

**Regular City Council Meeting  
July 10, 2018  
Council Chambers  
7:00 PM**

**COUNCILORS PRESENT**

Councilor Bogan  
Councilor Gray  
Councilor Hamann  
Councilor Hutchinson  
Councilor Keans  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Walker  
Councilor Varney  
Mayor McCarley

**OTHERS PRESENT**

Blaine Cox, City Manager  
Terence O'Rourke, City Attorney

**COUNCILORS ABSENT/EXCUSED**

Councilor Gates  
Councilor Abbott

**Minutes**

**1. Call to Order**

Mayor McCarley called the meeting to order at 7:00 PM.

**2. Opening Prayer**

**2.1. Knights of Columbus to lead the Opening Prayer**

The Knights of Columbus led the opening prayer.

**3. Presentation of the Colors**

**3.1. Knights of Columbus to lead the Pledge of allegiance**

The Knights of Columbus Presented the Colors and led the Pledge of Allegiance.

#### 4. Roll Call

Deputy City Clerk Cassie Givara took the roll call. All Councilors were present except for Councilor Abbott and Councilor Gates, both of whom were excused.

#### 5. Acceptance of Minutes

##### 5.1. Regular City Council Meeting: June 5, 2018 *consideration for approval*

Councilor Walker **MOVED** to accept the minutes of the Regular City Council Meeting on June 5, 2018. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

##### 5.2. \*Non-Public Meeting Minutes June 5, 2018 *Motion to Unseal*

Councilor Walker **MOVED** to unseal the minutes of the non-public Meeting on June 5, 2018. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley reported that the action carried out at the non-public meeting was the City Manager being asked to enter into a purchase and sales agreement for 22 acres of land located at 209 Chestnut Hill Road.

#### 6. Communications from the City Manager

##### 6.1. Employee of the Month Award

City Manager Cox announced that Sara Smith of the Rochester Public Library was the Employee of the Month for the month of July 2018.

##### 6.2. City Manager's Report

City Manager Cox presented the final report from retired City Manager Fitzpatrick as follows:

Contracts and documents executed since last month:

- City Manager
  - CGI Community Video renewal
  - Liquor Sales Approval at Farmer's Market
  - Opera House – LCHIP Grant Letter of Support
- Department of Public Works

- Application for State Bridge Aid – Four Rod Road
- Lease Renewal – Community Center – Cap – Head Start
- Lease Renewal – Community Center – Workplace Success
- Tennis Courts lighting project – Progressive Electrical Contract
- Weston & Sampson Contract – DPW Conceptual Building & Site Development
- DPW – 3 year Lab Services Contract
- DPW – WTP Cyanotoxin Grant Request
- Watershed Property Conservation Grant
- Water/Sewer Administrative Procedures - Past Due Account Collection
- Economic & Community Development
  - Smart Growth America Technical Assistance Grant – Letter of Support
  - NH Recreational Trails Grant Application
  - Environmental Review – Rochester Housing Authority
  - Environmental Review – Rochester Housing Authority Rehab Project
  - Environmental Review – 1 site
  - Environmental Review – 2 sites
  - FY18/18 CDBG Action Plan
  - FY18/19 CDBG Contract – CASA of NH
  - FY 18/19 CDBG Contract – additional forms
  - FY18/19 CDBG Contract – Crossroads House
  - FY18/18 CDBG Contract – Tri-City Coop
  - OJJDP FY18 – Mentoring Opportunities for Youth Initiative Grant Application
- Finance
  - PFM Financial Advisors - Engagement Letter
  - SP Global Ratings Engagement Letter
- Information Technology
  - Systems Engineering – Microsoft Deployment Toolkit
  - Systems Engineering – Exchange and Office Licensing
- Legal Department
  - 10 North Main Street - purchase
- Police
  - Edward Byrne Justice Grant – additional paperwork
- Recreation
  - Fireworks – MOU with Rochester Main Street
  - State of NH Fireworks Permit

The following standard reports have been enclosed:

- City Council Request & Inquiry Report - **none**
- Monthly Overnight Travel Summary

- Permission & Permits Issued
- Personnel Action Report Summary

## **7. Communications from the Mayor**

Mayor McCarley announced that the City is short on election Officials for both Ward 3 and Ward 4. The City Clerk has asked anyone interested in being an election official to contact the Clerk's office for more information.

An Announcement was read for the Annual Gonic vs. East Side Softball Game. The Ninth annual game will take place at 10:00 AM on Sunday August 12<sup>th</sup> at Riverside Park located behind Public Works. It is an all ages, co-ed game. Everyone plays, all are welcome.

Mayor McCarley thanked all City staff and everyone involved in the "Night Before the Fourth" celebration, which was a wonderful event which went very well.

## **8. Presentation of Petitions and Council Correspondence**

### **8.1. *Petition:* Amendment to Chapter 42 of the General Ordinance of the City of Rochester Regarding the Location and Boundaries of Zoning Districts - Expanding the Neighborhood mixed use Zone along Wakefield Street and Columbus Avenue *motion to accept or deny petition***

Councilor Walker **MOVED** to deny the petition. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote to **DENY** the petition.

