

AGENDA

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

February 21, 2017
Aldermen Sapienza, Shea,
Levasseur, Cavanaugh, Pappas

5:00 p.m.
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Sapienza calls the meeting to order.
2. The Clerk calls the roll.
3. Banner Applications:
 - American Heart Association for the Elm Street location from May 8, 2017 through May 21, 2017
 - Kiwanis Club of Manchester for the Elm Street location from May 19, 2017 through June 2, 2017
 - Manchester Monarchs for the Elm Street location from March 20, 2017 through April 3, 2017
 - NH Home Builders Association for the Elm Street location from March 6, 2017 through March 19, 2017
 - Red Cross for the Elm Street location from August 17, 2017 through August 30, 2017

Gentlemen, what is your pleasure?

4. Request from Antioch University New England to use the City seal on promotional materials listing the City as the host city partner.
Gentlemen, what is your pleasure?
5. Request from Matthew Normand, City Clerk, for amendments to various business licensing ordinances in response to changes in state legislation.
Gentlemen, what is your pleasure?

6. Communication from Michael Landry, Deputy Director - Building Regulations, requesting amendments to the Zoning Ordinances for Accessory Dwelling Units required to comply with pending state legislation.
Gentlemen, what is your pleasure?

TABLED ITEMS

(A motion is in order to remove any item from the table.)

7. Communication from the Heritage Commission submitting a proposed historic preservation and protection ordinance.
(Note: Tabled 12/17/16; City Solicitor to research the City's authority to enact the proposed ordinance.)
8. If there is no further business, a motion is in order to adjourn.



BUSINESS LICENSE APPLICATION

Office of the City Clerk/Business Licensing & Enforcement Division | One City Hall Plaza/Manchester, NH 03101 | (603) 624-6348

Date: 1/10/17

Instructions

- (1) Please return all pages of this application with all applicable information completed.
- (2) Using the worksheet provided, figure the total business license fee.
- (3) Please make checks payable to the "City of Manchester".
- (4) Checks returned by your financial institution are subject to a \$30.00 penalty.
- (5) The licensing year begins May 1st. Applications received after this time may be subject to a late charge. New licenses will expire on April 30th of the following year, unless the licensed activities are otherwise limited or invalidated by local, state, or federal authority.

SECTION I. IDENTIFICATION

- (A) Applicant: American Heart Association
 Business Name: American Heart Association
 Business Address: 2 Wall Street, Manchester NH 03101
 (No PO Box)
- Telephone #: 603-263-8328 Federal Tax ID #: 13-5613797
 Manager's Name(s): Stefanie Phillips
 Email Address(es): stefanie.phillips@heart.org
- (B) Property Owner's Name: _____
 Property Owner's Address: _____
 (No PO Box)
 Property Owner's Phone #: _____
- (C) As part of the application process, some city departments may need to contact your business to schedule an interview or an inspection. Please identify the person to be contacted and the best time(s) to call.
- Contact Person: Stefanie Phillips
 Time(s): 8:30-5 Email Address: stefanie.phillips@heart.org

SECTION X. MUNICIPAL BANNER LICENSE APPLICATION

Event: N/A Event Date: N/A

Sponsoring Organization: American Heart Association

Contact Person for Event: Stefanie

Contact's Phone #: 603-263-8328 Email: stefanie.phillips@heart.org

Time Period Requested: May 8-21

Number of cross-street banners (max of two at any given time): 1

BANNER LOCATION(S) FEES

Elm and Bridge Streets	\$500.00
✓ Elm and Pleasant Streets	\$500.00
Hanover and Chestnut Streets	\$125.00
Kelley and Dubuque Streets	\$125.00

In the area below, illustrate (or attach to this application) exactly how your banner will appear:

Please see attached.

Signature of responsible party indicating that you have read the City of Manchester Municipal Banner Policy (available at www.manchesternh.gov/banner):

Signature: Stefanie Phillips Date: 1/10/17

Office Use Only

Date Received: _____ Committee Review: _____ Committee Action: _____
 Insurance Carrier: _____ Fee Submitted: _____



American Heart Association®
life is why™



Everyone has a reason to live a longer and healthier life. What's yours?

Heart.org/LifeIsWhyNH

LOCALLY SPONSORED BY:



Banner

Double-sided vinyl banner to hang across Elm Street;
540" x 48"



12/2016 3/8" = 1'-0" 107 North Street, Portsmouth, NH 03801 627-0003
Innovative Design & Flawless Execution of Dimensional Signage ■ Complete Storefront Remodeling including Signs • Awnings • Lighting
This drawing is the property of FIRST Signs, Inc.

SECTION X. MUNICIPAL BANNER LICENSE APPLICATION

Event: KIWANIS CLUB AUCTION Event Date: 6-3-17

Sponsoring Organization: KIWANIS CLUB OF MANCHESTER

Contact Person for Event: DEBBIE LANDWEAR

Contact's Phone #: 603-623-0479 Email: LANDWEARY@COMCAST.NET

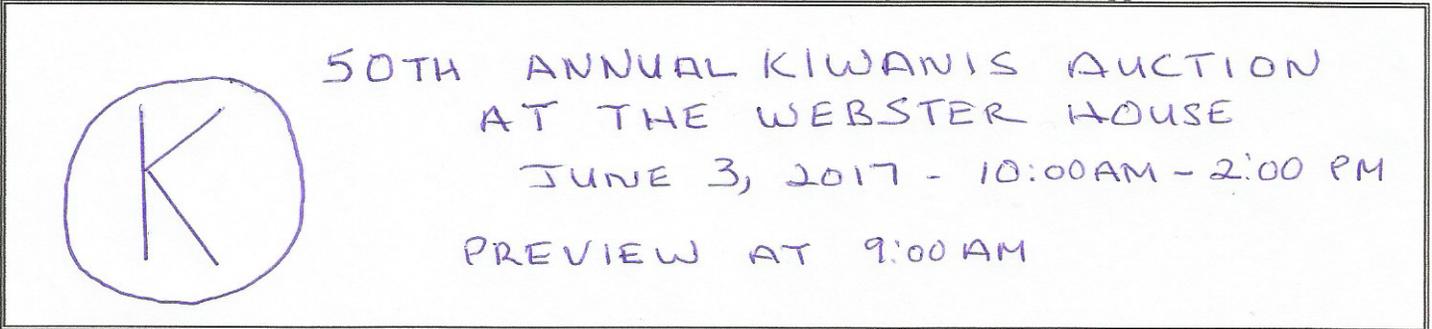
Time Period Requested: 5-19-17 THROUGH 6-2-17

Number of cross-street banners (max of two at any given time): 1

BANNER LOCATION(S) FEES

Elm and Bridge Streets	\$500.00
Elm and Pleasant Streets	\$500.00
Hanover and Chestnut Streets	\$125.00
Kelley and Dubuque Streets	\$125.00

In the area below, illustrate (or attach to this application) exactly how your banner will appear:



Signature of responsible party indicating that you have read the City of Manchester Municipal Banner Policy (available at www.manchesternh.gov/banner):

Signature: Deborah A. Landwehr

Date: 1-23-17

Office Use Only

Date Received: _____ Committee Review: _____ Committee Action: _____

Insurance Carrier: _____ Fee Submitted: _____



BUSINESS LICENSE APPLICATION

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Date: 1/11/17

Instructions

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- (2) Using the worksheet provided, figure the total business license fee.
- (3) Please make checks payable to the "City of Manchester".
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- (5) The licensing year begins May 1st. Applications received after this time may be subject to a late charge. New licenses will expire on April 30th of the following year, unless the licensed activities are otherwise limited or invalidated by local, state, or federal authority.

SECTION I. IDENTIFICATION

(A) Applicant: Manchester Monarchs
Business Name: _____
Business Address: _____
(No PO Box) 66 Hanover St.
Suite 200 Manchester, NH 03101
Telephone #: (603) 626-7825 Federal Tax ID #: 84-1546915
Manager's Name(s): Mackenzie Fraser
Email Address(es): mfraser@manchestermomarchs.com

(B) Property Owner's Name: _____
Property Owner's Address: _____
(No PO Box) _____
Property Owner's Phone #: _____

(C) As part of the application process, some city departments may need to contact your business to schedule an interview or an inspection. Please identify the person to be contacted and the best time(s) to call.

Contact Person: Mackenzie Fraser
Time(s): Whenever Email Address: mfraser@
manchestermomarchs.com

SECTION II. BUSINESS INFORMATION

(A) Business Activities: Please check all applicable activities and fill out the appropriate noted sections.

