OFFICIALS
OF THE
CITY OF DOVER

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2012 - 2013
DOVER CITY COUNCIL

To be determined	**Mayor**
Edward Spuler	**Ward 1**
William Garrison	**Ward 2**
Michael Crago	**Ward 3**
Dorothea Hooper	**Ward 4**
Catherine Cheney	**Ward 5**
Michael Weeden	**Ward 6**
Robert Carrier	**At Large/Deputy Mayor**
Karen Weston	**At Large**

Karen S. Lavertu
City Clerk

ANTHONY I. BLENKINSOP
City Attorney

J. MICHAEL JOYAL JR.
City Manager

CITY OF DOVER
CHARTER
and
THE CODE
TABLE OF CONTENTS

THE CHARTER

ARTICLE		PAGE
I.	**INCORPORATION: City and Ward Boundaries**	C5
II.	**ELECTIONS**	C7
III.	**CITY COUNCIL**	C11
IV	**SCHOOLS**	C16
V.	**ADMINISTRATION OF GOVERNMENT**	C18
VII.	**PERSONNEL POLICIES**	C26
IX.	(Reserved)	C29
X.	**CONDUCT OF OFFICIALS**	C31
XI.	**GENERAL PROVISIONS**	C31

THE CODE
PART I
ADMINISTRATIVE LEGISLATION

CHAPTER		PAGE
1	**GENERAL PROVISIONS**	P1-1
2	**CITY COUNCIL ORIENTATION**	P2-1
3	**ADMINISTRATIVE CODE**	P3-1
4	(Reserved)	P4-1
5	**BOARDS, COMMISSIONS, COMMITTEES**	P5-1
6	(Reserved)	P6-1
7	(Reserved)	P7-1
8	(Reserved)	P8-1
9	**BUDGET**	P9-1
10	(Reserved)	P10-1
11	(Reserved)	P11-1
12	(Reserved)	P12-1
13	(Reserved)	P13-1
14	**CONSERVATION COMMISSION**	P14-1
15	(Reserved)	P15-1
16	(Reserved)	P16-1
17	(Reserved)	P17-1
18	(Reserved)	P18-1
19	(Reserved)	P19-1
20	(Reserved)	P20-1

21	(Reserved)	P21-1
22	**CODE OF ETHICS**	P22-1
23	(Reserved)	P23-1
24	(Reserved)	P24-1
25	(Reserved)	P25-1
26	**FISCAL YEAR**	P26-1
27	(Reserved)	P27-1
28	(Reserved)	P28-1
29	(Reserved)	P29-1
30	(Reserved) formerly HISTORIC DISTRICTS see Ch. 1 (2013)	P30-1
31	(Reserved)	P31-1
32	(Reserved)	P32-1
33	(Reserved)	P33-1
34	(Reserved)	P34-1
35	**LICENSING BOARD**	P35-1
36	(Reserved)	P36-1
37	(Reserved)	P37-1
38	(Reserved)	P38-1
39	(Reserved)	P39-1
40	(Reserved)	P40-1
41	**PLANNING BOARD**	P41-1
42	(Reserved)	P42-1
43	(Reserved)	P43-1
44	(Reserved)	P44-1
45	**FILING OF RULES AND REGULATIONS**	P45-1
46	(Reserved)	P46-1
47	(Reserved)	P47-1
48	(Reserved)	P48-1
49	(Reserved)	P49-1
50	**SEAL**	P50-1
51	(Reserved)	P51-1
52	(Reserved)	P52-1
53	**SURETY LIMITATIONS**	P53-1
54	(Reserved)	P54-1

PART I
GENERAL LEGISLATION

55	(Reserved)	P55-1
56	**ADULT BOOKSTORES**	P56-1
57	(Reserved)	P57-1
58	**ALARMS AND SECURITY**	P58-1
59	(Reserved)	P59-1
60	**AMUSEMENTS AND ARCADES**	P60-1
61	(Reserved)	P61-1
62	(Reserved)	P62-1

63	(Reserved) formerly AUTO COURTS AND TRAILER CAMPS see Ch. 1 (2013)	P63-1
64	(Reserved)	P64-1
65	(Reserved)	P65-1
66	**BICYCLES, SKATEBOARDS AND SCOOTERS**	P66-1
67	(Reserved)	P67-1
68	**BUILDING CONSTRUCTION**	P68-1
69	(Reserved)	P69-1
70	(Reserved)	P70-1
71	**BUILDING WRECKING AND DEMOLITION**	P71-1
72	(Reserved)	P72-1
73	(Reserved)	P73-1
74	**CEMETARIES**	P74-1
75	(Reserved)	P75-1
76	(Reserved)	P76-1
77	**CITY MOTOR VEHICLES**	P77-1
78	(Reserved)	P78-1
79	**CITY PROPERTY**	P79-1
80	(Reserved)	P80-1
81	(Reserved)	P81-1
82	(Reserved)(formerly CURFEW)	P82-1
83	(Reserved)	P83-1
84	(Reserved)	P84-1
85	(Reserved)	P85-1
86	**DANCES AND DANCE HALLS**	P86-1
87	(Reserved)	P87-1
88	(Reserved)	P88-1
89	**DOGS**	P89-1
90	(Reserved)	P90-1
91	(Reserved)	P91-1
92	**DRIVEWAYS**	P92-1
93	(Reserved)	P93-1
94	(Reserved) (formerly DRUG PARAPHERNALIA)	P94-1
95	(Reserved)	P95-1
96	(Reserved)	P96-1
97	**TRASH AND RECYCLING COLLECTION**	P97-1
98	(Reserved)	P98-1
99	**EATING AND DRINKING ESTABLISHMENTS**	P99-1
100	**ELECTIONS**	P100-1
101	(Reserved)	P101-1
102	**ELECTRICAL STANDARDS**	P102-1
103	(Reserved)	P103-1
104	(Reserved)	P104-1
105	(Reserved)	P105-1
106	(Reserved)	P106-1
107	(Reserved)	P107-1
108	(Reserved)	P108-1

109	**FIRE PREVENTION AND LIFE SAFETY**	P109-1
110	(Reserved)	P110-1
111	(Reserved)	P111-1
112	(Reserved)	P112-1
113	**FLOODPLAIN DEVELOPMENT**	P113-1
114	(Reserved)	P114-1
115	(Reserved)	P115-1
116	**HEALTH, PUBLIC**	P116-1
117	(Reserved)	P117-1
118	(Reserved)	P118-1
119	**HOUSING STANDARDS**	P119-1
120	(Reserved)	P120-1
121	(Reserved)	P121-1
122	(Reserved)	P122-1
123	(Reserved)	P123-1
124	(Reserved)	P124-1
125	(Reserved)	P125-1
126	**MANUFACTURED HOME PARKS**	P126-1
127	**MUNICIPAL RECORDS**	P127-1
128	(Reserved)	P128-1
129	(Reserved)	P129-1
130	(Reserved)	P130-1
131	**OFFENSES**	P131-1
132	**ADULT ENTERTAINMENT PROHIBITIONS**	P132-1
133	**PEDDLERS AND VENDORS**	P133-1
134	(Reserved)	P134-1
135	**PLUMBING**	P135-1
136	(Reserved)	P136-1
137	**POLITICAL CONTRIBUTIONS AND EXPENDITURES**	P137-1
138	(Reserved)	P138-1
139	(Reserved)	P139-1
140	(Reserved) (formerly REFUSE)	P140-1
141	(Reserved)	P141-1
142	(Reserved)	P142-1
143	**SCENIC ROADS**	P143-1
144	(Reserved)	P144-1
145	(Reserved)	P145-1
146	(Reserved)	P146-1
147	**SEWERS**	P147-1
148	**WATER SYSTEM**	P148-1
149	**SITE REVIEW**	P149-1
150	(Reserved)	P150-1
151	(Reserved)	P151-1
152	**STREETS AND SIDEWALKS**	P152-1
153	(Reserved)	P153-1
154	(Reserved)	P154-1

155	**SUBDIVISION OF LAND**	P155-1
156	(Reserved)	P156-1
157	(Reserved)	P157-1
158	(Reserved)	P158-1
159	(Reserved)	P159-1
160	(Reserved)	P160-1
161	**TAXICABS**	P161-1
162	(Reserved)	P162-1
163	**TREES AND VEGETATION**	P163-1
164	(Reserved)	P164-1
165	**MOTOR VEHICLE REGISTRATION, EXEMPTION FOR PRISONERS OF WAR**	P165-1
166	**VEHICLES AND TRAFFIC**	P166-1
167	(Reserved)	P167-1
168	(Reserved)	P168-1
169	(Reserved)	P169-1
170	**ZONING**	P170-1

GENERAL PROVISIONS

CHAPTER 1

ARTICLE 1

ADOPTION OF CODE

1-1. Adoption of Code.

1-2. Code Supersedes Prior Ordinances.

1-3. Effective Date.

1-4. Copy of Code on File.

1-5. Distribution of Ordinances

1-6. Ordinances and Resolutions Saved from Repeal; Matters not Affected.

1-7. Changes in Previously Adopted Ordinances.

1-8. Severability.

1-9. Code Book to be Kept Up-to-Date.

1-10. Sale of Code Book; Supplementation.

1-11. Publication; Filing.

1-12. Tampering with Code; Penalties for Offenses.

1-13. Incorporation of Provisions into Code.

1-14. Acknowledgment.

ARTICLE II

CODIFICATION AUTHENTICATION

1-15. Preface.

1-16. Contents of Code.

1-17. Reserved Chapters.

1-18. Division of Code.

1-19. Grouping of Ordinances and Arrangement of Chapters.

1-20. Table of Contents.

1-21. Pagination.

1-22. Numbering of Sections.

1-23. Chapter Histories.

1-24. Additions, Amendments, Revisions, Repeals.

1-25. General References.

1-26. Standardized Changes and Style Guide.

1-27. Summary of Chapter Specific Changes.

ARTICLE III

MATTERS OF THE CODE

1-28. Legislation Adopted/Excluded During Codification Authentication Effort.

1-29. Documents, Bylaws, Rules and Regulations.

1-30. Green Book Header Page and Table of Contents

1-31. Other Findings.

1-32. Originating Official Ordinance with Voting Records.

[HISTORY: Adopted by the City Council on November 13, 2013 as Ord. No. 2013.10.09-001]

ARTICLE I

ADOPTION OF CODE

1-1. Adoption of Code.

Pursuant to C3-10 of the Charter, the ordinances of the City of Dover of a general and permanent nature, adopted by the City Council, as revised, codified and consolidated into chapters and sections by the Ordinance Codification and Verification Committee and consisting of Chapters 1-170 each inclusive, are hereby approved, adopted, ordained and enacted as the "Code of the City of Dover", herein known and referred to as the "Code". The Code shall be treated and considered as a new and original comprehensive ordinance which shall completely supersede the Revised Ordinances of the City of Dover, 1983 and all other general ordinances passed by the City Council, prior to November 13, 2013, except as by reference thereto as expressly identified, saved from repeal or continued in force and effect for any purpose.

1-2. Code supersedes prior ordinances.

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal, continued in force, or identified.

1-3. Effective date.

All provisions of this ordinance and the Code shall be in full force and effect on and after November 13, 2013.

1-4. Copy of Code on file.

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Dover by impressing thereon the seal of the City, as provided by law, and such certified volume shall remain on file in the office of the Clerk, to be made available to persons desiring to examine the same during all times while the said Code is in effect. Per Charter C3-10 Codification of Ordinances the City Council and City Clerk will affix signatures and the City Seal to the certified volume.

1-5. Distribution of ordinances.

Printed copies of the certified volume of the Code shall be distributed by the Clerk to the members of the City Council. Such copies will receive periodic updates. Electronic representation of the Code shall be maintained on the City web-site.

1-6. Ordinances and resolutions saved from repeal; matters not affected.

The repeal of ordinances and resolutions provided for in 1-2 of this ordinance shall not affect the following classes of ordinances, resolutions, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance or resolution adopted subsequent to November 13, 2013.

B. Any right or liability established, accrued or incurred under any legislative provision of the City of Dover prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City of Dover or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the City of Dover.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Dover.

F. Any ordinance or resolution of the City of Dover providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the City of Dover, or any portion thereof.

G. Any ordinance or resolution of the City of Dover appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Dover or other instruments or evidence of the City's indebtedness.

H. Ordinances or resolutions authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.

I. The levy or imposition of special assessments or charges.

J. The dedication of property.

K. Any ordinances or resolutions relating to salaries or employee health or retirement benefits.

L. Any ordinance relating to the control of motor vehicles and traffic within the City of Dover.

1-7. Changes in previously adopted ordinances.

In compiling and preparing the ordinances for adoption and revision as part of the Code, pursuant to C3-10 Codification of Ordinances of the Charter, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had previously been formally amended to read as such.

1-8. Severability.

If any clause, sentence, paragraph, section, Article or part of this ordinance or resolution cited hereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

1-9. Code book to be kept up-to-date.

It shall be the duty of the City Clerk to keep up-to-date the certified volume of the book containing the Code of the City of Dover required to be filed in the Office of the Clerk for the use of the public. All changes in said Code and all ordinances adopted by the City Council subsequent to the enactment of this Chapter in such form as to indicate the intention of the City Council to be a part of said Code shall, when finally enacted or adopted, prompt the City Clerk to update the certified volume of the Code and maintain the integrity of the ordinances.

1-10. Sale of Code book; supplementation.

Copies of the Code book containing the Code of the City of Dover may be purchased from the Clerk of the City of Dover according to the fee as set in the Fee Schedule.

1-11. Publication; filing.

The Clerk of the City of Dover, pursuant to law, shall cause to be published, in the manner required, notice of the introduction and adoption of this Chapter in the official newspaper of the City. A copy of the Code of the City of Dover shall be maintained in the Office of the Clerk for inspection by the public at all times during regular office hours. The enactment and application of this Chapter, including publication as required by state law and the Charter, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

1-12. Tampering with Code; penalties for offenses.

Any person who, without authorization from the City Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the City of Dover or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the City of Dover to be

misrepresented thereby or who violates any other provision of this ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars ($500.00).

1-13. Incorporation of provisions into Code.

This ordinance and provisions of this ordinance are hereby made Chapter 1 of the Code of the City of Dover, to be entitled “General Provisions”. The official Ordinance voted on by the City Council November 13, 2013 Ord. No. O-2013.10.09-001 pages 1&2 adopting this Chapter will also be included in this Chapter.

1-14. Acknowledgment.

The Ordinance Codification and Verification Committee acknowledges the efforts of numerous individuals, including the City Council, the City Manager, City General Legal Counsel, City Staff, Department Heads and the Public. Their diligence to the required tasks of research and review of legislation contributed the needed coordination of all communications involved. Ordinance Codification and Verification Committee Members, Councilor Catherine Cheney, Chair; Councilor Karen Weston, Co-Chair; Councilor Michael Weeden, Clerk; Councilor Dorothea Hooper; General Legal Counsel Allan Krans, ex officio; General Legal Counsel Anthony I. Blenkinsop, ex officio. The codification and authentication of the ordinances of the City of Dover reflects an appreciation of the needs of the community.

ARTICLE II

CODIFICATION AUTHENTICATION

1-15. Preface.

The City of Dover has passed through the struggles that characterized all American communities in history. While only a few simple laws were necessary at the time of the incorporation of the city, subsequent growth of the community, together with the complexity of modern life, has created the need for more detailed ordinances for the proper function and government of the city. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and current trends must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Ordinances must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the City Council ordered the codification and authentication of the ordinances under C3-10 of the Dover City Charter, formed an Ordinance Codification and Verification Committee wherein their primary effort would be this effort of codification and authentication. This ordinance will be adopted in the Code of Dover as Chapter 1 to provide contiguity and access to history for a path to origins of all code changes from 1957 to 2013.

1-16. Contents of Code.

The various Chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the City Council except as identified in this Chapter.

1-17. Reserved Chapters.

Reserved Chapters have been saved as such, indicating no new Chapters were added. Chapters that were repealed during the effort are now designated as “Reserved”.

1-18. Division of Code.

The Code is divided into parts. Part I, Administrative Legislation, contains all city ordinances of an administrative nature, namely those dealing with the administration of government. Including those establishing or regulating municipal departments and those affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other ordinances of a regulatory nature. Ordinances in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

1-19. Grouping of Ordinances and Arrangement of Chapters.

The ordinances are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. Thus, for example, all ordinances pertaining to alarm systems and security may be found in Part II, in the Chapter entitled “Alarms and

Security." In such Chapters the use of Article designations has preserved the identity of the individual ordinances.

1-20. Table of Contents.

The Table of Contents details the arrangement of material by Chapter as a means of identifying specific areas of legislation. Wherever two or more ordinances are combined titles of the several Articles are listed beneath the Chapter title in order to facilitate location of the ordinances.

1-21. Pagination.

The page-numbering system used in each Chapter forms an autonomous unit. On each page there is the letter "P" with the number of that Chapter followed by a "-" (dash) and the page number within the Chapter. Thus Chapter 2 begins with page "*P 2-1"*, Chapter 41 on page *P 41-1*, etc.

1-22. Numbering of Sections.

A Chapter-related section-numbering system is employed, in which each section of every ordinance is assigned a number which indicates both the number of the Chapter and the location of the section within that Chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

1-23. Chapter Histories.

At the bottom of the Table of Contents in each Chapter is located the legislative history for that Chapter. This history indicates the specific ordinance source from which the chapter was derived, including the ordinance number and the date of adoption. In the case of Articles derived from more than one ordinance, the source of each Article is noted.

1-24. Additions, Amendments, Revisions, Repeals.

Ordinance sections added, amended, revised or repealed at the time of this codification are specifically enumerated in Chapter histories with reference to "Ch. 1, General Provisions (2013)" where the ordinance adopting this Code and making these revisions will appear after final enactment. Sections so amended or revised are also indicated in the text by means of editor's notes referring to the Chapters cited in this Chapter. The history of other amendments to each Chapter appears where pertinent in the text.

1-25. General References.

In each Chapter containing material related to other Chapters in the Code, a table of General References is included to direct the reader's attention to such related Chapters.

1-26. Standardized Changes.

These changes, amendments and revisions are found in Article II of this Chapter.

A. The use of gender-neutral language where appropriate; where "Chairman" was found updated to "Chair", where "his designee" found "designee".

B. Renumbering of sections and paragraphs as defined by the Codification effort; ie: 22.1-1 to 22.2 and 22.2 to 22.3 as appropriate; this was applied to all sections.

C. Amended Statutory reverences in Chapters using "RSA" in place of "Revised Statutes Annotated" and Verifying reference accuracies; ie: Chapter 56 (56-2, 56-3.A).

D. The use of "Reserved" for portions of the Code with articulation of the name of the Code section deleted either through this effort or as carried forward; use of the word "formerly" with the name of the Section or Chapter title and reference to the history in annotation for the Section/Chapter; ie: Chapter 30 Historic District "RESERVED (formerly …) also Chapter 63 Auto Courts and Trailer Camps.

E. Footnotes were added/restored where through the Verification/Authentication effort they were applicable throughout the Chapters; ie: Chapters 9, 14, 22, 35, 45, 50, 53, 56, 60, 71, 77…

F. Footnotes were not tied to sections where deleting a footnote would cause subsequent footnotes to change within a Chapter; for this change and reasoning, when Chapters are updated the entire Chapter must be republished and reprinted in its entirety.

G. Standardization of format used for text in the Chapters using a Style Guide.

H. Definition sections were relocated to the beginning of Chapters; ie: Chapter 113 Floodplain Development.

I. Definition words used in Chapters were all changed to start with a Capital letter; the first letter to signify the word as a defined word within the Chapter.

J. Annotations; Amended, Added, Repealed language, were researched and restored/added with appropriate content throughout all Chapters.

K. Chapter 1 is generally applicable to all Chapters, but specific Chapters have the notation "see Ch. 1, General Provisions (2013)" inserted.

L. Standardization on use of terms:
   (1) For Definitions "As used in this Chapter the following terms mean:"

(2) Use of the word "Chapter" versus Ordinance, Code

M. References were checked to simplify Fees. The phrase "see Fee Schedule" was inserted as provided for in Chapter 9 Budget; verbose fee descriptions simplified and standardized; adopted annually by the City Council as part of the budget process the Fee Schedule can be updated without reviewing individual Ordinances; ie: Chapter 60-10 was "100" changed to "Fee Schedule", Chapter 71-1 had no reference or amount needed "Fee Schedule". Examples are:
   (1) Ch. 1 General Provisions 1-10 Fee for Code Book
   (2) Ch. 60 Amusements and Arcades 60-10 $100
   (3) Ch. 68 Building Permits 68-16
   (4) Ch. 86 Dances and Dance Halls 86-3
   (5) Ch. 89 Dogs 89-10 (89-3 remain in Chapter as determined by state)
   (6) Ch. 92-7 Driveways 92-7B $2
   (7) Ch. 33 Peddlers and Vendors 133-6

N. Violations, Fines and Penalties were reviewed throughout the Code with appropriate Departments and as a Committee to ensure they were applicable and in amounts appropriate through both time change and State amounts.

O. Use of the century ie: 2013 where the first digits are 20 to comply with turn of the century clarification.

P. Use of 365 days versus 1 year where doing so provided clarity.

Q. Appropriate Departments reviewed content and Chapters updated in accordance with recommendations, research and discussions with the Committee.

R. STYLE GUIDE - the Ordinance Codification and Verification Committee used the Style Guide below for the effort. It created and supported consistency and is provided as a suggested beginning template for future updates or new Chapters.

STYLE GUIDE		
Item	Style	Example
Header	Text: Odd (first) page "Dover Code" | Even (second) page: Code Title Font: Times New Roman Size: 12 point Format: *Italics* | **Bold |** ALL CAPS | Centered	Odd page example: ***DOVER CODE*** Even page example: ***ZONING***
Footer	Text: Page number Font: Times New Roman Size: 12 point Format: *Italics* | **Bold | "P"** Code number "-" # | Centered	***P 170-1***

Margins	Top: 0.5” Bottom: 0.5” Right: 1” Left: 1”	
Spacing	Format: Unless otherwise specified, Semi- Block formatting (single spaced with double spacing between paragraphs/all individual elements) tab 0.5” to begin each paragraph.	Element one text has single spacing between lines. Element two has single spacing between lines.
Chapter Title	Text: Chapter title with chapter number below Font: Times New Roman Size: 14 point for number | 16 point for title Format: **Bold** | ALL CAPS | Centered	**ZONING** **CHAPTER 170**
Table of Contents	Text: Section number Font: Times New Roman Size: 12 point Format: **Bold |** section “.” tab section title “.” | 1 Column 1.25/1.75” inch indent/tab	**170-1. Title.**
History & General References	Text: “HISTORY:” with “Amendments noted where applicable.” with General References below Font: Times New Roman Size: 10 point Format: History enclose with [ ] all bold | ALL CAPS for “GENERAL REFERENCES” - note | Left aligned	**[HISTORY: Adopted by the City Council of the City of Dover on 02-04-2010 by Ord. No. _____. Amendments noted where applicable.]** GENERAL REFERENCES – Dover ordinances Chapter 116 Public Health.
Editor’s Notes	Text: Use symbols beginning with “*” to designate footnote Font: Times New Roman Size: 12 point Format: Left aligned to symbol at end of page	to secure a license.[1]
Article Title	Text: Article number roman numeral with Article title below Font: Times New Roman Size: 14 point Format: **Bold** | ALL CAPS | Centered	**ARTICLE VII** **OVERRIDING DISTRICTS**

[1] Editor's Note: Editor’s Notes appear in this form

Chapter Definitions	Text: Code Font: Times New Roman Size: 12 point Format: Left Justified	The following definitions shall apply to this section **EMPLOYEE** - Any person who handles food
Section Title	Text: Section Number and title Font: Times New Roman Size: 14 point Format: **Bold |** section # "." tab section title "."	**170-1. Title.**
Reserved Section Title Apply for Reserved Chapter Titles also	Text: Section Number and Reserved, followed by former title Font: Times New Roman Size: 14 Point Format: **Bold |** section # "." Tab section "Reserved." (formerly "chapter name")	**135-5. Reserved. (formerly Disposition of Monies.)**
Section Text	Text: Code Font: Times New Roman Size: 12 point Format: Semi block 0.5" tab left justified	This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."
Annotations [Amendments]	Text: Amendment, date and number Font: Times New Roman Size: 10 point Format: [Amended on Mo-Dy-Yr by Ord. No. _____] | **Bold**	**[Amended on 01-03-12 by Ord. No. _____]** **To be placed next to Section Title unless otherwise noted**
Numbered Outline	Text: Capital. (number) (letter) (roman) No outline formatting on single subject entries Font: Times New Roman Size: 12 point Format: 0.25" Hanging indent aligned to text above	Code text appears normally above numbered outlines. A. Code text (1) Code text (a) Code Text (i) Code Text

1-27. Summary of Chapter Specific Changes.

In all Chapters Codified/Authenticated all the preceding provisions in this Chapter apply including: use of the Style Sheet, Changes (see 1-7), correcting/standardizing annotations, keeping, verifying, restoring annotations with language it pertains to, standardized verbiage, correcting footnotes, all modifications contained and some Chapter specific changes.

PART I - ADMINISTRATIVE LEGISLATION

Chapter 2 CITY COUNCIL ORIENTATION:

- 2-2 Preparation and Presentation of the Orientation Program – provide for review by existing Council for incoming Council
- 2-5 Video and Audio Recording – New, provide for recording of City Council Orientation proceedings

Chapter 3 ADMINISTRATIVE CODE:

- Description language verified/updated
- 3-4 clarification for City Council setting department head salaries
- RSA and Charter compliances checked and updated
- 3-41 Bidding amounts compliant with RSA
- This Chapter is recommended by Administration

Chapter 5 COMMITTEES, BOARDS AND COMMISSIONS:

- Description language verified/updated
- RSA and Charter compliances checked and updated
- O-2013.01.09-1 Parking Commission ordinance adopted/included through process
- O-2013.06.26-011 Arts Commission ordinance adopted/included through process

Chapter 9 BUDGET:

- 9-3 Schedule of Fees – standardize on Fee Schedule for all Chapters as reference
- Provide for Fee Schedule by the same deadline (April 15th) as the Budget

Chapter 14 CONSERVATION COMMISSION:

- 14-4 Membership; Terms; Removal; Vacancies – updated to include not less than three members
- Corrected Annotations

Chapter 22 CODE OF ETHICS:

- HISTORY: included Ordinance notation
- 22.1.1 → 22.2
- 22-2 → 22.3
- 22-10. Future Employment – updated (1) year to 365 days
- GENERAL REFERENCES: include Dover Charter Article X

Chapter 26 FISCAL YEAR:

- 26-1 RSA notation standardized/updated

Chapter 30 HISTORIC DISTRICTS:

- Status Changed to RESERVED per Department

Chapter 35 LICENSING BOARD:

- Annotations, Footnotes

Chapter 41 PLANNING BOARD:

- 41-4 status changed to Reserved (formerly Advisory Committee) per department recommendation
- 41-5 status changed to Reserved (formerly Membership of Advisory Committees) per department recommendation
- 41-6 status changed to Reserved (formerly Approval and Recording of Plats) per department recommendation
- 41-7 status changed to Reserved (formerly Recording of Streets and Parks on Official Map) per department recommendation
- 41-8 status changed to Reserved (formerly Subdivision Regulations) per department recommendation
- 41-9 status changed to Reserved (formerly Standards for Subdivision Approval) per department recommendation
- 41-10 status changed to Reserved (formerly Conditional Approval of Plats) per department recommendation
- 41-11 status changed to Reserved (formerly Plat Submission Procedure) per department recommendation
- 41-12 status changed to Reserved (formerly Separate Acceptance of Streets and Open Space) per department recommendation
- 41-13 status changed to Reserved (formerly Street Acceptance Procedure) per department recommendation
- 41-14 status changed to Reserved (formerly Access to Public Streets) per department recommendation
- 41-15 status changed to Reserved (formerly Sale of Land Prior to Approval; Penalties) per department recommendation
- 41-1 Establishment – RSA notation standardized
- 41-2 Powers and Duties – updated per Department recommendation/review
- 41-3 Composition of Board – standardized language, clarified per Department recommendation/review
- 41-4 through 41-15 revoked department recommendation status Reserved (formerly…)

Chapter 45 FILING OF RULES AND REGULATIONS:

- Formatting verified
- HISTORY updated
- Footnotes fixed – previously referred to A172 no longer used

Chapter 50 SEAL:

- Formatting verified
- HISTORY updated

Chapter 53 SURETY LIMITATIONS:

- Formatting verified

PART II - GENERAL LEGISLATION

Chapter 56 ADULT BOOKSTORES:

- Statute language standardized (RSA)
- 56-3 RSA clarification
- 56-3 fine updated $200 to $300 dollar amount standardized
- Annotations (amended… restored)
- Formatting verified

Chapter 58 ALARMS AND SECURITY:

- TABLE OF CONTENTS ARTICLE IV TELEGRAPH FIRE ALARM – clarified Repealed Ordinance/Date
- 58-3 Definitions and Word Usage – standardized definition language
- 58-5 Enforcement and 58-6 Inspections– verbiage Article standardized to Chapter
- 58-7 Responsibility for Compliance and other sections of Chapter capitalized for proper reference to definitions
- 58-10 Exterior Doors… clarified references and definitions
- 58-16.1 → 58-17
- 58-17 → 58-18
- 58-18 → 58-19
- 58-19 → 58-20
- 58-20 → 58-21
- 58-21 → 58-22
- 58-22 → 58-23
- 58-23 → 58-24
- 58-24 → 58-25
- 58-25 → 58-26
- 58-26 → 58-27
- 58-27 → 58-28
- 58-28 → 58-29
- 58-29 → 58-30
- 58-30 → 58-31
- 58-31 → 58-32
- 58-32 → 58-33
- 58-33 → 58-34

Chapter 60 AMUSEMENTS AND ARCADES:

- ARTICLE I title changed from BOXING to PROFESSIONAL FIGHTING SPORTS COMPETITIONS
- 60-1 Bouts changed to Professional Fighting Sports Competitions
- 60-11 Machine License Transfer Fee - $10 changed to refer to Fee Schedule
- 60-12 Arcade License Transfer Fee – $100 changed to refer to Fee Schedule
- Use of Chapter language standardized
- Clarified definition for MECHANICAL DEVICE
- 60-10 Referred to Fee Schedule (where fee was $100.00) in Chapter

Chapter 63 AUTO COURTS AND TRAILER CAMPS:

- REPEALED - Status Changed to RESERVED per Department

Chapter 66 BICYCLES, SKATEBOARDS AND SCOOTERS:

- HISTORY added amended notations
- 66-1 Definitions – qualified Scooter
- 66-2 Bicycle Registration Required; Non Transferability – added Dover Residence as a qualifier
- 66-5 Violations and Penalties – standardized monies notation, qualified wording on violation

Chapter 68 BUILDING CONSTRUCTION:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- HISTORY – included amended notation missing
- 68-1 Statutory Authority – standardized RSA notation
- 68-2 Adoption of Standards – included missing amended notation, clarified specific and general language in paragraph to Building Code
- 68-3 Office of the Building Official Established – clarified language
- 68-3 chief executive officer of the City of Dover → City Manager
- 68-13 Building Official – fixed footnote and amended language (done throughout Chapter as in others)
- 68-7 68-9 68-10 68-11 added repealed notations and formerly titles
- 68-11 REPEALED status changed to Reserved (formerly Fees)
- 68-14.D Building Permit Procedure – clarified/added
- 68-16 Building Permit Fees – clarified see Fee Schedule

Chapter 71 BUILDING WRECKING AND DEMOLITION:

- Corrected Footnotes

Chapter 74 CEMETERIES:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected Footnotes
- 74-4 Certain Vehicles and Domestic Animals Restricted – corrected annotations, clarified motorcycles, bicycles with OHRV Off Highway Recreational Vehicles

Chapter 77 CITY MOTOR VEHICLES:

- Corrected Footnotes

Chapter 79 CITY PROPERTY:

- Corrected Footnotes
- Standardized RSA reference
- 78-7 Naming of City Property – standardized RSA reference
- 78-8 Violations and Penalties – standardized dollar notation
- 79-10 Storage of Sludge on City Property Prohibited - standardized dollar notation
- 79-11 Disposing of Tax Deeded and City Owned Real Estate changed to Disposing of City Owned Real Estate, paragraph language clarified/updated, amended notations corrected/added, dollar notation standardized
- 79-11(J) REMOVED
- 79-11(J) as Renumbered → Corrected referenced names for DBIDA – Dover Business and Industrial Development Authority (was Dover Economic Development Corporation)
- 79-12 Use of City Property – language clarified/updated
-

Chapter 82 CURFEW:

- Added Reserved and formerly language to Chapter (was REPEALED in 2008)

Chapter 86 DANCES AND DANCE HALLS:

- 86-3 Fees – moved to Fee Schedule
- 86-10 Closing Hours on Sunday – REMOVED added Reserved and formerly notation
- 86-11 Violations and Penalties – updated fine from $100 to $500 and standardized dollar notation

Chapter 89 DOGS:

- Corrected footnotes and amended notation language and placement, standardized Chapter reference
- Fees in 89-3 remain in chapter set by state
- 89-6 Penalty for Unlicensed Dog – verified fines with state amounts
- 89-7 Seizure of Unlicensed Dogs – clarified names and entities of organizations
- 89-9 Impoundment – clarified language
- 89-10 Notice to Owner; Redemption – clarified language, put in Fee Schedule reference

Chapter 92 DRIVEWAYS:

- Clarified language throughout, defined terms capitalized
- 92-2 Statutory Authority– standardized, verified and updated RSA
- 92-3 Applicability – clarified and changed language
- 92-4 Driveway definition changed
- 92-5 Construction Permits – standardized, verified and updated RSA
- 92-6 Standards – corrected format of defined terms

- 92-7.B Paving Contractor's License – put in Fee Schedule reference was $2
- 92-10 Modifications of Standards – clarified references
- 92-11 REMOVED "All abutters shall be notified of said hearing by certified mail." As language in 92-11(A) was updated to clarify requirement

Chapter 94 DRUG PARAPHERNALIA:

- REPEALED per department recommendation added Reserved and formerly reference

Chapter 97 TRASH AND RECYCLING COLLECTION:

- Clarified language throughout, defined terms capitalized
- History added amended language
- 97-1 Definitions added amended language, took out "means"
- 97-3.A Commercial Collections – updated
- 97-6 RSA updated
- 97-16.D Composting Operations – removed paragraph (b)
- 97-15 Fines updated

Chapter 99 EATING AND DRINKING ESTABLISHMENTS:

- Table of Contents 99-11 updated with Reserved
- 99-1 Definitions - updated
- 99-3 Fees – clarified Fee Schedule language
- 99-5 Inspection updated from 3 to 6 months
- 99-6.M Sanitation Requirements temperature from 50 to 40 degrees
- 99-11 put in Reserved formerly language

Chapter 100 ELECTIONS:

- 100-3 Candidates – updated RSA reference, clarified Chapter 137 reference
- 100-4 Conduct at Polls – clarified language 10 foot corridor
- 100-4(E) Added bi-annual election law class
- 100-5 Election Assistants – clarified language
- 100-6 Board of Supervisors of Elections – standardized RSA references
-

Chapter 102 ELECTRICAL STANDARDS:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected HISTORY amended reference
- 102-3, 102-5, 102-8 added Reserved with formerly reference
- Restored amended notation
- 102-30 Fees – clarified language

Chapter 109 FIRE PREVENTION AND LIFE SAFETY:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected HISTORY amended reference
- Clarified language throughout, defined terms capitalized

- 109-1 Statutory Authority – standardized RSA notation
- 109-3, 109-4, 109-12 added formerly language to Reserved title
- 109-15 Violations and Penalties – put in standardized dollar notation
- 109-19 Smoke Detection Requirements – clarified language reference to editions of NFPA guides
- 109-24 Violations and Penalties – clarified language
- 109-27 Oil Burners and Equipment clarified RSA 153 State Board of Standards reference
- 109-29 Violations and Penalties – clarified language
- 109-30 Installation of Sprinkler System Required – clarified language reference to editions
- 109-32 Violations and Penalties – clarified language
- 109-33.J Public Safety Amplification System Required in Large Facilities – Violations and Penalties - clarified language

Chapter 113 FLOODPLAIN DEVELOPMENT:

- TABLE OF CONTENTS **renumbering of Chapter (113-4 through 113-14)**, to move Definitions to beginning of Chapter
- Inserted Article II WORDS and PHRASES from Article V
- ARTICLE V → ARTICLE II
- ARTICLE II → ARTICLE III
- ARTICLE III → ARTICLE IV
- ARTICLE IV → ARTICLE V
- Clarified language throughout, defined terms capitalized, standard Chapter word use inserted
- 113-4 Definitions was 113-14 – new terms inserted, updated existing terms
- Annotations added/restored

Chapter 116 HEALTH, PUBLIC:

- TABLE OF CONTENTS updated Reserved sections with formerly language
- 116-2.1 Feeding of Wildlife on Public Property renumbered to 116-3
- 116-3 renumbered to 116-4 – Reserved with formerly reference
- 116-5 Household Drains replaced 116-5 Construction of Privies and Cesspools
- 116-6 Reserved with formerly language to include reference for 116-5 Construction of Privies and Cesspools and 116-6 Hours of Cesspool Cleaning
- 113-3 REMOVED (formerly Keeping of Animals) status changed to Reserved see Chapter 170 Zoning
- REMOVED Construction of Privies and Cesspools, Permitted Hours for Cesspool Cleaning
- 116-7.1 → 116-8
- 116-7.2 → 116-9
- 116-8 → 116-10
- 116-9 → 116-11
- 116-10 → 116-12

- 116-11 → 116-13
- 116-12 → 116-14
- 116-13 → 116-15

Chapter 119 HOUSING STANDARDS:

- TABLE OF CONTENTS, combined Title and Statutory Authority sections to move Definitions to beginning of Chapter from 119-34 to 119-2
- Updated GENERAL REFERENCES section to put in Chapter 102 Electrical Standards
- 119-2 Definitions moved from 119-34
- 119-3 Purpose – language and RSA reference clarified
- 119-6 Defense of Officers and Employees – language clarified
- 119-8 Administration - language clarified
- 119-11 Basic Equipment and Facilities – removed footnote and annotated paragraph title, corrected paragraph C annotation
- 119-12.B(3) Occupancy Standards – inserted Chapter reference for clarification
- 119-13.B(3)(d) Space, Use and Location – clarified State Building Code and State Fire Code reference
- capitalization of defined terms throughout Chapter

Chapter 126 MANUFACTURED HOME PARK:

- Title of Chapter changed title from Mobile Home Parks
- Changed referenced to mobile homes to manufactured home
- Footnotes corrected
- 126-1 Definitions – updated
- 126-2 location in Manufactured Home Parks; Standards – clarified language and HUD reference
- 126-5 Site Requirements – updated/clarified
- 126-5.I update 3 to 5 feet
- 126-6 Streets, Walks and Parking – updated/clarified
- 126-6.C changed from 2 to 3 feet
- 126-7 Utilities – updated/clarified
- 126-9.C RSA notation standardized
- 126-12 Appeals – RSA language standardized

Chapter 127 MUNICIPAL RECORDS:

- HISTORY updated/clarified
- 127-1 Municipal Records Committee – clarified with State Statute, verbiage clarified specific to Dover
- 127-2 Definitions – updated
- 127 -3.O powers, Duties, and Guidelines - clarified
- 127-4 Records Management Officer – section clarified, gender neutrality included

Chapter 131 OFFENSES:

- TABLE OF CONTENTS – updated, sections changed
- 131-1 Reserved – now Definitions – Definitions added to Chapter with formerly Loitering and Obstruction language
- 131-3 Prohibited Weapons – language updated
- 131-3.1 → 131-4 Safe Storage of Firearms formerly language added Definitions removed
- 131-4 Reserved – struck out removed for renumbering of 131-3.1
- Amended notation corrected/restored
- 131-13 formerly language added
- 131-13.1 → 131-14 Fireworks – language added for clarification Chapter 109 Fire Prevention and life Safety
- 131-13.2 → 131-15 Operation of Boats and Vehicles on Willand Pond Restricted
- 131-14 → 131-16 Violations and Penalties
- 131-15 → 131-17 Sale of Rolling Papers to Minors – language updated
- 131-16 → 131-18 School Truancy
- 131-17 → 131-19 Facilitation of a Drug or Underage Alcohol Party – dollar amounts standardized, amended language corrected
- 131-18 → 131-20 Use of Tobacco Products in Henry Law Park, School Grounds – title changed, language added/updated, clarified, dollar amount standardized notation
- 131-19 → 131-21 Use of Tobacco Products on the Grounds of the McConnell Center and Dover Public Library – amended language corrected, dollar amounts standardized
- 131-20 → 131-22 Registered Sex Offender Restrictions – amended language corrected, language updated/clarified, defined terms capitalized, paragraph sequenced
- O-2013.01.09-002 Adopted during Codification

Chapter 132 ADULT ENTERTAINMENT PROHIBITIONS:

- REPLACED - This Chapter is recommended by Committee and Department through advice and research by Department – updated to conform to State Statute, portions removed and added/updated, also consistent with other communities.