### **8.2. *Petition:* Relocation of S.O.S. Recovery from 63 South Main Street to a different location *motion to accept or deny***

Mayor McCarley stated that the City has no authority to move SOS Recovery Center as long as they are operating in a lawful manner. Those who submitted or signed the petition requesting the center be moved are welcome to come speak the City Council Workshop meeting on July 17, 2018 during public input.

Councilor Walker **MOVED** to deny the petition. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote

to **DENY** the petition.

## **9. Nominations, Appointments, Resignations, and Elections**

### **9.1. Resignation: Glenn Watt – Arts & Culture Commission**

Councilor Walker **MOVED** to accept Glenn Watt's resignation from the Art & Culture Commission with regrets. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **9.2. Resignation: Christine Hamann – Ward 4 Selectman**

Councilor Keans **MOVED** to accept Christine Hamann's resignation as Ward 4 selectman with regrets. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **10. Reports of Committees**

### **10.1. Codes & Ordinances Committee**

#### **10.1.1. Amendment to Chapter 22 of the General Ordinances of the City of Rochester Regarding Fire Department Organization *first reading, consideration for second reading and adoption***

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only. Councilor Bogan seconded the motion. (See Addendum A)

Councilor Keans asked if there was a flow chart showing what changes had been made in the Amendment.

Councilor Lauterborn stated that this Amendment was about the ordinance which talked historically regarding things such as fire boards. The information supplied to Council in the packet contained the ordinance after the changes, not the notations of changes which had been made and the deletions. Councilor Lauterborn stated that she didn't feel Council could take any action this evening without that information.

Councilor Lachapelle requested that the original motion be carried out to read the Amendment for the first time by title only. Mayor

McCarley indicated that Council could choose not to read the Amendment at all. Councilor Walker **MOVED** to **TABLE** the Amendment. Councilor Torr seconded the motion. The **MOTION CARRIED** by a majority voice vote. Councilor Lauterborn indicated the Amendment should come back to Council next month with the relevant information included for Council to review.

**10.1.2. Amendment to Chapter 23 of the General Ordinances of the City of Rochester Regarding Fire Safety Measures *first reading, consideration for second reading and adoption***

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and refer back to the Codes & Ordinances Committee for a Public Hearing on August 2<sup>nd</sup> 2018 at 6:00 PM. Councilor Bogan seconded the motion. (See Addendum B)

Councilor Keans amended the motion to specify that the Amendment be sent to Full Council for a Public Hearing as opposed to Codes & Ordinances. Councilor Varney seconded the amended motion.

Councilor Lachapelle **WITHDREW** his motion to send the Amendment to Codes & Ordinances for a Public Hearing. Councilor Bogan **WITHDREW** her second.

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and send to the full Council for a Public Hearing on August 7, 2018. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

Councilor Keans inquired why the Amendment had gone directly to Codes & Ordinances instead of coming to the full Council so they could have sent it to Public Hearing earlier. Attorney O'Rourke responded that the Amendment does not require a public hearing. Councilor Keans suggested that a Public Hearing should be required because it could affect some zoning ordinances. Attorney O'Rourke reiterated that the state RSA does not require a public hearing for fire code, but since Council has already voted to send it to Public Hearing they can choose to carry out this extraneous step even though it is not required by law.

**10.1.3. Amendment to Chapter 17.31 of the**

**General Ordinances of the City of Rochester Regarding Water Usage During an Emergency** *first reading, consideration for second reading and adoption*

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

**Amendment to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Usage During an Emergency**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 17 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

**17.31      Regulation of Water Usage during an Emergency.**

(a) Purpose. The purpose of this regulation is to ensure the use of water is properly regulated whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment, distribution capacity, or failure of equipment or material. The City of Rochester may use reasonable means to protect, preserve, and maintain the public health, safety, and welfare when a water supply shortage exists.

(b) Authority. The City of Rochester adopts these regulations under its authority to regulate public water systems under RSA 38:26. In accordance with the provisions of RSA 47:17, XV, whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the City Manager is authorized to restrict or prohibit the use of water from the City water system.

(c) Applicability. The requirements of this section shall apply to all water users with connections receiving water from the City water system, which includes all public water systems owned and operated by the City.

(d) Definitions.

(1) Person: Any individual, corporation, trust, partnership, joint stock

company, association, state, municipality, commission, United States government or any agency thereof, political subdivision of the State or any interstate body, or other entity.

(2) Water supply shortage: A situation when the City's water supply is in jeopardy as evidenced by a state or federal government agency declaring a drought in the area or the water system being unable to, or within sixty (60) days of such written determination become unable to, supply the full commercial, domestic and residential needs of the users of the City's water system, including needs for adequate fire protection. A water supply shortage usually occurs due to drought or a major infrastructure failure.

(e) Water Emergency Declaration. A water emergency declaration may be issued by the City Manager whenever a supply shortage or other water emergency occurs.

(f) Water Use Restrictions. Upon declaration of a water emergency, the City Manager shall implement certain water use restrictions necessary to conserve and maintain adequate reserves of the public water supply. Provided there is a declaration as noted above, the following levels of restriction will apply immediately after the public notification period specified in Section h.

