



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 23, 2009**
Meeting Time: **7:00pm**

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PROCLAMATIONS – None**
5. **APPROVAL OF AGENDA**
6. **CITIZEN'S FORUM**

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

7. **PUBLIC HEARINGS**

- A. **RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS FROM WOODMAN PARK TENNIS COURT TO "OTHER" TENNIS COURTS**
SPONSORED BY MAYOR MYERS BY REQUEST
- B. **RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS AND REDUCE PRIOR UNISSUED BOND AUTHORIZATION**
SPONSORED BY MAYOR MYERS
- C. **RESOLUTION: BUDGET AMENDMENT #3 - GENERAL FUND REDUCTION OF DEBT SERVICE CITY – INTEREST**
SPONSORED BY MAYOR MYERS
- D. **RESOLUTIONS: BUDGET AMENDMENTS #4 THROUGH #24 (EXCLUDING #'S 17, 18, AND 20)**
- E. **RESOLUTION: BUDGET AMENDMENT #17 – DELAY CERTAIN CIP PROJECTS AND REDUCE GENERAL FUND DEBT SERVICE CITY- INTEREST APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- F. **RESOLUTION: BUDGET AMENDMENT #18 – GENERAL FUND- DELAY ENERGY EFFICIENCY FY2010 CIP PROJECT AND REDUCE DEBT SERVICE CITY INTEREST**
SPONSORED BY COUNCILOR SCOTT
- G. **RESOLUTION: BUDGET AMENDMENT #20 – GENERAL FUND REDUCTION OF DEBT SERVICE CITY - INTEREST**
SPONSORED BY COUNCILOR CALLAGHAN



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8. CITY MANAGER'S REPORT

9. MINUTES

- A. September 2, 2009 – Workshop Session
- B. September 9, 2009 – Regular Meeting
- C. September 14, 2009 – Special Meeting

10. MAYOR'S REPORT

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING - None

B. RESOLUTIONS

1. **RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS FROM WOODMAN PARK TENNIS COURT TO "OTHER" TENNIS COURTS**
SPONSORED BY MAYOR MYERS BY REQUEST
2. **RESOLUTION: REPROGRAMMING OF UNEXPENDED BOND PROCEEDS AND REDUCE PRIOR UNISSUED BOND AUTHORIZATION**
SPONSORED BY MAYOR MYERS
3. **RESOLUTION: BUDGET AMENDMENT #3**
SPONSORED BY MAYOR MYERS
4. **RESOLUTION: BUDGET AMENDMENT #24 – AMEND USE OF SAND AND GRAVEL REVENUES**
SPONSORED BY COUNCILOR WESTON
5. **RESOLUTION: BUDGET AMENDMENT #4 – REDUCTION OF GENERAL FUND CAPITAL OUTLAY GENERAL STREET IMPROVEMENTS APPROPRIATION**
SPONSORED BY DEPUTY MAYOR TREFETHEN
6. **RESOLUTION: BUDGET AMENDMENT #5 – REDUCTION OF GENERAL FUND RENTAL OF EQUIPMENT APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
7. **RESOLUTION: BUDGET AMENDMENT #6 – REDUCTION OF GENERAL FUND MAINTENANCE CHARGES BUILDING APPROPRIATIONS**
SPONSORED BY COUNCILOR SCOTT
8. **RESOLUTION: BUDGET AMENDMENT #7 – REDUCTION OF GENERAL FUND WASTE DISPOSAL SERVICES APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT



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- 9. RESOLUTION: BUDGET AMENDMENT #8 – REDUCTION OF GENERAL FUND LEGAL SERVICES APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- 10. RESOLUTION: BUDGET AMENDMENT #9 – REDUCTION OF GENERAL FUND MANAGEMENT SERVICES APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- 11. RESOLUTION: BUDGET AMENDMENT #10 – REDUCTION OF GENERAL FUND CONTRACT SNOW PLOWING APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- 12. RESOLUTION: BUDGET AMENDMENT #11 – REDUCTION OF GENERAL FUND NATURAL GAS APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- 13. RESOLUTION: BUDGET AMENDMENT #12 – REDUCTION OF GENERAL FUND ELECTRICITY APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- 14. RESOLUTION: BUDGET AMENDMENT #13 – REDUCTION OF GENERAL FUND MAINTENANCE SUPPLIES – BUILDINGS APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- 15. RESOLUTION: BUDGET AMENDMENT #14 – REDUCTION OF GENERAL FUND MAINTENANCE SUPPLIES – IMPROVEMENTS OTHER THAN BUILDINGS APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- 16. RESOLUTION: BUDGET AMENDMENT #15 – REDUCTION OF GENERAL FUND GRANTS/SUBSIDY APPROPRIATIONS**
SPONSORED BY COUNCILOR SCOTT
- 17. RESOLUTION: BUDGET AMENDMENT #16 – REDUCTION OF GENERAL FUND MAINTENANCE CHARGES EQUIPMENT APPROPRIATION AND REDUCTION OF DOVERNET BUDGET**
SPONSORED BY COUNCILOR SCOTT
- 18. RESOLUTION: BUDGET AMENDMENT #17 – DELAY CERTAIN CIP PROJECTS AND REDUCE GENERAL FUND DEBT SERVICE CITY- INTEREST APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT



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19. RESOLUTION: BUDGET AMENDMENT #18 – GENERAL FUND- DELAY ENERGY EFFICIENCY FY2010 CIP PROJECT AND REDUCE DEBT SERVICE CITY INTEREST

SPONSORED BY COUNCILOR SCOTT

20. RESOLUTION: BUDGET AMENDMENT #20 – GENERAL FUND REDUCTION OF DEBT SERVICE CITY - INTEREST

SPONSORED BY COUNCILOR CALLAGHAN

21. RESOLUTION: BUDGET AMENDMENT #21 – GENERAL FUND REDUCTION OF SNOW REMOVAL OVERTIME

SPONSORED BY COUNCILOR CALLAGHAN

22. RESOLUTION: BUDGET AMENDMENT #22 – GENERAL FUND REDUCTION OF COMMUNITY SERVICES OVERTIME

SPONSORED BY COUNCILOR CALLAGHAN

23. RESOLUTION: BUDGET AMENDMENT #23 – AMEND USE OF SAND AND GRAVEL REVENUES

SPONSORED BY COUNCILOR CALLAGHAN

24. RESOLUTION: BUDGET AMENDMENT #19 – GENERAL FUND BUDGETARY USE OF UNRESERVED FUND BALANCE

SPONSORED BY COUNCILOR CHENEY

12. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE – Dover High School Football Boosters
2. RAFFLE – Wentworth-Douglass Hospital and Health Foundation
3. RAFFLE – Wentworth Home
4. RUN/WALK – Moms on the Run
5. TAG – Seacoast Titans

COMMITTEE REPORTS

- | | |
|---|--|
| 1. Appointments Committee | 7. City / School Joint Service Committee |
| 2. Arts Commission | 8. Solid Waste Advisory Committee |
| 3. McConnell Center Committee | 9. Transportation Advisory Committee |
| 4. Planning Board | 10. Joint Building Committee |
| 5. Cable Franchise Negotiations Committee | 11. Legislative Liaison |
| 6. School Board Liaison | 12. Coast Bus |



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B. RESOLUTIONS

- 1. RESOLUTION: B10014 REDDEN STREET AND ASH STREET SEWER REPLACEMENT**
SPONSORED BY MAYOR MYERS BY REQUEST

C. ORDINANCES IN 1ST READING

- 1. SPRING STREET PARKING**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY COUNCILOR WESTON
- 2. BUILDING CONSTRUCTION – CHAPTER 68**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN
- 3. EATING AND DRINKING ESTABLISHMENT – CHAPTER 99**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN
- 4. ELECTRICAL STANDARDS – CHAPTER 102**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN
- 5. FIRE PREVENTION AND LIFE SAFETY – CHAPTER 109**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN
- 6. FLOODPLAIN DEVELOPMENT – CHAPTER 113**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN
- 7. OFFENSES – CHAPTER 131**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN
- 8. PLUMBING – CHAPTER 135**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN
- 9. STREETS AND SIDEWALKS – CHAPTER 152**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN



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D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

14. ADJOURN



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, September 2, 2009**
Meeting Time: **7:00 pm**

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, and Weston.

Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

Absent: Councilors McCusker and Scott.

Councilor Carrier led the Pledge of Allegiance.

1. REVIEW ZONING AMENDMENTS AND RELATED CODE CHANGES

Mayor Myers said they will be dealing with the Zoning Amendments, specifically with Chapter 170 of the Code. He said there will be a presentation, but he asked Deputy Mayor Trefethen to give some opening comments, because he serves as the Council Representative on the Planning Board.

Deputy Mayor Trefethen said the packet of amendments is a result of two years of work by the Planning Board. He said the Planning Board created several subcommittees that were topic-specific, which gave the opportunity for public input at all their meetings. He said all their work was put together and two public hearings were held in July and August. He said there were many changes made to the document as a result of these public hearings. He said the purpose for all the changes was a response to concerns from this Council, the prior Council, and people speaking during Citizen's Forum, about the type of growth the City is experiencing, the density in some areas, and the quality of the development. He felt that runaway growth will not be a problem during these economic times. He said the purpose of these changes is basically to do two things: to lessen the density in some areas and to make new developments more versatile. He said there are housekeeping changes, rezoning areas, and zoning change regulations in some areas.

Mayor Myers introduced several Planning Board members who were present: Frank Torr, Perry Plummer, Marcia Gasses. He said Tom Clark, Code Enforcement Officer, was also present. He said Planning Director Christopher Parker will be making a presentation to the Council.

Mr. Parker gave his presentation on the Zoning Amendments to the Council.

Mr. Parker introduced Mr. Jeff Taylor to continue the presentation on the form based code. He said Mr. Taylor was brought in to help the City with the form-based code project, which is relates to the Central Business District.

Mr. Taylor continued the presentation on form-based code to the Council.

Mr. Parker continued the presentation on the Zoning Amendments to the Council.

Mayor Myers asked if the Planning Board's decision was binding forever, or if time changes and the makeup of the Planning Board changes, if the same proposal can come back and a different decision be made.

Mr. Parker said that was a major concern many people have with the form based code. He said it originally included mandatory architectural. He said they introduced regulations about the build-to line and minimum two-story height, which instilled character, but doesn't direct someone what to build. He said if someone comes forward and meets the criteria, then the Planning Board should not deny it. He said the Planning Board would be subject to litigation if they did deny it.



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Councilor Cheney asked what Section E of the form-based code meant by “sense of geography.”

Mr. Taylor said it was to encourage new construction to be similar to other buildings in New Hampshire and Dover, so it looks like it belongs.

Councilor Cheney asked about the bike rack requirement.

Mr. Parker said the City requires parking spaces for vehicles. He said the City is trying to increase and encourage multimodal usage in the City.

Councilor Cheney asked about the frontage amendments that have been reduced in some zones.

Mr. Parker said the frontage for the RM-20 zone has been recommended to be reduced to 100 feet from 150 feet. He said they felt 150 feet was excessive.

Deputy Mayor Trefethen asked Mr. Parker to repeat his comments made to the Planning Board on the issues of rezoning and property taxes.

Mr. Parker said the State has a statute that says if your property is residential in nature, owner-occupied, and you are rezoned from a residential district to a commercial district, then you would fill out an application to the City to remain taxed at a residential rate. He said the City doesn't require any paperwork.

Deputy Mayor Trefethen asked if properties were being grandfathered.

Mr. Parker said that was correct.

Councilor Callaghan referred to the build-to line, and said it seemed appropriate in the form-based code, but felt it was odd in the R-20.

Mr. Parker said the logic behind it was to protect rear abutters and private rear yards.

Councilor Callaghan asked about ledge or shape of the property.

Mr. Parker said that would be a prime candidate for a variance.

Councilor Callaghan referred to Page 33/69, Paragraph 2, and requests for extensions. He asked how many were allowed.

Mr. Parker said there are usually two extensions allowed, but it was flexible. He said the City is protected by the surety bond.

Councilor Callaghan said there should be a provision for in-laws living with their children, as it is provided for in the State laws. He said right now they have to go before the Zoning Board of Adjustment (ZBA) and prove they need it.

Mr. Parker said the City tries to protect the neighbors' rights by making them go before the Zoning Board of Adjustment. He said it would be an in-law just for the time period that it is needed.

Councilor Callaghan said he agreed with protecting the neighbors' rights, but felt the ZBA was for relief when they felt there was an injustice, not to police the work of the Zoning Ordinance. He felt it was a complete embarrassment for these people to come to a public forum and explain their disabilities and why they need the in-law. He felt they were put through the ringer for what was due to them in the law.

Mr. Parker said the neighbors needed to know what was happening in their neighborhood.

Councilor Callaghan referred to enforcement provisions for certain violations. He asked if there was a way for enforce a violation for people who built something and then came after the fact for a permit.

Mr. Parker said they are not looking for more work. He said when they are turned in they are charged double the permit fee.



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City Manager Joyal said there are also other regulatory bodies that get involved.

Mr. Parker said that was correct. He said the State is happy to pursue those avenues.

Councilor Callaghan referred to a meeting in January with the ZBA, and asked if this was the proper timing to put these changes through, if there may be more in January.

Mr. Parker explained what he envisioned: a public hearing, hopefully three times a year, to get people's input of ideas. He hopes to send a letter each year in October or November to boards and commissions that deal with land use, and say to them that they should be deciding if there were any regulations that the Planning Board should be looking at. He hoped to have that by December 31st, and at the first Planning Board workshop, as set goals for the next year on changes to be looked at. He said he wanted this looked at every year to an ongoing process. He said in February of each year he wanted to get all the land use boards together to discuss changes to State land use regulations.

Councilor Cheney referred to street furniture and that all elements must be consistent, one bench for every 100 feet, one waste bin at each corner, and one bike rack for each non-residential project. She asked if the City maintained these or if the owner bought them from the City to keep them consistent.

Mr. Parker said the City just wanted them to be consistent and not one yellow, blue, or red waste bin, but all the same color.

Councilor Cheney asked about the trees.

Mr. Parker said the City does have a street tree list for them to pick from.

Councilor Cheney asked about the definition of slope.

Mr. Parker read the definition for slope: "the ratio of vertical distance to horizontal distance, rise divided by run, usually expressed in percent or degrees. Slope is measured for a horizontal distance of 20 feet or more, utilizing elevations at two foot contours." He said in the past the City said you couldn't develop on more than a 20% slope, and people would ask 20% of what? He said the definition now clarifies how large the distance has to be to designate the 20%.

Councilor Weston asked if there were considerations for designs of roads, curbing, and traffic calming in this document.

Mr. Parker said there wasn't, because it wasn't the appropriate place for it.

Mayor Myers thanked everyone for their work on these amendments.

Mayor Myers invited Fire Chief Perry Plummer to talk about the Fire Department code changes.

Fire Chief Plummer gave a presentation on the Code changes to the Council.

Mayor Myers asked the City Manager when the Council will take action on these amendments.

City Manager Joyal said the Zoning Amendments will be on the agenda for September 9, 2009, which will be referred to a public hearing. He said the amendments that Mr. Plummer was talking about will be put into an Ordinance that will be on the agenda for September 23, 2009, which will be referred to a public hearing. He said they were going to ask the Council to waive the mailing requirements that is in the current Zoning Ordinance, because they had already done a mailing as part of the Planning Board process.



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2. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

Mayor Myers, seeing no one wishing to speak, closed the Citizen's Forum.

3. ADJOURN

Councilor DeDe made a motion to adjourn; seconded by Councilor Weston.
Vote: 7/0.



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Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Deputy Mayor Trefethen led the Pledge of Allegiance.

3. ROLL CALL

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, McCusker, Scott and Weston.

Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

4. PROCLAMATIONS – None

5. APPROVAL OF AGENDA

Mayor Myers asked the Council if they would like any changes to the Agenda.

Deputy Mayor Trefethen said he had three changes. He asked to substitute 11.B.1. as a whole.

Vote: 9/0.

Deputy Mayor Trefethen asked to substitute 11.B.2. as a whole.

Vote: 9/0.

Deputy Mayor Trefethen said background information needed to be added to 12.B.1.

Vote: 9/0.

Councilor Weston made a motion to accept the Agenda as amended; seconded by Councilor DeDe.

Vote: 9/0.

6. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Mary Hebbard, 97 Spruce Lane: She referred to the August 12, 2009 Council meeting that discussed outside legal opinions. She said she went over the audio recording, and she said that Deputy Mayor Trefethen said the following about releasing the outside opinion regarding Councilor Callaghan's Charter Amendment: "I've read enough, but I haven't read it all, so I would be reluctant to release it." She referred to the August 19, 2009 Council Special Meeting, and said Deputy Mayor Trefethen said the following regarding that legal opinion when he was chastising her for her comments at the podium: "I had the legal opinion approximately three hours before the meeting, which would have been true for any of us. The misconception that this was available minutes before the meeting is not true. It was hours before the meeting. Now, you could argue hours, minutes, or whether it was sufficient time. It was sufficient time for me to read the legal opinion." She asked which she was supposed to believe. She asked the Council to say what they mean and mean what they say, because otherwise it gives the impression that you have something to hide. She said there was something else that was



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bothering her and she is going to speak about it tonight. She said in 2007 her husband, Rick, ran against Deputy Mayor Trefethen for the Ward 4 Council seat. She said during the debates her husband asked Deputy Mayor Trefethen why he chastised people when they come to the podium. She said Deputy Mayor Trefethen's response was that he wanted to make sure people have the facts, wanted to make sure things were clear, and didn't intend to chastise anyone. She said this habit of Deputy Mayor Trefethen's has become progressively worse over the past two years.

Mayor Myers interrupted her and asked that her comments be addressed to him and not directly to any Councilors.

Ms. Hebbard said the citizens that come to the podium really take the time to do their homework. She said they don't always get it right, but they don't always get it wrong as Deputy Mayor Trefethen would have you believe. She said the citizens of the City are the Council's boss and deserve to be treated with respect. She said if they can't treat the citizens with respect then they don't deserve a seat on the Council.

Samuel Reid, 22 Lexington Street: He said he wished to speak in favor of Item 12.A.4., a change order on sidewalk improvements. He said it will add Lexington Street to the list for sidewalk and curb improvements. He said it was important to Lexington Street residents, many of whom were present and will also speak to the Council. He said they have been working with the Transportation Advisory Committee, Planning Department, Community Services Department, and the Police Department, to devise solutions to slow down traffic on Lexington Street. He said there are 15 children living on this street and traffic is going at what they believe to be dangerous speeds. He said the problem is much worse since the canopy of trees has been removed. He referred to the City's solution to have a speed table, a \$3,000 item, which is a form of traffic calming. He said it was an elongated bump, and if someone goes over the speed limit it is a bumpy ride. He said the City Manager wanted to use Lexington and Cushing Street as an experiment. He said the curb and sidewalks are also deplorable, due to the trees planted years ago that have ripped up the sidewalk. He said the trees have been removed, and now the sidewalks need repair. He said they were a liability issue. He asked the Council for their support.

Margaret Purcell, 9 Lexington Street: She said in the 22 years she and her husband have lived on Lexington Street there has been no paving or street work done. She said the abysmal condition of the sidewalks has not been addressed. She referred to the sidewalk plow that broke down in front of her house a few years ago, and said they fixed the problem by not plowing the sidewalk on her side of the street. She said the street is also falling apart, with one deep area that you could lose a Volkswagen. She said the Dover Police Department had a speed sensor on the street for a few weeks during the summer, and they now know what a drag strip Lexington Street has become. She said the "No Trucks" sign is being taken to mean "Trucks Optional". She referred to 10 homes on Lexington Street and said they are cumulatively assessed at \$4,188,500, and they pay a sizable amount of taxes that isn't being used to maintain the street in the last 22 years. She said decisions need to be made to make the street more family friendly, and not like Route 128 North.



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Dorothea Hooper, 84 Katie Lane, School Board Member and candidate for Ward 4 Council seat: She said she wanted to go over a few bullet points from the Joint School Board and City Council meeting for the Council to keep in mind as they discuss the budget amendments. She said it was the opinion of the School Board that the Council exceeded its authority when it touched the revenue line. She said by adjusting the revenue an additional burden has been placed on the taxpayers. She said they felt the Council was in error in what constitutes "bottom line." She said she respectfully requests that the Council rescind the action taken.

John Guy, 5 Lexington Street: He said he have lived in Dover since 1972. He said he supported the comments from Mr. Reid and Ms. Purcell.

David Montenegro, 55 Union Street: He referred to the comments made at the last Regular Meeting of the City Council about the Appointments Committee. He agreed that the Appointments Committee process is problematic. He said the three Councilors have the power to filter candidates. He asked if these three people represent the will of the Council. He said the Appointments Committee makes recommendations, and the rest of the Council has to go through hoops to see who else applied. He said he felt the Appointments Committee should work as an advisory group, interviewing candidates, and bringing all applicants forward to the Council for their decision.

Maryanne Cheney, 35 Prentice Way, Exeter, employed at 601 Central Avenue, and President of the Rotary Club of Dover: She said they approached the City about renovating Park Street Park. She referred to Item 12.B.1. and asked for the Council's support.

John Scruton, 99 Sixth Street: He spoke about the zoning changes. He said in 1979 Dover zoned out farm land. He said in 2002 Dover zoned out more farm land. He said it is known that every acre of open space contributes \$1,500 a year. He questioned #5 of the zoning changes, which was rezoning 38 acres on Mill Street and Charles Street, 364 acres on Spur Road and Garrison Road, and 13 acres on Washington Street. He said there was a plus to the zoning changes, which was deleting the requirement for parking spaces. He said it also says it is going to be a positive tax impact. He said he didn't know of any development that has been a positive tax impact to the taxpayers. He said they needed to forget about cars and promote a village atmosphere, smaller stores. He said the City needs an independent audit. He said the Planning Department is always talking about residential and commercial development. He said they should be thinking about farmland and agriculture first, and then residential and commercial. He said he has seen nonstop development in Dover for 30 years, and all that happens is his taxes keep going up to the point where you don't want to live here.

Mayor Myers, seeing no one else wishing to speak, closed the Citizen's Forum.



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7. PUBLIC HEARINGS

A. RESOLUTION: BUDGET AMENDMENT #1

SPONSORED BY MAYOR MYERS, DEPUTY MAYOR TREFETHEN, AND COUNCILOR McCUSKER

Ron Huml, 199 Mast Road: He referred to his handout and spoke to both amendments.

Mayor Myers, seeing no one else wishing to speak, closed the Public Hearing.

B. RESOLUTION: BUDGET AMENDMENT #2

SPONSORED BY COUNCILORS CARRIER AND WESTON

Mayor Myers, seeing no one wishing to speak, closed the Public Hearing.

8. CITY MANAGER'S REPORT

City Manager Joyal spoke briefly on his comprehensive report. He said there were a few forthcoming items he wanted to bring to the Council's and the public's attention, and then he wanted to let the gentlemen from Coast give a presentation about the implementation of FastTrans. He said the Greater Dover Chamber of Commerce will be hosting a Dover Citizen's Leadership Academy on September 17th, which is the first foray into encouraging people to get involved with various boards and commissions within the City. He hopes to expand the program next year. He said he is arranging for a National Citizen's survey to get some feedback from residents, and he will have more information on that in the future. He spoke about the mosquitoes and EEE, West Nile virus. He said the City has never sprayed for mosquitoes in the past, but the company that does the testing has volunteered to do some various locations in the City. He also spoke about the bedbug problem in some areas of the City, and that the Health Officer has been working with the tenants and landlords of these properties. He wanted to discourage people from taking furniture that other people are throwing away, because it is a good way to spread the bedbugs. He said for the fifth year in a row the City's Finance Department has been recognized with an excellence in financial reporting award. He said the award is administered by the Government Finance Officers Association for the United States and Canada. He congratulated Mr. Lynch and his staff. He invited Rad Nichols and Jeremy Laroche from Coast to give their presentation to the Council.

Mr. Laroche, Manager of Planning and Operations for Coast, gave his presentation on Dover FastTrans.

Mayor Myers asked the Council if they had any questions about the City Manager's Report. Councilor Callaghan referred to page 8/35, and asked about the three contracts with Johnson Controls.

City Manager Joyal said because the City received AARA funding, or stimulus funding, they have to separate out from the master contract the work on the wastewater treatment plant and the work on the McConnell Center.

Councilor Callaghan asked if there was a section on Willand Pond.



CITY OF DOVER

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City Manager Joyal said the City's staff has met with Mr. Stackpole, who owns property in Somersworth, to talk about options for installing a well. He said they have been in discussions with the State about the feasibility of installing a well out there.

Councilor Callaghan said he was looking for any recommendations made by the Planning Board based on the meeting they had regarding Willand Pond.

Deputy Mayor Trefethen moved to accept the City Manager's Report; seconded by Councilor McCusker.

Vote: 9/0.

9. MINUTES

A. August 19, 2009 – Special Meeting

B. August 19, 2009 – Joint Workshop

C. August 26, 2009 – Regular Meeting

Deputy Mayor Trefethen moved for their approval; seconded by Councilor McCusker.

Vote: 9/0.

10. MAYOR'S REPORT

Mayor Myers said he attended a Customer Appreciation Day at Federal Savings Bank celebrating their 120th year in Dover. He attended a ribbon cutting for Centrix Bank. He attended Maple Suites neighborhood block party held to collect funds for area food banks. He said he volunteered for the dunking tank, and reminded the audience that it was held on Tropical Storm Danny day, when it was 64 degrees. He spoke about DBIDA, and members of the Parking Commission meeting to discuss public/private parking agreements, and whether the Economic Development Director could bring up parking arrangements with people he is meeting with anyway. He asked the Council if they have any questions on his Mayor's Report.

Councilor Cheney asked for some clarification on the public/private partnerships.

Mayor Myers said the Economic Development Director would talk with developers about the potential for adding parking spaces. He said the Economic Development Director wouldn't have any authority, but would broach the subject with people.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Carrier.

Vote: 9/0.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING - None

B. RESOLUTIONS

1. BUDGET AMENDMENT #1

SPONSORED BY MAYOR MYERS, DEPUTY MAYOR TREFETHEN, AND
COUNCILOR McCUSKER

Deputy Mayor Trefethen moved for its approval; seconded by Councilor McCusker.



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Deputy Mayor Trefethen said this Resolution essentially restored the \$200,000 revenue back into the School's side of the budget, which the Council had removed during budget deliberations in June. He said his Resolution also recognizes that the City's revenues will be lowered \$600,000. He said the real issue is keeping it straight for the Department of Revenue Administration (DRA).

Mayor Myers wanted to remind the Council that it would take a 2/3 majority to pass. Councilor Callaghan asked what happened to the tax levy with this Resolution.

Deputy Mayor Trefethen said restoring the \$200,000 to the School's side of the budget reduces the tax levy, but the Resolution is also recognizing the fact that the City's side of the budget is not getting \$600,000 revenues from the State.

Councilor Callaghan asked if the Resolution would get \$600,000 out of new taxes.

Deputy Mayor Trefethen said it does as it stands right now.

Mayor Myers said it recognizes it as a known fact and puts the accurate numbers in place.

Councilor Callaghan asked if there was a plan to find this money somewhere else in the budget, or if the plan is to raise taxes to cover the \$600,000.

Deputy Mayor Trefethen said there is another budget amendment which addresses part of that, and then the Mayor has another budget amendment that addresses it as well.

He said the purpose of his Resolution was to keep things clean, simple, and one step at a time.

Councilor Callaghan asked about the two Resolutions giving back the \$200,000 to the School's side of the budget.

Mayor Myers said the \$200,000 is identical in both Resolutions.

City Manager Joyal said the Resolutions build upon each other. He said looking at all three budget amendment resolutions nets out the \$600,000.

Councilor Cheney referred to the transposition on the County taxes from \$6 million to \$7 million. She felt the substituted Resolution wasn't as clean as the first resolution. She supports undoing what the Council did in June when the budget was passed. She felt if this Resolution is passed and the other Resolution isn't, then they are passing on \$600,000 more to the taxpayers. She asked when the last date was that the Council can get the \$600,000 out of the budget, so it is not passed on to the taxpayers.

City Manager Joyal said a portion of the \$600,243 that the State will no longer be providing to the City is reflected as County revenue. He said a portion of the money was allocated to the County on the City's behalf. The last date for any changes is September 24th, which is dictated by the tax bills being mailed out by November 1st.

Councilor Weston asked if another budget amendment could be addressed at a Special Meeting.

City Manager Joyal said the Council can always schedule a Special Meeting by getting five votes, but they have to keep the deadline in mind.

Councilor Weston explained the two Resolutions for Councilor Callaghan. She said when the Council adopted the budget there was an increase in taxes to the residents. She said they also learned of the \$600,000 shortfall after the budget was passed. She said budget amendment #1 reverses the revenue, which took care of the \$200,000. She said budget amendment #2 looked at the \$600,000 as a whole. She said now they need to look at the other \$200,000 that was realized when the budget was passed. She said



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the Mayor has budget amendment #3 for \$41,000 coming forward. She said budget amendment #1 and the first part of budget amendment #2 were identical, solving the same problem. She said the second half of budget amendment #2 addresses \$400,000 of the \$600,000. She said that leaves \$200,000 that needs to be addressed to go back to no tax increase. She said the Council can pass budget amendment #1 and #2 as a whole, and budget amendment #2 is just taking in consideration what was passed in budget amendment #1. She said there would be no duplication of effort.

Councilor McCusker said budget amendment #1 was an efficient way of explaining the shortfall.

Councilor Scott asked for clarification because budget amendment #1 should add an additional \$600,000 added to the tax levy.

Mayor Myers said this Resolution restores the \$200,000 back to the School's side of the budget, but it also shows the \$600,000 shortfall from the State. He said if it wasn't in the Resolution DRA would adjust it anyway because they know the City isn't getting the \$600,000 from the State.

Councilor Cheney said she wanted to fix what the Council did to the School's budget. She said the DRA is authorized to take the taxes anyway.

Mayor Myers said it was merely housekeeping. He said if neither of the Resolutions pass, the DRA will still add \$600,000 to the tax levy.

Councilor Weston explained that when the Council reduced the revenue on the School's budget it raised the tax levy \$.08 per thousand. She said the \$600,000 shortfall raised the tax levy \$.24 per thousand. She said if the Council decides to reverse the \$200,000 back to the School's budget and take \$400,000 from the Sand & Gravel Fund, then it would take care of the \$.24 per thousand. She said budget amendment #3 addresses \$41,000, and leaves the Council to find another \$150,000 with budget amendments to address the original \$.08 per thousand. She said she was going to vote for both Resolutions because it is going to help with the tax impact on the citizens by a minimum of \$.24 per thousand. She said that is what this Council wants to do. She said the Council should get to work on coming up with more money between now and the deadline.

Mayor Myers said he felt there was full support on budget amendment #1.

Councilor Scott said the wording of budget amendment #1 does not replace the \$200,000 to the School's budget. He said it was improper that the Council overstepped their bounds and reduced the revenues. He said the substitute causes an increase of \$600,000 to the taxpayer. He said he will not support the Resolution.

Councilor Callaghan said he has been listening to everyone and feels that budget amendment #1 really doesn't mean anything, because if the Council doesn't do it the DRA will do it for us.

Mayor Myers said budget amendment #1 restores \$200,000 back to the School's budget and reduces their tax levy by \$200,000. He said the \$600,000 is completely separate, and if the City did do nothing the State would do it automatically.

Councilor Callaghan said it does do something, but budget amendment #2 addresses it too and also looks for a way to come up with some of the other money. He said he also heard the Mayor say he only supported budget amendment #1.



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Councilor McCusker agreed that the \$200,000 should be a standalone budget amendment, and then the Council should find ways to make up the \$600,000 we did not get from the State. He said budget amendment #2 addresses a portion of the \$600,000 loss, and budget amendment #3 addresses another portion of the \$600,000 loss. He said there is still \$160,000 left to find to cover up the \$600,000 loss.

Deputy Mayor Trefethen said he tried to make it one issue: yes or no. He said he thought everyone wanted to restore \$200,000 back to the School. He assured Councilor Scott that there was no one at the table that wanted to raise taxes.

Councilor Cheney said this Resolution does achieve the objective, but also that it is not the State that raised the tax bill by \$.32, but the Council. She wanted to get a consensus that after this Resolution is passed that the Council will work on the rest.

Councilor Scott said he appreciates the idea of replacing the \$200,000, but the substitution shows a \$600,000 increase that must be raised by taxation.

Mayor Myers said again that if the Council does nothing the State will adjust the numbers anyway.

Councilor Scott said they need to bring forward cuts so they don't have to raise taxes.

Mayor Myers said the Council needs to bring forward budget amendments.

Councilor Carrier said to Councilor Scott that the \$600,000 isn't totally represented in budget amendment #1. He said budget amendment #1 is addressing the \$200,000 for the School. He said budget amendment #2 addresses the \$600,000.

Roll Call Vote: 6/3; Passed. Councilors Callaghan, Cheney, and Scott were opposed.

2. BUDGET AMENDMENT #2

SPONSORED BY COUNCILORS CARRIER AND WESTON

Councilor Weston moved for its adoption; seconded by Councilor Carrier.

Councilor Weston said this Resolution had a global effect on the \$600,000. She said the Council members all recognize that they still have to make up \$200,000. She said \$41,000 in savings is coming forward, and that leaves \$160,000. She said passing this budget amendment saves the taxpayers \$.24 per thousand on their tax bill. She addressed the Sand & Gravel Fund, and said she has heard from constituents that they don't want it touched again until the bathhouse is renovated. She said estimates for the renovations were between \$150,000 and \$200,000. She said during the high peak months the Sand & Gravel Fund earns \$25,000 in revenues, and by December it is estimated that there will be an additional \$150,000 to \$200,000 to add to the \$185,000 that's there. She hoped for unanimous support from the Council, because she felt it was not the Council's intent to require additional taxpayer dollars.

Councilor Carrier said the Sand and Gravel Fund has been used for the Library's roof, the McConnell Center's roof, and slowly but surely they have seen that money disintegrate. He said the City is in a crisis situation and we don't want to raise taxes on the citizens. He said Councilor Weston and himself came up with a creative idea to take the money from the Sand and Gravel Fund. He said they didn't like the idea, because they wanted the bathhouse renovated.

Councilor Cheney said she supported the intent, but the numbers weren't adding up.

She said it offsets the School portion.



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Mayor Myers said further down it states that \$50,000 offsets City and \$350,000 offsets School.

Councilor Cheney asked why, because it was the City that lost State revenue.

Mayor Myers said that was how the Resolution was written by the sponsors.

Councilor Weston said this was a two-part amendment, and to make the numbers balance these are the numbers the Finance Department gave them.

Councilor Cheney said they were lowering the School's budget again.

City Manager Joyal said it was not the Finance Director that came up with these numbers. He agreed with Councilor Cheney that they were lowering the School's tax levy by \$350,000 and the City's tax levy by \$50,000. He said it doesn't affect the appropriations or spending.

Councilor Cheney asked for further clarification.

City Manager Joyal said Councilor Weston's starting point was the adopted budget. She was looking to find \$600,000 without addressing the School issue.

Mayor Myers said this was one of the reasons he wished the issues were separate. He said the first one was straightforward and the second one dealt with the use of the Sand and Gravel Fund. He went over his reasons why this is a short-term band-aid that nails the City next year, and is similar to using Fund Balance, because it is one-time revenue coming in. He said the City needs to make up that revenue shortfall next year. He asked the City Manager if the City had a \$50,000 expense so that this can be written off next year.

City Manager Joyal said that Community Services had a \$50,000 study that they are doing for storm water management this year, and that he doesn't expect it needs to be done again next year.

Mayor Myers said the City side is all set with the \$50,000 coming off, but he didn't know the answer with the School side having a one-time expense of \$350,000 to cover this expense. So they will be starting their new budget \$350,000 in the hole, because they lose the revenue stream.

He referred to the Joint Fiscal Committee meeting, and said since the Council passed the budget the School has an additional \$600,000 in expenses that they didn't anticipate, due to large kindergarten classes, additional teacher and paraprofessionals being hired, and furniture purchases. He said they found some money and savings, but are \$300,000 in the hole. He said this isn't the right way to approach this problem, because it sets the City up for dire straights next budget season.

Councilor McCusker said he took responsibility for overstepping his bounds on reducing their revenues, which only gave the School money to spend if they earned the revenues. He said this Resolution made the School start their budget process next year at negative \$350,000.

Deputy Mayor Trefethen asked Councilors Weston or Carrier if there was a one-time item expense for \$350,000 in the School's budget that they were aware of. He said the Council can't direct the School Board, but at least it would ease the Council's minds. Councilor Weston said she didn't have anything in particular, but at the Joint Fiscal Committee meeting there were comments that they would be able to make cuts next year because it gives them the opportunity to plan.



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Deputy Mayor Trefethen said this Resolution has been out for two weeks and no one spoke at the public hearing. He said he agrees with the Mayor's comments, but no one is complaining.

Councilor Scott said he supported budget amendment #2.

Councilor McCusker said he was asked by a constituent if there was a specific designation for Sand and Gravel Funds.

City Manager Joyal said there were separate resolutions to allocate the proceeds from the selling of gravel. He said 10% goes for recreation field maintenance, 60% for recreation field construction, and 30% for capital improvement projects. He said it was the intent of the previous Council, but ultimately the funds can be used for any reason.

Councilor Cheney asked for clarification on the final numbers.

Mayor Myers explained that it didn't affect the School's budget this year. He said the School is getting an additional \$350,000 from the Sand & Gravel Fund and actually lowering their tax levy. He said next year when the City does the tax cap formula, which starts at the previous year's tax levy, the School will be starting at \$350,000 less.

Councilor Cheney said she was concerned with the division of the \$400,000.

Councilor Callaghan asked if the Resolution could be amended, or if it had to go to Public Hearing.

Councilor Cheney said the numbers have to be changed.

City Manager Joyal felt as long as they stay with the \$400,000 they should be fine.

Councilor Callaghan asked if the money had to be put somewhere, or if it could be just direct income.

Mayor Myers said if you're putting revenue into the budget it also has to reduce the tax levy amount, otherwise there is excess revenue and the tax levy hasn't been changed. He said the DRA will automatically adjust the tax levy because they will see the extra revenue.

Councilor Callaghan asked if the Sand and Gravel Fund is revenue already.

Mayor Myers said it was revenue that wasn't in the operating budget, and now it is being moved into the operating budget.

Councilor Callaghan asked if this could wait until the tax rate has been set.

Mayor Myers said it would catch up to the City the following year, but it will still impact the tax levy at some point.

Councilor Callaghan said he would like to propose a friendly amendment to even out the numbers; \$200,000 for the City and \$200,000 for the School; seconded by Councilor Scott.

Councilor Callaghan said the School has struggled tremendously with their budget, and he doesn't even know how they'll do with a \$200,000 deficit next year. He said it was a plan for now and can be adjusted in time. He said it seemed more equitable and he didn't understand the logic behind \$50,000 for the City and \$350,000 for the School.

Deputy Mayor Trefethen said he was comfortable with the \$50,000 for the City because the City Manager had identified a one-time item charge that could be used next year to cover the deficit starting point. He said he is not comfortable with the additional \$150,000, because he was running for office again and didn't want to start the next budget season \$150,000 in the hole.



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Mayor Myers said he would not be comfortable passing the burden on to the City, especially in light of what the City's employees have done. He said the Council knows they have raises due to the employees next year and we're already starting in the hole. He was not comfortable with shifting this amount on the fly to the City's side.

Councilor Scott said he felt the Council should be doing what is comfortable for the people of Dover and not what is comfortable for the City's administration.

Councilor Cheney said she supported the amendment, because she wasn't comfortable giving education any of this, because the shortfall came on the City side.

Mayor Myers said he wasn't in favor of passing this burden on to the taxpayer, but felt it shouldn't come from the Sand & Gravel Fund. He said the Council should step up and find particular cuts to deal with the budget.

Councilor Carrier asked if the Mayor had anything in mind to come up with \$600,000.

Mayor Myers said he has brought forward a resolution to save some money. He said he has brought forward resolutions to push back the Tolend Road project, which didn't really change when they were going to start work on the project. He said some CIP projects can be postponed. He said one Councilor said he was going to put forward a resolution to push back Applevale, but he never did. He said during the Joint Fiscal Committee meeting he asked the School to go back and look for cuts. He said the Council should be doing it too. He said his budget amendment is not a lot of money, but it keeps future money from being bonded.

Councilor Weston asked if they could pass the resolution and change the numbers later.

Mayor Myers asked for a vote on the amendment to the Resolution.

3/6; Failed. Councilors Callaghan, Cheney and Scott voted in favor.

Mayor Myers asked for a Roll Call Vote on the original Resolution.

Roll Call Vote: 7/2; Passed. Mayor Myers and Councilor McCusker were opposed.

12. NEW BUSINESS

A. CONSENT CALENDAR

1. RAFFLE – Jaden's Wish

2. RESOLUTION: DONALD AND RITA MACLEOD MEMORIAL SCHOLARSHIP FUND

SPONSORED BY MAYOR MYERS BY REQUEST

3. RESOLUTION: ASPHALT TRENCH PATCHING SERVICES B09061 REVISITED

SPONSORED BY MAYOR MYERS BY REQUEST

4. RESOLUTION: B09095 CHANGE ORDER #1 SIDEWALK IMPROVEMENTS

SPONSORED BY MAYOR MYERS BY REQUEST

5. HIGHWAY ROAD SALT

SPONSORED BY MAYOR MYERS BY REQUEST



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6. ROUTE 9 BRIDGE RENOVATIONS SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

1. Appointments Committee
2. Arts Commission
3. McConnell Center Committee
4. Planning Board
5. Cable Franchise Negotiations Committee
6. School Board Liaison
7. City / School Joint Service Committee
8. Solid Waste Advisory Committee
9. Transportation Advisory Committee
10. Joint Building Committee
- 11. Legislative Liaison**
12. Coast Bus

Deputy Mayor Trefethen moved for the approval of the Consent Calendar; seconded by Councilor DeDe.

Mayor Myers asked if the Council had any items they would like pulled for further discussion.

Councilor Scott asked to pull Item 12.A.4.

Deputy Mayor Trefethen asked to pull Item 12.A.3.

Mayor Myers asked for a roll call vote on the remaining items of the Consent Calendar.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.3.; seconded by Councilor McCusker.

Deputy Mayor Trefethen said he had a question for the City Manager. He said the Resolution has one Whereas that seemed to say the City was awarding the bid to three vendors, another Whereas seemed to say two vendors, and the Now, Therefore seemed to say one vendor. He asked for clarification on who is getting what.

City Manager Joyal said the original Resolution the City asked the Council to award the bid to two vendors, Durell AP Enterprises and Tri-State Seal Coat. He said at this point in time the City is not comfortable working with Durell AP Enterprises and they were asking to go to the next company on the list, Sinclair Paving. He said it will give the City two vendors to work with for the rest of the year.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved for the approval of Item 12.A.4.; seconded by Councilor Scott. Councilor Scott said this is over \$25,000 and he felt it was wrong that it was put on the Consent Calendar.

Councilor Callaghan said he supported this Resolution, because the sidewalks are horrible. He asked the City Manager if the City has a sidewalk plan, so people can see when their sidewalks might be done.

City Manager Joyal said all sidewalk repairs are done in conjunction with street repairs, unless it is a school priority.

Councilor Callaghan asked if Community Services could do an assessment on the sidewalk repairs.

City Manager Joyal said they can always do an assessment, but the Council has cut back on the funding.

Councilor Scott said he didn't pull the Resolution because he was opposed to it.



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Councilor Weston said Lexington Street and Cushing Street were on the agenda several times for the Transportation Advisory Committee. She said the Police Department has put the lines across the street to monitor traffic. She said there has been an arrest for someone going over 50 mph. She said Lexington Street and Cushing Street are ideal places to test the traffic calming method.

Councilor Carrier said he lived in the area for about 10 years and the sidewalks are in disrepair. He said the streets are used as cut across streets between Silver Street and Washington Street. He said he is concerned for families going to Woodland Park. He said he will support this Resolution.

Roll Call Vote: 9/0.

B. RESOLUTIONS

1. PARK STREET PARK IMPROVEMENTS

SPONSORED BY COUNCILOR CARRIER

Councilor Carrier moved for its adoption; seconded by Councilor McCusker. Councilor Carrier said they had a neighborhood meeting regarding the park, and the Rotary Club stepped up and said they will spearhead the project. He said this Resolution is asking the Council to approve the City Manager to authorize the donation of the Rotary Club and enter into an agreement for the Rotary Club to renovate Park Street Park.

Mayor Myers thanked Councilor Carrier and the Rotary Club.

Councilor Carrier also thanked Councilor Carrier and the Rotary Club.

Councilor McCusker thanked Councilor Carrier and the Rotary Club. He said it enhances the City and is a great thing to do.

Vote: 9/0.

2. WILLAND POND AD-HOC COMMITTEE AMENDMENT #1

SPONSORED BY COUNCILOR CALLAGHAN

Councilor Callaghan moved for its adoption; seconded by Councilor Cheney. Councilor Callaghan said this was a rare request for non-citizens to work on a committee. He said the intent of the Committee was to allow Dover and Somersworth to work together to resolve issues for water quality and water height at Willand Pond. He said their meetings are well attended, but there isn't always a quorum of members. He said at the last meeting there was a request for an exception to the residency requirements. He said Somersworth residents come to the meeting and participate, but they can't vote. He said he told them that the residency issue is something that the Dover City Council can waive under certain circumstances. He said there should be a waiver that allowed Somersworth residents to participate, because they live in the area and are affected.