Chapter 133 PEDDLERS AND VENDORS:

- 133-1 Purpose – standardized and verified RSA notation
- 133-2 License Required: Display of License – clarified language, capitalized defined terms
- 133-3 Definitions – updated
- 133-6 Fees – Fee Schedule
- 133-7.B Exemptions – clarified for agricultural
- 133-8 Violations – dollar standard notation put in
- Amended language clarified and restored

Chapter 135 PLUMBING:

- TABLE OF CONTENTS – added formerly references
- HISTORY – corrected ordinance reference
- Corrected/restored annotation references
- 135-24 Violations and Penalties – updated fine from $100 to $200

Chapter 137 POLITICAL CONTRIBUTIONS AND EXPENDITURES:

- HISTORY – corrected ordinance reference
- Corrected/restored annotation references
- Capitalized defined terms

Chapter 140 RESERVED:

- Verified added Reserved formerly Refuse and Annotation to ordinance reference language

Chapter 143 SCENIC ROADS:

- Fixed footnotes and annotations
- 143-1 Designation – clarified language
- 143-21 143-2 Effect of Designation – fixed RSA reference from 252:18 to 231:158, reference to City Council
- 143-4 Protection of Stonewalls – clarified language, City Council, reference to this Chapter

Chapter 147 SEWERS:

- Corrected table contents added formerly language to Reserved.
- Updated defined terms with Capitalization for clarity
- Fixed paragraph run-ons
- 147-3 Fee Schedule reference added
- City's authorized representative changed to Community Services Director, or designee,
- 147-6.E(2) changed Dover Utilities Commission to Director of Community Services, or designee,
- Corrected tables 147-6.E(10)
- Corrected CFR reference and other language 147-13
- 147-15.C(1)(b) language clarification

Chapter 148 WATER SYSTEM:

- REPLACED - This Chapter is recommended by Committee and Department through advice and research by Department – updated to conform with State Statute, portions removed and added/updated, also consistent with other communities.

Chapter 149 SITE REVIEW REGULATIONS:

- HISTORY – added reference to original City Council adoption 1978.

- Chapter 149 is administered and updated by the Planning Board by authority granted by RSA 673. The Planning Board utilizes that right and Chapter 149 and Chapter 155 exist as under Chapter 41 Planning Board.
- Fixed reference typing throughout (ie: 149-13(19), 149-14(2)(c)) reference changed to Chapter 147 Sewers (was rules and regulations of the Dover Sewer Ordinance)
- Fixed tables

Chapter 152 STREETS AND SIDEWALKS:

- TABLE OF CONTENTS – corrected to include PART(s), added formerly language, renumbered 152-6.1 to 152-6, removed Specific Areas of Five Year Prohibition, Waiver of Provisions,-152-6.1 Application; Denial; Appeal, Article XIV corrected to XIII, title updates for 152-28, 152-32
- HISTORY – fixed incorrect ordinance reference/added missing ordinance reference
- 153-3 Reserved – added formerly language
- clarified footnotes
- corrected/restored annotation references
- capitalized defined terms
- ARTICLE III-A changed to ARTICLE III formerly language added
- 152-11 Violations and Penalties – standard dollar notation put in
- 152-13 Violations and Penalties – standard dollar notation put in
- 152-15 Violations and Penalties – standard dollar notation put in
- 152-20 Interference with Vehicular or Pedestrian Traffic – language clarified
- 152-21 Violations and Penalties – standard dollar notation put in
- ARTICLE XII changed to ARTICLE III amended language added, Definitions language clarified
- 152-28.C Licensing of Location – News Rack Limited Exception – paragraphs fixed language clarified
- 152-31 hold Harmless and Insurance – language clarified – terms updated

Chapter 155 SUBDIVISION OF LAND:

- HISTORY – added reference to original City Council adoption 1978.
- Chapter 155 is administered and updated by the Planning Board by authority granted by RSA 673. The Planning Board utilizes that right and Chapter 149 and Chapter 155 exist as under Chapter 41 Planning Board.
- Added 4” and 16” to language 155-40.D(d)
- Minor language and syntax updates throughout

Chapter 161 TAXICABS:

- 161-1 Definitions – language standardized
- Defined terms Capitalized throughout Chapter
- Amended language restored

Chapter 163 TREES AND VEGETATION:

- HISTORY – fixed added reference
- 163-2 Definitions – clarified terms, City Arborist
- Capitalized defined terms, clarified language

Chapter 165 MOTOR VEHICLE REGISTRATION EXEMPTION FOR PRISONERS OF WAR:

- HISTORY – fixed added reference

Chapter 166 VEHICLES:

- TABLE OF CONTENTS – corrected to include PART(s), added formerly language
- HISTORY – fixed incorrect ordinance reference, clarified history
- FOOTNOTES – corrected, clarified
- Formatted – corrected amended notations
- O-2013.04.10 -003, -004, -005, -006, -007 Adopted and included during Codification ordinances passed by City Council on 04-24-2013
- Included Department recommendations
- Included missing ordinances (ie: 2012.07.25-11)
- Most schedules were revised
- 166-47 Reserved corrected
- 166-53 Schedule F: Commercial Vehicle Travel Restricted – Department recommended extensive update as code was outdated.
- 166 Schedule H updated per department
- 166-56 Schedule I: No Parking Any Time – updates and clarifications

Chapter 170 ZONING:

- Updated annotation references (adding "20" to years after 2000)
- Capitalized Chapter
- Added "designee" removing gender specific language
- Standardizing on section references
- Verifying where indications to numbers were it was enumerated (ie: two (2))

ARTICLE III

MATTERS OF THE CODE

1-28. Legislation Adopted/Excluded During Codification Authentication Effort.

A. Chapter 166 Vehicles and Traffic ordinances were presented and voted on April 24, 2013. These changes were included and placed into the Code with format changes, other conventions implemented during the codification.

B. Chapter 5 Boards, Commissions and Committees ordinances were presented on January 09, 2013 and June 26, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.

C. Chapter 170 Zoning ordinances were presented on April 10, 2013 and August 14, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.

D. Chapter 131 Offenses ordinance was presented on January 9, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.

E. Chapter 170 Zoning was reviewed by the Committee for formatting only, other standardization suggestions were forwarded to the Planning Board.

F. Chapters 92, Driveways, Chapter 149 Site Review Regulations, and Chapter 155 Subdivision Regulations are included in the Code as regulations of the Planning Board.

1-29. Documents, Bylaws, Rules and Regulations.

Documents open to public inspection pertaining to municipal bylaws, rules and regulations are on file in the office of the City Clerk, where they may be examined during regular business hours or anytime on the City of Dover's website.

A. City Council Rules and Regulations

B. Merit Plan

C. Budget

D. Fee Schedule

E. Municipal Records Retention Schedule

F. All Boards, Commissions and Committees Rules and Regulations

1-30. Green Book Header Page and Table of Contents.

The Green Book of Dover contains THE CHARTER and THE CODE inclusive. The codification standardized the three (3) sections of the Header section of the Green Book as:

A. First Page:

(a) The Official Seal of Dover, NH

(b) The wording in Capitals, Bold and Large Font Centered

CITY OF DOVER, NH
CODE BOOK

PUBLISHED BY THE CITY CLERK'S OFFICE

B. Next Page:

(a) The Official Seal of Dover, NH

(b) The wording in Capitals, Bold and Large Font Centered

OFFICIALS OF THE CITY OF DOVER, NH

Municipal Building
288 Central Avenue
Dover, New Hampshire 03820
Tel: (603) 516-6021
Fax: (603) 516-6666
2013

DOVER CITY COUNCIL

(c) A table of the Dover City Councilors with the appropriate Ward

To Be Determined	Mayor

Edward Spuler	**Ward 1**
William Garrison	**Ward 2**
Michael Crago	**Ward 3**
Dorothea Hooper	**Ward 4**
Catherine Cheney	**Ward 5**
Michael Weeden	**Ward 6**
Robert Carrier	**At Large/Deputy Mayor**
Karen Weston	**At Large**

(d) Names and Titles of the City Clerk, General Legal Counsel and City Manager:

KAREN LAVERTU
City Clerk

ANTHONY I. BLENKINSOP
General Legal Counsel

J. MICHAEL JOYAL JR.
City Manager

C. Next Page:

(a) Table of Contents Containing:

i. The Charter with the Articles of Such

ii. The Code with the Parts of Such

1. PART 1 ADMINISTRATIVE LEGISLATION

2. PART 2 GENERAL LEGISLATION

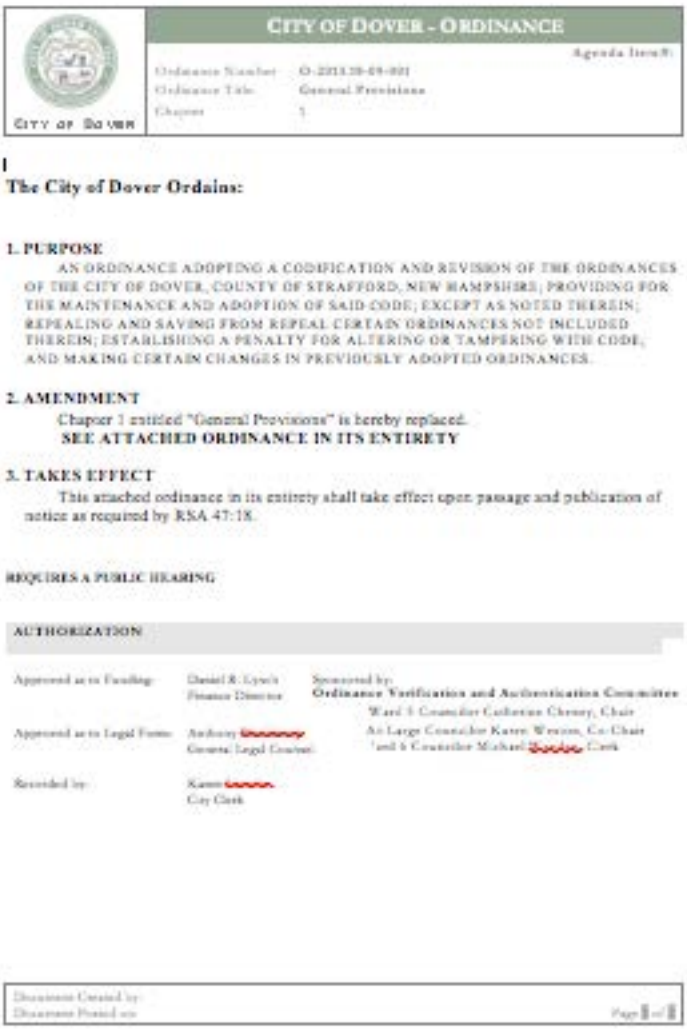
1-31. Other Findings.

During the codification authentication of the Code there were instances where differences were found in electronic recording of the Ordinances, in the indexing and with the date of adoption and the ordinance numbers themselves. Ordinances will continue to be identified by the date of their first reading and a number for the agenda/docket ie: 2013.05.08-001 the date is the date of the vote ie: 11-13-2013. Thus this Ordinance is recorded as Added on 11-13-2013 by

Ord. No. 2013.10.09-001. Online the reader will see an 'O-' preceding the Ordinance number: O-2013.10.09-001.

1-32. Originating Official Ordinance with Voting Records.

The following is a copy of the Originating Ordinance O-2013.10.09-001 pages 1 & 2 for Adoption of this Chapter. The entire Ordinance with complete Code volume with strikeouts and underline presentation as required in Charter section C3-8 is available in the Clerk's Office and online on the City of Dover's Website.



CITY OF DOVER - ORDINANCE

Agenda Item #:

Ordinance Number: O-2013.10.09-001
Ordinance Title: General Provisions
Chapter: 1

CITY OF DOVER

The City of Dover Ordains:

1. PURPOSE

AN ORDINANCE ADOPTING A CODIFICATION AND REVISION OF THE ORDINANCES OF THE CITY OF DOVER, COUNTY OF STRAFFORD, NEW HAMPSHIRE; PROVIDING FOR THE MAINTENANCE AND ADOPTION OF SAID CODE; EXCEPT AS NOTED THEREIN; REPEALING AND SAVING FROM REPEAL CERTAIN ORDINANCES NOT INCLUDED THEREIN; ESTABLISHING A PENALTY FOR ALTERING OR TAMPERING WITH CODE, AND MAKING CERTAIN CHANGES IN PREVIOUSLY ADOPTED ORDINANCES.

2. AMENDMENT

Chapter 1 entitled "General Provisions" is hereby replaced.
SEE ATTACHED ORDINANCE IN ITS ENTIRETY

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Approved as to Legal Form: Anthony [redacted], General Legal Counsel

Recorded by: Karen [redacted], City Clerk

Sponsored by:
Ordinance Verification and Authentication Committee
Ward 3 Councilor Catherine Cheney, Chair
At Large Councilor Karen Weston, Co-Chair
Ward 6 Councilor Michael [redacted], Clerk

Document Created by:
Document Posted on:

Page 1 of 2

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: O-2013.10-09-001
Ordinance Title: General Provisions
Chapter: 1

Document History:

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

Document Actions:

VOTING RECORD Date of Vote:	YEAH	NAY
Mayor Dean [illegible]		
Deputy Mayor, Robert Carter, At Large		
Councilor Edward [illegible], Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael [illegible], Ward 3		
Councilor Dorothy Hoogner, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael [illegible], Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does [illegible] not pass.		

Document Created by:
Document Posted on:

Page ▮ of ▮

CITY COUNCIL ORIENTATION

CHAPTER 2

2-1. Purpose.

2-2. Preparation and Presentation of the Orientation Program.

2-3. Content of the Orientation Program.

2-4. Conduct of the Orientation Program.

2-5. Video and Audio Recording.

[HISTORY: Adopted by the City Council 02-24-2010 by Ord. No. 2010.02.24-4; Amendments noted where applicable.]

GENERAL REFERENCES; Dover City Charter C3-2 Organizational Meeting.

2-1. Purpose.

The purpose of this ordinance is to establish an orientation program for all members of the Dover City Council prior to the start of their terms of office in order to comply with the provisions of the Dover City Charter C3-2. Effective service as a city councilor demands a thorough knowledge of the processes of city government in order to permit reasonable decisions by councilors in representing the interests of the Dover residents. The orientation program shall be comprehensive and complete to assist councilors in serving the residents of Dover.

2-2. Preparation and Presentation of the Orientation Program.

The City Manager, or designee(s), shall prepare and present an Orientation Program for city councilors. The program shall include, but not be limited to, written materials, as amended from time to time, available to the councilors after their election. The Orientation program shall include a review and vote of the existing Council.

2-3. Content of the Orientation Program.

The content of the Orientation Program shall include, but not be limited to, information on the role of city councilors, general responsibilities, ethics, budget preparation and adoption procedures, the City Charter, city ordinances, and state law. The program shall include consultations with city staff and a tour of city buildings and facilities.

2-4. Conduct of the Orientation Program.

The Orientation Program shall be conducted prior to the Organizational Meeting conducted pursuant to C3-2 of the Dover City Charter.

2-5. Video and Audio Recording.

City Council Orientation segments shall be video recorded and broadcast.

ADMINISTRATIVE CODE

CHAPTER 3

ARTICLE I

GENERAL PROVISIONS

3-1. Legislative Authority.

3-2. Departments.

3-3. Powers and Duties of Department Heads.

3-4. Appointment of Department Heads; Compensation.

3.5 Department Staff.

3.6. Administrative Office Hours.

3.7. Authority and Functions of the City Manager.

ARTICLE II

MUNICIPAL DEPARTMENTS

3-8. Executive.

3-9. Finance Department.

3-10. Fire and Rescue Department.

3-11. Public Welfare Department.

3-12. Reserved. (formerly Legal Department.)

3-13. Public Library.

3-14. Community Services Department.

3-15. Recreation Department.

3-16. Reserved. (formerly Personnel Department.)

3-17. Reserved. (formerly Physician.)

3-18. Planning and Community Development Department.

3-19. Reserved. (formerly Plumbing Inspection Department.)

3-20. Police Department.

3-21. Reserved. (formerly Public Works Department.)

3-22. Reserved. (formerly Records Department.)

3-23. Reserved. (formerly Resident Engineering Department.)

3-24. Reserved. (formerly Welfare Department.)

ARTICLE III

PURCHASING PROCEDURE

3-25. Title.

3-26. Definitions.

3-27. Purpose.

3-28. Applicability of Article and Compliance with Charter.

3-29. Use of Credit Cards.

3-30. Authority of Purchasing Agent.

3-31. Appropriations for Purchases.

3-32. Requisitions; Forms.

3-33. Small Purchases (less than $1,000.00).

3-34. Emergency Purchases.

3-35. Quote Purchases ($1,000.00 to less than $10,000.00).

3-36. Competitive Bidding Purchases ($10,000.00 or more); Waiver.

3-37. Exemptions to Competitive Bidding.

3-38. Reporting.

3-39. Exemptions to Bidding and Approval Requirements.

3-40. Approval of Purchases by the City Council.

3-41. Competitive Bidding Procedure.

3-42. Rebidding.

3-43. Contract Processing.

3-44. Conditions of Purchase.

3-45. Duties of Department Heads.

3-46. Exchange for Goods and Services.

3-47. Major Construction Projects; Pre-qualification of Bidders.

3-48. Negotiations after Bidding.

3-49. Professional Services.

3-50. Bid Protests.

3-51. Environmental Concerns, Required Language.

3-52. Conflicts of Interest.

3-53. Pecuniary Benefit.

3-54. Public Access to Procurement Information.

3-55. Savings Provision.

[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.[*] Certain sections amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I (1983); ARTICLE IV Boards, Commissions and Committees removed and created Chapter 5 see Ch. 1, General Provisions (2013); Other amendments noted where applicable.]

GENERAL REFERENCES - Conservation Commission -- Ch. 14. Licensing Board -- Ch. 35. Planning Board -- Ch. 41.

[*] **Editor's Note: Provisions of this chapter are derived from Ch. 5 of the former Code, adopted 12-14-77.**

ARTICLE I
GENERAL PROVISIONS

3-1. Legislative Authority.

This Administrative Code is established in accordance with the provisions of RSA 49-C:21. The Administrative Code may be amended from time to time pursuant to the provisions of RSA 49-C:21.

Should any section or provision of the Administrative Code be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Administrative Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

3-2. Departments.

The administrative service of the City shall consist of the following departments, and the department heads shall be known by the titles shown: **[Amended 12-19-90 by Ord. No. 20-90; Amended 07-01-92 by Ord. No. 19-92; Amended 05-18-94 by Ord. No. A05-94; Amended 12-21-2005 by Ord. No. 20-2005; Generally Revised in 2010]**

Department	Department Head
Executive	City Manager
Planning and Community Development	Director of Planning and Community Development
Community Services	Director of Community Services
Finance	Finance Director
Fire & Rescue	Fire Chief
Public Library	Director of Public Library
Police	Police Chief
Recreation	Director of Recreation
Public Welfare	Director of Public Welfare

3-3. Powers and Duties of Department Heads. **[Amended 02-21-90 by Ord. No. 1-90]**

A. Department heads shall be responsible for the courteous and efficient operation of their department. They shall perform all the duties and exercise all the powers conferred upon their office by applicable laws, ordinances and resolutions.

B. Department heads may prescribe departmental rules and regulations not inconsistent with general law, the City Charter, this Administrative Code, and the provisions of the Merit Plan for the administration of their various departments, conduct of the employees and the proper performance of the department's business.

C. Department heads may, with the approval of the City Manager, establish such departmental divisions and subunits as may be deemed desirable in the interest of economy and efficiency and in accordance with sound administrative principles and practices.

D. Department heads shall be responsible for the operation of their department in a courteous and friendly manner and in cooperation with all other City departments in order to best serve the residents of Dover.

E. Department heads shall be responsible for satisfactory maintenance and care of all City property and buildings assigned into their department.

F. Department heads shall be responsible for preparing and submitting both routine and special reports on the operation of their department to the City Manager or to any state or federal agency as required.

G. At such time as may be requested by the City Manager, department heads shall submit an itemized estimate of the expenditures for the next fiscal year for their department for use in preparation of the proposed budget for said year.

H. Department heads shall be responsible for following the provisions of this Administrative Code establishing a purchasing and control system with respect to purchases and contracts for their department.

3-4. Appointment of Department Heads; Compensation.

A. All department heads shall be appointed, as provided by the City Charter, for indefinite terms, on the basis of merit and fitness to perform their duties and may be removed by the City Manager for misconduct or inefficiency as provided for in the City Charter, Merit Plan and state statute.

B. The compensation of all department heads shall be fixed by the City Council through the Merit Plan.

3-5. Department Staff.

A. Department heads may establish subordinate positions and make appointments and removals as may be necessary, within the limitations of the appropriations provided and subject to the provisions of the City Charter, the Merit Plan and the approval of the City Manager.

B. All employees shall be under the immediate supervision of their respective department heads, and all employees in the administrative service shall be compensated on the basis of a uniform pay plan.

3-6. Administrative Office Hours. **[Added 9-22-82 by Ord. No. 17-82; Amended 08-27-86 by Ord. No. 13-86; Amended 03-19-97 by Ord. No. 06-97; Amended 04-08-98 by Ord. No. 04-98.]**

A. All Administrative Offices of the City of Dover whether located in City Hall or elsewhere in the City, shall be open at least 40 hours per week at times which are convenient for the conduct of business by the citizens of Dover and others wishing to do business with the City.

B. The specific hours of operation shall be established by the City Council by resolution, with the advice of the City Manager.

3-7. Authority and Functions of the City Manager.

A. Pursuant to section C5-5 of the City Charter, the City Manager shall have the following authority and shall perform the following functions:

(1) The City Manager shall be the administrative head of the City and shall perform all the duties and have all the responsibilities prescribed by the City Charter, by ordinance, resolution and state law.

(2) The City Manager shall supervise the heads of all departments established by this Code and shall have the power to suspend and discipline, and to perform or delegate duties and responsibilities to the department heads.

(3) The City Manager may prescribe such rules and regulations not inconsistent with the City Charter and City ordinances as he or she may deem necessary for the conduct of the various departments, and he or she may investigate and inquire into the affairs of any department at any time.

ARTICLE II

MUNICIPAL DEPARTMENTS

3-8. Executive Department. **[Amended 12-19-90 by Ord. No. 20-90; Amended 05-18-94 by Ord. No. A05-94; Amended 12-21-2005 by Ord. No. 20-2005]**

There shall be an Executive Department, under the direct supervision of the City Manager, who shall be responsible for human resources, legal, economic development and information systems functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

The duties of the Executive Department shall include but are not limited to:

A. Human Resource Functions: **[Amended 12-13-89 by Ord. No. 26-89; Amended 09-28-94 by Ord. No. 16-94; Amended 12-21-2005 by Ord. No. 20-2005; Amended 07-17-91 by Ord. No. 27-91]**

(1) Establish and operate a merit system of personnel administration, including a uniform classification and compensation plan, as prescribed by section C7-2 of the City Charter.

(2) Prepare and maintain all personnel records and systems and work to insure compliance with all applicable federal and state laws.

(3) Establish and operate a risk management and safety program for all City employees.

B. Legal Functions:

(1) Represent the City in all matters in which the City has an interest coming before any court, tribunal, quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the City Manager and/or City Council.

(2) Advise the City Manager, Mayor, City Council and department heads in all cases when a legal opinion is required, in writing, insofar as practicable.

(3) Draft all deeds, leases, contracts, ordinances, and such other legal instruments as required on behalf of the City.

(4) Examine and approve all deeds, leases and other legal instruments tendered by the City prior to their acceptance.

(5) Call to the attention of the City Manager or City Council all matters of law affecting the City.

(6) Render legal counsel and service in person or by nominee as may be related to this office, upon direction of the City Manager.

C. Economic Development Functions: **[Added 05-18-94 by Ord. No. A05-94]**

(1) Coordinate and direct a program for the promotion of the development of industry and business in the City of Dover.

(2) Provide encouragement and assistance to new businesses and industries seeking to move to the City of Dover and work to promote and provide support for the retention of existing businesses and industries within the City.

D. Information Systems Functions: **[Added 12-21-2005 by Ord. No. 20-2005]**

(1) Maintain close coordination with department heads to establish information technology requirements.

(2) Establish information technology procedures.

(3) Provide advice on feasibility of desired information technology products.

(4) Perform system analysis and design, establish and monitor information networks, write computer software, test and debug computer software and complete system documentation.

(5) Prepare and administer the "DoverNet" budget.

(6) Maintain the technical reference library.

3-9. Finance Department.

There shall be a Finance Department, under the direct supervision of a Finance Director, who shall be responsible for accounting, purchasing, tax collection, treasurer, assessment, water/sewer billing, audit, City clerk services, elections and budget functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

The Finance Director, Treasurer, City Clerk/Tax Collector, Deputy Tax Collector, Deputy City Clerk and such other officers and employees within the Finance Department handling and responsible for City moneys shall be bonded in such amounts as required by law and prudent fiscal management.

The duties of the Finance Department shall include but are not limited to:

A. City Clerk Functions: **[Added 05-18-94 by Ord. No. A05-94]**

(1) Prepare, maintain, publish and index all proceedings of the City Council.

(2) Arrange for all elections, maintain all election records and have custody of all property used in connection therewith.

(3) Obtain and maintain all statistics on births, marriages and deaths as required by law.

(4) Maintain a list of names, contact information and the expiration of terms of all members of boards and commissions.

(5) File and preserve all contracts, bonds, oaths of office and other documents as required by law.

(6) Issue licenses and permits as required by law.

(7) Collect fees and receipts from all City departments and deposit these collections with the City Treasurer.

(8) Maintain custody of the official City Seal.

(9) Promptly notify the City Manager and board chairpersons of City Council actions of concern to the board members, department heads and/or employees under their jurisdiction.

(10) Keep the official Dover Code Book of the City up to date and maintain a record of all amendments thereto.

B. Accounting, Purchasing, Water & Sewer Billing, Audit Services Functions:

(1) Preaudit and approve all purchases.

(2) Approve all authorized claims against the City before authorizing payment.

(3) Post audit all receipts and disbursements.

(4) Maintain the financial accounts of the City and exercise accounting control over them.

(5) Prepare financial reports as required by the City Manager.

(6) Negotiate loans and borrowing moneys upon the authorization of the City Council and City Manager.

(7) Maintain custody of all insurance policies.

(8) Countersign all checks and drafts of the City.

(9) Maintain employee personnel action records and sick-leave records.

C. Treasurer Functions:

(1) Have all the statutory powers and perform all the statutory duties of City or town treasurers.

(2) Have custody of all City funds, investments and securities, including the deposit, withdrawal and recording thereof, as required by law.

(3) Keep records of the trust funds and invest them as permitted by law.

(4) Carry out the duties of treasurers of municipal corporations as set forth in RSA Chapter 33, Municipal Finance Act, and any amendments thereto, relating to bonds, notes and records thereof, and all other statutory requirements of City or town treasurers.

(5) Sign all checks, drafts, notes and bonds of the City.

(6) Deposit all public moneys daily in the depositories designated by the City Council.

(7) Deposit all moneys received from parking meters in a separate account, which money shall be used exclusively for the purposes provided by law.

(8) Maintain a register of all bonds and notes of the City, as required by law.

(9) Maintain all City employee earning records, including records of all deductions from earnings for retirement, social security, applicable insurance, United States savings bonds and any other purposes.

D. Tax Collection Functions:

(1) Have all the statutory powers and perform all statutory duties of City or town tax collectors.

(2) Mail out all tax notices.

(3) Collect all accounts due the City, including taxes, rentals, water and sewer charges, resident taxes, licenses and fees, unless otherwise provided.

(4) Maintain accurate records pertaining to the collection function.

(5) Turn over daily to the City Treasurer all moneys received and record and account for all moneys on the date received.

(6) Collect fees for the registration of motor vehicles as required by law.

(7) Conduct all tax sales of property and executive tax collector's deeds in accordance with applicable law.

E. Assessment Functions:

(1) Have all the statutory powers and perform all statutory duties of City assessors.

(2) Carry out the duties relative to taking the inventory and the appraisal for taxation and to the assessment and abatement of taxes and issuing warrants for the collection of taxes as required by law.

(3) Prepare all assessments, tax rolls and tax notices.

(4) Check all property transfers and maintain all property records.

(5) Prepare and maintain up-to-date tax maps, assessment records, cards and all other necessary records.

(6) Assure that all taxable property is being accurately reported.

F. Purchasing Functions:

(1) Receive all requests for supplies, materials, service and equipment from the various departments.

(2) Advertise all items to be purchased by competitive bids as required by law and the Charter.

(3) Receive and tabulate bids, make recommendations and award bids and contracts.

(4) Develop and distribute the proper forms to effectuate centralized purchasing.

(5) Advise department heads on methods of standardizing purchases and utilizing quantity prices.

(6) Follow the purchasing procedure as set forth by the Charter and ordinance.

3-10. Fire and Rescue Department. **[Amended 12-21-2005 by Ord. No. 20-2005]**

There shall be a Fire & Rescue Department, under the direct supervision of a Fire Chief, who shall be responsible for fire and emergency medical services, emergency management and inspection functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff. The Fire Chief shall have all the powers conferred upon fire wardens by law. The Fire Chief shall be the emergency management director with all duties and powers associated with the position pursuant to state law. **[Amended 2-21-90 by Ord. No. 1-90]**

The duties of the Fire and Rescue Department shall include but are not limited to:

A. Fire, Emergency Medical Services and Emergency Management Functions: **[Amended 10-25-78 by Ord. No. 23-78]**

(1) Extinguish fires and endeavor to protect life and property against fires.

(2) Provide emergency and non-emergency medical aid and transportation to local hospitals.

(3) Plan, organize and direct matters related to emergency management and preparedness for natural and man-made disasters.

(4) Prepare and maintain all Fire Department records as required.

(5) Mitigate minor hazardous materials leaks and spills and coordinate the response to major hazardous material incidents.

(6) Educate the public on matters related to fire and life safety along with self-preparedness for natural and man-made disasters.

(7) Care for and maintain all property and equipment assigned to the Fire & Rescue Department.

(8) Issue fire permits as necessary and appropriate.

(9) Plan and carry out a training program of instruction for all regular and call fire & rescue personnel.

(10) Cooperate with surrounding communities through mutual aid programs so that additional firefighting and emergency medical personnel and equipment may be made available when needed.

B. Inspection Functions: **[Added 10-25-78 by Ord. No. 21-78; Amended 09-28-94 by Ord. No. 16-94]**

(1) Enforce the building, electrical, plumbing and health codes of the City of Dover (see Ch. 170, Zoning; Ch. 68 Building Construction; and Ch. 120, Electrical Standards; and Ch. 135, Plumbing; respectively). **[Amended 07-17-91 by Ord. No. 25-91]**

(2) Enforce all state laws and adopted codes, except as otherwise provided by law, relating to the construction, equipment, alteration, and condition of buildings within the City.

(3) Review plans and specifications of proposed buildings and issue building permits as necessary and appropriate.

(4) Maintain a file of all applications for building permits and provide copies for tax assessment purposes.

(5) Inspect every structure upon which work is being done, where a permit is required, as often as necessary and appropriate given the nature and terms of the permit.

(6) Investigate complaints regarding matters affecting public health.

(7) Prepare and maintain all necessary records required by law.

(8) Procure, study, analyze and report data concerning public health.

(9) Investigate complaints or issues regarding private water supplies and septic tanks.

(10) Investigate communicable diseases, sanitary hazards and enforce sanitary laws.

(11) Issue burial permits.

(12) Inspect restaurants, cafes, other eating places and vendors of food as required by law.

(13) Issue licenses and perform any other functions required by law.

3-11. Public Welfare Department. **[Amended 12-13-89 by Ord. No. 26-89; Amended 09-28-94 by Ord. No. 16-94; Amended 12-21-2005 by Ord. No. 20-2005]**

There shall be a Public Welfare Department, under the direct supervision of a Director of Public Welfare, who shall be responsible for providing public welfare and benefit functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

A. The duties of the Public Welfare Department shall include but are not limited to: **[Amended 07-17-91 by Ord. No. 27-91]**

(1) Plan, budget, report on and control the City welfare program.

(2) Investigate all requests for relief and authorize such relief aid as may be deemed necessary.

(3) Exercise all powers and perform all duties conferred or imposed by law upon overseers of the poor.

(4) Keep full and accurate records of the persons fully supported and the travelers and vagrants lodged at the expense of the City, together with the amount paid by them for such support and relief, and make such reports as required by law.

(5) Administer and coordinate all grants and subsidies as may be established or awarded by the City of Dover for the purpose of supporting and promoting the maintenance and development of social service agencies which provide direct support and services to the people of Dover.

3-12. Reserved. (formerly Legal Department.)

3-13. Public Library Department.

There shall be a Public Library Department, under the direct supervision of a Director of Public Library, who shall be responsible for providing library service functions and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

A. The duties of the Public Library Department shall include but are not limited to:

(1) Select and procure books, magazines, periodicals and other printed, imaged or electronic material for use by library patrons.

(2) Catalog and classify all printed, imaged and electronic material stored in the public library and available for use.

(3) Circulate printed, imaged and electronic material designated for loan and/or authorized online access.

(4) Provide a reference service for answering requests for specific information.

(5) Distribute printed materials by the establishment and maintenance of branch libraries, when such are approved by the City Manager and City Council.

(6) Promote the availability of the library material to stimulate a wider general interest in its use.

(7) Promote special reading services for children and young people to aid in development of desirable reading habits.

(8) Maintain and care for all property assigned to the library.

(9) Prepare and maintain all records pertaining to the Public Library Department.

B. Depository and reference library. **[Added 10-27-82 by Ord. No. 21-82]**

(1) The Dover Public Library is hereby designated as a depository and reference library for City documents hereinafter identified. The head of each City department and division, board, commission and committee shall promptly send or deliver to the Public Library, as soon as printed or otherwise reproduced at the expense of the City, one (1) copy of each special study, consultant report, newsletter, brochure or other document intended for public distribution. Such reports shall be preserved for the use of the City Council, City officials and employees and the general public.

(2) Any department, division, board, commission or committee which concludes that compliance with the requirements of this subsection shall produce a hardship may request exemption from the City Manager.

(3) Nothing in this subsection shall be construed to conflict with the duties of the City Clerk as set forth in the New Hampshire Statutes or elsewhere in these City ordinances.

3-14. Community Services Department. **[Amended 05-18-94 by Ord. No. A05-94; Amended 12-21-2005 by Ord. No. 20-2005]**

There shall be a Community Services Department, under the direct supervision of a Director of Community Services, who shall be responsible for providing engineering, public works, utilities, facilities and grounds, environmental, solid waste and recycling, and fleet maintenance functions, and who shall administer the functions of the department with

appropriate supervisory, clerical and labor staff. The Community Services Director, or designee, shall be the tree warden and road agent pursuant to state law.

The duties of the Community Services Department shall include but are not limited to:

A. Plan, coordinate and perform maintenance and upkeep of all City-owned properties with the exception of facilities not otherwise maintained under the care and responsibility of specific departments including public schools, grounds and facilities.

B. Plan, coordinate and perform construction, maintenance and repair of all City roads, streets, bridges, drains and sidewalks.

C. Plan, coordinate and perform construction and operation of the City's public water supply and sewer system.

D. Plan, coordinate and perform general engineering and engineering inspection services as may be required for the design, layout and mapping of all municipal construction projects.

E. Review plans and specifications of proposed site developments, public utility connections and issue permits when appropriate.

F. Maintain a file of all applications for permits.

G. Investigate complaints and inspect site developments and related infrastructure construction for compliance with approved plans and enforcement of related code requirements.

H. Plan, coordinate and operate City's residential solid waste, recycling and environmental hazard mitigation programs.

I. Investigate complaints and enforce local ordinances relating to proper disposal of solid waste and environmental matters.

J. Maintain and repair City vehicle fleet and mobile equipment.

3-15. Recreation Department. **[Added 12-21-2005 by Ord. No. 20-2005]**

There shall be a Recreation Department, under the direct supervision of a Director of Recreation, who shall be responsible for recreational programming and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff

A. The duties of the Recreation Department shall include but are not limited to:

(1) Develop a general recreational program for the City.

(2) Operate the recreational activities on all City parks, playgrounds, swimming pools, tennis courts and all other recreation facilities, including buildings, if any.

(3) Prepare and maintain all records pertaining to the Recreation Department.

(4) Engage private groups, public officials, and other City Departments in the development and promotion of recreational activities in the City.

(5) Perform other duties as may be required.

3-16. Reserved. (formerly Personnel Department.) **[Repealed 05-18-94 by Ord. No. A05-94]**

3-17. Reserved. (formerly Physician.)

3-18. Planning and Community Development Department. **[Amended 12-13-89 by Ord. No. 26-89; Amended 07-17-91 by Ord. No. 25-91]**

There shall be a Planning and Community Development Department, under the direct supervision of a Director, who shall be responsible for planning and community development functions, and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff.

A. The duties of the Planning and Community Development Department shall include but are not limited to:

(1) Advise the Planning Board and the Zoning Board of Adjustment.

(2) Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, urban renewal, subdivisions, parks, playgrounds and other related phases of City planning.

(3) Revise the Zoning Map as changes are made therein by City ordinance.

(4) Develop and implement the various elements of a general comprehensive plan to be used as a guide for the development of the City.

(5) Perform all research work that might be assigned by the City Manager.

(6) Investigate, study and report on all matters relating to construction and use of municipal structures and buildings as necessary and appropriate.

3-19. Reserved. (formerly Plumbing Inspection Department.)

3-20. Police Department.

There shall be a Police Department, under the direct supervision of a Police Chief, who shall be responsible for law enforcement and public parking functions, and who shall administer the functions of the department with appropriate supervisory, clerical and labor staff. The Police Chief shall have all powers conferred by state law. **[Amended 02-21-90 by Ord. No. 1-90]**

A. The duties of the Police Department shall include but are not limited to:

(1) Enforce the laws and ordinances of the State of New Hampshire and the City of Dover.

(2) Endeavor to prevent crime, maintain peace and order, and protect lives and property from malicious damage and injury.

(3) Operate, maintain and care for all City parking meters.

(4) Maintain and care for all property assigned to the Police Department.

(5) Prosecute all violations of the law within its jurisdiction as necessary and appropriate.

(6) Prepare and maintain all necessary records pertaining to the Police Department.

3-21. Reserved. (formerly Public Works Department.) **[Repealed 05-18-94 by Ord. No. A05-94]**

3-22. Reserved. (formerly Records Department.) **[Repealed 05-18-94 by Ord. No. A05-94]**

3-23. Reserved. (formerly Resident Engineering Department.)

3-24. Reserved. (formerly Welfare Department.)

ARTICLE III

PURCHASING PROCEDURE

[Amended 02-13-80 by Ord. No. 2-80; Amended 04-01-92 by Ord. No. 08-92]

3-25. Title.

This Article shall be known as the "City Purchasing Code" and may be cited as such.

3-26. Definitions.

For the purposes of this Article, the following terms, phrases, words and their derivations shall have the following meanings:

MOST ADVANTAGEOUS TO THE CITY - The lowest responsible and responsive bid taking into consideration the price, the quality of the commodity or service and the service reputation and experience of the bidder.