(1) If a Level 1 water use restriction is issued, then:

i. Customers are encouraged to refrain from outside water use such as landscape watering and to limit the amount of water used outdoors for other purposes.

(2) If a Level 2 water use restriction is issued, then:

i. Any outside water use by odd numbered addresses is allowed only on odd numbered days.

ii. Any outside water use by even numbered addresses is allowed only on even numbered days.

iii. Any outside water use shall not occur between the hours of 8AM and 5PM.

(3) If a Level 3 water use restriction is issued, then:

i. No outside water use for lawn watering or irrigation. This applies to automatic sprinklers, automatic irrigation systems, and any unattended lawn watering.

ii. Filling of any swimming pools greater than 100 gallons capacity is prohibited.

iii. Washing of vehicles including automobiles, trailers, trucks, etc. by hose is prohibited.

iv. Any outside water use shall not occur between the hours of 8AM and



5PM.

- (4) If a Level 4 water use restriction is issued, then:  
i. All outside water use is prohibited.

(g) Exemptions to Water Use Restrictions.

(1) Hand irrigation of crops used for food by residents at a residential property, provided a competent person is present using watering equipment with an automatic shut-off device, shall not be restricted.

(2) Water to sustain animal life shall not be restricted.

(3) Despite the authority granted by Section b of this regulation, orders imposing water use restrictions shall not apply to uses that obtain water from sources other than the City water system, unless it can be clearly demonstrated that the use of such water directly affects the City water system.

(4) The City Council may issue temporary water use restriction exemption permits for identified properties and locations that have made recent landscaping investments. The exemption period for limited irrigation for new seed, sod, or plugs is up to 45 days from the date of installation, and will be permitted between the hours of 5PM and 8AM. Property owners must demonstrate that area soils have been appropriately prepared, and use efficient irrigation best management practices. A watering exemption permit only pertains to newly seeded lawns, and will not be issued for over seeding. This exemption does not apply during a Level 4 water use restriction.

(h) Public Notification. Upon declaration of a water emergency by the City Manager, the City shall issue a written emergency notice declaring the emergency and setting forth with particularity a water use restriction that regulates the use of water from the City's water system. The notification, as issued, shall be reissued whenever there are modifications to the water use level restrictions.

(1) Publication and/or Posting of Notice. The written emergency notice shall be published in a newspaper of general circulation in the City of Rochester within seventy-two (72) hours after the issuance of such notice. In addition, the written emergency notice shall be posted in five (5) prominent places within the City.

(2) Immediate Threat to Public Health or Safety. Whenever a sudden or unexpected event reduces the availability of water or water pressure as to

create an immediate threat to public health or safety, the emergency notice may be issued by any reasonable means, including electronic means.

(i) Termination Notice of a Water Emergency. Upon a determination by the City that the water emergency no longer exists, the City Manager may terminate the water use restrictions. Public notification of such termination shall be given in accordance with subsection h(1).

(j) Appeals of Water Emergency Declaration. Any person aggrieved by a water emergency declaration by the City Manager shall have the right to present the matter to the next regular or special meeting of the City Council or any emergency session of the Council called to discuss the water emergency. The City Council may exempt such aggrieved person, in whole or in part, from the compliance with such water use restrictions upon a showing that compliance with such water use restrictions creates an immediate threat to such persons, or such persons immediate household's, health or safety. A ruling by a majority vote of the City Council with regard to such appeal shall be final and binding. Until and unless the action of the City Manager is modified or revoked by action of the City Council, all water usage shall be bound by the terms of the water use declaration issued by the City Manager.

(k) Penalties. Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued water use restriction shall be guilty of a violation. Each separate day of water use in violation of such emergency notice shall constitute a separate offense and each separate prohibited water use in excess of one (1) on the same day shall constitute a separate offense. In addition to the foregoing penalties, the City of Rochester is authorized to discontinue the furnishing of water where orders and restrictions have been violated on multiple accounts. Such discontinuance shall be made pursuant to RSA 38:31 and may be continued so long as there is evidence that the violations continue. Penalties are determined by each water level restriction as follows:

Level 1 Water Restriction

(1) There are no penalties as this is voluntary

Level 2 and 3 Water Restrictions

(1) First violation will be issued a warning

(2) Second violation shall be punishable by a fine of One Hundred Dollars (\$100.00)

(3) Third violation shall be punishable by a fine of One Hundred Dollars

(\$100.00)

(4) Additional violations shall be punishable by a fine of Five Hundred Dollars (\$500.00) to Ten Thousand Dollars (\$10,000) and discontinuance of water service. A service reactivation fee, as defined by Section 17.34(II), will be charged before water service is restored.

#### Level 4 Water Restriction

(1) Each violation shall be punishable by a fine of Five Hundred Dollars (\$500.00) to Ten Thousand Dollars (\$10,000) and discontinuance of water service. A service reactivation fee, as defined by Section 17.34(II), will be charged before water service is restored.