Councilor Cheney said she believed in residency requirement for committees, but can see it being waived for this because it covers two cities.



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Mayor Myers said he has seen a number of cases to waive the residency requirement by people who have vested interest. He said he supported this Resolution.
Councilor Callaghan added that Somersworth does not have a committee like this.
Vote: 9/0.

**3. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS FROM WOODMAN PARK TENNIS COURT TO "OTHER" TENNIS COURTS
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved to refer it to a public hearing on September 23, 2009; seconded by Councilor DeDe.
Vote: 9/0.

**4. AMENDMENT OF FY2010 FEE SCHEDULE FOR HOURLY METER PARKING RATES
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston.
City Manager Joyal said this was a recommendation of the Parking Commission following up on a study conducted. He said it is recommended that the rate increase from \$.50 to \$.75 per hour.
Vote: 9/0.

**5. REPROGRAMMING OF UNEXPENDED BOND PROCEEDS AND REDUCE PRIOR UNISSUED BOND AUTHORIZATION
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer it to a public hearing on September 23, 2009; seconded by Councilor DeDe.
Councilor Weston asked which items are unexpended proceeds and which items are going to be delayed.
Mayor Myers referred to Page 3/3 and said the Council would be reprogramming all of the Community Service streets or traffic signals. He said the City would be saving \$41,000 in interest and not issuing just under \$1 million of bonded debt.
Councilor Weston said she asked the City Manager for a list of all CIP projects that had come in under budget when they were working on the CIP budget.
City Manager Joyal said there were projects still outstanding at that time with outstanding invoices and work to be done. He said he gave her a list of what was completed at that time.
Vote: 9/0.



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**6. BUDGET AMENDMENT #3
(TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 23, 2009)
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer it to a public hearing on September 23, 2009; seconded by Councilor Weston.
Vote: 9/0.

C. ORDINANCES IN 1ST READING

**1. UPDATING THE DOVER ZONING ORDINANCES
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY DEPUTY MAYOR TREFETHEN**

Deputy Mayor Trefethen moved to refer the substituted version to a public hearing on October 14, 2009 and to waive the City-wide mailing; seconded by Councilor McCusker.
Vote: 9/0.

**2. ARTS COMMISSION
(TO BE REFERRED TO PUBLIC HEARING ON OCTOBER 14, 2009)
SPONSORED BY MAYOR MYERS**

Deputy Mayor Trefethen moved to refer it to a public hearing on October 14, 2009; seconded by Councilor DeDe.
Vote: 9/0.

D. COUNCIL CORRESPONDENCE

13. COUNCIL MATTERS OF INTEREST

Councilor Cheney said she wanted to mention that she has received several complaints about Henry Law Avenue being one-way. She said she also is against more traffic lights downtown. She said it makes people more aggressive. She hoped the traffic calming study works and can be spread around the City.

Councilor Callaghan requested a Special Meeting for September 14, 2009 at 6:00 pm for budget amendments; seconded by Councilor Cheney.

Mayor Myers said he wouldn't be present due to a prior commitment.

Councilor Carrier said he wouldn't be present.

Vote: 9/0.

Councilor Scott asked for preliminary financial statements for the fiscal year that closed June 30th. City Manager Joyal said those will be available by the end of the month.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, September 9, 2009**
Meeting Time: **7:00pm**

Councilor Callaghan asked if the School Board was also approving the minutes for the Joint meeting of the School Board and City Council.

City Clerk Lavertu said they had been sent to the School Board for their approval.

Councilor Weston made a plea for the Transportation Advisory Committee, and asked for anybody to come join them because there is a vacancy.

Councilor Cheney said there was an election on November 3, 2009, and was hoping people were going to sign up to run for Council.

14. ADJOURN

Councilor DeDe made a motion to adjourn; seconded by Councilor Weston.

Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Special Meeting
Meeting Location: City Hall
Meeting Date: **Monday, September 14, 2009**
Meeting Time: **6:00 pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Weston led the Pledge of Allegiance

3. ROLL CALL

Present: Deputy Mayor Trefethen, Councilors Callaghan, Cheney, DeDe, Scott and Weston.

Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

Absent: Mayor Myers, Councilors Carrier and McCusker.

Deputy Mayor Trefethen asked for a motion that referred all Resolutions on the Agenda to a public hearing on September 23, 2009, and waive the reading of each individual Resolution title. He said if anyone wanted to pull an individual item then they could do so.

Councilor Callaghan made a motion to refer all Resolutions on the Agenda to a public hearing and waive the reading of each individual Resolution title; seconded by Councilor Cheney.

Councilor Weston said she would like to change the order of Budget Amendment #24 to be first in line, because it is old business.

Deputy Mayor Trefethen said he had heard from other Councilors on other amendments and their order, and that will be determined during agenda setting time later in the week. He said he would make that recommendation and he didn't see any reason why it wouldn't be carried forward. He said if Councilor Weston wanted to do it officially she could.

Councilor Weston said she would prefer to do it officially. She made a motion to move Budget Amendment #24, Item 5.U., to before Budget Amendment #4.

Councilor Callaghan made a point of order that there was a motion on the floor.

Deputy Mayor Trefethen asked for a vote on Councilor Callaghan's motion.

Vote: 6/0.

Councilor Weston made a motion to move Budget Amendment #24, Item 5.U., to before Budget Amendment #4; seconded by Councilor Callaghan.

Vote: 5/1; Councilor DeDe was opposed.

Councilor Weston made a motion to approve the Agenda as amended; seconded by Councilor Callaghan.

Vote: 6/0.

4. CITIZEN'S FORUM

Citizens are invited to speak on the subject matter of the Special Meeting. Statements shall be limited to five minutes.

Kirt Schuman, 30 Cushing Street, Executive Director of the Greater Dover Chamber of Commerce: He said the Cochecho Arts Festival has been produced by the Chamber of Commerce for the past 25 years. He urged the Council not to cut funding. He said without the grant the Cochecho Arts Festival would not have happened this year, because sponsorships were down.



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Special Meeting
Meeting Location: City Hall
Meeting Date: **Monday, September 14, 2009**
Meeting Time: **6:00 pm**

Jeffrey Spires, 4 Mount Vernon Street, President of Dover Main Street: He urged the Council to continue its funding for the Cochecho Arts Festival.

Deputy Mayor Trefethen, seeing no one else wishing to speak, closed Citizen's Forum.

- 5. REFERRAL OF BUDGET AMENDMENTS #4 - #24 TO PUBLIC HEARINGS ON SEPTEMBER 23, 2009.**
 - A. RESOLUTION: BUDGET AMENDMENT #4 – REDUCTION OF GENERAL FUND CAPITAL OUTLAY GENERAL STREET IMPROVEMENTS APPROPRIATION
SPONSORED BY DEPUTY MAYOR TREFETHEN**
 - B. RESOLUTION: BUDGET AMENDMENT #5 – REDUCTION OF GENERAL FUND RENTAL OF EQUIPMENT APPROPRIATION
SPONSORED BY COUNCILOR SCOTT**
 - C. RESOLUTION: BUDGET AMENDMENT #6 – REDUCTION OF GENERAL FUND MAINTENANCE CHARGES BUILDING APPROPRIATIONS
SPONSORED BY COUNCILOR SCOTT**
 - D. RESOLUTION: BUDGET AMENDMENT #7 – REDUCTION OF GENERAL FUND WASTE DISPOSAL SERVICES APPROPRIATION
SPONSORED BY COUNCILOR SCOTT**
 - E. RESOLUTION: BUDGET AMENDMENT #8 – REDUCTION OF GENERAL FUND LEGAL SERVICES APPROPRIATION
SPONSORED BY COUNCILOR SCOTT**
 - F. RESOLUTION: BUDGET AMENDMENT #9 – REDUCTION OF GENERAL FUND MANAGEMENT SERVICES APPROPRIATION
SPONSORED BY COUNCILOR SCOTT**
 - G. RESOLUTION: BUDGET AMENDMENT #10 – REDUCTION OF GENERAL FUND CONTRACT SNOW PLOWING APPROPRIATION
SPONSORED BY COUNCILOR SCOTT**
 - H. RESOLUTION: BUDGET AMENDMENT #11 – REDUCTION OF GENERAL FUND NATURAL GAS APPROPRIATION
SPONSORED BY COUNCILOR SCOTT**
 - I. RESOLUTION: BUDGET AMENDMENT #12 – REDUCTION OF GENERAL FUND ELECTRICITY APPROPRIATION
SPONSORED BY COUNCILOR SCOTT**



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Special Meeting
Meeting Location: City Hall
Meeting Date: **Monday, September 14, 2009**
Meeting Time: **6:00 pm**

- J. RESOLUTION: BUDGET AMENDMENT #13 – REDUCTION OF GENERAL FUND MAINTENANCE SUPPLIES – BUILDINGS APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- K. RESOLUTION: BUDGET AMENDMENT #14 – REDUCTION OF GENERAL FUND MAINTENANCE SUPPLIES – IMPROVEMENTS OTHER THAN BUILDINGS APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- L. RESOLUTION: BUDGET AMENDMENT #15 – REDUCTION OF GENERAL FUND GRANTS/SUBSIDY APPROPRIATIONS**
SPONSORED BY COUNCILOR SCOTT
- M. RESOLUTION: BUDGET AMENDMENT #16 – REDUCTION OF GENERAL FUND MAINTENANCE CHARGES EQUIPMENT APPROPRIATION AND REDUCTION OF DOVERNET BUDGET**
SPONSORED BY COUNCILOR SCOTT
- N. RESOLUTION: BUDGET AMENDMENT #17 – DELAY CERTAIN CIP PROJECTS AND REDUCE GENERAL FUND DEBT SERVICE CITY- INTEREST APPROPRIATION**
SPONSORED BY COUNCILOR SCOTT
- O. RESOLUTION: BUDGET AMENDMENT #18 – GENERAL FUND- DELAY ENERGY EFFICIENCY FY2010 CIP PROJECT AND REDUCE DEBT SERVICE CITY INTEREST**
SPONSORED BY COUNCILOR SCOTT
- P. RESOLUTION: BUDGET AMENDMENT #19 – GENERAL FUND BUDGETARY USE OF UNRESERVED FUND BALANCE**
SPONSORED BY COUNCILOR CHENEY
- Q. RESOLUTION: BUDGET AMENDMENT #20 – GENERAL FUND REDUCTION OF DEBT SERVICE CITY - INTEREST**
SPONSORED BY COUNCILOR CALLAGHAN
- R. RESOLUTION: BUDGET AMENDMENT #21 – GENERAL FUND REDUCTION OF SNOW REMOVAL OVERTIME**
SPONSORED BY COUNCILOR CALLAGHAN
- S. RESOLUTION: BUDGET AMENDMENT #22 – GENERAL FUND REDUCTION OF COMMUNITY SERVICES OVERTIME**
SPONSORED BY COUNCILOR CALLAGHAN



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: Special Meeting
Meeting Location: City Hall
Meeting Date: **Monday, September 14, 2009**
Meeting Time: **6:00 pm**

T. RESOLUTION: BUDGET AMENDMENT #23 – AMEND USE OF SAND AND GRAVEL REVENUES

SPONSORED BY COUNCILOR CALLAGHAN

U. RESOLUTION: BUDGET AMENDMENT #24 – AMEND USE OF SAND AND GRAVEL REVENUES

SPONSORED BY COUNCILOR WESTON

Councilor DeDe moved to refer Items 5.A. through 5.U. to public hearing on September 23, 2009; seconded by Councilor Weston.

Vote: 6/0.

6. ADJOURN

Councilor Weston made a motion to adjourn; seconded by Councilor DeDe.

Vote: 6/0.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R - 2009.09.09 - 127**
Resolution Re: Reprogramming of Unexpended Bond Proceeds from Woodman Park Tennis Court to "Other" tennis Courts

WHEREAS: On March 14, 2007 City Council Resolution 11C3 granted the adoption of 2008 CIP and expenditure of \$175,000.00 of bond proceeds for tennis court restoration at Woodman Park; and

WHEREAS: In July 2007, the Woodman Park Courts were restored with the low bid coming in a little over \$102,956.00; and

WHEREAS: The city solicited bid for the reconstruction / repairs of the Garrison, Horne St and Longhill Tennis and Basketball Courts and the low bid received from Vermont Recreational Surfacing and Fencing Inc. in the amount of \$13,843.00. This city wishes to use unexpended bond proceeds from the Woodman Park Tennis Court project to update these three locations.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The City Council approves reprogramming bond proceeds of \$15,000.00 from the Woodman Park Tennis Court Reconstruction to the "Other Tennis Court & Basketball Court Reconstruction"

Account	Description	Original Budget	Available Balance	Adjustment	Adjusted Budget
4008-45123-4715-5226-08-35	Rec Woodman Park Tennis	\$175,000.00	\$72,044.00	-\$15,000.00	\$57,044.00
4008-45123-4715-5229-08-35	Rec Other Tennis & BB Courts	\$0.00	\$0.00	\$15,000.00	\$15,000.00
		\$175,000.00	\$72,044.00	\$0.00	\$72,044.00

In accordance with NH Municipal Finance Act, RSA33 and City Charter Provisions C6-6 and C6-14 a PUBLIC HEARING IS REQUIRED for this resolution and must be approved by a 2/3 majority vote of the city council. To Be Referred to Public Hearing and vote on September 23, 2009

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

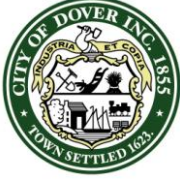
Resolution Number: **R - 2009.09.09 - 127**
Resolution Re: Reprogramming of Unexpended Bond Proceeds from Woodman Park Tennis Court to "Other" tennis Courts

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.1.

Resolution Number: **R - 2009.09.09 - 127**
Resolution Re: Reprogramming of Unexpended Bond Proceeds from
Woodman Park Tennis Court to "Other" tennis Courts

RESOLUTION BACKGROUND MATERIAL:

It is the recommendation to reprogram unexpended bond proceeds from the Woodman Park Tennis Court Reconstruction CIP account and move to "Other Tennis and Basketball Courts".

The 2008 CIP contained \$175,000 to restore the Woodman Park Tennis Courts along with repairs and improvements to parking and drainage around the courts. \$120,000 was estimated to be needed for Court repairs and \$55,000 was estimated for parking and drainage improvements.

The cost of rebuilding the Woodman Park Tennis Courts, based on obtaining bids, came in at a low bid of \$102,956 resulting in a cost savings of \$17,044. The City wishes to utilize \$15,000 of the \$17,044 savings to repair and make improvements at the other tennis courts and basket ball courts in the City. This proposed action will result in substantially extending the service life of the courts.

\$175,000 CIP Authorization
-\$102,956 Woodman Park Tennis Court contract

\$72,044 Balance Available

\$15,000 Reprogram for other courts

\$57,044 Balance for Woodman Park parking and drainage improvements



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.09.09 - 129**
Resolution Re: Reprogramming of Unexpended Bond Proceeds and
Rescind Portion of FY10 CIP Debt Authorization

WHEREAS: Annually the City Council desires to make public improvements and finance these improvements with the sale of general obligation bonds and limit the issue of new CIP debt to an amount equal to, or less than, the amount being retired; and

WHEREAS: The City has identified certain CIP projects that have been completed under budget and therefore there are unexpended bond proceeds to be utilized towards other CIP projects, and there are certain CIP projects that can be deferred to future years and funding is not anticipated to be needed at this time; and

WHEREAS: The City Council desires to effectively use unexpended bond proceeds or rescind the unneeded portion of bond authorizations; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The City Council approves reprogramming bond proceeds of \$867,941.92 from the following CIP projects to the General Streets Improvements project as follows:

Project Number	Description	Available Balance	Adjustment	Adjusted Balance
CIP08 43121-3112	PW Traffic Signals	380,000.00	(380,000.00)	-
CIP06 43121-3113	Downtown Traffic Improvements	144,149.55	(144,149.55)	-
CIP03 43121-3127	Silver Street Center Lane	99,847.48	(99,847.48)	-
CIP06 43121-3138	Glenwood Ave Street Improv	89,431.66	(89,431.66)	-
CIP07 43121-3138	Glenwood Ave Street Improv	54,513.23	(54,513.23)	-
CIP09 43121-3144	Piscataqua Rd Street Improv.	100,000.00	(100,000.00)	-
CIP 43121-3121	General Street Improvements	N/A	867,941.92	867,941.92

AND, FURTHER BE IT RESOLVED THAT;

The following project appropriations and authorization for bonding are hereby rescinded:

Project Number	Description	Authorized	Rescind	Revised Budget
CIP10 42220-2251	Fire & Rescue Apparatus	950,000	115,000	835,000
CIP10 43121-3121	General Street Improvements	1,159,000	867,941.92	291,058.08

In accordance with the NH Municipal Finance Act, RSA 33 and City Charter provisions C6-6 and C6-14 a PUBLIC HEARING IS REQUIRED for this resolution and must be approved by a 2/3 majority vote of the City Council.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.2.

Resolution Number: **R – 2009.09.09 - 129**
Resolution Re: Reprogramming of Unexpended Bond Proceeds and
Rescind Portion of FY10 CIP Debt Authorization

RESOLUTION BACKGROUND MATERIAL:

Annually, in accordance with City Charter, the City Manager shall prepare and submit for approval to the City Council a six-year capital improvements program (CIP). Annually the City Council has approved the CIP and an Authorization for Bonding to finance certain projects contained within the CIP. The City Council has indicated that approval of authorization for bonding for new CIP debt should be equal to, or less than, the amount of debt being retired.

The City has reviewed CIP project authorizations and has identified certain CIP projects that have been completed under budget and therefore there are unexpended bond proceeds to be utilized towards other CIP projects, and there are certain CIP projects that can be deferred to future years and funding is not anticipated to be needed at this time.

Project Number	Description	Balance	Authorization	
CIP08 43121-3112	PW Traffic Signals	380,000.00	1/17/2007 3-A	Defer Project
CIP06 43121-3113	Downtown Traffic Improvements	144,149.55	12/8/04 11C-2	Under Budget
CIP03 43121-3127	Silver Street Center Lane	99,847.48	4/16/02 2-A	Defer Project
CIP06 43121-3138	Glenwood Ave Street Improv	89,431.66	12/8/04 11C-1	Under Budget
CIP07 43121-3138	Glenwood Ave Street Improv	54,513.23	12/7/05 3-A	Under Budget
CIP09 43121-3144	Piscataqua Rd Street Improv.	100,000.00	3/5/08 12-C3	Defer Project
		<u>867,941.92</u>		

This resolution proposes to effectively use unexpended bond proceeds for General Street Improvements. This resolution will transfer appropriations from other similar CIP projects to General Street Improvements.

Therefore, this resolution proposes to reduce FY'10 CIP General Street Improvements authorization for bonding for the amount of \$1,159,000 to the amount of \$291,058.08, a difference of \$867,941.92. This will result in an estimated savings of \$41,183 in Debt Service Interest for FY'10.

Due to savings through the Bid process for the Fire & Rescue Fire Truck, the original authorization of \$950,000 can be reduced by the amount of \$115,000.

2009.09.09_Reprogramming Bond Proceeds and Rescind
Debt Authorization FY10 CIP General Street

Document Created by: Finance Department
Document Posted on: September 16, 2009

Improvements
Page 3 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.3.

Resolution Number: **R – 2009.09.09 - 130**
Resolution Re: Budget Amendment #3

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: The City has reviewed capital project authorizations and can defer certain projects to future years, therefore reducing anticipated interest payments on future bond issue; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 annual budget is amended to reduce, in the amount of \$41,183, General Fund Debt Service – City Bond Interest contained on p. 463 of the FY'10 budget for an amended appropriation amount of \$1,968,610.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$41,183 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.3.

Resolution Number: **R – 2009.09.09 - 130**
Resolution Re: Budget Amendment #3

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.3.

Resolution Number: **R – 2009.09.09 - 130**
Resolution Re: Budget Amendment #3

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Debt Service Interest by \$41,183 as reflected on p. 463 of the FY'10 budget.

This resolution will result in a \$41,183 reduction to the City portion of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.4.

Resolution Number: **R – 2009.09.23 - 151**
Resolution Re: FY 10 Budget Amendment #24 – General Fund
Amend Use of Sand and Gravel Revenues

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: On September 9, 2009 the City Council adopted Budget Amendment #2 to transfer the sum of Four hundred thousand (\$400,000) dollars from the Sand and Gravel Fund to be used as a transfer to the General Fund as a funding source for the General Fund appropriations in the FY10 annual budget with \$50,000 allocated to offset City property tax levy and \$350,000 allocated to offset School property tax levy; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The action taken by the City Council on September 9, 2009 through adoption of Budget Amendment #2 FY'10 annual budget is amended as follows:

“15. There is the sum of Four Hundred Thousand (\$400,000) dollars appropriated from the Sand and Gravel Fund as a transfer to the General Fund for the purpose of offsetting property taxes. Said funding to offset the City portion of property tax levy.”

AND, FURHTER BE IT RESOLVED THAT: The tax levy portion of the FY10 annual budget resolution adopted by the City Council is amended to read:

“4. To provide for the raising by property taxation the sum of \$59,739,166. This includes City Property Taxes of \$21,314,530, Education Property Taxes of \$31,422,216 and County Property Taxes of \$7,002,420.”

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Councilor Karen Weston At Large
Approved as to Legal Form:	Allan B. Krans, Sr. City Attorney		Councilor Robert Carrier Ward 1
Recorded by:	Karen Lavertu City Clerk		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.4.

Resolution Number: **R – 2009.09.23 - 151**
Resolution Re: FY 10 Budget Amendment #24 – General Fund
Amend Use of Sand and Gravel Revenues

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.4.

Resolution Number: **R – 2009.09.23 - 151**
Resolution Re: FY 10 Budget Amendment #24 – General Fund
Amend Use of Sand and Gravel Revenues

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the FY'10 budget as adopted by the City Council on June 3, 2009.

The resolution amends action taken via Budget Amendment #2 adopted by the City Council for Use of Sand & Gravel on September 9, 2009 by adjusting the allocation of the Sand & Gravel Revenue between the City and School District. The entire \$400,000 would be used to offset the City portion of the FY'10 property tax levy.

This resolution will result in amending the City and School portions of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.5.

Resolution Number: **R – 2009.09.23 - 131**
Resolution Re: FY 10 Budget Amendment #4
Reduction of General Street Improvements Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: The City has a revenue shortfall of approximately \$600,243 in the FY10 annual budget because the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the adoption of the FY 10 city annual budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 annual budget is amended to reduce, in the amount of \$160,000, General Fund Community Services-Streets, Capital Outlay - 4715, General Street Improvements contained on p. 287 of the FY'10 budget for an amended appropriation amount of \$660,000.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$160,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dean Trefethen
Ward 4

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.5.

Resolution Number: **R – 2009.09.23 - 131**
Resolution Re: FY 10 Budget Amendment #4
Reduction of General Street Improvements Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.5.

Resolution Number: **R – 2009.09.23 - 131**
Resolution Re: FY 10 Budget Amendment #4
Reduction of General Street Improvements Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Capital Outlay – General Street Improvements by \$160,000 as reflected on p.287 of the FY'10 budget.

Based on budget amendment #2 adopted by the City Council on September 9, 2009, the projected increase in the FY'10 tax levy of \$600,243 due to a shortfall in State Shared Revenue Block Grant funds was reduced by \$400,000. There is still a \$200,243 projected increase in the FY'10 tax levy. Pending budget amendment #3 proposes to reduce the increased tax levy by \$41,183, leaving approximately \$159,000 as an increase in the FY'10 tax levy.

This resolution will result in a \$160,000 reduction to the City portion of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.6.

Resolution Number: **R – 2009.09.23 - 132**
Resolution Re: FY 10 Budget Amendment #5
Reduction of Rental of Equipment Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY10 tax levy impact; and
- WHEREAS: The appropriation for Rental of Equipment (Account 4443) in FY 2009 was \$61,427 and it was increased to \$116,193 in FY 2010; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Rental of Equipment (Account 4443) contained on p.104 of the FY'10 budget is reduced in the amount of \$40,000 for an amended appropriation of \$76,193.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$40,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.6.

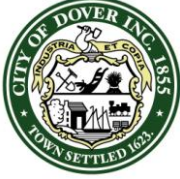
Resolution Number: **R – 2009.09.23 - 132**
Resolution Re: FY 10 Budget Amendment #5
Reduction of Rental of Equipment Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.6.

Resolution Number: **R – 2009.09.23 - 132**

Resolution Re: FY 10 Budget Amendment #5

Reduction of Rental of Equipment Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Rental of Equipment (Account 4443) by \$40,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$40,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Rental of Equipment is still 24% higher than what was appropriated in FY 09.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.7.

Resolution Number: **R – 2009.09.23 - 133**
Resolution Re: FY 10 Budget Amendment #6
Reduction of Maint. Charges - Buildings Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Maintenance Charges - Buildings (Account 4431) in FY 2008 was \$87,749 and the amount appropriated in FY2010 was increased to \$160,204; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Maintenance Charges - Buildings (Account 4431) contained on p.104 of the FY'10 budget is reduced in the amount of \$60,000 for an amended appropriation of \$100,204.

AND, FURHTER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$60,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.7.

Resolution Number: **R – 2009.09.23 - 133**
Resolution Re: FY 10 Budget Amendment #6
Reduction of Maint. Charges - Buildings Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.7.

Resolution Number: **R – 2009.09.23 - 133**
Resolution Re: FY 10 Budget Amendment #6
Reduction of Maint. Charges - Buildings Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Maintenance Charges - Buildings (Account 4431) by \$60,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$60,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Maintenance Charges – Buildings is still 14% higher than what was expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.8.

Resolution Number: **R – 2009.09.23 - 134**
Resolution Re: FY 10 Budget Amendment #7
Reduction of Waste Disposal Services Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Waste Disposal Services (Account 4421) in FY 2008 was \$38,912 and the amount appropriated in FY2010 was increased, by more than double, to \$84,000; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Waste Disposal Services (Account 4421) contained on p.104 of the FY'10 budget is reduced in the amount of \$40,000 for an amended appropriation of \$44,000.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$40,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.8.

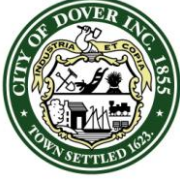
Resolution Number: **R – 2009.09.23 - 134**
Resolution Re: FY 10 Budget Amendment #7
Reduction of Waste Disposal Services Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.8.

Resolution Number: **R – 2009.09.23 - 134**
Resolution Re: FY 10 Budget Amendment #7
Reduction of Waste Disposal Services Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Waste Disposal Services (Account 4421) by \$40,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$40,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Waste Disposal Services is still 11% higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.9.

Resolution Number: **R – 2009.09.23 - 135**
Resolution Re: FY 10 Budget Amendment #8
Reduction of Legal Services Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Legal Services (Account 4334) in FY 2008 was \$97,203 and the amount appropriated in FY2010 was increased to \$107,000; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Legal Services (Account 4334) contained on p.104 of the FY'10 budget is reduced in the amount of \$10,000 for an amended appropriation of \$97,000.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$10,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.9.

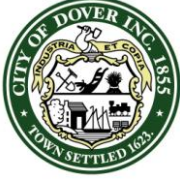
Resolution Number: **R – 2009.09.23 - 135**
Resolution Re: FY 10 Budget Amendment #8
Reduction of Legal Services Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.9.

Resolution Number: **R – 2009.09.23 - 135**
Resolution Re: FY 10 Budget Amendment #8
Reduction of Legal Services Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Legal Services (Account 4334) by \$10,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$10,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Legal Services is equal to what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.10.

Resolution Number: **R – 2009.09.23 - 136**
Resolution Re: FY 10 Budget Amendment #9
Reduction of Management Services Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Management Services (Account 4312) in FY 2008 was \$177,413 and the amount appropriated in FY2010 was increased to \$198,200; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Management Services (Account 4312) contained on p.104 of the FY'10 budget is reduced in the amount of \$20,000 for an amended appropriation of \$178,200.

AND, FURHTER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$20,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.10.

Resolution Number: **R – 2009.09.23 - 136**
Resolution Re: FY 10 Budget Amendment #9
Reduction of Management Services Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.10.

Resolution Number: **R – 2009.09.23 - 136**
Resolution Re: FY 10 Budget Amendment #9
Reduction of Management Services Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Management Services (Account 4312) by \$20,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$20,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Management Services is equal to what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.11.

Resolution Number: **R – 2009.09.23 - 137**
Resolution Re: FY 10 Budget Amendment #10
Reduction of Contract Snow Plowing Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Contract Snow Plowing (Account 4422) in FY 2008 was \$38,431 and the amount appropriated in FY2010 was increased to \$85,000; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Contract Snow Plowing (Account 4422) contained on p.104 of the FY'10 budget is reduced in the amount of \$40,000 for an amended appropriation of \$45,000.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$45,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

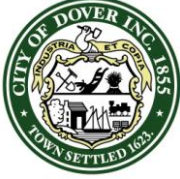
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.11.

Resolution Number: **R – 2009.09.23 - 137**
Resolution Re: FY 10 Budget Amendment #10
Reduction of Contract Snow Plowing Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.11.

Resolution Number: **R – 2009.09.23 - 137**
Resolution Re: FY 10 Budget Amendment #10
Reduction of Contract Snow Plowing Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Contract Snow Plowing (Account 4422) by \$40,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$40,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Contract Snow Plowing will be 11.7% higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.12.

Resolution Number: **R – 2009.09.23 - 138**
Resolution Re: FY 10 Budget Amendment #11
Reduction of Natural Gas Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Natural Gas (Account 4621) in FY 2008 was \$134,306 and the amount appropriated in FY2010 was increased by \$220,515 to \$354,821; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Natural Gas (Account 4621) contained on p.104 of the FY'10 budget is reduced in the amount of \$70,000 for an amended appropriation of \$284,821.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$70,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.12.

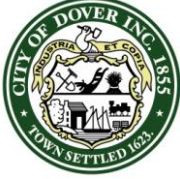
Resolution Number: **R – 2009.09.23 - 138**
Resolution Re: FY 10 Budget Amendment #11
Reduction of Natural Gas Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.12.

Resolution Number: **R – 2009.09.23 - 138**
Resolution Re: FY 10 Budget Amendment #11
Reduction of Natural Gas Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Natural Gas (Account 4621) by \$70,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$70,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Natural Gas will be one and one half times higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.13.

Resolution Number: **R – 2009.09.23 - 139**
Resolution Re: FY 10 Budget Amendment #12
Reduction of Electricity Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Electricity (Account 4622) in FY 2008 was \$473,661 and the amount appropriated in FY2010 was increased by \$213,233, or 45%, to \$686,894; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Electricity (Account 4622) contained on p.104 of the FY'10 budget is reduced in the amount of \$100,000 for an amended appropriation of \$586,894.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$100,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.13.

Resolution Number: **R – 2009.09.23 - 139**
Resolution Re: FY 10 Budget Amendment #12
Reduction of Electricity Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.13.

Resolution Number: **R – 2009.09.23 - 139**
Resolution Re: FY 10 Budget Amendment #12
Reduction of Electricity Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Electricity (Account 4622) by \$100,000 as reflected on p.104 of the FY'10 budget.

This resolution will result in a \$100,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Electricity will be 24% higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.14.

Resolution Number: **R – 2009.09.23 - 140**
Resolution Re: FY 10 Budget Amendment #13
Reduction of Maintenance Supplies - Buildings
Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Maintenance Supplies - Buildings (Account 4651) in FY 2008 was \$33,701 and the amount appropriated in FY2010 was increased by \$19,254 to \$52,955; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Maintenance Supplies - Buildings (Account 4651) contained on p.105 of the FY'10 budget is reduced in the amount of \$10,000 for an amended appropriation of \$42,955.

AND, FURHTER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$10,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.14.

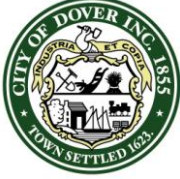
Resolution Number: **R – 2009.09.23 - 140**
Resolution Re: FY 10 Budget Amendment #13
Reduction of Maintenance Supplies - Buildings
Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.14.

Resolution Number: **R – 2009.09.23 - 140**
Resolution Re: FY 10 Budget Amendment #13
Reduction of Maintenance Supplies - Buildings
Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Maintenance Supplies - Buildings (Account 4651) by \$10,000 as reflected on p.105 of the FY'10 budget.

This resolution will result in a \$10,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Maintenance Supplies - Buildings will be 27% higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.15.

Resolution Number: **R – 2009.09.23 - 141**
Resolution Re: FY 10 Budget Amendment #14
Reduction of Maintenance Supplies – Improvements Other
Than Buildings Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Maintenance Supplies – Improvements Other Than Buildings (Account 4652) in FY 2008 was \$82,685 and the amount appropriated in FY2010 was increased by \$49,415, or 160%, to \$132,100; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 General Fund Budget appropriation for Maintenance Supplies – Improvements Other Than Buildings (Account 4652) contained on p.105 of the FY'10 budget is reduced in the amount of \$40,000 for an amended appropriation of \$92,100.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$40,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.15.

Resolution Number: **R – 2009.09.23 - 141**
 Resolution Re: FY 10 Budget Amendment #14
 Reduction of Maintenance Supplies – Improvements Other
 Than Buildings Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.15.

Resolution Number: **R – 2009.09.23 - 141**
Resolution Re: FY 10 Budget Amendment #14
Reduction of Maintenance Supplies – Improvements Other
Than Buildings Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Maintenance Supplies – Improvements Other Than Buildings (Account 4652) by \$40,000 as reflected on p.105 of the FY'10 budget.

This resolution will result in a \$40,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Maintenance Supplies – Improvements Other Than Buildings will be 12% higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.16

Resolution Number: **R – 2009.09.23 - 142**
Resolution Re: FY 10 Budget Amendment #15
Reduction of Grants/Subsidy Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures for Grants/Subsidy (Account 4835) in FY 2008 was \$182,405 and the amount appropriated in FY2010 was increased by \$212,795 to \$395,200, almost twice the amount expended in FY2008; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT: The FY'10 General Fund Budget appropriation for Grants/Subsidy (Account 4835) contained on p.105 of the FY'10 budget is reduced in the amount of \$150,000 for an amended appropriation of \$245,200. Should any individual or business in Dover feel it desirable to underwrite the costs of such items as fireworks, Dover Main Street Program, Cocheco Arts Festival, or any other programs for which grants were given in prior periods their contribution to any of these items would be welcomed.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$150,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.16

Resolution Number: **R – 2009.09.23 - 142**
Resolution Re: FY 10 Budget Amendment #15
Reduction of Grants/Subsidy Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.16

Resolution Number: **R – 2009.09.23 - 142**
Resolution Re: FY 10 Budget Amendment #15
Reduction of Grants/Subsidy Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009. This resolution reduces the City appropriation for Grants/Subsidy (Account 4835) by \$150,000 as reflected on p.105 of the FY'10 budget.

This resolution will result in a \$150,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Grants/Subsidy will be 35% higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.17.

Resolution Number: **R – 2009.09.23 - 143**
Resolution Re: FY 10 Budget Amendment #16
Reduction of Maintenance Charges – Office Equipment
Appropriation and Reduction of Dover Net Budget

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The actual expenditures in FY 2008 for Dover Net were \$345,934 and the appropriation was increased in FY2010 by over \$200,000 to \$546,131 for FY 2010 or an increase of over 58%.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 Dover Net appropriations contained on p. 424 of the FY'10 budget is reduced by the amount of \$50,000 for an amended appropriation of \$496,131 and Dover Net revenues contained on p. 90 of the FY'10 budget is reduced by the amount of \$50,000 for an amended amount of \$496,131

AND, FURTHER BE IT RESOLVED THAT: The General Fund Budget appropriation for Maintenance Charges – Office Equipment (Account 4435) contained on p.411 of the FY'10 budget is reduced in the amount of \$50,000 for an amended appropriation of \$107,621.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$50,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

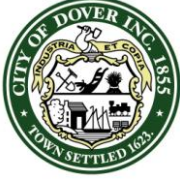
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.17.

Resolution Number: **R – 2009.09.23 - 143**
 Resolution Re: FY 10 Budget Amendment #16
 Reduction of Maintenance Charges – Office Equipment
 Appropriation and Reduction of Dover Net Budget

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.17.

Resolution Number: **R – 2009.09.23 - 143**
Resolution Re: FY 10 Budget Amendment #16
Reduction of Maintenance Charges – Office Equipment
Appropriation and Reduction of Dover Net Budget

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution reduces the appropriations and revenues for Dover Net by \$50,000 for an amended budget of \$496,131.

This resolution reduces the City appropriation for Maintenance Charges – Office Equipment (Account 4435) by \$50,000 as reflected on p.411 of the FY'10 budget. This appropriation is for funding Dover Net overhead for maintenance of City IT equipment and software systems.

This resolution will result in a \$50,000 reduction to the City portion of the property tax levy.

The remaining funds appropriated for FY 2010 for Dover Net will be 44% higher than what was actually expended in FY 08.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.18.

Resolution Number: **R – 2009.09.23 - 144**
Resolution Re: FY 10 Budget Amendment #17 – General Fund
Delay Certain FY'10 CIP Projects for Henry Law Avenue
and Applevale Avenue

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The completion of Henry Law Avenue and Applevale Avenue FY'10 CIP projects involve the interest costs of the bonding of \$1,050,000 in FY'10, and by delaying these projects one year there can be a savings in debt service interest costs for FY'10; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The completion of Henry Law Avenue and Applevale Avenue FY'10 CIP projects are delayed one year and the bonding of \$850,000 for completion of Henry Law Avenue and \$200,000 for Applevale Avenue is postponed until FY'11.

AND, FURHTER BE IT RESOLVED THAT: The FY'10 annual budget is amended to reduce, in the amount of \$49,875, General Fund Debt Service – City Bond Interest contained on p. 463 of the FY'10 budget for an amended appropriation amount of \$1,959,918.

AND, FURHTER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$49,875 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.18.

Resolution Number: **R – 2009.09.23 - 144**
Resolution Re: FY 10 Budget Amendment #17 – General Fund
Delay Certain FY'10 CIP Projects for Henry Law Avenue
and Applevale Avenue

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.18.

Resolution Number: **R – 2009.09.23 - 144**
Resolution Re: FY 10 Budget Amendment #17 – General Fund
Delay Certain FY'10 CIP Projects for Henry Law Avenue
and Applevale Avenue

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution delays the completion of FY'10 CIP projects for Henry Law Avenue and Applevale Avenue for one year.

This resolution reduces the City appropriation for Debt Service Interest (Account 4921) by \$49,875 as reflected on p.463 of the FY'10 budget.

This resolution will result in a \$49,875 reduction to the City portion of the property tax levy.

The Henry Law Avenue and Applevale Avenue projects involve the interest costs of the bonding of \$1,050,000 in FY 2010, \$850,000 for Henry Law Avenue and \$200,000 for Applevale Avenue. By delaying these projects one year the debt service interest expenditures can be reduced by \$49,875. The filling of potholes on Applevale Ave are an improvement over what was the situation a year ago. The road while not in good condition is still better than it was two years ago and being an enclosed area the residents can drive slowly and avoid major road problems. The situation is the same for the last phase of Henry Law Avenue.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.19.

Resolution Number: **R – 2009.09.23 - 145**
Resolution Re: FY 10 Budget Amendment #18 – General Fund
Delay Energy Efficiency FY'10 CIP Project and Reduce
Debt Service City – Interest Appropriation

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: Dover taxpayers will not accept any further increase in taxes and the City Council has a desire to limit the FY 10 tax levy impact; and
- WHEREAS: The Johnson Controls Energy Efficiency CIP project first year costs involved more money being spent than anticipated savings, and by delaying this project one year it may be possible to reduce expenditures and there can be a savings in debt service interest costs for FY'10; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The completion of the Johnson Controls Energy Efficiency FY'10 CIP project is delayed one year and the bonding of \$1,836,765 to finance the project is postponed until FY'11.

AND, FURTHER BE IT RESOLVED THAT: The FY'10 annual budget is amended to reduce, in the amount of \$38,572 representing a half-year of interest, General Fund Debt Service – City Bond Interest contained on p. 463 of the FY'10 budget for an amended appropriation amount of \$1,971,221.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$38,572 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor David Scott
Ward 3

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.19.

Resolution Number: **R – 2009.09.23 - 145**
 Resolution Re: FY 10 Budget Amendment #18 – General Fund
 Delay Energy Efficiency FY'10 CIP Project and Reduce
 Debt Service City – Interest Appropriation

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.19.

Resolution Number: **R – 2009.09.23 - 145**
Resolution Re: FY 10 Budget Amendment #18 – General Fund
Delay Energy Efficiency FY'10 CIP Project and Reduce
Debt Service City – Interest Appropriation

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution delays the completion of FY'10 CIP project for Johnson Controls Energy Efficiency for one year. This project was approved by the City Council on June 24, 2009 Agenda Item 11B-1 2009.05.27-75.

This resolution reduces the City appropriation for Debt Service Interest (Account 4921) by \$38,572 as reflected on p.463 of the FY'10 budget. This amount representing a half-year of interest since it is anticipated that the first year impact of bonding \$1,836,765 will be for a half-year of interest only.

This resolution will result in a \$38,572 reduction to the City portion of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.20.

Resolution Number: **R – 2009.09.23 - 147**
Resolution Re: FY 10 Budget Amendment #20 – General Fund
Reduction of Debt Service City - Interest

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: The City has a shortfall of approximately \$600,243 in the FY10 annual budget because the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the adoption of the city annual budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 annual budget is amended to reduce, in the amount of \$75,178, General Fund Debt Service – City Bond Interest contained on p. 463 of the FY'10 budget for an amended appropriation amount of \$1,934,615.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$75,178 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Richard Callaghan
Ward 6

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.20.

Resolution Number: **R – 2009.09.23 - 147**
Resolution Re: FY 10 Budget Amendment #20 – General Fund
Reduction of Debt Service City - Interest

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.20.

Resolution Number: **R – 2009.09.23 - 147**
Resolution Re: FY 10 Budget Amendment #20 – General Fund
Reduction of Debt Service City - Interest

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution reduces the City appropriation for Debt Service Interest by \$75,178 as reflected on p. 463 of the FY'10 budget.

This resolution would reverse the action taken by the City Council on June 3, 2009 to reinstate the \$75,178 for anticipated interest for bonding of \$1,159,000 for General Street Improvements as approved in the FY'10 CIP.

This resolution will result in a \$75,178 reduction to the City portion of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.21.

Resolution Number: **R – 2009.09.23 - 148**
Resolution Re: FY 10 Budget Amendment #21 – General Fund
Reduction of Snow Removal Overtime

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: The City has a shortfall of approximately \$600,243 in the FY10 annual budget because the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the adoption of the city annual budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 annual budget is amended to reduce, in the amount of \$39,184, General Fund Snow Removal Overtime (Account 4130) contained on p. 291 of the FY'10 budget for an amended appropriation amount of \$100,000.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$39,184 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Richard Callaghan
Ward 6

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.21.

Resolution Number: **R – 2009.09.23 - 148**
Resolution Re: FY 10 Budget Amendment #21 – General Fund
Reduction of Snow Removal Overtime

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.21.

Resolution Number: **R – 2009.09.23 - 148**
Resolution Re: FY 10 Budget Amendment #21 – General Fund
Reduction of Snow Removal Overtime

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution reduces the City appropriation for Snow Removal Overtime (Account 4130) by \$39,184 as reflected on p. 291 of the FY'10 budget.

This resolution would reverse the action taken by the City Council on June 3, 2009 to appropriate \$39,184 for Snow Removal Overtime in the FY'10 budget.

This resolution will result in a \$39,184 reduction to the City portion of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.22.

Resolution Number: **R – 2009.09.23 - 149**
Resolution Re: FY 10 Budget Amendment #22 – General Fund
Reduction of Community Services Overtime

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: The City has a shortfall of approximately \$600,243 in the FY10 annual budget because the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the adoption of the city annual budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The FY'10 annual budget is amended to reduce, in the amount of \$4,674, General Fund Overtime (Account 4130) budgeted for Community Services Department as denoted in the background section of the resolution.

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$4,674 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Richard Callaghan
Ward 6

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.22.

Resolution Number: **R – 2009.09.23 - 149**
Resolution Re: FY 10 Budget Amendment #22 – General Fund
Reduction of Community Services Overtime

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.22.

Resolution Number: **R – 2009.09.23 - 149**
Resolution Re: FY 10 Budget Amendment #22 – General Fund
Reduction of Community Services Overtime

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the appropriation portion of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution reduces the City appropriation for Community Services Overtime (Account 4130) by \$4,674, or 10%, as reflected below:

Description	Budget Page	Adopted Appropriation	Revised Appropriation	Change
General Government Buildings	p. 269	\$1,500	\$1,350	\$150
Cemetery	p. 273	\$7,000	\$6,300	\$700
Facilities & Grounds	p. 297	\$6,239	\$5,615	\$624
Recycling Management	p. 303	\$32,000	\$28,800	\$3,200
Total		\$46,739	\$42,065	\$4,674

This resolution will result in a \$39,184 reduction to the City portion of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.23.