COMPETITIVE BIDDING - The formal process involving sealed written bids as a means of achieving the bid most advantageous to the City for the goods and services desired by the City.

EMERGENCY PURCHASE - A purchase occasioned by a potential threat to public health, safety or to property.

PURCHASE ORDER - The document used to accomplish the purchase of goods and/or services.

GOODS AND SERVICES - The complete array of purchases of the City, including but not limited to; supplies, commodities, equipment, construction materials and labor, consulting services, and training.

GROUP PURCHASE - A purchase made by the Purchasing Agent by combining two (2) or more departmental requisitions in one (1) purchase order.

INFORMAL BID(S) – Quotation(s) obtained from the vendor(s) in writing or by oral communication.

LIST OF APPROVED VENDORS – The list of vendors who have qualified to bid on City purchases.

PURCHASE AMOUNT - The total cost of goods or service including all determinable associated costs, e.g. construction, engineering, delivery, setup and training. Where the purchase consists of small frequent charges, the aggregate twelve (12) month cost of goods or services shall be used to determine the amount of a purchase and the applicability of the specific sections of the Purchasing Code.

SEALED FORMAL BID - Quotation from a vendor that is submitted in a sealed envelope.

SPECIFICATIONS - The quantity and qualitative standards set by department heads as a guide to the Purchasing Agent and as a measure of quality that successful vendors must achieve. Specifications shall not unnecessarily restrict purchases as to trade name or eliminate bids being submitted on items that have the same specifications without a specific trade name.

3-27. Purpose.

The purpose of this Article shall be to standardize the purchasing procedures of the City, thereby increasing savings and protection of the taxpayer's money, to set forth the duties and responsibilities of the department heads in order to foster interdepartmental cooperation and trust with the office of the Purchasing Agent, and to assign all responsibility for purchasing to the Purchasing Agent.

3-28. Applicability of Article and Compliance with Charter.

This Article shall apply to all purchases for all departments and agencies of the City pursuant to C6-16 of the Dover City Charter.

3-29. Use of Credit Cards.

Credit cards issued by the City may be used for the purchase of goods and services pursuant to administrative regulations on the use of credit cards.

3-30. Authority of the Purchasing Agent.

The Purchasing Agent is authorized to purchase goods and/or services for the use of one or more departments. All requests for goods and services shall be made to the Purchasing Agent by the department heads, or their designees.

The Purchasing Agent shall maintain a list of approved vendors.

3-31. Appropriations for purchases.

No purchases shall be made until such time as the Council has approved the necessary appropriation, or in the case of federal or state grants to the City, the grant award has been received. The Purchasing Agent shall verify the availability of funds to be used for a purchase greater than one thousand dollars ($1,000.00) prior to issuance of a purchase order. The Finance Director shall certify the availability of funds of all purchases approved by the City Council prior to their vote.

3-32. Requisitions; Forms.

All goods and services in an amount greater than one thousand dollars ($1,000.00) shall be requisitioned by department heads to the Purchasing Agent on a prescribed requisition form to be provided by the Finance Department.

3-33. Small Purchases (less than $1,000.00).

A. Small Purchases of less than one thousand dollars ($1,000.00) may be executed by informal, direct purchasing by the head of a department, or designee, on forms provided by the Purchasing Agent.

B. A copy of the purchase order shall be turned in to the Purchasing Agent within seven (7) days of the purchase.

C. The Purchasing Division copy of the Purchase Order shall always be turned in to the Purchasing Division within twenty-four (24) hours of the time the purchase is made.

D. Small Purchases shall not be used if it is known or estimated, based on historic experience, that the aggregate twelve (12) month total cost of said purchases may exceed one thousand dollars ($1,000.00). **[Amended 03-19-99 by Ord. No. 01-99]**

E. Department heads should take the appropriate steps to attain the best pricing practical when using Purchase Orders.

F. Informal bidding may be employed by the Purchasing Agent when requested by a department head.

3-34. Emergency Purchases.

Emergency Purchase orders may be executed for emergency purchases not exceeding five thousand dollars ($5,000.00). A copy of the Emergency Purchase Order and report shall be sent to the Purchasing Agent within seven (7) days of the Emergency Purchase. The Purchasing Agent shall report the Emergency Purchase Order to the Finance Director and the City Manager.

3-35. Quote Purchases ($1,000.00 to less than $10,000.00). **[Amended 03-19-99 by Ord. No. 01-99]**

A. The Purchasing Agent shall conduct bidding for Quote Purchases of one thousand dollars ($1,000.00) to nine thousand nine hundred ninety-nine dollars and ninety-nine cents ($9,999.99). Quote bidding shall consist of a minimum of three quotes whenever possible. **[Amended 03-19-99 by Ord. No. 01-99]**

B. Verbal or oral quotes shall be required for Quote Purchases from one thousand dollars ($1,000.00) to four thousand nine hundred ninety-nine dollars and ninety-nine cents ($4,999.99).

C. Written quotes from vendors are required for Quote Purchases from five thousand dollars ($5,000.00) to nine thousand nine hundred ninety-nine dollars and ninety-nine cents ($9,999.99).

D. Oral, verbal and written quotes shall be solicited by telephone, direct mail, direct conversation or by electronic means.

3-36. Competitive Bidding Purchases ($10,000.00 or more); Waiver. **[Amended 03-19-99 by Ord. No. 01-99]**

A. The Purchasing Agent shall advertise and conduct Competitive Bidding for purchases of goods and services of ten thousand dollars ($10,000.00) or more.

B. Competitive Bidding may be waived by a majority vote of the City Council.

3-37. Exemptions to Competitive Bidding.

Competitive Bidding shall not apply to the following:

A. Emergency Purchases: The City Manager may waive the competitive bidding procedures when there exists an emergency as determined by the City Manager. All attempts shall be made to obtain the most competitive price within the time available. The City Manager

shall report all such emergency purchases to the City Council at their next regular meeting.

B. Purchases made through the State of New Hampshire, other governmental agencies, or cooperative buying groups: The Purchasing Agent may, with approval by the City Manager, waive bidding procedures when purchasing can be accomplished through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups.

C. Change orders: The Purchasing Agent is authorized to issue change purchase orders for changes in scope or quantity of an existing purchase. Changes orders for a vendor may be permitted up to the limits of the available appropriation when the services are within the original scope of services. A change order may also be issued up to a cumulative amount of twenty-five thousand dollars ($25,000.00) without further City Council approval.

D. Requests for proposals (RFP): The Purchasing Agent may solicit competitive proposals if he/she determines that compiling detailed technical specifications is not feasible or advantageous. Solicitation and award of RFPs is subject to other provisions of the Purchasing Ordinance.

E. Regional purchasing: The Purchasing Agent may participate in solicitations to bid conducted by the City of Dover or another City or town where the goal is to bid for goods and services for more than one City, town or other government entity subject to other provisions of the Purchasing Ordinance.

F. Sole Source purchases where the proposed purchase is manufactured or provided by only one entity.

G. Purchases under extensions of contracts when the same or lower price is extended for another year or part of a year.

H. Purchases under intergovernmental agreements or contracts which require use of procurement procedures consistent with the provisions of this section.

I. Expert consulting for litigation.

3-38. Reporting.

The Purchasing Agent shall report exceptions to the bidding and award requirements to the City Manager.

All purchases of goods and services of five thousand dollars ($5,000.00) or more shall be reported to the City Council by the City Manager on a monthly basis following said purchases.

3-39. Exemptions to Bidding and Approval Requirements.

Payments and purchases exempt from the bidding and City Council approval requirements due to their nature or other statutory provisions include:

A. Utility consumption costs including electrical, natural gas, water and sewer.

B. Telecommunication charges.

C. Advertising.

D. Postage.

E. Federal, state and local taxes.

F. Court judgments.

G. Workers Compensation claims.

H. Debt service payments.

I. Police special investigative costs where disclosure may jeopardize an investigation.

3-40. Approval of purchases by the City Council.

All purchases of goods and services of twenty-five thousand dollars ($25,000.00) or more shall be approved or rejected by majority vote of the City Council prior to the awarding of such purchases. The City Manager is authorized to sign a contract containing the terms and conditions of the bid award. The amount of the authorization shall be limited so as not to exceed available funding. **[Amended 03-19-99 by Ord. No. 01-99; Amended 05-21-2003 by Ord. No. 08-2003]**

3-41. Competitive bidding procedure.

The procedure for competitive bidding is established as follows:

A. Competitive Bidding shall be initiated by the Purchasing Agent with a notice of solicitations for bidding sent to vendors and/or by advertising. The notice shall contain Specifications as to quantity and quality, date and time for the closing of bids, the date and time for opening bids, and other details regarding the bidding process. All solicitations shall note that all purchases are subject to the conditions set forth in the City Purchasing Code.

B. The Purchasing Agent shall solicit at least three (3) vendors when available on every purchase requiring Competitive Bidding unless exempted by the provisions of this ordinance. Bids shall be awarded to the vendor whose bid is the most advantageous to the City of Dover. In the event less than three (3) bids are received, the City Purchasing Agent may award the purchase on the basis of the bid most advantageous to the City of those submitted, or, may order a re-bidding.

C. Technical specifications for bids shall state information as broadly as practicable, yet shall be specific enough to describe the requirements of the purchase. Non-technical specifications for bids shall state the quality required in general terms.

D. Sealed Formal Bids shall be submitted by qualified vendors before the bidding deadline, but may be withdrawn by any bidder before the deadline. After the bidding deadline the Purchasing Agent shall receive no further bids, and no bidder shall withdraw a bid. The City shall have custody of all bids submitted pursuant to this Purchasing Code.

E. In accordance with RSA 447:16, the Purchasing Agent shall require security from vendors for construction projects estimated to be in excess of thirty-five thousand dollars ($35,000.00). The elements of a purchase to be secured include, but are not limited to, the following:

(1) A Bid Bond to secure the bid price plus an additional ten percent (10%) of the bid price from the time of bid opening until signing of the contract, in case of default by the bidder.

(2) A Performance Bond in the amount of one hundred percent (100%) of the contract price to insure compliance with and completion of the contract.

(3) A Labor and Materials Bond in the amount of one hundred percent (100%) of the contract price to insure payment to suppliers and subcontractors by the contractor.

(4) The form of the security shall be prescribed by the Purchasing Agent and may consist, but is not limited to, bonds issued by surety companies licensed within the United States, certified checks and irrevocable letters of credit at banks acceptable to the City. The Purchasing Agent may waive the bond requirements on a case-by-case basis with the approval of the City Manager. The Purchasing Agent may include security requirements for projects less than thirty–five thousand dollars ($35,000.00) and in other types of purchases where doing so is advantageous to the City with the approval of the City Manager.

F. In each and every case where bids are presented to the City Council for award, information presented to the City Council shall include solicitation information and bid amounts.

G. The Purchasing Agent shall open bids, read them in public, inspect them and process for award. In determining the bid most advantageous to the City, the Purchasing Agent shall, whenever possible, analyze the bids so that the bids are compared on an equitable basis as determined in the sole discretion of the Purchasing Agent.

H. The competitive bid procedure may be waived by a majority vote of the City Council.

3-42. Rebidding.

The Purchasing Agent is authorized to rebid any or all items that have been noticed for bidding where less than three (3) bids have been received, or where no bid most advantageous to the City has been received as determined by the Purchasing Agent.

3-43. Contract Processing.

The City Manager is designated as the contracting officer of the City. Execution of a contract or contract change order accompanying a purchase order or purchase change order greater than one thousand dollars ($1,000.00) shall occur only after the contract has been reviewed as to form by legal counsel and funding confirmed by the Finance Director or designee. Purchases involving contracts are subject to all other provisions of the Purchasing Ordinance.

3-44. Conditions of Purchase.

All purchases made by the City shall be subject to the following conditions:

A. All purchases shall be awarded on the basis of the bid most advantageous to the City.

B. All purchases shall be subject to the reservation of the right by the City to accept or reject any or all bids.

C. In the event of a tie for low bid for equally qualified bidders where one bid is not considered most advantageous over another, preference for award shall be given to any bidder who is located within Dover.

D. When an award of purchase shall be recommended to other than the low bidder, the Purchasing Agent shall submit such recommendation to the City Manager for approval or disapproval. Should the City Manager reject such recommendation, the award shall be made to the bid most advantageous to the City, unless all bids are rejected.

3-45. Duties of Department Heads.

All department heads shall:

A. Determine acceptable quality of good and supplies to be purchased.

B. Cooperate with the Purchasing Agent in establishing lists of approved specifications and vendors.

C. Share knowledge of special factors which will implement a policy designed to enable the City to minimize cost and maximize quality.

D. Supply the Purchasing Agent with a list of estimated annual requirements of frequently used supplies, thereby fostering group purchasing.

E. Prepare requisitions with a view toward group purchasing and keep corresponding records to facilitate debiting on City financial records.

F. Be empowered to reject any good or service on grounds of high cost or low quality, and provide the Purchasing Agent with a detailed written report explaining the reasons for such rejection.

G. Report to the Purchasing Agent obsolete and excess fixed assets, including:

(1) Items beyond use.

(2) Items being replaced or to be replaced.

(3) Items no longer of use to the departmental operation.

H. Foster regular purchasing procedures to minimize direct purchases.

3-46. Exchange for Goods and Services.

Any transfer of City assets, waiving or abatement of fees, or performance of City services in exchange for goods and services to be received by the City shall be deemed a purchase and shall be subject to the provisions of the Purchasing Code as determined by the fair market value of the City assets, fees, and/or services being exchanged.

3-47. Major Construction Projects; Prequalification of Bidders.

In the case of contracts for the construction, reconstruction, alteration, repair, or refurbishing of real property where the estimated cost of the project is in excess of one hundred thousand dollars ($100,000.00), a determination of the responsibility of interested contractors may precede the issuance of invitations to bid. Invitations to bid shall be issued only to firms who have, in the Purchasing Agent's sole determination, been pre-qualified.

The pre-qualification process shall include the following:

A. The ability, capacity, and skill of the bidder to perform the contract or provide the service required.

B. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference.

C. The character, integrity, reputation, judgment, experience, efficiency of the bidder.

D. The quality of performance of previous contracts or services.

E. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.

F. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.

G. The quality, availability, and adaptability of the supplies or contractual services to the particular use required.

H. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

I. The number and scope of conditions attached to the bid.

J. The amount of total direct and indirect costs which would accrue to the City on account of the bid.

K. Any other special considerations not contrary to the law.

3-48. Negotiations After Bidding.

The Purchasing Agent shall reserve the right to reject any and all bids together with the right to negotiate with the bidder submitting the bid most advantageous to the City for a lower price.

3-49. Professional Services.

In the purchase of accounting, architectural, auditing, engineering, legal and medical services and purchases of independent professional consultant services for personnel, data processing, insurance, actuarial, planning, management, and other comparable purchases the following procedures may be followed:

A. An invitation shall be developed which will include a description of the scope of services and desired result and which shall request qualifications and an expression of interest.

B. The invitation shall be given adequate public notice by posting in two public places, and by publication in a newspaper of general circulation.

C. Depending on the scope of the project, up to six applicants shall be selected to submit formal proposals.

D. The Purchasing Agent shall develop a request for proposals, including terms, conditions, and other requirements and identifying the purpose of the work, the result desired, the specific work components the consultant is expected to perform, and the responsibilities of the applicant and the City.

E. Proposals shall be evaluated and selection made on the basis of demonstrated competence and qualification for the services required at a fair and reasonable price. In

addition to price, and where applicable to a particular project, the following factors shall be used in awarding the contract:

(1) Specific experience with similar projects.

(2) Specific experience with earlier phases of the same project.

(3) Background and experience of staff members who would be assigned to the job.

(4) Availability.

(5) Locality of the firm.

(6) Ability to communicate ideas.

(7) Ability to supply all of the major disciplines necessary to perform the work.

(8) Qualifications of subcontractors.

(9) Conceptual designs.

(10) Accuracy of the firm in estimated time and cost requirements.

(11) Interviews may be a part of the selection process.

(12) On award, all contracts for professional services shall be formalized in a written agreement signed by the applicant and the City Manager.

3-50. Bid Protests

A. Any actual or prospective bidder who is aggrieved in connection with the solicitation or award of a bid or contract may protest and seek resolution of complaints with the Purchasing Agent. A protest with respect to an invitation for bids or request for proposals shall be submitted in writing prior to the time for the opening of bids on the closing day for proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposal. In that event, the protest shall be submitted within three (3) calendar days after the aggrieved person knows or should have known of the facts giving rise thereto.

B. If a satisfactory resolution of the protest is not achieved by submitting a complaint with the Purchasing Agent, the person submitting the protest shall submit a written appeal to the City Manager within three (3) calendar days of a decision by the Purchasing Agent.

C. Purchasing procedures shall be stayed pending a decision of the City Manager unless the City Manager decides that the award of a contract is necessary to protect substantial interests of the City.

3-51. Environmental Concerns, Required Language.

Solicitations utilized by the City or any agency thereof for the purpose of soliciting bids, proposals, price quotations, or providing instructions to bidders shall contain the following language: "The City of Dover supports the concept of purchasing products that are biodegradable, can be or have been recycled, or are environmentally sound. Due consideration will be given to the purchase of such products. If you are bidding on any such products which qualify, please so indicate in a cover sheet by item number and description."

3-52. Conflicts of interest.

No employee, officer, agent of the City shall participate in the award or administration of a contract in which he or she, or any member of his or her immediate family has an interest. No such employee, officer, or agent shall participate in the award or administration of a contract with any person, firm, partnership, or corporation in which he or she or any member of his or her immediate family is an officer or employee or is about to become an officer or employee.

3-53. Pecuniary Benefit.

No employee, officer, or agent of the City who is participating or is about to participate in the award or administration of a contract shall either solicit or accept any pecuniary benefit from any firm, person, partnership, or corporation involved in such contract. For the purpose of this section, the definition of "pecuniary benefit" shall mean any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.

3-54. Public Access to Procurement Information.

Procurement information shall be a governmental record to the extent provided in New Hampshire RSA 91-A:4 and RSA 91-A:5 and shall be available to the public. Proprietary information shall be considered a governmental record.

3-55. Savings Provision.

Nothing in this Purchasing Code is intended to invalidate or in any way limit the term of any contract or special service agreement lawfully made prior to the effective date of this subchapter.

BOARDS, COMMISSIONS AND COMMITTEES

CHAPTER 5

5-1. Establishment.

5-2. Board of Health.

5-3. Cemetery Board.

5-4. Library Board of Trustees.

5-5. Recreation Advisory Board.

5-6. Dover Arena Commission.

5-7. Personnel Advisory Board.

5-8. Planning Board.

5-9. Dover Utilities Commission.

5-10. Zoning Board of Adjustment.

5-11. Trustees of the Trust Funds.

5-12. Solid Waste Advisory Commission.

5-13. Dover Arts Commission.

5-14. Transportation Advisory Commission.

5-15. Joint Fiscal Committee.

5-16. Dover Business and Industrial Development Authority.

5-17. McConnell Center Advisory Committee.

5-18. Parking Commission.

5-19. Conservation Commission.

5-20. Dover Pools Advisory Committee.

5-21. Dover Housing Authority.

5-22. Energy Commission.

[HISTORY: Adopted by the City Council of the City of Dover on 11-13-2013 by Ord. No. 2013.10.09-10 on 11-13-2013, derived from Article IV Ch. 3, Administrative Code, Generally Amended by the City Council of the City of Dover on 07-14-10 by Ord. No. 2010.06.23-10; Other amendments noted where applicable.]

GENERAL REFERENCES – Conservation Commission – See Ch. 14; Licensing Board – See Ch. 35; Planning Board – See Ch. 41

5-1. Establishment. **[Amended 04-27-83 by Ord. No. 10-83]**

A. There shall be the following boards, commissions and committees in the City of Dover:

(1) Board of Health

(2) Cemetery Board

(3) Library Board of Trustees

(4) Recreation Advisory Board

(5) Dover Arena Commission

(6) Personnel Advisory Board

(7) Planning Board

(8) Dover Utilities Commission

(9) Zoning Board of Adjustment

(10) Trustees of the Trust Funds

(11) Building Code Board of Appeals

(12) Solid Waste Advisory Commission

(13) Dover Arts Commission

(14) Transportation Advisory Commission

(15) Joint Fiscal Committee

(16) Dover Business and Industrial Development Authority

(17) McConnell Center Advisory Committee

(18) Parking Commission

(19) Conservation Commission

(20) Dover Pools Advisory Committee

(21) Dover Housing Authority

(22) Energy Commission

B. All boards and commissions shall serve in an advisory capacity only, unless otherwise empowered by state statute, City Charter or ordinance.

C. All appointments to boards, commissions and committees shall serve for the terms appointed and until a successor shall have been appointed and qualified, unless any board or commission member is absent for four (4) consecutive meetings or four (4) regular meetings in any consecutive twelve (12) month period, whereby a vacancy shall be created in the position, and said vacancy shall be filled by the appointing authority for the remainder of the term. Conditions for removal of any board member shall be defined by statute, ordinance or the Charter. **[Amended 03-28-79 by Ord. No. 6-79; Amended 06-20-2001 by Ord. No. 15-2001]**

D. Any appointments made to fill a vacancy in an unfulfilled term will be for the remainder of that term.

E. All board and commission members shall be residents of the City of Dover except for those members presently serving. All exceptions shall be approved by the City Council. **[Added 06-30-99 by Ord. No. 08-99]**

F. All boards, commissions and committees shall adopt rules subject to the approval of the City Council. Rules may contain provisions for the establishment of subcommittees consisting of members appointed by the City Council.

G. The City Council may appoint a City Councilor as an ex-officio non-voting liaison to any board, commission or committee to report to the City Council on a periodic basis unless otherwise stated.

H. The City Council shall appoint members to boards, commissions and committees to achieve a membership consisting of staggered terms to assure continuity in the functioning of boards, commissions and committees. Exceptions to the length of the term of appointment may be made by the City Council at the time of appointment to achieve staggered terms.

I. Staff members may be assigned as liaisons to assist the board, commission or committee at the discretion of the City Manager.

J. The City Council may appoint ad hoc committees for special projects for limited durations.

K. All appointments of City councilors as regular or alternate members of a board, commission or committee shall be on an ex-officio non-voting basis, unless otherwise

stated in this Chapter, said appointment shall not exceed the two-year term of office. This provision applies prospectively.

L. All appointments to Committees, Boards and Commissions are made by the City Council unless otherwise stated in this Chapter or law.

M. RECORDING OF MEETINGS: All public meetings of the City Council and all boards, commissions, committees and subcommittees of the City shall be video or audio recorded. This paragraph shall not apply to site walks, tours conducted by public bodies, special events and emergency meetings. In the event a recording is not an option for any reason, a public meeting shall continue without recording. A notation shall be made in the minutes of the meeting detailing the nature of the equipment failure. Written notice of the equipment failure shall be supplied to the City Manager within five (5) business days of the meeting. Recordings shall be available for public inspection not more than five (5) business days after the public meeting. Recordings shall be retained permanently or as long as the media used for the recordings permit.

5-2. Board of Health. **[Amended 03-20-91 by Ord. No. 11-91]**

A. MEMBERSHIP. The Board of Health shall consist of five (5) members including a physician, a dentist and the Health Officer.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Board of Health shall perform the following functions:

(1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies for public health in the City of Dover.

(2) The Board of Health may make such rules and regulations for the prevention and removal of nuisances, for the control and restriction of infections and contagious disease and such other regulations relating to the public health as, in its judgment, the health and safety of the people may require, which shall take effect when approved by the City Council and published in one (1) or more newspapers of the City. The members of the Board, except the Health Officer, shall serve without pay.

(3) The Board of Health shall meet at such times and places as it may deem necessary for the consideration of matters relating to the public health; it shall investigate, inquire into and advise in all cases referred to it for such purpose by the Health Officer. In case the Health Officer is unable to act as the executive officer of the

Board through sickness or other good cause, the Board may appoint a suitable person to act temporarily in his stead. Said person shall, while so acting, possess all the authority and receive the same compensation which the Health Officer would otherwise receive under the provisions of the City ordinances.

(4) The Board of Health shall provide itself with such blanks and record books, at the expense of the City, as are necessary and shall promptly, at the close of each fiscal year, report in writing to the City Manager, giving a classification of all complaints made to them, together with such suggestions pertaining to the health of the City as it may deem expedient to present; so much of the vital statistics as is necessary; the cause of death, so far as possible; and such other sanitary information as may be called for the City Manager.

(5) The Board of Health shall prescribe a blank form upon which a complete record of the inspections made by the Health Officer shall be entered. A record shall also be kept by the Health Officer of all complaints made to him or to the Board, of all orders issued, notices served and nuisances abated. All records kept by the Health Officer shall be submitted to the Board of Health whenever called for and shall at the end of each fiscal year be placed in the hands of the City Clerk.

5-3. Cemetery Board. **[Amended 06-12-85 by Ord. No. 8-85; Amended 04-08-98 by Ord. No. 5-98]**

A. MEMBERSHIP: The Cemetery Board shall consist of five (5) members and two (2) alternates appointed by the City Council.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Cemetery Board shall perform the following functions:

(1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies for the operation of the Cemetery Division of the Community Services Department.

(2) Make recommendations on the investment and expenditure of donations and bequests made to the City for the benefit of said cemeteries.

(3) Make an annual report of all cemetery activities to the City Manager and keep such other records and reports as he shall direct.

5-4. Library Board of Trustees. **[Amended 03-20-91 by Ord. No. 11-91]**

A. MEMBERSHIP: The Library Board of Trustees shall consist of five (5) members.

B. TERMS OF MEMBER: Members shall be appointed to terms of five (5) years. The Library Board shall organize annually by the choice of a chair and other officers and committees if necessary.

C. AUTHORITY AND DUTIES: The Library Board shall perform the following functions and pursuant to RSA 202:A:

(1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies regarding the operation of the Dover Public Library; so far as they are consistent with the City Charter and other applicable laws, statutes and ordinances.

(2) Receive and deposit with the City Treasurer any trust funds and, upon invitation of the Treasurer, make recommendations on the investment of donations and bequests of funds made to the City for the benefit of the City Library.

(3) Maintain such records of library trust funds and trust income as will ensure proper management of principal and use of income in accordance with the donors' or testators' directions, and continuously solicit donations and bequests for the benefit of the library.

(4) Make an annual report of all library activities to the City Manager and keep such records and other reports as he directs.

(5) Advocate, promote and perpetuate the growth, prosperity and the usefulness of the public library.

5-5. Recreation Advisory Board. **[Amended 01-28-81 by Ord. No. 2-81; Amended 05-18-94 by Ord. No. B05-94]**

A. MEMBERSHIP: The Recreation Advisory Board shall consist of nine (9) members and three (3) alternates, appointed by the City Council. There may also be a City Council liaison who shall be nominated by the Mayor and appointed by the City Council for the length of their Council term. **[Amended 03-19-99 by Ord. No. 03-99; Amended 02-18-2004 by Ord. No. 04-2004]**

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Recreation Advisory Board shall perform the following functions:

(1) Study, consider and recommend, to the City Council and the City Manager or designee, general policies for the provision of recreation programs and facilities.

(2) Review programs and recommend additions to or deletions of those programs in the City of Dover; advise and recommend to the City Council and the City Manager or designee of such improvements.

(3) Aid and assist the City Council and the City Manager or designee in the formulation of future plans and programs for the ultimate benefit of all users of recreational facilities.

(4) Study and recommend methods for financing proposed recreation developments.

5-6. Dover Arena Commission. **[Added 06-14-78 by Ord. No. 4-78; Amended 05-14-80 by Ord. No. 6-80; Amended 05-18-94 by Ord. No. B05-94; Amended 04-19-2000 by Ord. No. 04-2000; Amended 06-20-2001 by Ord. No. 13-2001; Amended 03-20-2002 by Ord. No. 04-02; Amended 08-12-2009 by Ord. No. O-2009.07.08-11]**

A. MEMBERSHIP: The Dover Arena Commission shall consist of five (5) members and two (2) alternate members, appointed by the City Council.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Dover Arena Commission shall serve in an advisory capacity to the City Council and City Manager or designee regarding the operations and maintenance of the Dover Ice Arena. The Commission shall review and develop recommendations for the arena facility and programs. The Dover Arena Commission shall perform the following functions:

(1) Study, consider and recommend to the City Council and the City Manager or designee, general policies for the operation of the Dover Arena.

(2) Making recommendations to the City Council and City Manager for the ongoing maintenance and operations of the arena, its related, programs, capital improvements, budget and fee schedule.

5-7. Personnel Advisory Board.

A. MEMBERSHIP. The Personnel Advisory Board shall consist of three (3) members according to the provisions of C7-6 of the Dover Charter. The duties shall conform to the Charter. The Personnel Advisory Board shall consist of three (3) citizens holding no other political office, who shall be appointed as follows: One (1) member by the manager, one (1) by the council and the third by these two (2) appointees. The terms of all members shall be for three (3) years.

B. AUTHORITY AND DUTIES: It shall be the duty of the Personnel Advisory Board to study the broad problems of personnel policy and administration, to advise the Council concerning the personnel policies of the City and to advise the Manager regarding administration of the Merit Plan and to hear appeals from any employee aggrieved as to the status or condition of his employment or retirement. The Board shall promptly issue written reports containing findings of facts and recommendations to the manager upon such appeals, but the board shall have no power to reinstate an employee unless it finds, after investigation, that disciplinary action was taken against the employee without just cause. The term "employee" as used in this section shall not include department heads and officers of the City. Nothing herein shall be construed as prohibiting an appeal by an aggrieved employee to the court.

5-8. Planning Board*. **[Amended 05-28-97 by Ord. No. 09-97]**

A. MEMBERSHIP. The Dover Planning Board shall consist of nine (9) members pursuant to the provisions of RSA 673:2 (I-a) and three (3) alternates pursuant to RSA 673:6 and consistent with Chapter 41. Planning Board members may only serve on other municipal boards and commissions pursuant to RSA 673:7.

B. TERMS OF MEMBERS. Members shall be appointed to terms of three (3) years consistent with the provisions of RSA 673:5 (II). The terms for member appointments shall be made to allow for subsequent appointments to occur on a staggered basis. The ex-officio council member's terms shall be the same as the council term. The administration official shall be appointed by the City Manager. All other board members' terms shall be for three (3) years.

C. CHAIR: The Planning Board shall elect a chair and may create other officers it deems necessary. The term shall be for one (1) year. The Chair is eligible for re-election. The ex-officio member shall not serve as Chair.

D. MEETINGS: The Planning Board shall hold at least one (1) regular meeting per month. The Chair shall designate an alternate if a member is absent or disqualified. A majority of the members shall constitute a quorum.

E. VACANCY: The City Council shall fill any vacancy for the unexpired term, with the exception of a vacancy in the administration official position, which shall be filled by the City Manager.

F. REMOVAL OF MEMBERS: In accordance with RSA 673:13, the City Council may remove any member, or alternate, after a public hearing and a written finding of

* Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I (1977).

inefficiency, neglect of duty, or malfeasance in office. The written reasons shall be filed with the City Clerk.

G. DISQUALIFICATION: All members shall comply with relevant sections of the City Code of Ethics (Chapter 22) concerning conflicts, and disqualification rules pursuant to RSA 673:14.

H. FINANCES: Any Planning Board expenses shall be paid in accordance with RSA 673:16.

I. BY-LAWS: The Planning Board shall adopt rules of procedure for governing the conduct of meetings.

J. AUTHORITY AND DUTIES: The duties and authority of the Planning Board shall comply with RSA 672-677 and Chapter 41. Any other section of the Code which is inconsistent with this ordinance is hereby repealed.

5-9. Dover Utilities Commission. **[Amended 03-20-91 by Ord. No. 10-91]**

A. MEMBERSHIP: The Dover Utilities Commission shall consist of seven (7) members and one (1) alternate.

B. TERM OF MEMBERS: Members shall be appointed to terms of three (3) years. The Dover Utilities Commission shall meet monthly or more often as circumstances may require. The Community Services Director and the Superintendent of Public Works and Utilities shall act as technical advisors to the Dover Utilities Commission and shall attend all meetings of the Commission. **[Amended 02-19-92 by Ord. No. 05-92; Amended 05-18-2005 by Ord. No. 15-2005]**

C. AUTHORITY AND DUTIES: The Dover Utilities Commission shall perform the following functions:

(1) Study, consider and recommend to the City Council and the City Manager, or designee, general policies for the operation of the water and sewer functions of the Community Services Department;

(2) Study and make recommendations regarding the development, maintenance, operation and expansion of the water supply system in the City of Dover.

(3) Assist in an advisory capacity in the determination of the Water Department policy, rate structure, public relations and matters of general public interest.

(4) Subject to the review and approval of the City Council, the Dover Utilities Commission shall have the power to formulate necessary rules and regulations

with regard to the use of the public water and sewer systems in the City of Dover. **[Amended 07-01-92 by Ord. No. 17-92]**

(5) The Dover Utilities Commission shall be responsible for reviewing the sewer user charges annually and periodically recommending to the City Council necessary revisions to reflect actual treatment work operation and maintenance costs.

(6) Hear and decide abatement appeal requests filed by citizens regarding administrative abatement decisions.

5-10. Zoning Board of Adjustment. **[Amended 05-28-97 by Ord. No. 09-97]**

The composition, functions and duties of the Zoning Board of Adjustment shall be as provided by RSA 672-677, and the Code of the City of Dover.

A. MEMBERSHIP: The Zoning Board of Adjustment shall consist of five (5) members, and three (3) alternates, appointed by the City Council, in a manner prescribed by the Council, pursuant to RSA 673:3 and 673:5. .

B. TERMS OF MEMBERS. Members shall be appointed to terms of three (3) years pursuant to RSA 673:6

(1) CHAIR: Pursuant to RSA 673:9, the Zoning Board of Adjustment shall elect a chair and other officers if desired to serve one year terms. Said chair and officers are eligible for re-election.

(2) BY-LAWS/MEETINGS: The Zoning Board of Adjustment shall adopt rules of procedures for governing the conduct of meetings as set forth is RSA 676:1. The rules shall also designate meeting times and the role of alternates in place of members who are absent consistent with RSA 673:10, 673:11. The schedule of meetings shall be held at the call of the chair and at such other times as the board may determine. A majority of the membership shall constitute a quorum.

(3) VACANCY: The City Council shall appoint new members when a vacancy occurs for the unexpired term in accordance with RSA 673:12.

(4) DISQUALIFICATION: All members shall comply with the relevant sections of the City Code of Ethics (Chapter 22) concerning conflicts, and disqualification rules pursuant to RSA 673:14.

(5) REMOVAL OF MEMBERS: In accordance with RSA 673:13, the City Council may remove any member, or alternate, after a public hearing and a written finding of incompetency, neglect of duty, or malfeasance in office. The written reasons shall be filed with the City Clerk.

(6) FINANCES: Any Zoning Board expenses shall be paid in accordance with RSA 673:16.

C. DUTIES:

(1) All other duties and procedures shall be in accordance with RSA 672-677. The members shall also perform the duties of a Building Code Board of Appeals pursuant to RSA 674:34.

(2) Any other section of the Code which is inconsistent with this Ordinance is hereby repealed.

D. AUTHORITY AND DUTIES: The Zoning Board of Adjustment shall have duties and responsibilities pursuant to RSA 672-677. The members shall also perform the duties of a Building Code Board of Appeals pursuant to RSA 674:34. The members shall also perform the duties of Building Code of Appeals, pursuant to RSA 674:34.

5-11. Trustees of the Trust Funds. **[Added 07-25-84 by Ord. No. 14-84; Amended 06-10-2009 by Ord. No. O-2009.05.13-9; Amended 11-09-2011 by Ord. No. 2011.10.26-14.]**

A. MEMBERSHIP: The Trustees of the Trust Funds shall be comprised of five (5) members, four (4) appointed by the City Council and one (1) of whom shall be the City Finance Director on an ex-officio basis with voting privileges, who shall also be the bookkeeper. Other members shall be citizens of Dover who shall have experience in the field of professional banking and/or financial matters.

B. TERM OF MEMBERS: The City Finance Director shall hold a position as a member of the Trustees of the Trust Funds for a term concurrent with the term of office as City Finance Director. Remaining members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Trustees of the Trust Funds shall have all of the authority and perform all of the duties as may be provided by state law relating to the administration of trust funds of the municipal corporation. The Trustees of the Trust Funds shall administer all trust funds pursuant to RSA 31:19 and shall have all the authority and duties provided by state law.

5-12. Solid Waste Advisory Commission **[Added 11-20-96 by Ord. No. 18-96; Amended 04-25-2012 by Ord. No. 2012.04.11-06]**

A. MEMBERSHIP: The Solid Waste Advisory Commission shall consist of Five (5) members and two (2) alternates, appointed by the City Council. Additionally, there shall also be an ex-officio non-voting member of the City Council who shall be nominated by the Mayor and appointed by the City Council to serve for the duration

of their Council term. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

B. AUTHORITY AND DUTIES: The Solid Waste Advisory Commission shall perform the following functions:

(1) Meet at least quarterly and more often as circumstances may require.

(2) Study, consider and recommend to the City Council and the City Manager, or designee, general policies for provision of solid waste and recycling programs and facilities.

(3) Serve to collect factual information and citizen/property owner input as necessary to determine policy recommendations.

(4) Review the management and charges of the Bag and Tag program annually and periodically recommending to the City Council necessary revisions to reflect the actual operation and cost.

5-13. Dover Arts Commission. **[Added 04-18-2001 by Ord. No. 06-2001; Amended 03-19-2003 by Ord. No. 06-2003; Amended 04-20-2005 by Ord. No. 14-2005]**

A. MEMBERSHIP: The Dover Arts Commission shall consist of nine (9) members and two (2) alternate members. **[Amended 07-10-2013 by Ord. No. O-2013.06.26-011]**

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Arts Commission shall perform the following functions:

(1) Study, consider and recommend to the City Council and the City Manager or designee, general policies for the arts in the City of Dover.

(2) Develop and promote programs, forums and exhibits that highlight the talent and active art related venues currently existing within the City.

5-14. Transportation Advisory Commission **[Amended 01-26-11 by Ord. No. 2011.01.12-01]**

A. MEMBERSHIP: The Transportation Advisory Commission shall consist of nine (9) members and two (2) alternates. The membership shall include one (1) member of the City Council, one (1) representative of the Cooperative Alliance for Seacoast Transportation (C.O.A.S.T.) Public Transit System, and three (3) staff members assigned by the City Manager. All as ex-officio members shall have voting privileges. Four members shall be citizen members.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Transportation Advisory Commission shall perform the following functions:

(1) Review transportation policy and safety matters involving conventional vehicles, transit, alternative modes (i.e. pedestrian and bicycles), and commercial vehicles, and attendant amenities;

(2) Serve as a sounding board for citizens' traffic, pedestrian and safety issues and making recommendations to Council or staff for appropriate action;

(3) Solicit feedback from the School Department regarding sidewalk and crosswalk safety issues on a quarterly basis;

(4) Assist with developing the City Transportation Improvement Program (TIP) by soliciting citizen input on needed projects for submission to the Planning Board and City Council;

(5) Study issues arising under the City of Dover Master Plan as they relate to transportation;

(6) Make recommendations to the City Council and/or Planning Board and study and prepare reports to aid in the development, implementation and general improvement of the Master Plan relating to transportation in the City of Dover;

(7) May hold public hearings for neighborhood transportation related reconstruction projects.

(8) Establish its own by-laws and appoint a Chairperson annually.

5-15. Joint Fiscal Committee. **[Added 02-20-2002 by Ord. No. 02-2002; Amended 01-27-2010 by Ord. No. O-2010.01.13-1]**

A. MEMBERSHIP: The Joint Fiscal Committee shall consist of all elected members of the Dover School Board and the Dover City Council.

B. TERMS OF MEMBERS: The members shall serve for the length of their respective terms on the Dover School Board and the Dover City Council.

C. MEETINGS AND AGENDAS: The Joint Fiscal Committee shall meet at dates and time mutually agreeable to the Chair of the School Board and the Mayor, but at least three times per year.

(1) The first regular meeting of the year shall be called to discuss the formulation of the annual budget and shall occur prior to February 1 of each year;

(2) The second regular meeting shall be called to discuss the general fund budget and shall occur prior to May 1 of each year;

(3) The third regular meeting of the year shall be called to discuss the Capital Improvements Plan (CIP) and shall occur prior to October 15 of each year.