<input type="checkbox"/>	AMUSEMENT DEVICE VENDOR -Sections I, II(A), II(B), III, IV(A), IV(C), IV(D) & V
<input type="checkbox"/>	AMUSEMENT DEVICE VENDOR (OUT OF TOWN) -Sections I, II(A), II(D), III, IV(C)& V
<input type="checkbox"/>	AMUSEMENT DEVICE -Sections I, II(A), II(C), III, IV(C) & V
<input type="checkbox"/>	ARCADES (6 OR MORE DEVICES) -Sections I, II(A), II(B), II(C), III, IV(A), IV(C), IV(D)& V
<input checked="" type="checkbox"/>	BANNERS -Sections I(A), II(A) & X
<input type="checkbox"/>	CHRISTMAS TREES / FUEL WOOD -Sections I, II(A), II(F), III, IV(A) & IV(D)
<input type="checkbox"/>	DANCE/DANCE HALLS/EPOA CLASS I -Sections I, II(A), II(B), III, IV(A), IV(C), IV(D)& V
<input type="checkbox"/>	EMPLOYMENT OFFICES -Sections I, II(A), II(B), III, IV(A), IV(D) & V
<input type="checkbox"/>	ENTERTAINMENT PLACE OF ASSEMBLY CLASS I -Contact MEDO at (603) 624-6505
<input type="checkbox"/>	ENTERTAINMENT PLACE OF ASSEMBLY CLASS II -Contact MEDO at (603) 624-6505
<input type="checkbox"/>	ENTERTAINMENT PLACE OF ASSEMBLY CLASS III -Sections I, II(A), II(B), II(E), III, IV(A), IV(B), IV(C), IV(D), & V
<input type="checkbox"/>	JUNK DEALERS AND SCRAP YARDS -Sections I, II(A), II(F), III and IV(A), IV(C), IV(D) & V
<input type="checkbox"/>	KIOSK -Sections I, II(A), II(B), III & IV(B) (food only)
<input type="checkbox"/>	NOISE PERMIT -Sections I, II(A), II(F) & III
<input type="checkbox"/>	PEDDLERS/HAWKERS -Sections I, II(A), II(E), III, IV(A), IV(B), IV(C), IV(D)& VIII
<input type="checkbox"/>	PEDDLERS/HAWKERS (CIVIC CENTER) -Sections I, II(A), II(E), III, IV(A), IV(B), IV(C), IV(D)& VIII
<input type="checkbox"/>	PETTY GROCERS/BUTCHERS -Sections I, II(A), II(B), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	RAFFLE/TAG DAY -Sections I(A), II(A) & XI
<input type="checkbox"/>	RESTAURANTS / FOOD SERVICE -Sections I, II(A), II(B), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	SECONDHAND DEALERS AND AUCTION HOUSES -Sections I, II(A), II(B), III, IV(A), IV(C), IV(D) & V
<input type="checkbox"/>	SECONDHAND DEALERS AND AUCTION HOUSES (OUT OF TOWN) -Sections I, II(A), II(D), III, & IV(C)
<input type="checkbox"/>	SIDEWALK ENCUMBRANCE -Sections I, II(A), II(F), III, IV(A), IV(C), IV(F) & VI
<input type="checkbox"/>	SIDEWALK SIGNS -Sections I, II(A), II(F), III, IV(A), IV(F) & VII
<input type="checkbox"/>	SUNDAY ACTIVITIES -Sections I, II(A), II(B), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	TAXICAB COMPANY -Sections I, II(A), II(B), II(F), III, IV(A), IV(C), IV(D), V & IX
<input type="checkbox"/>	TAXICAB COMPANY (OUT OF TOWN) -Sections I, II(A), II(D), II(F), III, IV(C), & IX
<input type="checkbox"/>	TOWING -Sections I, II(A), II(B), III, IV(A), IV(C), IV(D)& V
<input type="checkbox"/>	TOWING (OUT OF TOWN) -Sections I, II(A), II(D), III & IV(C)
<input type="checkbox"/>	TRANSFER OF BUSINESS (Name Change) -Sections I, II(A), II(G), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	TRANSFER OF BUSINESS (Location Change) -Sections I, II(A), II(G), III, IV(A), IV(B), IV(C), IV(D)& V
<input type="checkbox"/>	TRANSFERS OF BUSINESS (Ownership Change) -Sections I, II(A), II(G), III, IV(A), IV(B), IV(C), IV(D)& V
<input type="checkbox"/>	OTHER _____

SECTION X. MUNICIPAL BANNER LICENSE APPLICATION

Event: Fan Appreciation Weekend Event Date: 4/1 & 4/2

Sponsoring Organization: Manchester Monarchs

Contact Person for Event: Mackenzie Fraser

Contact's Phone #: (603) 626-7825 x645 Email: Mfraser@manchestermomarchs.com

Time Period Requested: 3/20 - 4/3

Number of cross-street banners (max of two at any given time): 1

BANNER LOCATION(S) FEES

Elm and Bridge Streets	\$500.00
Elm and Pleasant Streets	\$500.00
Hanover and Chestnut Streets	\$125.00
Kelley and Dubuque Streets	\$125.00

In the area below, illustrate (or attach to this application) exactly how your banner will appear: TBD

Manchester Monarchs

Fan Appreciation Weekend

LOGO

Manchester Monarchs.com

(603) 626-7825

Signature of responsible party indicating that you have read the City of Manchester Municipal Banner Policy (available at www.manchesternh.gov/banner):

Signature: Mackenzie Fraser Date: 1/11/17

Office Use Only

Date Received: _____	Committee Review: _____	Committee Action: _____
Insurance Carrier: _____	Fee Submitted: _____	



BUSINESS LICENSE APPLICATION

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- (5) The licensing year begins May 1st. Applications received after this time may be subject to a late charge. New licenses will expire on April 30th of the following year, unless the licensed activities are otherwise limited or invalidated by local, state, or federal authority.

SECTION I. IDENTIFICATION

(A) Applicant:

Business Name:

NH State Home Show

Business Address:
(No PO Box)

NH Home Builders Association

Telephone #:

119 Airport Road
Concord, NH 03301

Manager's Name(s):

603-228-0351

Federal Tax ID #: 02-0310086

Email Address(es):

Sharon Wayman
Paul Sullivan

Swayman@nhhba.com

paul.sullivan@thesullivanco.net

(B) Property Owner's Name:

Property Owner's Address:
(No PO Box)

Same as above

Property Owner's Phone #:

(C) As part of the application process, some city departments may need to contact your business to schedule an interview or an inspection. Please identify the person to be contacted and the best time(s) to call.

Contact Person:

Sharon Wayman

Time(s):

8am - 4:30pm

Email Address: Swayman@nhhba.com

SECTION II. BUSINESS INFORMATION

(A) Business Activities: Please check all applicable activities and fill out the appropriate noted sections.

<input type="checkbox"/>	AMUSEMENT DEVICE VENDOR-Sections I, II(A), II(B), III, IV(A), IV(C), IV(D) & V
<input type="checkbox"/>	AMUSEMENT DEVICE VENDOR (OUT OF TOWN)-Sections I, II(A), II(D), III, IV(C)& V
<input type="checkbox"/>	AMUSEMENT DEVICE-Sections I, II(A), II(C), III, IV(C) & V
<input type="checkbox"/>	ARCADES (6 OR MORE DEVICES)-Sections I, II(A), II(B), II(C), III, IV(A), IV(C), IV(D)& V
<input checked="" type="checkbox"/>	BANNERS-Sections I(A), II(A) & X
<input type="checkbox"/>	CHRISTMAS TREES / FUEL WOOD-Sections I, II(A), II(F), III, IV(A) & IV(D)
<input type="checkbox"/>	DANCE/DANCE HALLS/EPOA CLASS I-Sections I, II(A), II(B), III, IV(A), IV(C), IV(D)& V
<input type="checkbox"/>	EMPLOYMENT OFFICES-Sections I, II(A), II(B), III, IV(A), IV(D) & V
<input type="checkbox"/>	ENTERTAINMENT PLACE OF ASSEMBLY CLASS I-Contact MEDO at (603) 624-6505
<input type="checkbox"/>	ENTERTAINMENT PLACE OF ASSEMBLY CLASS II-Contact MEDO at (603) 624-6505
<input type="checkbox"/>	ENTERTAINMENT PLACE OF ASSEMBLY CLASS III-Sections I, II(A), II(B), II(E), III, IV(A), IV(B), IV(C), IV(D), & V
<input type="checkbox"/>	JUNK DEALERS AND SCRAP YARDS-Sections I, II(A), II(F), III and IV(A), IV(C), IV(D) & V
<input type="checkbox"/>	KIOSK-Sections I, II(A), II(B), III & IV(B) (food only)
<input type="checkbox"/>	NOISE PERMIT-Sections I, II(A), II(F) & III
<input type="checkbox"/>	PEDDLERS/HAWKERS-Sections I, II(A), II(E), III, IV(A), IV(B), IV(C), IV(D)& VIII
<input type="checkbox"/>	PEDDLERS/HAWKERS (CIVIC CENTER)-Sections I, II(A), II(E), III, IV(A), IV(B), IV(C), IV(D)& VIII
<input type="checkbox"/>	PETTY GROCERS/BUTCHERS-Sections I, II(A), II(B), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	RAFFLE/TAG DAY-Sections I(A), II(A) & XI
<input type="checkbox"/>	RESTAURANTS / FOOD SERVICE-Sections I, II(A), II(B), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	SECONDHAND DEALERS AND AUCTION HOUSES-Sections I, II(A), II(B), III, IV(A), IV(C), IV(D) & V
<input type="checkbox"/>	SECONDHAND DEALERS AND AUCTION HOUSES (OUT OF TOWN)-Sections I, II(A), II(D), III, & IV(C)
<input type="checkbox"/>	SIDEWALK ENCUMBRANCE-Sections I, II(A), II(F), III, IV(A), IV(C), IV(F) & VI
<input type="checkbox"/>	SIDEWALK SIGNS-Sections I, II(A), II(F), III, IV(A), IV(F) & VII
<input type="checkbox"/>	SUNDAY ACTIVITIES-Sections I, II(A), II(B), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	TAXICAB COMPANY-Sections I, II(A), II(B), II(F), III, IV(A), IV(C), IV(D), V & IX
<input type="checkbox"/>	TAXICAB COMPANY (OUT OF TOWN)-Sections I, II(A), II(D), II(F), III, IV(C), & IX
<input type="checkbox"/>	TOWING-Sections I, II(A), II(B), III, IV(A), IV(C), IV(D)& V
<input type="checkbox"/>	TOWING (OUT OF TOWN)-Sections I, II(A), II(D), III & IV(C)
<input type="checkbox"/>	TRANSFER OF BUSINESS (Name Change)-Sections I, II(A), II(G), III, IV(A), IV(B), IV(C), IV(D) & V
<input type="checkbox"/>	TRANSFER OF BUSINESS (Location Change) -Sections I, II(A), II(G), III, IV(A), IV(B), IV(C), IV(D)& V
<input type="checkbox"/>	TRANSFERS OF BUSINESS (Ownership Change) -Sections I, II(A), II(G), III, IV(A), IV(B), IV(C), IV(D)& V
<input type="checkbox"/>	OTHER _____