Resolution Number: **R – 2009.09.23 - 150**
Resolution Re: FY 10 Budget Amendment #23 – General Fund
Amend Use of Sand and Gravel Revenues

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City Council has a desire to limit the FY 10 tax levy impact to the Citizens of Dover; and
- WHEREAS: On September 9, 2009 the City Council adopted Budget Amendment #2 to transfer the sum of Four hundred thousand (\$400,000) dollars from the Sand and Gravel Fund to be used as a transfer to the General Fund as a funding source for the General Fund appropriations in the FY10 annual budget; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The action taken by the City Council on September 9, 2009 through adoption of Budget Amendment #2 FY'10 annual budget is amended as follows:

“15. There is the sum of One Hundred Thousand (\$100,000) dollars appropriated from the Sand and Gravel Fund as a transfer to the General Fund for the purpose of offsetting property taxes. Said funding being allocated \$50,000 to offset City portion of property tax levy and \$50,000 allocated to offset School portion of property tax levy. ”

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended based on this resolution.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Richard Callaghan
Ward 6

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.23.

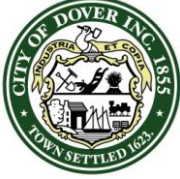
Resolution Number: **R – 2009.09.23 - 150**
Resolution Re: FY 10 Budget Amendment #23 – General Fund
Amend Use of Sand and Gravel Revenues

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.23.

Resolution Number: **R – 2009.09.23 - 150**
Resolution Re: FY 10 Budget Amendment #23 – General Fund
Amend Use of Sand and Gravel Revenues

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution offsets the \$600,243 shortfall in revenues from the State of New Hampshire by authorizing the use of the Sand and Gravel Fund moneys in the amount of \$100,000. The resolution adjusts the prior amount authorized by the City Council for Use of Sand & Gravel adopted through Budget Amendment #2 on September 9, 2009 and amends the allocation of the Sand & Gravel Revenue to the School District.

This resolution will result in amending the City and School portions of the property tax levy.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.24

Resolution Number: **R – 2009.09.23 - 146**
Resolution Re: FY 10 Budget Amendment #19 – General Fund
Budgetary Use of Unreserved Fund Balance

- WHEREAS: The City Council adopted the Fiscal Year 2010 Budget on June 3, 2009; and
- WHEREAS: The City has a shortfall of approximately \$600,243 in the FY10 annual budget because the City will not receive Shared Revenue Block Grant funds reasonably expected from the State of New Hampshire at the time of the adoption of the city annual budget; and
- WHEREAS: The June 30, 2009 General Fund Unreserved Fund Balance is projected to be in excess of the City Council established policy limit of 6% of the General Fund's annual budget, including City, School and County appropriations; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The Budgetary Use of Fund Balance portion of the FY10 annual budget resolution adopted by the City Council is amended to read:

“3. There is the sum of \$150,000 appropriated for Budgetary Use of Unreserved Fund Balance included in the General Fund for the purpose of offsetting the estimated property tax levy.”

AND, FURTHER BE IT RESOLVED THAT: The tax levy portion of the FY'10 annual budget adopted by the City Council is amended and reduced by the amount of \$150,000 for City Property Taxes.

REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor Catherine Cheney
Ward 5

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.24

Resolution Number: **R – 2009.09.23 - 146**
Resolution Re: FY 10 Budget Amendment #19 – General Fund
Budgetary Use of Unreserved Fund Balance

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 11.B.24

Resolution Number: **R – 2009.09.23 - 146**
Resolution Re: FY 10 Budget Amendment #19 – General Fund
Budgetary Use of Unreserved Fund Balance

RESOLUTION BACKGROUND MATERIAL:

This resolution amends the Budgetary Use of Unreserved Fund Balance portion of the FY'10 budget as adopted by the City Council on June 3, 2009.

This resolution proposes to use \$150,000 of Unreserved Fund Balance to reduce the FY'10 City property tax levy.

This resolution will result in a \$150,000 reduction to the City portion of the property tax levy.

Based on budget amendment #2 adopted by the City Council on September 9, 2009, the projected increase in the FY'10 tax levy of \$600,243 due to a shortfall in State Shared Revenue Block Grant funds was reduced by \$400,000. There is still a \$200,243 projected increase in the FY'10 tax levy. Pending budget amendment #3 proposes to reduce the increased tax levy by \$41,183, leaving approximately \$159,000 as an increase in the FY'10 tax levy.

The June 30, 2009 General Fund Unreserved Fund Balance is projected to be in excess of the City Council established policy limit of 6% of the General Fund's annual budget, including City, School and County appropriations.

The current FY'10 adopted General Fund budget is \$83,777,210, and a 6% Unreserved Fund Balance limit would be \$5,026,633. The June 30, 2009 General Fund Unreserved Fund Balance is projected to be \$5,492,072 or \$465,439 above the Council policy limit.



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

RAFFLE*.....TAG*.....PARADE** BLOCK PARTY** ROAD TOLL***

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: Dover High School Football Boosters

Federal Tax ID number for Organization: 02-0447380

Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Lynn Dow Day Time Telephone: 679-3315

Address: 17 Little River Rd, Nottingham Email Address: K24dogs@gmail.com

Purpose of Permit: thanks giving Day Raffle

Date of Event: Sept 09 - Nov '09 Specific Time: _____

Location of Event: Dover

(Raffle Permit only)
Prize (s) To Be Awarded: Cash + premium prizes Halftime

Amount of Donation: \$5 Date of Drawing: 11/26/09 Specific Time: @ game

Place of Drawing: DHS Football field (Dunaway)

* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited Information on these requirements may be found at http://doj.nh.gov/publications/charitable_forms.html.

** NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA

***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Lynn Dow Date: 9/4/09

Licensing Board approval: [Signature] 9/8/09
Revised 03/17/08

OK w/p



CITY OF DOVER
09 SEP -4 PM 12:34

APPLICATION CITY OF DOVER, NEW HAMPSHIRE

RAFFLE* **TAG*** **PARADE**** **BLOCK PARTY**** **ROAD TOLL*****

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: Wentworth Douglass Hospital & Health Foundations

Federal Tax ID number for Organization: 51-0491062

Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Kathleen King Day Time Telephone: 603-978-5741

Address: 135 Ten Rod Rd Email Address: Kings5@metrocast.net

Purpose of Permit: Raise money for the Ellen M. George Endowment fund

Date of Event: 10/3/09 Specific Time: Apple Harvest

Location of Event: Downtown Dover

(Raffle Permit only)
Prize (s) To Be Awarded: 1 Coach Purse

Amount of Donation: 1.00 Date of Drawing: Oct 3, 2009 Specific Time: Apple Harvest Day

Place of Drawing: Downtown Dover

* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited Information on these requirements may be found at http://doj.nh.gov/publications/charitable_forms.html.

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***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Kathleen King Date: 9/3/09

Licensing Board approval: [Signature] Date: 9/8/09
Revised 03/17/08

OK
WF

Deb Shelton is the hospital contact I am Ellen George's Sister Kathleen King



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

RAFFLE*.....TAG*.....PARADE**..... BLOCK PARTY**..... ROAD TOLL***.....

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: WENTWORTH Home
Federal Tax ID number for Organization: 02-0223354
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political
Contact Person: Maurea Byrne Day Time Telephone: 742-7406
Address: 795 Central Ave, Dover Email Address: mbyrne@comcast.net
Purpose of Permit: Quilt Raffle at October Harvest Fair
Date of Event: 10/24/09 Specific Time: 10AM
Location of Event: WENTWORTH Home 795 Central Ave
Prize (s) To Be Awarded: Quilt-Handmade
Amount of Donation: \$1.00 Date of Drawing: 10/24/09 Specific Time: 1PM
Place of Drawing: WENTWORTH Home 795 Central Ave

* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application.

** NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA

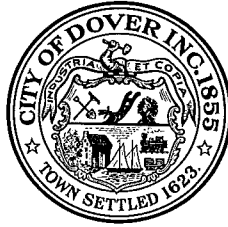
***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT. I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Maurea K. Byrne Date: 8/12/09

Licensing Board approval [Signature] Date: 8/19/09 Revised 03/17/08

Handwritten initials 'OK wf' and a signature.



CITY OF DOVER
09 AUG 20 PM 2:56

APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

RAFFLE*.....TAG*.....PARADE**.....BLOCK PARTY**.....ROAD TOLL***.....

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: Moms on the Run

Federal Tax ID number for Organization: _____

Nature of Organization: Religious, Educational, Charitable, Civic, (Sports), Veterans, Fraternal or Political

Contact Person: Nicole Kurr Day Time Telephone: 742-6350

Address: P.O. Box 1408, Dover NH Email Address kurr4@comcast.net

Purpose of Permit: Mother's Day 5K Run/Walk (4th Annual)

Date of Event: Sunday May 9th, 2010 Specific Time: 8:30am - 11:00a

Location of Event: Dover High School Alumni Orine

(Raffle Permit only)

Prize (s) To Be Awarded: _____

Amount of Donation: _____ Date of Drawing: _____ Specific Time: _____

Place of Drawing: _____

*** NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS:** Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited Information on these requirements may be found at http://doj.nh.gov/publications/charitable_forms.html.

**** NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA**

*****NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT**

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.

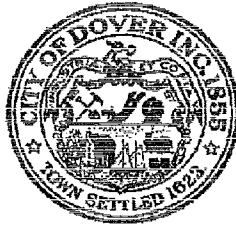
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A , RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Nicole Kurr Date: 8/20/09

Licensing Board approval _____ Date: 9/8/09

Revised 03/17/08

*OK
W*



APPLICATION CITY OF DOVER, NEW HAMPSHIRE

RAFFLE*.....TAG*.....PARADE**..... BLOCK PARTY**..... ROAD TOLL***.....

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: Seacoast Titans

Federal Tax ID number for Organization: 02-6526109

Nature of Organization: Religious, Educational, Charitable, Civic, (Sports), Veterans, Fraternal or Political

Contact Person: Kathy Gadarowski Day Time Telephone: 603-396-4481

Address: 53 Watson Rd Dover Email Address: Kgad911@comcast.net

Purpose of Permit: Tagging- football & cheer leaders

Date of Event: Oct 9 & 10th Specific Time: 5-8pm & 8-5pm

Location of Event: various locations throughout Dover

(Raffle Permit only)

Prize (s) To Be Awarded: _____

Amount of Donation: _____ Date of Drawing: _____ Specific Time: _____

Place of Drawing: _____

*** NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS:** Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited. Information on these requirements may be found at http://doj.nh.gov/publications/charitable_forms.html.

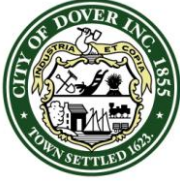
**** NOTE:** ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA

*****NOTE:** SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Kathleen Gadarowski Date: 9/18/09

Licensing Board approval _____ Date: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.09.23 - 152**
Resolution Re: B10014 Redden and Ash St Sewer Replacement

WHEREAS: Sealed request for bid B10014 was issued and received on September 8, 2009 @ 2:00pm for the replacement of a 12 inch sewer on Ash St and water –sewer main replacements on Redden St and reroute sewer mains on Oak Hill and Redden; and

WHEREAS: Low bid meeting specifications was submitted by SUR Construction in the base amount of \$338,200.00 plus alternates B for full width pavement repairs in the amount of \$115,000.00 plus alternate C for Drainage improvements in the amount of \$16,280.00 for a total of **\$469,480.00** It is the recommendation to award to low bid SUR Construction.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The purchasing agent is hereby authorized to issue a purchase order to SUR Construction in the bid amount of \$469,480.00 and corresponding rates provided on 9/8/09. The amount of this authorization shall be limited so as not to exceed available funding.

Account	Description	Appropriation	Balance
5300-43320-4757-3548-10-30	Watr Main Redden & Oak	150,000	150,000
5320-43250-4757-4549-09-30	Sewer Redden & Oak	350,000	331,200
5320-43250-4757-4549-10-30	Sewer Redden & Oak	300,000	300,000

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.09.23 - 152**
Resolution Re: B10014 Redden and Ash St Sewer Replacement

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.09.23 - 152**

Resolution Re: B10014 Redden and Ash St Sewer Replacement

RESOLUTION BACKGROUND MATERIAL:

This project replaces a 12 inch sewer on Ash St, which crosses a granite box culvert. There is currently a steel or cast iron sleeve that carries the sewer main through the box culvert which will be reused. This project also connects two dead end water mains on Redden St and re-routes a sewer main on Oak Hill and Redden St. The sewer main that currently runs cross country to Hillcrest Dr will be discontinued. All sewer services with-in the scope of the project will be replaced at least to the right of way line or where it is feasible to connect into the existing house service. Some water services will also be replaced. Vendors were also asked to submit pricing quotes for three alternative items to include:

Alternate A = Trench Pavement Repairs

Alternate B = Full Width Pavement Repairs

Alternate C = Drainage Improvements

Bid Information:

Sealed bid B10014 received September 8, 2009 @ 2:00pm.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	51	Number of Responses:	7
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	Until Completion	Estimated Delivery:	As needed
Recommended Award to:	SUR Construction	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.09.23 - 152**

Resolution Re: B10014 Redden and Ash St Sewer Replacement

Vendor Solicitation List:

Advanced Excavating and
Paving
PO box 581
Suncook NH 03275

American Excavating Corp
PO Box 1220
Derry NH 03038

Connies Septic Service Inc
82 DW Highway
Merrimack NH 03054

Andrews Construction Co
PO box 720
Campton NH 03223

BUR Construction
131 Broad St
Claremont NH 03743

Continental Paving Inc
1 Continental Dr
Londonderry NH 03053

Busby Construction
9 Pond Ln
Atkinson NH 03811

AR Couture Construction
1803 Riverside Dr
Berlin NH 03570

RD Edmund and Sons Inc
221 Franklin St
Franklin NH 03235

JGE Enterprises Inc
24 Eastman Ave Ste C4
Bedford NH 03110

Keymont Construction
PO Box 819
Laconia NH 03247

Latulippe Construction
PO Box 728
Ashland NH 03217

Gove Construction Services Co
170 West Road
PO Box 6606
Portsmouth, NH 03802-6606

Hanson Construction LTD,
Michael
1252 County Road
New London, NH 03257

Merrill, FL Construction
619 Sand Road
Pembroke NH 03275

Morrill Construction Co
190 Horse Meadow
PO Box 400
No. Haverhill, NH 03774

John H. Lyman & Sons
310 Hoyt Road
Gilford NH 03246-6925

S & R Construction Enterprises
PO Box 509
Newton, NH 03858-0509

Bell and Flynn Inc.
69 Bunker Hill Ave.
Stratham, NH 03885

N. Pandelena Construction Co
6 Starwood Drive
Hampstead NH 03811

Park Construction Corp
138 NH Rte 119 East
PO Box 600
Fitzwilliam, NH 03447



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.09.23 - 152**
Resolution Re: B10014 Redden and Ash St Sewer Replacement

Penta Corporation
1253 Whittier Highway
PO Box 390
Moultonboro, NH 03254

Pike Industries
650 Peverly Hill Road
Portsmouth, NH 03801

Piper RM Inc
141 Smith Bridge road
PO Box 490
Plymouth, NH 03264-0490

Piscopo, James S. G.C. Inc
Rte 3
PO Box 130
Winnisquam, NH 03289

SUR Construction, Inc
233 Chestnut Hill road
PO Box 720
Rochester, NH 03866-0720

Swett, E. D. Inc
8 Industrial Park Drive
Concord, NH 03301-8512

Virgin Construction Corp
346 Lakeshore Dr
W Franklin NH 03235

Joseph P Cardillo Construction
1 Melvin St
Wakefield MA 01880

Whitcomb, Frank W.
Construction Corp
PO Box 1000
Walpole, NH 03608

Severino Trucking Co.
P.O. Box 202
Candia, NH 03034

Brown Industrial Group
P.O. Box 137
Berwick, ME 03901

G & M Construction
P.O. Box 522
Berwick, ME 03901

Pichette Bros. Construction
714 Rimmon Street
Manchester, NH 03102

Durrell Industries
478 Colonial Drive
Portsmouth, NH 03801

CLD Paving
126 Pendleton Road
Laconia, NH 03246

Busby Construction
9 Pond Lane
Atkinson, NH 03811

Jamco, LLC
84 Exeter Road
South Hampton, NH 03827

F.L Merrill Construction
RR #3, Box 3866
Chichester, NH 03263

North East Roads, Inc
343 South Street
Fitchburg, MA 01420

Santorelli Construction
3 Gumwood Lane
Wakefield, MA 01880

Brox Industries
1471 Methuen St.
Dracut, MA 01826



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.B.1.

Resolution Number: **R - 2009.09.23 - 152**

Resolution Re: B10014 Redden and Ash St Sewer Replacement

K.C. Paving
85 Knox Marsh Road
Dover, NH 03820

CSSI (Connie Septic Services
Incorporated)
82 Daniel Webster Highway
Merrimack, NH 03054

C & L Construction
P.O. Box 130
Greenland, NH 03840

DBU Construction
P. O. Box 984
Epsom, NH 03234

Cape Ann Equipment
334 Clark St
No Andover MA 01845

DBU Construction Inc
PO Box 984
Epsom NH 03234

Northeast earth Mechanics
159 Barnstead rd
Pittsfield NH 03263

Pandelena Construction
6 Starwood Dr
Hampsted NH 03811

Santorelli Construction
PO Box 233
Wakefield MA 01880

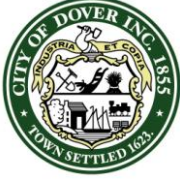
John Towle Construction
PO Box 1708
Dover, NH 03821-1708

Turgeon Construction
39 Indigo Hill Road
Somersworth NH 03878

Results B10014 under Separate Attachment

Redden & Ash B10014

ITE	ITEM	QTY	UNIT	SUR Construction		JP Cardillo & Sons		DBU Construction		Jamco Excavator LLC		North East Earth Mechanics		JP Towle Construction		FL Merrill Construction		UNIT PRICES	
				\$/UNIT	\$	\$/UNIT	\$	\$/UNIT	\$	\$/UNIT	\$	\$/UNIT	\$	\$/UNIT	\$	\$/UNIT	\$	Median	Average
1	Mobilization	1	ls	\$ 70,038.50	\$ 70,038.50	\$ 19,000.00	\$ 19,000.00	\$ 16,000.00	\$ 16,000.00	\$ 18,000.00	\$ 18,000.00	\$ 38,500.00	\$ 38,500.00	\$ 20,000.00	\$ 20,000.00	\$ 35,000.00	\$ 35,000.00	\$ 20,000.00	\$ 30,934.07
2	Rock Excavation	10	cy	\$ 10.00	\$ 100.00	\$ 200.00	\$ 2,000.00	\$ 50.00	\$ 500.00	\$ 200.00	\$ 2,000.00	\$ 100.00	\$ 1,000.00	\$ 300.00	\$ 3,000.00	\$ 85.00	\$ 850.00	\$ 100.00	\$ 135.00
3	traffic control	1	ls	\$ 6,400.00	\$ 6,400.00	\$ 0.01	\$ 0.01	\$ 10,600.00	\$ 10,600.00	\$ 23,500.00	\$ 23,500.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 28,000.00	\$ 28,000.00	\$ 10,000.00	\$ 12,642.86
4	temp 1" bituminous concrete trench patch	1000	lf	\$ 9.50	\$ 9,500.00	\$ 0.01	\$ 10.00	\$ 6.00	\$ 6,000.00	\$ 9.00	\$ 9,000.00	\$ 7.00	\$ 7,000.00	\$ 6.00	\$ 6,000.00	\$ 10.00	\$ 10,000.00	\$ 7.00	\$ 6.79
5	bituminous sidewalks driveways	45	sy	\$ 21.00	\$ 945.00	\$ 50.00	\$ 2,250.00	\$ 55.00	\$ 2,475.00	\$ 47.00	\$ 2,115.00	\$ 20.00	\$ 900.00	\$ 10.00	\$ 450.00	\$ 38.00	\$ 1,710.00	\$ 38.00	\$ 34.43
6	Core and Boot existing structure	1	ea	\$ 1,400.00	\$ 1,400.00	\$ 1,500.00	\$ 1,500.00	\$ 560.00	\$ 560.00	\$ 1,700.00	\$ 1,700.00	\$ 500.00	\$ 500.00	\$ 400.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 560.00	\$ 937.14
7	abandon existing sewer manhole	1	ea	\$ 1,400.00	\$ 1,400.00	\$ 0.01	\$ 0.01	\$ 950.00	\$ 950.00	\$ 300.00	\$ 300.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 350.00	\$ 350.00	\$ 500.00	\$ 571.43
8	sewer manhole 4' diameter	110	vf	\$ 285.00	\$ 31,350.00	\$ 350.00	\$ 38,500.00	\$ 200.00	\$ 22,000.00	\$ 250.00	\$ 27,500.00	\$ 400.00	\$ 44,000.00	\$ 85.00	\$ 9,350.00	\$ 300.00	\$ 33,000.00	\$ 285.00	\$ 267.14
9	sewer manhole frame & cover	12	ea	\$ 525.00	\$ 6,300.00	\$ 0.01	\$ 0.12	\$ 530.00	\$ 6,360.00	\$ 690.00	\$ 8,280.00	\$ 500.00	\$ 6,000.00	\$ 500.00	\$ 6,000.00	\$ 400.00	\$ 4,800.00	\$ 500.00	\$ 449.29
10	8" SDR35 PVC sewer pipe	1400	lf	\$ 35.50	\$ 49,700.00	\$ 100.00	\$ 140,000.00	\$ 65.00	\$ 91,000.00	\$ 59.00	\$ 82,600.00	\$ 110.00	\$ 154,000.00	\$ 70.00	\$ 98,000.00	\$ 50.00	\$ 70,000.00	\$ 65.00	\$ 69.93
11	12" SDR35 PVC sewer pipe	460	lf	\$ 54.50	\$ 25,070.00	\$ 110.00	\$ 50,600.00	\$ 80.00	\$ 36,800.00	\$ 65.00	\$ 29,900.00	\$ 120.00	\$ 55,200.00	\$ 130.00	\$ 59,800.00	\$ 54.00	\$ 24,840.00	\$ 80.00	\$ 87.64
12	6" PVC sewer pipe SDR35 Sanitary sewer	575	lf	\$ 38.00	\$ 21,850.00	\$ 35.00	\$ 20,125.00	\$ 40.00	\$ 23,000.00	\$ 63.00	\$ 36,225.00	\$ 40.00	\$ 23,000.00	\$ 55.00	\$ 31,625.00	\$ 48.00	\$ 27,600.00	\$ 40.00	\$ 45.57
13	8" x 6" WYE	23	ea	\$ 45.00	\$ 1,035.00	\$ 1,500.00	\$ 34,500.00	\$ 55.00	\$ 1,265.00	\$ 125.00	\$ 2,875.00	\$ 50.00	\$ 1,150.00	\$ 50.00	\$ 1,150.00	\$ 140.00	\$ 3,220.00	\$ 55.00	\$ 280.71
14	addl excavation of unsuitable	50	cy	\$ 10.00	\$ 500.00	\$ 0.01	\$ 0.50	\$ 40.00	\$ 2,000.00	\$ 35.00	\$ 1,750.00	\$ 20.00	\$ 1,000.00	\$ 40.00	\$ 2,000.00	\$ 27.00	\$ 1,350.00	\$ 27.00	\$ 24.57
15	water main connect to existing	2	ea	\$ 425.00	\$ 850.00	\$ 5,000.00	\$ 10,000.00	\$ 375.00	\$ 750.00	\$ 2,000.00	\$ 4,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,300.00	\$ 4,600.00	\$ 1,900.00	\$ 3,800.00	\$ 1,900.00	\$ 1,857.14
16	8"CLDI water line w/polywrap	540	lf	\$ 48.50	\$ 26,190.00	\$ 90.00	\$ 48,600.00	\$ 54.00	\$ 29,160.00	\$ 47.00	\$ 25,380.00	\$ 60.00	\$ 32,400.00	\$ 48.00	\$ 25,920.00	\$ 55.00	\$ 29,700.00	\$ 54.00	\$ 57.50
17	6" cement lined DI water main w/polywrap	15	lf	\$ 46.50	\$ 697.50	\$ 1.00	\$ 15.00	\$ 44.00	\$ 660.00	\$ 80.00	\$ 1,200.00	\$ 55.00	\$ 825.00	\$ 40.00	\$ 600.00	\$ 58.00	\$ 870.00	\$ 46.50	\$ 46.36
18	8" bend	4	ea	\$ 400.00	\$ 1,600.00	\$ 0.01	\$ 0.04	\$ 350.00	\$ 1,400.00	\$ 450.00	\$ 1,800.00	\$ 250.00	\$ 1,000.00	\$ 200.00	\$ 800.00	\$ 420.00	\$ 1,680.00	\$ 350.00	\$ 295.72
19	8"water gate valve	2	ea	\$ 1,050.00	\$ 2,100.00	\$ 0.01	\$ 0.02	\$ 1,100.00	\$ 2,200.00	\$ 1,275.00	\$ 2,550.00	\$ 1,000.00	\$ 2,000.00	\$ 1,000.00	\$ 2,000.00	\$ 1,300.00	\$ 2,600.00	\$ 1,050.00	\$ 960.72
20	6" water gate valve	1	ea	\$ 775.00	\$ 775.00	\$ 0.01	\$ 0.01	\$ 1,000.00	\$ 1,000.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 800.00	\$ 560.00	\$ 560.00	\$ 800.00	\$ 676.43
21	8"x8"x6" anchor tee	1	ea	\$ 575.00	\$ 575.00	\$ 0.01	\$ 0.01	\$ 460.00	\$ 460.00	\$ 700.00	\$ 700.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00	\$ 500.00	\$ 500.00	\$ 460.00	\$ 405.00
22	8" hymax Coupling	2	ea	\$ 300.00	\$ 600.00	\$ 0.01	\$ 0.02	\$ 450.00	\$ 900.00	\$ 680.00	\$ 1,360.00	\$ 200.00	\$ 400.00	\$ 200.00	\$ 400.00	\$ 530.00	\$ 1,060.00	\$ 300.00	\$ 337.14
23	1 inch copper service pipe	200	lf	\$ 46.00	\$ 9,200.00	\$ 0.01	\$ 2.00	\$ 50.00	\$ 10,000.00	\$ 41.00	\$ 8,200.00	\$ 35.00	\$ 7,000.00	\$ 30.00	\$ 6,000.00	\$ 48.00	\$ 9,600.00	\$ 41.00	\$ 35.72
24	1 inch tap and corporation	4	ea	\$ 110.00	\$ 440.00	\$ 1,000.00	\$ 4,000.00	\$ 90.00	\$ 360.00	\$ 450.00	\$ 1,800.00	\$ 200.00	\$ 800.00	\$ 200.00	\$ 800.00	\$ 680.00	\$ 2,720.00	\$ 200.00	\$ 390.00
25	1inch curb stop and box	4	ea	\$ 105.00	\$ 420.00	\$ 0.01	\$ 0.04	\$ 160.00	\$ 640.00	\$ 300.00	\$ 1,200.00	\$ 200.00	\$ 800.00	\$ 100.00	\$ 400.00	\$ 370.00	\$ 1,480.00	\$ 160.00	\$ 176.43
26	3-part union 1"x3/4"	3	ea	\$ 13.00	\$ 39.00	\$ 0.01	\$ 0.03	\$ 35.00	\$ 105.00	\$ 150.00	\$ 450.00	\$ 100.00	\$ 300.00	\$ 20.00	\$ 60.00	\$ 140.00	\$ 420.00	\$ 35.00	\$ 65.43
27	3/4 in copper svcs pipe	400	lf	\$ 40.00	\$ 16,000.00	\$ 0.01	\$ 4.00	\$ 45.00	\$ 18,000.00	\$ 39.00	\$ 15,600.00	\$ 34.00	\$ 13,600.00	\$ 30.00	\$ 12,000.00	\$ 46.00	\$ 18,400.00	\$ 39.00	\$ 33.43
28	3/4 inch curb stop and box	10	ea	\$ 85.00	\$ 850.00	\$ 0.01	\$ 0.10	\$ 135.00	\$ 1,350.00	\$ 260.00	\$ 2,600.00	\$ 160.00	\$ 1,600.00	\$ 130.00	\$ 1,300.00	\$ 350.00	\$ 3,500.00	\$ 135.00	\$ 160.00
29	remove existing hydrant-pipe-gate-tee	1	ls	\$ 425.00	\$ 425.00	\$ 0.01	\$ 0.01	\$ 1,000.00	\$ 1,000.00	\$ 1,200.00	\$ 1,200.00	\$ 500.00	\$ 500.00	\$ 250.00	\$ 250.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 553.57
30	install eddy hydrant	3	ea	\$ 2,900.00	\$ 8,700.00	\$ 5,000.00	\$ 15,000.00	\$ 3,900.00	\$ 11,700.00	\$ 2,500.00	\$ 7,500.00	\$ 2,500.00	\$ 7,500.00	\$ 2,000.00	\$ 6,000.00	\$ 4,100.00	\$ 12,300.00	\$ 2,900.00	\$ 3,271.43
31	errosion control	1	ls	\$ 3,350.00	\$ 3,350.00	\$ 500.00	\$ 500.00	\$ 3,400.00	\$ 3,400.00	\$ 7,500.00	\$ 7,500.00	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 4,000.00	\$ 15,000.00	\$ 15,000.00	\$ 3,400.00	\$ 4,964.29
32	test pit excavation and refill	40	ea	\$ 100.00	\$ 4,000.00	\$ 0.01	\$ 0.40	\$ 25.00	\$ 1,000.00	\$ 0.01	\$ 0.40	\$ 1.00	\$ 40.00	\$ 200.00	\$ 8,000.00	\$ 60.00	\$ 2,400.00	\$ 25.00	\$ 55.15
33	loam	1	ls	\$ 3,200.00	\$ 3,200.00	\$ 500.00	\$ 500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 7,500.00	\$ 10,000.00	\$ 10,000.00	\$ 6,000.00	\$ 6,000.00	\$ 7,000.00	\$ 7,000.00	\$ 7,000.00	\$ 5,957.14
34	hydroseeding	1	ls	\$ 600.00	\$ 600.00	\$ 0.01	\$ 0.01	\$ 2,100.00	\$ 2,100.00	\$ 1,000.00	\$ 1,000.00	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 500.00	\$ 500.00	\$ 1,000.00	\$ 1,100.00
35	contingency	1	ls	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00	\$ 32,000.00
Base total				\$ 338,200.00	\$ 419,107.33	\$ 345,195.00	\$ 370,085.40	\$ 459,615.00	\$ 362,005.00	\$ 387,810.00									
Alternate A - Trench Pavement Repairs																			
a.1	permanent 4" bituminous concrete trench pave	2,800	lf	\$ 26.00	\$ 72,800.00	\$ 33.00	\$ 92,400.00	\$ 30.00	\$ 84,000.00	\$ 36.00	\$ 100,800.00	\$ 30.00	\$ 84,000.00	\$ 37.50	\$ 105,000.00	\$ 23.00	\$ 64,400.00	\$ 30.00	\$ 30.79
total Alt A				\$ 72,800.00	\$ 92,400.00	\$ 84,000.00	\$ 100,800.00	\$ 84,000.00	\$ 105,000.00	\$ 64,400.00									
Alternate B - Full Width Pavement Repairs																			
b.1	full width roadway pulverization 8"depth	5,500	sy	\$ 4.50	\$ 24,750.00	\$ 5.00	\$ 27,500.00	\$ 1.00	\$ 5,500.00	\$ 3.50	\$ 19,250.00	\$ 1.00	\$ 5,500.00	\$ 2.20	\$ 12,100.00	\$ 2.20	\$ 12,100.00	\$ 2.20	\$ 2.77
b.2	additional crushed gravel for trenches	650	cy	\$ 15.00	\$ 9,750.00	\$ 15.00	\$ 9,750.00	\$ 26.00	\$ 16,900.00	\$ 0.01	\$ 6.50	\$ 25.00	\$ 16,250.00	\$ 16.00	\$ 10,400.00	\$ 34.00	\$ 22,100.00	\$ 16.00	\$ 18.72
b.3	additional stone to augment reclaim mtrl	300	cy	\$ 30.00	\$ 9,000.00	\$ 20.00	\$ 6,000.00	\$ 33.00	\$ 9,900.00	\$ 21.00	\$ 6,300.00	\$ 30.00	\$ 9,000.00	\$ 28.00	\$ 8,400.00	\$ 43.00	\$ 12,900.00	\$ 30.00	\$ 29.29
b.4	full width bituminous concrete 3.5" thick	1,100	ton	\$ 65.00	\$ 71,500.00	\$ 80.00	\$ 88,000.00	\$ 90.00	\$ 99,000.00	\$ 63.00	\$ 69,300.00	\$ 65.00	\$ 71,500.00	\$ 79.00	\$ 86,900.00	\$ 96.00	\$ 105,600.00	\$ 79.00	\$ 76.86
Total Alt B				\$ 115,000.00	\$ 131,250.00	\$ 131,300.00	\$ 94,856.50	\$ 102,250.00	\$ 117,800.00	\$ 152,700.00									
Alternate C - Drainage Improvements																			
c.1	catch basins 4' Diameter	28	vf	\$ 280.00	\$ 7,840.00	\$ 325.00	\$ 9,100.00	\$ 160.00	\$ 4,480.00	\$ 280.00	\$ 7,840.00	\$ 300.00	\$ 8,400.00	\$ 210.00	\$ 5,880.00	\$ 370.00	\$ 10,360.00	\$ 280.00	\$ 275.00
c.2	catch basin frame and grate	4	ea	\$ 480.00	\$ 1,920.00	\$ 500.00	\$ 2,000.00	\$ 530.00	\$ 2,120.00	\$ 650.00	\$ 2,600.00	\$ 500.00	\$ 2,000.00	\$ 400.00	\$ 1,600.00	\$ 390.00	\$ 1,560.00	\$ 500.00	\$ 492.86
c.3	12" RCP pope class III	90	lf	\$ 60.00	\$ 5,400.00	\$ 75.00	\$ 6,750.00	\$ 40.00	\$ 3,600.00	\$ 50.00									



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.23 - 16**
Ordinance Title: Spring Street parking
Chapter: Chapter 166, Vehicles and Traffic

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.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.1.

Ordinance Number: **O – 2009.09.23 - 16**
Ordinance Title: Spring Street parking
Chapter: Chapter 166, Vehicles and Traffic

ORDINANCE BACKGROUND MATERIAL:

This ordinance revision was recommended by the Transportation Advisory Commission by unanimous vote at its August 24, 2009 meeting, after hearing resident concerns about the width of the street. Spring Street extends a single block from Central to Locust and is approximately 400' long. All Spring Street residents and property owners were invited to participate or provide input to the Transportation Advisory Commission at its July 27 and August 24 meetings and no one expressed opposition.

There is presently no parking restriction on Spring Street. The width of Spring Street from curb-to-curb is less than 24'. The standard width of a parallel parking stall is 8'. With parking on both sides, this leaves a travel way that is potentially as narrow as 8'. Dover Fire Department's Truck 1, the largest vehicle in the fleet, has an overall width of 11' including the side mirrors. This basic math shows that there is a potential for a public safety emergency at times when vehicles are allowed to park on both sides of Spring Street.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 17**

Chapter: Building Construction Chapter 68

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 68, entitled “Building Construction” of the Code of the City of Dover.

2. AMENDMENT

Chapter 68 entitled “Building Construction” is hereby amended by revising multiple Sections.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

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: Deputy Mayor Dean Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

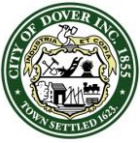
Ordinance Number:
Ordinance Title: **O – 2009.09.23 - 17**
Chapter: Building Construction Chapter 68

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.		

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.2.
	Ordinance Number:		
	Ordinance Title:	O – 2009.09.23 - 17	
	Chapter:	Building Construction Chapter 68	

ORDINANCE BACKGROUND MATERIAL:

BUILDING CONSTRUCTION

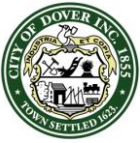
CHAPTER 68

- 68-1. Statutory authority.**
- 68-2. Adoption of standards.**
- 68-3. Office of Building Official established.**
- 68-4. Qualifications of Building Official.**
- 68-5. Duties.**
- 68-6. Liability for official actions.**
- 68-7. Cooperation with other city officials.**
- 68-8. Right of entry.**
- 68-9. Definitions.**
- 68-10. Fire limits.**
- 68-11. Fees.**
- 68-12. Construal of provisions.**
- 68-13. (Reserved)**

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.* Amendments noted where applicable]

General References

Building wrecking and demolition - See Ch. 71.
 Electrical standards - See Ch. 102.
 Housing standards - See Ch. 119.
 Plumbing - See Ch. 135.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.2.
	Ordinance Number:		
	Ordinance Title:	O – 2009.09.23 - 17	
	Chapter:	Building Construction Chapter 68	

Site review - See. Ch. 149.
 Subdivision of land - See Ch. 155.
 Zoning - See Ch. 170.

Fire and Life Safety – See Chapter 109

*Editor's Note: Provisions of this chapter are derived from Ch. 15 of the former Code, adopted 12-14-77.

68-01

68-1

68-4

68-1. Statutory authority.

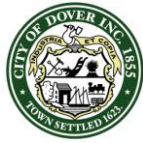
This chapter is enacted pursuant to the authority granted by ~~Section 22 of Chapter 47 RSA 47:22~~ and Chapter 155-A as amended, ~~2003~~ of the New Hampshire Revised Statutes Annotated. [Amended 11-19-03 by Ord. No.21-2003]

68-2. Adoption of standards.[Amended 3-12-86 by Ord. No. 2-86, Amended 11-11-98 by Ord. No. 19-98; Amended 11-19-03 by Ord. No.21-2003]

There is hereby adopted by the City of Dover, New Hampshire, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use occupancy, location and maintenance of buildings and structures, including permits, that certain building code known as the "State Building Code ~~and State Fire Code~~" ~~and the International Residential Code~~" as published by the International Code Council, and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the City Clerk of the City of Dover, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City of Dover, New Hampshire.

68-3. Office of Building Official established.

- A. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be appointed by the chief executive officer of the City of Dover. ~~His appointment shall be made in accordance with the provisions of the City Charter and Administrative Code* and shall continue during good behavior and satisfactory service. He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges in accordance with the Merit Plan of the City of Dover.~~

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.2.
	Ordinance Number:	O – 2009.09.23 - 17	
	Ordinance Title:	Building Construction Chapter 68	
	Chapter:	Building Construction Chapter 68	

68-4. Qualifications of Building Official.

~~To be eligible to appointment, the candidate for the position shall have had experience as an architect, structural engineer, building inspector or superintendent of building construction. He shall be in good health, physically capable of making the necessary examinations and inspections. He~~The Building Official shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition.

*Editor's Note: See Ch. 3, Administrative Code.

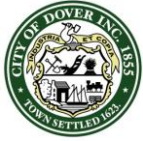
68-02

68-4

68-6

68-4. Duties.

- A. The Building Official ~~shall devote his whole time to the duties of his office. He~~ shall receive applications required by this code, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He shall enforce all provisions of the Building Code. He shall, when requested by proper authority or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or his duly appointed ~~assistant~~ **designee**. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on such reports unless the same are in writing and certified to by a responsible officer of such service.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He shall retain, on file, copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate may be in existence.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.2.

Ordinance Number:

Ordinance Title: O – 2009.09.23 - 17

Chapter: Building Construction Chapter 68

D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without his written consent.

~~E. The Building Official shall make written reports to his immediate superior once each month or more often if requested, including statements of permits and certificates issued and orders promulgated.~~

68-6. Liability for official actions.

The Building Official or any employee charged with the enforcement of this code, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by a reason of any act or omission in the discharge of his duties. Any suit brought against the Building

68-03

68-6

68-10

Official or employee because of such act or omission performed by him in the enforcement of any provisions of this code shall be deferred by the Legal Department of the city until final termination of the proceedings.

68-7. ~~Cooperation with other city officials.~~

~~The Building Official may request and shall receive, so far as may be necessary, in the discharge of his duties, the assistance and cooperation of other officials of the municipality.~~ Reserved

68-8. Right of entry.

The Building Official, in the discharge of his official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

68-9. Definitions.

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

~~**CORPORATION COUNSEL**—The attorney for the City of Dover.~~

~~**MUNICIPALITY**—The City of Dover.~~ Reserved



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Building Construction Chapter 68

68-10. Fire limits.

The fire limits of the City of Dover are hereby established as follows:

~~A. Beginning at a point on Central Avenue represented by the continuation of the center of New York Street to the center of said Central Avenue; thence following the center lines of Broadway, St. John, Portland Avenue and Mechanic Streets to School Street; thence following a course represented by the center line of School Street extended to the bank of the Cochecho River; thence in a direct line to the intersection of Hanson Street and Henry Law Avenue; thence through the center of said Hanson Street in a continued line to the center of Central Avenue; thence through Central Avenue to Tuttle Square and through Silver Street to the intersection of Cushing Street with said Silver Street; thence by the center of said Cushing Street to Washington Street and continuing in a direct line to the bank of the Cochecho River; thence by the bank of said river to Fourth Street to Chestnut Street, through Chestnut Street to Sixth Street, through Sixth Street to Central Avenue; and thence through the center of said Central Avenue to the point of beginning.~~

68-11

68-04

68-13

68-11. Fees.

No permit as required by the Building Code shall be issued until the fee(s) as set forth in 170-50 of the Zoning Ordinance shall have been paid.

68-12. Construal Interpretation of provisions.

Nothing in this chapter or in the Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby; nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

68-13. ~~(Reserved)~~ Building Official

ADMINISTRATION

A. This chapter shall be enforced by the Building Official who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this chapter.

Comment [ABK1]: Provisions of this ordinance are taken from Ch 170 of the Dover ordinances. Generally the term Building Inspector is changed to Building Official.



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B. The Building Official shall not approve an application or issue a building permit or Certificate of Occupancy for any purpose, except in compliance with the provisions of this chapter.

68-15. Building permit procedure. [Amended 6-10-87 by Ord. No. 13-87]

A. Applicability. It shall be unlawful to construct, enlarge, alter, relocate or demolish a structure; or change the occupancy of a building or structure requiring greater strength, exit or sanitary provisions; or to change to another use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the currently adopted Building Code* for the City of Dover without first filing an application with the Building Official, in writing, and obtaining the required permit therefore. Building permits are not required for simple and normal maintenance and repairs, provided that such work does not exceed two one-thousand five hundred dollars \$1,000-\$2,500).

B. Prerequisite approvals. An applicant for a building permit approval shall be responsible for providing certified verification of all requisite state and/or local approvals prior to the issuance of said building permit.

C. Application. Application for a building permit shall be made in duplicate on standard forms provided by the Building Official and accompanied by the required fee. In addition, all applications for building permits shall be accompanied by the following:

(1) Plans and specifications. The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to scale, with sufficient clarity, detail and dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to the Building Code, specific information shall be given to establish such quality; and the Building Code shall not be cited or the term "legal" or its equivalent be used as a substitute for specific information. The Building Official may waive the requirement for filing plans when the work involved is of a minor nature.

(2) Description of work. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the Building Inspector.

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² Editor's Note: See Ch. 68, Building Construction.



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(3) The estimated cost of any structure or improvement and such other information as may be necessary to provide for the administration and enforcement of this chapter shall be provided.

(4) Site plan. There may also be required a site plan showing to scale the size and location of all the new construction and all existing structures on the site, the parcel's vehicular access, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.

(5) Engineering details. The Building Official may require to be filed adequate details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. Plans for buildings more than two (2) stories in height shall indicate where penetrations will be made for electrical, mechanical, plumbing and communications conduits and pipes and materials and methods for maintaining the required structural integrity, fire-resistance rating and firestopping.

D. Action of application. Upon the filing of a completed application, the Building Inspector shall approve or deny the application within a reasonable period of time, not to exceed thirty (30) days.

E. Statute of limitations. Any work for which a building permit has been issued shall commence within the time period specified in the B.O.C.A. Basic National Building Code, as amended. [Amended 08-01-90 by Ord. No. 8-90]

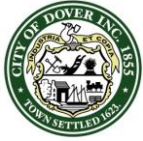
F. Amendments to application. Amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit sought is issued, upon approval by the Building Official. Such amendments shall be deemed part of the original application and shall be filed therewith.

G. Suspension of permit. Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

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H. By whom application is made. Applications for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a



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person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the Building Official or his designee to the effect that the proposed work is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officer, if the owner or lessee is a corporate body, shall be stated in the application.

68-15. Certificate of occupancy.

A. Purpose. The purpose of a certificate of occupancy is to give the Building Inspector a mechanism by which he/she can verify conformance with provisions of this chapter, the building permit and other requisite approvals related thereto.

B. Applicability. No person shall use or permit the use of any building, structure or premises or part thereof hereafter erected, relocated, altered, repaired, converted or extended until a certificate of occupancy is issued by the Building Official.

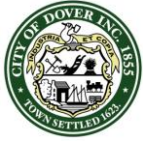
C. Application. Application for a certificate of occupancy shall be made on standard forms provided by the Building Official. Application shall be required at such time as when the applicant has complied with the provisions of this chapter, the building permit and/or any other requisite approval related thereto.

