

**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Tom Abbott  
Councilor Chris Rice  
Councilor Laura Hainey



**Others Present**

Terence O'Rourke, City Attorney  
City Councilor Steven Beaudoin  
City Councilor David Walker

**CODES AND ORDINANCES COMMITTEE  
Of the Rochester City Council  
Thursday, December 2, 2021  
Council Chambers  
6:00 PM**

**Minutes**

**1. Call to Order**

Chairman Lachapelle called the Codes and Ordinances Committee meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent roll call attendance. All Councilors were present except for Councilor Abbott, who was excused.

**2. Public Input**

There was no one present in Council Chambers to speak during public input.

**3. Acceptance of the Minutes**

**3.1 October 7, 2021**

Councilor Rice **MOVED** to **ACCEPT** the minutes of the October 7, 2021 Codes & Ordinances Committee meeting. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**4. Code of Ordinances Review**

**4.1 Amendment to Chapter 254 of the General Ordinance of the City of Rochester regarding storage of Recreational vehicles, travel trailers, campers and boats (*Addendum A* )**

Attorney O'Rourke gave a brief history of this amendment to the ordinances and the changes that had been made thus far based on discussion at the last Codes meeting as well as staff suggestions. The Department of Public works had identified a problem with prohibiting vehicles from being in the public right of way; parking is an allowable use within the right of way unless otherwise posted. The police department also had concerns regarding regulation and difficulty in enforcement of this amendment due to the varying conformation of City streets and the way the right of way extends from the centerline. Attorney O'Rourke stated that it appeared that the opposition to the amendment was due to lack of clarity of the problem that is actually being solved. Councilor Rice agreed that this amendment seemed to be looking for a problem which doesn't exist in the City, and passing such an amendment is unnecessary.

Councilor Hainey reported that the camper, which had been parked on Dewey Street which originally initiated this proposed amendment, had been moved and was no longer an issue.

Councilor Rice **MOVED** to **DENY** the amendment to Chapter 254 of the General Ordinances of the City of Rochester regarding vehicle storage. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **4.2 Chapter 275-29 of the General Ordinances of the City of Rochester regarding signage (*Addendum B*)**

Chairman Lachapelle gave background regarding what had initiated this discussion. During election season, there had been complaints received about political signage not being allowed in the City's right-of-way. He stated that if political signage is allowed, the City would not be able to prohibit any/all other types of signage from also being placed in the right-of-way. Chairman Lachapelle stated that the ordinance, as written, is working and he did not support any changes.

Chairman Lachapelle reported that one of the arguments for allowing political signage had been that some candidates do not have the time to campaign, and their signage is a way to get their name out there. Chairman Lachapelle asserted that if there is not adequate time to campaign, then there is likely not adequate time to attend meetings if elected. He suggested that names on a sign are less likely to get a candidate elected than campaigning and actually meeting constituents. Councilor Rice agreed that getting out and meeting constituents, going door-to-door and becoming familiar with the community is more beneficial in elections than political signage.

Councilor Walker commented that one of the arguments in favor of changing the sign ordinance was that it gave an advantage to incumbents who have name recognition while the potentially younger, lesser-known candidates are unable to place their signs in these areas for more public visibility.

Councilor Beaudoin stated that legal counsel had indicated in the past that if political signs are allowed in the right-of-way, the City would not be able to differentiate between some types of signs and disallow other signage. This could cause the City's rights-of-way to be cluttered with all types of signage.

Attorney O'Rourke clarified that the City is able to control the types of signage that would be allowed (size/dimensions), but could not regulate the content contained on those signs.

Councilor Rice and Councilors Hainey both indicated that they did not support the repeal of this section of the sign ordinance to allow political signage in the right-of-way. Attorney O'Rourke stated that there is not currently a proposal or amendment in writing, so there is no further action needed at this time if the committee chooses not to move forward.

Councilor Hainey asked individuals placing signs to be cognizant of the areas in which their signs are being placed. She spoke about inappropriate language on signage in school zones and advised caution and awareness of children seeing certain content on signage.

## **5. Other**

Chairman Lachapelle stated that he would not be setting a date for the next Codes & Ordinances Committee meeting and would wait until the new Council is seated and the committee appointments have been made.

Attorney O'Rourke stated at the first Codes & Ordinances Committee meeting after a new Council is seated is normally when the Council Rules of Order are reviewed. Chairman Lachapelle said that if the Code of Ethics is accepted at the December City Council meeting, this Code could be included in the review on the same schedule as the Rules of Order. Councilor Walker suggested that when the Rules of Order are reviewed, there should be verbiage which could add available Councilors as alternates to boards and committees. These councilors could be appointed by the chair or vice chair as temporary members to prevent a lack of quorum at meetings where members are absent.