SECTION X. MUNICIPAL BANNER LICENSE APPLICATION

Event: 50th Annual NH State Home Show Event Date: March 17-19-2017

Sponsoring Organization: NH Home Builders Association

Contact Person for Event: Sharon Wayman

Contact's Phone #: 603-228-0351 Email: Swayman@nhhba.com

Time Period Requested: March ~~10~~⁶, 2017 - March 19, 2017

Number of cross-street banners (max of two at any given time): Elm and ~~Pleasant~~^{Bridge St.} Streets

BANNER LOCATION(S) FEES

Elm and Bridge Streets	\$500.00
Elm and Pleasant Streets	\$500.00
Hanover and Chestnut Streets	\$125.00
Kelley and Dubuque Streets	\$125.00

In the area below, illustrate (or attach to this application) exactly how your banner will appear:

Attached is a copy of the banner use for the March 2016 Show. The banner for the March 17-19, 2017 will be the same. We are updating dates.

Signature of responsible party indicating that you have read the City of Manchester Municipal Banner Policy (available at www.manchesternh.gov/banner):

Signature: _____ Date: 4/19/17

Office Use Only

Date Received: _____ Committee Review: _____ Committee Action: _____
 Insurance Carrier: _____ Fee Submitted: _____

  **49th ANNUAL NH STATE HOME SHOW**
March 18-19-20, 2016
RADISSON HOTEL, MANCHESTER Exhibits: ✓ Tiny Homes ✓ 100+ Exhibitors
✓ 50+ Home Builders ✓ 50+ Best of Show Challenge





Municipal Banner Application

Office of the City Clerk, One City Hall Plaza, Manchester, NH 03101/603-624-6455

Event: Gail Singer Memorial Blood drive Event Date: Aug 29 & 30 2017

Sponsoring Organization: Red Cross

Contact Person for Event: Fiona Wolthers

Contact's Phone #: 603 572 5058 Email: fiona.wolthers@redcross.org

Time period requested: Aug 17 - Aug 30th

Number of cross-street banners (max of 2 at any given time): ①

BANNER LOCATION(S) FEES

Elm and Bridge Streets	\$500
X Elm and Pleasant Streets	\$500
Hanover and Chestnut Streets	\$125
Kelley and Dubuque Streets	\$125

In the area below, illustrate (or attached to this application) exactly how your banner will appear:

Signature of responsible party indicating that you have read the City of Manchester Municipal Banner Policy:

Name: *Fiona Wolthers*

Date: 2/6/17

Office Use Only

Date Received: _____ Committee Review: _____ Committee Action: _____
Insurance Carrier: _____ Fee Submitted: _____



Client Name: Merchants Fleet Management			
Location:			
Date: 6-6-2016	Revision: 4	Drawn By: Brandon	
Notes: Futura BT Bold & Medium GSMDO Banner 5'0" x 48" 13oz vinyl double sided banner with reinforced stitching, grommets, and wind slits			Entered logo on both sides



Presented by: 

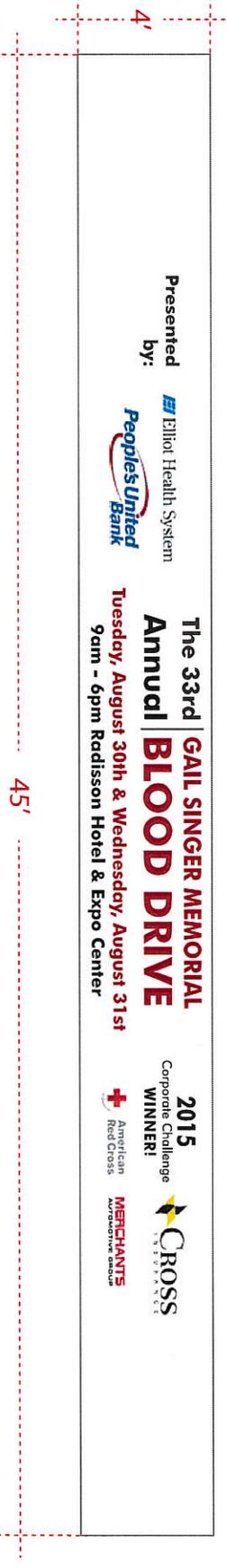
The 33rd | GAIL SINGER MEMORIAL
Annual BLOOD DRIVE
 Tuesday, August 30th & Wednesday, August 31st
 9am - 6pm Radisson Hotel & Expo Center



2015 Corporate Challenge WINNER!



MERCHANTS AUTOMOTIVE GROUP





Date: January 21, 2017

To: Board of Mayor and Alderman, Committee on Administration/Information Systems

From: Christa Daniels, Program Manager, Center for Climate Preparedness and Community Resilience, Antioch University

Antioch University New England and the **U.S. Environmental Protection Agency** is seeking to collaborate with the **City of Manchester, NH** to host the **3rd Local Solutions: Eastern Climate Change Conference** in the spring of 2018.

Thanks to the engagement of more than 500 participants from Washington, D.C. to Maine, the first **Local Solutions** conference in May 2014 in Manchester NH was a great success. Our second conference in April 2016 in Baltimore MD continued to draw participants across the eastern U.S. to successfully deliver interactive capacity building sessions on all aspects of preparing for severe weather and climate change impacts in the United States. In addition, each conference has benefitted the host cities from the recognition and visibility that comes as a result of the visiting participants. Each host city has also seen a local economic benefit from participant spending while visiting the city. See our web site for more information on the past two conferences:

<http://www.communityresilience-center.org/conference-2016/>

For **this third conference**, we are proposing to collaborate with the City of Manchester to host the conference in Manchester. Topics will cover a range of climate preparedness and resiliency issues such as: sea level rise, urban heat, and both coastal and inland flooding issues. The conference is geared for small government planners and decision-makers striving to create healthy resilient communities with how to better handle severe weather and climate impacts. The current methodologies, protocols and policies inherent in planning and budgeting at the community level are not always adequate for the recent onslaught of climate impacts. This conference guides local government planners on how to make climate resilience an aspect of their daily operations.

The conference will be organized with the help of a diverse and dedicated Steering Committee, which will include members from state and federal

agencies, non-profits and academic institutions from around the eastern United States.

The following are the specific requests we are asking from the city of Manchester to ensure a successful event:

- Include the current Mayor or other public official in welcoming the participants to the conference;
- Include a city planner to serve on the Steering Committee to ensure the conference is a valuable asset for the city of Manchester. This should include 3-5 phone meetings with the full Steering Committee to shape the specific content of the conference;
- Work with designated city liaison (steering committee member) to create walking and/or bike tours to showcase various sustainability-based projects the city has implemented;
- Use the City seal on factual promotional materials about the conference, listing the city as the host city partner. The Environmental Protection Agency (EPA) logo will also be used in all of these materials about the conference.

We will host the conference at the **Manchester Radisson** on **April 30 and May 1, 2018**. For any questions, please contact Christa Daniels at cdaniels1@antioch.edu or 603-313-5182. We look forward to working with you.

Sincerely,



Christa Daniels
Program Manager and Faculty
Center for Climate Preparedness and Community Resilience
Antioch University New England

Matthew Normand
City Clerk



Heather Freeman
Assistant City Clerk

JoAnn Ferruolo
Assistant City Clerk

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM

TO: Committee on Administration/Information Systems
Aldermen Sapienza, Cavanaugh, Pappas, Shea, and Levasseur

FROM: Matthew Normand 
City Clerk

DATE: February 14, 2017

RE: Revisions to Title XI Business Regulations.

The attached proposed ordinances are intended to primarily be a housekeeping measure in light of state legislative action in the 2016 session. The repeal of “Sunday Licensing” provided us with an opportunity to review the entire business code and propose changes to eliminate some underused or archaic ordinances while clarifying or simplifying other language.

In the proposal, we suggest clarifying language that was defined in other chapters (food service establishments); maintaining licensing over what we now define as “high impact retail sales”; establish a reduced seasonal fee for Farmer’s Markets (\$300 proposed vs. \$2,250 paid today); and deleting language related to Sunday activities, Christmas tree sales, door-to-door photographers and magazine salesmen. **These proposed ordinances will not create a licensing scheme for anyone or any activity that we do not already license today.** It will however reduce or eliminate licensing requirements for several hundred businesses resulting in a net loss of revenue totaling approximately \$40,000 annually.

The Solicitor’s Office has reviewed the proposal over the last month. These ordinances will appear before your committee on February 21st for your consideration.

City of Manchester
New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 110: Licensing of the Code of Ordinances of the City of Manchester by redefining certain activities for consistency with other portions of the Code, simplifying the chapter with respect to one-time events and deleting licensing requirements related to Sunday activities and transient or itinerant photographers.”

Page 1 of 5

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as ~~stricken~~. Portions of the following sections that remain unchanged appear in regular type.

CHAPTER 110: LICENSING

§ 110.01 DEFINITIONS.