D. Action of application. The Building Official shall, within fifteen (15) working days of receipt of such application, render a decision either granting a certificate of occupancy, a temporary certificate of occupancy or denying said application. When a certificate of occupancy is requested on a project, the Building Official shall defer action until in receipt of a sign-off from the Planning Director, Community Services Director, Fire Chief and Police Chief **and/or their designee**, certifying the adequacy of required improvements. [Amended 9-24-80 by Ord. No. 15-80]

68-16. Building permit fees.

Fees shall be established by the Building Official. The City of Dover and any legal entity thereof shall be exempt from the payment of said fees.

*Editor's Note: Former 68-13, Amendments to standards, adopted amendments to the National Building Code, 1976 Edition, which was the building code of the city. Ordinance No. 2-86, adopted 3-12-86, amended the Code of the City of Dover to provide that the BOCA Basic



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Building Code, Ninth Edition would be the building code for the City of Dover, Section 68-13 was subsequently removed from the Code as having been superseded.

68-05



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BUILDING CONSTRUCTION

CHAPTER 68

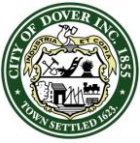
- 68-1. Statutory authority.
- 68-2. Adoption of standards.
- 68-3. Office of Building Official established.
- 68-4. Conflicts of Building Official.
- 68-5. Duties.
- 68-6. Liability for official actions.
- 68-7. Reserved
- 68-8. Right of entry.
- 68-9. Reserved
- 68-10. Fire limits.
- 68-11. Fees.
- 68-12. Interpretation of provisions.
- 68-13. Building Official
- 68-14. Building Permit Procedure

Comment [ABK2]: The purpose of the changes in this Chapter is to complete the transfer of the Building Official from the Planning Department to the Fire and Rescue Department. A general review of the chapter was conducted for consistency and coordination with other ordinances.

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.* Amendments noted where applicable]

General References

Building wrecking and demolition - See Ch. 71.

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Electrical standards - See Ch. 102.
Housing standards - See Ch. 119.
Plumbing - See Ch. 135.
Site review - See. Ch. 149.
Subdivision of land - See Ch. 155.
Zoning - See Ch. 170.

Fire and Life Safety – See Chapter 109

*Editor's Note: Provisions of this chapter are derived from Ch. 15 of the former Code, adopted 12-14-77.

68-01

68-1

68-1. Statutory authority.

68-4

This chapter is enacted pursuant to the authority granted by RSA 47:22 and Chapter 155-A as amended, of the New Hampshire Revised Statutes Annotated. [Amended 11-19-03 by Ord. No.21-2003]

68-2. Adoption of standards.[Amended 3-12-86 by Ord. No. 2-86, Amended 11-11-98 by Ord. No. 19-98; Amended 11-19-03 by Ord. No.21-2003]

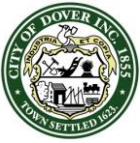
There is hereby adopted by the City of Dover, New Hampshire, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use occupancy, location and maintenance of buildings and structures, including permits, that certain building code known as the "State Building Code and State Fire Code", and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the City Clerk of the City of Dover, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling in the construction of all buildings and structures therein contained within the corporate limits of the City of Dover, New Hampshire.

68-3. Office of Building Official established.

- A. The office of Building Official is hereby created and the executive official in charge shall be known as the Building Official.
- B. The Building Official shall be appointed by the chief executive officer of the City of Dover.

Comment [ABK3]: The procedure and practice of hiring is an administrative function not properly included in an ordinance. The Merit Plan applies irrespective of mention in an ordinance. Employees who are members of a collective bargaining unit are governed by collective bargaining agreements.

68-4. Qualifications of Building Official.

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The Building Official shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition.

 *Editor's Note: See Ch. 3, Administrative Code.

68-02

68-4


68-6

68-5. Duties.

- A. The Building Official shall receive applications required by this code, issue permits and furnish the prescribed certificates. The Building Official shall examine premises for which permits have been issued and shall make necessary inspections to see that the provisions of law are complied with and that construction is prosecuted safely. He/she shall enforce all provisions of the Building Code. He/she shall, when requested by proper authority or when the public interest so requires, make investigations in connection with matters referred to in the Building Code and render written reports on the same. He/she shall issue such notices or orders as may be necessary to enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in buildings and structures,
- B. Inspections required under the provisions of the Building Code shall be made by the Building Official or a duly appointed ~~assistant~~ **designee**. The Building Official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability. No certificate called for by any provision of the Building Code shall be issued on reports unless in writing and certified by a responsible officer.
- C. The Building Official shall keep comprehensive records of applications, of permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He/she shall retain, on file, copies of required plans and all documents relating to building work so long as any part of the building or structure to which they relate is in existence.
- D. All such records shall be open to public inspection for good and sufficient reasons at the stated office hours, but shall not be removed from the office of the Building Official without written consent.

Comment [ABK4]: The Building Official is subject to the reporting requirements of the Fire Chief.

68-6. Liability for official actions.

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The Building Official or any employee charged with the enforcement of this code, acting in good faith and without malice for the city in the discharge of his duties, shall not thereby render the Building Official liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by a reason of any act or omission in the discharge of duties.

68-6 68-03 68-10

68-7. Reserved

Comment [ABK5]: The cooperation of city employees with the Building Official is within the administrative control of the City Manager.

68-8. Right of entry.

The Building Official, in the discharge of official duties and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

68-9. Reserved

Comment [ABK6]: These definitions are not required.

Comment [ABK7]: Deleted at the request of the Fire Chief.

68-11 68-04 68-13

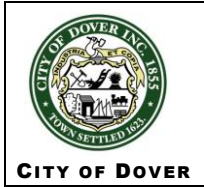
68-11. Fees.

Fees shall be adopted by the City Council and published on an adopted fee schedule. No permit as required by the Building Code shall be issued until all outstanding fee(s) owed by the applicant for have been paid. The City of Dover is exempt from the payment of fees incurred under this Chapter.

68-12. Interpretation of provisions.

Nothing in this chapter or in the Building Code hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby; nor shall any right or remedy of any character be lost, impaired or affected by this chapter.

68-13 Building Official



CITY OF DOVER - ORDINANCE

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- A. The Building Official shall not approve an application or issue a building permit or Certificate of Occupancy for any purpose, except in compliance with the provisions of this chapter.

68-14. Building permit procedure. [Amended 6-10-87 by Ord. No. 13-87]

- A. Applicability. It shall be unlawful to construct, enlarge, alter, relocate or demolish a structure; or change the occupancy of a building or structure requiring greater strength, exit or sanitary provisions; or to change to another use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the currently adopted Building Code* for the City of Dover without first filing an application with the Building Official, in writing, and obtaining the required permit therefore. **Building permits are not required for simple and normal maintenance and repairs, provided that such work does not exceed two thousand five hundred dollars \$ 2,500).**
- B. Prerequisite approvals. An applicant for a building permit approval shall be responsible for providing certified verification of all requisite state and/or local approvals prior to the issuance of said building permit.
- C. Application. Application for a building permit shall be made in duplicate on standard forms provided by the Building Official and accompanied by the required fee. In addition, all applications for building permits shall be accompanied by the following:
- (1) Plans and specifications. The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to scale, with sufficient clarity, detail and dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to the Building Code, specific information shall be given to establish such quality; and the Building Code shall not be cited or the term "legal" or its equivalent be used as a substitute for specific information. The Building Official may waive the requirement for filing plans when the work involved is of a minor nature.
 - (2) Description of work. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the Building Inspector.



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- (3) The estimated cost of any structure or improvement and such other information as may be necessary to provide for the administration and enforcement of this chapter shall be provided.
- (4) Site plan. There may also be required a site plan showing to scale the size and location of all the new construction and all existing structures on the site, the parcel's vehicular access, distances from lot lines, the established street grades and the proposed finished grades; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.
- (5) Engineering details. The Building Official may require to be filed adequate details of structural, mechanical and electrical work, including computations, stress diagrams and other essential technical data. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design. Plans for buildings more than two (2) stories in height shall indicate where penetrations will be made for electrical, mechanical, plumbing and communications conduits and pipes and materials and methods for maintaining the required structural integrity, fire-resistance rating and firestopping.
- D. Action of application. Upon the filing of a completed application, the Building Inspector shall approve or deny the application within a reasonable period of time, not to exceed thirty (30) days.
- E. Statute of limitations. Any work for which a building permit has been issued shall commence within the time period specified in the B.O.C.A. Basic National Building Code, as amended. [Amended 08-01-90 by Ord. No. 8-90]
- F. Amendments to application. Amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit sought is issued, upon approval by the Building Official. Such amendments shall be deemed part of the original application and shall be filed therewith.
- G. Suspension of permit. Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.
- H. By whom application is made. Applications for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a

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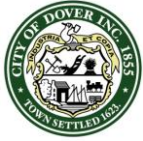
person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the Building Official or his designee to the effect that the proposed work is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officer, if the owner or lessee is a corporate body, shall be stated in the application.

68-15. Certificate of occupancy.

- A. Purpose. The purpose of a certificate of occupancy is to give the Building Official a mechanism by which he/she can verify conformance with provisions of this chapter, the building permit and other requisite approvals related thereto.
- B. Applicability. No person shall use or permit the use of any building, structure or premises or part thereof hereafter erected, relocated, altered, repaired, converted or extended until a certificate of occupancy is issued by the Building Official.
- C. Application. Application for a certificate of occupancy shall be made on standard forms provided by the Building Official. Application shall be required at such time as when the applicant has complied with the provisions of this chapter, the building permit and/or any other requisite approval related thereto.
- D. Action of application. The Building Official shall, within fifteen (15) working days of receipt of such application, render a decision either granting a certificate of occupancy, a temporary certificate of occupancy or denying said application. When a certificate of occupancy is requested on a project, the Building Official shall defer action until in receipt of a sign-off from the Planning Director, Community Services Director, Fire Chief and Police Chief **and/or their designee**, certifying the adequacy of required improvements. [Amended 9-24-80 by Ord. No. 15-80]

Comment [ABK8]: Provisions contained in 68-16 are duplicative and found elsewhere in the Chapter.

 *Editor's Note: Former 68-13, Amendments to standards, adopted amendments to the National Building Code, 1976 Edition, which was the building code of the city. Ordinance No. 2-86, adopted 3-12-86, amended the Code of the City of Dover to provide that the BOCA Basic Building Code, Ninth Edition would be the building code for the City of Dover, Section 68-13 was subsequently removed from the Code as having been superseded.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

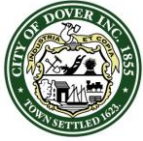
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68-05



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 18**

Chapter: Eating and Drinking Establishments Chapter 99

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 99, entitled “Eating and Drinking Establishments” of the Code of the City of Dover.

2. AMENDMENT

Chapter 99 entitled “Eating and Drinking Establishments” is hereby amended by revising multiple Sections.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

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: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 18**

Chapter: Eating and Drinking Establishments Chapter 99

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.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Eating and Drinking Establishments Chapter 99

ORDINANCE BACKGROUND MATERIAL:

EATING AND DRINKING ESTABLISHMENTS

Chapter 99

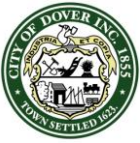
- 99-1. Definitions.
- 99-2. Licenses.
- 99-3. Fees.
- 99-4. Examination of food and drink; condemnation.
- 99-5. Inspection of restaurants.
- 99-6. Sanitation requirements.
- 99-7. Reimbursement of license fee.
- 99-8. Reinstatement of license.
- 99-9. Control of disease.
- 99-10. Violations and penalties.
- 99-11. [REPEALED]
- 99-12. Service of Alcoholic Liquor Beverages.

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.* Section 99-10 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Document Created by: Legal
Document Posted on: October 6, 2009

2009.09.23 Eating and Drinking Establishments Chapter
99.doc
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Public health - See Ch. 116.

 *Editor's Note: Provisions of this chapter are derived from Ch. 45 of the former Code, adopted 12-14-77.

99-01

99-1

99-2

99-1. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter.

EMPLOYEE - Any person who handles food or drink during preparation or serving or who comes in contact with any eating or cooking utensils or who is employed in a room in which food or drink is prepared or served.

HEALTH OFFICER - The Health Officer of the City of Dover.

ITINERANT RESTAURANT - One operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gatherings.

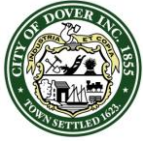
PERSON - Person, firm, corporation or association.

RESTAURANT - A restaurant, coffee shop, cafeteria, short- order cafe, luncheonette, tavern, sandwich stand, soda fountain, mobile lunch cart and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

TEMPORARY FOODSERVICE ESTABLISHMENT - One operating for a temporary period (1 day up to 6 months) in connection with a fair, carnival, circus, public exhibition or other similar gatherings. [Added 06-03-92 by Ord. No. 15-92]

UTENSILS - Includes any kitchenware, tableware, glassware, cutlery, utensil containers or other equipment with which food or drink comes in contact during storage, preparation or serving.

99-2. Licenses. [Amended 5-12-82 by Ord. No. 8-82]



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

Ordinance Number:

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Chapter: Eating and Drinking Establishments Chapter 99

- A. It shall be unlawful ~~for any person~~ to operate a restaurant in the City of Dover ~~without a license, who does not possess an unrevoked license from and after six (6) months from the date on which this chapter takes effect. Such~~ IL licenses shall be posted in a conspicuous place. ~~Only persons who comply with the requirements of this chapter shall be entitled to receive and retain such a license. Upon refusal to issue such a license by the Health Officer upon inspection and the finding of serious noncompliance with this chapter, the applicant shall have an opportunity for a hearing by the Board of Health before further action is taken.~~
- B. ~~The Board of Health is authorized to suspend or revoke a license. Applicants who are denied a license and license holders who are the subject of administrative action shall be entitled to notice and a hearing before the Board of Health. Such a license may be temporarily suspended by the Board of Health upon the violation by the holder of any of the terms of this chapter or revoked after an opportunity for a hearing by the Board of Health upon serious or repeated violation.~~

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- C. All restaurant licenses of the City of Dover shall expire on the 31st day of May annually. A person conducting a Temporary Foodservice Establishment shall be required to secure a license.* [Amended 06-03-92 by Ord. No. 15-92]

99-3. Fees. [Added 5-12-82 by Ord. No. 8-82, Amended 5-3-90 by Ord. No. 6-90]

- A. Annual license fees shall be in accordance ance with the current fee schedule as adopted by the City Council. following schedule:

<u>Class</u>	<u>Description</u>	<u>Fee</u>
<u>I</u>	<u>Food service establishments having a seating capacity of 100 persons or more, supermarkets and grocery stores with 3 or more food preparation areas</u>	<u>\$100.00</u>
<u>II</u>	<u>Food service establishments having a seating capacity of more than 25 but less than 100 persons, grocery stores with fewer than 3 food preparation areas, bakeries, warehouses, distributors, eaterers, mobile food operators, canteen commissaries, institutions, clubs,</u>	<u>75.00</u>



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~~liquor lounges and nursing homes~~

~~III — Food service establishments selling only ————— 50.00
prepackaged products, vending machine
operators, food service establishments
with seating capacity of 25 or less,
food service establishments with take-out
service and no seating and drive-in
movie theaters~~

~~IV — Temporary food service establishments ————— 30.00
(2 days up to 6 months) and Vending Machine
Operators (with nonperishable foods only)
{Amended 06-03-92 by Ord. No. 15-92}~~

~~V — Temporary Foodservice establishments ————— 10.00
(1 day only) and movie theaters selling
only soda, candy and popcorn
{Amended 06-03-92 by Ord. No. 15-92}~~

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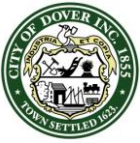
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*Editor's Note: Former Subsections D and E, which immediately followed this subsection, were repealed 5-12-82 by Ord. No. 8-82; their provisions regarding fees were superseded by 99-3 below.

~~VI — Nonprofit charitable organizations, ————— No fee
public schools and public institutions
{Added 06-03-92 by Ord. No. 15-92}~~

~~B. Fees for an application received after nine (9) months of the licensing year has passed shall be one-half (1/2) the above fee schedule.~~

99-4. Examination of food and drink; condemnation.

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Samples of food or drink and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn or forbid the sale of or cause to be removed or destroyed any food or drink which is unwholesome or adulterated.

99-5. Inspection of restaurants.

At least once every three (3) months if the ~~Sanitary Officer~~ **Health Officer** discovers the violation of any item of sanitation, he shall notify the proprietor or his agent, in writing, and make a second inspection after the lapse of such time as he deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this chapter. The person operating the restaurant shall, upon a request of the Health Officer, permit access to all parts of the establishment.

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99-6. Sanitation requirements.

- A. Floors. The floors of all rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair.
- B. Walls and ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

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- C. Doors and windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.
- D. Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.
- E. Ventilation. All rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be well ventilated.



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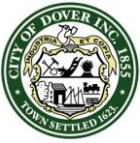
- F. Toilet facilities. Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees and patrons conforming to the ordinances of the City of Dover. Rooms in which toilet facilities are provided shall not open directly into any room in which food, drink or utensils are handled or stored. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat twenty-five (25) or more patrons at one (1) time or for patrons of any food establishment where alcoholic beverages are served. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, well lighted and ventilated. The floor of toilet rooms shall be of nonabsorbent materials or covered with such materials and made watertight with a suitable waterproofing material. The requirement of providing toilet facilities for patrons shall not apply to stores serving lunches, roadside refreshment booths or to places of temporary character serving food; and one (1) conveniently located toilet shall be deemed adequate for employees. **[Amended 11-16-83 by Ord. No. 30-83]**
- G. Water supply. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate and of a safe, sanitary quality.
- H. Lavatory facilities. Adequate and convenient hand- washing facilities shall be provided for employees, including hot and cold running water and soap from a dispenser and approved sanitary towels. The use of a common towel and drinking cup is prohibited. No employees shall resume work after using the toilet room without first washing his hands, and a sign shall be posted in each toilet room used by employees instructing the same.

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- I. Construction of utensils and equipment. All multi-used utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operating of a restaurant shall be so constructed as to be easily cleaned and shall be in good repair. Chipped or cracked

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glasses, dishes and utensils shall not be used in any establishment. Such articles in the condition described above are to be discarded immediately.

J. Cleansing and bactericidal treatment of utensils and equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, sinks and other equipment used with the operation of a restaurant, shall be kept clean and free from dust, dirt, insects and other contaminating material. All cloths used by waiters, chefs and other employees shall be clean. Single-service containers shall be used only once. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to one (1) of the following approved bactericidal processes after each usage:

- (1) Immersion for at least two (2) minutes in clean hot water at a temperature of not less than one hundred seventy degrees Fahrenheit (170 F.) or for at least one-half (1/2) minute in water at the full-boiling temperature. The pouring of scalding water over the washed utensils shall not be accepted as satisfactory compliance.
- (2) Exposure in a steam cabinet at a temperature of not less than one hundred seventy degrees Fahrenheit (170 F.) for not less than fifteen (15) minutes or not less than two hundred degrees Fahrenheit (200 F.) for at least five (5) minutes.
- (3) Exposure in a hot air oven at a temperature of not less than one hundred eighty degrees Fahrenheit (180 F.) for not less than twenty (20) minutes.
- (4) Immersion for at least two (2) minutes in a lukewarm chlorine bath containing in excess of fifty (50) parts per million of available chlorine.
- (5) Immersion for at least two (2) minutes in a rinse containing a bactericidal agent whose concentration and composition have been approved by the State Department of Health. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and subjected to an approved bactericidal process immediately following the day's operation.



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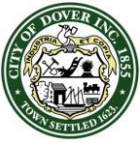
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Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish or other substance containing any cyanide preparation or other poisoning material shall be used for the cleaning or polishing of utensils.

- K. Storage and handling of utensils and equipment. After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust and other contamination and shall be handled in such a manner as to prevent contamination as far as practicable. Single- service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used and shall be handled in a sanitary manner. All ice cream scoops or other utensils for the dispensing of ice cream shall be kept in a container supplied with constant running water.
- L. Disposal of waste. All waste shall be properly disposed of, and all garbage and trash shall be kept in metal waste cans provided with tightly fitting covers, which shall be kept covered at all times when not in use. The ground area around cans shall be free of rubbish at all times.
- M. Refrigeration. All readily perishable food and drink shall be kept at or below fifty degrees Fahrenheit (50 F.) except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of.
- N. Wholesomeness of food and drink. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream and other frozen desserts served shall be pasteurized and shall be from an approved source. Milk and fluid milk products shall be served in the individual original containers as delivered to the dispenser by the dairy plant or from an approved dispensing device in preparing flavored milk drinks, provided that this requirement shall not apply to cream, which may be served from the original bottle or from an approved dispenser for such service. All oysters, clams and other shellfish shall be from approved sources and bear such identification as required by the State Department of Health and, if shucked, shall be kept until used in the containers in which they were placed at the shucking plant or bear identification as to their origin.
- O. Storage, display and serving of food and drink. All food and drink shall be stored, displayed and served as to be protected from dust, flies, vermin and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other sources of contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches

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and rodents shall be used. All parts of a restaurant used for preparing or storage of food shall be satisfactorily ratproofed.

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P. Cleanliness of employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment.

Q. Miscellaneous. The premises of all restaurants shall be kept clean and free of litter and rubbish. None of the operation connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employee's clothing. Garments to be worn while preparing or serving food shall not be stored in toilet rooms. Soiled linens, coats and aprons shall be stored in containers provided for this purpose.

99-7. Reimbursement of license fee.

Any restaurant, the license of which has been suspended, may at any time make application for the reimbursement of the license fee **on a pro rata basis**.

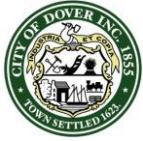
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99-8. Reinstatement of license.

~~After a suspension or revocation of a license and when a statement from the applicant has been received stating correction of violations, he Health Officer shall re-inspect the establishment for compliance to determine whether the establishment may be reinstated. Further re-inspections may be conducted by the Health Officer. Within one (1) week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated provision or provisions of this chapter have been conformed with, the Health Officer shall make a reinspection and, thereafter, as many additional reinspections as he may deem necessary to assure that the applicant is again complying with the requirements and, in case the finding indicates compliance, shall reinstate the license.~~

99-9. Control of disease.

No person who is infected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person suspected of being a carrier of such disease. If the restaurant manager suspects that any employee has contacted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately.



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99-10. Violations and penalties.*

Any person violating any provision of this chapter shall be guilty of a violation and, upon conviction, shall be fined up to one hundred dollars (\$100.); and each day of such violation or failure to comply shall constitute a separate offense.

99-11. Food Service Establishment Tobacco Policy. [Added 10-20-99 by Ord. No. 11-99; amended 12/15/99 by Ord. No. 17-99; Rescinded 12/15/99 by Ord. No. 18-99]

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99-12. Service of Alcoholic Liquor or Beverages. [Added 11-20-02 by Ord. No. 33-2002]

Any restaurant as defined in this chapter who is duly authorized and licensed by the State of New Hampshire to sell alcoholic beverages for this purpose may also apply to the licensing board for a permit to sell and serve set alcoholic beverages on a City sidewalk immediately adjacent to said restaurant in conjunction with the services of bonafide meals. The licensing board shall be responsible to ensure that the placement of tables and chairs for this purpose does not obstruct the free passage of pedestrians.

*Editor's Note: Amended at time of adoption of Code;
see Ch. 1, General Provisions, Art. I.



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EATING AND DRINKING ESTABLISHMENTS

Chapter 99

- 99-1. **Definitions.**
- 99-2. **Licenses.**
- 99-3. **Fees.**
- 99-4. **Examination of food and drink; condemnation.**
- 99-5. **Inspection of restaurants.**
- 99-6. **Sanitation requirements.**

Comment [ABK1]: The purpose of the changes in this ordinance clarifies the language and removes unnecessary language. Changes to the fee provisions are made to effect uniformity of the City council fee schedule process. These changes were requested by the Fire and Rescue Department.



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- 99-7. Reimbursement of license fee.**
- 99-8. Reinstatement of license.**
- 99-9. Control of disease.**
- 99-13. Violations and penalties.**
- 99-14. [REPEALED]**
- 99-15. Service of Alcoholic Liquor Beverages.**

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.* Section 99-10 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Public health - See Ch. 116.

*Editor's Note: Provisions of this chapter are derived from Ch. 45 of the former Code, adopted 12-14-77.

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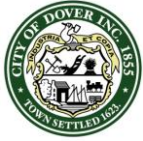
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99-1. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this chapter.

EMPLOYEE - Any person who handles food or drink during preparation or serving or who comes in contact with any eating or cooking utensils or who is employed in a room in which food or drink is prepared or served.

HEALTH OFFICER - The Health Officer of the City of Dover.



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ITINERANT RESTAURANT - One operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gatherings.

PERSON - Person, firm, corporation or association.

RESTAURANT - A restaurant, coffee shop, cafeteria, short- order cafe, luncheonette, tavern, sandwich stand, soda fountain, mobile lunch cart and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

TEMPORARY FOODSERVICE ESTABLISHMENT - One operating for a temporary period (1 day up to 6 months) in connection with a fair, carnival, circus, public exhibition or other similar gatherings. [Added 06-03-92 by Ord. No. 15-92]

UTENSILS - Includes any kitchenware, tableware, glassware, cutlery, utensil containers or other equipment with which food or drink comes in contact during storage, preparation or serving.

99-2. Licenses. [Amended 5-12-82 by Ord. No. 8-82]

- A. It shall be unlawful to operate a restaurant in the City of Dover without a license. Licenses shall be posted in a conspicuous place.
- B. The Board of Health is authorized to suspend or revoke a license. Applicants who are denied a license and license holders who are the subject of administrative action shall be entitled to notice and a hearing before the Board of Health.

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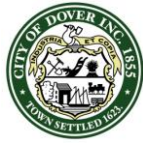
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- C. All restaurant licenses of the City of Dover shall expire on the 31st day of May annually. A person conducting a Temporary Foodservice Establishment shall be required to secure a license.* [Amended 06-03-92 by Ord. No. 15-92]

99-3. Fees. [Added 5-12-82 by Ord. No. 8-82, Amended 5-3-90 by Ord. No. 6-90]

- A. Fees shall be adopted by the City Council and published as an adopted fee schedule. No permit shall be issued until all outstanding fees of the applicant owed to the City of Dover have been paid.

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***Editor's Note: Former Subsections D and E, which immediately followed this subsection, were repealed 5-12-82 by Ord. No. 8-82; their provisions regarding fees were superseded by 99-3 below.**

99-4. Examination of food and drink; condemnation.

Samples of food or drink and other substances may be taken and examined by the Health Officer as often as may be necessary for the detection of unwholesomeness or adulteration. The Health Officer may condemn or forbid the sale of or cause to be removed or destroyed any food or drink which is unwholesome or adulterated.

99-5. Inspection of restaurants.

At least once every three (3) months if the **Health Officer** discovers the violation of any item of sanitation, the Health Officer shall notify the proprietor or his agent, in writing, and make a second inspection after the lapse of such time as he/she deems necessary for the defect to be remedied, and the second inspection shall be used in determining compliance with the requirements of this chapter. The person operating the restaurant shall, upon a request of the Health Officer, permit access to all parts of the establishment.

99-6. Sanitation requirements.

- A. Floors. The floors of all rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair.
- B. Walls and ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

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- C. Doors and windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.
- D. Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.
- E. Ventilation. All rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be well ventilated.
- F. Toilet facilities. Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees and patrons conforming to the ordinances of the City of Dover. Rooms in which toilet facilities are provided shall not open directly into any room in which food, drink or utensils are handled or stored. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat twenty-five (25) or more patrons at one (1) time or for patrons of any food establishment where alcoholic beverages are served. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, well lighted and ventilated. The floor of toilet rooms shall be of nonabsorbent materials or covered with such materials and made watertight with a suitable waterproofing material. The requirement of providing toilet facilities for patrons shall not apply to stores serving lunches, roadside refreshment booths or to places of temporary character serving food; and one (1) conveniently located toilet shall be deemed adequate for employees. [Amended 11-16-83 by Ord. No. 30-83]
- G. Water supply. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate and of a safe, sanitary quality.
- H. Lavatory facilities. Adequate and convenient hand- washing facilities shall be provided for employees, including hot and cold running water and soap from a dispenser and approved sanitary towels. The use of a common towel and drinking cup is prohibited. No employees shall resume work after using the toilet room without first washing his hands, and a sign shall be posted in each toilet room used by employees instructing the same.



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- I. Construction of utensils and equipment. All multi-used utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operating of a restaurant shall be so constructed as to be easily cleaned and shall be in good repair. Chipped or cracked glasses, dishes and utensils shall not be used in any establishment. Such articles in the condition described above are to be discarded immediately.
- J. Cleansing and bactericidal treatment of utensils and equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, sinks and other equipment used with the operation of a restaurant, shall be kept clean and free from dust, dirt, insects and other contaminating material. All cloths used by waiters, chefs and other employees shall be clean. Single-service containers shall be used only once. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to one (1) of the following approved bactericidal processes after each usage:
- (1) Immersion for at least two (2) minutes in clean hot water at a temperature of not less than one hundred seventy degrees Fahrenheit (170 F.) or for at least one-half (1/2) minute in water at the full-boiling temperature. The pouring of scalding water over the washed utensils shall not be accepted as satisfactory compliance.
 - (2) Exposure in a steam cabinet at a temperature of not less than one hundred seventy degrees Fahrenheit (170 F.) for not less than fifteen (15) minutes or not less than two hundred degrees Fahrenheit (200 F.) for at least five (5) minutes.
 - (3) Exposure in a hot air oven at a temperature of not less than one hundred eighty degrees Fahrenheit (180 F.) for not less than twenty (20) minutes.
 - (4) Immersion for at least two (2) minutes in a lukewarm chlorine bath containing in excess of fifty (50) parts per million of available chlorine.



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- (5) Immersion for at least two (2) minutes in a rinse containing a bactericidal agent whose concentration and composition have been approved by the State Department of Health. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and subjected to an approved bactericidal process immediately following the day's operation.

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Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish or other substance containing any cyanide preparation or other poisoning material shall be used for the cleaning or polishing of utensils.

- K. Storage and handling of utensils and equipment. After bactericidal treatment utensils shall be stored in a clean, dry place protected from flies, dust and other contamination and shall be handled in such a manner as to prevent contamination as far as practicable. Single- service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean dry place until used and shall be handled in a sanitary manner. All ice cream scoops or other utensils for the dispensing of ice cream shall be kept in a container supplied with constant running water.
- L. Disposal of waste. All waste shall be properly disposed of, and all garbage and trash shall be kept in metal waste cans provided with tightly fitting covers, which shall be kept covered at all times when not in use. The ground area around cans shall be free of rubbish at all times.
- M. Refrigeration. All readily perishable food and drink shall be kept at or below fifty degrees Fahrenheit (50 F.) except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of.
- N. Wholesomeness of food and drink. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream and other frozen desserts served shall be pasteurized and shall be from an approved source. Milk and fluid milk products shall be served in the individual original containers as delivered to the dispenser by the dairy plant or from an approved dispensing device in preparing flavored milk drinks, provided that this requirement shall not apply to cream, which may be served from the original bottle or



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.3.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 18**

Chapter: Eating and Drinking Establishments Chapter 99

from an approved dispenser for such service. All oysters, clams and other shellfish shall be from approved sources and bear such identification as required by the State Department of Health and, if shucked, shall be kept until used in the containers in which they were placed at the shucking plant or bear identification as to their origin.

- O. Storage, display and serving of food and drink. All food and drink shall be stored, displayed and served as to be protected from dust, flies, vermin and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other sources of contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used. All parts of a restaurant used for preparing or storage of food shall be satisfactorily ratproofed.

99-07

99-09

99-11

- P. Cleanliness of employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment.

- Q. Miscellaneous. The premises of all restaurants shall be kept clean and free of litter and rubbish. None of the operation connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employee's clothing. Garments to be worn while preparing or serving food shall not be stored in toilet rooms. Soiled linens, coats and aprons shall be stored in containers provided for this purpose.

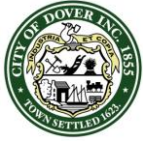
99-7. Reimbursement of license fee.

Any restaurant, the license of which has been suspended, may at any time make application for the reimbursement of the license fee **on a pro rata basis.**

99-8. Reinstatement of license.

After a suspension or revocation of a license and when a statement from the applicant has been received stating correction of violations, the Health Officer shall re-inspect the establishment for compliance to determine whether the establishment may be reinstated. Further re-inspections may be conducted by the Health Officer.

99-9. Control of disease.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

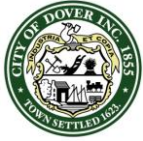
Agenda Item#: 12.C.3.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 18**

Chapter: Eating and Drinking Establishments Chapter 99

99-09



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 19**

Chapter: Electrical Standards Chapter 102

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 102, entitled “Electrical Standards” of the Code of the City of Dover.

2. AMENDMENT

Chapter 102 entitled “Electrical Standards” is hereby amended by revising multiple Sections.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

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: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4.

Ordinance Number:
Ordinance Title: **O – 2009.09.23 - 19**
Chapter: Electrical Standards Chapter 102

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.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 19**

Chapter: **Electrical Standards Chapter 102**

ORDINANCE BACKGROUND MATERIAL:

ELECTRICAL STANDARDS

Chapter 102

ARTICLE I GENERAL PROVISIONS

102-1. Adoption of standards.

102-2. Purpose.

102-3. Minimum standards.

ARTICLE II ADMINISTRATION

102-4. Electrical Inspector.

102-5. Board of Electrical Standards and Appeals.

102-6. Applicability.

102-7. Enforcement; appeals.

102-8. Appeal procedure.

102-9. Required permits.

102-10. Notice to Inspector.

102-11. Validity of permit.

102-12. Application to be complete.

102-13. Covering of work to be inspected.

102-14. Inspection of existing installations.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4.

Ordinance Number:

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Chapter: Electrical Standards Chapter 102

102-15. Certificates of inspection and approval.

102-16. Approval of temporary service.

102-17. Conformity with standards.

102-1

102-18. Existing installations.

102-19. Additions to existing installations.

102-20. Disturbance of existing wiring.

102-21. Interpretation of standards.

102-22. Installations not covered by standards.

102-23. Right of entry.

102-24. Failure to correct defects, errors and deficiencies.

102-25. Procedure upon finding installations defective or unsafe.

102-26. Certificate required.

102-27. Violations and penalties.

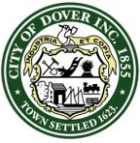
ARTICLE III APPLICATIONS; PERMITS; FEES

102-28. Filing of applications; information required.

102-29. Time period for commencement of work.

102-30. Fees.

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77*. Amendments noted where applicable.]

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.4.
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	Chapter:	Electrical Standards Chapter 102	

General References

Building construction - See Ch. 68.
Housing standards - See Ch. 119.

***Editor's Note: Provisions of this chapter are derived from Ch. 17 of the former Code, adopted 12-14-77.**

102-1 *102-2* *102-5*

**ARTICLE I
GENERAL PROVISIONS**

102-1. Adoption of standards.

The City of Dover, New Hampshire, ordains that, by virtue of the power granted to the legislative body under RSA, ~~Chapter 47, Section 22 47:22~~, there is established an Electrical Code for the City of Dover. The National Electrical Code, current edition, as adopted by the State of New Hampshire, is hereby adopted, except as herein modified, and shall constitute the Electrical Code of the City of Dover, New Hampshire. [Amended 09-15-93 by Ord. No. 26-93]

102-2. Purpose.


The purpose of ~~this the Electrical Ce~~ode is ~~the practical~~ safeguarding ~~of persons and of,~~ buildings and ~~their~~ contents, from electrical hazards arising from the use of electricity for light, heat, power, radio, signaling ~~and for other purposes.~~

102-3. Minimum standards. [Repealed 09-15-93 by Ord. No. 26-93]

**ARTICLE II
ADMINISTRATION**

102-4. Electrical Inspector.

~~This code is to be administered by a~~An Electrical Inspector appointed by the City Manager shall administer the Electrical Code. ~~who shall be appointed by the appointive authority specified in~~

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.4.
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~~the Charter of the City of Dover. The Electrical Inspector shall be an individual especially qualified in the electrical field by reason of his experience and knowledge of all phases of electrical installation.~~

102-5. Board of Electrical Standards and Appeals.

[Repealed 01-15-92 by Ord. No. 50-91]

102-3

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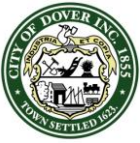
102-6. Applicability.

102-9

The regulations of this code shall apply to all electrical wiring and equipment installed, used, maintained, rented, leased or distributed for use in the City of Dover; ~~provided, however~~ However, that nothing herein contained shall apply to electrical wiring and equipment in the city fire alarm and police telegraph systems; ~~and further provided that n.~~ In addition, nothing herein contained shall apply to electrical wiring, equipment and apparatus owned, installed or used by any corporation which is a public utility operating under due authority granted by the State of New Hampshire for the generation, control or distribution of electrical energy, except that any However, such any -installation made on ~~customer's~~ the premises of a customer of a public utility ~~for~~ or on utility premises open to the public shall be in accordance with the construction requirements of this code; ~~and further provided that nothing herein contained shall apply to any electrical wiring, equipment or apparatus owned, installed or used by any such defined public utility or to the public as an integral part of communications system.~~

102-7. Enforcement; appeals. [Amended 01-15-92 by Ord. No. 50-91]

Subject to the authority and review of the Building Inspector, the Electrical Inspector shall be responsible for the enforcement of this code and shall have the responsibility of making interpretations of the rules, for deciding upon the approval of equipment and materials and upon granting the special permission contemplated in a number of the rules. In the administration of

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.4.
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this code, the decision of the Electrical Inspector, as approved by the Building **Official**, shall be binding except that any matter may be referred to the Building Code Board of Appeals for final determination.

Comment [ABK1]: Generally, the term Building Inspector has been changed throughout to Building Official.

102-8. Appeal procedure. [Repealed 01-15-92 by Ord. No. 50-91]

102-9. Required permits.

An electrical permit shall be obtained before any electrical work covered by this code, except as noted in Subsections A, B and C of this section, and in 102-6 of this Article, may be installed, altered or repaired, ~~a permit shall be secured from the Electrical Inspector.~~

A. Any person, firm or corporation, permanently employing one (1) or more skilled electricians in a place of business may procure a special wiring permit, for a period not longer than three (3) months. A record of all work done under this permit is to be filed weekly with the **Office of Inspection Services** and shall be accompanied with the proper fee.

B. All emergency work done shall be reported in the office of the **Office of Inspection Services** within twenty-four (24) hours from the time the work is started, not including Saturdays, Sundays or holidays.

102-4

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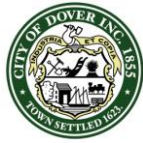
102-14

C. Permits will not ordinarily be required for minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamps, lamp sockets and receptacles, taping bare joints and repairing drop cords, nor for experimental electrical work of a temporary nature in testing laboratories of electrical shops, educational institutions and the like, nor for wiring supplied with current from the secondaries of approved bell-ringing transformers of twenty-four (24) volts or less.

102-10. Notice to Inspector.

The ~~Inspector-Electrical Inspector~~ shall be notified, in writing, by the person doing the work, first when rough-in work is completed and again when the entire work is completed. After receipt of said notice, the ~~Inspector-Electrical Inspector~~ shall inspect the work within forty-eight (48) hours, and, if said work conforms in all respects with the provisions of this code, he shall attach a notice of approval in a conspicuous place on the premises, and a rough wiring certificate shall be issued.

102-11. Validity of permit.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	Agenda Item#: 12.C.4.
	Ordinance Number: Ordinance Title: O – 2009.09.23 - 19 Chapter: Electrical Standards Chapter 102	

~~A permit shall be valid.~~ A permit shall be valid only for the location stated in the application and in the name of the person, persons, firm or corporation whose name appears on the application to install the work. Permits are neither assignable nor transferable.

102-12. Application to be complete.

Applications for permits and plans which are submitted for approval as to the requirements of the code cannot be accepted unless they are made out in full and they are in sufficient detail.

102-13. Covering of work to be inspected.

No electrical wiring should be covered or concealed until the ~~Inspector-Electrical Inspector~~ has given his/her approval. Should the ~~Inspector-Electrical Inspector~~ condemn any ~~of said~~ work or equipment which does not meet with the provisions of this code, a notice in writing, shall be given by him/her to the person, persons, firm or corporation whose name appears on the application or permit.

102-14. Inspection of existing installations.

The ~~Inspector- Electrical Inspector~~ is hereby empowered to inspect all wiring, appliances, devices and equipment coming within the scope of this code. When the installation of any such wiring, appliances, devices or equipment is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified and shall make the necessary repairs or changes in a safe condition and have such work completed within ten (10) days after notification thereof or within such further reasonable time as may, upon request, be prescribed.

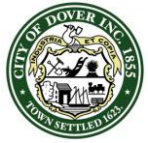
102-5

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102-15. Certificates of inspection and approval.

- A. The Electrical Inspector shall issue a certificate of final inspection when the electrical installation is completed and found to comply with this code. No certificate shall be issued on any incomplete work.
- B. Rough wiring or preliminary certificates are issued when the concealed wiring is completed and found to comply with this code.
- C. When requested, the Electrical Inspector may issue a certificate or letter of approval for any part of an installation extended or altered, if the extended or altered part conforms and the original or previously existing part does not conform with the requirements of this code.

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D. Where an urgent necessity for the use of electrical current in any installation is shown to exist, the Electrical Inspector may grant permission for the temporary use of electric current through any wiring, apparatus or fixture for a period not to exceed ninety (90) days; provided, however, that the electric current may safely be used therein without danger to life or property. Permission may be obtained for the temporary use of electrical current during the construction or renovation of any building.

102-16. Approval of temporary service.

A. The Electrical Inspector is empowered and authorized to permit and approve the temporary use of electrical current through any wiring, apparatus or fixtures, subject to the limitations and restrictions herein prescribed in Subsections A(1), (2), (3) and (4) of this section.

(1) No such temporary use of electric current shall be permitted in any case where such use will be a hazard to life or property.

(2) Wiring and equipment shall be installed for a given limited time for a specified purpose.

(3) No such temporary use of electrical current shall be permitted for a longer period of time than is reasonably necessary to fully comply with the provisions of this code, and such period of time shall be fixed by the Inspector in the presence of the person who may desire such temporary approval. In no case shall temporary use of electrical current be permitted for a period of over ninety (90) days, except for a building in course of construction or renovation.

(4) A separate permit must be secured for temporary wiring or equipment.

102-6

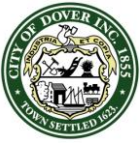
102-16

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B. The person to whom this permit is issued will be held responsible for the complete removal of this wiring or equipment when it has served its temporary purpose.

102-17. Conformity with standards.

All new electrical work shall conform to the requirements of this code. When an old electrical installation or any part of such installation is found, upon inspection, to be unsafe to life or property, the Electrical Inspector shall require that such portion of the installation as is found to be hazardous be reconstructed to conform to any or all of the requirements of this code. In single-family residences which are new or in which service-disconnecting equipment is being replaced, the service-disconnecting means shall have a rating of not less than one hundred (100)

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	Chapter:	Electrical Standards Chapter 102	

amperes. Apartment units with six (6) or more Two (2) wire branch circuits shall also have a rating of no less than one hundred (100) amperes.
 [Amended 09-15-93 by Ord. No. 26-93]

102-18. Existing installations.

Installations which were made prior to the date on which this code became effective and which complied with the ordinance provisions, if any, then in effect are not to be considered as being in violation of this code until such time as the Electrical Inspector shall have notified the owner or person responsible for such installations of the existence of unsafe conditions.

102-19. Additions to existing installations.

When any additions, alterations or renewals of existing installations are made after the date on which this code became effective, that portion of the electrical installation which is extended, altered or renewed, shall be made to conform to all of the applicable requirements contained herein.

102-20. Disturbance of existing wiring.

It shall be unlawful for any person in any way to cut, disturb, alter or change any electrical wiring or to permit such electrical wiring to be cut, disturbed, altered or changed unless done in conformity with the provisions of this code.

102-21. Interpretation of standards.

The Electrical Inspector shall answer any relevant questions concerning or give any desired information in respect to the meaning, intent or application of the regulations and rules of this code. The Electrical Inspector in his official capacity is not, however, empowered to and shall not lay out work or act in the capacity of consulting engineer for contractors, mechanics or owners.

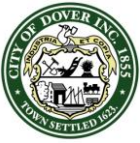
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102-22. Installations not covered by standards.

The Electrical Inspector shall decide all questions pertaining to the installation of electrical conductors, appliances, apparatus and fixtures not provided for in the Electrical Ordinance of this code.

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102-23. Right of entry.

The Electrical Inspector shall have the right, during reasonable hours, to enter any building on application to the individuals or company owning or in discharge of his official duties or for the purpose of making any inspection or test of the installation of electric wiring, electric devices and/or electrical material contained therein.

102-24. Failure to correct defects, errors and deficiencies.

Immediately upon notification, in writing, by the Electrical Inspector, any person, persons, firm or corporation who shall fail to correct any defect, error or deficiency on any work or indebtedness to the Electrical Inspector within five (5) days after being notified, in writing, shall have no further permits issued to such person, persons, firm or corporation until such corrections have been made, inspected and approved or the indebtedness paid.

