

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Elaine Lauterborn, Vice Chair
Councilor Tom Abbott
Councilor Chris Rice
Councilor Laura Hainey



Others Present

Terence O'Rourke, City Attorney
Jim Grant, Director BZLS
Dave Walker, City Councilor

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday, April 1, 2021

31 Wakefield Street, Rochester, NH

Meeting conducted remotely

6:00 PM

Minutes

1. Call to Order

Chair Lachapelle called the Codes & Ordinances meeting to order at 6:00 PM and read the following preamble:

Good Evening, as Chairperson of the Codes & Ordinances Committee I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak,

press 5* to be recognized and unmuted)

Phone number: 857-444-0744 Conference code: 843095

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email PublicInput@RochesterNH.net or call 603-332-1167.

c.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** PublicInput@rochesternh.net (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

d.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

Deputy City Clerk Cassie Givara took the roll call. The following councilors were present and indicated that they were alone in the location from which they were connecting remotely: Councilors Abbott, Lachapelle, Lauterborn and Rice. Councilor Hainey was excused.

2. Public Input

There was no one present in Council Chambers to speak and there was no written or voicemail correspondence received.

3. Acceptance of the Minutes

3.1 March 4, 2021 *motion to approve*

Councilor Lauterborn **MOVED** to **APPROVE** the minutes of the March 4, 2021 Codes & Ordinances Committee meeting. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lauterborn, Lachapelle, and Abbott all voting in favor.

Councilor Lachapelle announced that there would be no further discussion this evening on agenda item 6 regarding the Disorderly Residence ordinance. Councilor Hainey has been spearheading this item and, due to her absence, it will instead be discussed again at a future meeting.

4. Code of Ordinances Review

4.1 Building, Zoning, and Licensing Services

4.1.1 Chapter 135: Mobile Home Parks *Addendum A*

Attorney O'Rourke stated that there were very simple changes being suggested to this chapter. Section 135-6 "Application for Approval" is recommended to be removed in its entirety. The City currently does not allow development of new mobile home parks, so there is no need for an application process. Councilor Rice asked if this would affect the building or additions/renovations to existing mobile homes. Jim Grant, Director of Building and Licensing Services, clarified that existing mobile homes could still go through the regular permitting process for such improvements.

Chairman Lachapelle asked if there were any additional changes to Chapter 135 from the Planning Department. Attorney O'Rourke stated that this single change was the only suggestion.

Councilor Lauterborn **MOVED** to recommend the amendment to Chapter 135 as presented by City Staff to the full Council. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lauterborn, Abbott, Lachapelle, and Rice all voting in favor.

4.1.2 Chapters 40: Building Construction & Property Maintenance, cont'd discussion

Director Jim Grant of Building and Licensing Services explained that he had a presentation dealing with the International Property Maintenance Code. He stated that the City is operating under the 2006 code, and he is suggesting making updates to the antiquated portions of the document to align with current practice and the 2015 code. Director Grant directed the committee to NH RSA 48-A regarding minimum housing standards. He stated that this is what the City would operate under if they do not adopt their own property maintenance code (which would be enforced in addition to the State RSA). Director Grant detailed the significant changes between the 2006 code and the 2015 code. He stated that the 2015 code gives greater detail and further explains the terms and conditions laid out in more general terms in the 2006 code.

Councilor Lachapelle inquired about the fee schedule in section 103.5, which is currently left blank in the code. He asked if the committee could come back in the future and make recommendations on these fees. Director Grant confirmed these fees could be added and adjusted in the future. He stated that there was a similar circumstance in section 112.4 "failure to comply" in which dollar amounts were left blank; these items, if not included in the code, would defer to the State RSA for "Citations." Mr. Grant further outlined the sections which had criteria which the City could choose to revise and populate with information to fit their needs and practices.

Councilor Lauterborn thanked Director Grant for addressing the conflicts between the building code and the City zoning ordinance and she inquired of Councilor Abbott if he felt the information as presented was sufficient for adoption. Councilor Abbott stated that he felt he needed more time to review the information which had presented and compare the changes and suggestions before a decision is made. Councilor Lauterborn inquired about the next step in the adoption process and whether or not this item needed to go to full Council, a public hearing, or both. Attorney O'Rourke clarified that this decision would not require a public hearing but rather could be voted on by full Council for adoption.