FOOD-SERVICE ESTABLISHMENT. Any fixed or mobile restaurant; cafeteria; coffee shop; cocktail lounge; catering kitchen; sidewalk café; commissary; grille, luncheonette; short-order café; sandwich shop; soda fountain; tea-room; drive-in; nightclub; roadside stand; industrial feeding establishment; private, public or non-profit organization or institution serving the public; or similar place in which food or drink is prepared for sale for food service on the premises or elsewhere; and any other eating or drinking establishment where food is served or provided for the public with or without charge. A FOOD-SERVICE ESTABLISHMENT also means a grocery store; meat market; or bakery.

HIGH-IMPACT RETAIL STORE. Any business which is accessible to the public where food, goods, merchandise or equipment is sold at retail and where tobacco, tobacco paraphernalia, smoking paraphernalia, including products that contain nicotine, liquid nicotine, vapors or inhalants and/or involve the on-site inhaling or smoking of such products, and/or lottery tickets are sold.

§ 110.02 BUSINESS LICENSE REQUIRED.

(A) It shall be unlawful for any person to commence or conduct, or propose to commence or conduct, either directly or indirectly, a business within the city and identified by the provisions of this chapter, unless a license therefor, expiring on April 30 annually, has been issued by the City Clerk upon payment of the fee prescribed by the provisions of this chapter. A business or business activity required to file under this chapter shall include: ~~butchers; petty grocers; hawksters; peddlers; hawkers~~, common victualers; dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second-hand

City of Manchester New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 110: Licensing of the Code of Ordinances of the City of Manchester by redefining certain activities for consistency with other portions of the Code, simplifying the chapter with respect to one-time events and deleting licensing requirements related to Sunday activities and transient or itinerant photographers.”

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articles; pawnbrokers; **hotels, motels, inns, bed and breakfasts; high-impact retail stores; tattoo and body piercing establishments; farmer’s markets; food-service establishments;** taxicab companies; transportation network companies, companies engaged in towing motor vehicles without the consent or authorization of the owner or operator; employment offices; establishments engaged in Sunday activities; circuses; carnivals; performers and exhibitors; arcades; dances, dance halls or entertainment places of assembly; transient or itinerant photographers; peddlers; fairs; and such other activities, devices, or vehicles that may be cited by this chapter.

~~§ 110.05 SUNDAY ACTIVITIES:~~

~~(A) It shall be lawful to engage in play or in any sport or game involving physical skill on the Lord’s Day in the city. It shall be lawful to engage in public dancing, horse racing, boxing, prizefighting, wrestling, pool or billiards, and a sport or game in connection with which an admission or fee is charged, or at which a donation is made or accepted, only within those hours as allowed by state statute, provided a business license has been issued. The Board of Mayor and Aldermen may restrict the matter and areas upon which such play, sports or games shall be conducted.~~

~~(B) It shall be lawful for motion pictures, lectures, concerts and theatrical or vaudeville performances to be held on the Lord’s Day in the city, but only during such hours as allowed by state law, provided a business license has been issued. Such entertainment may be regulated by licensing or otherwise, as the Board of Mayor and Aldermen may deem best.~~

~~(C) It shall be lawful to serve meals; to operate duly licensed barbershops, beauty shops, or other hair dressing establishments; to furnish supplies, services, and repairs required by automotive apparatus; to sell, in addition to the articles permitted to be sold by R.S.A. Ch. 332-D:2, fresh fruit, confectionery, ice cream, soft drinks, tobacco in its various forms, flowers, newspapers and periodicals on the Lord’s Day within the city provided however that a business license has been issued.~~

~~(D) It shall be lawful to operate any general merchandise establishment, including but not limited to real estate sales, automobile sales, or coin-operated laundromats on the Lord’s Day within the city and to permit the advertisement therefor provided that a business license has been issued.~~

~~(E) It shall be lawful to permit the operation of any vendor/peddler, who holds all licenses required by the city, and permit the operation of any duly licensed and bonded auctioneer on the Lord’s Day within the city, and to permit the advertisement therefor provided that a business license has been issued.~~

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~~(F) It shall be unlawful to engage in any of the permitted operations on the Lord's Day within the city unless a business license as provided for under this title has been issued by the City Clerk.~~

§ 110.20 BUSINESS LICENSE FEES.

(A) A person licensed under this title shall pay the fee prescribed, based on the gross square feet of area occupied by the business seeking such license as follows: For the first 1,500 square feet or fraction thereof, \$50; plus \$2 per 100 square feet or fraction thereof over 1,500 square feet, except that the maximum fee for any license shall be \$1,000.

(B) The applicant for a license shall provide the City Clerk with the floor area from which the fee shall be computed and both the floor area and fee shall be indicated on the license. Misrepresentation of any information required to obtain a license shall be cause for revocation of the license without refund and a new business license must be applied for and issued for the business activity to be permitted.

(C) *Exceptions and minimum fees.* Persons outlined in this division shall not be required to pay fees pursuant to division (A) of this section, but shall, however, be licensed and/or pay fees as licensed herein:

(1) Persons licensed to conduct a circus, carnival, or other form of amusement or entertainment pursuant to Chapter 111 of this title shall pay a business license fee, for the use of the city, of \$300. A license to conduct such activity in a hall shall be \$50. Page 3.

(2) Persons licensed as performers and exhibitors pursuant to Sections 111.80 and 111.81 of this title shall pay a business license fee of \$10 for each day such person shall perform or exhibit. A license to conduct such activity in a hall not licensed under this title shall be \$50. Any person who is employed by a sponsor or an establishment which holds a valid business license under this title shall not be required to obtain a license.

(3) Persons licensed for dances or as dance halls or entertainment places of assembly Class I pursuant to §111.66(A) or (B) of this title shall pay a business license fee of \$15 per day plus any applicable police officer's fee and meet the conditions set forth therein. In lieu of the per day fee, such person may obtain an annual license for such activity based on the fee structure as outlined in division (A) of this section. Persons holding a valid business license for restaurant, dance, and entertainment under §111.66(C) of this title shall be liable for any applicable

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“Amending Chapter 110: Licensing of the Code of Ordinances of the City of Manchester by redefining certain activities for consistency with other portions of the Code, simplifying the chapter with respect to one-time events and deleting licensing requirements related to Sunday activities and transient or itinerant photographers.”

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~~police officer’s fee and meet the conditions set forth therein.~~ Persons licensed for entertainment places of assembly ~~Class H~~ **a special event pursuant to §111.66 for non-profit purposes and not receiving a fee exemption under §110.08, shall pay a business license fee of \$15 per day. All other applicants shall pay a business license fee of \$100 per day.** ~~Class H licensees are not eligible for issuance of an annual license.~~

(4) ~~Persons licensed as transient or itinerant magazine salesmen pursuant to §115.20 or as transient or itinerant photographers pursuant to §115.30 shall pay a business license fee of \$5 for each day, or \$25 for one week, or \$150 for one year and meet the conditions therein.~~

(5) Persons licensed as peddlers pursuant to §115.40 through 115.44 of this title shall pay an annual business license fee of \$150, cash, money order, or bank check, or \$25, cash, money order, or bank check for a temporary license, and meet the conditions set therein. Persons licensed as civic center peddlers pursuant to §115.50 through 115.53 of this title shall pay an annual business license fee of \$400, cash, money order, or bank check, or \$75, cash, money order, or bank check for a temporary license, and meet the conditions set therein.

(6) Persons licensed to conduct a fair pursuant to §115.60 of this title shall pay a business license fee of \$300 for the first day and \$50 for each additional day and meet the conditions set therein. **Fair applicants proposing to operate as a farmer’s market shall pay a fee of \$300 for the season (no more than 40 non-consecutive days within a year).**

(7) **A towing company licensed under this title pursuant to Section 110.02 (A) and located outside of the city shall pay an annual fee of \$50.**

§ 110.23 ~~TRANSFER OF LICENSE CHANGES TO BUSINESS LICENSE~~

(A) ~~Unless otherwise provided~~ **prohibited**, business licenses may be transferred to a new owner when: there is a bona fide sale of the business; **the business is transferred to a new location; or the existing business name is changed from one name or DBA (doing business as) to another business name. These changes to the existing business license must be accompanied by a new business application and a transfer fee of \$25 along with any additional fees or information required by the City due to the changes.** ~~In order to transfer a business license, the new owner must fill out a new application, including with his application proof of bona fide sale, payment of a transfer fee of \$25, together with any additional fees or information required due to the transfer.~~

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New Hampshire*

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 110: Licensing of the Code of Ordinances of the City of Manchester by redefining certain activities for consistency with other portions of the Code, simplifying the chapter with respect to one-time events and deleting licensing requirements related to Sunday activities and transient or itinerant photographers.”

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~~(B) Business licenses may be transferred to a new location. In order to transfer an existing license to a new location, the owner must complete a new application and meet the same requirements as a new applicant. The new application shall also include payment of a transfer fee of \$25, together with any additional fees or information required due to the transfer.~~

II. This ordinance shall take effect upon its passage.

City of Manchester
New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 111 of the Code of Ordinances of the City of Manchester by renaming the Chapter, reorganizing sections pertaining to amusement devices, adding language intended to simplify and distinguish between an Entertainment Place of Assembly and a special event, and delete Section 111.90 in its entirety.”

Page 1 of 3

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as ~~stricken~~. Portions of the following sections that remain unchanged appear in regular type.

CHAPTER 111: AMUSEMENTS ENTERTAINMENT

§ 111.40 DEFINITIONS.

AMUSEMENT DEVICE. Any non-coin operated machine or machine which, upon deposit for credit with a person, or upon the insertion of a slug, token, plate, disc, coin, or any other form of currency may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It shall include, but not be limited to such devices as electronic video machines, electronic video poker machines, pinball machines, skill ~~skee~~-ball, photography devices, fortune-telling machines, mechanical grab machines, shooting gallery, movie, video **or music** devices, ~~coin-operated~~ rides, **billiard or pool tables**, and all games, operations or transactions similar thereto under whatever name they may be designated or described.