102-25. Procedure upon finding installations defective or unsafe.

Any installation may be inspected, and, if found to be defective or unsafe to life or property, the owner of such installation shall be notified to remove the defects within ten (10) days. In addition, the Electrical Inspector is given the power to notify the person, persons, firm or corporation supplying the service to discontinue the supply of electricity until the installation complies with this code.

102-26. Certificate required.

Service shall be supplied only to installations for which a certificate permitting the use of electric current has been issued by the Electrical Inspector, and a copy of said certificate shall be filed with the supplying power company.

102-27. Violations and penalties.


Any person, firm or corporation violating any provision of this chapter shall be punishable by a fine of up to one hundred dollars (\$100). Each day of said violation shall be construed as a separate offense. [Amended 09-15-93 by Ord. No. 26-93]

102-8

102-28

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**ARTICLE III
APPLICATIONS; PERMITS; FEES**

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: Ordinance Title: O – 2009.09.23 - 19 Chapter: Electrical Standards Chapter 102	Agenda Item#: 12.C.4.

102-28. Filing of applications; information required.

Applications for permits shall be made out in pen and ink or typewritten, on forms provided for this purpose by the Electrical Inspector. Applications shall state the full name of the owner and the occupant, giving both street and lot number, together with such other information as may pertain to the contemplated electrical installation.

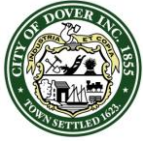
102-29. Time period for commencement of work.

If any work authorized by any permit is not commenced within a period of sixty (60) days after the date thereof, such permit shall thereupon become void and of no effect.

102-30. Fees.

Fees shall be established by the Building ~~Inspector~~**Official**, upon recommendation by the Electrical Inspector and after receiving approval from the ~~Planning Director~~**Fire Chief** and City Manager. The City of Dover and any legal entity thereof shall be exempt from the payment of said fees. [Amended 09-15-93 by Ord. No. 26-93]

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CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.4.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 19**

Chapter: Electrical Standards Chapter 102

ELECTRICAL STANDARDS

Chapter 102

ARTICLE I GENERAL PROVISIONS

102-1. Adoption of standards.

102-2. Purpose.

102-3. Minimum standards.

Comment [ABK2]: The purposes of the revisions to this Chapter are to clarify the language, change the terminology to Building Official and Electrical Inspector, and to establish a fee schedule adopted by the City Council on a periodic basis.

ARTICLE II ADMINISTRATION

102-4. Electrical Inspector.

102-5. Board of Electrical Standards and Appeals.

102-6. Applicability.

102-7. Enforcement; appeals.

102-8. Appeal procedure.

102-9. Required permits.

102-10. Notice to Inspector.



CITY OF DOVER

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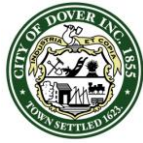
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- 102-11. Validity of permit.**
- 102-12. Application to be complete.**
- 102-13. Covering of work to be inspected.**
- 102-14. Inspection of existing installations.**
- 102-15. Certificates of inspection and approval.**
- 102-16. Approval of temporary service.**
- 102-17. Conformity with standards.**
 - 102-1*
- 102-18. Existing installations.**
- 102-19. Additions to existing installations.**
- 102-20. Disturbance of existing wiring.**
- 102-21. Interpretation of standards.**
- 102-22. Installations not covered by standards.**
- 102-23. Right of entry.**
- 102-25. Failure to correct defects, errors and deficiencies.**
- 102-25. Procedure upon finding installations defective or unsafe.**
- 102-26. Certificate required.**
- 102-27. Violations and penalties.**

ARTICLE III APPLICATIONS; PERMITS; FEES

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: Ordinance Title: O – 2009.09.23 - 19 Chapter: Electrical Standards Chapter 102	Agenda Item#: 12.C.4.

102-28. Filing of applications; information required.

102-29. Time period for commencement of work.

102-30. Fees.

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77*. Amendments noted where applicable.]

General References

Building construction - See Ch. 68.

Housing standards - See Ch. 119.

***Editor's Note: Provisions of this chapter are derived from Ch. 17 of the former Code, adopted 12-14-77.**

102-1

102-2

102-5

**ARTICLE I
 GENERAL PROVISIONS**


102-1. Adoption of standards.

The City of Dover, New Hampshire, ordains that, by virtue of the power granted to the legislative body under RSA 47:22, there is established an Electrical Code for the City of Dover. The National Electrical Code, current edition, as adopted by the State of New Hampshire, is hereby adopted, except as herein modified, and shall constitute the Electrical Code of the City of Dover, New Hampshire. [Amended 09-15-93 by Ord. No. 26-93]

102-2. Purpose.

The purpose of the Electrical Code is safeguarding persons, buildings and contents, from electrical hazards arising from the use of electricity for light, heat, power, radio, signaling.

102-3. Minimum standards. [Repealed 09-15-93 by Ord. No. 26-93]

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**ARTICLE II
ADMINISTRATION**

102-4. Electrical Inspector.

An Electrical Inspector appointed by the City Manager shall administer the Electrical Code.

102-5. Board of Electrical Standards and Appeals.

[Repealed 01-15-92 by Ord. No. 50-91]

102-3

102-6

102-6. Applicability.


The regulations of this code shall apply to all electrical wiring and equipment installed, used, maintained, rented, leased or distributed for use in the City of Dover. However, nothing herein contained shall apply to electrical wiring and equipment in the city fire alarm and police telegraph systems. In addition, nothing herein contained shall apply to electrical wiring, equipment and apparatus owned, installed or used by any corporation which is a public utility operating under due authority granted by the State of New Hampshire for the generation, control or distribution of electrical energy.

However, any installation made on the premises of a customer of a public utility or on utility premises open to the public shall be in accordance with the construction requirements of this code.

102-9

102-7. Enforcement; appeals. [Amended 01-15-92 by Ord. No. 50-91]

Subject to the authority and review of the Building Official, the Electrical Inspector shall be responsible for the enforcement of this code and shall have the responsibility of making interpretations of the rules, for deciding upon the approval of equipment and materials and upon granting the special permission contemplated in a number of the rules. In the administration of

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this code, the decision of the Electrical Inspector, as approved by the Building **Official**, shall be binding.

Comment [ABK3]: Generally, the term Building Inspector has been changed throughout to Building Official.

102-8. Appeal procedure. [Repealed 01-15-92 by Ord. No. 50-91]

102-9. Required permits.

An electrical permit shall be obtained before any electrical work covered by this code, except as noted in Subsections A, B and C of this section, and in 102-6 of this Article,

A. Any person, firm or corporation, permanently employing one (1) or more skilled electricians in a place of business shall procure a special wiring permit, for a period not longer than three (3) months. A record of all work done under this permit is to be filed weekly with the **Office of Inspection Services** and shall be accompanied with the proper fee.

B. All emergency work done shall be reported in the Office **Inspection Services** within twenty-four (24) hours from the time the work is started, not including Saturdays, Sundays or holidays.

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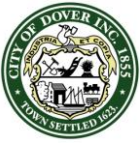
C. Permits will not ordinarily be required for minor repair work, such as repairing flush and snap switches, replacing fuses, changing lamps, lamp sockets and receptacles, taping bare joints and repairing drop cords, nor for experimental electrical work of a temporary nature in testing laboratories of electrical shops, educational institutions and the like, nor for wiring supplied with current from the secondaries of approved bell-ringing transformers of twenty-four (24) volts or less.

102-10. Notice to Inspector.

The Electrical Inspector shall be notified, in writing, by the person doing the work, first when rough-in work is completed and again when the entire work is completed. After receipt of said notice, the Electrical Inspector shall inspect the work within forty-eight (48) hours, and, if said work conforms in all respects with the provisions of this code, a notice of approval and rough wiring certificate shall be issued and displayed in a conspicuous place on the premises.

102-11. Validity of permit.

A permit shall be valid only for the location stated in the application and in the name of the person, persons, firm or corporation whose name appears on the application to install the work. Permits are neither assignable nor transferable.

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102-12. Application to be complete.

Applications for permits and plans which are submitted for approval as to the requirements of the code cannot be accepted unless they are made out in full and they are in sufficient detail.

102-13. Covering of work to be inspected.

No electrical wiring should be covered or concealed until the Electrical Inspector has given approval. Should the Electrical Inspector condemn any work or equipment which does not meet with the provisions of this code, a notice in writing, shall be given to the person, persons, firm or corporation whose name appears on the application or permit.

102-14. Inspection of existing installations.

The Electrical Inspector is hereby empowered to inspect all wiring, appliances, devices and equipment coming within the scope of this code. When the installation of any such wiring, appliances, devices or equipment is found to be in a dangerous or unsafe condition, the person, firm or corporation owning, using or operating the same shall be notified and shall make the necessary repairs or changes in a safe condition and have such work completed within ten (10) days after notification or within a reasonable time as may, upon request, be prescribed.

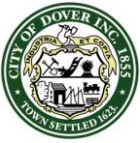
102-5

102-15

102-16

102-15. Certificates of inspection and approval.

- A. The Electrical Inspector shall issue a certificate of final inspection when the electrical installation is completed and found to comply with this code. No certificate shall be issued on any incomplete work.
- B. Rough wiring or preliminary certificates are issued when the concealed wiring is completed and found to comply with this code.
- C. When requested, the Electrical Inspector may issue a certificate or letter of approval for any part of an installation extended or altered, if the extended or altered part conforms and the original or previously existing part does not conform with the requirements of this code.
- D. Where an urgent necessity for the use of electrical current in any installation is shown to exist, the Electrical Inspector may grant permission for the temporary use of electric current through any wiring, apparatus or fixture for a period not to exceed ninety (90) days; provided, however, that the electric current may safely be used therein without danger to life or property. Permission may be obtained for the temporary use of electrical current during the construction or renovation of any building.

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102-16. Approval of temporary service.

A. The Electrical Inspector is empowered and authorized to permit and approve the temporary use of electrical current through any wiring, apparatus or fixtures, subject to the limitations and restrictions herein prescribed in Subsections A(1), (2), (3) and (4) of this section.

- (1) No such temporary use of electric current shall be permitted in any case where such use will be a hazard to life or property.
- (2) Wiring and equipment shall be installed for a given limited time for a specified purpose.
- (3) No such temporary use of electrical current shall be permitted for a longer period of time than is reasonably necessary to fully comply with the provisions of this code, and such period of time shall be fixed by the Inspector in the presence of the person who may desire such temporary approval. In no case shall temporary use of electrical current be permitted for a period of over ninety (90) days, except for a building in course of construction or renovation.
- (4) A separate permit must be secured for temporary wiring or equipment.

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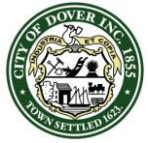
B. The person to whom this permit is issued will be held responsible for the complete removal of this wiring or equipment when it has served its temporary purpose.

102-17. Conformity with standards.

All new electrical work shall conform to the requirements of this code. When an old electrical installation or any part of such installation is found, upon inspection, to be unsafe to life or property, the Electrical Inspector shall require that such portion of the installation as is found to be hazardous be reconstructed to conform to any or all of the requirements of this code. In single-family residences which are new or in which service-disconnecting equipment is being replaced, the service-disconnecting means shall have a rating of not less than one hundred (100) amperes. Apartment units with six (6) or more Two (2) wire branch circuits shall also have a rating of no less than one hundred (100) amperes.

[Amended 09-15-93 by Ord. No. 26-93]

102-18. Existing installations.

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Installations which were made prior to the date on which this code became effective and which complied with the ordinance provisions, if any, then in effect are not to be considered as being in violation of this code until such time as the Electrical Inspector shall have notified the owner or person responsible for such installations of the existence of unsafe conditions.

102-19. Additions to existing installations.

When any additions, alterations or renewals of existing installations are made after the date on which this code became effective, that portion of the electrical installation which is extended, altered or renewed, shall be made to conform to all of the applicable requirements contained herein.

102-20. Disturbance of existing wiring.

It shall be unlawful for any person in any way to cut, disturb, alter or change any electrical wiring or to permit such electrical wiring to be cut, disturbed, altered or changed unless done in conformity with the provisions of this code.

102-21. Interpretation of standards.

The Electrical Inspector shall answer any relevant questions concerning or give any desired information in respect to the meaning, intent or application of the regulations and rules of this code. The Electrical Inspector in his official capacity is not, however, empowered to and shall not lay out work or act in the capacity of consulting engineer for contractors, mechanics or owners.

102-7

102-22

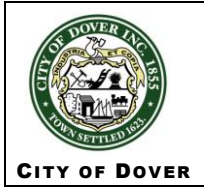
102-27

102-22. Installations not covered by standards.

The Electrical Inspector shall decide all questions pertaining to the installation of electrical conductors, appliances, apparatus and fixtures not provided for in the Electrical Ordinance of this code.

102-23. Right of entry.

The Electrical Inspector shall have the right, during reasonable hours, to enter any building on application to the individuals or company owning or in discharge of his official duties or for the purpose of making any inspection or test of the installation of electric wiring, electric devices and/or electrical material contained therein.



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102-24. Failure to correct defects, errors and deficiencies.

Immediately upon notification, in writing, by the Electrical Inspector, any person, persons, firm or corporation who shall fail to correct any defect, error or deficiency on any work or indebtedness to the Electrical Inspector within five (5) days after being notified, in writing, shall have no further permits issued to such person, persons, firm or corporation until such corrections have been made, inspected and approved or the indebtedness paid.

102-25. Procedure upon finding installations defective or unsafe.

Any installation may be inspected, and, if found to be defective or unsafe to life or property, the owner of such installation shall be notified to remove the defects within ten (10) days. In addition, the Electrical Inspector is given the power to notify the person, persons, firm or corporation supplying the service to discontinue the supply of electricity until the installation complies with this code.

102-26. Certificate required.

Service shall be supplied only to installations for which a certificate permitting the use of electric current has been issued by the Electrical Inspector, and a copy of said certificate shall be filed with the supplying power company.

102-27. Violations and penalties.

Any person, firm or corporation violating any provision of this chapter shall be punishable by a fine of up to one hundred dollars (\$100). Each day of said violation shall be construed as a separate offense. [Amended 09-15-93 by Ord. No. 26-93]

102-8


102-28

102-30

ARTICLE III APPLICATIONS; PERMITS; FEES

102-28. Filing of applications; information required.

Applications for permits shall be made out in pen and ink or typewritten, on forms provided for this purpose by the Electrical Inspector. Applications shall state the full name of the owner and

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the occupant, giving both street and lot number, together with such other information as may pertain to the contemplated electrical installation.

102-29. Time period for commencement of work.

If any work authorized by any permit is not commenced within a period of sixty (60) days after the date thereof, such permit shall thereupon become void and of no effect.

102-30. Fees.

Fees shall be established by the City Council and published on an adopted fee schedule. The City of Dover shall be exempt from the payment of said fees. No permit shall be issued until all outstanding fees owed to the City of Dover by the applicant or property owner have been paid.
 [Amended 09-15-93 by Ord. No. 26-93]

102-9



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.5.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 - 20**

Chapter: Fire Prevention and Life Safety Chapter 109

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 109, entitled “Fire Prevention and Life Safety” of the Code of the City of Dover.

2. AMENDMENT

Chapter 109 entitled “Fire Prevention and Life Safety” is hereby amended by revising multiple Sections.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

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: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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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.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Fire Prevention and Life Safety Chapter 109

ORDINANCE BACKGROUND MATERIAL:

FIRE PREVENTION AND LIFE SAFETY

CHAPTER 109

[Amended in its entirety 12-18-98 by Ord. No. 20-98- amended 09-17-03 by Ord. No. 16-2003]

ARTICLE I

FIRE PREVENTION CODE FIRE CODE

- 109-1. Statutory authority.
- 109-2. Adoption of standards.
- 109-3. Reserved
- 109-4. Reserved
- 109-5. Storage of explosives and blasting agents.
- 109-6. Outdoor storage of flammable liquids; bulk plants.
- 109-7. Bulk storage of liquefied petroleum gas.
- 109-8. Routes for transport of explosives.
- 109-9. Routes for transport of hazardous chemicals.
- 109-10. Fire Lanes.
- 109-11. Class C Fireworks Permits
- 109-12. Reserved
- 109-13. Appeals.
- 109-14. New materials, processes and occupancies.
- 109-15. Violations and penalties.



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109-1

ARTICLE II LIFE SAFETY CODE

- 109-16. Statutory authority.**
- 109-17. Adoption of standards.**
- 109-18. Emergency lighting.**
- 109-19. Smoke Detection Requirements.**
- 109-20. Tenant's Responsibility.**
- 109-21. Copies to be kept on file.**
- 109-22. Availability of copies.**
- 109-23. Administration and enforcement.**
- 109-24. Violations and penalties.**

ARTICLE III FIRE CONTROL

- 109-25. Inspection of certain public places.**
- 109-26. Barbecue pits.**
- 109-27. Oil burners and equipment.**



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109-28. Fire Hydrant Obstruction.

109-29. Violations and Penalties.

ARTICLE IV
FIRE SUPPRESSION SYSTEMS

109-30. Installation of sprinkler system required.

109-31. Water main tie-in fees.

109-32. Violations and Penalties.

109-33. Public Safety Amplification System Required in Large Facilities

109-2

ARTICLE I
~~FIRE PREVENTION CODE FIRE CODE~~

109-1

109-3

109-1. Statutory authority.


This Article is enacted pursuant to the authority granted by RSA 47:22 and Chapter 155-A of the New Hampshire Revised Statutes Annotated.

109-2. Adoption of standards.

There is hereby adopted by the City of Dover, New Hampshire, for the purpose of prescribing regulations governing conditions hazardous to life and property.

There is hereby adopted by the City of Dover, New Hampshire, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion codes known as the ~~"NFPA 1 Fire Prevention Code," being particularly the complete 2000 Edition thereof,~~ "State Fire Code (Saf-C 6000), NFPA 1, Life Safety Code, or subsequent fire safety codes as adopted by the State of New Hampshire and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the City Clerk of the City of Dover, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out

Comment [ABK1]: The proper term for the regulatory document is the "State Fire Code". This term is generally substituted throughout the ordinance.

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at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Dover, New Hampshire.

109-3. Bureau of Fire Prevention.

Comment [ABK2]: The creation of bureaus and divisions of a department is properly handled in the Administrative Code.

~~A. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire & Rescue Service of the City of Dover, New Hampshire, which hereby established and which shall be operated under the supervision of the Chief of the Dover Fire & Reseue Service.~~

~~B. The Chief or officer in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Dover Fire & Rescue Service in accordance with the Merit Plan of the City of Dover, New Hampshire.~~

~~C. The Chief of the Dover Fire & Rescue Service may detail such members of the Fire & Reseue Service as inspectors as shall, from time to time, be necessary. The Chief of the Fire & Reseue shall recommend to the chief executive officer of the City of Dover, New Hampshire, the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Dover Fire & Rescue Service, and appointments made after examination shall be for an indefinite term, with removal only for cause.~~

~~D. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code, with such statistics as the Chief of the Dover Fire & Rescue Service may wish to include therein. The Chief of the Dover Fire & Reseue Service shall also recommend any amendments to the code which, in his judgment, shall be desirable.~~

109-3

109-3

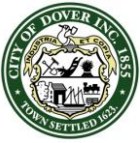
109-6

109-3. Reserved.

Comment [ABK3]: The Inspection Division is properly created in the Administrative Code. Reference to hiring procedures and practices is an administrative function. The provisions of the Merit Plan stand alone irrespective of a mention in the ordinances.

109-4. Reserved

109-5. Storage of explosives and blasting agents.

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	Chapter:		

The limits referred to in current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1,~~ **State Fire Code, adopted by the State of New Hampshire**, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: no area of the city without a permit from the Fire Chief.

109-4

109-6

109-10

109-6. Outdoor storage of flammable liquids; bulk plants.

- A. The limits referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1~~ **Uniform Fire Code, adopted by the State of New Hampshire**, in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows: no area of the city without a permit from the Fire Chief.
- B. The limits referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1~~ **Uniform Fire Code, adopted by the State of New Hampshire**, in which new bulk plants for flammable or combustible liquids are prohibited are hereby established as follows: no area of the city without a permit from the Fire Chief.

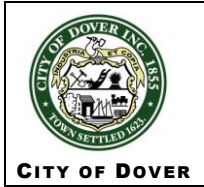
109-7. Bulk storage of liquefied petroleum gas.

The limits referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1~~ **Uniform Fire Code, adopted by the State of New Hampshire**, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: no area of the city without a permit from the Fire Chief.

109-8. Routes for transport of explosives.

The routes referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1~~ **Uniform Fire Code, adopted by the State of New Hampshire**, for vehicles transporting explosives and blasting agents are hereby established as follows: Spaulding Turnpike.

109-9. Routes for transport of hazardous chemicals.



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The routes referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 109-10~~ **+ Uniform Fire Code, adopted by the State of New Hampshire**, for transporting hazardous chemicals and other dangerous articles are hereby established as follows: Spaulding Turnpike.

109-10. Fire lanes.

In addition to the requirements of Chapter 3 of NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 109-10~~ **+ Uniform Fire Code as adopted by the State of New Hampshire**, all premises, with the exception of one- and two-family dwellings, which the Fire & Rescue Service may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided, by the property owner, with suitable gates, access roads and fire lanes so accessible to fire fighting apparatus.

A. Requirements. Fire lanes shall be provided for all buildings, with the exception of one- and two-family dwellings, which are set back more than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height and are set back more than fifty (50) feet from the address side of the building (main entrance); or any building, with the exception of one- and two-family dwellings, which owing to the location and fire department accessibility as determined by the Chief of ~~Fire Prevention~~ **the Fire Department**.

109-5

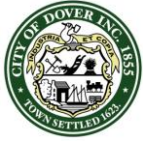
109-10

109-11

Fire lanes shall be at least twenty (20) feet in width, with the road edge closest to the building at least ten (10) feet from the building with the above-mentioned exceptions which may not meet the requirements as specifically set forth herein but which, in the discretion of the Chief of the Fire & Rescue Service, require such lanes for a clear and unobstructed approach to the building.

B. Dead-end roads. Any dead-end road more than three hundred (300) feet long shall be provided with a turn around at the closed end at least ninety (90) feet in diameter.

C. Standpipes and sprinkler system connections. All premises which are equipped with standpipe and/or sprinkler system connections shall provide a clear and unobstructed access to said connections. Such access lanes shall be at least twenty (20) feet in width and shall be otherwise regarded, for the purposes of this chapter, as a fire lane.



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D. Designation of fire lanes. The designation of the fire lanes on private property shall be established as specified by the Chief of ~~Fire Prevention~~ **the Fire and Rescue Department.**

E. Responsibility for posting and maintaining of fire lanes. It shall be the responsibility of the property owner to post with approved signs and/or mark all designated fire lanes, as required by the Chief of the Fire Department.

F. Record of location of fire lanes. An official record of fire lanes, as designated in accordance with this chapter, shall be kept with the ~~Bureau of Fire Prevention Inspection Services Division.~~

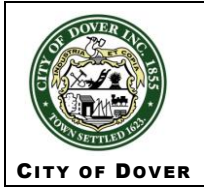
G. Enforcement. Enforcement shall be the responsibility of the local law enforcement agency and/or the ~~Bureau of Fire Prevention Inspection Services Division.~~

109-11. Class C Fireworks Permits .

A. ~~Permits~~ for the sale, possession, transport, use and explosion of Class C fireworks may be obtained upon the approval of the Fire Chief and the Police Chief. All **displays shall be conducted by a trained operator holding a current license or State of New Hampshire certificate of competency. A valid certificate of insurance shall be on file with the Fire and Rescue department prior to the display date. A City of Dover Fireworks Application must be completed seven (7) days prior to date of the display and approved by the Fire Chief and the Police Chief.**

Comment [ABK4]: This section in conjunction with the provisions of Ch 131-13.1 detail the process of permitting and enforcement of provisions regarding fireworks in a way that is more clear on concise.

C. This ordinance shall be construed consistently with the ~~NFPA 1, Fire Prevention Code, 2000 Edition, Chapter 31,~~ **current NFPA 1, State Fire Code, adopted by the State of New Hampshire, Chapter 31,** as adopted as Section 109-2 of the Dover Code, and is not meant to repeal any section thereof.



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109-6

109-12

109-15

109-12. Reserved

Comment [ABK5]: Modification of the provisions of the State Fire Code are governed by the provisions of the State Fire Code and not local ordinance.

109-13. Appeals.

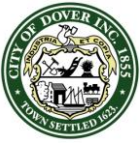
Whenever the ~~Chief of the Bureau of Fire Prevention~~ **Building Official** shall disapprove an application or refuse to grant a permit applied for, or when it is claimed the Building Official has misinterpreted the State Fire Code the applicant may appeal the decision of the Building Official to the Chief of the Dover Fire & Rescue Service.

109-14. New materials, processes and occupancies.

Chief Executive Officer of the City of Dover, New Hampshire, the Chief of the Dover Fire & Rescue Service and Division Head shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in said code. The Inspection Services Division shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

109-15. Violations and penalties.

A. Any person who shall violate any of the provisions of Dover Code 109 Article I, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made there under or who shall build in violation of any detailed statement of specifications or plan submitted and approved there under and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire & Rescue Service or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be

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guilty of a misdemeanor, punishable by a fine of not less than one-hundred dollars (\$100) nor more than five-hundred dollars (\$500) for each offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

109-16

109-7

109-23


ARTICLE II
Life Safety Code

109-16. Statutory authority.

This Article is enacted pursuant to the authority granted by RSA 47:22 of the New Hampshire Revised Statutes Annotated.

109-17. Adoption of standards.

In the interest of public safety, the standards set forth in the National Fire Protection Association code for safety to life from fire in buildings and structures known and referred to as the "NFPA 101, Life Safety Code, current edition adopted by the State of New Hampshire," are hereby adopted as of set forth herein by the City of Dover as safety standards to improve safety of the public by promoting the control of fire hazards, regulating the installation, use and

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maintenance of equipment, the use of structures, premises and open areas, providing for the abatement of fire hazards and setting forth standards for compliance to achieve these objectives.

109-18. Emergency lighting.

In addition to the requirements of the current NFPA 1, Uniform Fire Code, adopted by the State of New Hampshire, and the NFPA 101, Life Safety Code, emergency lighting shall be required in all common hallways, in all business occupancies open to the public after 5:00 p.m.

109-20. Tenant’s Responsibilities

It shall be the responsibility of the tenant(s) of a rented or leased residential dwelling or complex to ensure that the smoke detector(s) installed in accordance with state and local codes are not rendered inoperative by damaging or disconnecting said detector. Any person found to have disconnected a smoke detector, damaged a smoke detector or otherwise cause a smoke detector to be rendered inoperative, in a rented or leased residential dwelling or complex, shall be guilty of a violation.

109-21. Copies to be kept on file.

The office of the City Clerk shall keep three (3) copies of the National Fire Protection Association Life Safety Code on file and accessible to the public during regular business hours.

109-22. Availability of copies.

Copies of the National Fire Protection Association Life Safety code are available from the National fire protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

109-23. Administration and enforcement. [Amended 09-17-03 by Ord. No. 15-2003]

The authority having jurisdiction for the administration and enforcement of this chapter shall be the Inspection Services Division of the City of Dover Fire & Rescue Service.

Fees shall be charged for, plans reviews, issuance of permits, and inspections based on the current fee schedule as approved by the City Council and outlined in the City of Dover Fee Schedule document.

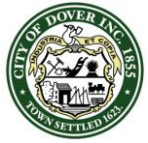
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109-24. Violations and penalties.

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Any person, persons, firm corporation or partnership who shall violate any provisions of this code or shall fail to comply with any of the requirements of Dover Code 109 Article II, shall be guilty of a violation punishable by a fine of not less than one-hundred dollars (\$100) or not more than five-hundred dollars (\$500). Each day that a violation continues to exist shall constitute a separate offense.

**ARTICLE III
Fire Control**

109-25. Inspection of certain public places.

All public halls or other rooms or buildings used, wholly or in part, for theatrical or other entertainment or for exhibits of any nature or in which people assemble for dancing or for other social or recreational purposes shall be subject to inspection at any and all time by the Fire Chief or the Chief of Police, and any and all mandates or orders issued by said officials, or either of them, in the interest obeyed forthwith by any owner or lessee of such hall or to obstruct either of said officials in the discharge of his duty.

109-26. Barbecue pits.

Within any multi-family dwelling, or within fifteen (15) feet of any multi-family dwelling of three (3) units or more, it shall be unlawful to burn barbecues, pits, hibachis, chimineas, gas grills or the like. Within any multi-family dwelling, or within fifteen (15) feet of any multi-family dwelling of three (3) units or more, it shall be unlawful to store combustible or flammable fuel utilized for the operation of barbecues, pits, hibachis, chimineas, gas grills or the like.

109-27. Oil burners and equipment.

The Rules and Regulations of the New Hampshire Board of Fire Control covering the installation of power oil burners and oil-burner equipment, as issued by the Board of Fire Control, office of Fire Marshal, Concord, New Hampshire, on July 1, 1950, in accordance with the provisions of Laws 1947, c. 251, as amended (RSA 153), are hereby adopted to be in effect in the City of Dover.

109-28 Fire Hydrant Obstruction.

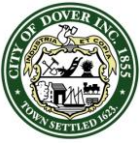
It shall be unlawful for any person or persons to block or obstruct access to any fire hydrant by any means to include but not limited to snow, trash, boxes, furniture, debris, etc.

109-29. Violations and Penalties. [Amended 09-17-2003 by Ord. No. 16-2003]

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 109, Article III shall be guilty of a violation punishable by a fine of not less than one-hundred dollars (\$100) or not more than five-hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense.

A. Reimbursement Costs.

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In the event that the cost for fire department apparatus and/or equipment use is reimbursable under city or state statute, the current as approved by the City Council and outlined in the City of Dover Fee Schedule for the use of apparatus and equipment shall apply:

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Personnel costs shall be billed at the minimum of one hour at the employee's actual costs, to include applicable hourly rate, retirement and healthcare costs. An administration fee of 5% shall be added to all costs that require reimbursement bill procedures

**ARTICLE IV
Fire Suppression Systems**

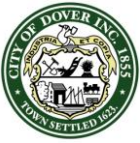
109-30. Installation of sprinkler system required.

Fire suppression sprinkler systems shall be installed and maintained in full operating condition in all new construction as required by the International Residential Code for 1 and 2 Family Homes, First Edition and International Building Code for 3 Family and Above and Commercial Buildings, 1996 Edition and as required by NFPA 101 Life Safety Code 2000 Edition, except as amended below:

A. Sprinkler systems shall be installed in all new commercial structures, in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, 1996 Edition, as indicated in this section or in existing structures undergoing alterations or expansion whereby the total costs for such alterations or expansion are fifty percent (50%) or larger of the most recent structure evaluation or whereby an occupancy changes from one use group to another or from one use group sub-classification to another sub-classification of the same occupancy.
[Amended 11-17-04 by Ord. No. 21-2004]

1. **Assembly** occupancies over 5,000 square feet.
2. **Educational** occupancies to include schools only.
3. **Health Care** occupancies.
4. **Detention and Correctional** occupancies except those with an occupancy of less than six (6).
5. **Residential** occupancies over four (4) stories in height.
6. **Mercantile** occupancies over 5,000 square feet.
7. **Business** occupancies over 5,000 square feet.
8. **Industrial** occupancies over 12,000 square feet.
9. **Storage** occupancies over 12,000 square feet.

B. Sprinkler systems shall be installed in all new residential structures, in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 1996 Edition, as indicated in this section or in existing

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structures if alterations or expansion is such that it adds an additional living unit or it increases the number of individual units to three (3) or more.

1. **Residential** occupancies four (4) stories in height or less, regardless of fire wall separation, except one- and two-family occupancies.

109-32. Violations and Penalties.

Any person, persons, firm, corporation or partnership who shall violate any provisions of this Article IV or who shall fail to comply with any of the requirements thereof shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each day that a violation continues to exist shall constitute a separate offense.

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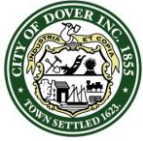
109-33. Public Safety Amplification System Required in Large Facilities.

The purpose of this system is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the city to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

1. Applicability.

The provisions of this article shall apply to:

- i. New buildings greater than fifty thousand (50,000) square feet;
- ii. Existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and



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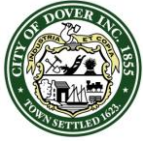
- iii. All sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.
2. Radio coverage.
- (a) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.
- (b) The city's fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.
- (c) For the purpose of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications centers for all appropriate emergency service providers for the building.
3. Inbound into the building.
- (a) A minimum average in-building field strength of 2.25 micro-volts (-100dbm) for analog and five (5) micro-volts (-93dbm) for digital systems throughout eighty-five percent (85%) of the area of each floor of the building when transmitted from the city's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

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- (b) If the field strength outside the building where the receive antenna system for the in-building system is located is less than (-100dbm) for analog, or (-93dbm) for digital systems, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.
- (c) As used in this article, eighty-five percent (85%) coverage or reliability means the radio will transmit eighty-five percent (85%) of the time at the field strength and levels as defined in this article.



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4. Outbound from the building.

A minimum average signal strength of 112 micro-volts (-6dbm) for analog and five (250) micro-volts (+1dbm) for digital systems as received by the city's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

FCC authorization. If amplification is used in the system, all FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the city's fire department.

5. Enhanced amplifications systems.

- (a) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other city approved system(s).
- (b) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation of an independent battery or generator system for a period of at least eight (8) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.
- (c) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located also must be free of hazardous materials such as fuels, asbestos, etc.

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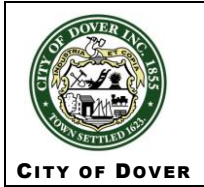
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All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

- (d) The following information shall be provided to the Fire Department by builder:
- i. A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and
 - ii. Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling.

6. Testing procedures – method to conduct tests.

- (a) Tests shall be made using frequencies close to the frequencies used by the police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the city's fire department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.
- (b) Measurements shall be made using the following guidelines:
- i. With a service monitor using a unity gain antenna on a small ground plane;
 - ii. Measurements shall be made with the antenna held in a vertical position at three (3) to four (4) feet above the floor;
 - iii. A calibrated service monitor (with a factory calibration dated within twenty-four (24) months) may be used to do the test;
 - iv. The telecommunications unit representative for the city may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3db between the instruments will be allowed; and
 - v. If measurements in one location are varying, then average measurements be used.



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7. Initial tests.

- (a) All testing shall be done in the presence of a fire department representative at no expense to the city or appropriate emergency services department.
- (b) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

8. Annual tests.

Annual tests will be conducted by the city's telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the city or the appropriate emergency services departments as required in the original testing procedures.

9. Field Testing.

Police and Fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.



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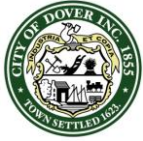
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10. Violations and Penalties.

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 109, Article III shall be guilty of a violation punishable by a fine of not less than one-hundred dollars (\$100) or not more than five-hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense.”

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FIRE PREVENTION AND LIFE SAFETY

CHAPTER 109

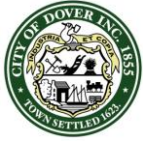
[Amended in its entirety 12-18-98 by Ord. No. 20-98- amended 09-17-03 by Ord. No. 16-2003]

ARTICLE I

~~FIRE PREVENTION CODE~~ FIRE CODE

- 109-1. Statutory authority.
- 109-2. Adoption of standards.
- 109-3. Reserved
- 109-4. Reserved
- 109-5. Storage of explosives and blasting agents.
- 109-6. Outdoor storage of flammable liquids; bulk plants.
- 109-7. Bulk storage of liquefied petroleum gas.
- 109-8. Routes for transport of explosives.
- 109-9. Routes for transport of hazardous chemicals.
- 109-10. Fire Lanes.
- 109-11. Class C Fireworks Permits
- 109-12. Reserved
- 109-13. Appeals.
- 109-14. New materials, processes and occupancies.
- 109-15. Violations and penalties.

Comment [ABK6]: The changes in this ordinance were requested by the Fire and Rescue Department. The changes generally use the term "State Fire Code". The language regarding fees refer to the jurisdiction of the City council to set a fee schedule. Language contained in 131-13.1 and 109-11 has been coordinated. The use of the phrase "Fire and Rescue Department" has been used.



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ARTICLE II LIFE SAFETY CODE

- 109-16. Statutory authority.**
- 109-17. Adoption of standards.**
- 109-18. Emergency lighting.**
- 109-19. Smoke Detection Requirements.**
- 109-20. Tenant's Responsibility.**
- 109-21. Copies to be kept on file.**
- 109-22. Availability of copies.**
- 109-23. Administration and enforcement.**
- 109-24. Violations and penalties.**

ARTICLE III FIRE CONTROL

- 109-25. Inspection of certain public places.**
- 109-26. Barbecue pits.**
- 109-27. Oil burners and equipment.**



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109-28. Fire Hydrant Obstruction.

109-29. Violations and Penalties.

ARTICLE IV FIRE SUPPRESSION SYSTEMS

109-30. Installation of sprinkler system required.

109-31. Water main tie-in fees.

109-32. Violations and Penalties.

109-33. Public Safety Amplification System Required in Large Facilities

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ARTICLE I ~~FIRE PREVENTION CODE~~ FIRE CODE

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109-1. Statutory authority.

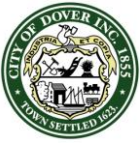
This Article is enacted pursuant to the authority granted by RSA 47:22 and Chapter 155-A of the New Hampshire Revised Statutes Annotated.

109-2. Adoption of standards.

There is hereby adopted by the City of Dover, New Hampshire, for the purpose of prescribing regulations governing conditions hazardous to life and property.

There is hereby adopted by the City of Dover, New Hampshire, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion codes known as the ~~"NFPA 1 Fire Prevention Code," being particularly the complete 2000 Edition thereof,~~ "State Fire Code (Saf-C 6000), NFPA 1, Life Safety Code, or subsequent fire safety codes as adopted by the State of New Hampshire and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than three (3) copies have been and now are filed in the office of the City Clerk of the City of

Comment [ABK7]: The proper term for the regulatory document is the "State Fire Code". This term is generally substituted throughout the ordinance.

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Dover, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Dover, New Hampshire.

109-3. Bureau of Fire Prevention.

Comment [ABK8]: The creation of bureaus and divisions of a department is properly handled in the Administrative Code.

~~A. The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire & Rescue Service of the City of Dover, New Hampshire, which hereby established and which shall be operated under the supervision of the Chief of the Dover Fire & Rescue Service.~~

~~B. The Chief or officer in charge of the Bureau of Fire Prevention shall be appointed by the Chief of the Dover Fire & Rescue Service in accordance with the Merit Plan of the City of Dover, New Hampshire.~~

~~C. The Chief of the Dover Fire & Rescue Service may detail such members of the Fire & Rescue Service as inspectors as shall, from time to time, be necessary. The Chief of the Fire & Rescue shall recommend to the chief executive officer of the City of Dover, New Hampshire, the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the Dover Fire & Rescue Service, and appointments made after examination shall be for an indefinite term, with removal only for cause.~~

~~D. A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this code, with such statistics as the Chief of the Dover Fire & Rescue Service may wish to include therein. The Chief of the Dover Fire & Rescue Service shall also recommend any amendments to the code which, in his judgment, shall be desirable.~~

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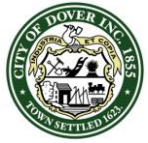
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109-3. Reserved.

109-5. Reserved

Comment [ABK9]: The Inspection Division is properly created in the Administrative Code. Reference to hiring procedures and practices is an administrative function. The provisions of the Merit Plan stand alone irrespective of a mention in the ordinances.

109-5. Storage of explosives and blasting agents.

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The limits referred to in current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1,~~ **State Fire Code, adopted by the State of New Hampshire**, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: no area of the city without a permit from the Fire Chief.

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109-6. Outdoor storage of flammable liquids; bulk plants.

- A. The limits referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1,~~ **State Fire Code, adopted by the State of New Hampshire**, in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as follows: no area of the city without a permit from the Fire Chief.
- B. The limits referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1,~~ **State Fire Code, adopted by the State of New Hampshire**, in which new bulk plants for flammable or combustible liquids are prohibited are hereby established as follows: no area of the city without a permit from the Fire Chief.

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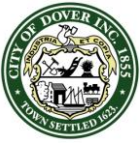
109-7. Bulk storage of liquefied petroleum gas.

The limits referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1,~~ **State Fire Code, adopted by the State of New Hampshire**, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: no area of the city without a permit from the Fire Chief.

109-8. Routes for transport of explosives.

The routes referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 1,~~ **State Fire Code, adopted by the State of New Hampshire**, for vehicles transporting explosives and blasting agents are hereby established as follows: Spaulding Turnpike.

109-9. Routes for transport of hazardous chemicals.

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The routes referred to in the current NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 109-10~~ **+ State Fire Code, adopted by the State of New Hampshire**, for transporting hazardous chemicals and other dangerous articles are hereby established as follows: Spaulding Turnpike.

109-10. Fire lanes.

In addition to the requirements of Chapter 3 of NFPA 1, ~~Fire Prevention Code, 2000 Edition, Chapter 109-10~~ **+ State Fire Code as adopted by the State of New Hampshire**, all premises, with the exception of one- and two-family dwellings, which the Fire & Rescue Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided, by the property owner, with suitable gates, access roads and fire lanes so accessible to fire fighting apparatus.

A. Requirements. Fire lanes shall be provided for all buildings, with the exception of one- and two-family dwellings, which are set back more than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height and are set back more than fifty (50) feet from the address side of the building (main entrance); or any building, with the exception of one- and two-family dwellings, which owing to the location and fire department accessibility as determined by the Chief of ~~Fire Prevention~~ **the Fire and Rescue Department**.

109-5

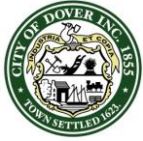
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Fire lanes shall be at least twenty (20) feet in width, with the road edge closest to the building at least ten (10) feet from the building with the above-mentioned exceptions which may not meet the requirements as specifically set forth herein but which, in the discretion of the Chief of the Fire & Rescue Department, require such lanes for a clear and unobstructed approach to the building.

B. Dead-end roads. Any dead-end road more than three hundred (300) feet long shall be provided with a turn around at the closed end at least ninety (90) feet in diameter.

C. Standpipes and sprinkler system connections. All premises which are equipped with standpipe and/or sprinkler system connections shall provide a clear and unobstructed access to said connections. Such access lanes shall be at least twenty (20) feet in width and shall be otherwise regarded, for the purposes of this chapter, as a fire lane.



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D. Designation of fire lanes. The designation of the fire lanes on private property shall be established as specified by the Chief of ~~Fire Prevention~~ **the Fire and Rescue Department.**

E. Responsibility for posting and maintaining of fire lanes. It shall be the responsibility of the property owner to post with approved signs and/or mark all designated fire lanes, as required by the Chief of the Fire and Rescue Department.

F. Record of location of fire lanes. An official record of fire lanes, as designated in accordance with this chapter, shall be kept with the ~~Bureau of Fire Prevention~~ **Inspection Services Division**

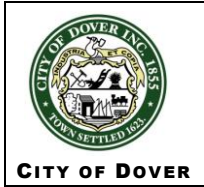
G. Enforcement. Enforcement shall be the responsibility of the local law enforcement agency and/or the ~~Bureau of Fire Prevention~~ **Inspection Services Division.**

109-11. Class C Fireworks Permits .

A. Permits for the possession, transport, use and explosion of Class C fireworks may be obtained upon the approval of the Fire Chief and the Police Chief. All **displays shall be conducted by a trained operator holding a current license or State of New Hampshire certificate of competency. A valid certificate of insurance shall be on file with the Fire and Rescue Department prior to the display date. A City of Dover Fireworks Application must be completed seven (7) days prior to date of the display and approved by the Fire Chief and the Police Chief.**

Comment [ABK10]: This section in conjunction with the provisions of Ch 131-13.1 detail the process of permitting and enforcement of provisions regarding fireworks in a way that is more clear on concise.

C. This ordinance shall be construed consistently with the ~~NFPA-1, Fire Prevention Code, 2000 Edition, Chapter 31,~~ **current NFPA 1, State Fire Code, adopted by the State of New Hampshire, Chapter 31,** as adopted as Section 109-2 of the Dover Code, and is not meant to repeal any section thereof.



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109-12. **Reserved**

Comment [ABK11]: Modification of the provisions of the State Fire Code are governed by the provisions of the State Fire Code and not local ordinance.

109-13. **Appeals.**

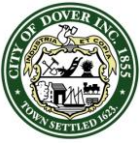
Whenever the ~~Chief of the Bureau of Fire Prevention~~ **Building Official** disapproves an application or refuses to grant a permit applied for, or when it is claimed the Building Official has misinterpreted the State Fire Code the applicant may appeal the decision of the Building Official to the Chief of the Dover Fire & Rescue Department in the first instance and the City Manager in the second instance.

109-14. **New materials, processes and occupancies.**

The Chief Executive Officer of the City of Dover, New Hampshire, the Chief of the Dover Fire & Rescue Department and the Building Official may act as a committee to grant permits in extraordinary circumstances. The Inspection Services Division shall post a list of exceptions in a conspicuous place in his office and distribute copies thereof to interested persons.

