDING OFFICER - ROLL CALL VOTES.....	6
SECTION 2.4 PRESIDING OFFICER - ORDER OF QUESTIONS	6
SECTION 2.5 DISPOSAL OF MOTIONS.....	6
SECTION 2.6 MOTION FOR ADJOURNMENT	6
SECTION 2.7 PRESIDING OFFICER - RECOGNIZING MEMBERS.....	6
SECTION 2.8 COMMITTEE APPOINTMENTS.....	7
SECTION 2.9 ROBERT'S RULES OF ORDER.....	7
ARTICLE 3: RIGHTS AND DUTIES OF MEMBERS	8
SECTION 3.1 COUNCIL MEMBER SPEAKING	8
SECTION 3.2 COUNCIL MEMBER IN DEBATE.....	8
SECTION 3.3 INTERRUPTION OF COUNCIL MEMBER	8
SECTION 3.4 COUNCIL MEMBER SPEAKING, LIMITATIONS.....	8
SECTION 3.5 PRECEDENCE OF MOTIONS	8
SECTION 3.6 MOTION REDUCED TO WRITING	9
SECTION 3.7 VOTING ON MOTIONS, ABSTENTIONS	9
SECTION 3.8 MAYORAL VETO - EXERCISE AND VOTE TO OVERRIDE.....	9
SECTION 3.9 DIVISION OF A QUESTION	9
SECTION 3.10 READING OF A PAPER, OBJECTIONS	9
SECTION 3.11 SUSPENSION, AMENDMENT, AND REPEAL OF RULES	9
SECTION 3.12 ATTENDANCE OF MEMBERS.....	10

ARTICLE 4: AGENDAS, COMMUNICATIONS, COMMITTEES, REPORTS, RESOLUTIONS.....	11
SECTION 4.1 AGENDA PREPARATION.....	11
SECTION 4.2 MEMORIALS AND DOCUMENTS, PRESENTATION	11
SECTION 4.3 REPORTS AND PAPERS, LEGIBLY WRITTEN OR TYPED	11
SECTION 4.4 STANDING COMMITTEES	11
SECTION 4.5 SPECIAL COMMITTEES	12
SECTION 4.6 REMOVAL OF A COMMITTEE MEMBER.....	12
SECTION 4.7 PUBLIC INPUT AT WORKSHOP OR COMMITTEE MEETINGS.....	12
SECTION 4.8 SITTING OF COMMITTEE DURING COUNCIL MEETINGS	13
SECTION 4.9 COMMITTEE REPORTS	13
SECTION 4.10 COMMITTEE OF THE WHOLE, COUNCIL RULES.....	13
SECTION 4.11 AUTHORIZATION OF EXPENDITURES, CITY DEBT	13
SECTION 4.12 ORDINANCES AND RESOLUTIONS.....	13
SECTION 4.13 CODES AND ORDINANCES COMMITTEE, ORDINANCE ENROLLMENT.....	14
SECTION 4.14 ELECTIONS BY BALLOT.....	14
SECTION 4.15 RECORD OF VOTES AND PROCEEDINGS.....	14
SECTION 4.16 FUNCTIONS OF FINANCE COMMITTEE	14
SECTION 4.17 FUNCTIONS OF CODES AND ORDINANCES COMMITTEE	14
SECTION 4.18 FUNCTIONS OF PUBLIC WORKS AND BUILDING COMMITTEE	14
SECTION 4.19 FUNCTIONS OF PUBLIC SAFETY COMMITTEE.....	15
SECTION 4.20 FUNCTIONS OF COMMUNITY DEVELOPMENT COMMITTEE	15
SECTION 4.21 FUNCTIONS OF THE APPOINTMENTS REVIEW COMMITTEE	15
SECTION 4.22 INAUGURAL MEETING, ORDER EXERCISES	15
SECTION 4.23 COUNCIL COMMUNICATIONS	16
SECTION 4.24 MINUTES	16
APPENDIX	16

**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 City Manager
7. Communications from the Mayor
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~~

12.Consent Calendar

13.New Business

14.Other

15.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.

<p style="text-align: center;">ARTICLE 2 DUTIES AND POWERS OF PRESIDING OFFICER</p>

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.

<p style="text-align: center;">ARTICLE 3 RIGHTS AND DUTIES OF MEMBERS</p>

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 (Mayor excluded) 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;">ARTICLE 4 AGENDAS, COMMUNICATIONS, COMMITTEES, REPORTS, RESOLUTIONS</p>

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 prior to the meeting of the Council.

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; with the exception of Committee meetings when allowed by the Chair; 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).

SECTION 4.25 CANCELLATION OR POSTPONEMENT OF MEETING(S)

- (a) The Mayor, Deputy Mayor, and City Manager shall confer and determine if insufficient business or other non-urgent matter warrants postponement or cancellation of a scheduled Council meeting.
- (b) The Mayor, Deputy Mayor, and City Manager shall confer and determine if inclement weather or other emergency warrants postponement or cancellation of a scheduled Council meeting.
- (c) All such decisions regarding postponement or cancellation shall be made no later than 3:00 PM on the date of the scheduled meeting.
- (d) The City Clerk will notify Council members by both email and telephone upon determination of a meeting cancellation or

postponement.

(e) The City Clerk shall ensure that notification of any such cancellation or postponement shall immediately post on the City's website and Face book page.

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]
AMENDED AND ADOPTED BY CITY COUNCIL March 1, 2016 (1.4) (3.8) (4.1) and (4.7)