§ 111.45 AMUSEMENT DEVICE LICENSE AND FEES.

(C) Any person applying for an initial amusement device license or renewing an amusement device license shall, prior to receipt of same, pay a license fee for each device used, played, or exhibited for use or play in accordance with the schedule set herein:

(1) For each so-called “slot” machine that, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive premiums or tokens; or an amusement device that displays a poker hand or delivers a ticket with a poker hand symbolized on it that may entitle the player to a prize if the poker hand displayed by the machine or symbolized on the ticket constitutes a winning hand; or an amusement device that, even though it does not dispense prizes or tokens, has the features and characteristics of a gaming device that upon insertion of multiple coins changes the format and/or outcome of the game, the license fee is \$2,000.

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AN ORDINANCE

“Amending Chapter 111 of the Code of Ordinances of the City of Manchester by renaming the Chapter, reorganize sections pertaining to amusement devices, add language intended to simplify and distinguish between an Entertainment Place of Assembly and a special event, and delete Section 111.90 in its entirety.”

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(2) For each children's amusement device, pinball machine, concession game, basketball device, skee-ball machine, **billiard table or pool table**, the license fee is \$25; and

(3) For all other amusement devices, the license fee is \$50.

§ 111.65 DEFINITIONS.

ENTERTAINMENT PLACE OF ASSEMBLY. A room or space in which provision is made for the occupancy or assembly of 100 or more persons for entertainment purposes. For the purpose of this definition, such room or space shall include any occupied connecting rooms, space, or area on the same level or in the same story, or in a story or storied above or below, where entrance is common to the rooms, space, or areas. ~~An entertainment place of assembly shall be classified in either two classifications, Class I or Class II. A Class I entertainment place of assembly shall apply to non-profit organizations that do not receive exemptions pursuant to 110.08(C). Class II entertainment places of assembly shall include all other applicants.~~

SPECIAL EVENT. A daily event which requires the closure of a public street or the usage or closure of another public place or park, and which involves public entry, vending of food, drink or merchandise, public entertainment, or a moving athletic event like a race or walk; or an outdoor event on private property which is open to the public and due to its size and activities has an impact on the surrounding streets and neighborhoods or may require special police or fire attention or the use of other special City services or facilities. A special event pursuant to this title shall only apply to either commercial for profit or non-profit events.

§ 111.66 LICENSE REQUIRED.

(A) No person shall own or operate a dance hall or entertainment place of assembly within the city unless a license shall first be obtained from the City Clerk.

(B) No person shall conduct or allow to be conducted any entertainment or public dancing which is an isolated or occasional event and which **or hold a special event** which is not part of the regular and recurrent business activity of the owner or operator of the room or space within the city unless a license shall first be obtained from the City Clerk.

City of Manchester
New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 111 of the Code of Ordinances of the City of Manchester by renaming the Chapter, reorganize sections pertaining to amusement devices, add language intended to simplify and distinguish between an Entertainment Place of Assembly and a special event, and delete Section 111.90 in its entirety.”

Page 3 of 3

(C) (1) Notwithstanding any other licensing ordinance, a duly licensed ~~Class-I and-Class-II restaurant establishment~~ in the city, pursuant to this title, may allow dancing and entertainment upon obtaining an annual ~~restaurant dance and entertainment place of assembly~~ license from the City **at no charge**.

(2) The application for a ~~restaurant dance and entertainment place of assembly~~ license shall be made to the City Clerk upon forms to be determined by the City Clerk, the licensee shall be liable for any applicable police officer's fee and the license shall expire annually on April 30.

~~MUSIC SYSTEMS AND POOL TABLES.~~

~~§ 111.90 LICENSE REQUIRED.~~

~~(A) No person shall establish or operate a coin-operated musical reproducing instrument or coin box governing the reproducing of musical selections by centralized music systems, in any business establishment or building in the city unless a license therefor has been obtained from the City Clerk.~~

~~(B) No person shall keep a billiard table or pool table in the city, except for private use, unless a license therefor in writing specifying the place in which it is to be kept, shall first be obtained from the City Clerk.~~

~~§ 111.91 LICENSE FEES.~~

~~Each person, prior to issuance of a license to operate a coin-operated music system or keeping a billiard or pool table in the city as provided for in this division, shall pay the license fee in accordance with the fee schedule as follows:~~

~~(A) For each coin-operated music system, the license fee is \$50; and~~

~~(B) For each coin-operated or non-coin-operated billiard table or pool table, the license fee is \$25.~~

II. This ordinance shall take effect upon its passage.

*City of Manchester
New Hampshire*

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 113: Fuel Wood and Christmas Trees of the Code of Ordinances of the City of Manchester by deleting the entire chapter in its entirety.

Page 1 of 2

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as strikethrough. Portions of the following sections that remain unchanged appear in regular type.

~~CHAPTER 113: FUEL WOOD AND CHRISTMAS TREES~~

~~§ 113.01 LICENSE REQUIRED.~~

~~No person shall engage in the business of selling Christmas trees or wreaths or any type of grade of wood for fuel purposes in the city unless a business license has been issued by the City Clerk.~~

~~§ 113.02 PREREQUISITES FOR ISSUING LICENSE.~~

~~Any applicant for a license to engage in the business of selling wood for fuel purposes shall submit to the City Clerk a signed statement acknowledging that said applicant will comply with all provisions of law government such sales including any standards or regulations issued by the New Hampshire Department of Agriculture, Bureau of Weights and Measures.~~

~~§ 113.03 ISSUANCE OF CERTIFICATE UPON SALES; FILING.~~

~~(A) Whenever any type of grade of wood is sold for fuel purposes, except edgings and kindling sold in bags and having the net contents printed thereon, the dealer or seller shall issue a certificate in duplicate, wherein shall be stated: the name and address of both the purchaser and the dealer or seller, and the quantity of wood delivered, in terms of cords, loads, baskets, or cubic feet.~~

~~(B) One copy of the certificate shall be furnished the purchaser, his agent, or representative, when the wood is delivered by the dealer, or seller, or called for by the purchaser at the dealer or seller's place of business; the remaining certificate shall be filed by the dealer or seller.~~

~~§ 113.04 SURRENDER OF CERTIFICATE; EXCHANGE~~

~~The dealer or seller of any type of grade of wood that is sold for fuel purposes, except edgings and kindling sold in bags and having the net contents thereon, shall surrender either his certificate or the purchasers', or both certificates, to the seller of weights and~~

City of Manchester
New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 113: Fuel Wood and Christmas Trees of the Code of Ordinances of the City of Manchester by deleting the entire chapter in its entirety.

Page 2 of 2

~~measures at any time or place upon his demand for inspection; and the seller shall issue in exchange for each certificate thus surrendered, his certificate of quantity, which shall be delivered to the purchaser, his agent, or representative, or filed by the dealer, or seller, in lieu of whichever certificate is surrendered.~~

~~§ 113.04 EXEMPTIONS.~~

~~The fee for a Christmas tree or wreath license for a nonprofit corporation, community chest, or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes when no part of the entity's earnings benefit any private shareholder or individual, shall be waived by the City Clerk at the time an application is submitted.~~

II. This ordinance shall take effect upon its passage.

City of Manchester
New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 115 of the Code of Ordinances of the City of Manchester by deleting Section 115.01 related to Itinerant Magazine Vendors and Photographers.”

Page 1 of 3

Be it Ordained, by the Board of Mayor and Aldermen of the City of Manchester, as follows:

I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as striken. Portions of the following sections that remain unchanged appear in regular type.

115.01 DEFINITIONS.

~~ITINERANT MAGAZINE SALESMAN. Any person, whether as principal, agent, or employee, who engages in a temporary or transient business in this city of traveling from house to house or soliciting orders for magazine subscriptions or renewals.~~

~~TRANSIENT OR ITINERANT PHOTOGRAPHERS. All persons, whether as principals, agents, or employees, who engage in temporary or transient business in this city, whether such persons conduct their business by traveling from house to house taking pictures in a house, or operate from a hotel room, store, or other place of business, or otherwise, and who perform any of the following acts of the photography business: solicit orders, take pictures, assist in the taking of pictures, show proofs, deliver pictures, make collections for pictures sold.~~

~~TRANSIENT OR ITINERANT MAGAZINE SALES VENDORS~~

~~115.20 LICENSING REQUIREMENTS.~~

~~(A) License required. No person shall engage in the business of an itinerant magazine salesperson vendor unless he shall be licensed to do so as provided by this section. The City Clerk may issue a temporary license for a transient or itinerant magazine salesperson vendor, following the same procedure as for the issuance of all annual licenses.~~

~~(B) License application; issuance; transfer; display.~~

~~(1) Each applicant for an itinerant magazine salesperson's vendor's license shall apply to the City Clerk on a form to be determined by the City Clerk.~~

~~(2) The application shall include the name and home address; the name and address of all organizations by which he is employed or receives commissions or compensation of any kind; two recent passport photographs of the applicant, or~~

City of Manchester New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 115 of the Code of Ordinances of the City of Manchester by deleting Section 115.01 related to Itinerant Magazine Vendors and Photographers.”