Councilor Walker asked to review a comparison between the 2006 and the 2015 code to see the suggested changes. It was discussed that this documentation would be distributed to the full Council for review. Councilor Abbott expressed concern with the way some of the code was written and potential problems which could arise from its adoption as written. Director Grant suggested meeting with Councilor Abbott to review the code and identify the conflicts and issues which should be revised.

Councilor Lachapelle suggested that Chapter 40 and the International Property Maintenance Code be kept in committee and discussed at the May meeting. Councilor Abbott stated that he would prefer to adopt this as housing standards as opposed to a building code in order to remove it from the zoning ordinance entirely. Councilor Abbott stated that the code needed to be reviewed more thoroughly to determine how it would be enforced and interpreted as written, and to revise it as needed to fit Rochester's needs. Director Grant agreed that there was opportunity to revise the codes and the wording to suit Rochester, but emphasized the importance of these codes to help the community to be more vibrant, especially in the downtown area and more challenged areas.

4.2 Planning

4.2.1 Chapter 135: Mobile Home Parks

No additional amendments beyond what was discussed previously in the meeting.

4.2.2 Chapter 176: Planning Board *Addendum B*

Attorney O'Rourke directed the committee to section 176-9(E) which allows for the planning board to accept gifts for the exercise of its functions. It is recommended that this section be removed in its entirety. Councilor Abbott **MOVED** to recommend the amendment to Chapter 176 as presented by City Staff to the full Council. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Lachapelle, Abbott, and Lauterborn all voting in favor.

5. **Discussion: Ethics Committee & Code**

Councilor Lachapelle stated that he felt the committee should focus on whether or not to direct the City Attorney and City staff to draft a Code of Ethics specific to Rochester to bring back to the committee for review, and then a final decision by the full Council. He said that he did not

feel that the Codes & Ordinances Committee should be working on what would be contained within the Code of Ethics or the exact wording.

Councilor Lauterborn suggested forming a working group of Councilors, Police Commission, School Board members, and City staff along with the City Attorney to develop the wording for this code. Attorney O'Rourke agreed with Councilor Lauterborn that a working group would be the way to proceed. He stated that his role was to advise and ensure that any code developed is legally defensible; the elected officials to which the code would apply should have a direct hand in drafting the code.

Councilor Abbott cautioned against arbitrarily placing members on an ethics committee without the time or qualifications to make judgements and decisions which could affect someone's reputation and career. Councilor Walker also emphasized the need to keep the process fair and to avoid making it political. He agreed that there should be a working group to develop the wording for this code, and suggested that at the very least, the City charter could be amended to make the ethics wording apply to all boards and commissions and allow for the removal of members.

Councilor Lachapelle stated that he would reach out to the City Attorney and Councilor Hutchinson, who had spearheaded this discussion, in order to put together a working group to develop some language to come back to the Codes & Ordinances committee. Councilor Lauterborn addressed Councilor Abbott's prior comments and clarified that at this stage, she is not suggesting actually forming an ethics commission and choosing members to serve, but rather forming a working group to prepare the wording for a code of ethics to potentially be approved by City Council. An Ethics Commission could potentially be formed after a code is approved, if Council so chooses. Councilor Rice agreed that this working group would be to develop the framework for an ethics commission; their role, responsibilities, and authority and the criteria under which they would operate.

It was decided that if there was information available at that time, a brief update would be presented at the next Codes & Ordinances Committee meeting regarding the forming of a working group and the work performed thus far.

**6. Discussion: Amendment to the General Ordinances of the City of Rochester
Creating Chapter 41, Disorderly Residence**

It was reiterated that this discussion would be brought forward again at a future meeting in which Councilor Hainey is available for an update.

7. Other

Councilor Lachapelle stated that the Codes & Ordinances Committee would next meet on May 6, 2021 at 6:00 PM. The committee will further discuss Chapter 40 as well as Chapter 218 (Stormwater Management) as requested by Director of City Services Peter Nourse.

8. Adjournment

Councilor Lachapelle **ADJOURNED** the Codes & Ordinances Committee meeting at 7:10 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Amendments to Chapter 135 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 135 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 135

Mobile Home Parks

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 43 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 275.

§ 135-1 Purpose and intent.
[Amended 2-3-2015]

The purpose of this chapter is to establish minimum standards for the construction in and maintenance of mobile home parks existing (as of April 22, 2014) in the City of Rochester. The intent of this chapter is that mobile home parks existing (as of April 22, 2014) shall provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas.

§ 135-2 Authority.