(4) Other subjects may be discussed at any meeting pursuant to an advance agenda prepared by mutual agreement of the Chair of the School Board and the Mayor in consultation with their respective bodies.

(5) In addition, either the Chair of the School Board or the Mayor may initiate additional special meetings throughout the year by contacting his or her counterpart. An agenda for special meetings shall be prepared in advance by mutual agreement of the Chair of the School Board and the Mayor in consultation with their respective bodies.

(6) The location of meetings and seating arrangements shall be selected to promote effective communication, to enhance collegiality, and to honor the elected status of the members of each body on an equal basis.

(7) The Chair of the School Board and the Mayor shall alternate presiding over the meetings on a meeting by meeting basis.

5-16. Dover Business and Industrial Development Authority. **[Added 06-16-2004 by Ord. No. 10-2004]**

A. MEMBERSHIP. The Dover Business and Industrial Authority shall consist of not less than nine (9) and no more than fifteen (15) members including the City Manager, Economic Development Director and Mayor or other City Councilor designated by the Mayor as ex-officio non-voting members. The majority of board members shall reside in Dover.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The duties and functions of the Dover Business and Industrial Development Authority shall be governed by RSA 162-G. All actions of the Authority shall be authorized by resolutions of the board passed on the affirmative votes of at least 2/3 of the board members present and voting.

5-17. McConnell Center Advisory Committee. **[Added 02-15-2007 by Ord. No. O-2007.01.10-002; Amended 03-12-2009 by Ord. No. O-2009.02.25-3; Amended 02-10-2010 by Ord. No. O-2010.01.27-2]**

A. MEMBERSHIP: The McConnell Center Advisory Committee shall consist of seven (7) members and two (2) alternates. The membership shall include three (3) tenants, one (1) member of the Recreation Advisory Board, one (1) ex-officio representative of the City Council and five (5) other members.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years. . Alternates and subsequent appointments of regular members shall be appointed consistent with staggered terms.

C. AUTHORITY AND DUTIES. The McConnell Center Advisory Committee shall serve in an advisory capacity to the City Council and City Manager for the following functions:

(1) Advocate for achieving the mission of the McConnell Community Center.

(2) Review the operations budget recommended to City Manager.

(3) Seek and recommend tenants to the City of Dover.

(4) Assist in the creation and dissemination of publicity related to the McConnell Community Center.

(5) Foster collaborative programming between tenants of the McConnell community center and other agencies.

(6) Study, consider and recommend policies for the operation of the McConnell Center.

(7) Review the McConnell Center governance structure.

D. RULES: The Committee shall adopt operating rules subject to the approval of the City Council.

5-18. Parking Commission. **[(formerly 3-66 Parking Commission) Repealed 04-16-1997 by Ord. No. 10-97; Added 01-28-2009 by Ord. No. O-2008.12.12.10-19; Amended 01-23-2013 by Ord. No. O-2013.01.09-1]**

A. MEMBERSHIP: The Parking Commission shall consist of seven (7) members with representation as follows:

(1) Five (5) Dover residents; and

(2) Two (2) Dover commercial property or business owners.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES: The Parking Commission shall serve in an advisory capacity to the City Council and City Manager or designee, assisting with the development, implementation and continued monitoring of a comprehensive public parking system throughout the City. The Parking Commission shall review and develop recommendations for the ongoing financing and operation of public parking services and facilities to include the following functions:

(1) Assist with the development, implementation and continued monitoring of a comprehensive public parking system throughout the City.

(2) Review and develop recommendations for the ongoing financing and operation of public parking services and facilities to include:

(a) Making recommendations to the City Council and City Manager for the maintenance and implementation of an overall public parking plan that defines goals, policies, regulations and their enforcement.

(b) Making recommendations to the City Council and City Manager with respect to funding for a parking activity fund.

(c) Making recommendations to the Planning Board, the City Council and City Manager with respect to capital improvement programming as it relates to public parking facilities.

(d) Making recommendations to the City Council and City Manager with respect to special parking districts, related maintenance programs and their funding and management.

(3) Promoting communication and the exchange of ideas and concerns between users of public parking, property owners, merchants, and City agencies.

(4) Acting to promote public awareness of public parking areas in the City.

5-19. Conservation Commission.

A. MEMBERSHIP: The Conservation Commission shall consist of not less than three (3) and not more than seven (7) members. One member may be a member of the Planning Board pursuant to RSA 36-A.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years.

C. AUTHORITY AND DUTIES. The Conservation Commission shall have the powers and duties established by state law pursuant to RSA 36-A and consistent with Chapter 14.

D. OPEN LANDS COMMITTEE. The Conservation Commission may establish an Open Lands Committee as a subcommittee within its Rules subject to the appointing authority of the City Council and subject to the approval of the rules by the City Council.

5-20. Dover Pool Advisory Committee. **[Added 06-23-2010 by Ord. No. O-2010.06.02-8]**

A. MEMBERSHIP: The Dover Pool Advisory Committee shall consist of seven (7) members and two (2) alternate members. In addition, there shall be one City Councilor appointed on an ex officio non-voting basis.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years. Subsequent appointees shall be appointed to three (3) year terms or less, if necessary, to achieve a membership with staggered terms.

(1) AUTHORITY AND DUTIES: The Dover Pool Advisory Committee shall study, consider and recommend to the City Council and City Manager, or designee, general policies for the operation of the Dover Pools.

5-21. Dover Housing Authority.

A. MEMBERSHIP: The Dover Housing Authority shall consist of five (5) members appointed by the City Manager pursuant RSA 203, qualifying as a supplementary public corporation.

B. TERMS OF MEMBERS: The Commissioners shall be appointed to five (5) year terms pursuant to RSA 203.

C. AUTHORITY AND DUTIES: The functions and duties of the Housing Authority shall be as provided in RSA 203.

5-22. Energy Commission. **[Amended 08-24-2011 by Ord. No. 2011.08.10-11]**

A. MEMBERSHIP: The Energy Commission shall consist of seven (7) members, and two (2) alternates.

B. TERMS OF MEMBERS: Members shall be appointed to terms of three (3) years consistent with the provisions of RSA 38:D.

C. AUTHORITY AND DUTIES. The Energy Commission shall have the powers and duties established by state law pursuant to RSA 38:D:

(1) Any appropriation established by the City Council for use by the Energy Commission shall be held in an Energy Commission Fund and disbursed in accordance with RSA 38:D subject to the requirements of the City's purchasing procedures and accounting requirements as administered by the City Manager.

BUDGET

CHAPTER 9

9-1. Submission Date.

9-2. Adoption Date.

9-3. Fee Schedule.

9-4. Limitation on Budget Increase.

[HISTORY: Adopted by the City Council 12-14-77[*]; Amended in its entirety 5-26-82 by Ord. No. 9-82. Amendments noted where applicable.]

GENERAL REFERENCES: Fiscal year – See Ch. 26.

9-1. Submission Date.

The City Manager shall submit to the City Council on or before April 15th of each year his recommended itemized budget estimates of the revenue and expenditures for the next fiscal year for the various departments, functions and funds of the City of Dover. The School Board shall submit to the City Manager, for inclusion in his/her proposed budget, on or before March 15th of each year its recommended budget amounts for revenue and expenditures for the next fiscal year of the various functions and funds of the School Department.[†] **[Amended 11-15-00 by Ord. No. 15-2000]**

9-2. Adoption Date.

The budget shall be finally adopted not later than June 15, prior to the beginning of the fiscal year commencing July 1.

9-3. Schedule of Fees. **[Added 07-20-05 by Ord. No. 16-2005]**

A. As part of the annual budget adoption procedure, the Finance Department shall submit a proposed Fee Schedule of all permits, licenses, and other fees and charged by the City (excluding the School Department). Following the budget adoption, said fees will become effective upon the date so indicated. Any fee schedule established by state statute shall automatically adjust the Fee Schedule without action by the City Council. The Fee Schedule shall be submitted with the City Manager's budget on or before April 15th of each year.

[*] Editor's Note: The provisions of this chapter are derived from Ch. 4 of the former Code, adopted 12-14-77.

[†] Editor's Note: For other duties of the City Manager, see Ch. 3, Administrative Code, 3-5

B. Changes to the Fee Schedule can be made at any time during the fiscal year by the Council in accordance with the budget amendment procedure.

C. The Fee Schedule shall hereafter supersede fees listed in any existing ordinances and all fee adjustments will be made pursuant to this Chapter.

D. Any fee currently charged by the City that is omitted in error from the Fee Schedule shall not prevent the City from collecting the fees until such time as the omission is corrected.

E. The effective date of the fee schedule shall be July 1 of the new fiscal year, unless otherwise noted in the Fee Schedule.

9-4. Limitation on Budget Increase. **[Amended 02-22-2012 by Ord. No. 2012.02.22-2]**

A. The implementation of C6-3 including C6-3.1 of the Dover Charter as amended shall be accomplished using the following principles and time deadlines:

B. The proposed budget of the City Manager shall be the default budget pursuant to RSA 49-C:23.

C. The City Manager shall notify the School Department/School Board by February 1 of each year of the Calculation of the property tax levy consistent with the three- year inflation rate average of the Boston Consumer Price Index.

D. The School Board shall notify the City Manager by March 15 of each year of the estimated non-property tax revenues and the final spending amount for the School Department/School Board for inclusion in the City Manager's proposed budget.

CONSERVATION COMMISSION

CHAPTER 14

14-1. Statutory Authority.

14-2. Establishment.

14-3. Purpose.

14-4. Membership; Terms; Removal; Vacancies.

14-5. Powers and Duties.

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

GENERAL REFERENCES: Planning Board - See Ch. 41. Subdivision of land - See Ch. 155. Zoning - See Ch. 170.

14-1. Statutory Authority.

This chapter is enacted pursuant to authority granted by Chapter 36-A of the New Hampshire Revised Statutes Annotated.

14-2. Establishment.

In accordance with RSA 36-A, there is hereby established a Dover Conservation Commission, hereinafter called the "Commission."[†]

14-3. Purpose.

The establishment of the Conservation Commission shall be for the declared purpose of developing, protecting and promoting the natural resources of Dover, for promoting an awareness of the conservation practices and policies throughout the city and for protecting the watershed resources of the city.

14-4. Membership; Terms; Removal; Vacancies **[Amended 9-20-89 by Ord. No. 21-89; amended 3-20-91 by Ord. No. 11-90]**

The Commission shall consist of not less than three (3) members and not more than seven (7) members, all citizens of Dover and all appointed by the City Council. One (1) of the seven (7) members may be a member of the Dover Planning Board. The City Council shall appoint the original Chair for a term of three (3) years. Appointment of respective successors shall be for three (3) year terms. The second term Chair shall be selected by the members from one (1) of their number. Any member of the Commission so appointed may, after a public hearing if requested, be removed for cause by the City Council. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original

[*] Editor's Note: Provisions of this chapter are derived from Ch. 25 of the former Code, adopted 12-14-77.

[†] Editor's Note: For provisions concerning other boards and commissions, see Ch. 3, Administrative Code, Art. IV.

appointment. In addition to their regular members of the Commission, the City Council shall appoint two (2) alternate members, said members to serve for a term of three (3) years. Whenever a regular member of the Commission is absent from a meeting or whenever a regular member disqualifies himself, the Chair shall designate an alternate member, if one is present, to act in the member's place.

14-5. Powers and Duties.

The Commission shall have the following duties and perform the following functions:

A. The Commission shall prepare a program of conservation and a program of watershed and open space protection for the City of Dover and, in undertaking this program, shall conduct research into local natural resources, watershed areas and open spaces, along with evaluation of the uses thereof. It shall keep an index of the open areas, swamps, wetlands and areas of unique natural value of ecological importance within the city. The Commission shall coordinate its efforts with the activities of other official or unofficial bodies conducting studies, research and evaluations for similar purposes.

B. The Commission shall prepare, adopt and, from time to time, review and amend a conservation and open space plan and shall submit said plan to the Planning Board for consideration as part of the Comprehensive Plan for the City of Dover. In preparation of said plan, the Commission shall also obtain information pertinent to the proper utilization of open areas in the city, including any lands owned by the city and by the state, and shall make recommendations for the better promotion, development or utilization of said natural resources and open areas in the city.

C. The Commission shall inform itself of the ways and means by which its plans and programs may be achieved and shall advise municipal agencies, the City Council, private interests and the public of the manner in which these objectives may be accomplished. It may accordingly advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment, it deems necessary for its work as defined herein.

D. The Commission shall adopt bylaws and shall keep accurate records of its meetings and actions and shall file an annual report with the City Council which shall be included in the annual city report.

E. The Commission may receive gifts of money and property, both real and personal, in the name of the city, subject to approval of the City Council; such gifts to be managed and controlled by the Commission for the purposes of this section. it may also, subject to approval of the City Council, acquire by gift, purchase, grant, bequest, devise, lease or otherwise the fee in such land or water rights or any lesser interest, development right, easement, covenant or other contractual right, including conveyances with conditions, limitations or revisions, as may be necessary to acquire, maintain, improve, protect or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within the city. The Commission shall manage and control such property in accordance with the purpose of this chapter, subject to the review of the City Council.

F. Any monies received by the Commission shall be placed in a conservation fund and allowed to accumulate from year to year, and such moneys may be expended from said fund for purposes consistent with this chapter. The city may also make appropriations to the Conservation Fund. All moneys maintained or expended by the Commission shall be recorded in accordance with city accounting procedures, and any matters relating to personnel shall be governed in a manner consistent with the pertinent requirements of the City Charter and appropriate city ordinances.

CODE OF ETHICS

CHAPTER 22

ARTICLE I

ETHICAL STANDARDS

22-1. Definitions.
22-2. Conflicts of Interest.
22-3. Representation of Private Interests Before City Agencies.
22-4. Required Disclosure by Council Members; Recusal.
22-5. Required Disclosure by Officers and Employees; Recusal.
22-6. Gifts.
22-7. Disclosure of Confidential Information.
22-8. Investments in Conflict With Official Duties.
22-9. Incompatible Employment.
22-10. Future Employment.

ARTICLE II

BOARD OF ETHICS; COMPLAINT PROCEDURE; REMEDIES

22-11. Ethics Commission Established; Purposes.
22-12. Scope of Duties and Authority.
22-13. Procedures; Initial Screening; Referrals; Hearings.
22-14. Remedies.
22-15. Severability.

[HISTORY: Adopted by the City Council 12-14-77; Amended in its entirety by the City Council 09-20-2006 by Ord. No. 07-2006;[*] Amendments noted where applicable.]

GENERAL REFERENCES. Dover Charter Article X Conduct of Officials

[*] Editor's Note: Provisions of this chapter are derived from Ch. 22 of the former Code, adopted 12-14-77.

ARTICLE I

ETHICAL STANDARDS

22-1. Definitions.

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

EMPLOYEE – Includes all city employees whose salary is paid in whole or in part from the City treasury and all positions over which the City Manager, Department Heads or the City Council have power or appointment.

APPOINTED OFFICER – Includes all positions appointed by the Mayor and Council or the City Manager, including appointment to the Housing Authority, but not employees.

ELECTED OFFICER – The Mayor, Deputy Mayor and all Councilors and the positions of ward election officials and charter commission members.

FAMILY – Any person who is related to an elected or appointed officer or employee in one of the following ways: spouse, parent, grandparent, child, grandchild or sibling. The definition also includes all persons who are members of the same household as the elected or appointed officer or employee regardless of whether they are related by blood or marriage.

COUNCILOR – a member of the Dover City Council.

22-2. Conflicts of Interest.

No elected or appointive officer or employee of the city, shall take part in a decision concerning the business of this city, or engage in any business, or transaction, in which they or a member of their family, directly or indirectly, has a financial interest, aside from his/her salary as such officer or employee, greater than any other citizen or taxpayer, nor shall they have any financial or other private interest, directly or indirectly, which is in conflict with the proper discharge of their official duties.

22-3. Representation of Private Interests before City Agencies.

No elected or appointed officer, or employee shall appear on behalf of private interests before any city board, commission, committee, subcommittee or authority. Councilors, however, may appear without compensation on behalf of constituents or in the performance of public or civic obligations.

22-4. Required Disclosure by Council Members; Recusal.

A Councilor, or a Councilor with a family member, who has a direct or indirect financial or other private interest, in any proposed legislation, or matter of official business before the City Council shall publicly disclose on the official records of the Council, the nature and extent of such interest. Such disclosures shall be made orally prior to the legislation or matter being discussed as part of a council meeting agenda, or a Councilor may elect to file a written specific conflict of interest disclosure statement with the City Clerk. The statement shall be read aloud into the record at all public meetings during which the legislation or matter is discussed. In the case of a nonpublic session, the statement shall be read aloud at the next public meeting.

A Councilor with a conflict of interest shall recuse himself or herself from further participation in the matter. Recusal means to immediately remove from discussion and voting. Recusal shall also mean the Councilor is required to physically vacate his or her seat. During a nonpublic session, the Councilor shall remove himself or herself from the meeting room.

22-5. Required Disclosure by Officers and Employees; Recusal.

An appointed officer, or employee who, whether paid or unpaid, has a direct or indirect financial interest or other private interest in any legislation or matter of official business in the City of Dover and who participates in discussion before or gives official opinion to the Council, or otherwise participates in the official business of the City of Dover, shall publicly disclose on the official record the nature and extent of such interest. Such disclosures shall be made orally prior to the legislation being discussed as part of a council meeting agenda, or the officer or employee may elect to file a written specific conflict of interest disclosure statement with the City Clerk. The statement shall be read aloud into the record at a public meeting.

Appointed officers and employees with a conflict of interest shall recuse themselves from further participation in the matter. Recusal means to immediately remove themselves from discussion and voting. Recusal shall also mean the officer or employee is required to physically vacate his or her seat. During a nonpublic session, the appointed officer or employee shall remove himself or herself from the meeting room. In the case of a nonpublic session, the statement shall be read aloud at the next public meeting.

22-6. Gifts.

No Councilor, or appointed officer, or employee, shall accept any gift of twenty-five dollars ($25.00) or more at one time, or one hundred dollars ($100.00) in a calendar year from a single source, whether in the form of service, loan, thing or promise or any other form from any person, firm or corporation interested, directly or indirectly, in any manner whatsoever in business dealings with the city. Campaign contributions received during the official election period shall not be considered gifts.

22-7. Disclosure of Confidential Information.

No Councilor or appointed officer, or employee, shall intentionally disclose confidential or privileged information, or other information learned by virtue of official position as defined in RSA 42:1-a, or information obtained in sessions pursuant to RSA 91-A:2(1)(b) or (c), concerning the property, government or affairs of the city.

22-8. Investments in Conflict With Official Duties.

No elected or appointed officer, or employee, shall invest or hold any investment, directly or indirectly in any financial, business, commercial, or other private transaction which creates a conflict with their official duties.

22-9. Incompatible Employment.

No elected or appointed officer, or employee, shall engage in or accept private employment or render or sell services or goods from private interests which such employment or service is incompatible with the proper discharge of their official duties.

22-10. Future Employment.

No elected or appointed officer, or employee, shall solicit, negotiate for or promise to accept employment by any person, firm or corporation with which they are or their agency is engaged on behalf of the city in the transaction of business or which is or may be affected by their official action. In connection with this prohibition, no elected officer shall assume employment with the city for 365 days after leaving office.

ARTICLE II

ETHICS COMMISSION; SCOPE OF AUTHORITY; COMPLAINT PROCEDURE; REMEDIES

22-11. Ethics Commission Established; Purposes.

A. There is hereby established an Ethics Commission consisting of five (5) commissioners who shall be Dover residents and appointed by the City Council. At least one commissioner shall be a former City Councilor or former School Board member as provided in C11-4 of the Dover City Charter. The purposes of the Ethics Commission are:

(1) To provide a forum to hear and accept complaints of violations of ethical standards of behavior for elected and appointed officers under the jurisdiction of the Ethics Commission.

(2) To encourage Dover elected and appointive officers, and all members of boards, commissions, committees and subcommittees to act in the best interests of the City and perform their duties and responsibilities according to the ethical provisions of the City Charter and City ordinances;

(3) To require the disclosure of financial interests or other interests in matters affecting City business where the interests constitute a conflict of interest;

(4) To prohibit those holding public office and volunteer positions in our City from using their positions for personal gain and to foster the use of such positions only to advance public interests

(5) To promote the integrity of City government;

B. The commissioners shall serve for three (3) year staggered terms. The initial Ethics Commission shall consist of five (5) Commissioners with one Commissioner appointed for a one (1) year term, two Commissioners appointed for two (2) year terms, and two Commissioners appointed for three (3) year terms. Subsequent appointments shall be for three years unless the commissioner is appointed to serve out a term to fill a vacancy. The Appointments Committee shall solicit and screen the applicants. The Appointments Committee shall present a list of all the applicants who have applied for a position on the Ethics Commission to the City Council with the recommendations of the Appointments Committee. The City Council acting as a committee of the whole shall interview and select the applicants for appointment to the Ethics Commission either from the entire list of applicants or based on the recommendations of the Appointments Committee. The City Council may appoint three (3) alternate commissioners for one (1) year terms. Alternates shall be involved in the activities and decisions of the Ethics Commission only in the absence of a regular member or members.

C. No Commissioner shall be a current City Councilor or School Board member, or other elected official, or a member of any board, commission, committee or subcommittee of the City of Dover.

D. The Commissioners of the Ethics Commission shall select a Chair and Vice Chair on an annual basis. No Commissioner shall serve more than two consecutive terms as the Chair.

E. There shall be no compensation for the members of the Ethics Commission.

22-12. Scope of Duties and Authority; Training.

A. The Ethics Commission shall operate in an advisory role to the City Council. The activities of all elected officers and members of all boards, commissions, committees and subcommittees whose members are appointed by the City Council shall be within the scope of authority of the Ethics Commission. The Ethics Commission members shall also be subject to the jurisdiction of the Ethics Commission. If a member of the

Ethics Commission is the subject of an Ethics Complaint, the member shall be replaced in all proceedings by an alternate member. The Ethics Commission shall not have jurisdiction over the City Manager or other employees of the City of Dover.

B. The Ethics Commission shall only receive written complaints signed under oath before a Notary Public.

C. The Ethics Commission shall conduct activities in public including the investigation of complaints, presiding over hearings, the taking of testimony, and deliberations with the exception of the initial screening of Complaints. The provisions of RSA 91-A shall apply to the activities of the Ethics Commission.

D. The Ethics Commission shall apply the provisions of Article X of the City Charter and Chapter 22 of the City Code.

E. The Ethics Commission shall provide and require professional training for the commissioners. It shall also provide information to the public, the City Council and members of all boards, commissions and committees of the City of Dover on the role and functioning of the Ethics Commission by providing taped reruns of the training sessions as well as other resources;

F. The Ethics Commission shall have the power to promulgate its own rules of order subject to the approval of the City Council. All elected and appointed officers shall have an ethical duty to fully cooperate with the activities of the Ethics Commission including but not limited to participation in discovery, appearances before the Ethics Commission, the answering of questions, specific responses to the allegations and the production of documents in a timely manner at the request of the Ethics Commission where the request for documents is reasonably required to investigate and resolve the allegations.

G. The Ethics Commission shall not issue advisory opinions based on hypothetical situations. All opinions shall be rendered as decisions pursuant to the Complaint procedure stated in Section 22-13.

22-13. Procedures; Initial Screening; Referrals; Hearings.

A. All Ethics Complaints shall be in writing on a form approved by the City Attorney, supplied by, and available at, the office of the City Clerk. All complaints shall be signed under oath before a notary public provided free of charge by the City Clerk's office and shall be filed with the City Clerk. Complaints shall only be received from residents of Dover, property owners in Dover and vendors who engage in business with the City of Dover. Each complaint shall be confined to a single subject matter and shall state facts constituting an alleged violation of the ethics provisions of the City Charter or City Code. The complaint shall name a specific person or persons who are alleged to have violated an ethical provision. The complaint shall also state the specific applicable provision of the City Charter or Code on which the complainant relies in making the Complaint.

B. All complaints shall only allege facts involving alleged ethical violations occurring during the one hundred eighty (180) calendar days prior to the filing of the Ethics Complaint, or the term of the present City Council, whichever is longer. In addition, all complaints shall require the complainant to certify under oath the following:

(1) The complainant has read the provisions of Article X of the Dover City Charter;

(2) The complainant has read the provisions of Chapter 22 of the Dover Code;

C. The City Clerk shall seal each Ethics Complaint and forward the Ethics Complaint to the Chair of the Ethics Commission within two (2) business days of the filing. The Ethics Commission shall meet in nonpublic session pursuant to RSA 91-A: 3 II (c). The Ethics Commission shall examine the contents of the Ethics Complaint and conduct an initial screening of the Ethics Complaint within twenty (20) business days after the filing of the Ethics Complaint with the City Clerk's office. The Ethics Commission shall take one of the following actions:

(1) Refer the matter and /or any suspected criminal activity directly to the Police Department for investigation and possible prosecution as a criminal matter without further involvement by the Ethics Commission. There shall be no public disclosure of the Complaint by the Ethics Commission.

(2) Refer the matter to the City Council for investigation and action by the City Council as a matter involving the City Manager's actions or inactions without further involvement by the Ethics Commission.

(3) Refer the matter to the City Manager for investigation and action by the City Manager as a matter involving the actions or inactions of a city employee without further involvement by the Ethics Commission.

(4) Dismiss the complaint for stating facts that if true would not constitute a violation of the ethical provisions of the City Charter, City Code or state law.

(5) Dismiss the complaint for failure to state sufficient facts for establishing a reasonable basis to believe that an ethical violation may have occurred.

(6) Dismiss the complaint by stating the reason for the dismissal in writing;

(7) Dismiss the complaint for failure to comply with the procedural requirements of Paragraph 22-13 (B).

(8) Accept the matter for hearing and decision by the Ethics Commission. Acceptance of the Ethics Complaint shall occur upon the determination by the Ethics Commission that there is a reasonable basis to believe the facts in the complaint may constitute an ethical violation. The acceptance of the complaint

shall not be construed as a final determination that an ethical violation has occurred.

D. The Ethics Commission shall notify the complainant and the person against whom the allegations were made of the determination of the initial Screening Committee unless the matter is referred to the Police Department. The notification shall be made by sending a letter by certified mail return receipt requested or personal service of process. If accepted by the Ethics Commission, the initial notice shall also include a hearing date. A copy of the Ethics Complaint shall be included with the notice. All Complaints, except those referred to the Police Department shall be released to the public after the person against whom the complaint is made has been notified. A copy of all Complaints released to the public shall be available in the Clerk's office.

E. The Ethics Commission shall conduct a hearing for cases accepted by the Ethics Commission within thirty (30) calendar days of the date of acceptance of the Ethics Complaint by the Ethics Commission. One continuance of not more than thirty (30) calendar days may be granted, but no further continuances shall be granted.

F. Fourteen (14) calendar days notice shall be provided to the parties for all hearings. The Ethics Commission may hold pre-hearing and other informal conferences prior to the evidentiary hearing to aid in the disposition of the proceeding. All hearings and informal conferences shall comply with the provisions of RSA 91-A.

G. The hearing shall not be subject to the rules of evidence. All evidence that will reasonably assist the Ethics Commission shall be admissible, but evidence that is irrelevant or immaterial, unduly repetitious, insulting, or harassing shall be excluded. The Ethics Commission may require, with reasonable written notice, the appearance of any official, board member or employee to appear before it to provide testimony.

H. The hearing shall provide an opportunity for all parties to be heard and to present evidence. Witnesses shall testify under oath. Parties may engage in a brief opening and closing statement. Written memoranda may be required by the Ethics Commission.

I. An audio recording shall be made of the proceedings. All recordings and documents shall be stored with the City Clerk and maintained pursuant to state law.

J. The Ethics Commission shall issue a written report within thirty (30) calendar days of the hearing. The report shall include a determination whether the allegations contained in the complaint are actionable or not actionable. In addition, if the complaint is found to be actionable, the report shall include a recommendation on a remedy as provided in Section 22-14 for the City Council to consider. The Ethics Commission shall forward a copy of the decision and recommendation with specific findings to the parties and to the City Council. A copy of all reports and recommendations shall be available to the public in the City Clerk's office.

K. The complainant shall have the burden of proof. The standard of proof for the Ethics Commission to use for deciding matters before the Ethics Commission shall be clear and convincing evidence.

L. Clear and convincing evidence is an intermediate standard of proof that calls for more proof than that based on more probable than not, but less proof than that based on beyond a reasonable doubt. Clear and convincing evidence is defined in New Hampshire law as that evidence that establishes a factual conclusion to be highly probable, rather than merely more probable than not. It requires that the party having the burden of proof place in the trier of fact an abiding conviction that the truths of his/her factual contentions are highly probable. Otherwise, he/she has failed to prove it and is not entitled to relief.

M. Upon the establishment of the Ethics Commission, the Ethics Commission may receive and act on ethical complaints involving allegations occurring prior to the adoption of this ordinance if the complaint alleges a violation of an ethical standard in effect on the date of the alleged violation. Current elected officials affected by ethical standards adopted pursuant to RSA 31:39-a shall be exempt for a period of ninety (90) days after the adoption of this ordinance. After the adoption of this ordinance and the selection of the members of the initial Ethics Commission, no Ethics Complaint shall be accepted for filing by the City Clerk's office for thirty (30) days after the swearing in of the last commissioner.

22-14. Remedies.

A. All decisions of the Ethics Commission shall be advisory to the City Council. The City Council is not obligated to accept the decisions and recommendations of the Ethics Commission.

B. The City Council shall have the following remedies available as per RSA 49C-13:

(1) Place on file without further action;

(2) Verbal Warning;

(3) Written censure;

(4) The civil penalty provided in C10-9 or C11-13 of the City Charter;

(5) Removal from office by a vote of the Council.

22-15. Severability.

If any provision of this ordinance is declared invalid or unenforceable by a court of law, the remaining portions shall remain in full force and effect.

FISCAL YEAR

CHAPTER 26

26-1. Transitional Accounting Period.

26-2. Establishment.

[HISTORY: Adopted by the City Council on 12-14-1977 by Ord. No. 4-81; Amendments noted where applicable.][*]

GENERAL REFERENCES – Budget - See Ch. 9.

26-1. Transitional Accounting Period.

Under the terms of RSA 31:94-a and RSA 31:94-b the City of Dover hereby adopts a transitional, single eighteen-month accounting period to run from January 1, 1982 through June 30, 1983.

26-2. Establishment.

At the end of the transitional eighteen-month accounting period referenced in 26-1 above, the fiscal and budget year of the City of Dover shall run from July 1 to June 30 the following year.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 3 of the former Code, adopted 12-14-77.

CHAPTER 30

Reserved
(formerly Historic Districts [see Chapter 1 General Provisions (2013)])

LICENSING BOARD

CHAPTER 35

35-1. Board Established.

35-2. Licensing of theatrical performances, parades and outdoor meetings.

35-3. Fees.

35-4. Blanket licenses.

35-5. Authority to regulate taxicab operations.

[History: Adopted by the City Council 12-14-77[*]. Amendments noted where applicable.] GENERAL REFERENCES: Other Boards and Commissions - See Ch. 3, Art. IV.

35-1. Board Established. [Amended 11-28-79 by Ord. No. 26- 79; 2-24-82 by Ord. No. 2-82]

A Licensing Board for the City of Dover is hereby constituted under the provisions of RSA 286:3, to consist of the Mayor, Chief of Police and such other as shall be appointed by the City Council, and all licenses issued by said Board shall be in accordance with the provisions of said chapter.

35-2. Licensing of Theatrical Performances, Parades and Outdoor Meetings.

No theatrical or dramatic representation shall be performed or exhibited, and no parade or procession upon any public street or way and no open-air public meeting upon any ground abutting thereon shall be permitted, unless a license therefore shall have first been obtained from said Licensing Board.

35-3. Fees.

Every licensee shall pay in advance for such license, for the use of the city, such sum or sums as said Licensing Board may determine, but in no case shall such license fee be in excess of the maximum sum fixed in said chapter.

35-4. Blanket Licenses.

Revocable blanket licenses may, at the discretion of the Licensing Board, be issued to fraternal and other like organizations, to regularly organized bands of music, other than itinerant

[*] Editor's Notes: Provisions of this chapter are derived from Ch. 53 of the former Code, adopted 12-14-77.

or vagrant companies, to theaters and to undertakers without the imposition of the fee herein imposed.

35-5. Authority to Regulate Taxicab and Valet Parking operations. [†]

The Licensing Board established in 35-1 above shall have the power and authority to regulate the operation of taxicabs and valet parking operations within the City of Dover.

[†] Editor's Note: For other provisions concerning taxicabs, see Ch. 161, Taxicabs.

PLANNING BOARD

CHAPTER 41

41-1. Establishment.

41-2. Powers and Duties.

41-3. Composition of Board.

41-4. Reserved (formerly Advisory Committees.)

41-5. Reserved (formerly Membership of Advisory Committees.)

41-6. Reserved (formerly Approval and Recording of Plats.)

41-7. Reserved (formerly Recording of Streets and Parks on Official Map.)

41-8. Reserved (formerly Subdivision Regulations.)

41-9. Reserved (formerly Standards for Subdivision Approval.)

41-10. Reserved (formerly Conditional Approval of Plats.)

41-11. Reserved (formerly Plat Submission Procedure.)

41-12. Reserved (formerly Separate Acceptance of Streets and Open Space.)

41-13. Reserved (formerly Street Acceptance Procedure.)

41-14. Reserved (formerly Access to Public Streets.)

41-15. Reserved (formerly Sale of Land Prior to Approval; Penalties.)

[HISTORY: Adopted by the City Council on 12-14-1977.[*] Amendments noted where applicable.]

GENERAL REFERENCES - Other Boards and Commissions - See Ch. 5, Art. IV. Site Review - See Ch. 149. Subdivision of Land - See Ch. 155. Zoning - See Ch. 170.

41-1. Establishment.

Pursuant to the provisions of the RSA 673:1Establishment of Land Use Boards there is hereby created the City Planning Board, with the powers and duties specified in RSA 672-677 and this Chapter 41-2.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 20 of the former Code, adopted 12-14-77.

41-2. Powers and Duties. **[Amended on 9-27-78 by Ord. No. 17-78; amended on 1-13-88 by Ord. No. 35-87]**

A. Pursuant to the provisions of RSA 674:43, the Planning Board is hereby authorized to require preliminary review of site plans and to review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as any structures containing more than four (4) dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

B. Pursuant to RSA 674:35, the Planning Board is authorized to require preliminary review and approval of subdivisions, including the review and approval of plats, the grading of streets and the installation of utility structures.

41-3. Composition of Board **[Amended on 1-24-79 by Ord. No. 1-79]**

The Planning Board shall consist of nine (9) regular members and three (3) alternates, as follows: the City Manager or designee; one (1) administrative official of the municipality, who shall be selected by the City Manager; and a member of the City Council appointed by the City Council. All of the foregoing regular members shall be ex officio members with voting privileges. The remaining six (6) regular members and the three (3) alternate members shall be appointed by the City Council.

RULES AND REGULATIONS, FILING OF

CHAPTER 45

45-1. Filing of Public Records.

45-2. Copying of Documents.

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

45-1. Filing of Public Records.

Copies of the City Charter and bylaws, rules, regulations and procedures of the Council and all departments, boards, commissions, authorities, committees or other agencies of the City of Dover shall be on file in the office of the City Clerk as public records for inspection by the public.

45-2. Copying of Documents.

Copies of any of the above documents shall be available to the public, and the City Clerk may charge a nominal cost to help defray the printing costs. There shall be no charge for agencies of the city government.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 10 of the former Code, adopted 12-14-77.

SEAL

CHAPTER 50

50-1. Design.

50-2. Custody.

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

50-1. Design.

The Seal of the City of Dover shall be as follows: A circular disk upon the border of which shall be the words, "City of Dover"; "Incorporated 1855"; and "Town Settled 1623." Upon this disk shall be a shield, divided into two (2) compartments, each to contain a device, in the upper half a plow, sheaf of wheat, etc., emblematic of agriculture; in the base, a factory building, a schooner and an engine with a transportation car, symbolic of manufactories and commerce. The shield shall be surmounted with an arm embowed holding a hammer, with a scroll containing the motto, "Industria et copia," the whole thing being arranged according to the impression of said Seal hereto annexed.

50-2. Custody.

The City Clerk shall be the ex officio keeper of the Seal.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 1 of the former Code, adopted 12-14-77.

SURETY LIMITATIONS

CHAPTER 53

53-1. Bonding Restrictions.

53-2. Conduct of Certain City Officers.

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

GENERAL REFERENCES: Conduct of Officials - See Charter, Art. X. Code of Ethics - See Ch. 22.

53-1. Bonding Restrictions.

No member of the city government shall become surety for any contractor with the city nor for any official of the city, nor shall any officer or committee or commissioner of the city or any person acting under authority of the city accept any such bond with the city bearing the name of any person as surety who, at the time of execution of said bond, was a member of the city government.

53-2. Conduct of Certain City Officers.

No officer or agent of the city who in his official capacity shall, by law or ordinance, be authorized to receive money for or in behalf of the city shall become surety for any contractor with the city or for any other person, firm or corporation.

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

ADULT BOOKSTORES

CHAPTER 56

56-1. Purpose.

56-2. Definitions.

56-3. Display of Merchandise.

56-4. Compliance Required.

56-5. Violations and Penalties.

56-6. Separability.

[HISTORY: Adopted by the City Council 6-10-81 as Ord. No. 8-81. Amendments noted where applicable.]

56-1. Purpose.

The purpose of this chapter is to regulate the display of adult books, magazines and videotapes for the purpose of sale/rental by placing them out of view of minors. **[Amended 04-02-97 by Ord. No. 04-97]**

56-2. Definitions.

The following are definitions of terms as used in this chapter:

ADULT BOOK, MAGAZINE OR VIDEOTAPE – Any book, pamphlet, magazine, videotape or printed matter, however reproduced, which contains any matter enumerated in RSA 571-B:2(I)(a) or explicit and detailed verbal descriptions or narrative accounts of sexual conduct which, taken as a whole, is harmful to minors. **[Amended 04-02-97 by Ord. No. 04-97]**

HARMFUL TO MINORS – That quality of any description or representation in whatever form of sexual conduct when it:

A. Predominantly appeals to the prurient interest of minors in sex, that is, an interest in lewdness or lascivious thoughts;

B. Depicts or describes sexual conduct in a manner so explicit as to be patently offensive to contemporary adult standards in the community, with respect to what is suitable material for minors; and

C. Lacks serious literary, artistic, political or scientific value.

KNOWINGLY – Having general knowledge of or reason to know or a belief or ground for belief which warrants further inspection or inquiry, or both, as to the character and content of any material described herein which is reasonably susceptible to examination by the defendant.

MINOR – Any person under the age of eighteen (18) years.

SEXUAL CONDUCT – Human masturbation, sexual intercourse, actual or simulated, normal or perverted, or any touching of the genitals, pubic areas or buttocks of the human male or female or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

56-3. Display of Merchandise.

Any person, firm or corporation knowingly offering for sale adult books and/or magazines shall display them on shelves, bookracks or other display devices at a height of no less than sixty (60) inches from the floor level immediately in front of the display racks or shelves or, in the absence of shelves or bookracks, having a minimum shelf height of sixty (60) inches; adult books and magazines shall be displayed on shelves behind the operator or the sales register or checkout counter; and any adult book or magazine cover thereof containing pictures, photographs or drawings of a person or portion of the human body, which depicts sexual conduct and which, taken as a whole, is harmful to minors shall not be open to public view.

A. Video Tape Sales/Rentals **[Added 04-02-97 by Ord. No. 04-97]**

The following subsection shall apply to any video store or other premises selling/renting adult videos, or adult magazines, where the video cover or magazine cover depicting the adult material as defined in RSA 571-B:2(I)(a)is in open view or exposed in any part of the store where minors are present on the premises.

(1) Any video rental store renting adult videos as defined above shall be required to obtain a license and pay an annual fee of three hundred ($300.00) dollars. The license application shall be in accordance with 56-3(b).