Page 2 of 3

~~photographs of such size as previously approved by the City Clerk; a complete certified criminal record of the applicant obtained from the Criminal Records Division, State Police, Department of Safety, State of New Hampshire, and/or from the appropriate out-of-state agency or agencies if not a resident of the state for the five years preceding the application; and whether he has ever before applied for a license under this section.~~

~~(3) Upon verification of identity, review of application by Police Department, and receipt of the proper fee the City Clerk may issue the license and forward the name of the licensee to the Chief of Police. The license shall not be transferable and must be displayed while engaging in the business of an itinerant magazine salesperson vendor.~~

~~(C) Hours, behavior restricted. No person shall engage in the business of an itinerant magazine salesperson vendor except between the hours of 9:00 a.m. and 8:00 p.m. No person shall make any solicitation in an oppressive manner.~~

~~(D) Standards for denial. In addition to the application requirements set forth in this section, a license to operate as an itinerant magazine salesperson vendor shall be denied to the following persons:~~

~~—(1) An applicant who has received a disqualifying criminal conviction or has been imprisoned at any time for a disqualifying criminal conviction during the five years preceding the application.~~

~~—(2) An applicant who is required to register as a sexual offender or as an offender against children under R.S.A. 651-B:6.~~

~~—(3) An applicant who is denied an itinerant magazine sales vendor license under the standards of this section, or who has reason to believe that he or she may be denied an itinerant magazine sales vendor license under these standards, may file a written request for a review of the application before the Committee on Administration. The Committee on Administration will approve or disapprove the fitness of the applicant for the license. The Committee on Administration may require the submission of qualifying evidence to make an assessment, including character references and/or evaluation by a qualified professional, and may set such conditions, review procedures, or monitoring activities as it deems appropriate as a condition of licensure.~~

~~(E) Revocation. Any licensee that engages in any loud argument, fight, or other disturbances; harassed, threatened or assaulted another person, intentionally damaged, destroyed or threatened to damage or destroy any property or violates any other provisions of this section shall have such license revoked. Upon request of the Chief of Police the licensee shall surrender his license. Upon conviction of~~

City of Manchester
New Hampshire

In the year Two Thousand and Seventeen

AN ORDINANCE

“Amending Chapter 115 of the Code of Ordinances of the City of Manchester by deleting Section 115.01 related to Itinerant Magazine Vendors and Photographers.”

Page 3 of 3

~~violations under this section, no license shall be issued to such person for a period of three years.~~

~~(F) Exemptions. This section shall not apply to persons involved in elementary and secondary schools conducting such solicitations under the direction and guidance of a local school or other charitable organization.~~

TRANSIENT OR ITINERANT PHOTOGRAPHERS

~~§ 115.30 LICENSING REQUIREMENTS.~~

~~(A) License required. No person shall engage in the business of a transient or itinerant photographer unless he shall be licensed to do so as provided by this section. The City Clerk may issue a temporary license for transient or itinerant photographer, following the same procedure as for the issuance of an annual license.~~

~~(B) License application; issuance; transfer; display.~~

~~—(1) Each applicant for a transient or itinerant photographer license shall apply to the City Clerk on a form to be determined by the City Clerk.~~

~~—(2) The application shall include the name and home address; the name and address of all organizations by which he is employed or receives commissions or compensation of any kind; and whether he has ever before applied for a license under this section.~~

~~—(3) Upon verification of identity, review of application by Police Department, and receipt of the proper fee the City Clerk may issue the license and forward the name of the licensee to the Chief of Police. The license shall not be transferable and must be conspicuously displayed.~~

~~(C) Hours, behavior restricted. No person shall engage in the business of a transient or itinerant photographer, except between the hours of 9:00 a.m. and 8:00 p.m. No person shall make any solicitation in an oppressive manner.~~

~~(D) Revocation. Any person violating any provisions of this section shall have his license revoked. Upon request to the Chief of Police, the licensee shall surrender such license. Upon conviction of violations under this section, no license shall be issued to such person for a period of three years.~~

~~(E) Exemptions. This section shall not apply to transient or itinerant photographers providing photographic services to public or private schools, organizations, or corporations.~~

II. This ordinance shall take effect upon its passage.



CITY OF MANCHESTER

PLANNING AND COMMUNITY DEVELOPMENT

Planning and Land Use Management
Building Regulations
Community Improvement Program
Zoning Board of Adjustment

Leon L. LaFreniere, AICP
Director

Pamela H. Goucher, AICP
Deputy Director - Planning & Zoning

Michael J. Landry, PE, Esq.
Deputy Director - Building Regulations

Date: February 14, 2017

To: Chairman Anthony Sapienza
Committee of Administration and Information Systems

From: Michael Landry, PE, Esq. *MJL*
Deputy Director – Building Regulations

Subject: Proposed Amendments to the Zoning Ordinance – Accessory Dwelling Units

Amendments to the Zoning Ordinance are attached for your consideration.

The proposed amendments to the Zoning Ordinance are in response to changes in state statutes governing accessory dwelling units (ADUs) that become effective June 1, 2017. Upon its effective date, RSA 674:72 prohibits municipalities from: 1) requiring occupants of an ADU to be related to the occupants of the principal dwelling; 2) restricting the size of an ADU to less than 750 SF; 3) limiting an ADU to only one bedroom; and 4) restricting occupants of an ADU to a certain age. Manchester's Zoning Ordinance currently contains regulations that will be prohibited by State law once RSA 674:72 becomes effective June 1, 2017.

The proposed amendments are required to comply with the pending State law. It is important that the amendments are adopted prior to June 1, 2017 so that the Manchester Zoning Ordinance does not become ineffective in regulating accessory dwelling units.

I, or a representative, will be available at your meeting to answer any questions.

Thank you for your consideration of this request.

City of Manchester New Hampshire

In the year Two Thousand and *Sixteen*

AN ORDINANCE

“An Ordinance amending the Zoning Ordinance Chapter 151 of the City of Manchester Code of Ordinances required to comply with new State law, RSA 674:71 to 73, which becomes effective June 1, 2017.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amending the Zoning Ordinance, Chapter 151 of the City of Manchester Code of Ordinances as follows:

Note: New text shown *bold and italicized*. Text to be deleted is shown ~~struck through~~.

Add new definition in Article 3:

Dwelling Unit, Accessory: A residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Revise Article 3 definition of Single Family Dwelling.

Dwelling, Single Family: A detached building used exclusively for occupancy by 1 family, and which may contain an accessory dwelling unit that conforms to this Ordinance.

Revise Section 8.26 as follows.

8.26 Residential Accessory Dwelling Unit

Residential ~~a~~Accessory dwelling units (*ADU*) are intended to provide *more diverse, affordable housing opportunities to the community without the need for additional infrastructure or further land development.* ~~for families to provide affordable housing alternatives for elder relatives in small independent living units located within existing single family detached dwellings, and~~ *Since ADUs are accessory to single-family dwellings in residential zoning districts, it is essential* to maintain the appearance, *aesthetic continuity* and character of such dwellings. Therefore, residential accessory dwelling units shall be subject to the following conditions and limitations to occupancy.

- A. ***One per home.*** Not more than 1 accessory dwelling unit shall be permitted, and only within a single family ~~owner-occupied~~ detached residence or its attached garage, except those portions *of the garage* required *necessary* to provide adequate *required* off-street parking for the uses.
- B. ***Owner Occupied.*** *Either the principal unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is the owner's principal place of residence. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted.*

City of Manchester New Hampshire

In the year Two Thousand and Sixteen

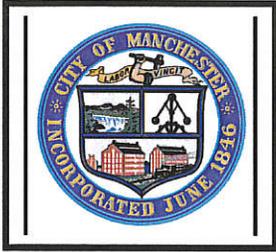
AN ORDINANCE

“An Ordinance amending the Zoning Ordinance Chapter 151 of the City of Manchester Code of Ordinances required to comply with new State law, RSA 674:71 to 73, which becomes effective June 1, 2017.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- ~~B. Related occupant age 62+. Occupancy of the accessory unit shall be limited to no more than 2 persons, at least one of whom shall be age 62 or older and related to the owner(s)-occupants of the property;~~
- C. Two One Bedroom Maximum. Only *No more than 2 +* bedrooms shall be permitted within the *an* accessory dwelling unit, and the ~~apartment~~ *accessory dwelling unit* shall not exceed ~~750~~ 650 square feet in gross floor area.
- D. Parking. Sufficient off-street parking in compliance with this Ordinance shall be maintained; *One additional off-street parking space shall be provided for each bedroom of an accessory dwelling unit.*
- E. Adequate wastewater disposal. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- F. Design and construction. At least 1 connecting door for persons to pass between the primary residence and the accessory dwelling unit shall be provided. No new entrance or exit to the accessory dwelling unit shall be constructed on the street side of the primary residence. Exterior design and construction shall be consistent with that of the primary residence.
- G. Conditional Use Permit Required. *As authorized by RSA 674:21(1), a conditional use permit from the Planning Board, in accordance with Article 12, shall be required to allow an accessory dwelling unit. In addition to the criteria set forth in Article 12 for a conditional use permit, the Planning Board must also find that that the exterior of the accessory dwelling unit is architecturally consistent with the single family dwelling based on the following criteria:*
 - 1.) *Color or color scheme;*
 - 2.) *Architectural style;*
 - 3.) *Materials and trim;*
 - 4.) *Proportion and style of windows, doors, and other elements; and*
 - 5.) *Massing of the accessory dwelling unit with respect to the single family dwelling.*
- H. Impact Fees Required. *The creation of a new dwelling unit requires the payment of an Impact Fee in accordance with Article 13.*

II. Resolve this ordinance shall take effect upon passage.



City of Manchester Heritage Commission
c/o City of Manchester Planning & Community Development Dept.
One City Hall Plaza
Manchester, New Hampshire 03101
603-624-6450
Fax (603-624-6529)

December 12, 2016

City Clerk's Office

City of Manchester
Board of Mayor and Aldermen
One City Hall Plaza
Manchester, NH

DEC 12 2016

RECEIVED

Re: *Proposed Historic Preservation & Protection Ordinance*

Dear Mayor Gatsas and Aldermen:

On behalf of the City of Manchester Heritage Commission, I am forwarding a proposed ordinance for your review, and hopefully passage. This proposed ordinance, styled the *Historically and Culturally Significant Structures Preservation and Protection Ordinance*, is the product of many hours of research, study and deliberation, extending over several years. It is offered at the current time in response to the recent loss of a very significant historic structure in the city, and with the knowledge that currently there are other historically and culturally significant structures in the city which are imminently threatened with demolition. I am also enclosing a summary sheet, which briefly outlines the purpose, structure and procedural methodology of the ordinance, for your convenience.