This chapter is adopted by the Rochester City Council in accordance with the provisions of New Hampshire RSA 47:17.

§ 135-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCESSORY BUILDING OR STRUCTURE

A subordinate building or structure which is an addition to or supplements the facilities provided by a mobile home, such as an awning, cabana, storage structure, carport, porch, fence, skirting, windbreak, or screened room.

BUILDING

A roofed structure erected for permanent use.

COMMON AREA

An area or space designed for joint use by residents of a mobile home park, principally for recreation purposes.

DENSITY

The number of mobile home lots per acre of gross land area in a mobile home park.

GARAGE

A building for the shelter of automotive vehicles.

GROSS LAND AREA

The total land area included within the perimeter boundaries of a mobile home park.

LIVING UNIT

A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

LOT AREA

The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes, and reserved for exclusive use of the occupants of a mobile home.

LOT LINE

The line identifying a lot boundary.

MANUFACTURED HOUSING

Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein (in conformance with the definition in RSA 674:31, as amended).

[Amended 2-3-2015; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

MOBILE HOME

A form of manufactured housing which conforms with the definition of "manufactured housing" above.

MOBILE HOME LOT

A parcel of land for the placement of a mobile home and for the exclusive use of its occupants.

MOBILE HOME PARK

Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate, two or more mobile homes. The term "mobile home park" shall not be construed to apply to premises used solely for storage or display of mobile homes.

MOBILE HOME SUBDIVISION

An approved subdivision of two or more lots designed to be occupied by mobile homes only and where the lots will be sold rather than rented or leased.

PARK ROAD

A private road within the boundaries of a mobile home park which is owned and maintained by the mobile home park owner, and which provides vehicular access to mobile home lots.

PERMANENT BUILDING

Any building except a mobile home or a mobile home accessory building or structure.

PUBLIC SYSTEM

A water or sewage system which is owned and operated by a local government authority or by an established public utility which is adequately controlled by a governmental authority.

STORAGE BUILDING

A building located on a mobile home lot which is designed and used solely for the storage and use of personal equipment and possessions of the occupants of the mobile home on that lot.

STREET

A public highway as defined in RSA 229:1, except a Class VI or discontinued highway, or a private road within a subdivision as platted and recorded in the Strafford County Registry of Deeds, including the full width of the right-of-way.

YARD

An unoccupied space open to the sky on a mobile home lot.

§ 135-4 General requirements.**A. Location and access.**

- (1) Mobile home parks shall be permitted only within the area defined as an Agricultural Zone by Chapter 275, Zoning, of the City Code.
- (2) Mobile home parks shall be located with access onto a publicly maintained Class V or better street.
- (3) Since mobile home parks are a relatively intensive form of residential development, the soil characteristics of a site proposed for mobile home park development shall be adequate to support that development.

B. Density. The number of mobile home lots in a mobile home park shall not exceed 2.9 per acre of gross land area contained within the mobile home park.**C. Setbacks.**

- (1) The minimum distance between any mobile home and mobile home park boundary line shall be 50 feet.
- (2) Minimum setbacks on mobile home lots shall be: front yard, 20 feet; side and rear yards, 15 feet.
- (3) There shall be a minimum of 30 feet clearance between mobile homes on adjoining lots. No mobile home shall be located closer than 30 feet to any community building within the park.

D. Screening and landscaping.

- (1) A twenty-foot buffer strip shall be maintained along all public streets and along all mobile home park boundaries which abut a residential area. No part of this buffer strip shall be included within the boundaries of individual mobile home lots or within common areas. Within this twenty-foot buffer strip, a dense visual screen of shrubs or trees shall be planted, at least four feet high at the time of planting, of a type that will form a year-round screen at least six feet high within three years. Where existing natural growth or topography can provide the required screening, it may be utilized to fulfill all or part of this

requirement.

- (2) Lawn and ground cover shall be provided where needed to prevent erosion of slopes and on other areas to obtain usable yards.
 - (a) Trees, shrubs, and vines shall be required to the extent needed to provide for:
 - [1] Screening of objectionable views;
 - [2] Adequate shade; and
 - [3] A suitable setting for mobile homes and other facilities.
 - (b) During the development of any mobile home park, that portion of said park used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards.