109-15. **Violations and penalties.**

A. Any person who shall violate any of the provisions of Dover Code 109 Article I, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made there under or who shall build in violation of any detailed statement of specifications or plan submitted and approved there under and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire & Rescue Service or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than one-hundred dollars (\$100) nor

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more than five-hundred dollars (\$500) for each offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

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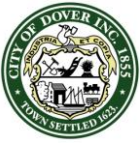
**ARTICLE II
Life Safety Code**

109-16. Statutory authority.

This Article is enacted pursuant to the authority granted by RSA 47:22 of the New Hampshire Revised Statutes Annotated.

109-17. Adoption of standards.

In the interest of public safety, the standards set forth in the National Fire Protection Association code for safety to life from fire in buildings and structures known and referred to as the "NFPA 101, Life Safety Code, current edition adopted by the State of New Hampshire," are hereby adopted as of set forth herein by the City of Dover as safety standards to improve safety of the public by promoting the control of fire hazards, regulating the installation, use and maintenance of equipment, the use of structures, premises and open areas, providing for the abatement of fire hazards and setting forth standards for compliance to achieve these objectives.

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109-18. Emergency lighting.

In addition to the requirements of the current NFPA 1, Uniform Fire Code, adopted by the State of New Hampshire, and the NFPA 101, Life Safety Code, emergency lighting shall be required in all common hallways, in all business occupancies open to the public after 5:00 p.m.

109-20. Tenant’s Responsibilities

It shall be the responsibility of the tenant(s) of a rented or leased residential dwelling or complex to ensure that the smoke detector(s) installed in accordance with state and local codes are not rendered inoperative by damaging or disconnecting said detector. Any person found to have disconnected a smoke detector, damaged a smoke detector or otherwise cause a smoke detector to be rendered inoperative, in a rented or leased residential dwelling or complex, shall be guilty of a violation.

109-21. Copies to be kept on file.

The office of the City Clerk shall keep three (3) copies of the National Fire Protection Association Life Safety Code on file and accessible to the public during regular business hours.

109-22. Availability of copies.

Copies of the National Fire Protection Association Life Safety code are available from the National fire protection Association, Batterymarch Park, Quincy, Massachusetts 02269.

109-23. Administration and enforcement. [Amended 09-17-03 by Ord. No. 15-2003]

The authority having jurisdiction for the administration and enforcement of this chapter shall be the Inspection Services Division of the City of Dover Fire & Rescue Service.

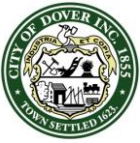
Fees shall be charged for plan reviews, issuance of permits, and inspections. Fees shall be adopted by the City Council and published as an adopted fee schedule. No permits, reviews or inspections shall be issued or conducted until all outstanding fees owed by the applicant to the City of Dover have been paid.

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109-24. Violations and penalties.

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Any person, persons, firm corporation or partnership who shall violate any provisions of this code or shall fail to comply with any of the requirements of Dover Code 109 Article II, shall be guilty of a violation punishable by a fine of not less than one-hundred dollars (\$100) or not more than five-hundred dollars (\$500). Each day that a violation continues to exist shall constitute a separate offense.

**ARTICLE III
Fire Control**

109-25. Inspection of certain public places.

All public halls or other rooms or buildings used, wholly or in part, for theatrical or other entertainment or for exhibits of any nature or in which people assemble for dancing or for other social or recreational purposes shall be subject to inspection at any and all time by the Fire Chief or the Chief of Police, and any and all mandates or orders issued by said officials, or either of them, in the interest obeyed forthwith by any owner or lessee of such hall or to obstruct either of said officials in the discharge of his duty.

109-26. Barbecue pits.

Within any multi-family dwelling, or within fifteen (15) feet of any multi-family dwelling of three (3) units or more, it shall be unlawful to burn barbecues, pits, hibachis, chimineas, gas grills or the like. Within any multi-family dwelling, or within fifteen (15) feet of any multi-family dwelling of three (3) units or more, it shall be unlawful to store combustible or flammable fuel utilized for the operation of barbecues, pits, hibachis, chimineas, gas grills or the like.

109-27. Oil burners and equipment.

The Rules and Regulations of the New Hampshire Board of Fire Control covering the installation of power oil burners and oil-burner equipment, as issued by the Board of Fire Control, office of Fire Marshal, Concord, New Hampshire, on July 1, 1950, in accordance with the provisions of Laws 1947, c. 251, as amended (RSA 153), are hereby adopted to be in effect in the City of Dover.

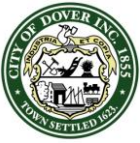
109-28 Fire Hydrant Obstruction.

It shall be unlawful for any person or persons to block or obstruct access to any fire hydrant by any means to include but not limited to snow, trash, boxes, furniture, debris, etc.

109-29. Violations and Penalties. [Amended 09-17-2003 by Ord. No. 16-2003]

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 109, Article III shall be guilty of a violation punishable by a fine of not less than one-hundred dollars (\$100) or not more than five-hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense.

B. Reimbursement Costs.

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In the event that the cost for fire department apparatus and/or equipment use is reimbursable under city or state statute, the current as approved by the City Council and outlined in the City of Dover Fee Schedule for the use of apparatus and equipment shall apply:

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Personnel costs shall be billed at the minimum of one hour at the employee's actual costs, to include applicable hourly rate, retirement and healthcare costs. An administration fee of 5% shall be added to all costs that require reimbursement bill procedures

**ARTICLE IV
Fire Suppression Systems**

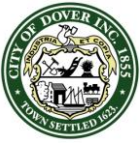
109-30. Installation of sprinkler system required.

Fire suppression sprinkler systems shall be installed and maintained in full operating condition in all new construction as required by the International Residential Code for 1 and 2 Family Homes, First Edition and International Building Code for 3 Family and Above and Commercial Buildings, 1996 Edition and as required by NFPA 101 Life Safety Code 2000 Edition, except as amended below:

A. Sprinkler systems shall be installed in all new commercial structures, in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, 1996 Edition, as indicated in this section or in existing structures undergoing alterations or expansion whereby the total costs for such alterations or expansion are fifty percent (50%) or larger of the most recent structure evaluation or whereby an occupancy changes from one use group to another or from one use group sub-classification to another sub-classification of the same occupancy.
[Amended 11-17-04 by Ord. No. 21-2004]

1. **Assembly** occupancies over 5,000 square feet.
2. **Educational** occupancies to include schools only.
3. **Health Care** occupancies.
4. **Detention and Correctional** occupancies except those with an occupancy of less than six (6).
5. **Residential** occupancies over four (4) stories in height.
6. **Mercantile** occupancies over 5,000 square feet.
7. **Business** occupancies over 5,000 square feet.
8. **Industrial** occupancies over 12,000 square feet.
9. **Storage** occupancies over 12,000 square feet.

B. Sprinkler systems shall be installed in all new residential structures, in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height, 1996 Edition, as indicated in this section or in existing

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structures if alterations or expansion is such that it adds an additional living unit or it increases the number of individual units to three (3) or more.

1. **Residential** occupancies four (4) stories in height or less, regardless of fire wall separation, except one- and two-family occupancies.

109-32. Violations and Penalties.

Any person, persons, firm, corporation or partnership who shall violate any provisions of this Article IV or who shall fail to comply with any of the requirements thereof shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each day that a violation continues to exist shall constitute a separate offense.

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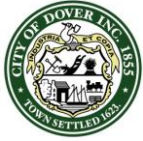
109-33. Public Safety Amplification System Required in Large Facilities.

The purpose of this system is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the city to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

3. Applicability.

The provisions of this article shall apply to:

- i. New buildings greater than fifty thousand (50,000) square feet;
- ii. Existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and



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iii. All sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

4. Radio coverage.

- (d) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.
- (e) The city's fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.
- (f) For the purpose of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications centers for all appropriate emergency service providers for the building.

3. Inbound into the building.

- (a) A minimum average in-building field strength of 2.25 micro-volts (-100dbm) for analog and five (5) micro-volts (-93dbm) for digital systems throughout eighty-five percent (85%) of the area of each floor of the building when transmitted from the city's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

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- (b) If the field strength outside the building where the receive antenna system for the in-building system is located is less than (-100dbm) for analog, or (-93dbm) for digital systems, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.
- (c) As used in this article, eighty-five percent (85%) coverage or reliability means the radio will transmit eighty-five percent (85%) of the time at the field strength and levels as defined in this article.



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4. Outbound from the building.

A minimum average signal strength of 112 micro-volts (-6dbm) for analog and five (250) micro-volts (+1dbm) for digital systems as received by the city's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

FCC authorization. If amplification is used in the system, all FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the city's fire department.

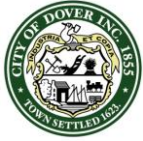
5. Enhanced amplifications systems.

- (a) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other city approved system(s).
- (b) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation of an independent battery or generator system for a period of at least eight (8) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.
- (c) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located also must be free of hazardous materials such as fuels, asbestos, etc.

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All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

- (d) The following information shall be provided to the Fire Department by builder:
- i. A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and
 - ii. Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling.

6. Testing procedures – method to conduct tests.

- (c) Tests shall be made using frequencies close to the frequencies used by the police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the city's fire department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.
- (d) Measurements shall be made using the following guidelines:
- i. With a service monitor using a unity gain antenna on a small ground plane;
 - ii. Measurements shall be made with the antenna held in a vertical position at three (3) to four (4) feet above the floor;
 - iii. A calibrated service monitor (with a factory calibration dated within twenty-four (24) months) may be used to do the test;
 - iv. The telecommunications unit representative for the city may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3db between the instruments will be allowed; and
 - v. If measurements in one location are varying, then average measurements be used.



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7. Initial tests.

- (a) All testing shall be done in the presence of a fire department representative at no expense to the city or appropriate emergency services department.
- (b) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

8. Annual tests.

Annual tests will be conducted by the city's telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the city or the appropriate emergency services departments as required in the original testing procedures.

9. Field Testing.

Police and Fire personnel, after providing reasonable notice to the owner or his representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.



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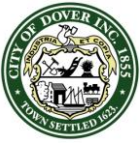
Ordinance Title: **O – 2009.09.23 - 20**

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10. Violations and Penalties.

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 109, Article III shall be guilty of a violation punishable by a fine of not less than one-hundred dollars (\$100) or not more than five-hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense.”

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 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.6.
	Ordinance Number:		
	Ordinance Title:		O – 2009.09.23 - 21
	Chapter:		Floodplain Development -Chapter 113

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 135, entitled “Floodplain Development” of the Code of the City of Dover.

2. AMENDMENT

Chapter 113 entitled “Floodplain” is hereby amended by revising by amending Article II, Administration, Section 113-4 entitled “Development Review”

113-4 Development review.

- A. Prior to the issuance of a building permit by the Building ~~Inspector~~**Official**, whether for new construction (manufactured or prefabricated homes included) or the substantial improvement thereon, the ~~Building Inspector~~ **Planning Department** shall determine whether said project site is located in an area of special flood hazard . If said project site is so located, wholly or in part, in an area of special flood hazard, then compliance with the rules and regulations contained herein shall be required. (See 113-5 and Article III, Floodplain Hazard Reduction.)
- B. Prior to the granting of final subdivision plat approval, the Planning Board shall determine whether said plat is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required. (See 113-5 and Article III, Floodplain Hazard Reduction.)
- C. Prior to the granting of final site review approval, the Planning Board shall determine whether said site is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required (See 113-5 and Article III, Floodplain Hazard Reduction.)
- D. Any man-made change to improved or unimproved real estate within an area of special flood hazard that is not regulated by Subsections A, B or C above (mining, dredging, filling, grading, paving, excavation or drilling operations) shall hereby require review by the Building Inspector and subsequent review and approval by the Technical Review Committee and/or the Planning Board. (See 113-5.)

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NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

3. TAKES EFFECT

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



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Chapter: Floodplain Development -Chapter 113

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

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Chapter: Floodplain Development -Chapter 113

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.		



CITY OF DOVER

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Chapter: Floodplain Development -Chapter 113

ORDINANCE BACKGROUND MATERIAL:

FLOODPLAIN DEVELOPMENT

Chapter 113

[Revised in its entirety 01-20-99 by Ord. No. 26-98]

ARTICLE I

TITLE; AUTHORITY; LEGISLATIVE INTENT

- 113-1. Title.**
- 113-2. Statutory authority.**
- 113-3. Purpose; areas of special flood hazard.**

ARTICLE II

ADMINISTRATION

- 113-4. Development review.**
- 113-5. Required data.**
- 113-6. Use of other base flood data.**
- 113-7. Information to be obtained and maintained.**
- 113-8. Alteration of watercourses.**
- 113-9. Interpretation of boundaries.**

ARTICLE III

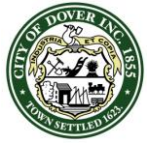
FLOODPLAIN HAZARD REDUCTION

- 113-10. General standards.**
- 113-11. Specific standards.**
- 113-12. Floodways.**

ARTICLE IV

VARIANCES AND APPEALS

- 113-13. Variances and Appeals**

 <p>CITY OF DOVER</p>	CITY OF DOVER - ORDINANCE	
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**ARTICLE V
WORDS AND PHRASES**

113-14. Definitions.

[HISTORY: Adopted by the City Council of the City of Dover 3-25-87 as Ord. No. 7-87*. Amendments noted where applicable.]

**Editor's Note: This ordinance also repealed former Ch. 113, Flood Hazard Control, adopted 4-9-80 as Ord. No. 5-80* *113-1*

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General References

113-3

- Conservation Commission - See ch. 14.
- Historic districts - See Ch. 30.
- Auto courts and trailer camps - See ch. 63.
- Building construction - See ch. 68.
- Housing standards - See ch. 119.
- Mobile home parks - See ch. 149.
- Subdivision of land - See ch. 155.
- Zoning - See ch. 170.
- Site Review-See ch. 149.

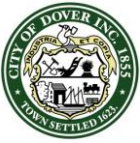
**ARTICLE I
TITLE; AUTHORITY; LEGISLATIVE INTENT**

113-1. Title.

This chapter shall be known and may be cited as the "Floodplain Development Ordinance of the City of Dover, New Hampshire." The regulations in this ordinance shall overlay and supplement the regulations in the City of Dover Zoning Ordinance, Chapter 170 of the Code of the City of Dover, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

113.2. Statutory authority.

These rules and regulations are adopted by the City of Dover pursuant of the authority granted

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by RSA 674:16.

113-3. Purpose; areas of special flood hazard. [Amended 04-20-05 by Ord. No. 13-2005]

The City of Dover recognizes the need to minimize the potential loss of life and property during periods of flooding by regulating the alteration and/or the development of those areas of special flood hazard identified by the Federal Emergency Management Agency. The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Strafford, NH," dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Maps dated May 17, 2005 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference. The Flood Insurance study is on file at the Department of Planning and Community Development.

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ARTICLE II

ADMINISTRATION

~~113-4~~113-5 Development review.

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- A. Prior to the issuance of a building permit by the Building ~~Inspector~~Official, whether for new construction (manufactured or prefabricated homes included) or the substantial improvement thereon, the ~~Building Inspector-Planning Department~~ shall determine whether said project site is located in an area of special flood hazard . If said project site is so located, wholly or in part, in an area of special flood hazard, then compliance with the rules and regulations contained herein shall be required. (See 113-5 and Article III, Floodplain Hazard Reduction.)
- B. Prior to the granting of final subdivision plat approval, the Planning Board shall determine whether said plat is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required. (See 113-5 and Article III, Floodplain Hazard Reduction.)
- C. Prior to the granting of final site review approval, the Planning Board shall determine

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whether said site is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required (See 113-5 and Article III, Floodplain Hazard Reduction.)

- D. Any man-made change to improved or unimproved real estate within an area of special flood hazard that is not regulated by Subsections A, B or C above (mining, dredging, filling, grading, paving, excavation or drilling operations) shall hereby require review by the Building Inspector and subsequent review and approval by the Technical Review Committee and/or the Planning Board. (See 113-5.)

113-5. Required Data.

Applications for all required city permits and approvals are available at the Department of Planning and Community Development. Applications for development activities explicated in 113-4 shall include the following:

- A. Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:
- (1) As-built elevation in relation to NGVD, of the lowest floor, including basement, and including whether or not such structures contain a basement.
 - (2) Elevation, in relation to NGVD, to which any structure has been floodproofed.
 - (3) Certification by a registered engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in 131-11B.

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- B. Permit review. The Planning Department shall:

- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
- (2) Review all development permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Planning Department.



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- C. The Planning Department shall review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

113-6. Use of other base flood data.

When the base flood elevation data has not been provided in accordance with 113-3, the Department of Planning and Community Development shall establish said base flood elevation data by the following means: obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other competent source.

113-7. Information to be obtained and maintained.

- A. The Department of Planning and Community Development shall maintain and record for public inspection the certification of floodproofing required in 113-11B and the as-built elevation, in relation to NGVD, of the lowest floor, including the basement, of all new or substantially improved structures and shall include whether or not such structures contain a basement and, if the structure has been floodproofed, the as-built elevation, in relation to mean sea level, to which the structure was floodproofed. This information must be furnished by the applicant.
- B. In areas of special flood hazard, the Department of Planning and Community Development shall determine the base flood elevation in the following order of precedence according to the data available:
- (1) In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM or FHBM. **[Amended 04-20-05 by Ord. No. 13-2005]**
 - (2) In unnumbered A Zones, the Building Inspector shall obtain, review and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals (i.e. subdivisions, site review plans, etc.) to the community.

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(3) In Zone AO, the base flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, or if no depth number is specified, at least two (2) feet.

C. The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this chapter.

113-8. Alteration of watercourses.

A. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and the New Hampshire Water Resource Board and submit copies of such notification to the Planning Board in the form of a Conditional Use application, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Department, including notice of all scheduled hearings before the NH Wetlands Board, and notice of scheduled hearings before the Planning Board for Conditional Use Permits as required by Dover Code, Chapter 170, Zoning, Article VII, Section 170-27, Conservation District & Section 170-27.1, Wetland Protection District.

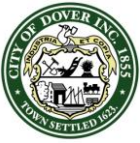
B. The applicant shall submit to the Planning Board, in the form of a Conditional Use application, certification provided by a professional engineer assuring that the flood-carrying capacity of an altered or relocated watercourse can and will be maintained.

C. The applicant's plans and certifications shall comply with all provisions of Article III, section 113-12 of this regulation.

113-9. Interpretation of boundaries.

A. The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the area of special flood hazard in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the applicant may be required to submit an accurate site plan showing flooding relationships, including elevations.

B. To determine accurately if a structure is located in an area of special flood hazard, the owner or applicant may hire a licensed land surveyor or certified engineer to measure the distance

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from a physical feature on the FIRM or Flood Boundary and Floodway Map to the structure's location.

- C. The structure is considered borderline if it is located within 100 feet of a boundary. A certified engineer shall compare the 100-year flood elevation and the lowest ground elevation at the borderline structure's location to determine if the structure is in or out of the flood hazard area. If the engineer certifies the structure as out of the flood hazard area, but the Planning or Engineering Department have historic or other data that confirms the property is prone to flooding, the Planning Department may request a Letter of Map Amendment from FEMA.

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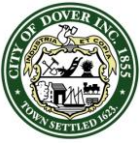
**ARTICLE III
FLOOD HAZARD REDUCTION**

113-10. General standards.

In all areas of special flood hazard, the following standards are required:

A. Anchoring.

- (1) All new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (2) All manufactured homes to be placed or substantially improved within areas of special flood hazard shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is at or above the base flood level, and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:
 - (a) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side, or;
 - (b) Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) long requiring four (4) additional ties per side.

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(c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(d) Any additions to the manufactured home shall be similarly anchored.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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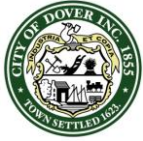
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C. Utilities.

- (1) The applicant shall provide the Office of Planning and Community Development with assurance that all new and replacement water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) The applicant shall provide the Office of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
- (3) The applicant shall provide the Office of planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.

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- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals shall include adequate drainage paths to guide floodwaters around and away from the proposed structures and to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least fifty (50) lots or five (5) acres, whichever is less.

113-11. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in 113-3 and 113-6, the following provisions are required:


- A. Residential construction, new construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation.
- B. All new construction or substantial improvements of nonresidential structures have the lowest floor, (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - (i) be flood proofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

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- (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice

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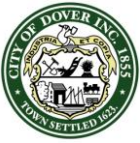
for meeting the provisions of this section.

C. Manufactured homes.

- (1) Manufactured homes shall be anchored in accordance with 113-10A(2).
- (2) For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision.
 - (a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.
 - (b) Adequate surface drainage and access for a hauler are provided.
 - (c) In the instance of elevation on pilings, lots are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.
- (3) Recreational vehicles placed on sites within zone AE shall either: **[Amended 04-20-05 by Ord. No. 13-2005]**
 - (a) Be on the site for fewer than 180 days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet all standards of section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in section 60.3(c)(6) of said regulations.

D. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that the enclosed areas meet the following requirements:

- (1) The enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage.

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(2) The area is not a basement.

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(3) The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

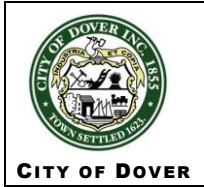
- (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one (1) foot above grade.
- (c) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

E. Proposed structures to be located on slopes in areas of special flood hazard Zone AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

113-12. Floodways.

Located within areas of special flood hazard established in 113-3 and 113-8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply.

- A. Along watercourses that have a designated Regulatory Floodway, no encroachments, including fill, new construction, substantial improvements and other development, are allowed within the designated regulatory floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Planning Department shall obtain, review and reasonably utilize any floodway data available from a federal, state or other source as criteria for requiring that development meet the floodway requirements of this subsection.
- B. Along watercourses that have not had a Regulatory Floodway designated, on new construction, substantial improvements or other development (including fill), shall be



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permitted within Zone AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the surface water elevation of the base flood more than one (1) foot at any point within the community. **[Amended 04-20-05 by Ord. No. 13-2005]**

- C. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article III.

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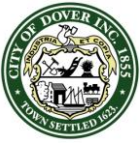
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ARTICLE IV VARIANCES AND APPEALS

113-13. Variances and Appeals

- A. Any order, requirement, decision or determination of any official of the Planning Department made under this chapter may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing, in addition to the usual variance standards under NH statute:
1. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 2. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 3. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates

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for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and (ii) such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

D. The Planning Department shall:

1. maintain a record of all variance actions, including their justification for their issuance, and;
2. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

**ARTICLE V
WORDS AND PHRASES**

113-14. Definitions. [Amended 4-18-90 by Ord. No. 3-90]

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

AREA OF SHALLOW FLOODING - A designated AO zone on the Flood Insurance Rate Map (FIRM) with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.

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AREA OF SPECIAL FLOOD HAZARD – The land in the floodplain within the City of Dover subject to a one-percent or greater annual possibility of flooding in any given year. The area is designated as zone A on the Flood Boundary and Floodway Maps and is designated on the FIRM as zones A, AO, and AE. **[Amended 04-20-05 by Ord. No. 13-2005]**

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT - Any area of a building having its floor subgrade on all sides. **[Added 04-18-90 by Ord. No. 3-90]**

BREAKAWAY WALL - A wall that is not part of the structural support of a building



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and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FEMA - Federal Emergency Management Agency

FLOOD BOUNDARY - FLOODWAY MAP (floodway) - An official map of the community, on which the Federal Emergency Management Agency has delineated the regulatory floodway. This map should not be used to determine the correct flood hazard zone or base flood elevation. The Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

FLOOD ELEVATION STUDY - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide, i.e., mudflow, and/or flood-related erosion hazards.

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - An official map incorporated within this chapter on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones that are applicable to the City of Dover.

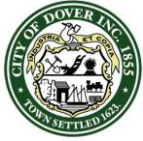
FLOODPLAIN OR FLOOD-PRONE AREA - Any land area which is susceptible to being inundated by water from any source. (See definition of Flooding.)

FLOOD PROOFING - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

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FUNCTIONALLY DEPENDENT USE - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE - Any structure that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a local inventory of historic places, provided the local historic preservation program has been certified by either the appropriate state or federal program.

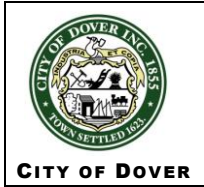
LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. **[Added 4-18-90 by Ord. No. 3-90]**

MANUFACTURED HOME - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site greater than one hundred eighty (180) days.

MEAN SEA LEVEL - For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

100 YEAR FLOOD - See Base Flood.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale, for



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which the construction of facilities for servicing the lot, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, is completed on or after the effective date of this chapter.

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RECREATIONAL VEHICLE - A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Maps.

RIVERINE - Relating to, formed by or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION - includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. **[Added 4-18-90 by Ord. No. 3-90]**

STRUCTURE - For the floodplain management purposes, a walled and roofed building, including a gas- or liquid-storage tank, that is principally above ground, as well as a manufactured home.



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SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, alterations or improvement to a structure, in which the cumulative cost equals or exceeds fifty percent (50%) of market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

A. Any project for improvement of a structure required to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

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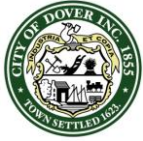
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B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

WATER SURFACE ELEVATION - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

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CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Floodplain Development -Chapter 113

FLOODPLAIN DEVELOPMENT

Chapter 113

[Revised in its entirety 01-20-99 by Ord. No. 26-98]

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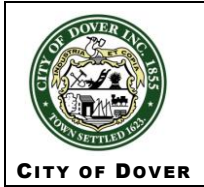
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WORDS AND PHRASES

113-14. Definitions.

[**HISTORY:** Adopted by the City Council of the City of Dover 3-25-87 as Ord. No. 7-87*.
Amendments noted where applicable.]

***Editor's Note:** This ordinance also repealed former Ch. 113, Flood Hazard Control,
adopted 4-9-80 as Ord. No. 5-80 *113-1*

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General References

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Conservation Commission - See ch. 14.

Historic districts - See Ch. 30.

Auto courts and trailer camps - See ch. 63.

Building construction - See ch. 68.

Housing standards - See ch. 119.

Mobile home parks - See ch. 149.

Subdivision of land - See ch. 155.

Zoning - See ch. 170.

Site Review-See ch. 149.

ARTICLE I

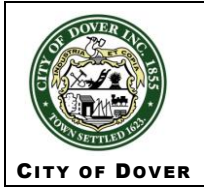
TITLE; AUTHORITY; LEGISLATIVE INTENT

113-1. Title.

This chapter shall be known and may be cited as the "Floodplain Development Ordinance of the City of Dover, New Hampshire." The regulations in this ordinance shall overlay and supplement the regulations in the City of Dover Zoning Ordinance, Chapter 170 of the Code of the City of Dover, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

113.2. Statutory authority.

These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.



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113-3. Purpose; areas of special flood hazard. [Amended 04-20-05 by Ord. No. 13-2005]

The City of Dover recognizes the need to minimize the potential loss of life and property during periods of flooding by regulating the alteration and/or the development of those areas of special flood hazard identified by the Federal Emergency Management Agency. The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Strafford, NH," dated May 17, 2005 or as amended, together with the associated Flood Insurance Rate Maps dated May 17, 2005 or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference. The Flood Insurance study is on file at the Department of Planning and Community Development.

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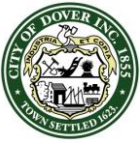
ARTICLE II

ADMINISTRATION

113-6 Development review.

Comment [ABK1]: The purpose of the changes in this ordinance is to use the terms Building Official.

- A. Prior to the issuance of a building permit by the Building Official, whether for new construction (manufactured or prefabricated homes included) or the substantial improvement thereon, the **Planning Department** shall determine whether said project site is located in an area of special flood hazard . If said project site is so located, wholly or in part, in an area of special flood hazard, then compliance with the rules and regulations contained herein shall be required. (See 113-5 and Article III, Floodplain Hazard Reduction.)
- B. Prior to the granting of final subdivision plat approval, the Planning Board shall determine whether said plat is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required. (See 113-5 and Article III, Floodplain Hazard Reduction.)
- C. Prior to the granting of final site review approval, the Planning Board shall determine whether said site is located within an area of special flood hazard, and, if so situated,

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compliance with the rules and regulations contained herein shall be required (See 113-5 and Article III, Floodplain Hazard Reduction.)

- D. Any man-made change to improved or unimproved real estate within an area of special flood hazard that is not regulated by Subsections A, B or C above (mining, dredging, filling, grading, paving, excavation or drilling operations) shall hereby require review by the Building Inspector and subsequent review and approval by the Technical Review Committee and/or the Planning Board. (See 113-5.)

113-5. Required Data.

Applications for all required city permits and approvals are available at the Department of Planning and Community Development. Applications for development activities explicated in 113-4 shall include the following:


- A. Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:
- (1) As-built elevation in relation to NGVD, of the lowest floor, including basement, and including whether or not such structures contain a basement.
 - (2) Elevation, in relation to NGVD, to which any structure has been floodproofed.
 - (3) Certification by a registered engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in 131-11B.

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- B. Permit review. The Planning Department shall:
- (1) Review all development permits to determine that the permit requirements of this chapter have been satisfied.
 - (2) Review all development permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Planning Department.

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- C. The Planning Department shall review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

113-6. Use of other base flood data.

When the base flood elevation data has not been provided in accordance with 113-3, the Department of Planning and Community Development shall establish said base flood elevation data by the following means: obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other competent source.

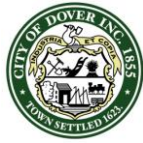
113-7. Information to be obtained and maintained.

- A. The Department of Planning and Community Development shall maintain and record for public inspection the certification of floodproofing required in 113-11B and the as-built elevation, in relation to NGVD, of the lowest floor, including the basement, of all new or substantially improved structures and shall include whether or not such structures contain a basement and, if the structure has been floodproofed, the as-built elevation, in relation to mean sea level, to which the structure was floodproofed. This information must be furnished by the applicant.
- B. In areas of special flood hazard, the Department of Planning and Community Development shall determine the base flood elevation in the following order of precedence according to the data available:
- (1) In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM or FHBM. **[Amended 04-20-05 by Ord. No. 13-2005]**
 - (2) In unnumbered A Zones, the Building Inspector shall obtain, review and reasonably utilize any 100 year flood elevation data available from any federal, state or other source including data submitted for development proposals (i.e. subdivisions, site review plans, etc.) to the community.

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(3) In Zone AO, the base flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, or if no depth number is specified, at least two (2) feet.

C. The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this chapter.

113-8. Alteration of watercourses.

A. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and the New Hampshire Water Resource Board and submit copies of such notification to the Planning Board in the form of a Conditional Use application, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Department, including notice of all scheduled hearings before the NH Wetlands Board, and notice of scheduled hearings before the Planning Board for Conditional Use Permits as required by Dover Code, Chapter 170, Zoning, Article VII, Section 170-27, Conservation District & Section 170-27.1, Wetland Protection District.

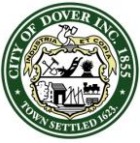
B. The applicant shall submit to the Planning Board, in the form of a Conditional Use application, certification provided by a professional engineer assuring that the flood-carrying capacity of an altered or relocated watercourse can and will be maintained.

C. The applicant's plans and certifications shall comply with all provisions of Article III, section 113-12 of this regulation.

113-9. Interpretation of boundaries.

A. The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the area of special flood hazard in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the applicant may be required to submit an accurate site plan showing flooding relationships, including elevations.

B. To determine accurately if a structure is located in an area of special flood hazard, the owner or applicant may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM or Flood Boundary and Floodway Map to the

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structure's location.

C. The structure is considered borderline if it is located within 100 feet of a boundary. A certified engineer shall compare the 100-year flood elevation and the lowest ground elevation at the borderline structure's location to determine if the structure is in or out of the flood hazard area. If the engineer certifies the structure as out of the flood hazard area, but the Planning or Engineering Department have historic or other data that confirms the property is prone to flooding, the Planning Department may request a Letter of Map Amendment from FEMA.

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**ARTICLE III
FLOOD HAZARD REDUCTION**

113-10. General standards.

In all areas of special flood hazard, the following standards are required:

- A. Anchoring.
 - (1) All new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - (2) All manufactured homes to be placed or substantially improved within areas of special flood hazard shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is at or above the base flood level, and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:
 - (a) Over-the-top ties shall be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one (1) additional tie per side, or;
 - (b) Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) long requiring four (4) additional ties per side.

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(c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

(d) Any additions to the manufactured home shall be similarly anchored.

B. Construction materials and methods.

- (1) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

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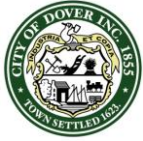
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C. Utilities.

- (1) The applicant shall provide the Office of Planning and Community Development with assurance that all new and replacement water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (2) The applicant shall provide the Office of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.
- (3) The applicant shall provide the Office of planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. Subdivision proposals.



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- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.
- (3) All subdivision proposals shall include adequate drainage paths to guide floodwaters around and away from the proposed structures and to reduce exposure to flood damage.
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least fifty (50) lots or five (5) acres, whichever is less.

113-11. Specific standards.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in 113-3 and 113-6, the following provisions are required:

- A. Residential construction, new construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to or above base flood elevation.
- B. All new construction or substantial improvements of nonresidential structures have the lowest floor, (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - (i) be flood proofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

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- (ii) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (iii) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.



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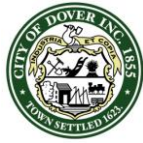
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C. Manufactured homes.

- (1) Manufactured homes shall be anchored in accordance with 113-10A(2).
- (2) For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision.
 - (a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.
 - (b) Adequate surface drainage and access for a hauler are provided.
 - (c) In the instance of elevation on pilings, lots are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.
- (3) Recreational vehicles placed on sites within zone AE shall either: [**Amended 04-20-05 by Ord. No. 13-2005**]
 - (a) Be on the site for fewer than 180 days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet all standards of section 60.3(b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in section 60.3(c)(6) of said regulations.

D. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that the enclosed areas meet the following requirements:

- (1) The enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage.

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(2) The area is not a basement.

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(3) The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

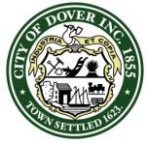
- (a) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one (1) foot above grade.
- (c) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

E. Proposed structures to be located on slopes in areas of special flood hazard Zone AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.

113-12. Floodways.

Located within areas of special flood hazard established in 113-3 and 113-8 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply.

- A. Along watercourses that have a designated Regulatory Floodway, no encroachments, including fill, new construction, substantial improvements and other development, are allowed within the designated regulatory floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Planning Department shall obtain, review and reasonably utilize any floodway data available from a federal, state or other source as criteria for requiring that development meet the floodway requirements of this subsection.
- C. Along watercourses that have not had a Regulatory Floodway designated, on new construction, substantial improvements or other development (including fill), shall be permitted within Zone AE on the FIRM, unless it is demonstrated that the cumulative effect

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of the proposed development, when combined with all other existing and anticipated development, will not increase the surface water elevation of the base flood more than one (1) foot at any point within the community. **[Amended 04-20-05 by Ord. No. 13-2005]**

C. If Subsection A is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Article III.

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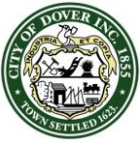
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**ARTICLE IV
VARIANCES AND APPEALS**

113-13. Variances and Appeals

- A. Any order, requirement, decision or determination of any official of the Planning Department made under this chapter may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- B. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing, in addition to the usual variance standards under NH statute:
 - 1. that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - 2. that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - 3. that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and (ii)

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such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

D. The Planning Department shall:

1. maintain a record of all variance actions, including their justification for their issuance, and;
2. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

**ARTICLE V
WORDS AND PHRASES**

113-14. Definitions. [Amended 4-18-90 by Ord. No. 3-90]

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

AREA OF SHALLOW FLOODING - A designated AO zone on the Flood Insurance Rate Map (FIRM) with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.

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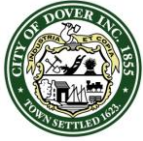
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AREA OF SPECIAL FLOOD HAZARD – The land in the floodplain within the City of Dover subject to a one-percent or greater annual possibility of flooding in any given year. The area is designated as zone A on the Flood Boundary and Floodway Maps and is designated on the FIRM as zones A, AO, and AE. **[Amended 04-20-05 by Ord. No. 13-2005]**

BASE FLOOD - The flood having a one-percent chance of being equaled or exceeded in any given year.

BASEMENT - Any area of a building having its floor subgrade on all sides. **[Added 04-18-90 by Ord. No. 3-90]**

BREAKAWAY WALL - A wall that is not part of the structural support of a building and is intended through its design and construction to collapse under specific lateral



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loading forces without causing damage to the elevated portion of the building or supporting foundation.

DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FEMA - Federal Emergency Management Agency

FLOOD BOUNDARY - FLOODWAY MAP (floodway) - An official map of the community, on which the Federal Emergency Management Agency has delineated the regulatory floodway. This map should not be used to determine the correct flood hazard zone or base flood elevation. The Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.

FLOOD ELEVATION STUDY - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations or an examination, evaluation and determination of mudslide, i.e., mudflow, and/or flood-related erosion hazards.

FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - An official map incorporated within this chapter on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones that are applicable to the City of Dover.

FLOODPLAIN OR FLOOD-PRONE AREA - Any land area which is susceptible to being inundated by water from any source. (See definition of Flooding.)

FLOOD PROOFING - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

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FUNCTIONALLY DEPENDENT USE - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE - Any structure that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a local inventory of historic places, provided the local historic preservation program has been certified by either the appropriate state or federal program.

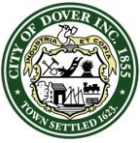
LOWEST FLOOR - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. **[Added 4-18-90 by Ord. No. 3-90]**

MANUFACTURED HOME - A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site greater than one hundred eighty (180) days.

MEAN SEA LEVEL - For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

100 YEAR FLOOD - See Base Flood.

NEW MANUFACTURED HOME PARK OR SUBDIVISION - A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale, for which the construction of facilities for servicing the lot, including, at a minimum, the

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installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets, is completed on or after the effective date of this chapter.

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RECREATIONAL VEHICLE - A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Maps.

RIVERINE - Relating to, formed by or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION - includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. **[Added 4-18-90 by Ord. No. 3-90]**

STRUCTURE - For the floodplain management purposes, a walled and roofed building, including a gas- or liquid-storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the



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cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT - Any combination of repairs, reconstruction, alterations or improvement to a structure, in which the cumulative cost equals or exceeds fifty percent (50%) of market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

A. Any project for improvement of a structure required to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

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B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

WATER SURFACE ELEVATION - The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.



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CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.7.

Ordinance Number:
Ordinance Title: **O – 2009.09.23 - 22**
Chapter: Offenses -Chapter 131

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 131, entitled “Offenses” of the Code of the City of Dover.

2. AMENDMENT

Chapter 131-entitled “Offenses” is hereby amended by revising by amending Section 131-13.1 entitled “Fireworks”

131-13.1. Fireworks. [Added 10-9-85 by Ord. No. 12-85]

~~No person or organization of any kind, public or private, shall have in its possession and under its control any fireworks as defined by Chapter 160 of the New Hampshire Revised Statutes Annotated within the City of Dover unless said person first obtains written permission from the Chief of Police to so possess and/or use said fireworks.~~

No person, firm, partnership or corporation shall offer for sale, expose for sale, sell at retail, purchase, possess, transport, use or explode any fireworks without a permit. No permits shall be granted pursuant to Dover ordinances Chapter 109, except for programs and displays approved by the Fire Chief and the Police Chief, using Class C fireworks. All displays must be conducted by a trained operator who holds a current license or State of NH certificate of competency.

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

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: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



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CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.7.

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Ordinance Title: **O – 2009.09.23 - 22**
Chapter: Offenses -Chapter 131

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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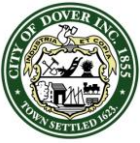
Ordinance Title: **O – 2009.09.23 - 22**

Chapter: Offenses -Chapter 131

ORDINANCE BACKGROUND MATERIAL:

OFFENSES CHAPTER 131

- 131-1. Loitering and obstruction.
- 131-2. Benches.
- 131-3. Prohibited weapons.
- 131-3.1. Safe Storage of Firearms.
- 131-4. Fishing in restricted areas.
- 131-5. Identification of certain workers.
- 131-6. Consumption and possession of alcoholic beverages.
- 131-7. Park hours.
- 131-8. Consumption, sale and dispensing of alcoholic beverages in city-owned buildings.
- 131-9. Motor vehicles on school property and park grounds.
- 131-10. Private property rights.
- 131-11. Public peace.
- 131-12. Interference with law enforcement officers.
- 131-13. Keeping controlled drugs.
- 131-13.1. Fireworks.
- 131-13.2. Operation of boats and vehicles on Willand Pond restricted.
- 131-14. Violations and penalties.
- 131-15. Sale of rolling papers to minors.
- 131-16. School Truancy.

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- 131-17. Facilitation of a Drug of Underage Alcohol Party.**
- 131-18. Use of tobacco products in Henry Law Skate Park**
- 131-19. Use of tobacco products on the grounds of the McConnell Center**
- 131-20. Registered Sex Offender Restrictions**

[HISTORY: Adopted by the City Council of the City of Dover 10-28-81 as Ord. No. 7-81. Amendments noted where applicable.]

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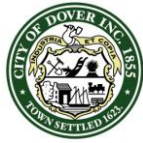
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131-1. Loitering and Obstruction. [Amended 10-28-81 by Ord. No. 19-81]

- A. No person shall sit, stand or lounge on any public way or sidewalk in or about any doors, windows or passageways, except the owners or occupants of the premises, after having been requested by the owners or occupants or any police officer to depart there from.
- B. Three (3) or more persons shall not stand or remain in a group or near each other on any sidewalk or crosswalk or in any street or public way in such a manner as to obstruct a free passage thereon or therein after request has been made by any person to move on.
- C. Three (3) or more persons standing or remaining in a group or near each other on a sidewalk or crosswalk or in any street or public way in such a manner as to obstruct or potentially obstruct vehicular or pedestrian traffic shall move on immediately after a request is made by any police officer; and no person to whom such a request has been made by a police officer shall again become a member of any group of three (3) or more persons standing near each other on a sidewalk or crosswalk or in any street or public way in close proximity in time and place to the initial request to move on and in such a manner as to obstruct or potentially obstruct vehicular or pedestrian traffic.

131-2. Benches. [Amended 10-28-81 by Ord. 19-81]

- A. No person shall sit or stand upon the back or stand upon the seat of any municipally owned bench.
- B. No person shall continue to sit or stand or lounge in the area immediately adjacent to any municipally owned bench after having been requested to move on by any police officer, and at

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no time after such a request has been made by a police officer shall any person to whom such a request is made return and sit or stand or lounge in the area immediately adjacent to any municipally owned bench.

131-3. Prohibited weapons. [Amended 2-11-87 by Ord. No. 2-87]

A. It shall be unlawful for any person, persons, firm or corporation to sell or possess any slingshot, slungshot, metallic knuckles, switch knife or dagger.

B. No person shall display or possess any dangerous weapon in a threatening manner or under any circumstances which is designed or likely to cause alarm or concern where no legitimate purpose for such a display exists.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

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DAGGER - Any knife whose blade is sharpened on two (2) edges.

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DANGEROUS WEAPON - Any firearm, knife or other instrument which, in the manner it is used or displayed or intended to be used or threatened to be used, is known to be capable of producing death or bodily injury.

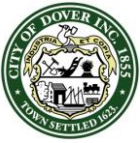
METALLIC KNUCKLES - Any hand-held device that is designed to provide a hardened striking surface to the outer hand, fingers or knuckles when a fist is formed by the hand.

SLINGSHOT - A forked stick with an elastic band attached for shooting small stones or the like.

SLUNGSHOT - A small mass of metal or stone fixed on a flexible handle, strap or the like and used as a weapon.

SWITCH KNIFE - Any knife whose blade is driven by spring action.

D. Any weapon or device seized by the Police Department pursuant to a violation of this section shall be forfeited to the use of or disposed of by the Police Department as is deemed appropriate by the Chief of Police.

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E. Any person violating any of the provisions of this section shall be guilty of a violation.

131-3.1. Safe Storage of Firearms. [Added 01-17-96 by Ord. No. 22-95]

A. DEFINITIONS


1. **Safe Storage of Firearms Defined.** Safe storage of a firearm is defined as keeping the firearm in the immediate possession or under the immediate control of the owner, or:
 - a. Keeping the firearm in a securely locked box or container; or,
 - b. Securing the firearm with a trigger lock; or,
 - c. Keeping the firearm in a location or manner which a reasonable person would believe to be secure and reasonable likely to prevent access to a child 17 or under.
2. **Minor Defined.** As used in this Ordinance, the term minor means any person age seventeen (17) or under.

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3. **Firearm Defined.** As used in this Ordinance, a firearm is defined as any rifle, pistol, revolver, or shotgun capable of discharging a projectile. A firearm is presumed to be loaded if ammunition for the firearm is contained in the firearm's magazine cylinder, chamber or clip, or in close proximity to the firearm, to exclude B.B. guns.