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

Councilor Lachapelle **MOVED** to suspend the rules and read the Amendment for a second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the Amendment for a second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

A lengthy discussion was held by Council to clarify the wording of the amendment including the public notification period following the water emergency announcement

Councilor Hamann stated that he didn't agree with the amendment and would vote against it. He stated that Rochester citizens are forced to sign up and pay for a service, it wouldn't be right to restrict and tell them how to use a service for which they pay. Councilor Lauterborn clarified that this ordinance only pertains to emergency situations, where the reservoir is depleted, in drought conditions, where the safety of the population's drinking water would be at risk if a proper level is not maintained. It is not to regulate how citizens use their water regularly.

Councilor Varney stated that this is just an update of the existing ordinance.

There was a discussion on the criteria for declaring a water emergency and who would have the authority to make the decision, as well as the benchmarks which are used to determine the level of emergency and related restrictions.

**10.2. Planning Board****10.2.1. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts and to Table 18-B, Permitted Uses *first reading and refer to a public hearing***

Councilor Lachapelle **MOVED** to read the Amendment for a first time by title only and refer to a public hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The Amendment was read for the first time by title only as follows:

**Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts and to Table 18-B, Permitted Uses**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 42.1, Section J establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 42.1, Section J further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 42 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert the Neighborhood Mixed Use Zone between North Main Street Bridge and Holy Rosary Church to Downtown Commercial Zone.

WHEREAS, the Mayor and the City Council of Rochester desire to amend the City of Rochester Zoning Map to expand the boundaries of the Special Downtown Overlay district to encompass the entire Downtown Commercial Zone.

WHEREAS, the Mayor and the City of Rochester desire to amend the City of Rochester Zoning Ordinance Table 18-B, Sales-Service-Office-Institutional Uses to eliminate "Gas Station" and "Vehicle Service" as permitted uses in the Downtown Commercial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the Neighborhood Mixed Use Zone in the City of Rochester between North

Main Street Bridge and Holy Rosary Church shall be converted to Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit A).

FURTHER, the Mayor and City Council of Rochester ordain that Special Downtown Overlay District shall be expanded to cover the entirety of the Downtown Commercial Zone in accordance with the Attached Exhibit. (Exhibit B).

STILL FURTHER, the City of Rochester Zoning Map shall be amended and updated to reflect that the above shown changes ordained by the Mayor and the City Council.

FINALLY, the Mayor and the City Council of Rochester ordain that "Gas Station" and "Vehicle Service" shall be eliminated as permitted uses in the Downtown Commercial Zone and that Table 18-B shall be reflect said change as shown in the Attached Exhibit. (Exhibit C). (Exhibits A, B, & C – See Addendum C)

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

### **10.3. Public Safety**

#### **10.3.1. Committee Recommendation: To install handicap signs in the City Hall Parking Lot. *consideration for approval***

Councilor Walker **MOVED** to accept the changes to signage in the City Hall parking lot. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker clarified that the proposed change would place handicap parking signs in the designated "2 Hour Parking" signs at both entrances to the parking lot indicating that the entire parking lot is 2-hour parking between the hours of 8:00 AM and 5:00 PM for all those without City parking permits.

#### **10.3.2. Committee Recommendation: To install a light on the existing fixture on Collins Circle. *consideration for approval***

Councilor Walker **MOVED** to install a light on the existing fixture on Collins Circle. Councilor Lachapelle seconded the motion. The

**MOTION CARRIED** by a unanimous voice vote.

Councilor Walker explained that the City took the surety and finished the road, but there was one pole on which the developer didn't place a light and it's very dark in this area.

Councilor Keans inquired if the E911 Committee was being reformed, and if so, who was on the Committee. Councilor Walker verified that the Committee is being reformed. It includes the Fire chief and Police chief, which were the same positions held on the previous committee, there are just new people filling these positions. Councilor Walker discussed the re-numbering of Eastern Avenue for which there will be a Public Hearing upcoming.

**10.3.3. Committee Recommendation: To Install Pedestrian signs with arrows at the Crosswalk at Parson Main and the Crosswalks being relocated at Union and North Main. consideration for approval**

Councilor Walker **MOVED** to install crosswalk signs at the above noted locations. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney asked if this signage would be installed later in the summer, with the striping being completed first. Councilor Walker verified the signage would be installed later in the summer.

Councilor Keans inquired if the Committee considered using the red brick for the crosswalks, which she feels makes them most visible. Councilor Walker stated that the Committee does plan on using the red impressed brick for crosswalks in the downtown area.

**10.4. Public Works and Building Committee**

**10.4.1. Committee Recommendation: To recommend approval of the use of the "Smart Start Program" for the LED conversions at the Waste Water Treatment Plant. consideration for approval**

Councilor Torr **MOVED** to approve the use of the "Smart Start" program for the LED conversions at the waste Water Treatment plant.

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.2. Committee Recommendation: To recommend approval of the holding of \$4000 from Lyman and Sons Contracting in order to pay 1/3 the cost of the pavement patch on Chesley Hill Road. *consideration for approval***

Councilor Torr **MOVED** to approve the holding of \$4000 from Lyman and Sons Contracting to pay for 1/3 of the cost of the pavement repair on Chesley Hill Road. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.3. Committee Recommendation: To recommend the repurposing \$10,198.97 from the Water Fund Project account # 06531 to the Franklin Street Project *consideration for approval***

Councilor Torr **MOVED** to repurpose \$10,198.97 from the Water Fund Project account # 06531 to the Franklin Street Project. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**11. Old Business**

No Discussion.