E. Construction.

- (1) The provisions of this chapter and of the building regulations of the City of Rochester shall apply to all construction, alterations, repairs and additions to mobile homes and structures within a mobile home park unless otherwise modified herein.
- (2) The skirting of mobile homes is permitted to achieve better heating, but skirting shall not provide a harborage for rodents, nor create a fire hazard. Skirting, cabanas, awnings, porches, or other additions shall not be attached to a mobile home unless they are approved by the Director of Building, Zoning, and Licensing Services.
- (3) All piping from outside fuel storage tanks or liquefied petroleum gas cylinders to a mobile home shall be copper or other acceptable metallic tubing mechanically connected and shall be permanently installed and securely fastened in place. All liquefied petroleum gas cylinders shall be securely fastened in place and shall not be located inside or beneath a mobile home or within five feet of a mobile home exit. Racks to hold liquefied petroleum gas cylinders shall be of a design which will prevent tipping or accidental overturning. All oil tanks shall not be located inside or beneath a mobile home. If a mobile home is provided with a full basement, fuel storage tanks may be located within the basement. All outside installed oil tanks shall have a foundation made of concrete or masonry. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation. Oil tanks shall be screened by adequate shrubs or fencing.
- (4) Liquefied petroleum gas for cooking purposes shall not be used on individual mobile home lots unless the containers are properly connected. Liquefied petroleum gas cylinders shall be securely fastened in place and shall be adequately protected from the weather.
- (5) The storage of firewood, coal, coke, other fuels and/or equipment shall be done in a manner so as not to constitute a fire hazard.
- (6) Only one single-story storage building may be installed on any one mobile home lot. The maximum size shall not exceed 12 feet by 14 feet by 10 feet wall height. Roofs shall be either pre-finished metal,

Commented [1]: Editor's Note: Throughout this chapter, references to the Code Enforcement Department were amended to the Building, Zoning, and Licensing Services Department 10-15-2013.

fiberglass, or shingles. The exterior shall be of a permanent building material. Plans must be approved by the Director of Building, Zoning, and Licensing Services and a building permit obtained prior to erection on the mobile home lot.

- F. Board of Health requirements. All mobile home parks shall be located in areas free from marshes, swamps, stagnant pools, or other potential breeding places for insects or rodents.
- G. Fire protection.
- (1) The mobile home park area shall be subject to the rules and regulations of the City of Rochester Fire Department.
 - (2) Mobile home park areas shall be kept free of litter, residential solid waste, and other flammable materials. **[3-5-2019]**
 - (3) Where a municipal water system is available to a mobile home park, standard City fire hydrants shall be spaced not more than 500 feet apart within the boundaries of the park. **[Amended 3-7-2000]**
 - (4) Fires shall be made only in stoves and other equipment intended for such purposes. No open fires shall be permitted except in specified areas approved by the Rochester Fire Department.
 - (5) The City of Rochester Fire Department may take whatever additional measures for adequate fire and safety conditions as it feels are necessary for each mobile home park.
- H. Refuse disposal.
- (1) The storage, collection, and disposal of refuse in mobile home parks shall be managed so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.
 - (2) Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
 - (3) All garbage and residential solid waste shall be collected at least once weekly only from a location(s) designated by the Health Officer. Mobile home park owners shall be responsible for seeing that garbage and residential solid waste are deposited at the collection location(s). **[3-5-2019]**
- I. Pets. No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park (pursuant to RSA 466:30-a).
- J. Management.
- (1) Any person responsible for the operation of a mobile home park shall maintain a current register of all mobile homes located within the mobile home park and their owners. Such register shall be available for inspection to/by City officials.
 - (2) Said register shall contain pertinent information to properly identify the mobile home, location, and owners of each mobile home in the mobile home park, including the dates of arrival and the dates of

departure of any mobile home which has arrived or departed within the past year.

- (3) According to the provisions of RSA 73:16-a, the owner of a mobile home park shall be responsible for filing with the City Assessor's office an inventory (description) of all mobile homes which locate in a park within 15 days of their arrival. Also under the provisions of RSA 73:16-a, the owner of a mobile home park may be held responsible for the payment of taxes due on individual mobile homes located within the park which have not been paid by their owners.
- (4) The management of a mobile home park shall assume responsibility for maintaining in good repair all buildings, streets, walks, sanitary facilities and utilities within the park and shall take such action as is necessary to eject from the grounds any person who willfully or maliciously fails to comply with these and other applicable regulations.

§ 135-5 Design standards.
[Amended 2-3-2015; 3-5-2019]

During the development of any mobile home park, that portion of said park which is used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards, and to the applicable standards of the New Hampshire Department of Environmental Services and the Sanitary Laws and Regulations of the New Hampshire Division of Public Health Services.

