



CITY OF DOVER

## CITY COUNCIL - AGENDA

Meeting Type: Workshop  
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820  
Meeting Date: **Wednesday, February 4, 2009**  
Meeting Time: **7:00pm**

- 1. Sidewalk Snowplowing Policy**
- 2. City Property Ordinance**
- 3. Adjourn**



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number:  
Ordinance Title: **O – 2008.12.10**  
Chapter: Chapter 79, City Property

The City of Dover Ordains:

**1. PURPOSE**

The purpose of this ordinance is to amend Chapter 79, entitled City Property.

**2. AMENDMENT**

Chapter 79 entitled “City Property” is hereby amended by revising the entire Chapter as follows in the attached background

**3. TAKES EFFECT**

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

### AUTHORIZATION

Approved as to Funding: Daniel R. Lynch  
Finance Director

Sponsored by: Councilor Doug DeDe

Approved as to Legal Form: Allan B. Krans, Sr.  
City Attorney

Recorded by: Karen Lavertu  
City Clerk



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Chapter: Chapter 79, City Property

## DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

## DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, Ward 4		
Councilor Robert Carrier, Ward 1		
Councilor Douglas DeDe, Ward 2		
Councilor David Scott, Ward 3		
Councilor Catherine Cheney, Ward 5		
Councilor Richard Callaghan, Ward 6		
Councilor Steven McCusker, At Large		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does   does not pass.		



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### ORDINANCE BACKGROUND MATERIAL:

The proposed ordinance represents a general re-drafting of an existing ordinance adopted over thirty years (30) ago in 1977.

The major substantive change in this ordinance is the use of the auditorium and conference rooms in City Hall by candidates running for elective office. Previously, candidates were prohibited from using City Hall facilities for campaigning activities.

Users of City property will incur rental charges as authorized by the City Council when approving fees on an annual basis.

Additional substantive changes are the deletions of provisions pertaining to administrative functions and personnel matters.

Provisions regarding the sale of City owned real property are simplified and clarified.

There are a variety of housekeeping changes and changes in grammar throughout the ordinance.

### CITY PROPERTY CHAPTER 79

- 79-1. Private work.
- ~~79-2. Street cleaning machinery limitation.~~
- ~~79-3. Use by city employees limited.~~
- ~~79-4. Rental charges.~~
- ~~79-5. Use on unaccepted streets.~~
- ~~79-6. Compensation for private work.~~
- 79-72. Naming of city property.
- ~~79-8. Violations and penalties.~~
- 79-93. Disposal of surplus property.
- 79-104. Storage of sludge on city property prohibited.



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# CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number:  
Ordinance Title: **O – 2008.12.10**  
Chapter: Chapter 79, City Property

## 79-415 Disposing of Tax-Deeded and City Owned Real Estate

## 79-426 Use of City Property

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.\* Section 79-7 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

### General References

Marking of city motor vehicles - See Ch. 77.  
Streets and sidewalks - See Ch. 152.

### 79-1. Private work.

City property and equipment may be used at the discretion of the City Manager for private work with the approval of the City Manager, provided that there is no conflict with municipal projects, and a proper rental is paid, for such use, and provided further that similar private equipment is not available for said work.

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**\*Editor's Note: Provisions of this chapter are derived from Ch. 8 of the former Code, adopted 12-14-77.**

### ~~79-2. Street cleaning machinery limitation.~~

~~Any street sweeper of the city may not be used beyond the city limits.~~

### ~~79-3. Use by city employees limited.~~

~~No equipment may be used by city employees for their own work except as above.~~

### ~~79-4. Rental charges.~~

~~Rental charges for such equipment shall be determined by the City Manager.~~

### ~~79-5. Use on unaccepted streets.~~

~~Equipment may be used in the care and maintenance of roads and streets not formally accepted by the city but which have been maintained by the city prior to the effective date of this chapter.~~

### ~~79-6. Compensation for private work.~~

~~No employee of the City of Dover shall do any private work for compensation or accept compensation for private work during time he is being paid by the city.~~