The Heritage Commission was very sensitive to the need to balance owners' property rights with the legitimate interests of the city and its residents. Scores of similar current ordinances from throughout the country were reviewed during the drafting process. In all cases where the ordinance imposed requirements upon a property owner, every effort was made to minimize the impact, while still effectuating the purpose of the proposed ordinance.

The review process is designed to be relatively simple, and to be accomplished as swiftly and efficiently as possible. Only structures recognized to be historically or culturally significant to the city will be impacted in any appreciable way by this proposed ordinance.

The Heritage Commission unanimously supports passage of this proposed ordinance, and strongly believes the City of Manchester should have such a protective ordinance in place as soon as possible. We would be happy to meet with the appropriate committee(s) at their convenience to answer any questions they may have and to provide any assistance required.

Sincerely,

Michael Farley, Chair
City of Manchester Heritage Commission

Proposed Historically and Culturally Significant Structures Preservation and Protection Ordinance

SUMMARY

At the current time, there is virtually no mechanism for oversight or review of the partial or total demolition of structures within the City of Manchester. There is a demolition permit process, but it is essentially limited to a determination that all utilities are shut off prior to demolition. This has led to a long line of tragic demolitions, dating back to the destruction of the Boston & Maine train station, and beyond. Most recently, we have witnessed the deplorable razing of the Hill-Lassonde House, despite its being listed on the National Registry of Historic Places.

In response to these continuing losses, which are slowly depriving our city of its heritage and sense of self, and in an effort to avoid such losses in the future, the Manchester Heritage Commission is proposing passage of a “Historically and Culturally Significant Structures Preservation and Protection Ordinance.”

The purposes of the ordinance are to identify, preserve and protect structures of historic, cultural and architectural significance within the City of Manchester, limit the damage to the character of the city caused by demolition of such structures, and thereby to promote the city as a great place to live and work.

The proposed ordinance achieves these purposes by instituting a process designed to quickly and efficiently review demolition permit applications on a case by case basis, in order to identify those which relate to structures that may be important and worthy of preservation. For those particular structures, the proposed ordinance establishes a “breathing room” period of approximately six months to seek alternatives to demolition, and if no alternatives are found, to document and record the details of the structure for posterity prior to demolition.

The proposed ordinance does not outright prohibit demolition of any structure. Rather, it merely allows a review/negotiation period that would only apply to buildings of historical or cultural significance.

PROCEDURE

The proposed ordinance establishes a three-step review process. The first step is an administrative review by the Building Department to determine if the structure proposed for demolition is over 50 years old, and whether over 500 square feet of the building (or the entire structure) will be demolished. Buildings less than 50 years old would not be subject to further review, and a demolition permit could be issued forthwith. The same result would occur if the building was over 50 years old, but less than 500 square feet of the building was to be torn down.

If the building is over 50 years old *and* over 500 square feet of the building (or the entire building if smaller) are to be razed, the application will be referred to the Heritage Commission within five business days for the second step of the review process. The Heritage Commission will have five

business days to undertake a summary review of the application to determine if the building is significant enough to warrant further review. It is expected this process would be accomplished through the use of a telephone or email poll of the Commission. If the Commission determines the structure lacks sufficient historical or cultural significance to warrant further review, it would so notify the Building Department and a demolition permit could be issued at that point.

If there is sufficient reason to undertake further review, the third step would commence. This would entail a delay of *up to* 6 months to allow for public hearings and negotiation with the applicant in an effort to minimize any detrimental impact that would result from demolition of a historically significant structure. Ultimately, if no alternatives to demolition are agree to, a demolition permit could be issued at the end of the 6 month period (or sooner in some cases), subject to conditions relating to photographic and documentary preservation of the structure.

There is a specific provision that allows for administrative determination whether the structure is an immediate threat to public safety, in which case a demolition permit could be issued immediately to protect the public good.

The proposed ordinance also contains several "housekeeping" provisions concerning, appeals, injunctive relief, and penalties for violations.

Historically and Culturally Significant Structures Preservation and Protection Ordinance

(HCOMM: 2.5.08)

Definitions [Note 1: The following definition is to be placed in the *Definitions* section of the zoning ordinance at Article 3.03]:

Demolition: The act of pulling down, destroying, removing, or disassembling a structure or portion thereof.

A. Purpose:

This Significant Structures Preservation and Protection Ordinance is enacted in order to (a) identify, preserve and protect structures of historic, cultural, aesthetic or architectural significance in the City of Manchester, (b) limit the detrimental outcome which demolition of such structures would have on the character of the City, and, thereby (c) promote the City as an attractive and desirable place in which to work and live. To achieve these purposes, the Heritage Commission is authorized to advise the Director of Planning and Community Development with respect to demolition permit applications affecting or potentially affecting culturally or historically significant resources within the City. Statutory authority for this ordinance is provided by NH RSA 674:44-b, I (d).

B. Criteria:

Any structure or part of a structure in the City of Manchester will fall under the provisions of this ordinance where:

- (1) The proposed demolition is greater than 500 square feet of gross floor area or will result in the razing of the entire structure; and
- (2) The structure was constructed more than 50 years before the date of the application for demolition permit. The age of the structure is to be determined by documentation provided by the applicant and verified by documentation on file with the City.

The foregoing notwithstanding, nothing herein shall be construed as to allow destruction or demolition of any structure situated in any Historic District designated in the Zoning Ordinance.

C. Procedure:

(1) When a completed application for a demolition permit is submitted to the Planning and Community Development Department, the Director of that Department shall determine if the structure, or portion thereof, meets the above criteria, and if it does, shall forward a copy of the application to the Chair of the Heritage Commission within five business days of receiving such a completed application, requesting that the application be reviewed for determination pursuant to this ordinance.

(2) The Heritage Commission shall make a preliminary determination regarding that status of the structure and shall notify the Director of the Planning and Community Development Department of the results of that determination within five business days of the Commission's Chair having received a copy of the application from the Director.

- (a) If the structure is found to have no historical, cultural, aesthetic or architectural significance, the Director of the Planning and Community Development Department may issue a demolition permit.

(b) If the structure is found to likely have historical, cultural, aesthetic or architectural significance warranting further review, the Commission shall forward to the Director of the Planning and Community Development Department a decision in opposition to the granting of a permit for demolition. In such case, no permit shall be issued until the Commission undertakes a more thorough investigation and provides the Director of the Planning and Community Development Department with a final written determination. This investigation and determination shall be completed within 90 calendar days of the date of their preliminary determination.

(3) During the 90 day review period, the Commission shall conduct such public hearings and investigations as it may determine to be necessary in order to make an informed opinion regarding the granting of such permit. The applicant proposing the demolition shall be invited to attend the public hearing(s) to hear the concerns or alternatives that are discussed by the Commission and the public. All public hearings shall be noticed at least five days before the date of the hearing as provided by applicable law.

(4) After conducting at least one public hearing, the Commission shall deliberate and make a final decision whether the structure proposed for demolition has historical, cultural, aesthetic or architectural significance. In making its decision, the Commission shall, at the least consider the following criteria:

- (a) The structure is of such interest or quality that it would likely meet national, state or local criteria for designation as a historic, cultural, or architectural landmark.
- (b) The structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced, or could be reproduced only with great difficulty and expense.
- (c) The structure is of such historic, cultural, aesthetic or architectural interest that its removal would be detrimental to the public interest.
- (d) Retention of the structure would help preserve and protect a historic place or area of historic, cultural, aesthetic or architectural interest to the City.

(5) Within two business days of the public hearing, the Commission shall notify the Director of the Planning and Community Development Department of the results of that hearing. If the structure is found not to have significance, the requested demolition permit may be issued.

(6) If the structure is found to have historical, cultural, aesthetic or architectural significance and its loss is deemed to be detrimental to the community, then the Commission shall meet with the applicant within 10 business days of the public hearing to discuss alternatives to demolition. The Director of the Planning and Community Development Department shall be informed once the Commission's meeting with the applicant has taken place and no demolition permit shall be issued for a period not to exceed six months from the date of this meeting.

D. Demolition:

(1) If no alternatives to demolition have been identified and agreed to by the Commission and the applicant after their meeting and the six month waiting period provided for in the previous section has elapsed, then the applicant may proceed with demolition provided a permit is issued by the Planning and Community Development Department Building Department. The Commission shall encourage the applicant to salvage significant architectural features.

(2) Based upon a recommendation from the Heritage Commission, the Planning and Community Development Department shall require that, as a condition of receiving the demolition permit, the applicant shall provide the Heritage Commission with written and photographic documentation describing the appearance and historic, cultural, aesthetic or architectural importance of the structure to be

demolished. Such documentation shall be carried out to the satisfaction of the Heritage Commission which shall maintain an original version of such documentation in public trust. Issuance of the demolition permit will not take place until after the Commission has received, and approved the scope and quality of, the required documentation.