A. Mobile home lots.

- (1) Each mobile home lot shall contain a minimum of 10,000 square feet in area and shall have minimum frontage of 75 feet on a park road.
- (2) No mobile home with accessory buildings, garage, structures, storage building and paved parking spaces shall occupy in excess of 35% of a mobile home lot.

B. Park roads.

- (1) Mobile home park roads shall provide safe and convenient vehicular access from abutting public streets to all mobile home lots and community facilities. Driveway access to all mobile home lots shall be only from park roads, with no driveway access permitted directly from City streets.
- (2) Roads shall be adapted to topography, shall have suitable alignment and gradient for traffic safety, and shall have a properly designed storm drainage system. Except as herein modified, the design standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations shall apply to the design of mobile home park roads.
- (3) Roads shall have a minimum right-of-way width of 40 feet and a minimum paved width of 22 feet. Roadway pavement shall be in accordance with the standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations.
- (4) Road systems shall be developed with consideration given to the reasonable movement and placement of mobile homes on individual lots.
- (5) All mobile home parks shall be graded to ensure proper drainage. The drainage system shall take into consideration not only proper channelizing of stormwater within the mobile home park but minimization

of adverse effects on surrounding property and public streets.

C. Parking.

- (1) Two off-street parking spaces shall be provided for each mobile home lot. Each parking space shall be paved and graded to provide drainage away from the mobile home in conformance with the overall drainage plan for the mobile home park.
- (2) Each off-street parking space shall have a minimum width of nine feet and a minimum length of 18 feet.
- (3) Garages shall be permitted, provided that they are either directly attached to a mobile home or separated by a distance of at least 10 feet. Garages shall also conform to the setback provisions in § ~~135-4C(2)~~.

D. Common area.

- (1) At least 7% of the gross land area in a mobile home park shall be reserved as a common area for recreation and other open space purposes.
- (2) Each mobile home park shall provide at least one common area restricted to the use and enjoyment of the residents of the park. No single common area shall contain less than 15,000 square feet. Where more than one area is provided, the areas shall be spaced and located in the mobile home park in such a manner that will provide maximum usefulness for park residents.
- (3) All equipment contained in recreational areas within common areas shall be kept in good repair. Common areas shall be kept free of all debris.
- (4) The land included within common areas shall be of such character that it is capable of supporting recreational use and shall not include land with poor drainage, excessive slope, or land which is subject to flooding.
- (5) Common areas shall be separated from park roadways, City streets, and parking spaces by an adequate fence.

E. Water supply.

- (1) A water supply meeting current New Hampshire Department of Environmental Services drinking water standards shall be provided to each mobile home lot in a mobile home park.
- (2) The design and construction (including materials) of the water supply system, whether public or private, for a mobile home park shall comply with the New Hampshire Department of Environmental Services Design Standards for Small Public Water Systems and with all requirements and regulations of the City of Rochester.
- (3) Where a public water system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City. Where a public water system is not available, any other source of water must be approved by the New Hampshire Department of Environmental Services.

- (4) All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with nonpotable or questionable water supplies.
- (5) Individual water service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of mobile homes.
- (6) A mobile home park water system shall be adequate to provide 20 pounds per square inch of pressure at all mobile home lots.

F. Sewage disposal.

- (1) Where a public sewage system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City.
- (2) Where a public sewage system is not available, the sewage disposal system for all mobile home lots in the mobile home park shall be approved by the New Hampshire Department of Environmental Services.
- (3) Each mobile home shall be provided with sewer connections which comply with all statutory requirements and regulations of the State of New Hampshire and appropriate agencies of the State of New Hampshire and the City of Rochester.
- (4) The design and construction (including materials) of the sewage disposal system, whether public or private, for a mobile home park shall comply with all statutory requirements and regulations of the New Hampshire Department of Environmental Services and the City of Rochester.

G. Electricity.

- (1) A secured electrical outlet supplying 220 volts shall be provided for each mobile home lot. This installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be weatherproof.
- (2) All power lines within a mobile home park shall be underground and shall be laid with sufficient cover to prevent damage from traffic.

H. Telephone system. Where telephone service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical distribution system.

I. Cable television system. Where cable television service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical system.