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### **79-72. Naming of city property. [Added 2-27-85 by Ord. No. 3-85, amended 01-15-92 by Ord. No. 51-91]**

~~Pursuant to RSA 47:5 by which city councils are granted the care and superintendence of all City buildings, City property, and all public squares and streets, all such city property, except streets of newly created subdivisions, shall be named by resolution of the City Council after a public hearing. Any such resolution must be referred to a public hearing prior to adoption.~~

### ~~79-8. Violations and penalties. [Added 4-27-83 by Ord. No. 10-83]~~

~~Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be guilty of a violation and shall be subject to a fine of up to one hundred dollars (\$100.).~~

### **79-93. Disposal of surplus property. [Added 03-18-92 by Ord. No. 09-92]**

The Purchasing Agent shall be empowered to take the following measures concerning obsolete and excess **non-real property owned by the City** :

- A. Transfer property from one department to another.
- B. **Trade for replacement equipment.** ~~Include surplus equipment as trades on replacement equipment.~~
- C. Sell property by public auction or sealed bid Said auction or sealed bid to be advertised seven (7) days in advance.
- D. Donate property to other organizations upon approval by the City Manager.
- E. Sell for salvage or dispose of in an appropriate manner ~~any items that are unsalable or unwanted.~~
- F. City of Dover Library Material **[Added 06-20-2001 by Ord. No. 12-2001]**
  - (1) **Surplus Materials at the Dover Library may be donated to the Friends of the Library or other similar charity. Surplus Materials are materials not useful, not relevant, materials in poor condition or duplicative as determined by the Library Director with the concurrence of the Library Board of Trustees.** ~~City of Dover Library Material, which is deemed by the Library Director, with concurrence by the Library Board of Trustees, to be not useful, not relevant, in poor physical condition, or a duplication of material already owned by the Library, shall be considered surplus material, and may be donated by the Library Director to the Friends of the Library or other similar charity.~~
  - (2) This authorization is specifically exempt from reporting requirements under 3-44 G, unless the item is a fixed asset such as furniture or equipment.
  - (3) In consideration of this surplus donation policy, any such donated library material donated to the Friends of the Library, which is selected for resale, other than the annual book sale, shall



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be itemized and posted internally, and on the Library Web Page, at least seven (7) days prior to the offering, so that citizens of Dover have advance notice.

### **79-404. Storage of Sludge on City Property Prohibited. [Added 04-03-96 by Ord. No. 05-96]**

It shall be illegal to store sludge on city property that is not derived from the City of Dover's sewage system. Any person, firm or corporation violating this ordinance shall be guilty of a violation and upon conviction, fined not less than \$500.00 (five hundred dollars) nor more than \$1,000.00 (one thousand dollars) for each day sludge is stored on city property.

### **79-445. Disposing of Tax-Deeded and City Owned Real Estate. [Added 06-04-97 by Ord. No. 11-97]**

- A. **On or before November 15 of each year, the City Council shall receive an updated list of the inventory of City-owned real property.** ~~the Finance Department shall annually on or before November 15th prepare a list of real estate deeded to the City for non-payment of taxes. This list shall be forwarded to the City Manager and City Council and shall be used to update the inventory of City owned real estate property.~~
- B. **On an annual basis, the City Manager shall recommend to the City Council the sale of City owned parcels that do not have a present or future use.** ~~Upon receiving the list of tax deeded real estate from the Finance Department, the City Manager shall evaluate the tax deeded real estate and all other City owned real estate for their current or expected future use. Those Properties that do not have a present or reasonably foreseeable use shall be recommended to the City Council to be sold.~~
- C. ~~Upon receiving the City Manager's recommendations, the City Council may then~~ **The City Council may authorize the City Manager to dispose of such city owned real property pursuant to state law in such manner as it may deem appropriate in accordance with RSA 80:80, III.**
- D. ~~If at any time an individual or party should be interested in purchasing a particular parcel of City-owned real estate not previously identified for disposal, they shall express their interest in writing to the City Manager. In order for the City to further consider such a request to sell real estate, a deposit by certified check or money order in the amount of two hundred fifty dollars (\$250) shall be included for each parcel being requested to sell. Persons interested in purchasing city real property shall notify the City Manager in writing requesting a sale and shall accompany said request with a certified check as a deposit in the amount of two-hundred fifty dollars (\$250) for each parcel or item. Such-Said deposit shall be fully refunded if the property or item requested for sale is not recommended for sale or is-credited to the purchase price if successfully sold to the depositor.~~
- E. ~~Upon receiving a letter of interest to purchase real estate and the accompanying deposit, the City Manager shall evaluate the real estate requested for sale for its current and future use, and also seek two (2) appraisals of any real property, to include land and buildings, that the City is offering for sale prior to approval of the sale. The City Manager shall then recommend to the City Council within four (4) eight (8) weeks of receiving a letter of interest that the property either be sold according to the procedure determined herein or retained by the City. Two (2) real estate~~