**12. Consent Calendar**

No Discussion.

**13. New Business**

**13.1 Resolution Authorizing Acceptance and Appropriation of a Victims of Crime Act (VOCA) Grant Award for FY 2018-2019 in the amount of \$25,836.00 *first reading, consideration for second reading and acceptance***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The Resolution was read for a first time by title only as follows:

**Resolution Authorizing Acceptance and Appropriation of a  
Victims of Crime Act (VOCA) Grant Award for FY 2018-2019 in  
the Amount of \$25,836.00**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

WHEREAS, that a Victims of Crime Act (VOCA) grant in the amount of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a 20% cash match by the City of Rochester of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00), to the Victims of Crime Act (VOCA) grant by City of Rochester's Legal Department;

FURTHER, that the transfer of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00) from the FY 2018-2019 Legal Department Operating Budget to a non-lapsing Special Revenue fund is hereby authorized;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Department of Justice that are necessary to receive and administer the grant funds detailed above; and

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Lachapelle **MOVED** to suspend the rules and read the Resolution for a second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Resolution was read for a second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

**13.2 Amendment to Chapter 42 of the General Ordinances  
of the City of Rochester Regarding Development and  
Construction Signs *first reading and refer to a Public***



**Hearing**

Councilor Lachapelle **MOVED** to read the Amendment for a first time by title only and refer to a Public Hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Amendment was read for the first time by title only as follows:

**Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Development and Construction Signs**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in italics):

**42.29 Signs****m. Specific Sign Requirements.**

- 6.1. **Development and Construction Signs.** Signs temporarily erected during construction to inform the public of the developer, contractors, architects, engineers, the nature of the project or anticipated completion dates, shall be permitted in all zoning districts, subject to the following limitations:
- A. Such signs on a single residential lot, residential subdivision, or multiple residential lots, and nonresidential uses shall be limited to one sign, no greater than 10 feet, in height and 32 square feet in area.
  - B. Such signs for commercial or industrial projects shall be limited to one sign per street front.
  - C. Development and construction signs may not be displayed until after the issuance of construction permits by the building official and must be removed no later than 24 hours following issuance of an occupancy permit for an or all portions of the project.
- 6.2. **Planned Unit Development Signs.** *These signs shall be used to identify a project and/or inform the public of the name of a development.*
- A. *Such signs shall only be used for Planned Unit Developments.*

- B. Such signs shall be no greater than 16 square feet.*
- C. Such signs may not be lit.*
- D. Such signs are allowed in Open Space.*
- E. Such signs shall require approval from the Planning Board. The Board may require specific materials, landscaping, or other features.*
- F. This section shall also apply to previously approved Planned Unit Developments.*

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

**13.3 Resolution Authorizing Acceptance of Federal Forfeiture Funds and Appropriation in Connection Therewith in the amount of \$2,150 *first reading, consideration for second reading and acceptance***

Councilor Lachapelle **MOVED** to read the Resolution for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The Resolution was read for the first time by title only as follows:

**Resolution Authorizing Acceptance of Federal Forfeiture Funds and Appropriation in Connection Therewith in the amount of \$2,150.00**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

WHEREAS, that Federal Forfeiture Funds in the amount of Two Thousand One Hundred Fifty Dollars (\$2,150.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Two Thousand One Hundred Fifty Dollars (\$2,150.00) be, and hereby is, appropriated to the Police Department operating budget with the entirety of the supplemental appropriation being derived from the forfeiture; and

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to suspend the rules and read the Resolution for a second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Resolution was read for a second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.4 Resolution Authorizing Acceptance and Appropriation of a Great Bay Resource Protection Program grant for the purpose of funding a land appraisal in the amount of \$3,300 *first reading, consideration for second reading and acceptance***

Councilor Lachapelle **MOVED** to read the Resolution for the first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The Resolution was read for the first time by title only as follows:

**Resolution Authorizing Acceptance and Appropriation of a Great Bay Resource Protection Grant Program grant for the purpose of funding a land appraisal in the amount of \$3,300.00**

**Be it resolved by the Mayor and City Council of the City of Rochester, as follows:**

WHEREAS, that a Great Bay Resource Protection Partnership Grant Program grant in the amount of Three Thousand Three Hundred Dollars (\$3,300.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Three Thousand Three Hundred Dollars (\$3,300.00) be, and hereby is, appropriated to the Water Capital Improvement Program Fund for the purpose of funding an appraisal in conjunction with Southeast Land Trust (SELT) related to a potential conservation easement with the entirety of this appropriation being derived from the aforementioned grant; and

STILL FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Lachapelle **MOVED** to suspend the rules and read the Resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Resolution was read for a second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.5 Resolution Authorizing Acceptance of Donation of Cemetery Sign and Installation *first reading, consideration for second reading and acceptance***

Councilor Lachapelle **MOVED** to read the Resolution for the first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The Resolution was read for the first time by title only as follows:

**Resolution Authorizing Acceptance of Donation of Cemetery Sign and Installation**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

**Whereas**, Mr. Paul Howard, a former resident of Rochester desires to purchase and install a sign for the City cemetery located at the corner of Twombly Street and North Main Street in order to properly memorialize the location of the historic cemetery.