~~§ 135-6 Application for approval.~~

~~A. Procedure.~~

- ~~(1) Before formal submission of a plan for a new mobile home park, a developer proposing construction of a mobile home park may first meet with the Planning Board to informally discuss the project.~~

~~(2) A formal application for construction of a new mobile home park shall be submitted to the Rochester Planning Board. In reviewing the application, the Board shall follow the procedures and standards for the review of a major subdivision as spelled out in Section 2.3 of the Rochester Subdivision Regulations.~~

~~(3) The Board shall submit the application to the Commissioner of the Rochester Department of Public Works for review of all road and utility plans which are a part of the proposed mobile home park.~~

~~B. Submission requirements. The application for approval of a mobile home park plan shall be prepared in accordance with the standards and requirements contained in Section 4 of the Rochester Subdivision Regulations. The application shall include all those items listed in said Section 4.~~

§ 135-7 **Licensing.**

A. General provisions.

- (1) It shall be unlawful for any person to operate or maintain a mobile home park within the limits of the City of Rochester unless he/she holds a valid license issued by the Director of Building, Zoning, and Licensing Services in the name of such person for the specific mobile home park.
- (2) Licenses shall be issued annually, and each license shall be in effect for a period of one year beginning January 1 of each year.
- (3) An application for an initial mobile home park license shall be filed with the Director of the Building, Zoning, and Licensing Services Department. The application shall be in writing, signed by the applicant, and shall include the following:
 - (a) The name and address of the person making the application.
 - (b) The location and legal description of the mobile home park.
 - (c) Plans and specifications of all improvements, buildings, streets, recreational areas, walks, sewer, water, and other facilities constructed or to be constructed within the park.
 - (d) The area and dimensions of the tract of land whereon the park is located.
 - (e) Written approval of the following City of Rochester officials indicating that the mobile home park complies with the requirements of this chapter:
 - [1] Planning Board.
 - [2] Commissioner of Public Works.
 - [3] Fire Chief.
 - [4] Health Officer.
 - [5] Police Chief.

[6] Zoning Administrator. [**Amended 3-5-2019**]

[7] City Manager.

- (f) Such further information as may be requested by the Director of the Building, Zoning, and Licensing Services Department to enable him/her to determine if the park complies with the provisions of this chapter and all other applicable legal requirements.
- (4) The application and five copies of all accompanying plans and specifications shall be filed with the Director of the Building, Zoning, and Licensing Services Department; two of said copies shall be filed with the Planning Office.

B. Issuance of license.

- (1) The Director of the Building, Zoning, and Licensing Services Department shall inspect the application and plans and specifications.
- (2) If the mobile home park is in compliance with all of the provisions of this chapter and all other applicable ordinances, statutes, and regulations, the Director of the Building, Zoning, and Licensing Services Department shall approve the application; provided, however, that if the Director of the Building, Zoning, and Licensing Services Department does not act to approve or deny within 90 days of receipt of the application, the application shall be automatically approved.

C. Renewal of license.

- (1) Application for the renewal of a license shall be made in writing on or before the first day of November of each year to the Director of the Building, Zoning, and Licensing Services Department by the holder of the license and shall contain the following:
 - (a) Any change in the information submitted since the time the original license was issued or the latest renewal granted.
 - (b) Copies of as-built plans for any and all sections of a mobile home park developed during the year in which application for renewal is made.
 - (c) Such other information as the Director of the Building, Zoning, and Licensing Services Department may require.
- (2) All mobile home parks in existence upon the effective date of this chapter shall within six months thereafter comply with the requirements of this chapter, except that the Director of the Building, Zoning, and Licensing Services Department, upon application of a park operator, may waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the health and sanitation requirements herein provided.
- (3) At his/her discretion, the Director of the Building, Zoning, and Licensing Services Department may issue a conditional license renewal, subject to the license holder complying with certain conditions as determined by the Director of the Building, Zoning, and Licensing Services Department. In such a case,

the Director of the Building, Zoning, and Licensing Services Department shall list the specific conditions upon which the renewal is based and set a time for compliance with these conditions. Costs associated with enforcement of owner compliance with said specific conditions requiring correction shall be assessed by the Director of the Building, Zoning, and Licensing Services Department. If not in compliance, twenty-five dollars (\$25.) per inspection shall be assessed; said charge shall be in addition to any other penalty.

- (4) If the Director of the Building, Zoning, and Licensing Services Department does not act on an application for the renewal of a license by December 31, it shall automatically be approved.
- (5) Not more than four annual license renewals shall be issued for an approved mobile home park in which no substantial development has taken place.