(2) All adult sexual material as defined above shall be kept in an enclosed room with a sign prohibiting minors. All such rooms shall not exceed 15% of floor space and shall be monitored and under the control of the store in a manner to prevent minors from gaining access to the room. **[Amended 06-04-97 by Ord. No. 15-97]**

(3) Any store which sells/rents adult videos/magazines as defined above, shall not display advertising signs/posters or other visual material depicting adult sales on the premises

B. Permit and/or License Required **[Added 04-02-97 by Ord. No. 04-97]**

(1) An application for a permit and/or license must be made on a form provided by the Dover Licensing Board. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.

(2) The applicant must be qualified according to the provisions of this chapter and the premises must be inspected and found to be in compliance with the law by the health department, fire department and building official.

(3) The Dover Licensing Board shall approve the issuance of a permit and/or license to an applicant within 30 days after receipt of an application unless he finds one or more of the following to be true:

(a) An applicant is under twenty-one (21) years of age.

(b) An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the application form.

(c) The premises to be used for the business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.

(d) The permit and/or license fee required by this ordinance has not been paid.

(e) An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this ordinance.

(f) The applicant has been convicted of an offense under RSA 632.

(4) Fees

(a) The annual fee for an adult bookstore/video store business permit and/or license is three hundred ($300.00) dollars.

(5) Expiration.

(a) Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in Section 56-3. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.

(b) When the Dover Licensing Board denies renewal of a license, the applicant shall not be issued permit and /or license for one year from the date of denial. If, subsequent to denial, the Dover Licensing Board finds that the basis for denial of the renewal permit and /or license has been corrected or abated, the applicant may be granted a permit and /or license if at least ninety (90) days have elapsed since the date denial became final.

(6) Suspension. The Dover Licensing Board shall suspend a permit and/or license for a period not to exceed thirty (30) days if he determines that a permittee and /or licensee or an employee of a permittee and/or licensee has violated or is not in compliance with any section of this ordinance.

(7) Revocation.

(a) The Dover Licensing Board shall revoke a permit and /or license if a cause of suspension in Section 56-3(6) occurs and the permit and /or license has been suspended within the proceeding twelve (12) months.

(b) The Dover Licensing Board shall revoke a permit and/or license if he determines that:

(i) a permittee and /or licensee gave false or misleading information in the material submitted to the Licensing Board during the application process;

(ii) a permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;

(iii) a permittee and/or licensee or an employee has knowingly allowed minors to access the enclosed area on more than one occasion.

(iv) a permittee and/or licensee or an employee has knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;

(v) a permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises.

(c) When the Dover Licensing Board revokes a permit and /or license, the revocation shall continue for one (1) year, and the permittee and /or licensee shall not be issued a sexually oriented permit and/or

(d) license for one (1) year from the date revocation became effective. If, subsequent to revocation, the Dover Licensing Board finds that the basis for the revocation has been corrected or abated, the applicant may be granted a permit and/or license if at least ninety (90 days have elapsed since the date the revocation became effective.

(e) After denial of an application, or denial of a renewal of an application, or suspension or revocation of a permit and/or license, the applicant or licensee or permittee may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The administrative action shall be promptly reviewed by the court.

(8) Transfer of Permit and/or License. A permittee and /or licensee shall not transfer his permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license at any place other than the address designated in the application.

56-4. Compliance Required. **[Amended 04-02-97 by Ord. No. 04-97]**

It shall be unlawful for any person, firm or corporation to knowingly display any adult book or magazine or videotape in a manner inconsistent with the provisions of 56-3 of this chapter. In any enforcement action, in any provision of this ordinance it shall not be necessary for the City to negate any exception, excuse, proviso, or exemption contained herein, and the burden or proof of any exception, excuse, proviso, or exemption shall be on the defendant. Any section of Chapter 56, which does not specifically address or permit the display requirements as set forth by Sections 56-1 through 56-3, would require a 2/3 vote of approval by the City Council prior to an issuance of a license.

56-5. Violations and Penalties. **[Amended 04-02-97 by Ord. No. 04-97]**

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a violation and subject to a fine of up to one thousand ($1,000.00) dollars, no portion of which may be suspended. The stores license shall be subject to suspension for the first offense and revocation for a subsequent conviction.

56-6. Separability. **[Amended 04-02-97 by Ord. No. 04-97]**

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

ALARMS AND SECURITY

CHAPTER 58

ARTICLE I

SECURITY REQUIREMENTS

58-1. Purpose.

58-2. Applicability.

58-3. Definitions and Word Usage.

58-4. Compliance Required.

58-5. Enforcement.

58-6. Inspections.

58-7. Responsibility for Compliance.

58-8. Degree of Protection; Burden of Proof.

58-9. Life-Safety Factors.

58-10. Exterior Doors.

58-11. Windows.

58-12. Roof Openings.

58-13. Other Points of Access.

58-14. Burglar Alarm Systems.

58-15. Multiple-Family Dwellings.

58-16. Violations and Penalties.

58-17 Street Numbers Required.

ARTICLE II

ALARM, BUSINESSES, SYSTEMS AND USERS

58-18. Purpose.

58-19. Reserved.

58-20. Reserved.

58-21. Alarm User's Permit.

58-22. Application.

58-23. Fee.

58-24. Required Inspections.

58-25. Operation Without Permit; Violations and Penalties.

58-26. False Alarms; Civil Assessments and Revocation of Permit.

58-27. Revocation Procedure.

58-28. Restoration of Revoked Permit.

58-29. Service of Notice.

58-30. Administrative Rules.

58-31. Failure to Comply.

58-32. Violations and Penalties.

ARTICLE III

FIRE ALARM SYSTEMS

58-33. Purpose.

58-34. Responsibility for Fire Alarm Activation, Owner Response, Fire Alarm Malfunction and Corrective Action.

ARTICLE IV

TELEGRAPH FIRE ALARM

[REPEALED on 05-20-92 by Ord. No. 07-92.]

[HISTORY: Adopted by the City Council: Art. I on 4-10-1979 by Ord. No. 7-1979; Art. II on 4-10-1979 as Ord. No. 8-79; Art. III on 12-14-1977[*] ; Art. IV on 12-14-1977[†]; Section 58-16 Amended at time of adoption of Code; Amendments noted where applicable.]

ARTICLE I

SECURITY REQUIREMENTS

[Adopted 4-10-79 by Ord. No. 7-79]

58-1. Purpose.

The purpose of this Chapter is to provide minimum standards of physical security for business establishments and multi-family dwellings within the jurisdictional boundaries of the City of Dover.

58-2. Applicability.

The provisions of this Chapter shall apply to business establishments and multi-family dwellings contained in new buildings or structures. A building or structure that undergoes additions, alterations or repairs within a one-year period that exceed fifty percent (50%) of the assessed value or are more than ten thousand dollars ($10,000.00), whichever is less, shall be required to meet the requirements for new buildings or structures. In no case shall a building permit be issued until the office of the Chief of Police has indicated that proposed additions, alterations or repairs are in compliance with this Chapter.

58-3. Definitions and Word Usage.

As used in this Chapter the following terms mean:

> **ACCESSIBLE** –Any access point within eighteen (18) feet of the ground or the roof of an adjoining building or structure; or within three (3) feet of an access point, fire escape or ledge in or protruding from the same or an adjacent wall and leading to another building or structure.

[*] Editor's Notes: Provisions of this Chapter are derived from Ch. 29 of the former Code, adopted 12-14-77.

[†] Editor's Note: Provisions of this Chapter are derived from Ch. 28 of the former Code, adopted 12-14-77.

ACCESS POINT –Any opening in the exterior of a building or structure which has a clear cross section of ninety- six (96) inches or more and which has its smallest dimension in excess of six (6) inches, and includes but is not limited to doors and windows.

ACTIVATE – To make a locking device effective in preventing unauthorized entry through the door, window or other access point to which the locking device is attached.

BUSINESS OR COMMERCIAL ESTABLISHMENT – A business which uses or occupies any building or structure for the purpose of display, selling or buying of goods, wares or merchandise.

CONTROL DEVICE – A key or similar mechanical implement that is normally used by authorized persons to activate or deactivate a locking device.

EXTERIOR – That portion of a building or structure that is accessible to the public when the commercial establishment housed therein is closed for business, and includes but is not limited to those portions of individual commercial establishments which are housed in a common building or structure and which are accessible to the public, e.g., as in a shopping center or mall.

LOCKING DEVICE – A mechanical implement or combination of mechanical implements attached to a door, window or other access point of a building or structure and designed to prevent unauthorized entry of the building or structure through that door, window or other access point when the locking device is activated.

MULTI-FAMILY DWELLING – Any structure containing five (5) or more units designed for occupancy.

PERSON – Any person, firm, partnership, association, corporation, company or organization of any kind.

RATED – Listed by Underwriter's Laboratory.

58-4. Compliance Required.

All future Business or Commercial Establishments located within the boundaries of this jurisdiction shall, when unattended, be secured in the manner provided by this Chapter. An establishment is unattended when not occupied by a watchman, maintenance personnel or other authorized persons during the hours that the establishment is closed to the public.

58-5. Enforcement.

The Police Department, under the supervision of the office of the Chief of Police, shall administer and enforce the provisions of this Chapter.

58-6. Inspections.

A. The enforcing authority shall cause the access points of all establishments subject to the provisions of this Chapter to be inspected as follows:

(1) Old buildings and structures shall be inspected periodically.

(2) Buildings and structures in the process of construction or buildings and structures subject to the requirements for new buildings or structures pursuant to 58-2 of this Chapter, shall be periodically inspected during the process of construction, additions, alterations or repairs.

(3) In addition to inspecting to determine if the mechanical requirements of this Chapter have been met, the enforcing authority shall inspect to determine that the required mechanical devices have been properly installed and are functioning properly.

B. When an inspection reveals that the building or structure does not meet the requirements of this Chapter, the following procedure shall be followed:

(1) Written notice of the deficiencies discovered during the inspection shall be given to the Person responsible for compliance or his designated representative. Such notice shall set forth the amount of time, not greater than thirty (30) days, within which such deficiencies are to be corrected.

(2) Upon correcting such deficiencies, the Person responsible for compliance or his designated agent shall advise the enforcing authority, in writing, that such deficiencies have been corrected.

(3) The enforcing authority shall within ten (10) days of the receipt of notice of correction again inspect the building or structure and either approve or disapprove them. If the corrections are disapproved, these procedures shall be repeated, except that no more than fifteen (15) days shall be allowed for compliance.

C. The enforcing authority or its designated agents have the right to enter any building or structure, subject to the provisions of this Chapter, during reasonable business hours, for the purpose of inspecting the premises to ascertain the degree of compliance with the provisions of this Chapter. If, after oral notification and the presentation of evidence of identity to the person responsible for compliance or his designated agent, the right to enter the building or structure is refused, the enforcing authority shall apply to a court of competent jurisdiction for an administrative warrant.

58-7. Responsibility for Compliance.

Responsibility for compliance with the provisions of this Chapter shall be as follows:

A. When the Business or Commercial Establishment does not share the use of access points with any other business, the Person operating the Business of Commercial Establishment or his designated agent shall be responsible for compliance.

B. When more than one (1) Business or Commercial Establishment shares the use of access points in the same building or structure, the owner of the building or structure or his designated agent shall be responsible for compliance.

58-8. Degree of Protection; Burden of Proof .

A. The provisions of this Chapter are not intended to prevent the use of other devices or methods of construction than those provided herein, provided that such other devices or methods of construction provide the same or a greater degree of security than the minimum requirements of this Chapter.

B. When the Person responsible for compliance desires to use such other device or methods of construction, the burden of proving that the requirements of this Chapter have been met or surpassed shall be on the person responsible for compliance.

58-9. Life-Safety Factors.

No portion of this Chapter shall supersede any local, state or federal laws, regulations or codes dealing with life safety factors.

58-10. Exterior Doors.

All Exterior doors shall comply with the following requirements:

A. Wood or metal doors with panels of rated burglary-resistant glazing material, wood doors of solid-core construction at least one and three-eighths (1 3/8) inches thick and solid metal doors having at least equal strength to a wood door of solid-core construction at least one and three-eighths (1 3/8) inches thick. Any of these doors having panels of burglary-resistant glazing material adjacent to the door frame shall be secured as follows:

(1) Single swinging doors shall be equipped with either a double-cylinder dead-bolt lock that can be deactivated from either the inside or outside only by a key or similar control device or with a single-cylinder dead-bolt lock that cannot be deactivated from the inside and that can be deactivated from the outside only by a key or similar control device.

(2) Pairs of swinging doors shall be secured at the top and bottom of one (1) leaf with vertical bolts and secured at the center with the type of locking device required for single swinging doors in subsection (A)(1) above.

(3) Swinging doors which do not permit a center lock, including but not limited to tempered-glass doors, shall be secured at the top and bottom with locking devices meeting the requirements of subsection (A)(1) above.

B. Single swinging doors or pairs of doors constructed of tempered glass that is not burglary resistant may be retained in old buildings or structures. However, when such a door or doors are replaced for any reason, then the replacement door or doors shall be constructed of rated burglary-resistant glazing material. Such doors on all new buildings or structures shall be constructed of rated burglary-resistant material.

C. Garage doors.

(1) Rolling, solid swinging, sliding or accordion garage-type doors, whether closing vertically or horizontally, shall, when not controlled or locked by electric power operation, be secured on the inside as follows:

(a) Hand-operated doors shall be equipped with slide or vertical bolts at either the top or bottom of the door or both sides of the bottom of the door depending on whether the door opens vertically or horizontally.

(b) Chain-operated doors shall be equipped with a locking device for securing the chain.

(c) Crank-operated doors shall be equipped with a locking device for securing the operating shaft.

(2) In Subsection C(1) above, if the door provides the only entrance to the building or structure, a locking device meeting the requirements of subsection (A)(1) above may be used on the outside of the door.

D. Metal accordion, grate or grille-type doors shall be equipped with a metal glide track at the top and bottom and secured with either a single-cylinder lock which can only be deactivated with a key or similar control device or with a padlock. The door and frame shall be so constructed and installed that the door cannot be lifted from its tracks when the door is closed.

E. Wood doors not of solid-core construction and wood doors of solid-core construction but containing panels less than one and three-eighths (1 3/8) inches thick shall be covered on the inside with at least sixteen- gauge sheet steel or with a rated burglary-resistant glazing material attached with one-inch No. 8 screws placed six (6) inches apart on the perimeter of the plate.

F. Accessible sliding doors shall be secured as follows:

(1) Single sliding doors shall have the movable section of the door and sliding on the inside of the fixed section of the door and shall be so constructed and installed that the movable section of the door cannot be lifted from its track when the door is closed.

(2) The movable section of single sliding doors shall be secured by vertical bolts at the top and bottom in addition to the center latch. The bolts shall engage to the extent necessary to prevent their being disengaged by any possible movement of the doors within the clearances provided when the door is closed and locking device is activated.

(3) Double sliding glass doors shall be secured by vertical bolts at the top and bottom of each door and shall meet the requirements of subsection F(1) and (2) above

G. The provisions of this subsection shall apply in addition to the security requirements set forth in the preceding subsection of this section.

(1) Hinges or pivots on all doors opening outward shall be secured in such a manner that the hinge or pivot cannot be removed when the door is closed and its locking device is activated.

(2) Where a locking device utilizes one (1) or more cylinders, the cylinder shall be constructed, attached or protected so that the cylinder cannot be gripped by wrenching devices or deactivated by pulling or driving devices.

(3) All doorjambs shall be so constructed or protected as to prevent violation of the function of the strike through such means as but not limited to the spreading of the door frame.

(4) The locking device shall be so constructed and installed that when the door is closed it cannot be made inactive through the removal of mounting screws or bolts.

(5) The bolts of all locking devices shall have a sufficient throw when the door is closed and the locking device is activated so that the bolt will imbed itself in its receptacle a minimum of one-half (1/2) inch.

(6) Locking devices and parts of locking devices shall not be used if they bear any numbers or letters which, to a trained person, would reveal a combination from which a key or similar control device could be fashioned or selected which could be used to deactivate the locking device.

(7) When a padlock-type locking device is used, it shall not be capable of being deactivated through rapping or other similar shocking techniques applied by a trained person. Padlock hasps shall be constructed and installed so that they cannot be removed when the door is closed and the padlock is activated. A padlock shall have a minimum of a two- inch case and seven-sixteenths-inch shackle made of material that will resist cutting with a bolt cutter of up to fifteen (15) inches in length.

58-11. Windows.

All Exterior windows meeting the definition of an access point shall be secured as follows:

A. Nonoperable windows shall be secured by:

(1) Rated burglary-resistant glazing material.

(2) Steel bars of at least one-half inch diameter spaced not more than (4) inches apart, and having dividers of at least one-fourth inch flat steel bars spaced not more than eighteen (18) inches apart and securely fastened on the inside of the window.

(3) An iron or steel grille of at least one-eighth inch diameter material of not more than two-inch mesh and securely fastened on the inside of the window.

B. Operable windows.

(1) Operable windows shall be secured as in subsection(A)(1) above or as in subsection(A)(2) or (3), except that, if the window opens inward, the bars may be placed on the outside of the window. When operable windows are secured in accordance with subsection(A)(2) or (3) above, bars should be mounted on secure hinges and secured with a padlock meeting the specification of 58-10(G)(7). These bars shall not be secured in place during normal business hours.

(2) All operable windows shall be secured with a locking device capable of remaining effective when a force of three hundred (300) pounds is applied to it from any direction. Such a locking device shall be capable of being deactivated only by a key or similar control device and only from the interior of the building or structure.

C. Accessible jalousie windows shall not be used on new buildings or structures.

D. Hinges or pivots on windows opening outward shall be so constructed and installed that they cannot be removed when the window is closed.

58-12. Roof Openings.

A. Skylights shall be secured in the same manner as windows as in 58-11, depending on whether they are operable or nonoperable.

B. Hatchways or roof doors shall be secured in the same manner as provided by 58-10, except that locking devices used shall consist of a slide bar or slide bolts.

58-13. Other Points of Access.

All accessible access points not previously dealt with by provisions of this Chapter, including but not limited to air duct or vent openings, shall be secured as in 58-11(A)(2) or (3).

58-14. Burglar Alarm Systems.

A. If the enforcing authority determines that the physical security requirements set forth in this Chapter will not adequately secure the commercial establishment, he may require, in addition to such physical security requirements, the installation and maintenance of an Underwriters' Laboratory approved burglar alarm system covering all accessible access points or a combination of interior devices, including but not limited to photoelectric, ultrasonic, microwave, proximity and sound devices. The enforcing authority may require that the system used by a local alarm or a direct connection with the Police Department. In making a determination of the necessity for an alarm system, the enforcing authority shall consider such factors as the history of unlawful entries against the particular establishment and the type of business and the nature and value of the inventory of the particular establishment.

B. The person responsible for compliance may request that the enforcing authority allow the commercial establishment to substitute an Underwriters' Laboratory approved burglar alarm system or intrusion detection device for the physical security devices required by this Chapter. The enforcing authority shall grant this request subject to the requirements set forth in 58-8.

C. Nothing contained in this Chapter shall prevent a commercial establishment from voluntarily installing and maintaining a burglar alarm system or intrusion detection device, provided that the requirements of this Chapter are otherwise complied with.

58-15. Multiple-Family Dwellings.

A. Multiple-family dwellings shall be exempt from the following provisions of this Chapter:

(1) Section 58-11(A)(1), (2) and (3).

(2) Section 58-11(B)(1) and (2).

(3) Section 58-14.

B. For the purpose of this Chapter, any interior door located in a multiple-family dwelling which gives access from a public area, including but not limited to a hallway, foyer, lobby, etc., shall be considered an exterior door and shall be secured according to 58-10 of this Chapter. In addition, this type of door shall be equipped with an operational viewing device which provides a minimum one-hundred-eighty degree view of the area immediately adjacent to the door so that there is no requirement to open this door to identify persons seeking access.

58-16. Violations and Penalties. [Amended on 4-27-83 by Ord. No. 10-83]

Any person who violates any provision of this Chapter shall be guilty of a violation and, upon conviction, shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00). Each day that the violation remains in effect shall constitute a separate violation.

58-17. Street Numbers Required. [Amended on 10-9-85 by Ord. No. 10-85]

The street number 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 numbers shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.

ARTICLE II

ALARM, BUSINESSES, SYSTEMS AND USERS

[Adopted on 04-10-79 as Ord. No. 8-79]

58-18. Purpose.

The purpose of this Chapter is to provide minimum standards of operation and regulations applicable to emergency and burglar alarm systems, alarm businesses and alarm users.

58-19. RESERVED. [Repealed on 07-02-97 by Ord. No. 14-97]

58-20. RESERVED. [Repealed on 07-02-97 by Ord. No. 14-97]

58-21. Alarm User's Permit.

Within sixty (60) days after the effective date of this Chapter, every alarm user shall obtain an alarm user permit for each alarm system he operates within the City of Dover. This permit shall be obtained through the office of the Chief of Police. If a licensed alarm business uses an alarm system to protect its own premises, it shall obtain a permit for such system as required by this section.

58-22. Application. [Amended on 10-9-85 by Ord. No. 10-85; Amended on 05-19-04 by Ord. No. 09-2004]

A. Alarm users shall ensure that all information submitted in an alarm user permit application is kept current. The applicant shall include acknowledgement of risk of transmitting through a central station alarm company. Any changes made to any alarm system equipment, termination point or list of persons to be notified in the event of an alarm shall be reported to the Chief of Police in writing within ten (10) days of such change.

B. The alarm user applying for the permit required in 58-20 of this Chapter shall have his respective street number attached to his building in such a manner and in such a place as to be easily seen from the street. Furthermore, said number shall be placed in such a location so that it can be illuminated, if necessary, to ensure rapid location of the building by emergency personnel during the 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 numbers shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.

C. Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining a user's permit or renewal, or any refusal to sign said application, shall be sufficient cause for refusal to grant or for revocation of a permit.

D. An alarm user applying for a permit in which the user will utilize only a central station monitoring system shall be required to sign a waiver form at police headquarters, or before a notary public, relieving the city, its officers, agents, servants and employees from any liability in connection with an alarm response or lack thereof. No alarm permit shall be issued for a central station alarm unless the waiver form is signed and approved by the Chief of Police or his designee.

58-23. Fee. **[Amended on 07-02-97 by Ord. No. 14-97]**

A. Alarm user permit. There will be a permit fee of twenty five dollars ($25.00) for the first year for all security and fire alarm systems.

B. There shall be an annual renewal fee of ten dollars ($10.00) for all security and fire alarm systems.

C. If a residential alarm user is over the age of sixty-five (65) and is the primary resident of the dwelling and if no business is conducted in the residence, a user's permit may be obtained without the payment of a fee, provided proof of age is provided with the application.

D. Federal, state, county or local government agencies who operate alarm systems shall be exempt from payment of a fee.

E. An alarm permit application renewal request received after the first thirty (30) days of a new calendar year shall be processed as an original application.

58-24. Required Inspections.

A. Every alarm user licensed under this Chapter, connected to the Police Department, may be required to have its alarm system inspected if they exceed five false alarms within a calendar year. Proof of such inspection shall be forwarded to the Police Department. The certificate shall state that, in the opinion of the alarm company, the alarm system complies with the applicable installation standards and is safe and reliable. **[Amended on 07-02-97 by Ord. No. 14-97]**

B. The information contained in the alarm user permit application required by 58-21 and other information received by the Chief of Police through correspondence or communications with the alarm user shall be securely maintained and restricted to inspection by the Chief of Police or certain police officers or city employees specifically assigned the responsibility for handling and processing alarm user permits in the course of their duties. If one of these persons is found to have purposely or knowingly revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any person for any purpose not related to this Chapter or official law enforcement matters or without the express written consent of the alarm user supplying such information, he shall be guilty of a violation and shall be fined one hundred dollars ($100.00).

58-25. Operation Without Permit; Violations and Penalties. **[Amended on 6-8-83 by Ord. No. 18-83]**

A. Any alarm system user who operates an alarm system without first obtaining a permit as required by this Chapter or who operates an alarm system when such permit has expired shall be guilty of a violation and, upon conviction, shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00).

B. Any alarm system user who, after having a permit revoked and after exhausting his right to a hearing, fails to disconnect his alarm system shall be guilty of a violation and, upon conviction, shall be fined one hundred dollars ($100.00).

58-26. False Alarms; Civil Assessments and Revocation of Permit.

A. For the purposes of this Chapter, a "false alarm" shall be defined as an alarm signal eliciting a response by police when a situation requiring a response by the police does

not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

B. Except during the first thirty-day period following the installation of an alarm system, there shall be a service charge of seventy-five dollars ($75.00) for each false alarm received in excess of three (3) in a calendar year, which shall be paid over to the City of Dover. For purposes of this section, a "calendar year" shall be defined as the period from January 1 through December 31. In addition, false alarms may form the basis for revocation of an alarm user's permit as provided in 58-26 of this Code. If the false alarm is due to an alarm system malfunction which is in the process of being repaired or where immediate steps are taken to identify or correct the problem(s), the Chief of Police may waive the service charge. Refusal to pay the service charge within thirty (30) days may be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Amended on 10-9-85 by Ord. No. 10-85]**

C. In any case when an alarm is received at police headquarters and the Police Department is unable to locate or make contact with the persons responsible for the alarm system, as designated by the alarm user on the application form, or in case the persons responsible do not expeditiously respond when notified, the City of Dover, its officers, agents, servants and employees shall be exempt from any and all liability for any claim or loss or damage, personal or property, which may result, and a service charge of thirty dollars ($30.00) shall be paid over to the City of Dover by the alarm user. This service charge shall be in addition to any other service charge that may be imposed pursuant to this Code. **[Added 10-09-85 by Ord. No. 10-85]**

D. In any case where a false alarm is received in excess of six (6) per calendar year from an alarm system for which an alarm user permit has been obtained, the Chief of Police may require the alarm user to produce a certificate from the alarm company maintaining the equipment indicating that the system has been inspected and is in reliable working order. Failure to produce the above certificate within thirty (30) days of request shall be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Added 10-09-85 by Ord. No. 10-85]**

58-27. Revocation Procedure.

A. If the Police Department has recorded excessive false alarms, as defined in 58-25, the Chief of Police may notify the permit holder, in writing, and request the permit holder to submit a report within fifteen (15) days describing efforts to discover and eliminate the cause of the false alarms. If the alarm user requests an extension of time to file this report, based on some extraordinary circumstances, the Chief of Police may extend the fifteen-day period for a reasonable time. If the permit holder fails to

submit his report within the specified period, the Chief of Police shall notify the alarm user that his permit to operate an alarm system has been revoked, and, under such circumstances, the user shall not be entitled to a hearing. For the purposes of this section, "excessive false alarms" shall be defined as more than six (6) false alarms within a calendar year**. [Amended on 10-9-85 by Ord. No. 10-85]**

B. If the alarm user submits a report as required by Subsection A of this section, but the Chief of Police finds the report unsatisfactory, then the Chief of Police may issue a written notice of his intent to revoke the alarm user's permit.

C. If, after the submission of a report required by Subsection A of this section which is satisfactory to the Chief of Police, the alarm system of the permit holder incurs two (2) or more false alarms during the same calendar year, the Chief of Police may issue written notice of his intent to revoke the alarm user's permit.

D. Upon receipt of a notice of intent to revoke an alarm user's permit, the permit holder may within ten (10) days of such receipt submit a written request for a hearing before the Chief of Police, setting forth the reasons that his permit should not be revoked. Written notice of the time and place of the hearing shall be served on the permit holder by the Chief of Police at least five (5) days prior to the date set for the hearing.

E. At the hearing before the Chief of Police, the holder of the permit or his authorized representative shall have the right to be made aware of the circumstances leading to revocation of the alarm permit and to present evidence on his own behalf. After the hearing, the Chief of Police may either issue an order of revocation, withdraw the notice of revocation or allow a reasonable time, not to exceed fifteen (15) days, in which the alarm user must take action to eliminate the cause(s) of the false alarms to the satisfaction of the Chief of Police.

58-28. Restoration of Revoked Permit.

A. An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in 58-22 of this Chapter. The Chief of Police shall not be required to issue a revoked user permit unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may also impose reasonable restrictions and conditions upon the user before issuing a revoked user permit, and these restrictions and/or conditions shall appear on the permit and shall provide for automatic revocation on the occurrence of four (4) false alarms in the remaining permit year.

B. In situations where a user permit is revoked under the conditions in Subsection A of this section, there shall be no appeal to the Chief of Police, and this revocation shall remain in effect for the remainder of the calendar year.

C. The fee for reissuance of a user permit shall be fifty dollars ($50.00).

58-29. Service of Notice.

When any city official has the right or is required to act within a prescribed period pursuant to this Chapter, and service is made by mail, one (1) day shall be added to the prescribed period. In lieu of service by mail, delivery may be made by hand by any person eighteen (18) years of age or older.

58-30. Administrative Rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter and for determination of grounds for clerical revocation of any permit required by this Chapter.

58-31. Failure to Comply.

Failure of any person to comply with the requirements of written notice of a violation of any provision of this Chapter within three (3) days of receipt of such notice, exclusive of Saturdays, Sundays and holidays, shall constitute a violation of this Chapter. Such notice shall continue in force and effect until full compliance with the requirements stated therein, and each and every failure to comply with such notice within twenty-four (24) hours after the three (3) days allowed for compliance shall constitute a separate offense.

58-32. Violations and Penalties.

Unless otherwise provided, any person, firm or corporation within the boundaries of the City of Dover who violates any provision of this Chapter shall be guilty of a violation and, upon conviction, shall be punished by a fine of one hundred dollars ($100.00). Each day during which a violation continues shall be considered a separate offense.

ARTICLE III

FIRE ALARM SYSTEMS

[Adopted on 12-14-77; Amended on 05-20-92 by Ord. No. 07-92]

58-33. Purpose.

The purpose of this ordinance is to establish a fine system for any person, firm or corporation that fails to maintain their fire alarm system causing the fire department to respond because of the lack of maintenance.

58-34. Responsibility for Fire Alarm Activation, Owner Response, Fire Alarm Malfunction and Corrective Action.

A. Owner's Responsibility to Respond. The responsibility for a fire alarm activation shall be for the premises in which the fire alarm system is installed. A response to an alarm activation shall result when any officer or member of the City of Dover Fire and Rescue Service shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system(s), by whatever means, and responds thereto by traveling to that premise. After responding to an alarm activation, the enforcement official may notify the owner of the property, or his/her designee, of the activation of the alarm system and such person shall thereupon travel to the premises within 30 minutes of notification to ascertain the status thereof. Should the person notified fail to do so, the City shall charge the owner of the premises a fee of seventy-five dollars ($75.00). The officer or member of the Dover Fire and Rescue Service who responded to said premises shall serve the owner or authorized representative a "Fire Alarm Activation Report."

B. Owner's Responsibility to Service/Repair. In the event of a fire alarm activation deemed by the fire department to be the result of a fire alarm malfunction, the owner will be served a "Fire Alarm Activation Report" by an officer or member of the Fire Department, indicating that the activation was deemed to be the result of a fire alarm malfunction, and requiring the owner to return a completed "Affidavit of Service/Repair" within fifteen (15) days of said alarm activation which can verify to the satisfaction of the enforcement official that the fire alarm system in question has actually been examined by a fire alarm technician and that a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the fire alarm malfunction. Failure to return an "Affidavit of Service/Repair" within said fifteen (15) day period which is satisfactory to the enforcement official, will result in the assessment against the owner of a fine of two-hundred fifty dollars ($250.00), or the sum of the total fiscal year operating budget divided by 8760 (the average Fire and Rescue Service operating cost for one hour), whichever is more, for the fire alarm malfunction.

C. Tenant's Responsibilities. It shall be the responsibility of the tenant(s) of a rented or leased residential dwelling or complex to ensure that smoke detectors installed in accordance with state and local codes are not rendered inoperative by damaging or

disconnecting said detectors. Any person found to have disconnected a smoke detector or damaged a smoke detector to the extent that said detector is rendered inoperative, in a rented or leased residential dwelling or complex, shall be guilty of a violation punishable by a fine of not less than fifty dollars ($50.00).

ARTICLE IV

(formerly TELEGRAPH FIRE ALARM)

[REPEALED on 05-20-92 by Ord. No. 07-92]

AMUSEMENTS AND ARCADES

CHAPTER 60

ARTICLE I

PROFESSIONAL FIGHTING SPORTS COMPETITIONS

60-1. Professional Fighting Sports Competitions Permitted.

ARTICLE II

MECHANICAL DEVICES AND ARCADES

60-2. Definitions.

60-3. Gambling Devices.

60-4. License Required.

60-5. Application.

60-6. Arcade License.

60-7. Location of Arcades.

60-8. Alcoholic Beverages.

60-9. Inspections.

60-10. Fees; Expiration of License.

60-11. Machine License Transfer Fee.

60-12. Arcade License Transfer Fee.

60-13. Display of License.

60-14. Revocation.

60-15. Seizure and Destruction of Machines.

60-16. Violations and Penalties.

[HISTORY: Adopted by the City Council: Art. I, 6-10-81 as Ord. No. 10-81; Art. II, 3-10-82 as Ord. No. 5-82. Amendments noted where applicable.]

GENERAL REFERENCES Licensing Board - See Ch. 35.

ARTICLE I

PROFESSIONAL FIGHTING SPORTS COMPETITIONS

[Adopted 6-10-81 as Ord. No. 10-81]

60-1. Professional Fighting Sports Competitions Permitted. [Adopted 6-10-81 by Ord. No. 10-81]

The holding of professional fighting sports competitions, as provided in the RSA 285, are hereby authorized and permitted, said competitions to be conducted in accordance with the rules and regulations of the State Athletic Commission and the provisions of said chapter

ARTICLE II

MECHANICAL DEVICES AND ARCADES

[Adopted 3-10-82 as Ord. No. 5-82]

60-2. Definitions.

As used in this Chapter the following terms mean:

ARCADE – A building or place containing eight (8) or more mechanical devices.**[Amended 10-11-90 by Ord. No. 10-90; Amended 12-18-98 by Ord. No. 21-98]**

MECHANICAL DEVICE – Any machine or other electronic/electrical device which, upon the insertion of a coin, slug, token, plate , disc or other method of payment or activation, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score, but shall not include jukeboxes and coin-activated children's amusement rides also known as "kiddie rides." It shall include such devices as marble machines, electronic games and all games, operations and transactions similar thereto under whatever name they may be indicated.

PERSON, FIRM, CORPORATION or ASSOCIATION – Includes the following: any person, firm corporation or association in whose place of business such machine is placed for use by the public, and the person, firm, corporation or association having control over such machine.

60-3. Gambling Devices.

Nothing in this Article shall in any way be construed to authorize or license or permit any gambling devices whatsoever or any mechanism that has been judicially determined to be a gambling device or in any way contrary to law.

60-4. License Required.

No person, firm, corporation or association may allow to be operated any mechanical device or arcade as herein defined by 60-2 without first obtaining a license from the Licensing Board by application through the City Clerk as hereinafter provided.

60-5. Application.

The application for a license for a mechanical device shall contain the following information:

A. Name and address of the applicant, age and date and place of birth.

B. Prior convictions of applicant, if any.

C. Place where the machine or device is to be displayed or operated and the business conducted at the place.

D. Description of the machine to be covered by the license and mechanical features, name of manufacturer and serial number. No license shall be issued to any applicant unless he shall be eighteen (18) years of age.

60-6. Arcade License.

In addition to the information required by 60-5, any application for an arcade license shall contain a management plan containing at least the following:

A. The number of qualified employees to be present at all times.

B. A plan to control loitering and bicycle and/or automobile parking in the vicinity of the arcade.

C. A detailed description of proposed operations to show proper control of noise, overcrowding and other conditions which may affect the public health, safety or welfare.

60-7. Location of Arcades.

A. No license shall be issued for an arcade which is located within one thousand (1,000) feet of a public or private school.
B. No license shall be issued for an arcade which is located within two thousand (2,000) feet of another arcade.

60-8. Alcoholic Beverages. **[Amended on 05-12-82 by Ord. No. 7-82]**

No arcade shall serve alcoholic beverages on the premises

60-9. Inspections.

Application for license shall be made out in duplicate, one (1) copy being referred to the Chief of Police and one (1) copy to the Fire Chief.

A. The Chief of Police and Fire Chief shall inspect the location wherein it is proposed to operate such machine; the Police Chief will ascertain if the applicant is a suitable person to be issued said license and report thereon to the Licensing Board through the City Clerk.
B. No license shall be issued by the Licensing Board to any applicant until after the Chief of Police and Fire Chief have completed their inspections.

60-10. Fees; Expiration of License. **[Amended 10-11-90 by Ord. No. 10-90; Amended 12-18-98 by Ord. No. 21-98]**

A. Every applicant before being granted a license shall pay a fee of $30 per device per year for the privilege of operation or maintaining for operation a mechanical amusement device as defined in 60-2 of this Article.

(1) Arcade license fees: In addition to the device fees provided for in section 60-10. A, if the applicant's place of business qualifies as an "arcade" under section 60-2 of this Article said applicant shall pay an arcade license as contained in the Fee Schedule which fee shall be non-refundable.

(2) All fees are non-refundable.

B. Each license shall expire at 12:00 midnight on December 31 of the year in which the license is granted.

60-11. Machine License Transfer Fee.

Before any application for the transfer of any license under 60-13B of this Article may be granted, the applicant shall pay a machine license transfer fee of ten dollars ($10.00).

60-12. Arcade License Transfer Fee.

Before any application for the transfer of an arcade license under 60-13D shall be granted, the applicant shall pay an arcade transfer fee of one hundred dollars ($100.00), which fee shall be nonrefundable.

60-13. Display of License.

A. The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the machine in the premises wherein the device is to be operated or maintained to be operated.

B. Such license may be transferred from one machine to another machine in the same place of business upon application to the Licensing Board through the City Clerk to such effect, giving the description and the serial number of the new machine, and upon payment of the machine license transfer fee. If application under this section is not made within forty-eight (48) hours, excluding weekends and holidays, then reapplication for a new license for the new machine must be made in the manner prescribed above. Not more than one (1) machine shall be operated under one (1) license, and the applicant shall be required to secure a license for each and every machine operated by him.

C. If the licensee shall move his place of business to another location within the City of Dover, the license may be transferred to such new location upon application to the Licensing Board through the City Clerk, giving the street and number of the new location. The new location shall be inspected by the Chief of Police in the same manner as provided in 60-9.

D. If the holder of an arcade license shall transfer ownership of the arcade, the arcade license may be transferred to such new owner upon application to the Licensing Board through the City Clerk, giving the name and address of the new owner, and upon payment of the arcade license transfer fee. No such application shall be granted until the Chief of Police has ascertained that such new owner is a suitable person to be issued said license in the same manner as provided in 60-9 of this Article.

60-14. Revocation.

Every license issued under this Article is subject to the right, which is hereby expressly reserved, to revoke the same should the license, directly or indirectly, permit the operation of any mechanical amusement device contrary to the provisions of this ordinance, the ordinance of the City of Dover, or the law of the State of New Hampshire. Said license may be revoked by the Licensing Board upon complaint by the Chief of Police or any person after written notice to the licensee, which notice shall specify the ordinance or law violations with which the licensee is charged, if, after hearing, the licensee is found to be guilty of such violation.

60-15. Seizure and Destruction of Machines.

If the Chief of Police shall have reason to believe any mechanical amusement device is used as a gambling device, such machine may be seized by the police and impounded, and if upon trial of the exhibitor if found guilty such machine shall be disposed of as directed by the Licensing Board or court.

60-16. Violations and Penalties.

Any person, firm or corporation violating any provisions of this Article, in addition to the revocation of his or its license, shall be guilty of a violation and be subject to a fine of up to one hundred ($100.00) per day. **[Amended 12-18-98 by Ord. No. 21-98]**

CHAPTER 63

Reserved.

(formerly Auto Courts and Trailer Camps.)

[see Chapter 1 General Provisions (2013)]

BICYCLES, SKATEBOARDS AND SCOOTERS

CHAPTER 66

66-1. Definitions.

66-2. Bicycle Registration; Non-transferability.

66-3. Operation of Bicycles.

66-4. Operation of Skateboards and Scooters.

66-5. Violations and Penalties.

[HISTORY: Amended by the City Council on 7-19-89 by Ord. No. 11-89; Amendments noted where applicable.]