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B. SAFE STORAGE REQUIRED

1. Any person leaving or storing a loaded firearm on a premises knowing, or where he should have known, that a minor is able to gain access to the firearm without the lawful permission of the minor's parent or guardian, shall safely store the firearm as described in Section A.
2. Any person violating the requirements of this Ordinance shall be guilty of a violation only if any minor gains access to the firearm and possesses or exhibits it; and any one of the following conditions exists:
 - a. The firearm is displayed or brought into any public place, except where the firearm is being used for legitimate hunting purposes consistent with state law;
 - b. The firearm is used or displayed in a reckless or threatening manner;
 - c. The firearm is used during the commission of any misdemeanor or felony;
 - d. When the firearm is negligently or recklessly discharged.
3. This sub-section does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

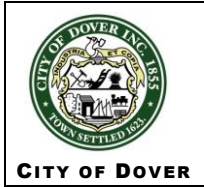
C. PENALTIES.

1. Any person violating the provisions of this section shall be subject to a fine of up to one thousand dollars (\$1,000).
2. Any firearms seized by the Police Department pursuant to a violation of this Ordinance shall upon conviction, be ordered forfeited by the Court and turned over to the Police Department for destruction.

131-4. Fishing in restricted areas.

No person over fifteen (15) years of age shall fish in the posted area of Bellamy Road and Cold Springs. This section shall not apply to any adjoining landowner or member of his immediate family.

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131-5. Identification of certain workers.

Every person, whether in the employ of the city or any private corporation, whose duty it shall be to visit private residences or buildings for the purpose of examining electric, gas and water meters or pipes or for the purpose of inspecting drains or chimneys shall wear, while making such a visit, a suitable badge or other distinctive mark, indicating his employment or authority.

131-6. Consumption and possession of alcoholic beverages. [Amended 05-19-93 by Ord. No. 09-93; amended 10-16-02 by Ord. No. 32-2002]

A. No person shall consume or possess in an open can, bottle or other container any alcoholic liquor or beverage as defined by Chapter 175 of the New Hampshire Revised Statutes Annotated, while upon or in a motor vehicle upon any public way, as defined by Chapter 259:1 of the New Hampshire Revised Statutes Annotated, or any public sidewalk or municipal parking lot within the limits of the City of Dover except as provided in Chapter 99 of this Code.

B. No person shall consume or possess any alcoholic liquor or beverages, as defined by Chapter 175 of the New Hampshire Revised Statutes Annotated, in any park, recreation or rest area within the limits of the City of Dover, except when expressed written consent shall have been given by the City Manager.

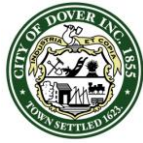
C. No person shall possess or consume any alcoholic beverages in Hilton Park in the City of Dover, except when written consent shall have been given by the New Hampshire Commissioner of the Department of Public Works and Highways or his authorized representative.

131-7. Park hours.

A. No person shall remain in or enter upon the confines of any park or recreation area in the City of Dover during the hours set forth in the table below, except by written consent of the public official who has authority and control over said publicly owned parks and recreation areas and except as provided in Subsection B.

Months	Hours
April 1 - September 30	9:30 p.m. - 7:00 a.m.
October 1 - March 31	7:00 p.m. - 7:00 a.m.

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B. Exceptions.

(1) Park Street Park. No person shall remain in or enter upon the confines of the Park Street Park, so called, in the City of Dover, during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30, or during the hours of 7:00 p.m. through 7:00 a.m., during the period October 1 through March 31.

(2) Hilton Park. No person shall remain in or enter upon the confines of Hilton Park, so called, in the City of Dover, during the hours of 8:00 p.m. to 6:00 a.m., except by expressed written consent of the New Hampshire Commissioner of Public Works and Highways. [Amended 7-23-86 by Ord. No. 9-86]

(3) Henry Law Park. Henry Law Park shall not be restricted.

131-8. Consumption, sale and dispensing of alcoholic beverages in City-owned buildings. [Amended 2-22-84 by Ord. No. 3-84; amended 10-27-04 by Ord. No. 18-2004]

No person shall consume, sell or dispense any alcoholic beverages in any city-owned building unless waived by the City Manager and under the policies and rules established by State RSA and City Ordinance as approved by the City Council.

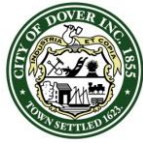
131-9. Motor vehicles on school property and park grounds.

No automobiles, trucks, motorcycles, mopeds, trail bikes or any other motorized vehicles shall be permitted on the grounds of Bellamy Park, Woodman Park, Garrison Hill Park, Varney Hill Park, Mt. Pleasant Park, Guppey Park, Henry Law Park, Applevale Park, Mineral Park, Longhill Memorial Park, all school playgrounds and athletic fields or any yet unnamed city park or recreation area. Vehicular travel shall be restricted to paved roadways and paved or otherwise designated parking areas.

Any person violating the provisions of this section shall be subject to a minimum fine of up to \$250.00. If the person causes damage to City property, the person will also be subjected to a criminal mischief charge pursuant to RSA 634:2. [Added 03-20-2002 by Ord. No. 13-02]

131-10. Private property rights. [Amended 10-28-81 by Ord. No. 19-81]

A. No person shall enter or remain upon the property of another if such a person knows he is not licensed and privileged to do so.

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B. No person shall purposely damage the property of another if such a person has no right to do so.

C. No person shall willfully conceal the goods of any store while still upon the premises of such store unless such person is authorized to do so.

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D. No person shall possess the property of another with intent to deprive the owner thereof, knowing that such property is stolen.

E. No person shall retain or possess the property of another with the intent to deprive the owner thereof under circumstances that would cause a reasonable and prudent person to believe such property was probably stolen.

F. No person shall steal or exercise control over the property of another with the intent to deprive the owner thereof unless such a person is authorized to do so.

G. No person shall enter a building or structure with the purpose to commit a crime therein, if such building or structure is not open to the public and such person is not authorized to enter.

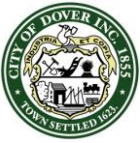
H. No person shall enter upon private or public property and look, by means of an overt act which serves no legitimate purpose, into the window of a private home, apartment or other domicile for the purpose of watching the occupant(s) therein, without permission of said occupant(s), thereby causing affront or alarm to said occupant(s). **[Added 2-11-87 by Ord. No. 4-87]**

131-11. Public Peace. **[Added 10-28-81 by Ord. No. 19-81; Amended 10-19-94 by Ord. No. 19-94]**

A. No person shall knowingly create a condition which is physically offensive or hazardous to that person or another in a public place by any act which serves no legitimate purpose. Physically offensive specifically includes the following:

1. Urinating or defecating in a public place which can be viewed by a member of the public.

B. No person shall recklessly create a risk of breaching the peace by:

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(1) Making loud or unreasonable noises in a public place or making loud or unreasonable noises in a private place that can be heard in a public place or other private places, any such noises would disturb a person of average sensibility. For the purposes of this Section, persons shall include the owner, tenant, or other person in control of a private residence who permits or allows guests to engage in loud and unreasonable noises that can be heard in a public or other private place.

(2) A person in control of a parked or moving motor vehicle shall not operate or permit to be operated, a stereo sound system supplemented or enhanced by speakers or amplifiers not originally installed by the vehicle manufacturer, so as to be heard from a distance a 100 feet or more. [Added 09-20-2000 by Ord. No. 12-2000]

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C. As used in this section, "public" means likely to affect persons in a place to which the public or a substantial group has access, including but not limited to schools, government facilities and the lobbies or hallways of apartment buildings.

D. No person shall lure or attempt to lure a child under the age of sixteen (16) into a motor vehicle without the consent of the parent or legal guardian of the child for other than a lawful purpose.

131-12. Interference with law enforcement officers. [Added 10-28-81 by Ord. No. 19-81; Amended 07-18-90 by Ord. No. 5-90]

A. No person shall physically erase or obscure a time recorded chalk mark from the tire of a parked vehicle with a purpose to interfere with the enforcement of the City of Dover parking ordinances.

B. No person shall give to any law enforcement officer a false name, address, date of birth, social security number, or other identifying information with a purpose to hinder the arrest or subsequent prosecution of that person for any offense or violation.

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131-13. Keeping controlled drugs.

No person shall knowingly be present where a controlled drug as defined by New Hampshire RSA 318-B:1 is illegally kept when such person is in control of the premises where said controlled drug is kept or deposited.

131-13.1. Fireworks. [Added 10-9-85 by Ord. No. 12-85]

~~No person or organization of any kind, public or private, shall have in its possession and under its control any fireworks as defined by Chapter 160 of the New Hampshire Revised Statutes Annotated within the City of Dover unless said person first obtains written permission from the Chief of Police to so possess and/or use said fireworks.~~

No person, firm, partnership or corporation shall offer for sale, expose for sale, sell at retail, purchase, possess, transport, use or explode any fireworks without a permit. No permits shall be granted pursuant to Dover ordinances Chapter 109, except for programs and displays approved by the Fire Chief and the Police Chief, using Class C fireworks. All displays must be conducted by a trained operator who holds a current license or State of NH certificate of competency.

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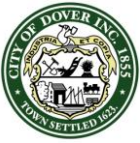
131-13.2. Operation of boats and vehicles on Willand Pond restricted. [Added 8-10-88 by Ord. No. 14-88]

No person shall operate a vehicle or boat which has as its primary or backup source of power, an engine fueled by motor fuel, as defined by RSA 259:58, on Willand Pond within the City of Dover. Any person violating the provisions of this section shall be guilty of a violation and shall, upon conviction, be subject to a fine of up to one thousand dollars (\$1,000.).

131-14. Violations and Penalties. [Amended 8-10-88 by Ord. No. 14-88]

Any person violating the provisions of this chapter for which specific penalties are not otherwise provided shall be guilty of a violation and shall, upon conviction, be fined one hundred dollars (\$100.).

131-15. Sale of rolling papers to minors. [Added 07/22/99 by Ord. No. 09-99]

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	Ordinance Number: Ordinance Title: O – 2009.09.23 - 22 Chapter: Offenses -Chapter 131	Agenda Item#: 12.C.7.

A. Definitions.

1. **Rolling papers** shall be defined as any paper product that is designed to encase or wrap tobacco or similar products and marketed for the purpose of smoking or manufacturing hand-rolled cigarettes.
2. **A Minor** shall be defined as any person who is under the age of 18.

B. Sales and Possession.

1. No person or place of business shall sell, give or furnish rolling papers to minors.
2. It shall be unlawful for any minor to possess or attempt to purchase rolling papers.

C. Penalties.

1. Any person violating the provisions of this section shall be subject to a fine of up to one hundred dollars (\$100).

131-16. School Truancy. [Added 07/22/99 by Ord. No. 09-99; amended 10/17/01 by Ord. No. 26-2001]

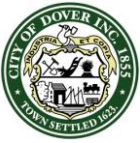
- A. Any student that is enrolled in a city of Dover public school shall attend school each day that school is in session, for the full length of the official school day, unless that student has been excused pursuant to the rules or procedures established by the district and distributed in a student handbook.

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- B. Any student that is enrolled in a City of Dover public school who has been suspended from attending school for any period of time shall, while serving that out of school suspension, remain at home for the full length of the official school day unless they are directly under the supervision of a parent or legal guardian, or are being directly supervised by an adult that has been selected by their parent or guardian to be responsible for the student.
- C. Any truant officer or police officer may issue a summons to appear in court pursuant to this section. If the child is age 17 or under, the officer shall notify the parent or guardian of the summonsed child and advise the parent or guardian of the summons, the court date, and of the requirement that they accompany the child to court.

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- D. A parent or guardian shall accompany the student at any required court appearance related to a violation of this section if the student is age 17 or under at the time of the offense.
- E. Any student found in violation of paragraph A shall pay a fine not to exceed \$25 for a first offense or \$100 for subsequent offense. At its discretion, the court may suspend the fine, or any portion thereof, upon completion of 60 days truancy-free school attendance. A violation of any other provision of this ordinance shall result in a fine not to exceed \$100.
- F. If within 48 hours a student charged under paragraph A can provide satisfactory written verification to the police or truant officer that the absence was authorized by a parent, guardian, or school or work official, then no prosecution shall go forward under this ordinance.

131-17. Facilitation of a Drug or Underage Alcohol Party. *[Added 12-17-03 by ord. No. 22-2003]*

I. A person shall be guilty of the offense of facilitation of a drug or underage alcohol party if such person owns or has control of the dwelling or curtilage of that dwelling, as defined in RSA 627:9, where a drug or underage alcohol party is held and such person permits the drug or underage alcohol party to take place or to continue after becoming aware that it was taking place.

II. Where a person becomes aware of a drug or underage alcohol party that is in progress, it is an affirmative defense to prosecution under this section if that person takes immediate action to terminate the drug or underage alcohol party upon becoming aware of its existence and, in so doing, exercises due care to ensure the safety of individuals involved.

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III. In this section, "drug or underage alcohol party" means a gathering of three or more people under the age of 21 at any dwelling or curtilage of that dwelling, as defined in RSA 627:9, who unlawfully possesses or consumes an alcoholic beverage or controlled drug.

IV. The provisions of this section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities, or to those persons using a controlled drug under a physician's care where the use of the drug is consistent with the directions of a physician.

V. For the purposes of demonstrating that 3 or more individuals under the age of 21 were consuming alcohol or a controlled drug at a location, testimony by a law enforcement officer of the steps taken to determine the age of individuals at the party and testimony of the steps take to determine that they had been consuming an alcoholic beverage shall be sufficient.

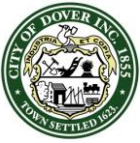
VI. Any person who violates section I above shall be guilty of a violation and shall be fined a minimum of \$300 for the first offense and \$500 for any second or subsequent violation.

No portion of these mandatory minimum fines shall be waived, continued for sentencing, or suspended by the court.

Nothing in this section shall be construed so as to limit the civil liability of a homeowner, host or person in control of a residence, in any civil action that arises from the consumption of an alcoholic beverage or illegal drug at a location under their control.

131-18. Use of tobacco products in Henry Law Skate Park *[Added 02-18-04 by Ord. No. 01-2004]*

- A. No person shall smoke or use a tobacco product within Henry Law Skate Park.
- B. The Henry Law Skate Park shall be defined as the improved recreational area on the East side of River Street; to include: the rink, designed ramps and jumps, all contiguous paved areas, and shall include a 25 foot buffer zone immediately surrounding the recreational area and rink.
- C. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to \$50.00 for a 1st offense and up to \$100.00 for a 2nd or subsequent offense.

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131-19. Use of tobacco products on the grounds of the McConnell Center *[Added 03-16-05 by Ord. No. 05-2005]*

- A. No person shall smoke or use a tobacco product within or upon the grounds of the McConnell Center.

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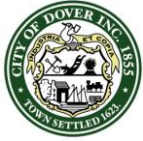
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- B. The grounds of the McConnell Center shall be inclusive of all property within the following perimeter and excludes any privately owned property.
 1. The perimeter shall be defined as the inside edge of the sidewalk on Locust Street; the edge of the sidewalk on Saint Thomas Street; the entire surface of the paved access way that runs the length of the easterly side (rear) of the building; and the northerly edge of the Dover Public Library driveway and parking lot.
 2. No part of the Public Library driveway, parking lot to the rear of the Public Library or any sidewalk described above shall be considered within the perimeter.
 3. In any circumstance where construction or other condition causes the location of the sidewalk, or any other part of this perimeter, to become not discernible, that portion of the perimeter shall still be considered to be 30 feet from the closest point of the McConnell Center building.
- C. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to \$50.00 for a 1st offense and up to \$100.00 for a 2nd or subsequent offense.

131-20. Registered Sex Offender Restrictions. *[Added 10-19-05 by Ord. No. 18-2005]*

A. Definitions.

1. Registered Sex Offender – This Chapter shall only apply to offenders who have been convicted of the crime against a person under the age of 18 and as a result, is required to register for life pursuant to RSA 651-B:6 I. **[Amended 01-17-2007 by Ord. No. 15-2006]**



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2. School/Day Care – Any public or private educational facility that provides services to children in grades K-12_or licensed day care facility that is clearly marked.
3. Premises – Shall mean the building structure or curtilage surrounding the building, playground area or playing field, or courts.
4. Radius – Distance shall be measured from the outer property lines.

B. Restrictions

1. Any person who is a convicted sex offender involving a minor, and is required to register for life, shall not reside within a 2500 foot radius of the property line of a school or day care center.
2. Any person who is a convicted sex offender involving a minor, and is required to register for life, is prohibited from entering upon the premises of a school or day care center, unless specifically authorized by the school administration or day care center owner.

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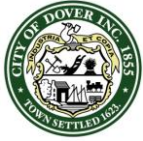
C. Exceptions.

A registered sex offender residing within 2500 feet of a school or day care is not in violation if the residency was established prior to the date of passage.

D. Penalties

Any person violating the provisions of this Chapter shall be subject to a fine of not less than \$500 for the first offense, and \$1000 for any subsequent offense.

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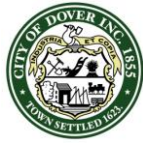
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OFFENSES CHAPTER 131

- 131-1. Loitering and obstruction.**
- 131-2. Benches.**
- 131-3. Prohibited weapons.**
- 131-3.1. Safe Storage of Firearms.**
- 131-4. Fishing in restricted areas.**
- 131-5. Identification of certain workers.**
- 131-6. Consumption and possession of alcoholic beverages.**
- 131-7. Park hours.**
- 131-8. Consumption, sale and dispensing of alcoholic beverages in city-owned buildings.**
- 131-9. Motor vehicles on school property and park grounds.**
- 131-10. Private property rights.**
- 131-11. Public peace.**
- 131-12. Interference with law enforcement officers.**
- 131-13. Keeping controlled drugs.**
- 131-13.1 Fireworks.**
- 131-13.2 Operation of boats and vehicles on Willand Pond restricted.**
- 131-16. Violations and penalties.**

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- 131-17. Sale of rolling papers to minors.**
- 131-16. School Truancy.**
- 131-17. Facilitation of a Drug of Underage Alcohol Party.**
- 131-21. Use of tobacco products in Henry Law Skate Park**
- 131-22. Use of tobacco products on the grounds of the McConnell Center**
- 131-23. Registered Sex Offender Restrictions**

[HISTORY: Adopted by the City Council of the City of Dover 10-28-81 as Ord. No. 7-81. Amendments noted where applicable.]

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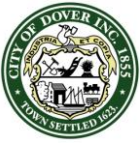
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131-1. Loitering and Obstruction. [Amended 10-28-81 by Ord. No. 19-81]

- A. No person shall sit, stand or lounge on any public way or sidewalk in or about any doors, windows or passageways, except the owners or occupants of the premises, after having been requested by the owners or occupants or any police officer to depart therefrom.
- B. Three (3) or more persons shall not stand or remain in a group or near each other on any sidewalk or crosswalk or in any street or public way in such a manner as to obstruct a free passage thereon or therein after request has been made by any person to move on.
- C. Three (3) or more persons standing or remaining in a group or near each other on a sidewalk or crosswalk or in any street or public way in such a manner as to obstruct or potentially obstruct vehicular or pedestrian traffic shall move on immediately after a request is made by any police officer; and no person to whom such a request has been made by a police officer shall again become a member of any group of three (3) or more persons standing near each other on a sidewalk or crosswalk or in any street or public way in close proximity in time and place to the initial request to move on and in such a manner as to obstruct or potentially obstruct vehicular or pedestrian traffic.

131-2. Benches. [Amended 10-28-81 by Ord. 19-81]

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A. No person shall sit or stand upon the back or stand upon the seat of any municipally owned bench.

B. No person shall continue to sit or stand or lounge in the area immediately adjacent to any municipally owned bench after having been requested to move on by any police officer, and at no time after such a request has been made by a police officer shall any person to whom such a request is made return and sit or stand or lounge in the area immediately adjacent to any municipally owned bench.

131-3. Prohibited weapons. [Amended 2-11-87 by Ord. No. 2-87]

A. It shall be unlawful for any person, persons, firm or corporation to sell or possess any slingshot, slungshot, metallic knuckles, switch knife or dagger.

B. No person shall display or possess any dangerous weapon in a threatening manner or under any circumstances which is designed or likely to cause alarm or concern where no legitimate purpose for such a display exists.

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

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DAGGER - Any knife whose blade is sharpened on two (2) edges.


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DANGEROUS WEAPON - Any firearm, knife or other instrument which, in the manner it is used or displayed or intended to be used or threatened to be used, is known to be capable of producing death or bodily injury.

METALLIC KNUCKLES - Any hand-held device that is designed to provide a hardened striking surface to the outer hand, fingers or knuckles when a fist is formed by the hand.

SLINGSHOT - A forked stick with an elastic band attached for shooting small stones or the like.

SLUNGSHOT - A small mass of metal or stone fixed on a flexible handle, strap or the like and used as a weapon.

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SWITCH KNIFE - Any knife whose blade is driven by spring action.

D. Any weapon or device seized by the Police Department pursuant to a violation of this section shall be forfeited to the use of or disposed of by the Police Department as is deemed appropriate by the Chief of Police.

E. Any person violating any of the provisions of this section shall be guilty of a violation.

131-3.1. Safe Storage of Firearms. [Added 01-17-96 by Ord. No. 22-95]

A. DEFINITIONS

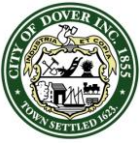
1. **Safe Storage of Firearms Defined.** Safe storage of a firearm is defined as keeping the firearm in the immediate possession or under the immediate control of the owner, or:
 - a. Keeping the firearm in a securely locked box or container; or,
 - b. Securing the firearm with a trigger lock; or,
 - c. Keeping the firearm in a location or manner which a reasonable person would believe to be secure and reasonable likely to prevent access to a child 17 or under.
2. **Minor Defined.** As used in this Ordinance, the term minor means any person age seventeen (17) or under.

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3. **Firearm Defined.** As used in this Ordinance, a firearm is defined as any rifle, pistol, revolver, or shotgun capable of discharging a projectile. A firearm is presumed to be

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loaded if ammunition for the firearm is contained in the firearm's magazine cylinder, chamber or clip, or in close proximity to the firearm, to exclude B.B. guns.

B. SAFE STORAGE REQUIRED


1. Any person leaving or storing a loaded firearm on a premises knowing, or where he should have known, that a minor is able to gain access to the firearm without the lawful permission of the minor's parent or guardian, shall safely store the firearm as described in Section A.
2. Any person violating the requirements of this Ordinance shall be guilty of a violation only if any minor gains access to the firearm and possesses or exhibits it; and any one of the following conditions exists:
 - a. The firearm is displayed or brought into any public place, except where the firearm is being used for legitimate hunting purposes consistent with state law;
 - b. The firearm is used or displayed in a reckless or threatening manner;
 - c. The firearm is used during the commission of any misdemeanor or felony;
 - d. When the firearm is negligently or recklessly discharged.
3. This sub-section does not apply if the minor obtains the firearm as a result of an unlawful entry by any person.

C. PENALTIES.

1. Any person violating the provisions of this section shall be subject to a fine of up to one thousand dollars (\$1,000).
2. Any firearms seized by the Police Department pursuant to a violation of this Ordinance shall upon conviction, be ordered forfeited by the Court and turned over to the Police Department for destruction.

131-4. Fishing in restricted areas.

No person over fifteen (15) years of age shall fish in the posted area of Bellamy Road and Cold Springs. This section shall not apply to any adjoining landowner or member of his immediate family.

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131-5. Identification of certain workers.

Every person, whether in the employ of the city or any private corporation, whose duty it shall be to visit private residences or buildings for the purpose of examining electric, gas and water meters or pipes or for the purpose of inspecting drains or chimneys shall wear, while making such a visit, a suitable badge or other distinctive mark, indicating his employment or authority.

131-6. Consumption and possession of alcoholic beverages. [Amended 05-19-93 by Ord. No. 09-93; amended 10-16-02 by Ord. No. 32-2002]

A. No person shall consume or possess in an open can, bottle or other container any alcoholic liquor or beverage as defined by Chapter 175 of the New Hampshire Revised Statutes Annotated, while upon or in a motor vehicle upon any public way, as defined by Chapter 259:1 of the New Hampshire Revised Statutes Annotated, or any public sidewalk or municipal parking lot within the limits of the City of Dover except as provided in Chapter 99 of this Code.

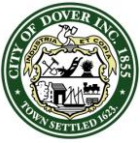
B. No person shall consume or possess any alcoholic liquor or beverages, as defined by Chapter 175 of the New Hampshire Revised Statutes Annotated, in any park, recreation or rest area within the limits of the City of Dover, except when expressed written consent shall have been given by the City Manager.

C. No person shall possess or consume any alcoholic beverages in Hilton Park in the City of Dover, except when written consent shall have been given by the New Hampshire Commissioner of the Department of Public Works and Highways or his authorized representative.

131-7. Park hours.

A. No person shall remain in or enter upon the confines of any park or recreation area in the City of Dover during the hours set forth in the table below, except by written consent of the public official who has authority and control over said publicly owned parks and recreation areas and except as provided in Subsection B.

Months	Hours
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April 1 - September 30 9:30 p.m. - 7:00 a.m.

October 1 - March 31 7:00 p.m. - 7:00 a.m.

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B. Exceptions.

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(1) Park Street Park. No person shall remain in or enter upon the confines of the Park Street Park, so called, in the City of Dover, during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30, or during the hours of 7:00 p.m. through 7:00 a.m., during the period October 1 through March 31.

(2) Hilton Park. No person shall remain in or enter upon the confines of Hilton Park, so called, in the City of Dover, during the hours of 8:00 p.m. to 6:00 a.m., except by expressed written consent of the New Hampshire Commissioner of Public Works and Highways. [Amended 7-23-86 by Ord. No. 9-86]

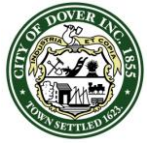
(3) Henry Law Park. Henry Law Park shall not be restricted.

131-8. Consumption, sale and dispensing of alcoholic beverages in City-owned buildings. [Amended 2-22-84 by Ord. No. 3-84; amended 10-27-04 by Ord. No. 18-2004]

No person shall consume, sell or dispense any alcoholic beverages in any city-owned building unless waived by the City Manager and under the policies and rules established by State RSA and City Ordinance as approved by the City Council.

131-9. Motor vehicles on school property and park grounds.

No automobiles, trucks, motorcycles, mopeds, trail bikes or any other motorized vehicles shall be permitted on the grounds of Bellamy Park, Woodman Park, Garrison Hill Park, Varney Hill Park, Mt. Pleasant Park, Guppy Park, Henry Law Park, Applevale Park, Mineral Park, Longhill Memorial Park, all school playgrounds and athletic fields or any yet unnamed city park or

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recreation area. Vehicular travel shall be restricted to paved roadways and paved or otherwise designated parking areas.

Any person violating the provisions of this section shall be subject to a minimum fine of up to \$250.00. If the person causes damage to City property, the person will also be subjected to a criminal mischief charge pursuant to RSA 634:2. [Added 03-20-2002 by Ord. No. 13-02]

131-10. Private property rights. [Amended 10-28-81 by Ord. No. 19-81]

A. No person shall enter or remain upon the property of another if such a person knows he is not licensed and privileged to do so.

B. No person shall purposely damage the property of another if such a person has no right to do so.

C. No person shall willfully conceal the goods of any store while still upon the premises of such store unless such person is authorized to do so.

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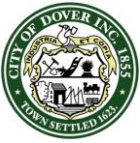
D. No person shall possess the property of another with intent to deprive the owner thereof, knowing that such property is stolen.

E. No person shall retain or possess the property of another with the intent to deprive the owner thereof under circumstances that would cause a reasonable and prudent person to believe such property was probably stolen.

F. No person shall steal or exercise control over the property of another with the intent to deprive the owner thereof unless such a person is authorized to do so.

G. No person shall enter a building or structure with the purpose to commit a crime therein, if such building or structure is not open to the public and such person is not authorized to enter.

H. No person shall enter upon private or public property and look, by means of an overt act which serves no legitimate purpose, into the window of a private home, apartment or other

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domicile for the purpose of watching the occupant(s) therein, without permission of said occupant(s), thereby causing affront or alarm to said occupant(s). [Added 2-11-87 by Ord. No. 4-87]

131-11. Public Peace. [Added 10-28-81 by Ord. No. 19-81; Amended 10-19-94 by Ord. No. 19-94]

A. No person shall knowingly create a condition which is physically offensive or hazardous to that person or another in a public place by any act which serves no legitimate purpose. Physically offensive specifically includes the following:

1. Urinating or defecating in a public place which can be viewed by a member of the public.

B. No person shall recklessly create a risk of breaching the peace by:

(1) Making loud or unreasonable noises in a public place or making loud or unreasonable noises in a private place that can be heard in a public place or other private places, any such noises would disturb a person of average sensibility. For the purposes of this Section, persons shall include the owner, tenant, or other person in control of a private residence who permits or allows guests to engage in loud and unreasonable noises that can be heard in a public or other private place.

(2) A person in control of a parked or moving motor vehicle shall not operate or permit to be operated, a stereo sound system supplemented or enhanced by speakers or amplifiers not originally installed by the vehicle manufacturer, so as to be heard from a distance a 100 feet or more. [Added 09-20-2000 by Ord. No. 12-2000]

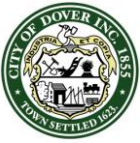
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C. As used in this section, "public" means likely to affect persons in a place to which the public or a substantial group has access, including but not limited to schools, government facilities and the lobbies or hallways of apartment buildings.

D. No person shall lure or attempt to lure a child under the age of sixteen (16) into a motor vehicle without the consent of the parent or legal guardian of the child for other than a lawful purpose.

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131-12. Interference with law enforcement officers. [Added 10-28-81 by Ord. No. 19-81; Amended 07-18-90 by Ord. No. 5-90]

- A. No person shall physically erase or obscure a time recorded chalk mark from the tire of a parked vehicle with a purpose to interfere with the enforcement of the City of Dover parking ordinances.
- B. No person shall give to any law enforcement officer a false name, address, date of birth, social security number, or other identifying information with a purpose to hinder the arrest or subsequent prosecution of that person for any offense or violation.

131-13. Keeping controlled drugs.

No person shall knowingly be present where a controlled drug as defined by New Hampshire RSA 318-B:1 is illegally kept when such person is in control of the premises where said controlled drug is kept or deposited.

131-13.1. Fireworks. [Added 10-9-85 by Ord. No. 12-85]

~~No person or organization of any kind, public or private, shall have in its possession and under its control any fireworks as defined by Chapter 160 of the New Hampshire Revised Statutes Annotated within the City of Dover unless said person first obtains written permission from the Chief of Police to so possess and/or use said fireworks.~~

No person, firm, partnership or corporation shall offer for sale, expose for sale, sell at retail, purchase, possess, transport, use or explode any fireworks without a permit. No permits shall be granted pursuant to Dover ordinances Chapter 109, except for programs and displays using Class C fireworks that are approved by the Fire Chief and the Police Chief, All displays must be conducted by a trained operator who holds a current license or State of NH certificate of competency.

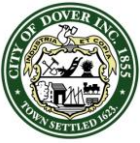
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131-13.2. Operation of boats and vehicles on Willand Pond restricted. [Added 8-10-88 by Ord. No. 14-88]

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No person shall operate a vehicle or boat which has as its primary or backup source of power, an engine fueled by motor fuel, as defined by RSA 259:58, on Willand Pond within the City of Dover. Any person violating the provisions of this section shall be guilty of a violation and shall, upon conviction, be subject to a fine of up to one thousand dollars (\$1,000.).

131-14. Violations and Penalties. [Amended 8-10-88 by Ord. No. 14-88]

Any person violating the provisions of this chapter for which specific penalties are not otherwise provided shall be guilty of a violation and shall, upon conviction, be fined one hundred dollars (\$100.).

131-15. Sale of rolling papers to minors. [Added 07/22/99 by Ord. No. 09-99]

D. Definitions.

3. **Rolling papers** shall be defined as any paper product that is designed to encase or wrap tobacco or similar products and marketed for the purpose of smoking or manufacturing hand-rolled cigarettes.
4. **A Minor** shall be defined as any person who is under the age of 18.

E. Sales and Possession.

3. No person or place of business shall sell, give or furnish rolling papers to minors.
4. It shall be unlawful for any minor to possess or attempt to purchase rolling papers.

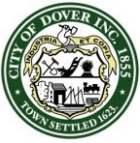
F. Penalties.

2. Any person violating the provisions of this section shall be subject to a fine of up to one hundred dollars (\$100).

131-16. School Truancy. [Added 07/22/99 by Ord. No. 09-99; amended 10/17/01 by Ord. No. 26-2001]

- C. Any student that is enrolled in a city of Dover public school shall attend school each day that school is in session, for the full length of the official school day, unless that student has been excused pursuant to the rules or procedures established by the district and distributed in a student handbook.

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 CITY OF DOVER	CITY OF DOVER - ORDINANCE	Agenda Item#: 12.C.7.
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131-16

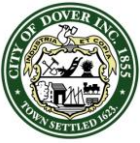
131-17

- D. Any student that is enrolled in a City of Dover public school who has been suspended from attending school for any period of time shall, while serving that out of school suspension, remain at home for the full length of the official school day unless they are directly under the supervision of a parent or legal guardian, or are being directly supervised by an adult that has been selected by their parent or guardian to be responsible for the student.
- C. Any truant officer or police officer may issue a summons to appear in court pursuant to this section. If the child is age 17 or under, the officer shall notify the parent or guardian of the summonsed child and advise the parent or guardian of the summons, the court date, and of the requirement that they accompany the child to court.
- D. A parent or guardian shall accompany the student at any required court appearance related to a violation of this section if the student is age 17 or under at the time of the offense.
- E. Any student found in violation of paragraph A shall pay a fine not to exceed \$25 for a first offense or \$100 for subsequent offense. At its discretion, the court may suspend the fine, or any portion thereof, upon completion of 60 days truancy-free school attendance. A violation of any other provision of this ordinance shall result in a fine not to exceed \$100.
- F. If within 48 hours a student charged under paragraph A can provide satisfactory written verification to the police or truant officer that the absence was authorized by a parent, guardian, or school or work official, then no prosecution shall go forward under this ordinance.

131-17. Facilitation of a Drug or Underage Alcohol Party. [Added 12-17-03

by ord. No. 22-2003]

I. A person shall be guilty of the offense of facilitation of a drug or underage alcohol party if such person owns or has control of the dwelling or curtilage of that dwelling, as defined in RSA 627:9, where a drug or underage alcohol party is held and such person permits the drug or underage alcohol party to take place or to continue after becoming aware that it was taking place.

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II. Where a person becomes aware of a drug or underage alcohol party that is in progress, it is an affirmative defense to prosecution under this section if that person takes immediate action to terminate the drug or underage alcohol party upon becoming aware of its existence and, in so doing, exercises due care to ensure the safety of individuals involved.

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III. In this section, "drug or underage alcohol party" means a gathering of three or more people under the age of 21 at any dwelling or curtilage of that dwelling, as defined in RSA 627:9, who unlawfully possesses or consumes an alcoholic beverage or controlled drug.

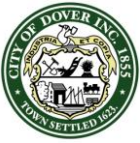
IV. The provisions of this section shall not apply to the use of alcoholic beverages at legally protected religious observances or activities, or to those persons using a controlled drug under a physician's care where the use of the drug is consistent with the directions of a physician.

V. For the purposes of demonstrating that 3 or more individuals under the age of 21 were consuming alcohol or a controlled drug at a location, testimony by a law enforcement officer of the steps taken to determine the age of individuals at the party and testimony of the steps take to determine that they had been consuming an alcoholic beverage shall be sufficient.

VI. Any person who violates section I above shall be guilty of a violation and shall be fined a minimum of \$300 for the first offense and \$500 for any second or subsequent violation.

No portion of these mandatory minimum fines shall be waived, continued for sentencing, or suspended by the court.

Nothing in this section shall be construed so as to limit the civil liability of a homeowner, host or person in control of a residence, in any civil action that arises from the consumption of an alcoholic beverage or illegal drug at a location under their control.

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131-18. Use of tobacco products in Henry Law Skate Park *[Added 02-18-04 by Ord. No. 01-2004]*

- D. No person shall smoke or use a tobacco product within Henry Law Skate Park.
- E. The Henry Law Skate Park shall be defined as the improved recreational area on the East side of River Street; to include: the rink, designed ramps and jumps, all contiguous paved areas, and shall include a 25 foot buffer zone immediately surrounding the recreational area and rink.
- F. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to \$50.00 for a 1st offense and up to \$100.00 for a 2nd or subsequent offense.

131-19. Use of tobacco products on the grounds of the McConnell Center *[Added 03-16-05 by Ord. No. 05-2005]*

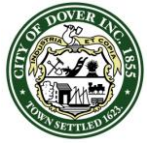
- A. No person shall smoke or use a tobacco product within or upon the grounds of the McConnell Center.

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- B. The grounds of the McConnell Center shall be inclusive of all property within the following perimeter and excludes any privately owned property.
 1. The perimeter shall be defined as the inside edge of the sidewalk on Locust Street; the edge of the sidewalk on Saint Thomas Street; the entire surface of the paved access way that runs the length of the easterly side (rear) of the building; and the northerly edge of the Dover Public Library driveway and parking lot.
 2. No part of the Public Library driveway, parking lot to the rear of the Public Library or any sidewalk described above shall be considered within the perimeter.
 3. In any circumstance where construction or other condition causes the location of the sidewalk, or any other part of this perimeter, to become not discernible, that portion of the perimeter shall still be considered to be 30 feet from the closest point of the McConnell Center building.
- C. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to \$50.00 for a 1st offense and up to \$100.00 for a 2nd or subsequent offense.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	Agenda Item#: 12.C.7.
	Ordinance Number: Ordinance Title: O – 2009.09.23 - 22 Chapter: Offenses -Chapter 131	

131-20. Registered Sex Offender Restrictions. [Added 10-19-05 by Ord. No. 18-2005]

A. Definitions.

5. Registered Sex Offender – This Chapter shall only apply to offenders who have been convicted of the crime against a person under the age of 18 and as a result, is required to register for life pursuant to RSA 651-B:6 I. [Amended 01-17-2007 by Ord. No. 15-2006]
6. School/Day Care – Any public or private educational facility that provides services to children in grades K-12_or licensed day care facility that is clearly marked.
7. Premises – Shall mean the building structure or curtilage surrounding the building, playground area or playing field, or courts.
8. Radius – Distance shall be measured from the outer property lines.

D. Restrictions

3. Any person who is a convicted sex offender involving a minor, and is required to register for life, shall not reside within a 2500 foot radius of the property line of a school or day care center.
4. Any person who is a convicted sex offender involving a minor, and is required to register for life, is prohibited from entering upon the premises of a school or day care center, unless specifically authorized by the school administration or day care center owner.

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E. Exceptions.

A registered sex offender residing within 2500 feet of a school or day care is not in violation if the residency was established prior to the date of passage.

D. Penalties



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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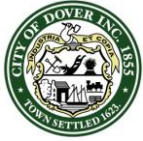
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Chapter: Offenses -Chapter 131

Any person violating the provisions of this Chapter shall be subject to a fine of not less than \$500 for the first offense, and \$1000 for any subsequent offense.

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CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.8.

Ordinance Number:
Ordinance Title: **O – 2009.09.23 – 23**
Chapter: Plumbing -Chapter 135

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 135, entitled “Plumbing” of the Code of the City of Dover.

2. AMENDMENT

Chapter 135 entitled “Plumbing” is hereby amended by revising multiple Sections.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

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: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.8.

Ordinance Number:
Ordinance Title: **O – 2009.09.23 – 23**
Chapter: Plumbing -Chapter 135

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.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.8.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 – 23**

Chapter: Plumbing -Chapter 135

ORDINANCE BACKGROUND MATERIAL:

PLUMBING

Chapter 135

ARTICLE I TITLE AND SCOPE

- 135-1. Title; enforcement.**
- 135-2. Applicability.**
- 135-3. Adoption of state provisions.**
- 135-4. Responsibility for facilities adjacent to public streets.**
- 135-5. Disposition of moneys.**

ARTICLE II LICENSING REQUIREMENTS

- 135-6. Licensed plumbers.**
- 135-7. Supervision of work.**
- 135-8. Annual fee.**
- 135-9. Revocation.**
- 135-10. Use of licensee's name by another; notification of name and address.**
- 135-11. Plumber's Examining Board; examination and certification.**
- 135-12. Examination fee.**
- 135-13. Reexamination.**



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.8.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 – 23**

Chapter: Plumbing -Chapter 135

ARTICLE III PLUMBING STANDARDS

135-14. Adoption of standards.

135-15. Copies to be kept on file.
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135-16. Additional standards.

135-17. Issuance of permits.

135-18. Exception.

135-19. Application, fees.

135-20. Plans and specifications.

135-21. Repairs not necessitating a permit.

ARTICLE IV ADMINISTRATION

135-22. Protection of water supply system.

135-23. Inspections and testing.

135-24. Violations and penalties.

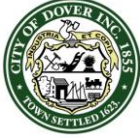
[**HISTORY:** Adopted by the City Council of the City of Dover 12-14-77*. Section 135-24 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Building construction - See Ch. 68.

ARTICLE I TITLE AND SCOPE

135-1. Title; enforcement.

 <p>CITY OF DOVER</p>	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.C.8.
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	Chapter:		Plumbing -Chapter 135

This chapter shall be known as the "~~BOCA National Plumbing Code~~ **State Building Plumbing Code**, current edition, as adopted by the State of New Hampshire" and annual supplements thereto may be so cited, and will be referred to in this chapter as "this code." The administration and enforcement of this code shall be the duty of the Plumbing Inspector who is hereby authorized to take such action as may be reasonably necessary to enforce the purposes of this code. The position of Plumbing Inspector shall be according to the City of Dover Administrative Code.** [Amended 09-15-93 by Ord. No. 25-93]

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***Editor's Note: Provisions of this chapter are derived from Ch. 16 of the former Code, adopted 12-14-77.**

****Editor's Note: See Ch. 3, Administrative Code.**

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135-2. Applicability.

The provisions of this code shall apply to and govern plumbing as defined in this code, including the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building or other structure or conveyance, also the practice and materials used in the installation, maintenance, extension or alteration of the stormwater or sewage system of any premises to their connection with any point of public disposal or other terminal.

135-3. Adoption of state provisions.

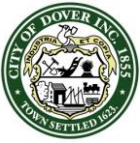
The provisions of New Hampshire Revised Statutes Annotated, Chapter ~~229~~ **329A**, as amended, are hereby adopted by the City of Dover. ~~Where no inconsistent with the provisions of this chapter,~~ The provisions of the State Plumbing Code are accepted as minimum standards. [Amended 09-15-93 by Ord. No. 25-93]

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135-4. ~~Responsibility for facilities adjacent to public streets.~~Reserved

~~It is recognized that certain facilities in or adjacent to public streets are referred to in this code only a portion of which is under the ownership or the control of the owner or occupant of the building or premises to which this code applies.~~

135-5. Disposition of moneys.

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~~All moneys collected from the administration of this code shall be paid into the general fund of the City of Dover.~~ Reserved.

**ARTICLE II
LICENSING REQUIREMENTS
Sections 135-6 through 135-13
[Repealed 09-15-93 by Ord. No. 25-93]**

**ARTICLE III
PLUMBING STANDARDS**

135-14. Adoption of standards. [Amended 09-15-93 by Ord. No. 25-93]

A. ~~The BOCA National Plumbing Code and annual supplements thereto are hereby adopted, and all~~ State Building Code, current edition, as adopted by the State of New Hampshire, and annual supplements thereto are hereby adopted, and all installations, repairs, and alterations of plumbing shall, ~~from the effective date of this chapter,~~ be performed in accordance with ~~its provisions-~~ the State Plumbing Code.

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135-15. Copies to be kept on file. [Amended 09-15-93 by Ord. No. 25-93]

Three (3) copies of the ~~BOCA National Plumbing Code and annual supplements~~ State Building Plumbing Code thereto shall be kept on file by the City Clerk for inspection by and use of the public and shall be marked with the words "City of Dover, New Hampshire Official Copy".

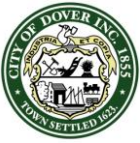
135-16. Additional standards. [Repealed 09-15-93 by Ord. No. 25-93]

135-17. Issuance of permits.

No plumbing work, except as provided in 135-21, shall be undertaken prior to the issuance of a permit therefor by the Plumbing Inspector. A permit shall be issued only to a licensed master plumber, except as provided in 135-18.

135-18. Exception. [Amended 09-15-93 by Ord. No. 25-93]

Any permit required by this code may be issued to any property owner to do any work regulated by this code, other than work involving the connection with any drain or waste line, in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such building, provided that the property owner resides in the property and purchases all materials and performs all labor. ~~is the bona fide owner of such~~

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	Chapter:		

~~dwelling and that the same will be occupied by said owner and that said owner shall personally purchase all material and perform all labor in connection therewith.~~

135-19. Application; fees.

A. Application for a permit shall be made on suitable forms provided by the Plumbing Inspector. The application shall be accompanied by fees in accordance with the schedule of fees.

B. Fees shall be established by the ~~City Council Building Inspector Official,~~ upon recommendation by the ~~Fire Chief, Plumbing Inspector and after receiving approval from the Planning Department Fire Chief and City Manager.~~ The City of Dover and any legal entity thereof shall be exempt from the payment of said fees. [Amended 09-15-93 by Ord. No. 25-93]

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135-20. Plans and specifications.

