

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council
Thursday, December 1, 2016

City Council Chambers
31 Wakefield Street, Rochester, NH
6:00 PM

Members Present

Councilor Lachapelle, Chair
Councilor Abbott
Councilor Bogan
Councilor Gates

Members Excused

Councilor Lauterborn, Vice Chair

Others Present

Attorney O'Rourke Councilor
Deputy Police Chief Toussaint
Dennis Hancock, Resident
Lisa Stanley, Resident
Jackie Raab, Resident
Jim Miller, Resident
Barbara Soely

MINUTES

1. Call to Order

Councilor Lachapelle called the meeting to order at 6:00 PM. All Committee members were present except for Councilor Lauterborn, who had been excused, and Councilor Gates who arrived at 6:25 PM.

2. Public Input

Councilor Lachapelle invited the public to address the Committee.

Dennis Hancock, resident, addressed the Committee about the dangers of setting off fireworks. He stated opposition to allowing any fireworks to be set off in Rochester.

Lisa Stanley, resident, addressed the Committee about the current City Ordinances relative to prohibiting fireworks at certain times of the year. She said this ordinance should be more restrictive and understand that setting-off fireworks at certain times of the year still interferes with the quality of life for many residents. She suggested that the entire discussion of fireworks be sent to the full City Council at a Workshop.

Jackie Raab, resident, addressed the Committee about the current City Ordinances. She understood folks would always set off fireworks for the Independence Day Celebration. She expressed frustration that the City Council is not listening to the residents about banning fireworks for all other times of the year.

Jim Miller, resident, addressed the Committee about the type of fireworks that are being set off at the Grandview Camp Ground. It does not seem that these are residential fireworks; they seem more like commercial fireworks and are potentially even more dangerous. He said residents of Massachusetts travel to this campground likely to set off such fireworks.

Barbara Soely, resident, agreed with the other speakers and requested that this topic be brought to the full City Council for a discussion. She added that neighbors are not notified of the intentions of people setting off fireworks, which intensifies the situation in many cases.

Councilor Lachapelle closed the Public Input at 6:20 PM.

3. Approval of the Codes and Ordinances Committee Minutes – October 6, 2016

Councilor Bogan **MOVED** to **ACCEPT** the minutes of October 6, 2016. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Discussion: Fireworks

Deputy Chief Toussaint gave reasons why it is difficult to enforce the current ordinance relative to setting off fireworks. He gave reasons why the Rochester Police Department supports the idea of implementing a permitting process for residents to set off fireworks.

The Committee discussed how to amend the current ordinance to have the correct verbiage for enforcement with the understanding that this cannot, in reality, be more than the standard low priority call [priority 3]. Deputy Chief Toussaint informed the Committee that it will always be a difficult case to prove.

The Sense of the Committee is to send this matter to the City Council Workshop in January for discussion. The Committee made corrections to the proposed Amendment and requested that this be posted to the City's website in advance of the City Council Workshop.

5. Amendment to the General Ordinances Relative to Chapter 45, Overnight Parking, Occupancy and Camping on City-Owned Property

The Committee discussed that much of what is being proposed in this Ordinance already exists in the current General Ordinances of Chapter 21.

Councilor Abbott MOVED to send Chapter 45 Overnight Parking,

Occupancy, and Camping on City-Owned Property, back to the full City Council on January 3, 2017 to NOT RECOMMEND. Councilor Bogan seconded the motion. The MOTION CARRIED by a unanimous voice vote.

6. Amendment to Chapter 3

City Attorney O'Rourke recalled that this Amendment was passed by the City Council; however, there is still some concern with boards and commissions expiration terms. Councilor Lachapelle kept this Amendment in Committee until the next meeting.

7. Council Rules of Order

Councilor Lachapelle referred to an email [see attached] from Deputy City Manager Cox explaining some of the City Council Rules of Order and how they pertain to our City Council Agenda processes.

8. Other

Councilor Gray reported that a resident of Vernon Street had excessive water being discharged on his property due to a construction project of an abutter.

9. Adjournment

Councilor Abbott **MOVED** to **ADJOURN** the Codes and Ordinances Committee meeting at 6:55 PM.