**Therefore**, the Mayor and the City Council hereby accept Mr. Howard's donation of a sign and the installation thereof for the aforementioned City cemetery subject to the approval as to location and appropriateness of the Director of City Services.

Councilor Lachapelle **MOVED** to suspend the rules and read the Resolution for a second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Resolution was read for a second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.6 Resolution Authorizing City Manager to Extend Lease with the Department of Health And Human Services (DHHS) for Twenty (20) Months *first reading, consideration for second reading and acceptance***

Councilor Lachapelle **MOVED** to read the Resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Resolution was read for the first time by title only as follows:

**Resolution Authorizing City Manager to Extend Lease with the Department of Health and Human Services (DHHS) for Twenty (20) Months**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

**WHEREAS**, the City's lease agreement with DHHS for space within the Community Center will expire on August 31, 2018;

**WHEREAS**, DHHS has requested an extension of said lease for a period of Twenty (20) months through April 30, 2020; and

**WHEREAS**, DHHS has agreed to increase its monthly rent payment from Twenty Three Thousand Three Hundred Ninety Six and 25/100 Dollars (\$23,396.25) to Twenty Three Thousand Eight Hundred Seventy Dollars (\$23,870.00).

**THEREFORE**, the Mayor and City Council hereby authorize the City Manager to enter into a lease extension agreement with DHHS on the terms listed above and any other terms deemed to be in the best interest of the City.

**FURTHER**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Lachapelle **MOVED** to suspend the rules and read the Resolution for a second time by title only. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a majority voice vote. The Resolution was read for a second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Lauterborn seconded the Motion. The **MOTION CARRIED** by a unanimous

voice vote.

#### **14. Non-Meeting/Non-Public Session**

No Discussion.

#### **15. Other**

Councilor Keans asked Councilor Walker if there was a different sign ordinance for PUDs than there was for other signs. Councilor Walker clarified that the information contained in the packet for the Amendment to Chapter 42 regarding development and construction signs was an item that had come before the Planning Board and been denied previously. There had been some wording changes and the Planning Board voted favorably when the Amendment was resubmitted. This specific change is just for PUDs of which there are 4 in the City.

Per Councilor Keans, there are signs within a mile of the location referenced which violate the ordinance. It was indicated that these signs would be investigated further.

Councilor Gray spoke about a constituent who had approached him regarding the veteran's tax exemption for those veterans who did not serve active duty during war time. It had been voted down by Council, but the State does allow it. Due to the budget implication, it will need to be brought up when it can be implemented with the next budget. Councilor Gray expressed a desire to see this decision revisited at the next budget. He stated that there are veterans out there who this affects; veterans who served honorably in the gap periods between wars.

#### **16. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council Meeting at 8:06 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

**Amendment to Chapter 22 of the General Ordinances of the City of Rochester**  
**Regarding Fire Department Organization**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 22 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions struck out and additions in italics):

**CHAPTER 22**

**FIRE DEPARTMENT ORGANIZATION**

**SECTION ANALYSIS**

22.1 Appointment and Requirements of the Fire Chief

22.2 Transfer of Authority in the absence of the Fire Chief

22.3 Equipment and Apparatus

**22.1 Appointment and Requirements of the Fire Chief.**

Upon appointment, the Fire Chief shall within six (6) months establish residence within the City's boundaries. The Fire Chief shall work under the direct supervision of the City Manager in accordance with the provisions of Section 18 of the Rochester City Charter. The Fire Chief shall manage, consult with and advise the City Manager on all matters pertaining to the equipment and control of the Fire Department. *Subject to the approval of the City Manager, the Fire Chief shall make rules and regulations for the internal operation of the Fire Department as he/she shall deem necessary and shall keep the same posted in the Fire Station and other buildings of the Department.*

**22.2 Transfer of Authority in the Absence of the Fire Chief.**

The Assistant Chief shall be senior in rank to the Deputy Chief and Fire Marshal and in the absence of the Chief shall perform all the duties and have the powers of the Chief. *In the absence of the Fire Chief and Assistant Fire Chief, the Fire Chief shall designate an Acting Chief who shall perform all the duties and accept all the responsibilities of the Fire Chief per RSA 154:5 and 154:7 until such time as the Fire Chief or Assistant Fire Chief returns and assume his/her duties.*

6/6/06

**22.3 Equipment and Apparatus.**

*The Fire Chief or his/her designee shall be notified by dispatch whenever an apparatus responds to an incident outside of the City. The Chief shall notify the City Manager whenever practical and convenient when an apparatus is to be outside the City for extended periods or other circumstances determined by the Chief*

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

**Amendment to Chapter 23 of the General Ordinances of the City of Rochester Regarding  
Fire Safety Measures**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 23 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions struck out and additions in italics):