## **6. Adjournment**

Chairman Lachapelle **ADJOURNED** the Codes & Ordinance Committee meeting at 6:13 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk

**Amendment to Chapter 254 of the General Ordinances of the City of Rochester Regarding Storage of Recreational Vehicles, Travel Trailers, Campers, Automobile Utility Trailers and Boats**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 254 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in *italics*):

**§ 254-28 Additional parking regulations.**

*D. Storage of recreational vehicles, travel trailers, campers, automobile utility trailers and boats. Recreational vehicles, travel trailers, campers, automobile utility trailers or boats shall not be stored within the City's right of way off the traveled portion of any roadway. "Storage" and "stored" means parking in the prohibited area for a continuous period more than forty-eight hours. No such equipment shall be used for living, sleeping, housekeeping, or recreational purposes while located in the City's right of way.*

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

## Addendum B

### § 275-29.9. Prohibited signs.

The following devices and locations shall be specifically prohibited:

- A. Signs located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device, or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic.
- B. Except as provided for elsewhere in this article, signs encroaching upon or overhanging public rights-of-way. No sign shall be attached to any utility pole, light standard, street tree or any other public facility located within the public right-of-way.
- C. Signs which blink, flash or are animated by lighting in any fashion that would cause such signs to have the appearance of traffic safety signs and lights, or to have the appearance of municipal vehicle warnings from a distance.
- D. Any sign attached to, or placed on, a vehicle or trailer parked on public or private property, except for signs meeting the following conditions:
  - (1) The primary purpose of such a vehicle or trailer is not the display of signs.
  - (2) The signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle.
  - (3) The vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate.
- E. Vehicles and trailers used primarily as static displays, advertising a product or service, or utilized as storage, shelter or distribution points for commercial products or services for the general public. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- F. Snipe signs.

### § 275-29.12. General provisions.

- A. Conformance to codes. Any sign hereafter erected shall conform to the provisions of this article or regulation within this jurisdiction.
- B. Signs in rights-of-way. No sign other than an official traffic sign or similar sign shall be erected within two feet of the lines of any street, or within any public way, unless specifically authorized by other ordinances or regulations of this jurisdiction or by specific authorization of the City Council after a recommendation is made by the Licensing Board.
- C. Projections over public ways. Signs projecting over public walkways shall be permitted to do so only subject to the projection and clearance limits either defined

brightness levels specified in this subsection.

- (5) The brightness shall not exceed 0.3 footcandle at night.
- (6) Flashing or animated signs (including temporary interior window displays or banners) of red, amber, or green colored lights shall not be permitted.
- H. Flags. Each store front may be allowed one "open" or "welcome" flag that is positioned at a height so as not to impede the flow of pedestrians.
- I. Home occupation signs. See Article 24, Home Occupations. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- J. Marquee. No marquee shall be erected unless designed by a registered structural engineer and approved by the Director of Building, Zoning, and Licensing Services. It may extend over the sidewalk across the right-of-way to the curblin provided it has a minimum height above the sidewalk of 10 feet above the curb level and does not exceed five feet in height.
- K. Off-premises signs. Off-premises signs are prohibited except for the following signs if permission is granted from the owner of the off-premises location. A setback of at least five feet is required for these signs and they shall not be placed in the road right-of-way (i.e., they must be placed on private property).
  - (1) One freestanding sign per business directing people to the site. The sign may not exceed two square feet per side or four feet in height. No illumination is allowed. It may include only the name and/or logo, with simple directions. The sign must be durable and constructed of solid, finished materials.
  - (2) A real estate sign, one per premises, shall not exceed six square feet per side.
  - (3) Yard sale signs (see Subsection V).
  - (4) A sign for an office park or industrial park may be erected at the entrance to the park on an out parcel or within the road right-of-way, with the approval of the City Manager.
  - (5) A promotional banner for a special event may be placed anywhere in the City, including across a public road, if approved by the City Manager.
  - (6) Two seasonal agricultural directional signs not to exceed four square feet each are permitted when intended to direct patrons to a farm for the purpose of purchasing or picking seasonal agricultural produce or products during the season within which the produce is available for sale or harvest.
  - (7) One portable sign on the sidewalk in front of businesses in the Downtown Commercial District, Special Downtown Overlay District, and Neighborhood Mixed-Use District lying in density rings.
  - (8) Road signs.

**L. Political signs; political advertising. The following provisions are in addition to the**

political advertising controls established under RSA 664:14, 664:17, and 664:2, as amended:

- (1) Political advertising shall be defined in RSA 664:2, as amended. No political advertising shall be placed or affixed upon any public property, including City rights-of-way. No political advertising shall be placed or affixed upon private property without the owner's consent.
- (2) Signature, identification, and lack of authorization shall be in accordance with RSA 664:14, as amended.
- (3) Political signs shall not be erected in the City Adopt-A-Spots or the Rochester Common.
- (4) Removal of signs shall be in accordance with RSA 664:17, as amended.
- (5) The area and location of signs used in conjunction with uses allowed by the Board of Adjustment as special exceptions shall also be approved by the Planning Board and shall conform to the sign regulations for the district in which they are located. The area and location of such signs shall be in harmony with the character of the neighborhood in which they are located.
- (6) Political signs shall not require a sign permit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

M. Portable signs. Portable signs shall be permitted only in the Downtown Commercial District, Special Downtown Overlay District, and Neighborhood Mixed-Use District lying in density rings, subject to the following limitations:

- (1) No more than one such sign may be displayed on any property, and the sign shall not exceed a height of four feet or an area of eight square feet per side.
- (2) Any portable sign that is placed on a sidewalk:
  - (a) Shall be situated directly in front of the business(es) which is being advertised.
  - (b) Shall not block passage along the sidewalk, including passage for handicapped persons, and shall not present a safety hazard.
- (3) May be displayed during business hours only.
- (4) Appropriately placed to minimize appearance of clutter as determined by the Director of Building, Zoning, and Licensing Services.
- (5) Only one sign per individual business.

N. Projecting signs. Signs are permitted in the following zones:

- (1) Multiple projecting signs shall be permitted on buildings having multiple occupants provided only that one projecting sign per occupant will be permitted.