D. Responsibility of the license holder.

- (1) The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.
- (2) A license shall be transferable after the holder of a valid license gives notice in writing to the Director of the Building, Zoning, and Licensing Services Department 15 days prior to any proposed sale, transfer, gift, or other disposition of interest or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

§ 135-8 **Administration and enforcement.**

- A. Enforcement. Upon determination by the Director of the Building, Zoning, and Licensing Services Department that a violation of this chapter has occurred, he/she shall initiate enforcement procedures. If necessary, the Director of the Building, Zoning, and Licensing Services Department shall refer the matter to the City Solicitor for appropriate legal action.
- B. Inspection. The Director of the Building, Zoning, and Licensing Services Department, Police Chief, Health Officer, Fire Chief, Commissioner of Public Works, the Zoning Administrator, and other agents of the City as certified by the City Manager are hereby authorized to make periodic and reasonable inspections to determine the condition of mobile home parks within the City of Rochester and to determine if the requirements of this chapter are being observed. **[Amended 3-5-2019]**
- C. Violations and penalties; revocation of license.
 - (1) A violation of, or violation from, the terms and conditions of this chapter and/or the conditions of the license to operate or maintain a mobile home park by the holder thereof or his/her agent shall be cause for the revocation of said license. Such revocation shall be made at the discretion of the Director of the Building, Zoning, and Licensing Services Department.
 - (2) After revocation of the license has been ordered by the Director of the Building, Zoning, and Licensing Services Department, additional violations shall result in a fine not exceeding one thousand dollars (\$1,000.) in accordance with the provisions of RSA 47:17. This provision shall be in effect even should an appeal be taken from the Director's revocation order. **[Amended 3-5-2019]**

D. Appeals.

- (1) Any party whose application for approval of a mobile home park plan has been denied may appeal the decision of the Planning Board to the Superior Court in accordance with the provisions of RSA 677:15.
 - (2) Any party whose application for a license has been denied or whose license has been revoked may appeal the decision of the Director of the Building, Zoning, and Licensing Services Department to the Zoning Board of Adjustment in accordance with the provisions of RSA 674:33.
- E. Conflict with other ordinances. In any case where a portion of this chapter is found to be in conflict with the provisions of any zoning, building, fire, safety, or health ordinance or code of the State of New Hampshire or City of Rochester existing on the effective date of this chapter, the provisions which, in the judgment of the Planning Board, establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- F. Saving clause. If any section, subsection, paragraph, sentence, clause or phrase of this chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this chapter, which shall remain in full force and effect, and to this end the provisions of this chapter are hereby declared to be severable.

Amendments to Chapter 176 of the General Ordinances of the City of Rochester

THE CITY OF ROCHESTER ORDAINS:

That Chapter 176 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in RED):

Chapter 176 Planning Board

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 41 of the 1995 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Zoning — See Ch. 275.

§ 176-1 Creation and composition.

That there be created hereby a City Planning Board, to consist of nine members and up to five alternates appointed in accordance with the provisions of § 7-28 of the Code of the City of Rochester.

§ 176-2 Compensation; holding other municipal offices.

All members of the Planning Board shall serve without compensation. Appointed members shall not hold any other municipal office except that:

- A. One such appointed member may be a member of the Zoning Board of Adjustment.
- B. Either one appointed or one ex officio member may be a member of the Conservation Commission, if one exists in the City, in accord with RSA 36-A:3.
- C. Either one appointed or one ex officio member may be a member of the Historic District Commission, if one exists in the City, in accord with RSA 674:46-a. **[Amended 3-5-2019]**

§ 176-3 Terms of office.

The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the City Manager shall terminate with the term of the City Manager selecting him/her. The term of each appointed member shall be three years, except that the respective terms of the members first appointed shall be staggered.

§ 176-4 Removal of members.

Members of the Planning Board selected by the Council may, after a public hearing, be removed by the Council for inefficiency, neglect of duty or misfeasance in office. The City Manager may remove the administrative official and/or designee appointed by him/her without cause. The Council shall file with the City Clerk a written statement of reasons for such removal.

§ 176-5 Vacancies.

Vacancies in the membership of the Planning Board occurring otherwise than through the expiration of term shall be filled for the duration of the unexpired term by the Mayor and Council in accordance with the provisions of Section 74 of the Rochester City Charter in the case of members selected or appointed by them, and by the Council in the case of the Councilor member.