No permit shall be issued until plans and specifications showing the proposed work in detail have been submitted to and approved by the Plumbing Inspector. If a permit is denied, the applicant may submit revised plans and specifications without payment of additional fee.

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If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to original application for permit, shall be issued to cover the change. Approved plans and specifications shall be returned to the applicant upon request.

135-21. Repairs not necessitating a permit.

Repairs involving only the working parts of a faucet or valve, the clearance of stoppages, repairing of leaks or replacement of defective faucets or valves may be made without a permit, provided that no changes are made in the piping to the fixtures.

**ARTICLE IV
ADMINISTRATION**

135-22. Protection of water supply system.

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	Ordinance Title:	O – 2009.09.23 – 23
Chapter:	Plumbing -Chapter 135	

The Plumbing Inspector shall make such rules and regulations in furtherance of the purposes of this code and not inconsistent with the specific provisions of this code for the installation, repair or alteration of air- conditioning systems, water treatment equipment and water- operated devices as may be deemed necessary to properly protect the water supply system. All water-cooled air conditioners shall recirculate their water through a water reservoir. The water shall not continuously flow into a building sewer but may be connected to same for necessary draining only.

135-23. Inspections and testing.

It shall be the duty of the Plumbing Inspector to enforce the provisions of this code and to ~~make~~ ~~the perform all~~ inspections and tests ~~required thereunder.~~ The Plumbing Inspector is hereby authorized to enter, examine and survey, at all reasonable times and, in an emergency at any time, all buildings in the City to inspect ~~the same~~ for compliance with this code. He/she shall display proper and satisfactory identification prior to any demand for entry. Upon refusal of a property owner and/or tenant to allow inspection of his property, the Plumbing Inspector shall seek a search warrant from proper authorities, if an inspection of said property is required to carry out the provisions of this code.

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135-24. Violations and penalties.*

Any person violating any provision of this chapter shall be punishable by a fine of up to one hundred dollars (\$100.).
Each day of said violation shall be construed as a separate offense. [Amended 09-15-93 by Ord. No. 25-93]

***Editor's Note: Amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I.**

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CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Plumbing -Chapter 135

PLUMBING

Chapter 135

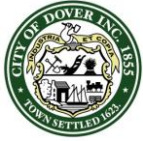
ARTICLE I TITLE AND SCOPE

- 135-1. Title; enforcement.
- 135-2. Applicability.
- 135-3. Adoption of state provisions.
- 135-4. Reserved
- 135-5. Reserved

Comment [ABK1]: The purpose of the changes in this ordinance are to clarify the language and to establish fees as adopted by the City Council.

ARTICLE II LICENSING REQUIREMENTS

- 135-6. Licensed plumbers.
- 135-7. Supervision of work.
- 135-8. Annual fee.
- 135-9. Revocation.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.8.

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Chapter: Plumbing -Chapter 135

135-10. Use of licensee's name by another; notification of name and address.

135-11. Plumber's Examining Board; examination and certification.

135-12. Examination fee.

135-13. Reexamination.

ARTICLE III PLUMBING STANDARDS

135-14. Adoption of standards.

135-15. Copies to be kept on file.
135-1

135-16. Additional standards.

135-17. Issuance of permits.

135-18. Exception.

135-19. Application, fees.

135-20. Plans and specifications.

135-21. Repairs not necessitating a permit.

ARTICLE IV ADMINISTRATION


135-22. Protection of water supply system.

135-23. Inspections and testing.

135-24. Violations and penalties.

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 <p>CITY OF DOVER</p>	CITY OF DOVER - ORDINANCE	
	Agenda Item#: 12.C.8.	
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	Ordinance Title:	O – 2009.09.23 – 23
Chapter:	Plumbing -Chapter 135	

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77*. Section 135-24 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

General References

Building construction - See Ch. 68.

**ARTICLE I
TITLE AND SCOPE**

135-1. Title; enforcement.

This chapter adopts the "~~BOCA National Plumbing Code~~ **State Plumbing Code**, current edition, as adopted by the State of New Hampshire" and annual supplements, or as amended. The administration and enforcement of this code shall be the duty of the Plumbing Inspector who is hereby authorized to take such action as may be reasonably necessary to enforce the purposes of this code. [Amended 09-15-93 by Ord. No. 25-93]

***Editor's Note: Provisions of this chapter are derived from Ch. 16 of the former Code, adopted 12-14-77.**

****Editor's Note: See Ch. 3, Administrative Code.**

135-2

135-2


135-14

135-2. Applicability.

The provisions of this code shall apply to and govern plumbing as defined in this code, including the practice, materials and fixtures used in the installation, maintenance, extension and alteration of all piping, fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building or other structure or conveyance, also the practice and materials used in the installation, maintenance, extension or alteration of the stormwater or sewage system of any premises to their connection with any point of public disposal or other terminal.

135-3. Adoption of state provisions.

The provisions of the State Plumbing Code are accepted as minimum standards. Additional regulations may be promulgated by the Plumbing Inspector pursuant to 135-22. [Amended 09-15-93 by Ord. No. 25-93]

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	Agenda Item#: 12.C.8.
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135-4. Reserved

135-5. Reserved.

ARTICLE II
LICENSING REQUIREMENTS
Sections 135-6 through 135-13
 [Repealed 09-15-93 by Ord. No. 25-93]

ARTICLE III
PLUMBING STANDARDS

135-14. Adoption of standards. [Amended 09-15-93 by Ord. No. 25-93]

A. All installations, repairs, and alterations of plumbing shall, be performed in accordance with the State Plumbing Code.

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135-15. Copies to be kept on file. [Amended 09-15-93 by Ord. No. 25-93]

Three (3) copies of the **State Plumbing Code** thereto shall be kept on file by the City Clerk for inspection by and use of the public and shall be marked with the words "City of Dover, New Hampshire Official Copy".

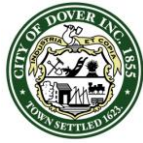
135-16. Additional standards. [Repealed 09-15-93 by Ord. No. 25-93]

135-17. Issuance of permits.

No plumbing work, except as provided in 135-21, shall be undertaken prior to the issuance of a permit therefor by the Plumbing Inspector. A permit shall be issued only to a licensed master plumber, except as provided in 135-18.

135-18. Exception. [Amended 09-15-93 by Ord. No. 25-93]

Any permit required by this code may be issued to any property owner to do any work regulated by this code, other than work involving the connection with any drain or waste line, in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and

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quarters in connection with such building, provided that the property owner resides in the property and purchases all materials and performs all labor.

135-19. Application; fees.

A. Application for a permit shall be made on suitable forms provided by the Plumbing Inspector. The application shall be accompanied by fees in accordance with the schedule of fees.

B. Fees shall be established by the City Council and published as an adopted fee schedule. The City of Dover thereof shall be exempt from the payment of said fees. No permit shall be issued until all outstanding fees owed to the City of Dover by the applicant or property owner have been paid. [Amended 09-15-93 by Ord. No. 25-93]

135-20. Plans and specifications.

No permit shall be issued until plans and specifications showing the proposed work in detail have been submitted to and approved by the Plumbing Inspector. If a permit is denied, the applicant may submit revised plans and specifications without payment of additional fee.

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135-20 *135-23*

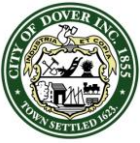
If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit has been issued, amended plans and specifications shall be submitted and a supplementary permit, subject to the same conditions applicable to original application for permit, shall be issued to cover the change. Approved plans and specifications shall be returned to the applicant upon request.

135-21. Repairs not necessitating a permit.

Repairs involving only the working parts of a faucet or valve, the clearance of stoppages, repairing of leaks or replacement of defective faucets or valves may be made without a permit, provided that no changes are made in the piping to the fixtures.

**ARTICLE IV
ADMINISTRATION**

135-22. Protection of water supply system.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Agenda Item#: 12.C.8.	
	Ordinance Number:	O – 2009.09.23 – 23
	Ordinance Title:	Plumbing -Chapter 135
Chapter:	Plumbing -Chapter 135	

The Plumbing Inspector shall make and publish such rules and regulations in furtherance of the purposes of this code and not inconsistent with the specific provisions of this code for the installation, repair or alteration of air- conditioning systems, water treatment equipment and water- operated devices as may be deemed necessary to properly protect the water supply system. All water-cooled air conditioners shall recirculate their water through a water reservoir. The water shall not continuously flow into a building sewer but may be connected to same for necessary draining only.

135-23. Inspections and testing.

It shall be the duty of the Plumbing Inspector to enforce the provisions of this code and to perform all inspections and tests. The Plumbing Inspector is hereby authorized to enter property, examine and survey, at all reasonable times and, in an emergency at any time, all buildings in the City to inspect for compliance with this code. The Plumbing Inspector shall display proper and satisfactory identification prior to any demand for entry. Upon refusal of a property owner and/or tenant to allow inspection of his property, the Plumbing Inspector shall seek a search warrant from proper authorities, if an inspection of said property is required to carry out the provisions of this code.

135-5

135-24

135-24

135-24. Violations and penalties.*

Any person violating any provision of this chapter shall be punishable by a fine of up to one hundred dollars (\$100.).

Each day of said violation shall be construed as a separate offense. [Amended 09-15-93 by Ord. No. 25-93]

***Editor's Note: Amended at time of adoption of Code, see Ch. 1, General Provisions, Art. I.**



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CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.8.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 – 23**

Chapter: Plumbing -Chapter 135

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CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.9.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 – 24**

Chapter: Streets and Sidewalks Chapter 152

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 152, entitled “Streets and Sidewalks” of the Code of the City of Dover.

2. AMENDMENT

Chapter 152 entitled “Streets and Sidewalks” is hereby amended by revising multiple Sections.

SEE ATTACHED ORDINANCE IN ITS ENTIRETY

NOTE: THIS ORDINANCE REQUIRES A PUBLIC HEARING

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: Deputy Mayor Trefethen

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

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.9.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 – 24**

Chapter: Streets and Sidewalks Chapter 152

DOCUMENT HISTORY:

First Reading Date:

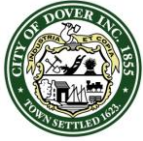
Public Hearing Date:

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.		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Ordinance Title: **O – 2009.09.23 – 24**

Chapter: Streets and Sidewalks Chapter 152

ORDINANCE BACKGROUND MATERIAL:

STREETS AND SIDEWALKS

CHAPTER 152 STREETS AND SIDEWALKS

PART 1 Construction Specifications

ARTICLE I STREETS; WATERS MAINS; SEWERS

- 152-1. Applicability.
- 152-2. Administration.
- 152-3. ~~Appeal.~~ Reserved

PART 2 Maintenance Procedures; Hazards

ARTICLE II STREET EXCAVATIONS; MAINTENANCE OF CURBS AND SIDEWALKS

- 152-4. Excavations and obstructions.
- 152-5. Scheduling of work; construction requirements; inspections; violations and penalties.

ARTICLE III SPECIFIC AREAS OF FIVE-YEAR PROHIBITION

- 152-6. ~~Fee required; designation of area.~~ Reserved

ARTICLE III-A WAIVER OF PROVISIONS

- 152-6.1. Application; denial; appeal.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Ordinance Number:

Ordinance Title: **O – 2009.09.23 – 24**

Chapter: **Streets and Sidewalks Chapter 152**

ARTICLE IV INDEMNIFICATION

152-7. Deposit required; bonding.

152-1

ARTICLE V WELLS, CELLARS, CISTERN DRAINS

152-8. Excavation standards.

152-9. Violations and penalties.

ARTICLE VI STREET NUMBERING

152-10. Powers of Building ~~Inspector~~ Official.

152-11. Violations and penalties.

ARTICLE VII MOVING OF BUILDINGS

152-12. Permit required.

152-13. Violations and penalties.

ARTICLE VIII MARQUESS, SIGNS AND AWNINGS

152-14. Maintenance standards.

152-15. Violations and penalties.

ARTICLE IX



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Streets and Sidewalks Chapter 152

PUBLIC DISPLAY OF GOODS AND WARES

152-16. Sidewalk displays.

152-17. Violations and penalties.

ARTICLE X FALLING ICE AND SNOW

152-18. Pedestrian protection.

152-19. Violations and penalties.

152-2

ARTICLE XI LIQUIDS ON STREETS AND SIDEWALKS

152-20. Interference with vehicular or pedestrian traffic.

152-21. Violations and penalties.

***PART 3* Sidewalks**

ARTICLE XII CONSTRUCTION STANDARDS

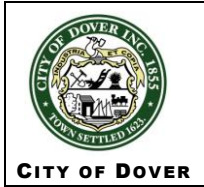
152-22. Grade established.

152-23. Construction location and type.

152-24. Maintenance and repair.

152-25. Extensions and improvements limited.

[HISTORY: Adopted by the City Council of the City of Dover; Part 1, 12-14-77*, Part 2, 12-14-77, Part 3, 12-14-77***, Amendments noted where applicable.]**



CITY OF DOVER - ORDINANCE

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Chapter: Streets and Sidewalks Chapter 152

*Editor's Note: Provisions of this Part 1 are derived from Ch. 38 of the former Code, adopted 12-14-77.
**Editor's Note: Provisions of this Part 2 are derived from Ch. 39 of the former Code, adopted 12-14-77.
***Editor's Note: Provisions of this Part 3 are derived from Ch. 40 of the former Code, adopted 12-14-77.

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PART 1
Construction Specifications
[Adopted 12-14-77]

ARTICLE I
STREETS; WATER MAINS, SEWERS

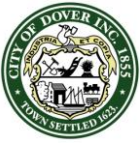
152-1. Applicability.

The construction of streets, water mains, storm and sanitary sewers and other related physical improvements shall be governed by the construction specifications contained in Articles VII and VIII of Chapter 155, Subdivision of Land.

152-2. Administration.

This Part shall be administered by the Director of Community Services.

152-3. ~~Appeal.~~

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~~Any party may appeal any decision to the Director of Community Services under this Part and may request a public hearing before the City Council. The City Council may by majority vote and, after public hearing, waive any provisions of this Part. The appeal provisions contained herein shall not apply to development where a subdivision is involved.~~ **Reserved**

PART 2
Maintenance Procedures; Hazards
 [Adopted 12-14-77]

ARTICLE II
STREET EXCAVATIONS; MAINTENANCE OF
CURBS AND SIDEWALKS

152-4. Excavations and obstructions.

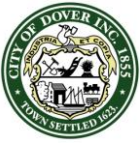
No person, firm or corporation or any agent or servant thereof shall excavate, obstruct or in any way encumber, including working within manholes and catch basins, any street, sidewalk or other city-owned property or right-of-way in the City of Dover without first having obtained a written license to do so from the City Engineer or Director of Community Services of said city, except where such licensing power is particularly vested in the City Council. Each and every such licensee shall coordinate each request to excavate, obstruct or

152-4 *152-5*

encumber with the City Engineer, Director of Community Services, Police Department, Superintendent of Community Services, Foreman, Water Department, Northern Utilities Company, Fire Department, New England Telephone Company and Public Service Company as required by the City Engineer and as specified on a form issued by the Community Services Department. Any person, persons, firm or corporation violating any of the provisions of this section shall be fined not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.) for each violation.

152-5. Scheduling of work; construction requirements; inspections; violations and penalties.

A. The Director of Community Services shall specify the time and date for the work, which work may be required at night- time, Saturdays, Sundays or holidays. Scheduling will

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be such as to not unreasonably interfere with traffic. Except for emergencies as may be deemed essential by Community Services Director, no person, firm or corporation or any agent or servant thereof shall excavate, obstruct or in any way encumber any street or sidewalk in the City of Dover between the 15th of November and the 15th of April. [Amended 2-29-80 by Ord. No. 4-80, Amended 12-21-88 by Ord. No. 31-88]

B. The Community Services Director may require the licensee to provide a police officer at the expense of the licensee. The licensee shall erect and maintain suitable barricades with flashers or lanterns so long as public safety and convenience requires. The licensee must provide a safe and convenient pedestrianway to the satisfaction of the City Engineer. The licensee is required to use materials, do the work, backfill and replace pavement in accordance with city standards as specified by the City Engineer or Community Services Director. The City Engineer or his designee shall inspect the site prior to the commencement of backfill, during the backfill operation, prior to the commencement of paving and during the paving operation. It shall be the responsibility of the licensee to arrange for these inspections during normal working hours, and he shall provide a twenty-four-hour notice.

The repair of sidewalks shall be accomplished using the same material as the rest of the sidewalk, and no ragged joints will be allowed. The licensee is required to keep the work in good repair for a period of one (1) year. The licensee, failing so to do after written notice from the City Engineer or Community Services Director, shall be liable for the cost of any required repairs. [Amended 2-29-80 by Ord. No. 4-80]

C. Any person, persons, firm, or corporation violating any of the provisions of this section shall be fined not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.) for each violation after written notice from the City Engineer or Community Services Director.

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152-6

ARTICLE III SPECIFIC AREAS OF FIVE-YEAR PROHIBITION

152-6. Fee required; designation of area. [Added 10-14-81 by Ord. No. 17-81*]

A. Pierce Street. [Added 4-9-86 by Ord. No. 5-86]

~~(1) For a period of five (5) years, beginning with the effective date of this subsection, no person, firm or corporation or any agent or servant thereof shall excavate, construct or in any way encumber any street or sidewalk located within the so-called "Pierce Street area" in the City of Dover at any time, except for emergencies as may be deemed necessary by the Community~~



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~~Services Director and only upon the provisions of such bond or surety as may be deemed reasonable and necessary by the Community Services Director. All other provisions contained in 152-5 regarding work schedule, police officers, barricades and work inspection shall apply to this section as well. [Amended 9-28-88 by Ord. No. 17-88; amended 03-06-91 by Ord. No. 07-91]~~

~~(2) For the purposes of this subsection, the Pierce Street area includes, generally, that section of Pierce Street from Central Avenue to Broadway shown on the plan titled "Pierce Street Reconstruction," dated February 1984.~~

~~B. Locust Street. [Added 4-9-86 by Ord. No. 5-86]~~

~~(1) For a period of five (5) years, beginning with the effective date of this subsection, no person, firm or corporation or any agent or servant thereof shall excavate, construct or in any way encumber any street or sidewalk located within the so-called "Locust Street area" in the City of Dover at any time, except for emergencies as may be deemed necessary by the Community Services Director and only upon the provisions of such bond or surety as may be deemed reasonable and necessary by the Community Services Director. All other provisions contained in 152-5 regarding work schedule, police officers, barricades and work inspection shall apply to this section as well. [Amended 9-28-88 by Ord. No. 17-88; amended 03-06-91 by Ord. No. 7-91]~~

~~(2) For the purposes of this subsection, the Locust Street area includes, generally, that section of Locust Street from Hale Street to Central Avenue and the southern section of Locust Street from Silver Street to Central Avenue shown on the plan titled "Locust Street Reconstruction," dated March 1984.~~

~~*Editor's Note: Franklin Square (10-14-81) and Miracle Mile (4-24-84) deleted from Prohibition January 1990.~~

~~152-6~~

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~~152-6~~

~~C. Second Street. [Added 4-9-86 by Ord. No. 5-86]~~

~~(1) For a period of five (5) years, beginning with the effective date of this subsection, no person, firm or corporation or any agent or servant thereof shall excavate, construct or in any way encumber any street or sidewalk located within the so-called "Second Street area" in the City of Dover at any time, except for emergencies as may be deemed necessary by the Community Services Director and only upon the provisions of such bond or surety as may be deemed reasonable and necessary by the Community Services Director. All other provisions contained in~~



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~~152-5 regarding work schedule, police officers, barricades and work inspection shall apply to this section as well. [Amended 9-28-88 by Ord. No. 17-88; amended 03-06-91 by Ord. No. 7-91]~~

~~(2) For the purpose of this subsection, the Second Street area includes, generally, that section of Second Street from Central Avenue to Chestnut Street.~~

~~D. Forest Street. [Added 12-6-89 by Ord. No. 27-89]~~

~~(1) For a period of five (5) years, beginning with the effective date of this ordinance, no person, firm, or corporation or any agent or servant thereof shall excavate, construct or in any way encumber any street, sidewalk or other city owned property or right of way located within the so-called "Forest Street area" in the City of Dover at any time, except for emergencies as may be deemed necessary by the Community Services Director, and only upon the provisions of such bond or surety as may be deemed reasonable and necessary by the Community Services Director. All other provisions contained in 152.5 regarding work schedule, police officers, barricades and work inspection shall apply to this section as well. [Amended 03-06-91 by Ord. No. 7-91]~~

~~(2) For the purpose of this section, the Forest Street area includes, generally, that section of Forest Street extending in a southeasterly direction beyond Essex Street to that area extending in a northwesterly direction beyond Hancock Street.~~

~~(3) This ordinance shall take effect on the completion date of construction and acceptance of the street by the City of Dover.~~

~~E. Preble Street. [Added 12-6-89 by Ord. No. 27-89]~~

~~(1) For a period of five (5) years, beginning with the effective date of this ordinance, no person, firm or corporation or any agent or servant thereof shall excavate, construct or in any way encumber any street, sidewalk or other city owned property or right of way located within the so-called "Preble Street area" in the City of Dover at any time, except for emergencies as may be deemed necessary~~

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~~-by the Community Services Director, and only upon the provisions of such bond or surety as may be deemed reasonable and necessary by the Community Services Director. All other provisions contained in 152-5 regarding work schedule, police officers, barricades and work inspection shall apply to this section as well. [Amended 03-06-91 by Ord. No. 7-91]~~



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~~(2) For the purposes of this section, the Preble Street area includes, generally, that section of Preble Street from Central Avenue to Pierce Street.~~

~~(3) This ordinance shall take effect on the completion date of construction and acceptance of the street by the City of Dover.~~

~~F. Upper Central Avenue to Oak Street. [Added 12-6-89 by Ord. No. 28-89]~~

~~(1) For a period of five (5) years, beginning with the effective date of this ordinance, no person, firm, or corporation or any agent or servant thereof, shall excavate, construct or in any way encumber any street, sidewalk or other city owned property or right of way located within the so-called "Upper Central Avenue to Oak Street area" in the City of Dover at any time, except for emergencies as may be deemed necessary by the Community Services Director, and only upon the provisions of such bond or surety as may be deemed reasonable and necessary by the Community Services Director. All other provisions contained in 152.5 regarding work schedule, police officers, barricades and work inspection shall apply to this section as well. [Amended 03-06-91 by Ord. No. 7-91]~~

~~(2) For purposes of this section, the Upper Central Avenue area includes, generally, that section of Central Avenue from the railroad tracks located just before Pierce Street up to the intersection of Central Avenue and Oak Street.~~

~~(3) This ordinance shall take effect on the completion date of construction and acceptance of the street by the City of Dover.~~

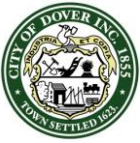
~~G. Lower Central Avenue to Stark Avenue. [Added 12-6-89 by Ord. No. 28-89]~~

~~(1) For a period of five (5) years, beginning with the effective date of this ordinance, no person, firm or corporation or any agent or servant thereof shall excavate, construct or in any way encumber any street, sidewalk or other city owned property or right of way located within the so-called "Lower Central Avenue to Stark Avenue area" in the City of Dover at any time, except for emergencies as may be deemed necessary by the Community Services Director and only upon the provisions of such bond or surety as may be deemed reasonable and necessary by the Community Services Director. All other provisions contained in 152.5 regarding work schedule, police officers, barricades and work inspection shall apply to this section as well. [Amended 03-06-91 by Ord. No. 7-91]~~

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~~152-6~~

~~152-6.1~~

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	Agenda Item#: 12.C.9.
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~~(2) For purposes of this section, the Lower Central Avenue area includes, generally, that section of Central Avenue from north side of Silver Street intersection to the intersection of Central Avenue and Stark Avenue.~~

~~(3) This ordinance shall take effect on the completion date of construction and acceptance of the street by the City of Dover.~~ **Reserved**

**ARTICLE III-A
 WAIVER OF PROVISIONS
 [Added 1-12-83 by Ord. No. 1-83]**

152-6.1. Application; denial; appeal.

A. Any person, firm or corporation desirous of excavating, obstructing or in any way encumbering a street or sidewalk in the City of Dover between the 15th of November and the 15th of April must apply in writing for the right to do so to the Community Services Director pursuant to the terms of 152-5 of this Part 2. **[Amended 12-21-88 by Ord. No. 31-88]**

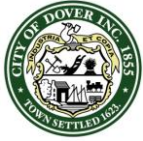
B. In the event that said application is denied pursuant to the terms of 152-5, the applicant may appeal said denial in writing to the City Council.

C. The City Council, upon receipt of such an appeal, shall, within thirty (30) days, act on said appeal giving due consideration to the following factors:

(1) Any potential adverse impact that granting the appeal would have upon the public safety and welfare.

(2) Any undue hardship that denial of the appeal would have upon the applicant.

D. The City Council shall promptly notify the applicant in writing of its decision to grant or deny the appeal citing the reasons for its decision.



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ARTICLE IV INDEMNIFICATION

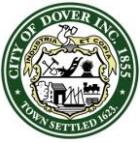
152-7. Deposit required; bonding. [Amended 4-9-86 by Ord. No. 4-86; Amended 04-19-95 by Ord. No. 02-95]

Whenever the Community Services Department shall grant any person, firm or corporation permission to excavate in any street, sidewalk or other city-owned property, in granting such permission, it shall require the requesting party to furnish a deposit to the City of Dover in the amount of ~~five dollars (\$5.) per square foot of trench within the boundaries of said city-owned property or right of way, with a minimum of two hundred dollars (\$200.) per trench, with said deposit to be retained for one (1) year. With the permission of the Community Services Director, said party may, after three (3) years of being granted permits, furnish a nonrevocable letter of credit to the City of Dover in the amount of two thousand dollars (\$2,000.), such letter of credit being subject to an annual review by the Community Services Director. All ditches containing over four hundred (400) square feet of area will be calculated by the Community Services Department as shown on the City Engineer's rate schedule. At this time, a letter of credit for fifteen percent (15%) of the total amount will be required for one (1) year to guarantee the condition of the road. Additional fees, deposits and liens for water and sewer work are specified in other city ordinances set forth in the schedule of fees adopted by the City Council.~~

ARTICLE V WELLS, CELLARS, CISTERN DRAINS

152-8. Excavation standards.

If any person shall dig or sink or cause to be dug or sunk, or leave uncovered any well, cellar, cistern drain or other cavity in the ground near to or adjoining any street, lane, alley or sidewalk in the city, he shall erect a railing or fence on or near the line of such street, lane, alley or sidewalk sufficient to guard and protect travelers and passengers from falling into such well, cellar, cistern, drain or other cavity in the ground or being injured thereby, to the satisfaction of the Building Inspector, and this railing or fence shall be maintained until the Building Inspector grants written permission for its removal.

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152-9. Violations and penalties.

Any person, persons, firm or corporation violating any of the provisions of this Article shall be fined not ~~less than ten dollars (\$10.) nor~~ more than twenty dollars (\$20.) for each day such violation shall continue after written notice from the **Building Inspector Official.**

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**ARTICLE VI
STREET NUMBERING**

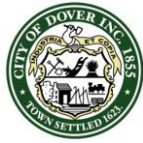
152-10. Powers of Building Inspector Official. [Amended 04-19-95 by Ord. No. 03-95]

The Building **Inspector Official** may order the buildings on any street to be numbered or may order any street to be renumbered and shall then require the number by him designated for each building to be affixed thereto or inscribed thereon. He shall, upon application in writing, designate the number or numbers required for any building that may hereafter be erected or any building to which numbers have not previously been assigned if, in his judgment, such action is necessary.

- A. The numbers shall be designated in such a manner so that a number will be assigned or reassigned to every fifty (50) feet of street frontage.
- B. The street numbers, assigned or reassigned, shall be attached to the building in such a manner and in such a place as to be easily seen from the street. Furthermore, such numbers shall be placed in such a location so that it can be illuminated, if necessary, to ensure rapid location by police, fire or other emergency personnel during hours of darkness. Buildings located in rural-type locations, or located in such a manner that the above requirement is inappropriate, shall be identified at the intersection of the entryway to the building and the public right-of-way, and the number shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.

152-11. Violations and penalties.

Any owner or occupant of a building who, more than fifteen (15) days after receiving written notice, neglects or refuses to affix to or inscribe on said building the street number lawfully designated therefor or retain thereon, a street number other than the one (1) so designated shall be fined not ~~less than one dollar (\$1.) nor~~ more than ten dollars (\$10.) for each day such violation shall continue after written notice from the **Building Inspector Official.**

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: Ordinance Title: O – 2009.09.23 – 24 Chapter: Streets and Sidewalks Chapter 152	Agenda Item#: 12.C.9.

**ARTICLE VII
MOVING OF BUILDINGS**

152-12. Permit required.

No person shall move or assist in moving any house, shop or other building through any street, lane or alley or over any bridge in this city without first having obtained a permit issued jointly by the Building ~~Inspector~~ **Official**, Chief of Police and Community Services Director. Said person shall comply in all respects with the conditions of the permit.

152-11

152-13

152-16

152-13. Violations and penalties.

Upon the finding of any person, persons, firm or corporation violating any of the provisions of this Article, he shall be fined not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.).

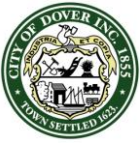
**ARTICLE VIII
MARQUEES, SIGNS AND AWNINGS**

152-14. Maintenance standards.

No person shall establish or maintain any marquee, sign or awning before or on or attached to his place of business, house or tenement over any part of any sidewalk, unless the same is safely fixed and supported so as in no way to impede, hinder or endanger passengers. The lowest part of such sign or awning shall be at least eight (8) feet above the sidewalk, and lowest of any marquee shall be at least ten (10) feet above the sidewalk; nor shall any person hang, affix or fasten or place or allow to remain upon the outer edge of any sidewalk any sign or showcase whatever or display any goods, merchandise or samples of any business calling, trade, art or craft, so as to obstruct the free passage and view from the street to sidewalk or from the sidewalk to street.

152-15. Violations and penalties.

Any person, firm or corporation violating any of the provisions of this Article shall be fined not ~~less than one dollar (41.) nor~~ more than ten dollars (\$10.) for each day such violation shall continue after written notice from the Building Inspector.

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**ARTICLE IX
PUBLIC DISPLAY OF GOODS AND WARES**

152-16. Sidewalk displays.

It shall be unlawful for any person, persons, firm or corporation maintaining an establishment in the City of Dover to maintain and/or display goods, wares, racks, counters or other objects in front of its place of business, on the sidewalk beyond a distance of two (2) feet six (6) inches from the building of said establishment, except for city-wide sidewalk sales.

152-12

152-17

152-21

152-17. Violations and penalties.

Any person, persons, firm or corporation violating any of the provisions of this Article shall be fined not ~~less than ten dollars (\$10.) nor~~ more than twenty-five dollars (\$25.).

**ARTICLE X
FALLING ICE AND SNOW**

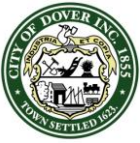
152-18. Pedestrian protection.

The roofs of all buildings located on or near the line of a street shall be protected by railing or guards of sufficient height and strength to prevent the falling of ice and snow from such roofs to the sidewalks of such streets. The owner of such a building shall be responsible for the adequacy of such railings or guards.

152-19. Violations and penalties.

Any person, persons, firm or corporation violating any provisions of this Article shall be fined not ~~less than ten dollars (\$10.) nor~~ more than twenty dollars (\$20.) for each day such violation shall continue after written notice from the Building Inspector.

ARTICLE XI

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LIQUIDS ON STREETS AND SIDEWALKS

152-20. Interference with vehicular or pedestrian traffic.

No person shall deposit or cause to be deposited any liquid from private property in or upon any street, sidewalk or city-owned land in the City of Dover in such a manner so as to cause a condition hazardous to pedestrian movements or to the normal and reasonable flow of motor vehicular traffic.

152-21. Violations and penalties.

Any person, persons, firm or corporation violating this Article shall be fined not ~~less than ten dollars (\$10.) nor~~ more than twenty dollars (\$20.) for each day such violation shall continue after written notice from the City Engineer or Director of Community Services.

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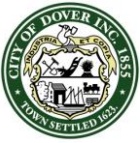
PART 3
Sidewalks
 [Adopted 12-14-77]

ARTICLE XII
CONSTRUCTION STANDARDS

152-22. Grade established.

All sidewalks hereafter constructed or relaid within the limits of the City of Dover shall conform to the established grade of the highways, and all such construction shall be under the immediate supervision of the Director of Community Services.

152-23. Construction location and type.

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The City Council shall have the final determination of the location and type of construction of all new sidewalks within the City of Dover. The actual construction of such sidewalks shall be under the direction of the Director of Community Services, and only funds so specified by the City Council may be used for this purpose.

152-24. Maintenance and repair.

Existing sidewalks shall be repaired and maintained under the direction of the Director of Community Services with such funds as shall be appropriated by the City Council for such purpose.

152-25. Extensions and improvements limited.

The provisions of this Part shall not obligate the Director of Community Services to assume liabilities for sidewalk extension or improvement, in excess of the sum provided for such purpose by the City Council.

152-14

STREETS AND SIDEWALKS

**CHAPTER 152
STREETS AND SIDEWALKS**

PART 1
Construction Specifications



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.C.9.

Ordinance Number:

Ordinance Title: **O – 2009.09.23 – 24**

Chapter: Streets and Sidewalks Chapter 152

ARTICLE I STREETS; WATERS MAINS; SEWERS

152-1. Applicability.

152-2. Administration.

152-3. Reserved

PART 2 Maintenance Procedures; Hazards

ARTICLE II STREET EXCAVATIONS; MAINTENANCE OF CURBS AND SIDEWALKS

152-4. Excavations and obstructions.

152-5. Scheduling of work; construction requirements;
inspections; violations and penalties.

ARTICLE III SPECIFIC AREAS OF FIVE-YEAR PROHIBITION

152-6. Reserved

ARTICLE III-A WAIVER OF PROVISIONS

152-6.1. Application; denial; appeal.

ARTICLE IV INDEMNIFICATION

152-7. Deposit required; bonding.

152-1 ARTICLE V WELLS, CELLARS, CISTERN DRAINS

Comment [ABK1]: The purposes of the changes in this ordinance are to standardize the penalties, to remove outdated provisions and to establish a schedule of fees as adopted by the City Council. In addition, the terms Building Official is used.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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152-8. Excavation standards.

152-9. Violations and penalties.

ARTICLE VI STREET NUMBERING

152-10. Powers of Building Inspector Official.

152-11. Violations and penalties.

ARTICLE VII MOVING OF BUILDINGS

152-12. Permit required.

152-13. Violations and penalties.

ARTICLE VIII MARQUESS, SIGNS AND AWNINGS

152-14. Maintenance standards.

152-15. Violations and penalties.

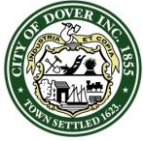
ARTICLE IX PUBLIC DISPLAY OF GOODS AND WARES

152-16. Sidewalk displays.

152-17. Violations and penalties.

ARTICLE X FALLING ICE AND SNOW

152-18. Pedestrian protection.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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Chapter: Streets and Sidewalks Chapter 152

152-19. Violations and penalties.
152-2

ARTICLE XI LIQUIDS ON STREETS AND SIDEWALKS

152-20. Interference with vehicular or pedestrian traffic.

152-21. Violations and penalties.

PART 3 Sidewalks

ARTICLE XII CONSTRUCTION STANDARDS

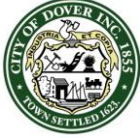
152-22. Grade established.

152-23. Construction location and type.

152-24. Maintenance and repair.

152-25. Extensions and improvements limited.

[**HISTORY: Adopted by the City Council of the City of Dover; Part 1, 12-14-77*, Part 2, 12-14-77**, Part 3, 12-14-77***, Amendments noted where applicable.**]

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*Editor's Note: Provisions of this Part 1 are derived from Ch. 38 of the former Code, adopted 12-14-77.

**Editor's Note: Provisions of this Part 2 are derived from Ch. 39 of the former Code, adopted 12-14-77.

***Editor's Note: Provisions of this Part 3 are derived from Ch. 40 of the former Code, adopted 12-14-77.

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PART 1
Construction Specifications
 [Adopted 12-14-77]

ARTICLE I
STREETS; WATER MAINS, SEWERS

152-1. Applicability.

The construction of streets, water mains, storm and sanitary sewers and other related physical improvements shall be governed by the construction specifications contained in Articles VII and VIII of Chapter 155, Subdivision of Land.

152-2. Administration.


This Part shall be administered by the Director of Community Services.

152-3. Reserved

Comment [ABK2]: Administrative appeals are properly processed to the City Manager.

PART 2
Maintenance Procedures; Hazards
 [Adopted 12-14-77]

ARTICLE II
STREET EXCAVATIONS; MAINTENANCE OF
CURBS AND SIDEWALKS

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152-4. Excavations and obstructions.

No person, firm or corporation or any agent or servant thereof shall excavate, obstruct or in any way encumber, including working within manholes and catch basins, any street, sidewalk or other city-owned property or right-of-way in the City of Dover without first having obtained a written license to do so from the City Engineer or Director of Community Services of said city, except where such licensing power is particularly vested in the City Council. Each and every such licensee shall coordinate each request to excavate, obstruct or

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152-5

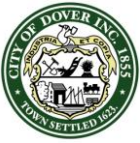
encumber with the City Engineer, Director of Community Services, Police Department, Superintendent of Community Services, Foreman, Water Department, Northern Utilities Company, Fire Department, New England Telephone Company and Public Service Company as required by the City Engineer and as specified on a form issued by the Community Services Department. Any person, persons, firm or corporation violating any of the provisions of this section shall be fined not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.) for each violation.

152-5. Scheduling of work; construction requirements; inspections; violations and penalties.

Comment [ABK3]: Street by street regulations with 5 year limit have all expired.

A. The Director of Community Services shall specify the time and date for the work, which work may be required at night- time, Saturdays, Sundays or holidays. Scheduling will be such as to not unreasonably interfere with traffic. Except for emergencies as may be deemed essential by Community Services Director, no person, firm or corporation or any agent or servant thereof shall excavate, obstruct or in any way encumber any street or sidewalk in the City of Dover between the 15th of November and the 15th of April. [Amended 2-29-80 by Ord. No. 4-80, Amended 12-21-88 by Ord. No. 31-88]

B. The Community Services Director may require the licensee to provide a police officer at the expense of the licensee. The licensee shall erect and maintain suitable barricades with flashers or lanterns so long as public safety and convenience requires. The licensee must provide a safe and convenient pedestrianway to the satisfaction of the City Engineer. The licensee is required to use materials, do the work, backfill and replace pavement in accordance with city standards as specified by the City Engineer or Community Services Director. The City Engineer or his designee shall inspect the site prior to the commencement of backfill, during the backfill operation, prior to the commencement of paving and during the paving operation. It shall be the responsibility of the licensee to arrange for these inspections during normal working hours, and he shall provide a twenty-four-hour notice. The repair of sidewalks shall be accomplished using

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the same material as the rest of the sidewalk, and no ragged joints will be allowed. The licensee is required to keep the work in good repair for a period of one (1) year. The licensee, failing so to do after written notice from the City Engineer or Community Services Director, shall be liable for the cost of any required repairs. [Amended 2-29-80 by Ord. No. 4-80]

C. Any person, persons, firm, or corporation violating any of the provisions of this section shall be fined not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.) for each violation after written notice from the City Engineer or Community Services Director.

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**ARTICLE III
SPECIFIC AREAS OF FIVE-YEAR PROHIBITION**

152-6. Reserved

**ARTICLE III-A
WAIVER OF PROVISIONS
[Added 1-12-83 by Ord. No. 1-83]**

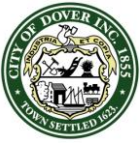
152-6.1. Application; denial; appeal.

A. Any person, firm or corporation desirous of excavating, obstructing or in any way encumbering a street or sidewalk in the City of Dover between the 15th of November and the 15th of April must apply in writing for the right to do so to the Community Services Director pursuant to the terms of 152-5 of this Part 2. [Amended 12-21-88 by Ord. No. 31-88]

B. In the event that said application is denied pursuant to the terms of 152-5, the applicant may appeal said denial in writing to the City Council.

C. The City Council, upon receipt of such an appeal, shall, within thirty (30) days, act on said appeal giving due consideration to the following factors:

- (1) Any potential adverse impact that granting the appeal would have upon the public safety and welfare.
- (2) Any undue hardship that denial of the appeal would have upon the applicant.

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D. The City Council shall promptly notify the applicant in writing of its decision to grant or deny the appeal citing the reasons for its decision.

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152-9

**ARTICLE IV
INDEMNIFICATION**

152-7. Deposit required; bonding. [Amended 4-9-86 by Ord. No. 4-86; Amended 04-19-95 by Ord. No. 02-95]

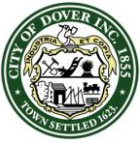
Whenever the Community Services Department shall grant any person, firm or corporation permission to excavate in any street, sidewalk or other city-owned property, in granting such permission, it shall require the requesting party to furnish a deposit to the City of Dover in the amount set forth in the schedule of fees adopted by the City Council and published as an adopted fee schedule. No permission shall be granted until all fees owed by the applicant or developer to the City of Dover have been paid.

**ARTICLE V
WELLS, CELLARS, CISTERN DRAINS**

152-8. Excavation standards.

If any person shall dig or sink or cause to be dug or sunk, or leave uncovered any well, cellar, cistern drain or other cavity in the ground near to or adjoining any street, lane, alley or sidewalk in the city, he shall erect a railing or fence on or near the line of such street, lane, alley or sidewalk sufficient to guard and protect travelers and passengers from falling into such well,

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cellar, cistern, drain or other cavity in the ground or being injured thereby, to the satisfaction of the Building Inspector, and this railing or fence shall be maintained until the Building Inspector grants written permission for its removal.

152-9. Violations and penalties.

Any person, persons, firm or corporation violating any of the provisions of this Article shall be fined not more than twenty dollars (\$20.) for each day such violation shall continue after written notice from the **Building Inspector Official**.

152-10 *152-12*

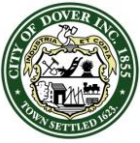
**ARTICLE VI
STREET NUMBERING**

152-10. Powers of Building Inspector Official. [Amended 04-19-95 by Ord. No. 03-95]

The Building ~~Inspector~~ **Official** may order the buildings on any street to be numbered or may order any street to be renumbered and shall then require the number by him designated for each building to be affixed thereto or inscribed thereon. He shall, upon application in writing, designate the number or numbers required for any building that may hereafter be erected or any building to which numbers have not previously been assigned if, in his judgment, such action is necessary.

- A. The numbers shall be designated in such a manner so that a number will be assigned or reassigned to every fifty (50) feet of street frontage.
- B. The street numbers, assigned or reassigned, shall be attached to the building in such a manner and in such a place as to be easily seen from the street. Furthermore, such numbers shall be placed in such a location so that it can be illuminated, if necessary, to ensure rapid location by police, fire or other emergency personnel during hours of darkness. Buildings located in rural-type locations, or located in such a manner that the above requirement is inappropriate, shall be identified at the intersection of the entryway to the building and the public right-of-way, and the number shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.

152-11. Violations and penalties.

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Any owner or occupant of a building who, more than fifteen (15) days after receiving written notice, neglects or refuses to affix to or inscribe on said building the street number lawfully designated therefor or retain thereon, a street number other than the one (1) so designated shall be fined not more than ten dollars (\$10.) for each day such violation shall continue after written notice from the Building ~~Inspector~~ **Official**.

**ARTICLE VII
MOVING OF BUILDINGS**

152-12. Permit required.

No person shall move or assist in moving any house, shop or other building through any street, lane or alley or over any bridge in this city without first having obtained a permit issued jointly by the Building ~~Inspector~~ **Official**, Chief of Police and Community Services Director. Said person shall comply in all respects with the conditions of the permit.

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152-16


152-13. Violations and penalties.

Upon the finding of any person, persons, firm or corporation violating any of the provisions of this Article, he shall be fined not less than fifty dollars (\$50.) nor more than one hundred dollars (\$100.).

**ARTICLE VIII
MARQUEES, SIGNS AND AWNINGS**

152-14. Maintenance standards.

No person shall establish or maintain any marquee, sign or awning before or on or attached to his place of business, house or tenement over any part of any sidewalk, unless the same is safely fixed and supported so as in no way to impede, hinder or endanger passengers. The lowest part of such sign or awning shall be at least eight (8) feet above the sidewalk, and lowest of any marquee shall be at least ten (10) feet above the sidewalk; nor shall any person hang, affix or fasten or place or allow to remain upon the outer edge of any sidewalk any sign or showcase whatever or display any goods, merchandise or samples of any business calling, trade, art or craft, so as to obstruct the free passage and view from the street to sidewalk or from the sidewalk to street.

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152-23. Construction location and type.

The City Council shall have the final determination of the location and type of construction of all new sidewalks within the City of Dover. The actual construction of such sidewalks shall be under the direction of the Director of Community Services, and only funds so specified by the City Council may be used for this purpose.

152-24. Maintenance and repair.

Existing sidewalks shall be repaired and maintained under the direction of the Director of Community Services with such funds as shall be appropriated by the City Council for such purpose.

152-25. Extensions and improvements limited.

The provisions of this Part shall not obligate the Director of Community Services to assume liabilities for sidewalk extension or improvement, in excess of the sum provided for such purpose by the City Council.