**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 *Knox* Box Installations
- 23.5 Public Safety Amplification System Required in Large Facilities
- 23.6 Administration and Enforcement
- 23.7 Means of Escape
- 23.8 Fire Department Access
- 23.9 Control of Fire Hazards
- 23.10 Penalty
- 23.11 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.12 Prohibition and Regulation of Fireworks
- 23.13 Listed Agent Program
- 23.14 Regulation of Fire Alarms

**23.1 Fire Safety Rules and Regulations.**

*This Chapter incorporates the New Hampshire Fire Code as adopted by the State of New Hampshire pursuant to RSA 153:4-a and 153:5, and is hereby adopted and incorporated as if fully set out at length herein. Whenever the New Hampshire Fire Code and these Fire Safety Rules and Regulations address an identical issue, the more stringent fire protection measure will apply. To that effect, the City of Rochester adopts the provisions of NFPA 1: Fire Code (2015) and NFPA 101: Life Safety Code (2015), exempting any requirements therein per RSA 153:5, IV that would constitute being less restrictive than the New Hampshire Fire Code.*

**23.2 Smoke Detector Wiring.**

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

**23.3 Enforcement Officer.**

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

**23.4 Knox Box Installations.**



For purposes of rapid entry in cases of emergencies or required access to buildings after hours, any new construction, *the change in occupancy/ownership of an existing building or any existing building with a fire alarm or sprinkler system installed on all buildings , excluding single family homes*, occurring after the date of the adoption of this ordinance will require a KNOX BOX.

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.

### **23.5 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.

**23.6 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 Initial Inspection	\$1.00 per device or \$50.00 minimum Free of Charge
Re-Inspections (Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)	\$50.00 per person with \$100.00 minimum
Fine	\$175.00 (working without a permit or license)
Listed Agent	\$25.00 per year, per restriction
False Alarm, Fire Alarm Activation	\$175 after 2 Consecutive, per calendar year

**23.7 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.

**23.8 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.

### **23.9 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. The owner of record of any property upon which a violation of this Chapter occurs shall be held strictly liable for any violation occurring on their property and shall be guilty of a violation in the same manner as stated above.

### **23.10 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.

### **23.11 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 Licensing Board at least 15 days prior to the display. The time frame may be waived at 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 Licensing Board, 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:
- 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 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 6 PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at a 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 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:
- 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.

- 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.

#### **23.12 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.”

#### **23.13 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.

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



# EXHIBIT A

## Proposed Zoning Revision - Downtown Commercial Zone

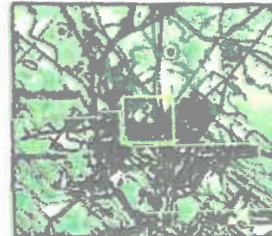


### Legend

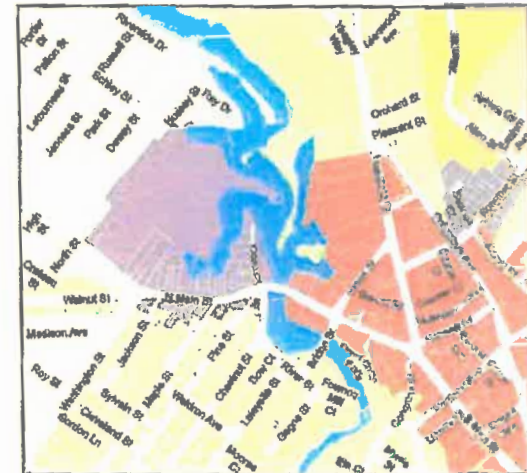
Proposed for  
Zoning Revision  
Parcel Boundary

### Zoning Districts

Residential - 1  
Residential - 2  
Neighborhood Mixed Use  
Downtown Commercial  
General Industrial



### Current Zoning



### Proposed Zoning



Date: 1/29/2018






## EXHIBIT B

### Proposed Zoning Revision - Special Downtown Overlay



#### Legend

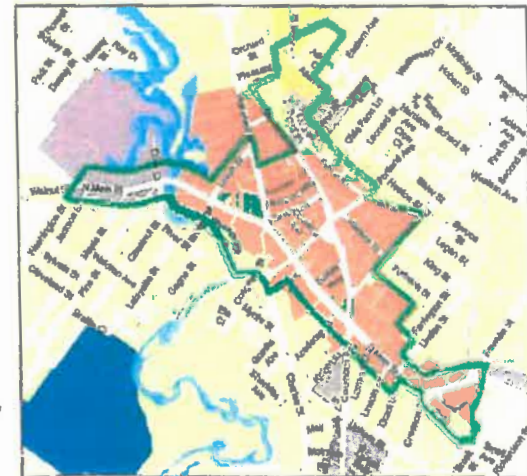
-  Proposed for Zoning Revision
-  Parcel Boundary
-  Special Downtown Overlay