§ 176-6 Organization.

The Planning Board shall elect its Chairperson from amongst the appointed members and create and fill such other offices as it may deem necessary for its work. The term of the Chairperson shall be one year, with eligibility for reelection. The Planning Board shall hold at least one regular meeting in each month and shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be public.

§ 176-7 Staff and finances.

The Planning Board may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the City. The Planning Board may also contract with the City planners, engineers, architects and other consultants for such services as it may require. The expenditures of the Planning Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Council.

§ 176-8 Master Plan.

It shall be the function and duty of the Planning Board to make and to perfect from time to time, so far as funds appropriated by the Council for such purpose will permit, a Master Plan for the development of the City. Such Master Plan, with the accompanying necessary maps, plats, charts and descriptive matter, shall be designed with the intention of showing as fully as is possible and practicable the Planning Board's recommendations for the desirable development of the territory legally and logically within the scope of its planning jurisdiction, including, on that basis, among other things, the general location, character and extent of streets, bridges, waterways, waterfronts, boulevards, parkways, roadways in streets and parks, playgrounds, squares, aviation fields, and other public ways, places, grounds and open spaces; sites for public buildings and other public property; routes of railroads, omnibuses and other forms of public transportation; and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, heat, sanitation, transportation, communication, power and other purposes; also the acceptance, removal, relocation, widening, narrowing, vacating, abandonment, change of use of, or extension of any of the foregoing ways, grounds, places, open spaces, buildings, properties, utilities or terminals and other planning features, as well as a zoning plan for the control of the height, area, bulk, location and use of private and public structures, buildings and premises and population density; the general character, layout and extent of any community center; and any other matter permitted by RSA 36 of the laws of the State of New Hampshire.

- A. Preparation of Master Plan. In the course of the preparation of such Master Plan, the Planning Board may make careful and comprehensive surveys and studies of existing conditions and of data and information relative to the probable future growth of the City. The Master Plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the City, which will, in accordance with existing and probable future needs, best promote health, safety, morals, order, convenience, prosperity, or the general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provisions for traffic, the promotion of safety from fire and other damages, adequate provision for light and air, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.
- B. Adoption and amendment. The Planning Board may adopt the Master Plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the City, or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Such Master

Plan shall be a public record, but its purpose and effect shall be solely to aid the Planning Board in the performance of its duties. The adoption of the Master Plan or any amendment thereto shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Planning Board. The resolution shall refer expressly to the maps, descriptive matter and other matters intended by the Planning Board to form the whole or part of the plan, and the action taken shall be recorded on the adopted plan or part thereof adopted, by the identifying signature of the Chairperson or Secretary of the Planning Board, and a copy of the plan or part thereof shall be certified to the Council.

§ 176-9 Miscellaneous duties.

- A. The Planning Board shall have power to promote public interest in, and understanding of, the Master Plan and of any Official Map of the City which may hereafter be established by the Council, and to that end may publish and distribute copies of the Master Plan, or of such Official Map, or of any report, and may employ such other means of publicity and education as it may deem advisable.
- B. Members of the Planning Board, when duly authorized by said Planning Board, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the Planning Board may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance.
- C. The Planning Board shall have authority to make such investigations, maps and reports and recommendations in connection therewith, relating to the planning and development of the City, as seems desirable to do.
- D. The Planning Board may, from time to time, report and recommend to the appropriate public officials and public agencies programs for the development of the City, for the erection of public structures and improvements and for the financing thereof. It shall be part of the Planning Board's duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, research and other organizations, and with citizens with relation to the protecting or carrying out of the Master Plan, and to make recommendations relating to the development of the City.
- ~~E. The Planning Board shall have the right to accept and use gifts for the exercise of its functions.~~
- F. All public officials shall, upon request, furnish to the Planning Board, within a reasonable period of time, such available information as it may properly require for its work.
- G. The Planning Board, its members, officers, and employees, in the performance of their functions, are authorized to enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments and marks thereon.
- H. In general, the Planning Board shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes hereof, provided the total expenditures of said Board shall not exceed the appropriation for its expenses.

§ 176-10 Zoning Commission.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The Planning Board shall act as a Zoning Commission, to recommend to the Council the boundaries of the various original districts provided for in RSA 674, and appropriate regulations to be enforced therein. The

Planning Board shall make a preliminary report and hold public hearings thereon before submitting its final report to the Council.