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**appraisals shall accompany the recommendation of the City Manager if the City Manager recommends the sale. Upon the sale, the buyer shall reimburse the City for the cost of the appraisals. [Amended 03-15-06 by Ord. No. 04-2006]**

- F. Within four (4) weeks of receiving authorization by the City Council, the City Manager shall offer for sale by advertised sealed bid the tax acquired properties and other real estate authorized by the City Council to be sold.
- G. Notice of intended sale of City-owned real estate shall be published in a newspaper of general circulation in the City, **placed on the City website**, and ~~shall be posted in City Hall.~~ **Abutters shall also be notified by certified mail.** ~~The City shall also notify by certified mail the abutters of the property and previous owners, if known.~~ Notice of the intended sale shall inform the public of the time and procedure of the sale of the property and that any available data shall be provided for public inspection in City Hall. Notice shall be provided to any mortgagee pursuant to RSA 80:38-b at least **thirty (30)** days prior to the sale.
- H. ~~Unless otherwise authorized by the City Council, sealed bids with a minimum bid price of eighty percent (80%) of the current appraised value will be solicited for all City-owned real estate property authorized to be sold.~~ Bids ~~are required to~~ **shall** be submitted in writing, sealed and accompanied by a certified check or money order in an amount equal to at least ten percent (10%) of the bid offering. This bid security deposit money will be returned to all unsuccessful bidders once the transfer of ownership has been completed or if all bids shall be rejected. All bids received shall be opened publicly. **No property shall be sold for less than eighty (80%) percent of the average appraised value unless expressly authorized by the City Council.** All City-owned real estate advertised for sale shall normally be conveyed to the highest bidder meeting the minimum bid requirements subject to the following conditions or exceptions: **[Amended 03-15-06 by Ord. No. 04-2006]**
1. The City shall retain the right to refuse any and all bids.
  2. Any expense related to the sale of the City-owned real estate and the recording of the deed shall be the responsibility of the purchaser. Such expenses shall included but are not limited to the expense of the tax stamp and the cost of preparing and recording the deed.
  3. The successful bidder shall deliver to the City the balance of the bid price by certified check or money order within thirty (30) days of the bid opening. If the balance is not received within such time, the City may retain the deposit and sell the property to the bidder with the next highest bid.
- I. After review of the successful bid by the City Council, the City Manager shall be authorized by a majority vote of the City Council to execute and deliver quitclaim deeds in the name of and on behalf of the City to purchasers of real estate sold by the City. Surplus funds shall be distributed in accordance with the City Code.



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- J. In the instance involving the sale of tax-deeded property, all funds received in excess of unpaid taxes, interest, penalties and other expenses incurred by the City related to the sale of the property shall be made available to the previous owner of record. In order to receive such excess funds, the previous owner of record shall make application for payment with the Finance Department within one (1) year of the sale closing otherwise all surplus funds shall revert to the General Fund.
- K. Exceptions to this sale procedure shall be allowed for the marketing and sale of City-owned property for economic development, historic preservation or conservation purposes. Such exceptions shall include land purchased, developed and/or marketed by the Dover **Business and Industrial Development Authority (DBIDA) Economic Development Corporation**, or for preserving land for historic or conservation purposes. Exemptions shall also include small parcels of land of insignificant value to be deeded to abutters for boundary line adjustment. **[Amended 08/06/03 by Ord. No. 10-2003]**