(3) Nothing in this article shall be construed to prevent immediate demolition where public safety is at stake, provided that prior to commencing such emergency demolition the Director of the Planning and Community Development Department shall issue a written determination that (a) the structure itself (as opposed to any use thereof) poses an immediate public hazard or threat to public safety, and (b) demolition of the structure is the only available recourse, which written determination shall contain the specific factual basis for each of the required conclusions.

F. Appeals:

Appeals from the decision(s) of the Heritage Commission or the Planning and Community Development Department made pursuant to this article shall be conducted as provided in NH RSA 676:17.

G. Injunctive Relief:

The Heritage Commission is authorized to seek injunctive relief in any court of competent jurisdiction for the purpose of enforcing the provisions of this article.

H. Penalties for Violation:

(1) After filing an application for demolition permit, and during the review periods set forth in this article, the owner of the structure in question shall adequately maintain and protect the structure in order to prevent any further deterioration. Failure to do so shall be considered demolition by neglect, and subject to the penalties contained herein.

(2) In the case of full or partial demolition of any structure subject to the provisions of this article in the absence of or in advance of the issuance of a valid demolition permit, the Director of the Planning and Community Development Department shall impose a two-year restriction on the property during which no earthwork, landscaping, construction or further demolition may take place on the subject property or on any adjoining parcels under common ownership and control without review and approval of the Heritage Commission. The restriction may only be lifted by written agreement of the Director of the Planning and Community Development Department and the Heritage Commission.

(3) In addition to the foregoing, any person who knowingly and willfully violates the provisions of this article shall be fined \$250 per day if a natural person, and \$1,000 per day if a corporation, LLC or other legally recognized entity, each day of noncompliance constituting a separate violation. All fines imposed shall be collected and made payable to the City of Manchester.

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Manchester, NH Code of Ordinances

HERITAGE COMMISSION

§ 32.120 ESTABLISHED.

A Heritage Commission is hereby established in the city in accordance with R.S.A. 673.

(Ord. passed 10-1-96)

§ 32.121 PURPOSE.

In accordance with R.S.A. 674-44-a, the purpose of the Heritage Commission shall be to insure the proper recognition, use and protection of resources, primarily manmade, that are valuable for their historic, cultural, aesthetic, or community significance within their natural, built, or cultural context.

(Ord. passed 10-1-96)

§ 32.122 COMPOSITION; TERMS; VACANCIES.

(A) The Heritage Commission shall consist of seven members who shall be appointed by the Mayor with approval by the Board of Mayor and Aldermen.

(B) Each Heritage Commission member shall be a resident of the city. One commissioner shall be a member of the Board of Mayor and Aldermen. Where practicable, five alternate members shall be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the Board of Mayor and Aldermen shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Heritage Commission.

(C) Terms shall be for three years, commencing the first day of July, and staggered in such a way as to allow appointments each year.

(D) In accordance with R.S.A. 673:12, the Board of Mayor and Aldermen shall, within 60 days of a vacancy, cause the appointment of another Commissioner to fill said vacancy for the duration of the unexpired term.

(Ord. passed 10-1-96)

§ 32.123 POWERS AND DUTIES.

In accordance with R.S.A. 674:44-b, the Heritage Commission shall have advisory authority specifically as follows:

- (A) Survey and inventory all cultural and historic resources.
- (B) Conduct research and publish findings, including reports to establish the legal basis for a district and preparation of historic district ordinances prior to its adoption or amendment as provided in R.S.A. 675:6.
- (C) Assist the Planning Board, as requested, in preparation of those sections of the master plan which address cultural and historic resources.
- (D) Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources. When information or a recommendation is requested by another board or agency the Heritage Commission shall respond within 30 days.
- (E) Coordinate activities with appropriate service organizations and nonprofit groups.
- (F) Publicize its activities.
- (G) Hire consultants and contractors as needed.
- (H) Receive gifts of money in the name of the city, subject to approval from the Board of Mayor and Aldermen, such gifts to be managed and controlled by the Commission for its proper purposes.
- (I) Hold meetings and hearings necessary to carry out its duties. Regular meetings shall be held at least four times a year.

(Ord. passed 10-1-96)

§ 32.124 APPROPRIATIONS.

(A) The city having established a Heritage Commission, may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to R.S.A. 674-44-b shall be placed in a heritage fund by the Heritage Commission for its purposes without further approval from the Board of Mayor and Aldermen, except that major expenses beyond normal operations and administration shall require concurrence by the Board.

(B) The city finance officer, pursuant to R.S.A. 41:29 shall have custody of all monies in the heritage fund and shall pay out same only upon order of the Heritage Commission. The disbursement of heritage funds shall be authorized by a majority of the Commission members.

(Ord. passed 10-1-96)

§ 32.125 CONSOLIDATION.

(A) In accordance with R.S.A. 674:44-b III, the Heritage Commission shall assume the duties and powers granted to the Historic District Commission by Article XI of the Zoning Ordinance

pertaining specifically to the Amoskeag Corporation Housing Historic District and the Amoskeag Millyard Historic District.

(B) The members of the Historic District Commission shall serve out their terms as members of the Heritage Commission.

(Ord. passed 10-1-96)

[Print](#)

Manchester, NH Code of Ordinances

CHAPTER 151: BUILDING REGULATIONS

Section

General Provisions

- 151.01 Adoption of International Building Code
- 151.02 Abandoning excavations
- 151.03 Air rights
- 151.04 Issuance of building permits; state provisions adopted

Trailer Parks and Tourist Camps

- 151.40 Definitions
- 151.41 Parking trailers outside parks
- 151.42 Enforcement

- 151.99 Penalty

GENERAL PROVISIONS

§ 151.01 ADOPTION OF INTERNATIONAL BUILDING CODE.

Certain documents, three copies of each which are on file in the office of the City Clerk of the City of Manchester being marked and designated as the *International Building Code, 2000 Edition*, including Appendix Chapters B, G, H and J, as published by the International Code Council, Inc., be and is hereby adopted as the Building Code of the City of Manchester in the State of New Hampshire, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes prescribed in § 2 of the ordinance adopted September 4, 2001.

('71 Code, § 6-12) (Ord. passed 2-7-89; Am. Ord. passed 9-4-01)

§ 151.02 ABANDONING EXCAVATIONS.

(A) *Prohibited.* No person shall excavate a lot or parcel of land for the purpose of erecting a foundation to erect a building thereon and then abandon the project.

(B) *Time for filling.* If a cellar hole has been excavated and the project abandoned, the party responsible for the excavation shall cause the excavation to be refilled within a period of 60 days after the project has been abandoned.

('71 Code, § 6-1) Penalty, see § 151.99

§ 151.03 AIR RIGHTS.

The Board of Mayor and Aldermen is hereby authorized to grant air rights pursuant to and consistent with the provisions of R.S.A. 48-B.

('71 Code, § 6-2) (Ord. passed 3-3-81)

§ 151.04 ISSUANCE OF BUILDING PERMITS; STATE PROVISIONS ADOPTED.

The provisions of R.S.A. 676.12 with respect to the issuance of building permits are hereby adopted.

('71 Code, § 6-3) (Ord. passed 9-6-83; Am. Ord. passed 5-6-97; Am. Ord. passed 4-21-98)

TRAILER PARKS AND TOURIST CAMPS

§ 151.40 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CABIN PLOT. A section of ground not less than 30 feet by 40 feet in area, upon which only one camp cottage, or cabin, is located.

TOURIST CAMP. Any camp, park, court, site, lot, parcel, or tract of land upon which any camp cottage or cabin is maintained for the accommodation of transients, whether or not a charge is made.

TRAILER. Any vehicle or structure designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation, or trade, or used as a selling or advertising device, and so designed that it may be mounted on wheels and used as a conveyance on streets, whether propelled or drawn by its own or other motive power. The term **TRAILER** shall not include a device used exclusively upon stationary rails or tracks.

TRAILER PARK. Any park, court, camp, site, lot, parcel, or tract of land maintained for the purpose of providing accommodations for any trailer or upon which any trailer is parked, and shall include all buildings used as part of the equipment thereof, whether or not a charge is made

for the use of the trailer park and its facilities. The term **TRAILER PARK** shall not include trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

UNIT. A section of ground in a trailer park of not less than 1,000 square feet of unoccupied space in an area designated as the location for only one automobile and one trailer. ('71 Code, § 25-1)

§ 151.41 PARKING TRAILERS OUTSIDE PARKS.

(A) It shall be unlawful, within the limits of the city, for any person to park any trailer on any street or other public place, or on any tract of land owned by any person, occupied or unoccupied, except as provided in this section.

(B) Emergency or temporary stopping or parking is permitted on any street in the city for not longer than 24 hours, subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street.

(C) No person in the city shall park or occupy any trailer on the premises of any occupied dwelling or on any lot which is not a part of the premises of any occupied dwelling either of which is situated outside an approved trailer park; except, the parking of only one trailer in an accessory private garage building, or in a rear yard in any district, is permitted providing the trailer is the property of a bona fide visitor with the owner or tenant of the property and shall not have its wheels removed or remain on the premises for a period exceeding 30 days.

('71 Code, § 25-2) (Am. Ord. passed 2-7-89; Am. Ord. passed 11-7-01) Penalty, see § 10.99

Cross-reference:

Traffic code, see Title VII

§ 151.42 ENFORCEMENT.

It shall be the duty of the Director of Planning and Community Development and the Police Department to enforce the provisions of this chapter.

('71 Code, § 25-3) (Ord. passed 2-7-89; Am. Ord. passed 2-7-09)

§ 151.99 PENALTY.

Any person, firm or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be subject to a fine not exceeding the maximum allowed by R.S.A. 47:17 or other law. Each day a violation occurs or continues shall constitute a separate offense.

('71 Code, § 17³/₄-1)