66-1. Definitions.

As used in this Chapter the following terms mean:

SKATEBOARD – A short, narrow board having one set of two or more wheels mounted under it.

SCOOTER – A motorized or non-motorized vehicle consisting of a long foot board between two end wheels, controlled by an upright steering handle attached to the front wheel.

WAY – Any road, street, avenue, boulevard, court, parking lot or way legally accepted for maintenance and dedicated public use by the legislative authority of the state and/or city.

SIDEWALK – That portion of a public highway between the curb and the adjacent property lines.

66-2. Bicycle Registration Required; Non Transferability.

A. It shall be unlawful for any person residing in Dover to ride or operate any bicycle upon any way within the City of Dover without first having registered the same with the Police Department. In order to be registered, a bicycle shall:

(1) Be in good, safe mechanical condition.

(2) Be equipped with an audible signaling device and adequate brakes.

(3) Have a distinctive identification marker or serial number.

B. Any owner or person having the custody and control over any bicycle registered in accordance with the provisions hereof, shall not attach any registration sticker to any bicycle other than that to which it is assigned. Fees and periods of registration shall be established by the Chief of Police.

66-3. Operation of Bicycles. **[Amended 05-16-2001 by Ord. No. 11-01]**

All bicycles shall be ridden or operated in accordance with all pertinent chapters of the New Hampshire Revised Statute Annotated

66-4. Operation of Skateboards and Scooters.

A. The operation of skateboards and scooters shall be permitted within the City of Dover except on the ways and sidewalks and other public areas in the downtown vicinity specifically defined as follows: **[Amended 02-17-99 by Ord. No. 22-98]**

Central Avenue	from New York Street southerly to Silver Street
Washington Street	from Belknap Street easterly to Main Street
First Street	
Second Street	
Third Street	from Central Avenue westerly to Chestnut Street
Fourth Street	from Central Avenue westerly to Chestnut Street
Fifth Street	from Central Avenue westerly to Chestnut Street
Sixth Street	from Central Avenue westerly to Chestnut Street
Chestnut Street	
Locust Street	from Washington Street southerly to Silver Street
Henry Law Avenue	from Washington Street southerly to George Street
River Street	
Young Street	
Main Street	
Portland Avenue	from Main Street to Cochecho Street
School Street	
Mechanic Street	
Chapel Street	
St. John Street	
Broadway	from Central Avenue northerly to St. John Street
Pierce Street	
Franklin Court	
Preble Street	
Trombley Street	
William Street	
Hale Street	
St. Thomas Street	

Orchard Street
Waldron Court
Fayette Street
Green Street
The entire Cochecho Riverwalk
All City Parking Lots
Henry Law Park

Except for the City owned Skate Park area adjacent to River Street between the hours of 7:00 a.m. to 9:30 p.m., except when school is in session when it may be used only by adults or by minors with parental or legal guardian supervision.

B. All skateboards and scooters shall be ridden or operated with due care with regard for rules governing pedestrian and pedestrian safety.

C. Reflective Material Required. During the hours of darkness (1/2 hour after sunset to 1/2 hour before sunrise), any person operating a skateboard, rollerblades, scooter, or roller skates, shall be required to have reflective material, and shall be worn/displayed so that it is visible to vehicle headlights. **[Added 09-17-97 by Ord. No. 18-97]**

66-5. Violations and Penalties. **[Amended 07-17-96 by Ord. No. 08-96]**

A. Any person 16 years of age or older found violating this chapter shall be guilty of a violation and shall be fined no more than fifty dollars ($50.00) for a first offense and no more than one hundred dollars ($100.00) for subsequent offenses.

B. Any person under the age of 16 found in violation of this chapter may have their bicycle, impounded by the Police Department for a period not to exceed thirty (30) days. When a bicycle is impounded by the Police Department pursuant to this section, the owner of said item impounded may within two (2) days, request a hearing on the impoundment which shall be heard by the Chief of Police or his designee. Said hearing shall be conducted within two (2) days following a request, weekends and holidays excluded. The person holding the hearing may uphold, overturn or modify the term of impoundment. Following the hearing, the Chief of Police or his designee shall render a decision and notify the owner by letter within two (2) days.

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. Reserved (formerly Cooperation with Other City Officials.)

68-8. Right of Entry.

68-9. Reserved (formerly Definitions.)

68-10. Reserved (formerly Fire Limits.)

68-11. Reserved (formerly Fees.)

68-12. Construal of Provisions.

68-13. Building Official.

68-14. Building Permit Procedure.

68-15. Certificate of Occupancy.

68-16. Building Permit Fees.

[HISTORY: Adopted by the City Council on 12-14-1977[*]. Amended on 10-14-2009 by Ord. No. 2009.09.23-17; 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; Site review - See. Ch. 149. Subdivision of land - See Ch. 155. Zoning - See Ch. 170. Fire and Life Safety – See Ch. 109.

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

68-1. Statutory Authority.

This chapter is enacted pursuant to the authority granted by RSA 47:22 and RSA 155-A, **[Amended on 11-19-2003 by Ord. No . 21-2003]**

68-2. Adoption of Standards **[Amended on 3-12-86 by Ord. No. 2-86; Amended on 11-11-98 by Ord. No. 19-98; Amended on 11-19-2003 by Ord. No. 21-2003; Amended 10-14-2009 by Ord. No. 2009.09.23-17]**

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 codes known as the "State Building Code and State Fire Code", pursuant to RSA 155-A which shall be known as the Building Code. This Chapter may contain deletions, modifications and amendments to the Building Code. One copy of the Building Code shall be filed in the office of the Inspections Division . The Building Code is 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 City Manager. [*] **[Amended 10-14-2009 by Ord. No. 2009-09-23-17]**

68-4. Qualifications of Building Official.

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. **[Amended 10-14-2009 by Ord. No. 2009.09.23-17]**

68-5. Duties. **[Amended 10-14-2009 by Ord. No. 2009.09.23-17]**

A. The Building Official shall receive applications required by this Chapter, 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

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

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 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.

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.

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 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. Reserved. (formerly Co-operation with other city officials.) **[Repealed 10-14-2009 by Ord. No. 2009.09.23-17]**

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. Reserved. (formerly Definitions.) [Repealed 10-14-2009 by Ord. No. 2009.09.23-17]

68-10. Reserved. (formerly Fire Limits.) [Repealed 10-14-09 by Ord. No. 2009.09.23-17]

68-11. Reserved (formerly Fees.)

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. * [Amended 10-14-2009 by Ord. No. 2009.09.23-17]

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.

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.

68-14. Building Permit Procedure [; Added 10.14.2009 by Ord. No. 2009.09.23-17]

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 ($2,500.00).

A. 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.

* 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.

B. 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.

(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 fire-stopping.

C. 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.

D. Statute of limitations. Any work for which a building permit has been issued shall commence within the time period specified in the State Building Code and State Fire Code pursuant to RSA 155-A.

E. 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.

F. 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.

G. 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 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 **[Amended 10-14-2009 by Ord. No. 2009.09.23-17]**

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 on 9-24-80 by Ord. No. 15-80]**

68-16. Building Permit Fees. **[Added 10-14-2009 by Ord. No. 2009.09.23-17]**

See Fee Schedule.

BUILDING WRECKING AND DEMOLITION

CHAPTER 71

71-1. Permit and Fees.

71-2. Removal of Rubble; Insurance Required.

71-3. Violations and Penalties.

[HISTORY: Adopted by the City Council on 12-14-1977. [*]Section 71-3 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES - Building Code - See Ch. 68.

71-1. Permit and Fees.

A permit is required for the demolition of buildings and structures. Fees for demolition permits shall be established by the City Council and published in the Fee Schedule. The City of Dover shall be exempt from the payment of demolition permit 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.

71-2. Removal of Rubble; Insurance Required.

Any person, firm or corporation issued a demolition permit shall clean the lot subject to demolition activities. The cleaning shall include clearing all rubble and burning of waste material with the permission of the Fire Chief of the Fire and Rescue Department within thirty (30 days of the demolition. The permit holder shall procure insurance coverage determined by the Building Official to protect the abutters and the municipality.

71-3. Violations and Penalties.[†]

Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be guilty of a violation and be subject to a fine.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 48 of the former Code, adopted 12-14-77.

[†] Editor's Note: Added at a time of adoption of Code; see Ch. 1, General Provisions, Art.I.

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CEMETERIES

CHAPTER 74

74-1. Reserved (formerly Legislative Intent.)

74-2. Closing Hour; Permitted Access.

74-3. Reserved (formerly Firearms Restricted.)

74-4. Certain Vehicles and Domestic Animals Restricted

74-5. Speed Limit.

74-6. Conduct in Cemeteries.

74-7. Gathering and Damage to Flowers and Vegetation; Damage to Monuments or Structures.

74-8. Reserved (formerly Report of Violations.)

74-9. Violations and Penalties.

[HISTORY: Adopted by the City Council on 12-14-1977. [*] Amendments noted where applicable]

GENERAL REFERENCES - Cemetery Board - See Ch. 3, Art. IV.

74-1. Reserved (formerly Legislative Intent.)

74-2. Closing Hour; Permitted Access.

All cemeteries, public or private, in the City of Dover shall close at sundown. No person , except an employee of the Community Services Department performing official duties, shall enter, remain in, or park a motor vehicle in any cemetery public or private located in the City of Dover, after sundown. Children are not permitted on cemetery grounds, public or private, unless accompanied by an adult.

74-3. Reserved (formerly Firearms Restricted.)

74-4. Certain Vehicles and Domestic Animals Restricted. **[Amended on 7-19-89 by Ord. No. 18-89]**

A. No Off Highway Recreational Vehicles (OHRV) are permitted on the grounds of cemeteries.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 57 of the former Code, adopted 12-14-77.

B. No unleashed dogs, horses, cattle or other domestic animals are permitted on the grounds of cemeteries.

74-5. Speed Limit.

The speed limit in any cemetery of the city, public or private, is fifteen (15) miles per hour.

74-6. Conduct in Cemeteries.

Noisy or disorderly conduct within the limits of any cemetery is prohibited. Noisy and disorderly conduct pursuant to this chapter is defined as conduct that desecrates the cemetery.

74-7. Gathering and Damage to Flowers and Vegetation; Damage to Monuments and Structures. **[Amended on 7-19-89 by Ord. No. 18-89]**

No person shall gather or damage flowers, either wild or cultivated from bushes, trees, shrubs or evergreens within the limits of any cemetery in this city. No person shall damage the monuments or structures in any cemetery by climbing on, moving or contacting the monuments or structures.

74-8. Reserved. (formerly Report of Violations.)

74-9. Violations and Penalties. **[Amended on 7-19-89 by Ord. No. 18-89; Amended 06-20-2001 by Ord. No. 14-01]**

Any person violating the terms of this chapter shall constitute a violation subject to the penalties of state law.

CITY MOTOR VEHICLES

CHAPTER 77

CITY MOTOR VEHICLES, MARKING OF

77-1. Identifying Marks.

77-2. Size of Lettering.

77-3. Unmarked Police Vehicles.

77-4. Official use of vehicles.

77-5. Markings not to be covered.

77-6. Violations and penalties.

[HISTORY: Adopted by the City Council on 12-14-1979.[*] Section 77-6 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

GENERAL REFERENCES - City property - See Ch. 79; Vehicles and traffic - See Ch. 166.

77-1. Identifying Marks. [Amended on 02-19-92 by Ord. No. 06-92]

Except as hereinafter provided, all motor vehicles owned by the City of Dover shall be plainly marked on the exterior of each side, such marking to consist of the City Seal in the design established by Chapter 50 of this Code. Motor vehicles assigned to the Police and Fire Departments may be marked on the exterior of each side with markings which are, in the judgment of the City Manager, consistent with the theme of the design of the City Seal. Below said seal, the name of the department to which said vehicle has been assigned shall be clearly marked. Such markings shall be placed upon all motor vehicles owned by the City of Dover within ten (10) days of the passage of the ordinance revising this Section, and no motor vehicle acquired by the City of Dover shall be delivered to any department unless and until it has been so marked.

77-2. Size of Lettering.

All lettering on motor vehicles as hereinbefore described shall be at least four (4) inches high for the words "City of Dover" and shall be of contrasting color.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 59 of the former Code, adopted 12-14-77.

77-3. Unmarked Police Vehicles.

Any motor vehicle now or hereafter assigned to the Police Department may be exempt from the requirements of this chapter, if, in the opinion of the Chief of Police, such exemption is in the best interest of the Department.

77-4. Official Use of Vehicles.

No department head shall cause or allow any motor vehicle assigned to his department to be operated by anyone not a bona fide employee of his department, and no department head shall allow any motor vehicle to be operated except on city business.

77-5. Markings Not to be Covered.

No person shall cover, cause to be covered or deface or cause to be defaced the markings on any motor vehicle owned by the City of Dover.

77-6. Violations and Penalties.[†]

Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and shall, upon conviction, be subject to a fine of up to one hundred dollars ($100.00).

[†] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions (1983).

CITY PROPERTY

CHAPTER 79

79-1. Private Work.

79-2. Street cleaning Machinery Limitation.

79-3. Use by City Employees Limited.

79-4. Rental Charges.

79-5. Use on Unaccepted Streets.

79-6. Compensation for Private Work.

79-7. Naming of City Property.

79-8. Violations and Penalties.

79-9. Disposal of Surplus Property.

79-10. Storage of Sludge on City Property Prohibited.

79-11. Disposing of Tax-Deeded and City Owned Real Estate.

79-12. Use of City Property.

[HISTORY: Adopted by the City Council on 12-14-1977[*]. Section 79-7 added at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Amendments noted where applicable.]

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

79-1. Private Work.

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

79-2. Street Cleaning Machinery Limitation.

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

79-3. Use by City Employees Limited.

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

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

79-4. Rental Charges.

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

79-5. Use on Unaccepted Streets.

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

79-6. Compensation for Private Work.

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

79-7. Naming of City Property. **[Amended on 2-27-85 by Ord. No. 3-85, Amended on 01-15-92 by Ord. No. 51-91]**

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

79-8. Violations and Penalties **[Amended on 4-27-83 by Ord. No. 10-83]**

Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be guilty of a violation and shall be subject to a fine of up to Five hundred dollars ($500.00).

79-9. Disposal of Surplus Property. **[Amended on 03-18-92 by Ord. No. 09-92; Amended 06-20-2001 by Ord. No. 12-2001]**

The Purchasing Agent shall be empowered to take the following measures concerning obsolete and excess property (non-real estate) reported per the Purchasing Code:

A. Transfer property from one department to another.

B. Include surplus equipment as trades on replacement equipment.

C. Sell property by public auction or sealed bid. Said auction or sealed bid to be advertised seven days in advance.

D. Donate property to other organizations upon approval by the City Manager.

E. Sell for salvage or dispose of in an appropriate manner any items that are unsalable or unwanted.

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

(1) City of Dover Library Material, which is deemed by the Library Director, with concurrence by the Library Board of Trustees, to be not useful, not relevant, in poor physical condition, or a duplication of material already owned by the Library, shall be considered surplus material, and may be donated by the Library Director to the Friends of the Library or other similar charity.

(2) This authorization is specifically exempt from reporting requirements under the Purchasing Code, unless the item is a fixed asset such as furniture or equipment.

(3) In consideration of this surplus donation policy, any such donated library material donated to the Friends of the Library, which is selected for resale, other than the annual book sale, shall be itemized and posted internally, and on the Library Web Page, at least seven (7) days prior to the offering, so that citizens of Dover have advance notice.

79-10. Storage of Sludge on City Property Prohibited **[Amended on 04-03-96 by Ord. No. 05-96]**

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

79-11. Disposing of City Owned Real Estate **[Added on 06-04-97 by Ord. No. 11-97; Amended 03-15-06 by Ord. No. 04-2006.]**

A. The Finance Department shall annually on or before November 15th prepare a list of real estate owned by the City. This list shall be forwarded to the City Manager and City Council and shall be used to update the inventory of City-owned real estate property.

B. Upon receiving the list from the Finance Department, the City Manager shall evaluate the properties on the list of real estate for their current or expected future use. Those properties that do no have a present or reasonably foreseeable use shall be recommended to the City Council to be sold.

C. Upon receiving the City Manager's recommendations, the City Council may then authorize the City Manager to dispose of such property in such manner as it may deem appropriate.

D. If at any time an individual or party should be interested in purchasing a particular parcel of City-owned real estate not previously identified for disposal, they shall express their interest in writing to the City Manager. In order for the City to further consider such a request to sell real estate, a deposit by certified check or money order in the amount of Two hundred fifty dollars ($250.00) shall be included for each parcel being requested to sell. Such deposit shall be fully refunded if the property requested for sale is not recommended for sale or is successfully sold.

E. Upon receiving a letter of interest to purchase real estate and the accompanying deposit, the City Manager shall evaluate the real estate requested for sale for its current and future use, and also seek two (2) appraisals of any real property, to include land and buildings, that the City is offering for sale prior to approval of the sale. The City Manager shall then recommend to the City Council within four (4) weeks of receiving a letter of interest that the property either be sold according to the procedure determined herein or retained by the City. **[Amended 03-15-06 by Ord. No. 04-2006]**

F. Within four (4) weeks of receiving authorization by the City Council, the City Manager shall offer for sale real estate authorized by the City Council to be sold.

G. Notice of intended sale of City-owned real estate shall be published in a newspaper of general circulation in the City and shall be posted in City Hall. The City shall also notify by certified mail the abutters of the property and previous owners, if known. Notice of the intended sale shall inform the public of the time and procedure of the sale of the property and that any available data shall be provided for public inspection in City Hall. Notice shall be provided to any mortgagee pursuant to RSA 80:38-b at least thirty (30) days prior to the sale.

H. Unless otherwise authorized by the City Council, sealed bids with a minimum bid price of eighty percent (80%) of the current appraised value will be solicited for all City-owned real estate property authorized to be sold. Bids are required to be submitted in writing, sealed and accompanied by a certified check or money order in an amount equal to at least ten percent (10%) of the bid offering. This bid security deposit money will be returned to all unsuccessful bidders once the transfer of ownership has been completed or if all bids shall be rejected. All bids received shall be opened publicly. All City-owned real estate advertised for sale shall normally be conveyed to the highest bidder meeting the minimum bid requirements subject to the following conditions or exceptions:

(1) The City shall retain the right to refuse any and all bids.

(2) Any expense related to the sale of the City-owned real estate and the recording of the deed shall be the responsibility of the purchaser. Such expenses shall included but are not limited to the expense of the tax stamp and the cost of preparing and recording the deed.

(3) The successful bidder shall deliver to the City the balance of the bid price by certified check or money order within thirty (30) days of the bid opening. If the balance is not received within such time, the City may retain the deposit and sell the property to the bidder with the next highest bid.

I. After review of the successful bid by the City Council, the City Manager shall be authorized by a majority vote of the City Council to execute and deliver quitclaim deeds in the name of and on behalf of the City to purchasers of real estate sold by the City. Surplus funds shall be distributed in accordance with the City Code.

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

79-12. Use of City Property **[Amended on 08-21-02 by Ord. No. 26-2002]**

A. The inside of City Hall may be used as an event venue for use by elected officials and candidates for elective partisan public office to promote a candidacy for educational or constituent service as long as members of the general public are invited and admitted without cost or restriction.

B. The City Manager shall promulgate policies for the use and rental of City Hall in all other cases.

CHAPTER 82

Reserved (formerly Curfew)

[Repealed on 10-08-2008 by Ord. No. 08-15.]

DANCES AND DANCE HALLS

CHAPTER 86

86-1. License Required.

86-2. Approved Locations.

86-3. Fees.

86-4. Definitions.

86-5. Revocation of License.

86-6. Posting of License.

86-7. Attendance of Police Officer; Reimbursement of Costs.

86-8. Illumination Required.

86-9. Closing Hours.

86-10. Reserved (formerly Closing Hours on Sunday.)

86-11. Violations and Penalties.

[HISTORY: Adopted by the City Council on 12-14-1977.[*] Amendments noted where applicable.]

86-1. License Required. [Amended on 02-16-00 by Ord. No. 01-2000]

A. No person, persons or society, fraternity, association or corporation shall hold a public dance or provide entertainment in any hall, building, tent, or in any other location, within the city limits of said City of Dover that is licensed by the State of New Hampshire to sell alcoholic beverages, without a license issued by the Chief of Police.

B. Any such license shall be issued to the same person or entity named in the State license to sell alcoholic beverages. A license is not transferable to a new location operated by the same licensee. A license is not transferable to a new person or entity if ownership of the business or location changes, or if the name on the liquor license changes.

C. Any such license may be issued for a single one-day event or for an entire calendar year. Licenses issued for more than one day shall expire at midnight on December 31.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 58 of the former Code, adopted 12-14-77.

86-2. Approved Locations. **[Amended on 02-16-00 by Ord. No. 01-2000]**

The license shall be issued only for entertainment or dances held in halls and restaurants that are approved by the Chief of Police.

86-3. Fees. **[Amended on 7-10-81 by Ord. No. 11-81]**

A yearly license may be issued for an annual fee for dances held in all places other than restaurants. A yearly license may be issued for an annual fee for restaurants. A license for a single public dance in any place may be issued for a daily fee. Refer to Fee Schedule.

86-4. Definitions.

As used in this Chapter the following terms mean:

ENTERTAINER – A person who, with or without compensation, performs or dances in a premises licensed by the State of New Hampshire to sell alcoholic beverages. **[Added 02-16-00 by Ord. No. 01-2000]**

PUBLIC DANCE – Any dance or ball to which admission may be had by the payment of a fee or to which the public may gain admission without the payment of a fee or a dance which is held as a part of any other public entertainment, amusement or exhibit.

86-5. Denial or Revocation of License - Appeals Process. **[Amended on 02-16-00 by Ord. No. 01-2000]**

A. The Chief of Police may designate a member of his staff to review and process initial applications for dance or entertainment licenses.

B. The Chief of Police may revoke any license issued under authority of this chapter at any time, for cause. At the discretion of the Chief of Police, a revocation can be limited to a specific length of time after which the license may be automatically reinstated or the Chief may require reapplication.

C. In cases where a license is to be denied or revoked, the requesting entity shall be notified in writing and advised of the process for appealing the decision.

D. The applicant for a license shall have thirty (30) days from the date of notice of denial or revocation to request a hearing. The Chief of Police or a designee shall afford the applicant a hearing within fourteen (14) days of any such request where the applicant will be permitted a reasonable opportunity to present facts and information on his behalf.

E. The Chief of Police shall be the final authority on matters of license issuance, denial or revocation.

86-6. Posting of License.

The license shall be posted in a conspicuous place within the hall in which the dance is held.

86-7. Attendance of Police Officer; Reimbursement of Costs.

The Chief of Police may require the attendance of a police officer or officers at any public dance. The expense of such officer or officers shall be paid by the licensee.

86-8. Illumination Required.

The hall in which a public dance shall be held shall be so lighted that the individuals may be identified at all times.

86-9. Closing Hours **[Amended on 7-10-81 by Ord. No. 11-81]**

All public dances shall be discontinued and the halls closed on or before the hour of 1:30 a.m., unless application is made to the Chief of Police by a bona fide and responsible person, persons, organizations or societies to continue the dance until such time as the Chief of Police may designate.

86-10. Reserved. **[formerly Closing Hours on Sunday].**

86-11. Violations and Penalties. **[Amended on 7-10-81 by Ord. No. 11-81]**

Any person or organization violating the provisions of this chapter shall be guilty of a violation and be subject to a fine of up to five hundred dollars ($500.00).

DOGS

CHAPTER 89

ARTICLE I

LICENSING AND REGULATION

89-1. Definitions.

89-2. License Required.

89-3. Fees.

89-4 Group Licenses.

89-5. Replacement of Lost License Tag.

89-6. Penalty for Unlicensed Dogs.

89-7. Seizure of Unlicensed Dogs.

ARTICLE II

NUISANCE REGULATIONS

89-8. Running at Large.

89-9. Impoundment.

89-10. Notice to Owner; Redemption.

89-11. Barking Dogs.

89-12. Removal of Excrement.

89-13. Violations and Penalties.

ARTICLE III

MISCELLANEOUS REGULATIONS

89-14. Restraint Required.

89-15. Examination of Dog.

89-16. City Parks and School Grounds; Dogs Prohibited.

89-17. Violations and Penalties.

[HISTORY: Adopted by the City Council: Art. I, 12-14-1977[*], Art. II, 12-14-1977[†]. Section 89-12 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.[‡]; Amended in its entirety by the City Council on 09-20-1995 by Ord. No. 13-95; Amended in its entirety by the City Council on 04-22-2009 by Ord. No. 2009-04-22-08.]

ARTICLE I

LICENSING AND REGULATION

89-1. Definitions.

As used in this Chapter the following terms mean:

ACCOMPANIED – means the owner or custodian must be able to see and hear the dog, or have reasonable knowledge of where the dog is, and be able to recall the dog on command.

AT LARGE – means off the premises of the owner or keeper, unless accompanied by the owner. At no time, shall any dog be permitted on the private property of another person, without permission of said person.

DOG – means male and female dogs not exempted by state statute.

OWNER – means any person keeping, harboring or having charge or control of, or permitting any dog to habitually be or remain on, or be lodged or fed within such person's house, yard or premises within the City of Dover. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by others.

89-2. License Required.

Every owner or keeper of a dog four (4) months old or over shall annually, on or before April 30th, license their dog in the office of the City Clerk. The City Clerk's office shall furnish the owner or keeper with a dog tag that contains the name of the City, year of issue and registration number. Said dog tag shall be attached and worn around the animal collar.

89-3. Fees. **[Amended 05-17-2000 by Ord. No. 06-2000]**

The fee for every license for a year or portion of a year shall be:

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[*] Editor's Note: Provisions of this Article are derived from Ch. 54 of the former Code, adopted 12-14-77.
[†] Editor's Note: Provisions of this Article are derived from Ch. 55 of the former Code, adopted 12-14-77.

(1) Seven-fifty dollars ($7.50) for dogs at least four (4) months old but less than seven (7) months old which are not spayed or neutered and seven-fifty dollars ($7.50) for a neutered male or spayed female dog; provided, however, that the owner or keeper of such spayed female dog or neutered male dog shall furnish a certificate from the person performing the operation to the satisfaction of the City Clerk.

(2) Ten dollars($10.00) for any unneutered male or unspayed female dog.

B. Notwithstanding paragraph A, the fee for every license for a year or a portion of a year shall be three dollars ($3.00) for a dog of either sex if the owner is 65 years of age or older; provided, however, that, if such owner wishes to license more than one dog, the fee for any additional license shall be as provided in Paragraph A.

C. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licenses, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers ten (10) or more litters per year, or sells or transfers fifty (50) or more puppies per year; or who derives forty (40) percent or more of his gross annual income from the sale or transfer of dogs.

89-4. Group Licenses.

A. The owner or keeper of five (5) or more dogs shall annually by April 30th pay the required fee, provide proof of rabies inoculation for every dog they own and obtain a license authorizing him/her to keep the dogs upon the premises described in the license, or off the premises while under his control. Such owner or keeper shall not be required to obtain a "commercial kennel" license under 89-3(C) of this Chapter.

B. The City Clerk shall not refuse to issue a group license to an owner or keeper who has complied with the requirements of this Section.

C. The fee shall be twenty dollars ($20.00) per year with a late fee of one dollar ($1.00) per month assessed for any group not licensed by June 1st. **[Amended 10-20-1999 by Ord. 12-99]**

D. No fee shall be required for dogs which are under the age of four (4) months.

E. The owner or keeper shall receive numbered license tags for each dog included under his group license.

89-5. Replacement of Lost License Tag.

Should the pendant giving the registered number of any dog licensed as by law required become lost or stolen, the City Clerk shall issue a new pendant (metal tag) for such dog, keeping a record of the change of number, and notify the Chief of Police of such change in a timely manner. **[Amended 03-20-2002 by Ord. No. 14-02]**

89-6. Penalty for Unlicensed Dogs.

A. The City Clerk shall annually, between June 1 and June 20, prepare a list for the City Council of owners who have not obtained or renewed their dog licenses by May 31 The City Council shall, within twenty (20) days from June 20, issue a warrant and authorize the City Clerk or the Police Chief to issue civil forfeiture notices for each unlicensed dog. The City Council may also authorize the Police Department to seize any unlicensed dog. Unlicensed dogs shall be held for a period of seven (7) days. (RSA 466:14)

B. Civil forfeitures may be delivered by certified mail, hand delivery of left at the abode of the dog owner. The original notice shall be delivered to the owner with a carbon copy to the city clerk. The forfeiture notice shall indicate that the owner of the dog has fifteen (15) calendar days of the notice of forfeiture to pay the forfeiture fee, cost of service, and to license the dog(s) or a summons to District Court will be issued by the Police Department. The forfeiture fee is Twenty-five ($25.00) dollars and the service fee is five dollars ($5.00). Failure to pay the forfeiture and service fees in a timely manner shall result in a summons to the District Court by an authorized law enforcement officer.

C. A fine not to exceed fifty dollars ($50.00) shall be imposed for an offense.

89-7. Seizure of Unlicensed Dogs.

A. Any authorized police officer may seize any dog not properly licensed after a written warning and cause it to be transported to the Cocheco Valley Humane Society or other incorporated entity authorized to accept such dogs. The Cochecho Valley Humane Society, or other authorized incorporated entity shall keep said dog at the expense of the city for a period of time not to exceed seven (7) consecutive days. Full title to the dog shall transfer to the Cocheco Valley Humane Society, or other authorized incorporated entity after seven (7) consecutive days. If, after such time, the dog remains unclaimed, then the Cochecho Valley Humane Society shall dispose of said dog at the expense of the City of Dover.

B. Any owner of a dog, so seized, may reclaim said dog during the seven (7) day period provided for herein by furnishing proof of a proper license, payment of the forfeiture

fee and service fee, a reasonable daily facility fee, all necessary veterinary fees, and a twenty-five dollars ($25.00) pick up and transportation service charge paid to the Police Department. (RSA 466:15)

ARTICLE II

NUISANCE REGULATIONS

89-8. Running at Large.

A person who owns or keeps a dog within the City shall not permit or allow such dog to be at large in the City, unless:

A. The dog is restrained by being kept on a leash not exceeding 8 feet in length; or

B. The dog is accompanied by the owner or custodian and under voice control.

89-9. Impoundment.

It shall be the duty of every police officer or other law enforcement officer or other such person as may be designated by the Animal Control Officer to apprehend any dog running at large contrary to the provisions of 89-8 and may impound such dog at the Cocheco Valley Humane Society or other authorized incorporated entity.

89-10. Notice to Owner; Redemption.

If such dog shall be impounded, the Police Chief or designee shall notify the owner in a timely fashion. The owner of any dog so impounded may reclaim such dog upon payment of all costs and charges incurred by the City of Dover for the impounding, veterinary care, and maintenance of such dog, including a pickup and transportation fee. (See Fee Schedule) Any dog so impounded which is not licensed and whose owner is unknown after a seven-day period may be disposed. Any dog which appears to be suffering from rabies or affected with hydrophobia or other infections or dangerous disease, shall not be released, but may be forthwith destroyed.

89-11. Barking Dogs.

A person who owns or keeps a dog in the city is hereby required to restrain such dog from extended and continuous barking or like noises that create a public disturbance or is deemed to be a continuous nuisance to abutters or neighbors for sustained periods of more than 1/2 hour, or during the night hours so as to disturb the peace and quiet of a neighborhood or area, Violations of this section shall be subject to penalties as prescribed under Section 89-13.

89-12. Removal of Excrement.

It shall be unlawful for the owner or person in control of any dog to allow that dog to appear in any public place or upon the property of any other person, unless said owner or person in control has in his or her possession a mechanical or other device for the removal of excrement; nor shall said owner or person in control, fail to expeditiously remove any such excrement deposited by said dog in any such place. Hearing Ear dogs, Guide Dogs, Service Dogs and Search and Rescue Dogs pursuant to state law are exempt from the provisions of this ordinance.

89-13. Violations and Penalties.

Any owner found violating any provisions of this Article II shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars ($25.00) for a first offense and, upon a second or subsequent conviction within twelve (12) months of a violation of this Article, a fine of not less than fifty dollars ($50.00)

ARTICLE III

MISCELLANEOUS REGULATIONS

89-14. Restraint Required.

Any person upon learning that a dog owned by him or kept in his custody has bitten any person shall forthwith tie up and restrain said dog from running at large for a period of ten (10) days and shall, as soon as possible, notify the Animal Control Officer or the Police Department.

89-15. Examination of Dog.

It shall be unlawful for any person to kill or dispose of a dog owned by him or kept in his custody which has bitten a person until he has notified the Animal Control Officer, the Police Department or the Health Officer and until these officials have had an opportunity to examine the dog.

89-16. City Parks and School Grounds; Dogs Prohibited; Exemptions.

No Owner or keeper shall allow any dog, whether on a leash or off a leash, in any area of any park or school grounds where a playing structure is erected with safety materials underneath, or where scheduled athletic games and/or recreational programs are held. The prohibited area shall include the playing surface for the athletic games or programs including foul territory, throw in areas, batting cages, warm up-mounds and player seating areas. This prohibition shall only apply when signage has been erected announcing the prohibition.

Hearing Ear dogs, Guide Dogs, Service Dogs and Search and Rescue Dogs pursuant to state law are exempt from the provisions of this ordinance.

89-17. Violations and Penalties.

A. Any person convicted of a violation of this Article III, shall be fined not more than fifty dollars ($50.00).

B. Each day a dog is not restrained in accordance with 89-14, shall constitute a separate violation.

DRIVEWAYS

CHAPTER 92

92-1. Purpose.

92-2. Statutory Authority.

92-3. Applicability.

92-4. Definitions.

92-5. Construction Permits.

92-6. Standards.

92-7. Paving Contractor's License.

92-8. Conversion of Driveways to Public Streets.

92-9. Violations and Penalties; Costs of Restoration.

92-10. Modification of Standards.

92-11. Appeals.

[HISTORY: Adopted by the City Council on 12-14-1977[*]. Amendments noted where applicable.]

GENERAL REFERENCES -- Streets and sidewalks - See Ch. 152; Ch. 155 Subdivisions

92-1. Purpose.

The purpose of this chapter is to further the safe and orderly development of the city through the establishment of an administrative procedure by which the location, method and materials used to provide vehicular access to and from city streets onto private property are subject to the review and approval of the Director of Public Works.

92-2. Statutory Authority.

This chapter is enacted pursuant to the provisions of RSA 236:13.

[*] Editor's Note: Provisions of this Chapter are derived from Ch. 41 of the former Code adopted 12-14-77

92-3. Applicability.

The provisions of this chapter apply to the construction, reconstruction, alteration, surfacing or resurfacing of any driveway which intersects with the right-of-way of any city-owned , city maintained way and/or other private way. Section 92-7 of this Chapter, referring to licensing requirements, applies to all paving contractors or related construction enterprises engaged in the retailing of driveway paving services to the general public within Dover's city limits.

92-4. Definitions.

As used in this Chapter the following terms mean:

ALL SEASON SIGHT DISTANCE – A line which encounters no visual obstruction between two (2) points, each at a height of three (3) feet nine (9) inches above the pavement and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

DRIVEWAY – A private road which is intended to provide vehicular access from a public way or private way to a single primary building which is located on a single lot. A "driveway" may service up to four (4) lots only if it complies with the terms and conditions of the Subdivision Ordinance, 155-51; Site Review Ordinance, 149-14, or 92-6 of this chapter. **[Amended 11-18-79 by Ord. No. 27-79; Amended 12-10-86 by Ord. No. 20-86]**

LOT – A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

92-5. Construction Permits.

A. Henceforth, it shall be unlawful to construct, reconstruct, alter, surface or resurface any Driveway in a manner which affects the size, elevation or grade of such Driveway until the Director of Public Works has reviewed and approved of such construction or alteration and has issued a written permit for such work. No permit shall be required for any existing Driveway, entrance or approach unless the grade, elevation, location or width of said Driveway is changed. For purposes of this section, any Driveway so constructed, reconstructed, altered, surfaced or resurfaced as indicated above which abuts or is clearly designed to provide access to a public way as defined by RSA 259:125 shall be presumed to be situated within the right-of-way. **[Amended on 11-26-86 by Ord. No. 19-86; Amended on 11-21-01 by Ord. No. 27-2001]**

B. Pursuant to this section, a written construction permit application must be obtained from and filed with the Public Works office by any landowner or by his paving

contractor, if he is employing one, affected by the provisions of this Chapter (see section 92-5.A above).

C. Before any construction or alteration work is commenced, said permit application shall have been reviewed and approved and a construction permit issued by the Director of Public Works. Said permit shall:

(1) Describe the location of the Driveway, entrance, exit or approach. The location shall be selected to most adequately protect the safety of the traveling public.

(2) Describe any drainage structures, traffic control devices and channelization islands to be installed by the applicant.

(3) Establish grades that adequately protect and promote street drainage and permit a safe and controlled approach to the street in all seasons of the year.

(4) Include any other terms and specifications necessary for the safety of the traveling public.

92-6. Standards.

A. Unless an All-Season Sight Distance of four hundred (400) feet in both directions along the street can be obtained, the Director of Public Works shall not permit more than one (1) access to a single parcel of land, and this access shall be at that location he determines to be safest. The Public Works Director shall not give final approval for use of any additional access until it has been demonstrated that the four-hundred-foot All Season Sight Distance has been approved.

B. Within twenty (20) feet of the point where the Driveway intersects the public right-of-way, the maximum slope of a driveway to four (4) or fewer dwelling units shall not exceed twelve percent (12%) and the maximum slope for other driveways shall not exceed eight percent (8%).

C. With the exception of shared Driveways, no Driveway, including any flare, shall be within five (5) feet of a side property line.

D. The angle of the Driveway with respect to the pavement edge shall not be less than sixty (60) degrees to ninety (90) degrees, except that a smaller angle may be used for entrance Driveways along a divided street, permitting only one-way operation of the Driveway.

E. At rural intersections, the minimum distance between the nearest edge of the driveway and the crossroad edge of pavement, measured along the edge of pavement, shall be one hundred (100) feet. At urban intersections, this minimum distance may be reduced to twenty-five (25) feet. Driveways to be located on the opposite side of T-intersections shall generally conform to the urban- intersection standard. The Director of Public Works shall have the authority to increase these distances if, in his opinion, such action is necessary for the protection of traffic. He may also modify these requirements, if justifiable on the basis of specific site conditions, including Lot size.

F. The type of construction where the Driveway meets the edge of the traveled way shall be commensurate with existing conditions with respect to drainage and curb configuration and shall be subject to the approval of the Director of Public Works. The property owner shall be responsible for the proper installation and maintenance of all drainage facilities (driveway culvert, swale, etc.) and the Driveway bed that lies between the edge of the traveled way and the parcel's property line. **[Amended on 11-28-79 by Ord. No. 27-79]**

G. In no case shall the permitted Driveway construction cause water to stand on the pavement, shoulders or within the street right-of-way limits. In those cases where property development increases drainage runoff such that existing street drainage structures are insufficient to adequately dispose of all drainage, the applicant will be required to provide additional or larger drainage facilities to prevent any ponding within the street right-of-way or adjacent lands thereto.

H. For access to a proposed commercial or industrial enterprise, to a subdivision or to a multifamily dwelling containing more than four (4) dwelling units, all of which for purposes of this chapter shall be considered a single parcel of land, said permit application shall be accompanied by such engineering drawings as may be required by the Director of Public Works showing information as set forth in Section 92-2 of this Chapter.

I. No construction permit shall allow a residential driveway entrance, exit or approach to be constructed more than twenty-two (22) feet in width. Driveway entrances and exits for nonresidential use shall be as follows: **[Amended on 11-28-79 by Ord. No. 27-79]**

(1) Where one (1) entrance/exit is designed to service a parcel, the width shall not exceed thirty-two (32) feet.

(2) Where two (2) entrances/exits are designed to service a parcel, the width shall not exceed twenty-four (24) feet.

92-7. Paving Contractor's License.

Henceforth, all paving and related contractors who conduct Driveway construction, reconstruction, alteration, surfacing or resurfacing operations within the city limits of Dover shall comply with the following Driveway licensing procedures:

A. Before any Driveway paving operation is begun, subsequent to the adoption of this chapter the paving contractor shall apply to the Director of Public Works for a license to conduct operations within Dover's city limits.