### 79-426. Use of City Property. [Added 08-21-02 by Ord. No. 26-2002]

1. ~~The Auditoriums, gymnasiums and conference rooms of City buildings including inside of the Dover City Hall Building shall not~~ **may be rented used** as an event venue by **persons and organizations, including but not limited to** any candidate for elective partisan public office to promote a candidacy. ~~This section is not intended to prohibit elected officials from conducting policy events, as they relate to discussions of generic interest issues.~~
2. The City Manager shall promulgate policies for the use and rental of City **buildings**. ~~Hall in all other cases.~~ **Rental fee rates for auditoriums, gymnasiums and conference rooms shall be adopted by the City Council on an annual basis.**



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### CITY PROPERTY CHAPTER 79

- 79-1. Private work.
- 79-2. Naming of city property.
- 79-3. Disposal of surplus property.
- 79-4. Storage of sludge on city property prohibited.
- 79-5. Disposing of Tax-Deeded and City Owned Real Estate
- 79-6. Use of City Property

[**HISTORY:** Adopted by the City Council of the City of Dover 12-14-77.\* Section 79-7 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

#### General References

Marking of city motor vehicles - See Ch. 77.  
Streets and sidewalks - See Ch. 152.

#### 79-1. Private work.

City property and equipment may be used for private work with the approval of the City Manager, provided there is no conflict with municipal projects, a proper rental is paid, and similar private equipment is not available for said work.

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**\*Editor's Note: Provisions of this chapter are derived from Ch. 8 of the former Code, adopted 12-14-77.**

#### 79-2. Naming of city property. [Added 2-27-85 by Ord. No. 3-85, amended 01-15-92 by Ord. No. 51-91]

City property, public squares and streets, except streets of newly created subdivisions, shall be named by resolution of the City Council **after a public hearing.** -

#### 79-3. Disposal of surplus property. [Added 03-18-92 by Ord. No. 09-92]

The Purchasing Agent shall be empowered to take the following measures concerning obsolete and excess **non-real property owned by the City** :

- A. Transfer property from one department to another.
- B. **Trade for replacement equipment.**
- C. Sell property by public auction or sealed bid **upon seven (7) days notice.**
- D. Donate property to other organizations upon approval by the City Manager.



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E. Sell for salvage or dispose of in an appropriate manner

F. City of Dover Library Material [Added 06-20-2001 by Ord. No. 12-2001]

- (4) **Surplus Materials at the Dover Library may be donated to the Friends of the Library or other similar charity. Surplus Materials are materials not useful, not relevant, materials in poor condition or duplicative as determined by the Library Director with the concurrence of the Library Board of Trustees.**
- (5) This authorization is specifically exempt from reporting requirements under 3-44 G, unless the item is a fixed asset such as furniture or equipment.
- (6) In consideration of this surplus donation policy, any such donated library material donated to the Friends of the Library, which is selected for resale, other than the annual book sale, shall be itemized and posted internally, and on the Library Web Page, at least seven (7) days prior to the offering, so that citizens of Dover have advance notice.

### **79-4. Storage of Sludge on City Property Prohibited. [Added 04-03-96 by Ord. No. 05-96]**

It shall be illegal to store sludge on city property that is not derived from the City of Dover's sewage system. Any person, firm or corporation violating this ordinance shall be guilty of a violation and upon conviction, fined not less than \$500.00 (five hundred dollars) nor more than \$1,000.00 (one thousand dollars) for each day sludge is stored on city property.

