

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, October 5, 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. All Committee members were present. Also present were Councilor Gray and City Attorney, Terence O'Rourke.

2. Public Input

Councilor Lachapelle opened Public Input at 6:03 pm.

Michelle Smith, resident, spoke about Chapter 63.2 of the General Ordinances of the City of Rochester with regards to the passing of items to or from the occupant of a motor vehicle on a road way

Ms. Smith spoke about Chapter 36 of the General Ordinances of the City of Rochester with regards to Cemeteries.

George Pelletier spoke about Chapter 19.8 of the General Ordinances of the City of Rochester with regards to the placement of Waste Management totes.

Councilor Lachapelle thanked Ms. Smith and Mr. Pelletier for speaking and closed public input at 6:13 PM.

3. Acceptance of the Minutes: June 1, 2017

Councilor Lauterborn **MOVED** to **ACCEPT** the minutes of June 1, 2017. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. **Review: Chapter 63.2** *The passing of Items to or from the Occupant of a Motor Vehicle on a Road Way.*

Terence O'Rourke, City Attorney, reported that enforcement of this ordinance is currently suspended to avoid any litigation, as a similar ordinance in another city had been brought before the NH State court and had been struck down by a federal judge ruling that the ordinance violates first amendment rights. Attorney O'Rourke had this on the agenda to ask the committee what they would like to do; Keep the current ordinance suspended as is and try to amend it, or scrap in all together? Councilor Gates asked if there were any other municipalities with a similar ordinance which had been found constitutional. Attorney O'Rourke stated none were found in NH. This will be kept in committee and Attorney O'Rourke will bring this back with revisions to the December 7th meeting.

5. **Review: Chapter 36** *Cemeteries*

A discussion ensued about whether or not to form a committee to oversee the cemeteries in Rochester. Councilor Bogan **MOVED** to bring to full council a motion for the formation of a Trustees of the Cemeteries Committee. If formed, this committee would take the responsibilities relative to cemeteries out of the City Manager's office. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a majority voice vote.

6. **Review: Chapter 19.8** *Storage of Containers and Dumpsters*

Councilor Lachapelle led discussion on Chapter 19.8 and conversation was held regarding the section that reads "*and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way.*" Councilor Abbott recalls this being removed from the chapter initially, and does not know when it was added back. Councilor Lachapelle stated that we need to be careful on how this is enforced as written. Councilor Lauterborn **MOVED** to remove "*and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way.*" from Chapter 19.8. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle also brought forward a change that needs to happen in the beginning of this chapter under **19.1 Definitions**. He stated that the City will be migrating to a second cart for streamline recycling within the next couple of months. In preparation of this, the definition v) **Residential Recycling Bin** needs to be changed to reflect this. His suggestion was to have the definition read exactly like y) **Rubbish and Waste Receptacles** with a minor change. Councilor Lachapelle **MOVED** to make the following changes: v) **Residential Recycling Bin Cart – Any reusable container that is labeled for recycling. Containers shall be no larger than eighteen (18) gallons in size. Shall be a specifically designed container with wheels or "cart" distributed by Waste Management to be used for the storage of acceptable recyclables in the automated collection process. No other receptacles will be permitted for collection by the City's waste collection contractor.** Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

7. Other

Councilor Lauterborn spoke on camping in Rochester parks. Councilor Lachapelle shared that he had received an e-mail from the Chief of Police. The chief will be researching this with the Recreation Department. There is an ordinance that specifically states that people cannot camp in Rochester parks. The Trustees of Trust Funds are also looking into this. Councilor Gray spoke about there being an ordinance stating that signs can be posted listing the park hours. With these signs posted, if a camper was found in a park they could be found in violation of park hours. Councilor Gray also inquired whether or not Hanson Pines is considered a park. Councilor Lachapelle asked City Attorney O'Rourke to look into this and report back at the December 7th meeting. If action needs to be taken, it will be taken at that time.

Councilor Lauterborn spoke on the Dewey Street Bridge Project. It was said during the site walks and meetings that motorized vehicles would not be allowed on the bridge. There will be barriers placed at either end of the bridge, but small motorized vehicles would be able to get around said barriers. Councilor Lauterborn inquired if the items from these previous meetings are enforceable, or if there needs to be a specific ordinance prohibiting vehicles such as snowmobiles and motorcycles. Councilor Lachapelle stated that the City can post a sign on either side of the bridge. Councilor Lauterborn just wants to make sure the police have what they need to enforce this. Councilor Lachapelle said that he can have Councilor Hamann put it on the agenda for the next Safety Committee meeting. City Attorney O'Rourke will look into whether or not we can just place signs, or if we need to do something else.

8. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Committee meeting at 6:38 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Susan Morris
Assistant City Clerk