B. License fee. The annual license fee is contained in the Fee Schedule adopted by the City Council.

C. Such paving license shall expire on April 1 following the date of issuance.

D. Such paving license shall specify that if the paving work performed by the contractor fails to be acceptable to the Public Works Director that the contractor will either improve the Driveway to acceptable standards or be liable for such costs as may be necessary to effectuate such improvements or the removal of such driveway facility. The minimum standard imposed by the Director of Public Works will be for the provision of a Driveway access facility which provides safe movement of motor vehicles and which does not adversely affect the flow of drainage waters on city streets.

E. Failure to comply with paving standards established by the Public Works Department will result in revocation of the paving license and any accompanying driveway paving privileges within the city limits of Dover.

92-8. Conversion of Driveways to Public Streets.

As previously noted, a Driveway is a private way. Accordingly, no Driveway may subsequently be dedicated to the city as a public street until and unless the owner(s) of the property served by such Driveway make, at their expense, any improvements necessary to bring such roadway into conformance with the construction standards and specifications as set forth in Chapter 152 Streets and Sidewalks, for a public street or into conformance with such other specifications as established by the Director of Public Works or City Council.

92-9. Violations and Penalties; Costs of Restoration.

Whoever violates any provisions of this chapter shall be fined not more than two hundred fifty dollars ($250.00). The landowner shall be liable for the cost of restoration of the affected public street to a condition which conforms to the provisions of this chapter to the satisfaction of

the Director of Public Works. If a landowner fails to ensure that the above said conformance is accomplished within thirty (30) days of receiving written notification from the Director of Public Works, the restoration shall be accomplished by the city and charged to the landowner.

92-10. Modification of Standards. **[Amended on 11-28-79 by Ord. No. 27-79]**

Where the Director of Public Works finds that an unnecessary hardship may result from the strict compliance with these regulations, he may modify the regulations so that substantial justice may be achieved and the public interest secured, provided that such modifications shall not have the effect of nullifying the intent and purpose of this Chapter 92 Driveways and Chapter 155 Subdivision of Land .

92-11. Appeals.

Any person aggrieved by a decision of the Director of Public Works under this chapter may request a hearing before the Planning Board on the merits of his/her case. The Planning Board shall hear the facts in the case and vote to confirm, reject or modify the decision of the Director of Public Works. The Director of Public Works shall not participate in this vote. The decision of the Planning Board shall be final.[†]

A. The applicant and all abutters shall be notified of said hearing by certified mail, with return receipt requested, stating the time, date and place of such hearing not less than five (5) days prior to the date fixed thereon.

B. Such public hearing shall be advertised in a newspaper of general distribution not less than five (5) days nor more than ten (10) days prior to said hearing.

C. The applicant shall be billed for all costs incurred for such notification.

[†] Editor's Note: See Ch. 155, Subdivision of Land

CHAPTER 94

Reserved. (formerly Drug Paraphernalia.)

TRASH AND RECYCLING COLLECTION

CHAPTER 97

97-1. Definitions.

97-2. Collection Schedule; Restrictions; Recycling List.

97-3. Commercial Collections.

97-4. Storage of Containers and Dumpsters.

97-5. Removal of Empty Residential Containers.

97-6. Property Owner Responsible for Removal.

97-7. Prohibited Items for Collection.

97-8. Unauthorized Placement on Private Property.

97-9. Disposal by Incineration Prohibited.

97-10. Construction and Demolition Debris.

97-11. Multi-Family Recycling.

97-12. Collection on Private Roads.

97-13. Anti-Scavenging.

97-14. Covering Required During Transport.

97-15. Violations, Fines and Remedies.

97-16. Composting Operations.

97-17. Severability and Savings.

[HISTORY: Adopted by the City Council on 01-13-1988 by Ord. No.33-87[*]. Amendments noted where applicable. Chapter Title amended on 06-21-2006 by Ord. No. 06-2006; General revisions amended 10-08-2008 by Ord. No. 2008.09.24-016]

GENERAL REFERENCES - Building, wrecking and demolition - See Ch. 71.; Public health - See Ch. 116.

[*] Editor's Note: This ordinance superseded Former Ch. 97, Dumping and Rubbish Collection, adopted 12-14-77 as Ch. 44, as amended, of the 1977 Code.

97-1. Definitions.

As used in this Chapter the following terms mean:

BULKY WASTE –Large items, pieces of furniture or other waste material from a residential source not including construction and demolition debris, special, universal or hazardous waste and marked with a Dover Tag, but not exceeding fifty (50) pounds in weight.**[Amended 08-24-94 by Ord. No. 12-94]**

CITY CONTRACTOR –The individual, firm, partnership, joint venture, corporation or association performing trash collection and disposal under contract with the City.

COMMERCIAL COLLECTION AREA –The area of the City consisting of Central Avenue from Fourth Street to Kirkland Street and Washington Street from Belknap Street to the east side of Main Street.

CONSTRUCTION AND DEMOLITION DEBRIS –Building materials resulting from construction, remodeling, repair or demolition operations. **[Amended -8-24-94 by Ord. No. 12-94]**

CONTAINER –Dover Bag or Residential Container.**[Amended 08-24-94 by Ord. No. 12-94; amended 09-09-91 by Ord. No. 22-91]**

DOVER BAG –A specially marked bag designed for Trash as approved by the Dover Solid Waste Coordinator and sold by the City of Dover through various commercial/retail outlets.

DOVER TAG –A specially marked adhesive tag approved by the Solid Waste coordinator and sold by the City through various commercial/retail outlets.

DUMPSTER –A commercially designed large metal container for waste materials that has a closable top lid(s).

HAZARDOUS WASTE –Waste that is hazardous by reason of their pathological, explosive, radiological or toxic characteristics.

MULTI-FAMILY RECYCLING BIN –A ninety five (95) gallon bin distributed by the City and identified as acceptable multi-family recycling bins by the Solid Waste Coordinator.[**Added 09-09-91 by Ord. No. 22-91]**

RECYCLING BIN –Any reusable residential container labeled for recycling. **[Amended 08-24-94 by Ord. No. 12-94]**

RECYCLING MATERIAL –Those materials approved for recycling by the Solid Waste Coordinator and listed on the City Website.

RESIDENCE –A dwelling unit such as a home, trailer, or multifamily dwelling of four (4) or less, not including hotels and motels.

RESIDENTIAL CONTAINER –A trash can or any other receptacle made of plastic, metal or fiberglass with a capacity not to exceed fifty (50) gallons, a tight-fitting lid and handles of adequate strength for lifting.

SPECIAL WASTE –Medical and infectious waste which because of its infectious nature may cause or contribute to an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

TRASH –All organic and non-organic materials acceptable for collection in Dover Bags and capable of placement in Dover Bags. Trash does not include universal or Hazardous Waste, Construction and Demolition Debris, Special Wastes, oil based paint containers, Yard Waste, brush and solid woody waste.

TRASH AND RECYCLING COLLECTION SERVICE –Collection services performed by the City Contractor on a weekly basis supported by the Dover Bag and Tag program.

UNIVERSAL WASTE –Wastes meeting the definition of Hazardous Wastes in the New Hampshire Hazardous Waste Rules but which during accumulation and transport pose a low risk compared to other Hazardous Wastes; examples are: non-alkaline batteries, fluorescent bulbs, mercury devices and thermostats.

YARD WASTE –Any soft leaf, grass or vegetable wastes generated from residences within the City of Dover. Brush and solid woody wastes are not considered Yard Wastes for the purposes of this Chapter. **[Added 08-24-94 by Ord. No. 12-94]**

97-2. Collection Schedule; Restrictions; Recycling List. [Amended 09-09-91 by Ord. No. 22-91]

A. Trash, Recycling Materials, and Bulky Waste generated by Dover residents shall be collected by the City Contractor on a weekly basis. Collection shall occur Monday through Friday. Each residence shall only receive pick-up once per week.

B. All Trash placed for collection shall be contained in Dover Bags securely tied. Dover Bags placed for collection shall not exceed thirty-five (35) pounds. Dover Bags may be placed in Residential Containers. All Recycling Material shall be placed for collection in a Recycling Bin. Bulky Waste shall have a Dover Tag attached.

C. Residents shall not place materials for collection along the curb or edge of the street earlier than 4 PM on the evening before the scheduled collection day. This provision shall apply to materials placed for collection by the City Contractor and private contractors.

D. Only materials contained in a Dover Bag, Recycling Container or Bulky Waste with an approved Dover Tag and placed along the curbside no later than 7 AM on the scheduled collection day will be collected by the City Contractor.

E. The City Contractor shall only collect Dover Bags securely tied in such a manner as to fully and completely enclose the Trash contained. Cardboard boxes are not acceptable Containers for collection by the City Contractor. Cardboard boxes shall be broken down to lie flat and secured as a bundle no more than 4' x 4' in size and no more than 50 lbs in weight

F. The price of Dover Bags and Dover Tags shall be reviewed annually or as needed by the City Council.

G. The Solid Waste Coordinator shall publish a list of Recycling Materials acceptable for the curbside recycling collection program, place the list on the City website and make the list available to the public.

H. The Community Services Department shall announce the amended collection schedule for holiday weeks in advance.

I. Items placed by residents along the public way marked "Free", or similar marking, shall only be placed in public view for twenty-four (24) hours.

97-3. Commercial Collections. **[Amended 12-19-90 by Ord. No. 22-90; Amended 09-09-91 by Ord. No. 22-91]**

A. Businesses and Residences in the Commercial Collection Area may use the Trash and Recycling Material collection services.

B. Businesses in the Commercial Collection Area who choose not to use Dover Trash and Recycling Material collection services are responsible for making their own arrangements for Trash and Recycling Materials removal and disposal. The City negotiated disposal contract will allow commercial waste to be disposed of at the City's per ton rate.

C. Businesses outside the Commercial Collection Area are responsible for making private arrangements for removal and disposal of Trash and other waste materials.

97-4. Storage of Containers and Dumpsters.

Except on the day prior to collection as provided for in 97-2, no person shall place or store any Trash, Dover Bag or Bulky Waste unless said material is placed in Residential Container/Dumpsters and said Residential Containers/Dumpsters are stored in a manner as to be screened from public view from any public way. Residential Containers and Dumpsters shall be sized to handle the needs of the Residence or commercial establishment.

97-5. Removal of Residential Containers. **[Added 12-18-96 by Ord. No. 17-96]**

Residential Containers and Recycling Bins shall be removed from the curbside within twenty-four (24) hours after the City Contractor has engaged in collection services. Any remaining debris shall be cleaned up by the owners of abutting property no later than twenty-four (24) hours after collection. Collection crews shall be responsible for any debris they drop or spill on the ground and shall clean it up before moving on to the next stop, provided there has been the proper use of Dover Bags, Containers and bundles. These provisions shall apply to collection services by the City Contractor and private contractors.

97-6. Property Owner Responsible for Removal.

A. Trash , Yard Waste, Bulky Waste, Construction and Demolition Debris, Special Waste, Universal Waste and Hazardous Waste placed in violation of this Chapter shall be removed by the owner of said materials, or the owner of the property next to the area where said materials appear, no later than twenty-four (24) hours after notice is posted by City staff to avoid a continuing offense and additional administrative fines pursuant to the provisions of 97-5.D.

B. Notice of the violation shall be posted in a conspicuous place on the property next to the area where said materials appear.

C. The Community Services Department is authorized to remove and/or contract with a private commercial removal company to remove illegally placed Trash, Yard Waste, Bulky Waste, Construction or Demolition Debris, Special Waste, Universal Waste and Hazardous Waste if said items remain twenty-four (24) hours after notice is posted. Property owners of properties next to the area where materials are removed pursuant to this paragraph are responsible for the costs of removal. Removal expenses shall be in addition to any administrative fines.

D. Owners of Residences and apartments shall supply appropriate Residential Containers, but not Dover Bags, for residents and tenants to use for Trash and recycling purposes until collection.

97-7. Prohibited Items for Collection.

No person, firm or corporation shall place any Special Waste, Universal Waste or Hazardous Waste, liquid or human fecal waste, oil sludge, Construction and Demolition Debris, animals and animal parts, Yard Waste, or brush and solid wood wastes upon or near a city street or highway for collection by the City of Dover or the City Contractor.

97-8. Unauthorized Placement on Private Property.

No person, firm or corporation shall place any Special Waste Universal Waste or Hazardous Waste, liquid or human fecal waste, oil sludge, Construction and Demolition Debris, animals and animal parts, Yard Waste, or brush and solid wood wastes on private property unless authorized by the owner of the property and except in accordance with any applicable State law or this ordinance.

97-9. Disposal by Incineration Prohibited.

No person, firm or corporation shall dispose of any Trash or prohibited items for collection by any process involving burning or incineration except as may be authorized pursuant to any applicable State or Federal law. For the purpose of this section, Trash shall not be construed to include materials such as newspaper, scrap paper, or other solid material which are commonly used for the purpose of starting fires in fireplaces, wood stoves, or in wood or coal furnaces.

97-10. Construction and Demolition Debris. **[Amended 08-24-94 by Ord. No. 12-94]**

The City may provide a disposal location for the disposal of small quantities of Construction and Demolition Debris generated by City residents within the City of Dover for a fee set by the City Council. The disposal of such debris shall be conducted in accordance with regulations as may be established by the Community Services Department.

97-11. Multi-Family Recycling.

Multi-family dwellings of five (5) units or more may be provided with ninety-five (95) gallon bins for acceptable recyclable material. Multi-Family Recycling Bins will be collected weekly following established collection routes. Unacceptable material placed in the Multi-family Recycling Bins will not be collected.

97-12. Collection on Private Roads.

A. Residential structures on private roads may request access to the Dover Bag and Tag program and Trash and Recycling Materials collection services. Requests shall be made in writing and addressed to the Director of Community Services. Requests to

participate in the Dover Bag and Tag program shall be approved upon application if both of the following criteria are met:

(1) The residence is accessible by the trucks of the City Contractor.

(2) The authorized representative of the Homeowners Association for residences on a private road executes a Release of Liability form approved by the City releasing the City Contractor and the City of Dover from liability for damage caused to the private road resulting from the use of the road to perform the Trash and Recycling Materials collection services. In addition, a certified copy of the certificate of existence of the Homeowner's Association shall be on file in the Office of the Community Services Director. The Release shall be updated six (6) months prior to the expiration of the City's current waste hauling contract. Failure to renew the Release shall result in the discontinuance of the Trash and Recycling Materials collection services upon ninety (90) days written notice of termination sent by certified mail to the owners of record of residences on the private road. Multi-family dwellings as defined in Chapter 170-6 shall not be eligible for Trash and Recycling Materials collection services.

B. There shall be a ninety (90) day waiting period for the start of Trash and recycling collection services after a complete application is received.

97-13. Anti-scavenging. **[Added 12-11-91 by Ord. No. 45-91]**

No person shall possess Trash or Recycling Material placed at the curb for collection or delivered to the City Recycling Center unless expressly authorized by City staff in writing. Said materials are the property of the City upon placement for collection or delivery to the Recycling Center.

97-14. Covering Required During Transport.

All persons, firms and corporations, and their agents shall protect Trash, Construction and Demolition Debris, Special Waste, Universal Waste, Hazardous or Yard Waste, brush and solid woody wastes or loose articles of a waste nature during transport of said materials in a vehicle on a public way with adequate covering to prevent the materials from being blown from the vehicle.

97-15. Violations, Fines and Remedies. **[Amended 07-17-91 by Ord. No. 24-91]**

A. Any person, firm or corporation found to be in violation of any provision of this Chapter shall be assessed an administrative fine not less than twenty-five dollars ($25.00).

B. The staff of the Community Services Department and/or Police Department are authorized to issue citations to persons, firms or corporations violating this ordinance.

C. Recipients of citations shall have twenty-four (24) hours to correct the violation(s) to avoid additional administrative fines (See 97-6 (A)). Payment of administrative fines shall occur within seven (7) calendar days.

D. Continued violation of the chapter after the issuance of an initial citation shall constitute a continuing offense. An additional administrative fine equal to the fine in the initial citation for each succeeding day the violation continues shall be imposed without the issuance of a separate citation for each succeeding day.

E. The Community Services Department may refuse to accept or collect Trash, Recycling Material, Bulky Waste, or solid waste of any kind that is not handled in accordance with the provisions of this Chapter, any rules adopted hereunder, or when there is a failure to pay administrative fines. This authority may involve refusing an individual pick-up or discontinuing future municipal collection services.

F. The Community Services Department has the right to refuse access to the Recycling Center to any persons who misuse the Center or are negligent and/or abusive to City employees.

G. The Community Services Director, or designee, may negotiate and settle civil claims and citation fees involving violations of this chapter.

H. City staff upon the approval of the City Manager is authorized to file appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of, or enforcement of, this Chapter.

I. City staff may inspect materials placed at curbside for municipal pick-up for compliance with local, state and federal laws.

J. Notices or citations may be served in hand by City staff, posted in a conspicuous place on the adjoining property or sent by certified mail to the owner. Notices or citations sent by certified mail shall be deemed to have been received when the City places the notice or citation in the mail.

97-16. Composting Operations **[Added on 11-20-02 by Ord. No. 29-2002]**

A. Definitions:

COMPOSTING –The mixture of decomposable refuse at an outdoor, open-air facility for the purpose of producing material for fertilization and conditioning of soil.

COMPOSTABLES –Brush, unpainted or untreated wood or wood by-products; Christmas trees or wreaths; wood pallets which are ground or shredded; leaves; grass clippings; vegetative pruning; garden waste and Yard Waste, farming crop residuals, animal manure, approved bulking agents in accordance with NH State Administrative Environmental Rules.

COMPOSTING FACILITY –A site where Composting occurs as part of a private business. Sites of less than one (1) acre in size are not defined by this ordinance as a Composting Facility. Municipal sludge, solid waste and other non-farm type wastes other than leaves and grass clippings are not included. Household Composting is not included.

COMPOSTING FACILITY OPERATOR –The person responsible for the operation of a Composting Facility regulated by this ordinance.

B. Scope of Applications

No Composting Facility shall be established in the City of Dover by any person, unless the Composting Facility conforms to this ordinance and other local, state and federal regulations, statutes and guidelines.

C. Operation Standards and Requirements

Composting operations shall adhere to the guidelines published by the National Resource Conservation Service "Composting Facilities" Code Number 317. The site shall insure a process to maintain set back requirements and to control runoff and ensure odor problems are minimized. Every operation shall be required to file an annual operation and maintenance plan with the Solid Waste Coordinator.

D. Noise, Odor and Debris

(1) Noise and vibration emanating from a Composting Facility shall not be excessive. The operation of machines and equipment shall not start before 7:00 a.m. or continue after 9:00 p.m.

(a) The Composting Facility Operator shall not permit unreasonably offensive odors to escape the boundaries of the Composting Facility and/or interfere with the enjoyment of adjacent properties.

(b) Debris and litter driven by wind or flowing water emanating from a Composting Facility shall be collected daily by the Composting Facility Operator. In the event the Composting Facility Operator is unable to prevent wind or water driven debris from leaving the site, the enforcement officials

shall direct the Composting Facility Operator to erect impenetrable screening to stop the scattering of debris from the site.

(c) Security of the Composting site shall be provided to a degree to prevent illegal dumping. Said property shall be gated or barred when not attended and have appropriate signage against trespassing.

(d) A Composting Facility Operator shall use only licensed disposal areas for the disposal of its solid waste.

E. Enforcement

Enforcement officials shall be permitted entry to the Composting Facility for inspection purposes during normal operating hours to determine compliance with this ordinance and other applicable regulations. No person shall impede inspection of a Composting Facility by enforcement officials.

F. Penalties

Any person, corporation, partnership or any other legal entity who fails to comply with any of the provisions of this ordinance or any of the regulations in pursuance thereof, shall be guilty of a violation, and upon conviction thereof, may be fined not more than one thousand dollars ($1,000.00). Every act or violation and every day upon which a violation occurs shall be considered a separate offense. The City may exercise cease and desist remedies under RSA 676:17-a, for repeat offenders.

G. Construction, Non-Applicability, Appeals

This ordinance shall be liberally construed in such manner as to best effectuate its purpose. The provisions of this ordinance shall be construed, if possible, in such manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the City of Dover and all amendments thereto, provided however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail. If there is believed to be a conflict between the stated intent and any specific provisions of this ordinance, the City of Dover may, in accordance with established zoning ordinance procedures, permit modification of said provisions while retaining the intent in such appealed instance.

H. Repeals

All ordinances or parts thereof in conflict with the provisions of this ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this ordinance full force and effect.

97-17. Severability and Savings.

Should any provision or section of this ordinance be held invalid for any reason, such holdings shall not be constructed as affecting the validity of the remaining provisions or sections. The repeal provided therein shall not abrogate or affect any offense or act committed or done or any penalty or forfeiture incurred, or any pending litigation or prosecution or any right established, or occurring prior to the effective date of this ordinance.

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. Reserved (formerly Food Service Establishment Tobacco Policy.]

99-12. Service of Alcoholic Liquor Beverage.

[HISTORY: Adopted by the City Council on 12-14-1977.* Section 99-10 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. (1983); Amendments noted where applicable.]

GENERAL REFERENCES Public health - See Ch. 116.

99-1. Definitions. [Added on 06-03-92 by Ord. No. 15-92]

As used in this Chapter the following terms mean:

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.

PERSON - Person, firm, corporation or association.

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

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 on 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.

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 on 06-03-92 by Ord. No. 15-92]**

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

Annual license fees shall be in accordance with the current Fee Schedule as adopted by the City Council.

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 six (6) months if the Health Officer discovers the violation of any item of sanitation, he shall notify the proprietor or his agent, in writing, and make a second

[†] 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.

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.

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.

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 on 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.

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.

(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. 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 forty degrees Fahrenheit (40 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 and rodents shall be used. All parts of a restaurant used for preparing or storage of food shall be satisfactorily ratproofed.

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.

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.

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 two hundred dollars ($200.00); and each day of such violation or failure to comply shall constitute a separate offense.

99-11. [Repealed; formerly Food Service Establishment Tobacco Policy]

[Amended on 10-20-99 by Ord. No. 11-99; Amended 12-15-99 by Ord. No. 17-99; Repealed 12-15-99 by Ord. No. 18-99]

[‡] Editor's Note: Amended at time of adoption of Code see Ch. 1, General Provisions, Art. I (1983)

99-12. Service of Alcoholic Liquor or Beverages **[Amended on 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.

ELECTIONS

CHAPTER 100

100-1. Definitions.

100-2. Authority.

100-3. Candidates.

100-4. Conduct at Polls.

100-5. Election Assistants.

100-6. Board of Supervisors of Elections.

100-7. Penalties.

[HISTORY: Adopted by the City Council on 07-17-2002 by Ord. No. 17-2002]

100-1. Definitions.

As used in this Chapter the following terms mean:

CANDIDATE – Any person for whom votes are sought in an election

ELECTION – Any general biennial, municipal or special election for City Council or School Board.

ELECTION ASSISTANTS – Performs duties such as ballot checker, assisting voters with questions, helping register new voters, assist selectman/ward clerk on the in/out checklist, count write-in votes and other duties as directed by the Ward Moderator. **[Added 02-19-03 by Ord. No. 04-2003]**

ELECTION OFFICIALS – All persons who receive pay for work at the election polls under the supervision of the City Clerk including but not limited to:

MODERATOR – Responsible for overseeing the election process at the polling place of the Ward to which he/she was elected and ensuring that all applicable laws and procedures are carried out and followed by all participants at the polling place. The Moderator shall document and report to the City Clerk any and all occurrences that may have either a direct or indirect impact of said election.

WARD CLERK – Performs whatever duties deemed necessary by the Moderator including verifying and recording ballot count information.

SELECTMAN – Responsible for the "in" and "out" checklists at the polling place; including verifying voter information, handing out of ballots, directing voter to booth, and any other duties deemed necessary by the Moderator.

SUPERVISOR OF THE CHECKLIST – Responsible for maintaining up to date voter checklist information for the Ward to which he/she was elected in accordance with all applicable laws.

100-2. Authority.

This Chapter should be read in conjunction with the State Law on Election Procedure RSA659, RSA 664 and City Charter Section C2-13.

100-3. Candidates

All candidates for the office of School Board or City Council shall:

A. Disclose the name and address of their fiscal agent and campaign manager, if different, when filing for office.

B. Be provided with a copy of RSA 659:3 through RSA 659:45 and copies of the relevant sections of the Dover City Charter and City Code pertaining to conduct of elections, political advertising (RSA 664:14 through RSA 664:17-a) and contributions Chapter 137 (Political Contributions and Expenditures).

C. Candidates are invited to attend a biannual election law class to be held at a date and time announced by the City Clerk.

100-4. Conduct at Polls.

A. Corridor – a ten foot wide corridor shall be constructed at each polling place in the City. The corridor shall be constructed by use of a continuous non-breakable material to prevent access to voters who are entering the polls. A ten foot corridor shall be maintained to allow voter access to the polls.

B. No person shall hand out campaign material within the ten-foot wide corridor, or interfere with voters who are passing through.

(1) Distributing Campaign Materials at Polling Place, RSA 659:43(I) No person who is a candidate for office or who is representing or working for a candidate shall distribute or post at a polling place any campaign material in the form of a poster, card, handbill, placard, picture or circular which is intended to influence action of the voter within the building where the election is being held.

(2) No person shall distribute any campaign materials or perform any electioneering activities or any activity which affects the safety, welfare and rights of voters within a corridor of ten (10) feet wide and extending a distance from the entrance door of the building as determined by the moderator where the election is being held.

C. The City Clerk may utilize monitors, if available, to oversee outside activity and give directions to voters. Such monitors shall have a clearly marked City of Dover authorization displayed on their outer clothing.

D. Ward Moderators will be provided with communication devices upon request in

E. Elected elections officials and ward workers are invited to attend the bi-annual election law class.

100-5. Election Assistants **[Amended on 02-19-03 by Ord. No. 04-2003]**

A. Number of Assistants: Election Assistants may be employed by each Ward Moderator at the discretion of the Ward Moderator at the following suggested levels if possible and within the appropriated funding:

(1) Federal Election: Up to eight (8) Assistants

(2) State Election: Up to six (6) Assistants

(3) Municipal Election: Up to four (4) Assistants

B. Compensation:

(1) Election Assistants and other ward officials may be compensated up to ten ($10.00) dollars per hour depending on position. The Ward Moderator may receive up to twelve ($12.00) dollars per hour. Any elected official, who chooses to volunteer, may do so without compensation.

(2) All ward officials and assistants shall submit an affidavit that they are not being compensated by additional wages from the City of Dover on the same day they submit for hours worked at the polls.

C. Vacancy:

(1) In the event of temporary absence of Ward Moderator, the Moderator shall appoint an elected ward official pro-tem to serve in the official's place.

(2) In the event of a permanent vacancy, the City Council shall appoint a registered voter in that ward to serve the remainder of the term, as per Charter Section C2-2.

D. Qualifications:

(1) All assistants shall be capable of performing the duties assigned.

(2) All assistants shall be registered voters and reside in the City of Dover.

(3) Election assistants (except elected ward officials) are prohibited from also being a candidate for office whose name appears on the ballot during the election they are working.

100-6. Board of Supervisors of Elections. **[Added 09-17-03 by Ord. No. 20-2003]**

Hours of Sessions: Notwithstanding Charter Section C-26, RSA 654:27, 28; RSA 654:32; RSA 669:5, and RSA 671:15 -, allow Supervisors to hold sessions for one half hour, which can be extended at the discretion of supervisors. The City Clerk is authorized to follow state law in reducing the amount of hours the supervisors sit in accordance with the newly amended laws.

100-7. Penalties **[Amended on 09-17-03 by Ord. No. 20-2003]**

Any person found in violation of this chapter may be subject to a fine of up to one thousand ($1,000.00) dollars.

ELECTRICAL STANDARDS

CHAPTER 102

ARTICLE I

GENERAL PROVISIONS

102-1. Adoption of Standards.

102-2. Purpose.

102-3. Reserved (formerly Minimum Standards.)

ARTICLE II

ADMINISTRATION

102-4. Electrical Inspector.

102-5. Reserved (formerly Board of Electrical Standards and Appeals.)

102-6. Applicability.

102-7. Enforcement; Appeals.

102-8. Reserved (formerly 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.

102-15. Certificates of Inspection and Approval.

102-16. Approval of Temporary Service.

102-17. Conformity with Standards.

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 on 12-14-1977[*]. Amendments noted where applicable. General revisions 10-14-2009 by Ord. No. 2009.09.23-19]

GENERAL REFERENCES - Building construction - See Ch. 68. Housing standards - See Ch. 119.

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]**

[*] Editor's Note: Provisions of this chapter are derived from Ch. 17 of the former Code, adopted 12-14-77.

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. Reserved (formerly Minimum Standards) **[Repealed 09-15-93 by Ord. No. 26-93]**

ARTICLE II

ADMINISTRATION

102-4. Electrical Inspector.

An Electrical Inspector appointed by the City Manager shall administer the Electrical Code. **[Amended 10-14-2009 by Ord. No. O-2009-09.23-19]**

102-5. Reserved (formerly Board of Electrical Standards and Appeals)

[Repealed 01-15-92 by Ord. No. 50-91]

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.

102-7. 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 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.

102-8. Reserved (formerly 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. 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 Inspection Services within twenty-four (24) hours from the time the work is started, not including Saturdays, Sundays or holidays.

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, 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.

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 Electrical Inspector has given his/her 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 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 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.

102-15. 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.

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.

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.

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.

102-22. 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.

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 ($100.00). Each day of said violation shall be construed as a separate offense. **[Amended 09-15-93 by Ord. No. 26-93]**

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 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 in the Fee Schedule and approved by the Dover City Council and any legal entity thereof shall be exempt from the payment of said fees. **[Amended 09-15-93 by Ord. No. 26-93]**

FIRE PREVENTION AND LIFE SAFETY

CHAPTER 109

ARTICLE I

FIRE CODE

109-1. Statutory Authority.

109-2. Adoption of Standards.

109-3. Reserved. (formerly Bureau of Fire Prevention)

109-4. Reserved. (formerly Definitions)

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. (formerly Modifications)

109-13. Appeals.

109-14. New Materials, Processes and Occupancies.

109-15. Violations and Penalties.

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.

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.

[HISTORY: Amended in its entirety by the City Council on 12-18-1998 by Ord. No. 20-98; Amended by the City Council on 09-17-2003 by Ord. No. 16-2003; Amended in its entirety by the City Council on 10-14-2009 by Ord. No. 2009.09.23-20]

ARTICLE I

FIRE CODE

109-1. Statutory Authority.

This Article is enacted pursuant to the authority granted by RSA 47:22 and RSA155-A.

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 from fire or explosion codes known as the "State Fire Code (Saf-C 6000), NFPA 1, NFPA 101, 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 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. Reserved.(formerly Bureau of Fire Prevention)

109-4. Reserved.(formerly Definitions)

109-5. Storage of Explosives and Blasting Agents.

The limits referred to in current NFPA 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.

109-6. Outdoor Storage of Flammable Liquids; Bulk Plants.

A. The limits referred to in the current NFPA 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, 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.

109-7. Bulk Storage of Liquefied Petroleum Gas.

The limits referred to in the current NFPA 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, 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.

The routes referred to in the current NFPA 1, 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 18 of NFPA 1,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 the Fire and Rescue Department, or designee.

   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, at 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.

D. Designation of fire lanes. The designation of the fire lanes on private property shall be established as specified by the Chief of 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 Inspection Services Division

G. Enforcement. Enforcement shall be the responsibility of the local law enforcement agency and/or the 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.

B. This ordinance shall be construed consistently with the current NFPA 1, State Fire Code, adopted by the State of New Hampshire, Chapter 31, as adopted as Section 109-2 of this Chapter, and is not meant to repeal any section thereof.

109-12. Reserved. (formerly Modifications)

109-13. Appeals.

Whenever the 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 ($100.00) nor more than five-hundred dollars ($500.00) 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.

ARTICLE II

LIFE SAFETY CODE

109-16. Statutory Authority.

This Article is enacted pursuant to the authority granted by RSA 47:22

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.

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.

109-19. Smoke Detection Requirements.

In addition to the requirements of NFPA 101, Life Safety Code, current edition, and International Residential Code for 1 and 2 Family Homes, current edition, and International Building Code for 3 Family and Above and Commercial Buildings, current edition, interconnected smoke detectors powered by the house electrical system with accompanied battery back-up, shall be installed in each level of each common area, each level of each dwelling unit and in each bedroom of each dwelling unit. Said detectors are required in all new residential properties and all residential properties used for rental purposes which do not have an electric smoke detector in each of the following locations:

A. One on each floor of the unit; and

B. One on each level of the common area, including the basement and excluding the attic.

Existing residential properties used for rental purposes which meet the requirements of (A) and (B) above are considered in compliance with this section.

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 on 09-17-2003 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.

109-24. Violations and Penalties.

Any person, persons, firm corporation or partnership who shall violate any provisions of this Chapter shall be guilty of a violation punishable by a fine of not less than one-hundred dollars ($100.00) or not more than five-hundred dollars ($500.00). 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 State Board of Standards), 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 on 09-17-2003 by Ord. No. 16-2003]**

Any person, persons, firm, corporation or partnership who shall violate any provision of this Chapter shall be guilty of a violation punishable by a fine of not less than one-hundred dollars ($100.00) or not more than five-hundred dollars ($500.00). Each day that the violation continues to exist shall constitute a separate offense.

A. Reimbursement Costs.

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:

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, current edition and as required by NFPA 101 Life Safety Code current 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, current 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 on 11-17-2004 by Ord. No. 21-2004]**

(1) Assembly occupancies over five thousand (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 five thousand (5,000) square feet.

(7) Business occupancies over five thousand (5,000) square feet.

(8) Industrial occupancies over twelve thousand (12,000) square feet.

(9) Storage occupancies over twelve thousand (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, current edition, as indicated in this section or in existing 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 Chapter shall be guilty of a violation punishable by a fine of not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00). Each day that a violation continues to exist shall constitute a separate offense.

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.

A. Applicability - The provisions of this Chapter shall apply to:

(1) New buildings greater than fifty thousand (50,000) square feet;

(2) 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

(3) All sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

B. Radio coverage

(1) 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.

(2) 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.

(3) 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.

C. Inbound into the building

(1) 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.

(2) 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.

(3) 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.

D. Outbound from the building

(1) 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.

(2) 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.

E. Enhanced amplifications systems

(1) 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).

(2) 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.

(3) 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.

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.

(4) The following information shall be provided to the Fire Department by builder:

(a) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and

(b) Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling.

F. Testing procedures – Method to conduct tests:

(1) 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.

(2) Measurements shall be made using the following guidelines:

(a) With a service monitor using a unity gain antenna on a small ground plane;

(b) Measurements shall be made with the antenna held in a vertical position at three (3) to four (4) feet above the floor;

(c) A calibrated service monitor (with a factory calibration dated within twenty-four (24) months) may be used to do the test;

(d) 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

(e) If measurements in one location are varying, then average measurements be used.

G. Initial tests

(1) All testing shall be done in the presence of a fire department representative at no expense to the city or appropriate emergency services department.

(2) 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.

H. 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.

I. 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.

J. Violations and Penalties.

Any person, persons, firm, corporation or partnership who shall violate any provision of this Chapter shall be guilty of a violation punishable by a fine of not less than one-hundred dollars ($100.00) or not more than five-hundred dollars ($500.00). Each day that the violation continues to exist shall constitute a separate offense.

FLOODPLAIN DEVELOPMENT

Chapter 113

ARTICLE I

TITLE; AUTHORITY; LEGISLATIVE INTENT

113-1. Title.

113-2. Statutory Authority.

113-3. Purpose; Areas of Special Flood Hazard.

ARTICLE II

WORDS AND PHRASES

113-4. Definitions.

ARTICLE III

ADMINISTRATION

113-5. Development Review.

113-6. Required Data.

113-7. Use of Other Base Flood Data.

113-8. Information to be Obtained and Maintained.

113-9. Alteration of Watercourses.

113-10. Interpretation of Boundaries.

ARTICLE IV

FLOODPLAIN HAZARD REDUCTION

113-11. General Standards.

113-12. Specific Standards.

113-13. Floodways.

ARTICLE V

VARIANCES AND APPEALS

113-14. Variances and Appeals.

[HISTORY: Adopted by the City Council on 3-25-1987 as Ord. No. 7-87.* Revised in its entirety by the City Council on 01-20-1999 by Ord. No. 26-98.; Amendments noted where applicable.]

GENERAL REFERENCES - 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. Manufactured Homes - See Ch. 126. Site Review-See Ch. 149. Subdivision of land - See Ch. 155. Zoning - See Ch. 170.

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.

113-3. Purpose; Areas of Special Flood Hazard **[Amended on 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 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

* Editor's Note: This ordinance also repealed former Ch. 113, Flood Hazard Control, adopted 4-9-80 as Ord. No. 5-80.

Chapter and are hereby incorporated by reference. The Flood Insurance study is on file at the Department of Planning and Community Development.

ARTICLE II

WORDS AND PHRASES

113-4. Definitions. [Amended on 4-18-90 by Ord. No. 3-90]

As used in this Chapter the following terms mean:

AREA OF SHALLOW FLOODING – A designated AO zone on the Flood Insurance Rate Map 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.

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 on 04-20-2005 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.

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 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.

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.
[**Amended on 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 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.

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 cost of restoring the Structure to its before damaged condition would equal or exceed fifty percent (50%) 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
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.

ARTICLE III

ADMINISTRATION

113-5. Development Review **[Amended on 10-14-2009 by Ord. No. 2009.09.23-21]**

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 113-6 and Article IV, 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 113-6 and Article IV, 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 113-6 and Article IV, 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 113-6.)

113-6. 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 113-5 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 Flood Proofed.

(3) Certification by a registered engineer or architect that the Flood Proofing methods for any nonresidential Structure meet the Flood Proofing criteria in 131-12B.

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.

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.

113-7. 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.

113-8. Information to be Obtained and Maintained. **[Amended on 04-20-2005 by Ord. No. 13-2005]**

A. The Department of Planning and Community Development shall maintain and record for public inspection the certification of Flood Proofing required in 113-12B 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 Flood Proofed, the as-built elevation, in relation to Mean Sea Level, to which the Structure was Flood Proofed. 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 04-20-2005 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.

(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.

113-9. 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 IV, section 113-13 of this regulation.

113-10. 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 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.

ARTICLE IV

FLOODPLAIN HAZARD REDUCTION

113-11. 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.

(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.

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 Flood waters 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 Flood waters into the systems and discharge from the systems into the Flood waters.

(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

(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 Flood waters 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.

113-12. Specific Standards.

In all Areas of Special Flood Hazard where Base Flood elevation data has been provided as set forth in 113-3 and 113-7, 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:

(1) Be Flood Proofed so that below the 100-Year Flood elevation the Structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(3) 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.

C. MANUFACTURED HOMES.

(1) Manufactured Homes shall be anchored in accordance with 113-11A(2) of this Chapter.

(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 on 04-20-2005 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.

(2) The area is not a Basement.

(3) The area shall be designed to automatically equalize hydrostatic Flood forces on exterior walls by allowing for the entry and exit of Flood waters. 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 Flood waters.

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.

113-13. Floodways.

Located within Areas of Special Flood Hazard established in 113-3 and 113-9 are areas designated as Floodways. Since the Floodway is an extremely hazardous area due to the velocity of Flood waters 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 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 on 04-20-2005 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.

ARTICLE V

VARIANCES AND APPEALS

113-14. 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 twenty-five ($25.00) dollars for one hundred ($100.00) dollars 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.

HEALTH, PUBLIC

CHAPTER 116

116-1. Refuse in Public Places.

116-2. Maintenance of Nuisances.

116-3 Feeding of Wildlife on Public Property.

116-4 Reserved (formerly Keeping of Animals)

116-5 Household Drains. (formerly Construction of Privies)

116-6. Reserved. (formerly Permited Hours for Cesspool Cleaning)

116-7. Required Cleaning and Repair; Notice.

116-8 Installation and Use of Wells.

116-9 Installation and Use of Wells Related to Tolend Road Landfill Clean-Up.