### **79-5. Disposing of Tax-Deeded and City Owned Real Estate. [Added 06-04-97 by Ord. No. 11-97]**

- A. **On or before November 15 of each year, the City Council shall receive an updated list of the inventory of City-owned real property**
- B. **On an annual basis, the City Manager shall recommend to the City Council the sale of City owned parcels that do not have a present or future use.**
- C. **The City Council may authorize the City Manager to dispose of city owned real property pursuant to state law.**
- D. **Persons interested in purchasing city real property shall notify the City Manager in writing requesting a sale and shall accompany said request with a certified check as a deposit in the amount of two-hundred fifty dollars (\$250) for each parcel or item. Said deposit shall be fully refunded if the property or item requested for sale is not recommended for sale or credited to the purchase price if sold to the depositor.**
- E. The City Manager shall recommend to the City Council within **eight (8)** weeks of receiving a letter of interest that the property either be sold according to the procedure determined herein or retained by the City. **Two (2) real estate appraisals shall accompany the recommendation of the City Manager if the City Manager recommends the sale. Upon the sale, the buyer shall reimburse the City for the cost of the appraisals. [Amended 03-15-06 by Ord. No. 04-2006]**



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- F. Within four (4) weeks of receiving authorization by the City Council, the City Manager shall offer for sale by advertised sealed bid the tax acquired properties and other real estate authorized by the City Council to be sold.
- G. Notice of intended sale of City-owned real estate shall be published in a newspaper of general circulation in the City, **placed on the City website**, and posted in City Hall. **Abutters shall also be notified by certified mail.** Notice of the intended sale shall inform the public of the time and procedure of the sale of the property and that any available data shall be provided for public inspection in City Hall. Notice shall be provided to any mortgagee pursuant to RSA 80:38-b at least **thirty (30)** days prior to the sale.
- H. Bids **shall** be submitted in writing, sealed and accompanied by a certified check or money order in an amount equal to at least ten percent (10%) of the bid offering. This bid security deposit money will be returned to all unsuccessful bidders once the transfer of ownership has been completed or if all bids shall be rejected. All bids received shall be opened publicly. **No property shall be sold for less than eighty (80%) percent of the average appraised value unless expressly authorized by the City Council.** All City-owned real estate advertised for sale shall normally be conveyed to the highest bidder meeting the minimum bid requirements subject to the following conditions or exceptions: **[Amended 03-15-06 by Ord. No. 04-2006]**
1. The City shall retain the right to refuse any and all bids.
  2. Any expense related to the sale of the City-owned real estate and the recording of the deed shall be the responsibility of the purchaser. Such expenses shall included but are not limited to the expense of the tax stamp and the cost of preparing and recording the deed.
  3. The successful bidder shall deliver to the City the balance of the bid price by certified check or money order within thirty (30) days of the bid opening. If the balance is not received within such time, the City may retain the deposit and sell the property to the bidder with the next highest bid.
- I. After review of the successful bid by the City Council, the City Manager shall be authorized by a majority vote of the City Council to execute and deliver quitclaim deeds in the name of and on behalf of the City to purchasers of real estate sold by the City. Surplus funds shall be distributed in accordance with the City Code.
- J. In the instance involving the sale of tax-deeded property, all funds received in excess of unpaid taxes, interest, penalties and other expenses incurred by the City related to the sale of the property shall be made available to the previous owner of record. In order to receive such excess funds, the previous owner of record shall make application for payment with the Finance Department within one (1) year of the sale closing otherwise all surplus funds shall revert to the General Fund.



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K. Exceptions to this sale procedure shall be allowed for the marketing and sale of City-owned property for economic development, historic preservation or conservation purposes. Such exceptions shall include land purchased, developed and/or marketed by the Dover **Business and Industrial Development Authority (DBIDA)** or for preserving land for historic or conservation purposes. Exemptions shall also include small parcels of land of insignificant value to be deeded to abutters for boundary line adjustment. **[Amended 08/06/03 by Ord. No. 10-2003]**

### 79-6. Use of City Property. **[Added 08-21-02 by Ord. No. 26-2002]**

3. **Auditoriums, gymnasiums and conference rooms of City buildings including** Dover City Hall **may be rented** as an event venue by **persons and organizations, including but not limited to** any candidate for elective partisan public office to promote a candidacy.
4. The City Manager shall promulgate policies for the use and rental of City **buildings. Rental fee rates for auditoriums, gymnasiums and conference rooms shall be adopted by the City Council on an annual basis.**