Respectfully submitted,

Kelly Walters
City Clerk, CMC

From: [Blaine Cox](#)
To: [Kelly Walters](#)
Subject: Requested Info for Packet related to Codes Committee
Date: Thursday, December 29, 2016 10:03:48 AM

From: Blaine Cox
Sent: Friday, August 12, 2016 10:41 AM
Subject: FW: Pathway of Issues/ Items from/ to Sub-Committees

The Council Rules require:

1. **Any Changes to the City's General Ordinances** must first go to the City Council for a first reading, referred to the appropriate Council sub-committee for public hearing, review & recommendation and then back to the Council for second reading and Council final action.
2. **Any Resolution Imposing Penalties** must first go to the City Council for a first reading, referred to the appropriate Council sub-committee for public hearing, review & recommendation and then back to the Council for second reading and Council final action.
3. **Any Resolution Authorizing the Expenditure of Money** must first go to the City Council for a first reading, referred to the appropriate Council sub-committee for public hearing, review & recommendation and then back to the Council for second reading and Council final action.
4. **All Other Issues & Items** are able to start either at the full Council level or at a sub-committee level.

Here is the link to the Council's Rules of Order:
http://www.rochesternh.net/sites/rochesternh/files/file/file/council_rules_2016_-16_.pdf

I would refer you to:

Section 1.4(b): New Business: Items requiring Council action may be introduced by any member of the City Council, but may not be acted upon at the meeting in which they are introduced unless the items are properly filed in accordance with Article 4, Section 4.1 herein. The Council may act upon said items if they have not been filed in advance by suspending Council Rules by a two-third (2/3) vote of the City Council.

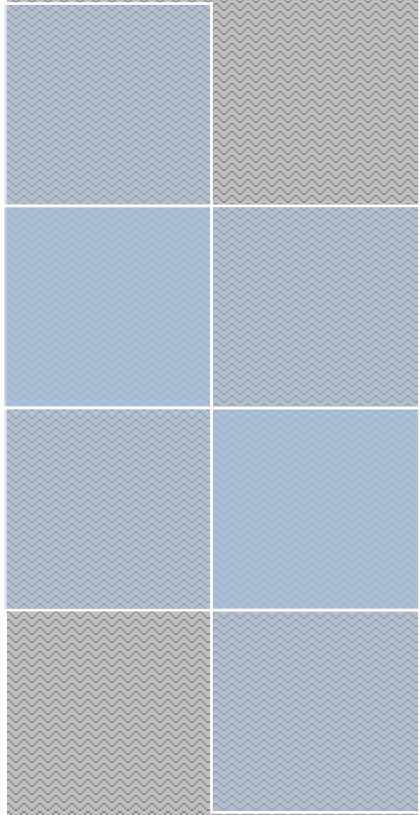
Section 4.12: ORDINANCES AND RESOLUTIONS

Every ordinance, and all resolutions imposing penalties or authorizing the expenditure of money when introduced, shall be written and shall pass through the following stages before they shall be considered as having received the final action of the Council, to wit: First reading for information, and if not rejected or otherwise disposed of, the City Attorney and City Clerk, shall carefully examine them to see that they are in technical form and that their provisions are not repugnant to the Laws and Constitution of the State of New Hampshire or to the Charter and Ordinances of the City of Rochester: They shall then be referred by the chair to the appropriate Council committee for review, public hearing (if required) and discussion. All

committees shall make a report for final action to the Council. After such report, the question shall be, "Shall they be read a second time?" If not then rejected, the question shall be on the passage of the same to be enrolled. Upon an affirmative vote, the chair shall refer such ordinance or resolution to the Codes and Ordinances Committee for review as set forth in Section 4.13. and make a report of them to the Council, at which time they shall be deemed to be enrolled. No ordinance or resolution as above referred shall be amended except on its second reading. All other resolutions shall have one reading before they shall finally be passed by the Council.

Blaine M Cox, ICMA-CM
Deputy City Manager/
Director of Finance & Administration
City of Rochester, New Hampshire
31 Wakefield Street
Rochester, NH 03867
Telephone: (603)335-7609
Email: blaine.cox@rochesternh.net

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees regarding the business of the City of Rochester, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.



This page has
been
intentionally left
blank.