#### Zoning Districts

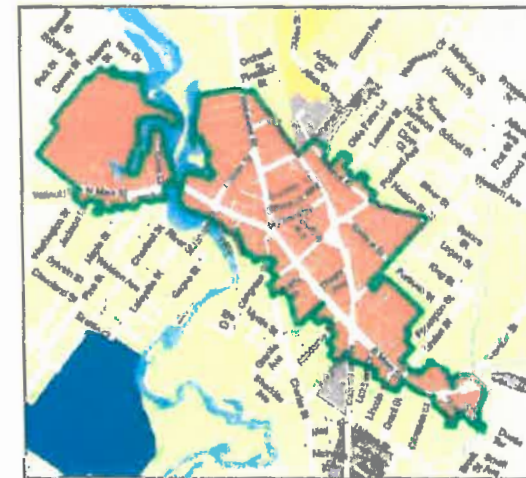
-  Residential - 1
-  Residential - 2
-  Neighborhood Mixed Use
-  Downtown Commercial
-  Office Commercial
-  General Industrial



### Current Zoning



### Proposed Zoning



Date: 1/29/2019

# EXHIBIT C

TABLE 18-B SALES-SERVICE-OFFICE-INSTITUTIONAL USES

SALES-SERVICE-OFFICE-INSTITUTIONAL USES	Residential Districts			Commercial Districts				Industrial Districts		Special		Criteria/Conditions
	R1	R2	NMU	AG	DC	OC	HC	GI	RI	HS	AS	Section Reference
Adult Day Care Center	-	-	E	E	P	P	P	E	-	P	-	Section 42.22
Adult Day Care Home	-	E	E	E	P	P	P	-	-	P	-	Section 42.22
Adult Oriented Establishment	-	-	-	-	-	-	-	-	C	-	-	Section 42.22
Agricultural Building, Reuse of Existing	C	C	-	C	-	P	-	-	-	-	-	Section 42.22
Antique Shop	-	C	P	-	P	P	P	-	-	-	-	Section 42.21
Artist Studio	-	C	P	-	P	P	P	-	-	-	-	Section 42.21
Bank	-	-	C	-	P	P	P	-	-	-	-	Section 42.21
Convenience Store	-	C	P	-	P	E	P	-	-	-	-	Section 42.21
Day Care - 1 (Day Care Residence)	P	P	P	P	P	P	P	-	-	P	-	
Day Care - 2 (Day Care - Family)	-	E	P	E	P	P	P	-	-	P	-	Sections 42.20 & 42.21
Day Care - 3 (Day Care Center)	-	-	E	E	P	P	P	E	-	E	-	Section 42.22
Florist	-	-	P	-	P	-	P	-	-	-	-	
Funeral Home	-	-	C	-	P	P	P	-	-	P	-	
Gas Station	-	-	-	-	P	-	P	-	-	-	-	Sections 42.20 & 42.21
Grocery Store	-	-	-	-	P	-	P	-	-	-	-	
Hospital	-	-	-	-	P	P	P	-	-	P	-	
House of Worship	-	C	C	C	P	C	P	-	-	P	-	Section 42.21
Housing Unit Sales	-	-	-	-	-	-	P	P	-	-	-	
Laundry Establishment - 1	-	C	P	-	P	-	P	-	-	-	-	Section 42.21
Laundry Establishment - 2	-	-	P	-	P	-	P	-	-	-	-	
Library	-	C	P	C	P	P	P	-	-	-	-	Section 42.21
Marina	-	-	-	-	-	-	P	-	-	-	-	
Museum	-	C	P	C	P	P	P	-	-	-	-	Section 42.21
Office	-	-	P	-	P	P	P	P	P	-	-	
Office, Medical	-	-	C	-	P	P	P	C	-	P	P	Section 42.21
Office, Professional	-	-	P	-	P	P	P	P	-	-	-	
Personal Service Establishment	-	-	P	-	P	P	P	-	-	-	-	
Retail Sales (under 5,000 square feet)	-	-	P	-	P	E	P	-	-	-	-	
Retail Sales (5,000 - 30,000 square feet)	-	-	-	-	P	-	P	-	-	-	-	
Retail Sales (over 30,000 square feet)	-	-	-	-	-	-	P	-	-	-	-	
Retail Service	-	-	C	-	P	P	P	-	-	-	-	Section 42.21
School, K-12	C	C	C	C	C	P	C	-	-	-	-	Section 42.21
School, Other	-	C	C	C	P	P	P	C	-	-	-	Section 42.21
Second Hand Shop	-	C	P	-	P	P	P	-	-	-	-	Section 42.21
Service Establishment	-	-	C	-	C	-	C	P	-	-	-	Section 42.21
Shelter	-	-	-	-	E	E	P	E	E	E	-	
Small Wind Energy Systems	P	P	P	P	P	P	P	P	P	P	P	Section 42.20
Vehicle Sales, New	-	-	C	-	-	-	P	-	-	-	-	Sections 42.20 & 42.21
Vehicles Sales, Used	-	-	C	-	-	-	P	-	-	-	-	Section 42.20
Vehicle Service	-	-	-	-	P	-	P	P	-	-	-	
Yard Sale, Commercial	-	-	-	-	-	-	C	-	-	-	-	Sections 42.20 & 42.22

\*LEGEND. P = Permitted Use, C = Conditional Use, E = Use Allowed by Special Exception

APPROVED APRIL 2014

C:\Users\kelly.walters\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\BV5HAHDZ\TABLE XVIII-B SALES-SERVICE-OFFICE-INSTITUTIONAL USES - Approved April 2014