116-10 Reporting Contagious Diseases.

116-11 Abatement of Nuisances.

116-12 Notices.

116-13 Violations and Penalties.

116-14 Infectious Waste Processing restricted.

116-15 Operation of Premises Promoting Illegal Drug Activity.

[HISTORY: Adopted by the City Council on 12-14-1977.[*] Section 116-11 Amended by the City Council at time of adoption of Code; see Ch. 1, General Provisions, Art. I (1983); Amendments noted where applicable.]

GENERAL REFERENCES - Board of Health - See Ch. 5

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

116-1. Refuse in Public Places.

No person shall place or leave or cause to be placed or left in or near any highway, street, alley or public place or in any private lot or enclosure or in any pond or other body of water, where the current will not remove the same, any rubbish, dirt, soot, ashes, hay, sheds, oyster, clam or lobster shells, tin cans, decayed fruit or vegetables, wastewater or any refuse animal or vegetable matter whatsoever, nor keep in or about any dwelling house, barn, shed, store, shop or cellar any of the aforesaid substances in any manner liable to become putrid or offensive or injurious to the public health.

116-2. Maintenance of Nuisances.

No person or persons shall erect, maintain or use any vault, cesspool or sink within one hundred (100) feet of any public sewer or erect, maintain or use within the compact part of the city, any pen or sty for swine if the same, in the opinion of the Board of Health, is a nuisance and injurious to the public health or erect, maintain or use any swill-house or building for rendering any offal, tainted or damaged tallow, lard or any putrid animal substance within the limits above described.

116-3 Feeding of Wildlife on Public Property **[Amended on 09-28-94 by Ord. No. 25]**

A. The purpose of this section is to protect and preserve the purity and sanitation of public water and parks; to protect public property from defacement; and to protect the public from the creation of health hazards.

B. No person shall purposely dispense any type of food, substance or seeds with the intent of causing any species of wildlife to feed upon the grounds or water owned by the City of Dover.

C. Any person violating the provisions of this section shall be guilty of a violation and shall, upon conviction, be subject to a fine up to one thousand ($1,000.00) dollars.

116-4 Reserved (formerly Keeping of Animals; See Chapter 170 Zoning)

116-5. Household Drains.

The owner, agent, occupant or other person having the care of any tenement used as a dwelling house or any other building shall furnish the same with a sufficient drain, and no person shall suffer any waste or stagnant water to remain in any cellar or upon any lot or vacant grounds by him owned in the compact part of any ward of the city.

116-6. Reserved. (formerly Permitted Hours of Cesspool Cleaning;(formerly see also 116-5 Construction of Privies and Cesspools)

116-7. Required Cleaning and Repair; Notice.

When any vault, or drain shall become offensive or obstructed, the same shall be cleaned and made free; and the owner, agent, occupant or other person having charge of the premises in which any vault, or drain may be situated the state or condition of which shall be a violation of the laws or the state or the provisions of this chapter shall remove, cleanse, alter, amend or repair the same within such reasonable time after a notice, in writing, to that effect shall be given to either of them by the Health Officer, as shall be expressed in such notice. In case of neglect or refusal to do so, the Board of Health may cause the same to be removed, amended or repaired, as it may deem expedient, at the expense of the owner, occupant or other person aforesaid.

116-8. Installation and Use of Wells. **[Added on 04-17-91 by Ord. No. 13-91]**

Except as hereinafter provided, no person, firm or corporation shall install or use for any purpose a well in or on any property located within fifteen hundred (1500') feet of the Hazardous Waste Landfill District I which is established and described in Section 170-28.B of the Dover Zoning Ordinance as consisting of those City-owned lots shown on the City of Dover Assessor's Map C, Lots 16, 18 and 24.

116-9. Installation and Use of Wells Related to Tolend Road Landfill Clean-Up **[Added on 04-17-91 by Ord. No. 13-91]**

The installation and use of wells within the area described in this Chapter shall be permitted for any purpose reasonably related to the clean-up, testing and reclamation of the Tolend Road Landfill.

116-10. Reporting Contagious Diseases.

It shall be and hereby is made the duty of every physician, surgeon or other person attending upon a case of smallpox, epidemic cholera, epidemic dysentery, diptheria, scarlet fever, typhoid fever, measles, yellow fever or other dangerous, contagious, infectious or pestilential disease and of every householder, attendant or agent, in whose house a case of any such disease occurs, to report every such case to the Health Officer or to the Board of health within twenty- four (24) hours after having knowledge of the same, giving the number of the house, the street, avenue or lane upon which it is situated and the name of the occupant or occupants, with the name and age of the diseased person, if known; and the Board may take such action as they deep expedient to prevent the spread of such disease.

116-11. Abatement of Nuisances **[Amended on 05-19-2004 by Ord. No. 08-2004]**

A. All petitions for the cleansing, removing or abatement of any nuisance shall be made to the Board of Health or to its executive officer or to any one of them, verbally or in

writing, stating distinctly the character of such nuisance, the premises where situated and the reason for its removal or abatement; but if it becomes necessary to institute legal proceedings against the party or parties complained of, the complainant shall, before such proceedings are instituted, file a complaint, in writing, with the Board.

B. Any place used for the purposes of distributing or consuming controlled substances or the selling of paraphernalia to consume controlled substances as defined by City Code Chapter 94 is hereby declared to be a public health nuisance. The City may petition the Superior Court for injunctive relief to abate the nuisance and close the premises. This remedy shall be in addition to any fines imposed pursuant to section 116-13.

116-12. Notices.

A notice served on an owner, agent or occupant of any property or left at the private residence of the owner, agent or occupant, or, if no such owner, agent or occupant can be found, posted on the front door or wall or fence of such property and a like notice sent to the last known post office address of such owner or agent shall be considered sufficient and ample notice.

116-13. Violations and Penalties [†]

Any person or persons, company or corporation who shall violate or cause to be violated, by agent or otherwise, any or either of the sections of this chapter or any or either of the provisions thereof or any or either of the orders, rules or regulations of the Board of Health, legally promulgated, or who shall fail or neglect to comply with any or either of the requirements thereof, by agent or otherwise shall, upon conviction thereof before the Municipal Court or other court of competent jurisdiction, be subject to a fine of up to one thousand dollars ($1000.00), with the costs of prosecution, for each offense, except in cases where the punishment is made and provided for under the laws of the state, in which case the penalties so prescribed shall be imposed. **[Amended on 04-17-91 by Ord. No. 13-91]**

116-14. Infectious Waste Processing Restricted **[Added on 03-06-91 by Ord. No. 09-91; Amended at time of adoption of Code; see Ch.1, General Provisions, Art. I (2013)]**

No facility processing infectious waste not generated on site may operate within the city limits of the City of Dover, NH.

116-15. Operation of Premises Promoting Illegal Drug Activity. **[Added on 05-19-2004 by Ord. No. 08-2004]**

A. Unlawful Acts

[†] Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art I (1983).

(1) Knowingly maintaining any place for the purpose of distributing, consuming or selling controlled substances or drug paraphernalia designed to consume controlled substances as defined by Chapter 94.

(2) Manage or control any building, room, or enclosure as an owner, lessee, agent, employee or mortgagee, and knowingly and intentionally renting, leasing, or making available with or without compensation the building, room, or enclosure for the purpose of unlawfully distributing or using a controlled substance, or sale of illegal drug paraphernalia.

HOUSING STANDARDS

CHAPTER 119

ARTICLE I

GENERAL PROVISIONS

119-1. Title and Statutory Authority.

119-2. Definitions.

119-3. Purpose.

119-4. More Restrictive Provisions to Apply.

119-5. Interpretation.

119-6. Defense of Officers and Employees.

119-7. Applicability.

119-8. Administration.

ARTICLE II

RESPONSIBILITIES OF OWNERS AND OCCUPANTS

119-9. Responsibilities of Owners.

119-10. Responsibilities of Occupants.

ARTICLE III

MINIMUM STANDARDS

119-11. Basic Equipment and Facilities.

119-12. Occupancy Standards.

119-13. Space, Use and Location.

119-14. Structural Condition and Maintenance.

119-15. Windows, Exterior Doors and Basement Hatchways.

ARTICLE IV

INSPECTIONS

119-16. Inspection by Housing Standards Board.

119-17. Right of Access for Housing Standards Board.

119-18. Right of Access for Repair.

ARTICLE V

UNFIT DWELLINGS

119-19. Defects and Substandard Conditions.

119-20. Public Nuisance.

119-21. Orders to Repair, Close, Vacate, Demolish or Remove.

ARTICLE VI

ENFORCEMENT

119-22. Causes of Action.

119-23. Service of Notice.

119-24. Contents of Notice.

119-25. Decisions of Board.

119-26. Posting of Notice.

119-27. Basis for Board Decisions.

ARTICLE VII

APPEALS

119-28. Appeals to City Council.

119-29. Superior Court Hearings.

119-30. Superior Court Decisions.

119-31. Recovery of Public Costs.

119-32. Exceptions.

ARTICLE VIII

PENALTIES

119-33. Violations and Penalties.

ARTICLE IX

WORDS AND PHRASES

119-34. Reserved (formerly Definitions)

[HISTORY: Adopted by the City Council on 12-14-1977.* Sections 119-11A, B and D(2) and (3), 119-12A(3), (5) and (6), 119-12B(3), 119-13B(3)(d), 119-16, 119-17, 119- 33 and 119-34 Amended by the City Council at time of adoption of Code; see Ch. 1, General Provisions, Art. I (1983); Other amendments noted where applicable.]

GENERAL REFERENCES - Building Code - Ch. 68. Wrecking and demolition of buildings - Ch. 71. Electrical Standards, Ch. 102.

ARTICLE I

GENERAL PROVISIONS

119-1. Title and Statutory Authority.

This Chapter shall be known as the "Dover Housing Code." This Chapter is adopted pursuant to the authority of RSA 48A.

119-2. Definitions.

As used in this Chapter the following terms mean:

BASEMENT – A portion of any Dwelling located partly underground, but having less than forty percent (40%) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR – A portion of any Dwelling having sixty percent (60%) or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

* Editor's Note: Provisions of this Chapter are derived from Ch. 18 of the former Code, adopted 12-14-77.

DWELLING – Any building, structure, trailer, mobile home or camp or part thereof used and occupied for human habitation or intended to be so used and includes any appurtenances belonging thereto or usually enjoyed therewith.

DWELLING UNIT – A room or group of rooms located within a Dwelling and forming a single Habitable Unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

HABITABLE ROOM – A room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, water closet compartments, laundries, foyers, pantries, communicating corridors, stairways, closets, Basement, recreation rooms and storage spaces.

HOUSING STANDARDS BOARD – That administrative division of the City of Dover charged with the responsibility of enforcing the Housing Code.

OCCUPANT – Any Person, including an owner or operator, living and sleeping in a Dwelling Unit or Rooming Unit.

OPENABLE AREA – The part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

OPERATOR – Any Person having charge, care, management or control of any Dwelling or part of it in which Dwelling Units or Rooming Units are let.

OWNER – Any Person who, along, jointly or severally, with others, holds legal or equitable title to any Dwelling, Rooming House, Dwelling Unit or Rooming Unit.

PERSON – Any Person, firm, partnership, association, corporation, company or organization of any kind.

PLUMBING – Water-heating facilities, water pipes, garbage disposal Units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and other similar Supplied fixtures, together with all connections to water or sewer lines.

PREMISES – A lot, plot or parcel of land, including the buildings and structures thereon.

ROOMING HOUSE – Any Dwelling or part thereof containing one (1) or more Rooming Units, in which space is let to three (3) or more Persons.

ROOMING UNIT – Any room or group of rooms forming a single Habitable Unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

SUPPLIED – Installed, furnished or provided by the owner or operator at his expense.

119-3. Purpose.

This Chapter is adopted for the purposes set forth in the above-noted RSA 48A:2 specifically in order that any Dwelling which exists or may exist within the City of Dover which is unfit for human habitation due to dilapidation, dangerous defects which are likely to result in fire, accidents or other calamities, unhealthful lack of ventilation or sanitary facilities or due to other unhealthy or dilapidated or hazardous conditions may be caused to be repaired, closed, demolished or removed from the City of Dover.

119-4. More Restrictive Provisions to Apply.

Wherever the provisions of this Chapter differ from those prescribed by any other ordinance or regulation, the more restrictive shall apply.

119-5. Interpretation.

In its interpretation and application, the intent of this Chapter will be held to be the promotion of the public health, safety and general welfare.

119-6. Defense of Officers and Employees.

No officer or employee of the City of Dover acting for the City of Dover if discharged of his duties with respect to this Chapter shall render himself personally liable for any damage that may accrue to any Person or property as a result of his acts in the discharge of his duties. The General Legal Counsel of the City of Dover shall act on behalf of and in defense of any such officer or employee against whom suit is brought as a result of such performance of his duties with respect to this Chapter until the final determination of the proceedings.

119-7. Applicability.

The terms and requirements of this Chapter shall apply to all buildings, structures, trailers, mobile homes, camps or parts thereof used or intended to be used for habitation and shall include in addition to private Dwellings, all motels, hotels and Rooming Houses.

119-8. Administration.

A. This Chapter shall be administered as provided in RSA 48A.The Housing Standards Board shall consist of three (3) members, namely the Health Officer, Fire Chief and Planning Director. The terms of these members shall correspond with their respective official tenure.

B. A Chairman shall be elected from among the members to preside over all meetings. The Board shall meet on the call of the Chairman.

C. The Board shall maintain a permanent record of all its meetings and hearings, together with copies of all complaints, inspections, notices, orders and correspondence.

D. The terms of these members shall correspond with their respective official tenure.

E. The Board shall render an annual report of its activities to the City Council of the City of Dover.

ARTICLE II

RESPONSIBILITIES OF OWNERS AND AOCCUPANTS

119-9. Responsibilities of Owners.

A. Every owner of a Dwelling containing two (2) or more Dwelling Units shall be responsible for maintaining, in a clean and sanitary condition, the shared or public areas of the Dwelling and Premises thereof.

B. In Premises containing more than four (4) Dwelling Units, the owner shall supply garbage disposal facilities or garbage disposal containers for all Dwelling Units.

C. Wherever infestation is caused by failure of the owner to maintain a Dwelling in a ratproof or reasonably insectproof condition or wherever infestation exists in two (2) or more of the Dwelling Units in any Dwelling or in the shared or public parts of any Dwelling containing two (2) or more Dwelling Units, extermination shall be the responsibility of the owner.

119-10. Responsibilities of Occupants.

A. Every Occupant of a Dwelling or Dwelling Unit shall keep in a clean and sanitary condition that part of the Dwelling Unit and Premises thereof which he occupies and controls.

B. Every Occupant of a Dwelling or Dwelling Unit shall dispose of all his rubbish in a clean and sanitary manner by placing it in the rubbish containers required by this Chapter.

C. Every Occupant of a Dwelling or Dwelling Unit shall dispose of all his garbage and any other organic waste which might provide food for rodents in a clean and sanitary manner by placing it in the garbage containers required by this Chapter.

D. Every Occupant of a Dwelling containing a single Dwelling Unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the Premises,

and every Occupant of a Dwelling Unit shall be responsible for such extermination whenever his Dwelling Unit is the only one infested.

E. Every Occupant of a Dwelling Unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

ARTICLE III

MINIMUM STANDARDS

119-11. Basic Equipment and Facilities **[Amended at time of adoption of Code; see Ch. 1, General Provisions, Article I (1983)]**

No Person shall occupy or let to another for occupancy any Dwelling or Dwelling Unit for the purpose of living, sleeping, cooking or eating therein which does not comply with the following requirements:

A. Kitchen sink. Every Dwelling Unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system by the Housing Standards Board.

B. Flush water closet and lavatory basin. Every Dwelling Unit shall contain a room which is equipped with a flush water closet and a lavatory basin in good working condition and properly connected to a water and sewer system by the Housing Standards Board.

C. Bathtub or shower. Every Dwelling Unit shall contain, within a room which affords privacy to a Person within said room, a bathtub or shower in good working condition and properly connected to a water and sewer system by the Housing Standards Board. **[Amended on 6-8-83 by Ord. No. 16-83]**

D. Sharing of water closet, lavatory basin, bathtub or shower. The Occupants of not more than two (2) Dwelling Units may share a single lavatory basin and a single bathtub or shower, provided that:

(1) Neither of the two (2) Dwelling Units contains more than two (2) rooms. For the purposes of this subsection, a kitchenette or an efficiency kitchen with not more than sixty (60) square feet of floor area shall not be counted as a room.

(2) The Habitable area of each of such Dwelling Units shall be in good working condition and properly connected to a water and system by the Housing Standards Board.

(3) Such water closet, lavatory basin and bathtub or shower shall be in good working condition and properly connected to a water and sewer system by the Housing Standards Board.

E. Hot and cold water. Every kitchen sink, lavatory basin and bathtub or shower required under the provisions of this Article shall be properly connected with both hot- and cold-water lines.

F. Rubbish storage facilities. Every Dwelling Unit shall be Supplied with adequate rubbish storage facilities so designed and located as to preclude unhealthy conditions.

G. Garbage disposal facilities. Every Dwelling Unit shall have adequate garbage disposal facilities or garbage storage containers so designed and located as to preclude unhealthy conditions.

H. Water-heating facilities. Every Dwelling shall have Supplied water-heating facilities which are properly installed, are maintained in safe and good working condition, are properly connected with the hot-water lines required under this Article and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than one hundred thirty degrees Fahrenheit (130 F.).

I. Means of egress. Every Dwelling Unit shall have safe unobstructed means of egress leading to safe and open space at ground level.

J. Cooking facilities. No cooking equipment shall be furnished or used which is not so constructed and installed that it will function safely and effectively and shall be maintained in sound working condition, and portable cooking equipment employing flame shall be prohibited.

119-12. Occupancy Standards.

No Person shall occupy as owner-Occupant or shall let to another for occupancy any Dwelling, Rooming House, Dwelling Unit or Rooming Unit which does not comply with the following minimum standards for ventilation, light and heating:

A. Ventilation

(1) Total window area; windows and openable space. Every Habitable room shall have at least one (1) window which faces directly to the outdoors. The minimum total window area, measured between stops, for every Habitable room shall be ten percent (10%) of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light obstruction structures are located less than three (3) feet from the window and extend to a level above

that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight type window in the top of such room, the total window area of such skylight shall equal at least fifteen percent (15%) of the total floor area of such room.

(2) Glazing and repair of windows. All windows and doors containing glass panes shall be glazed according to accepted practice and kept in good repair and in easily workable condition; broken panes shall be promptly repaired.

(3) Openable window area. Every Habitable room shall have at least one (1) window or skylight which can be easily opened or such other device as will adequately ventilate the room. The total openable window area in every Habitable room shall equal at least forty-five percent (45%) of the minimum window size as required by this Chapter, except where there is Supplied some other device affording adequate ventilation and by the Housing Standards Board.

(4) Glass-fronted porch. For the purpose of this section, where a living room faces onto a glass- fronted porch, the porch shall be considered as a part of the living room if the total window and open space area between the porch and the living room is at least fifteen percent (15%) of the floor area of the living room.

(5) Bathroom. Every bathroom and water closet compartment shall comply with the window area and openable area requirements for Habitable rooms, except where there is Supplied some other device by the Housing Standards Board or as affording adequate ventilation.

(6) Laundry rooms. Every laundry room shall have a minimum openable area of at least three (3) square feet except where there is Supplied some other device by the Housing Standards Board as affording adequate ventilation.

(7) Public halls and stairways. Each public hall and stairway in every two-family Dwelling, multifamily Dwelling and Rooming House shall be adequately ventilated.

B. Light. Every Dwelling within three hundred (300) feet of a power line shall be Supplied with electricity as follows:

(1) Habitable room. Every Habitable room, other than rooms used for sleeping purposes, shall contain at least two (2) separate floor or wall-type electric convenience outlets or one (1) such convenience outlet and one (1) Supplied ceiling-type electric light fixture. Rooms used for sleeping purposes shall contain at least one (1) such convenience outlet or one (1) ceiling-type electric light fixture.

(2) Public halls. Every public hall in a Dwelling Unit shall contain at least one (1) Supplied ceiling- or wall-type electric light fixture. Every public hall and stairway in every two-family Dwelling, multifamily Dwelling and Rooming House shall be adequately lighted by an adequate lighting system, which may be turned on when needed by conveniently located light switches.

(3) Standards for installation. Every outlet and fixture shall be properly installed and maintained in good and safe working condition. All new electrical installations shall comply with the requirements of the Electrical Code (See Chapter 102, Electrical Standards).

C. Heating facilities. Every Dwelling and multifamily Dwelling shall have heating facilities, and the owner of the heating facilities shall be required to see that they are properly installed, safely maintained and in good working condition and that they are capable of safely and adequately heating all Habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least an average of sixty-five degrees Fahrenheit (65F) with an outside temperature of ten degrees (10) below zero degrees (0). The owners shall maintain a minimum average room temperature of sixty-five degrees (65) in all Habitable rooms, including bathrooms and toilet rooms when rented, at all times on the basis on ten degrees (10) below zero degrees (0) outside. The temperatures shall be existent at a level of three (3) feet above the floor level and three (3) or more feet from an exterior wall.

D. Gas heaters. Portable heating equipment employing a flame does not meet the standards of this Chapter and is prohibited.

E. Screening. Every opening which might provide an entry for rodents shall be permanently Supplied with screens or such other device as will effectively prevent their entrance.

119-13. Space, Use and Location.

A. Space

(1) Required space in Dwelling Units. Every Dwelling Unit shall contain a minimum gross floor area of not less than one hundred fifty (150) square feet for the first Occupant and one hundred (100) square feet for each additional Occupant. The floor area shall be calculated on the basis of the total area of all Habitable rooms. For purposes of this subsection, a child under the age of two (2) years shall not be counted as an Occupant.

(2) Required space in sleeping rooms. In every Dwelling Unit, every room occupied for sleeping purposes by one (1) Occupant shall have a minimum gross floor area

of at least seventy (70) square feet. Every room occupied for sleeping purposes by more than one (1) Occupant shall contain at least fifty (50) square feet of floor area for each Occupant thereof. For purposes of this subsection, a child under the age of two (2) years shall not be counted as an Occupant.

(3) Overcrowding of rooms. If any room in a Dwelling is overcrowded, the Building official may order the number of Persons sleeping or living in said room to be so reduced that there shall be not less than four hundred (400) cubic feet of air to each adult and two hundred (200) cubic feet of air to each child under twelve (12) years of age occupying such room.

(4) Eating facilities. No cooking or eating shall be permitted in any sleeping room in any Dwelling or Dwelling Unit, and no cooking facility or appliance shall be permitted in any sleeping room.

B. Use and location

(1) Minimum ceiling heights. Habitable rooms in existing buildings shall have a clear ceiling height over the minimum area required by this Chapter at not less than seven (7) feet, except that in attics or top half-stories the ceiling height shall not be less than seven (7) feet over not less than one-third (1/3) of the minimum area required by this Chapter when used for sleeping, study or similar activity. In calculating the floor area of such rooms, only those portions of the floor area of the room having a clear ceiling height of five (5) feet or more may be included.

(2) Cellars. No Cellar space shall be used as a Habitable room.

(3) Basements. No Basement space shall be used as a Habitable room unless:

(a) The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness.

(b) Total window area in each room meets the minimum requirements of this Chapter.

(c) Such required minimum window area shall open readily for purposes of ventilation directly to the outside air.

(d) Total openable window area in each room conforms to the requirements of this Chapter, except where there is Supplied some other device affording adequate ventilation as defined in the State Building Code and State Fire Code pursuant to RSA 155-A and by the Housing Standards Board.

119-14. Structural Condition and Maintenance.

Every foundation, floor, wall, ceiling and roof shall be reasonably weathertight, watertight and rodentproof, shall be capable of affording privacy and shall be kept in good repair.

119-15. Windows, Exterior Doors and Basement Hatchways.

Every window, exterior door and Basement hatchway shall be reasonably weathertight, watertight, rodentproof, and shall be kept in sound working condition and good repair.

ARTICLE IV

INSPECTIONS

119-16. Inspection by Housing Standards Board.

The Housing Standards Board is hereby authorized and directed to make inspections to determine the condition of Dwellings, Rooming Houses, Dwelling Units, Rooming Units, and Premises located within this City of Dover in order that it may perform its duty of safeguarding the health, safety and general welfare of the Occupants of Dwellings and of the general public. The position of Housing Standards Board shall be according to the City of Dover's Administrative Code.

119-17. Right of Access for Housing Standards Board.

In order to carry out the purpose and provisions of this Chapter, the Housing Standards Board is hereby authorized to enter, examine and survey at all reasonable times and, in an emergency, at any time all Dwellings, Rooming Houses, Dwelling Units and Premises. The owner or Occupant of every Dwelling, Rooming House, Dwelling Unit and Rooming Unit or the Person in charge thereof shall give the Housing Standards Board free access to such Dwelling, Rooming House, Dwelling Unit or Rooming Unit and its Premises, at all reasonable times and in an emergency, for the purpose of such inspection, examination and survey. The Housing Standards Board 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 Housing Standards Board shall seek a search warrant from proper authorities if an inspection of said property is required to carry out the provisions of this Chapter.

119-18. Right of Access for Repair.

Every Occupant of a Dwelling, Rooming House, Dwelling Unit or Rooming Unit shall give the owner or operator thereof or his agent or employee access to any part of such Dwelling, Rooming House, Dwelling Unit or Rooming Unit or its Premises, at all reasonable times, for the

purpose of making such repairs or alterations as are necessary to effect compliance with the provisions of this Chapter or with any lawful notice or order issued pursuant to the provisions of this Chapter.

ARTICLE V

UNFIT DWELLINGS

119-19. Defects and Substandard Conditions.

Any Dwelling which has any or all of the following defects or substandard conditions shall be deemed unfit for human habitation:

A. Dilapidated, decayed, unsafe or unsanitary. Any Dwelling which has become or is so dilapidated, decayed, unsafe, unsanitary or which utterly fails to provide the amenities essential to decent living or which is likely to cause sickness or disease so as to work injury to the health, morals, safety or general welfare of those living therein shall be deemed unfit for human habitation.

B. Inadequate light, air and sanitation. Any Dwelling having light, air and sanitation facilities which are inadequate to protect the health, morals or safety or general welfare of human beings who live or may live therein shall be deemed unfit for human habitation.

C. Inadequate egress. Any Dwelling having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication shall be deemed unfit for human habitation.

D. Insecure parts. Any Dwelling which has parts thereof which are so attached that they may fall and injure members of the public or property shall be deemed unfit for human habitation.

E. Unsafe, unsanitary or dangerous to public. Any Dwelling which because of its condition is unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this city shall be deemed unfit for human habitation.

119-20. Public Nuisance.

All Dwellings deemed unfit for human habitation within the terms of this Chapter are hereby declared public nuisances and shall be repaired, vacated and closed, demolished or removed according to the following by the method prescribed in this Chapter.

119-21. Orders to Repair, Close, Vacate, Demolish or Remove.

The following standards shall be followed in substance by the Housing Standards Board and the City Council in ordering repair, vacation and closing or demolition or removal:

A. Repair. If a Dwelling deemed unfit for human habitation can reasonably be repaired so that it will no longer exist in violation of the terms of this Chapter, it shall be ordered repaired.

B. Vacation and closing. If a Dwelling deemed unfit for human habitation is in such condition as to make it dangerous to the health, morals, safety or general welfare of its Occupants it shall be ordered to be vacated and closed.

C. Demolition or removal. In all cases where a Dwelling cannot be repaired so that it will no longer exist in violation of the terms of this Chapter with respect to the health, general welfare and safety of its Occupants and the citizens of Dover, it shall be demolished or removed. In all cases where a Dwelling unfit for human habitation is a fire hazard existing or erected in violation of the terms of this Chapter or any ordinance of the city or statute of the State of New Hampshire, it shall be demolished or removed. For the purposes of this Chapter, removal of a Dwelling unfit for human habitation shall mean removal from the City of Dover.

D. Dwellings unfit for human habitation; nuisances. All Dwellings deemed unfit for human habitation within the terms of Article V of this Chapter are hereby declared to be public nuisances, and shall be repaired, vacated and closed, or demolished or removed as hereinafter provided.

ARTICLE VI

ENFORCEMENT

119-22. Causes of Action.

Whenever a petition is filed with the Housing Standards Board by at least ten (10) residents of the municipality charging that any Dwelling is unfit for habitation or whenever it appears to the Housing Standards Board by inspection that any Dwelling is unfit for human habitation and when preliminary investigation discloses a basis for such charges, the Housing Standards Board shall take the following action.

119-23. Service of Notice.

The Housing Standards Board will issue and cause to be served upon the owner, every mortgagee of record and all parties in interest in such Dwelling (including Persons in possession) a complaint stating the charges in that respect. If the Person to be served resides outside the state,

service may be made upon him by registered mail and if there are any unascertained Persons having an interest in said Dwelling, notice may be given to them by publication in a newspaper having general circulation in the municipality; such publication to be at least ten (10) days before the date set for the hearing.

119-24. Contents of Notice.

Such complaint shall contain a notice that a hearing will be held before the Housing Standards Board at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of such complaint, that the owners, mortgagees and parties in interest shall be given the right to file an answer to the complaint and to appear in Person or otherwise and give testimony at the place and time fixed in the complaint and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Housing Standards Board.

119-25. Decisions of Board.

If after such notice and hearing, the Housing Standards Board determines according to the standards of this Chapter of the bylaws that the Dwelling under consideration is unfit for human habitation, it shall state, in writing, its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order.

119-26. Posting of Notice.

Any structure declared as unfit for human occupancy shall be posted with a placard by the Housing Standards Board. The placard shall include the following:

A. The name of the city.

B. The name of the authorized department having jurisdiction.

C. The Chapter and section of the code under which it is issued.

D. An order that the structure when vacated must remain vacant until the provisions of the order are complied with and the order to vacate is withdrawn.

E. The date that the placard is posted.

F. A statement of the penalty for defacing or removing the placard.

119-27. Basis for Board Decisions.

If the repair, alteration or improvement of said Dwelling can be made at a reasonable cost in relation to the value of the Dwelling and the ability of the owner to assume such cost, then the order shall require the owner, within the time specified in the order, to repair, alter or improve

such Dwelling to render it fit for human habitation or to vacant and close the Dwelling as a human habitation or, if the repair, alteration and improvement of said Dwelling cannot be made at a reasonable cost, require the owner, within the time specified in the order, to remove or demolish such Dwelling.

ARTICLE VII

APPEALS

119-28. Appeals to City Council.

If an owner is aggrieved by an order of the Housing Standards Board made pursuant to the above, he may appeal to the City Council. Said City Council shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the Housing Standards Board and to the owner. The City Council may affirm or revoke the order of the Housing Standards Board or it may modify the same in accordance with its findings. If it shall affirm or modify such order, the Housing Standards Board shall proceed to enforce said order as affirmed or modified, in the manner prescribed. If the City Council shall revoke such order, the proceedings shall be terminated.

119-29. Superior Court Hearings.

If the owner fails to comply with an order, made pursuant to the provisions of Article VI hereof to repair, alter, improve or vacate and close the Dwelling, the Housing Standards Board may file a petition in the Superior Court in accordance with RSA 48-A, in which it shall set forth the charges issued pursuant to 119-23, as well as any other allegations bearing upon the unfitness of the Dwelling for human habitation. The Court shall thereupon direct notice to be given all parties having an interest in said Dwelling, including mortgagees and Persons in possession thereof. Such notice shall be given, where practicable, by Personal service, except that, if the Person to be served resides outside the state, service may be made upon him by registered mail; and, if there are any unascertained Persons having an interest in said Dwelling, notice may be given them by publication of the petition in a newspaper having general circulation in the municipality, such publication to be at least ten (10) days before the date set for the hearing The Court shall set a date for hearing such charges and additional allegations, such date to be not later than fifteen (15) days after the filing of said petition. Upon hearing, the matter shall be treated as de novo, and the Court shall hear such pertinent evidence concerning the fitness of the Dwelling for human habitation as may be relevant.

119-30. Superior Court Decisions.

The Court shall, as soon as practicable, issue its order upon said petition; and, if the court finds the Dwelling complained against is unfit for human habitation, such order shall direct the Housing Standards Board to repair, alter or improve such Dwelling to render it fit for human

habitation if such repair, alteration or improvement can be made at a reasonable cost in relation to the value of the Dwelling and the ability of the owner to assume such cost or if the repair, alteration or improvement cannot be made at a reasonable cost in relation to the value of the Dwelling and the ability of the owner to assume such cost to remove or demolish such Dwelling. If the Court shall find in favor of the owner, it shall award to him reasonable costs and expenses, including counsel fees, all as determined by the court, incurred by him in his defense of the action in the Superior Court.

119-31. Recovery of Public Costs.

Whenever the Housing Standards Board shall incur cost for the repair, alteration, improvement, vacation or closing or for the removal or demolition of a Dwelling, pursuant to an order of the Superior Court, the amount of such costs shall be a lien against the real property on which such cost was incurred, and such lien, including as part thereof upon allowance of his costs and necessary attorney's fees, may be foreclosed upon order of the Superior Court made pursuant to a petition for that purpose filed in said Court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this Chapter. Notice of said lien shall be filed with the registry of deeds for the county in which the real estate is situated; and shall be recorded by him. If the Dwelling is demolished by the Housing Standards Board, he shall sell the material of such Dwelling and pay the proceeds of such sale to the Superior Court, for distribution to such Persons as the Court shall find entitled thereto.

119-32. Exceptions.

Pursuant to the authority specified in RSA 48-A:12, any Dwelling, building or structure within a historical district that is established under RSA 31:89-B or within such other classes of Dwellings, buildings or structures as the governing body shall deem to have special significance to the public interest and is so expressly defined by ordinance, code or bylaw may be by the governing body as a special exception, after public hearing, and the provisions of the Housing Code may be waived in their application to such Dwelling, building or structure in whole or in part or otherwise so modified as the City Council may determine.

ARTICLE VIII

PENALTIES

119-33. Violations and Penalties.

Any Person who shall violate any provision of this Chapter or any provision of any rule or regulation adopted by the Health Officer pursuant to authority granted by this Chapter shall, upon conviction, be punished by a fine not to exceed one hundred dollars ($100.00). Each day's failure to comply with any such provision shall constitute a separate violation.

ARTICLE IX

WORDS AND PHRASES **(formerly 119-34 Definitions; moved to 119-2; Amended at time of adoption of Code; see Ch. 1, General Provisions, Article I (2013))**

119-34. Reserved (formerly Definitions)

MANUFACTURED HOME PARKS

CHAPTER 126

126-1. Definitions.

126-2. Location in Manufactured Home Parks; Standards.

126-3. Park Locations.

126-4. Permits.

126-5. Site Requirements.

126-6. Streets, Walks and Parking.

126-7. Utilities.

126-8. Standards for Development.

126-9. Recordkeeping.

126-10. Notice of Violations.

126-11. Violations and Penalties.

126-12. Appeals.

126-13. Higher Standard to Prevail.

[HISTORY: Adopted by the City Council on 12-14-1977[*]; Amendments noted where applicable.]

GENERAL REFERENCES - Planning Board - See Ch. 41. Zoning - See Ch. 170.

126-1. Definitions.

As used in this Chapter the following terms mean:

LICENSING AUTHORITY – A written Permit issued by the Building Inspector Permitting the Manufactured Home Park to operate under this chapter and regulations promulgated in connection therewith.

MANUFACTURED HOME – Any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) feet or more in length, or when erected on site, is three hundred and twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which

[*] Editor's Note: Provisions of this chapter are derived from Ch. 23 of the former Code, adopted 12-14-77.

include plumbing, heating and electrical heating systems contained therein. Manufactured Housing shall not include preside built housing as defined in RSA 674:31-a. Permit

MANUFACTURED HOME LOT – A parcel of land intended for the placement of a single Manufactured home and the exclusive use of its occupants. Said lot shall be located only in a Manufactured Home Park.

MANUFACTURED HOME PARK – A parcel of land containing a minimum of ten (10) acres under single ownership which has been planned and improved for the placement of manufactured homes for non-transient use and which is designed to accommodate ten (10) or more Manufactured homes.

PERMIT – A written Permit issued by the Building Inspector Permitting the Manufactured Home Park to operate under this chapter and regulations promulgated in connection therewith.

PERMITTEE – Any person, firm or corporation receiving a Permit to construct, operate or maintain a Manufactured Home Park.

PERSON – Includes individuals, corporations, owners, lessees, licensee and agents of each of them.

TRAILER:

A. **TRAVEL TRAILER** – A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation having body width not exceeding eight (8) feet, and its body length does not exceed thirty-two (32) feet.

B. **PICKUP COACH** – A structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

C. **MOTOR HOME** – A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

D. **CAMPING TRAILER** – A canvas, folding structure mounted on wheels and designed for travel, recreation and vacation use.

126-2. Location in Manufactured Home Parks; Standards.

A. All Manufactured Homes in a Manufactured Home Park shall meet the standards of the current edition of the Manufactured Home Housing Institute (HUD 24 CFR 3280) as revised or amended, a copy of which is on file in the office of the City Clerk.

B. No provision of this Chapter shall apply to Trailers as defined under 126-1 of this Chapter.

126-3. Park Locations.

Refer to the applicable provisions of Chapter 170—Zoning for districts Permitting Manufactured Home Parks.

126-4. Permits.

A. Any person desiring to establish a new Manufactured Home Park shall file a Site Review application with the Planning board and shall file a Special Exception application with the Zoning Board of Adjustment Permit.

B. No person shall establish, construct, maintain, operate or alter any Manufactured Home Park in the City of Dover, unless such person, firm or corporation shall first obtain a Permit for such a use issued annually by the Building Inspector.

C. The Building Inspector will, upon written application of any person, issue or renew Manufactured Home Park Permits upon compliance with the provisions of this chapter and any other applicable municipal regulations. The initial fee therefore shall be two hundred fifty dollars ($250.00) The fee for renewal shall be seventy five dollars ($75.00) payable before the first day of January of the year for which the application is made.

D. Initial applications shall be accompanied by proof of ownership of the premises and a set of plans by a registered engineer, drawn to a scale of not more than one hundred (100) feet to the inch and showing the following information.

(1) The identity of the parcel of land and its boundaries.

(2) The area and dimensions of the tract of land, showing ownership of abutting property.

(3) The number, location and size of all proposed mobile home lots.

(4) The location of any existing buildings and any proposed structures.

(5) The location, name and width of roadways and walkways, also, parking areas, play or recreation areas, etc.

(6) The location of water, gas, electric, telephone, sewer lines, storm sewers and inlets, fire hydrants, etc.

126-5. Site Requirements.

Manufactured Home Parks shall conform to the following minimum requirements:

A. Manufactured Home Parks shall comply with the provisions of Dover ordinance 170

B. The area of a Manufactured Home Park shall be a contiguous parcel of land having a minimum area of ten (10) acres.

C. All Manufacture Home units shall be located at least one hundred (100) feet from any park property boundary line abutting a public street and at least fifty (50) feet from all other external park property boundary lines. No Manufactured Home units serving as rental offices or showrooms shall be located within these setback bounds.

D. The Manufactured Home Park site shall have suitable safe access to a public street.

E. A Manufactured Home Park shall not exceed a net residential density of four (4) mobile homes per acre.

F. Each Manufactured Home lot shall not be less than ten thousand (10,000) square feet in area. The Manufactured Home shall be not less than twenty (20) feet from the front of the lot line, not less than fifteen (15) feet from the rear of the lot line and not less than twelve (12) feet from the side lot lines. Each mobile home lot shall contain at least one hundred (100) feet of frontage on a road.

G. Each Manufactured Home unit shall be boxed or skirted with suitable material designed for such use.

H. No Manufactured Home shall be within fifty (50) feet of any park service area, general storage areas, clubhouse, active recreation area or similar facility.

I. The entire Manufactured Home Park must be properly screened. Such a screen shall consist of plantings not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such park. Individual shrubs or trees shall be planted not more than five (5) feet on center and shall thereafter be maintained by the Permittee so as to establish a dense screen year round. At least fifty percent (50%) of the plantings shall consist of evergreens. A solid wall or fence, at least six (6) feet in height, complemented by suitable plantings, may be substituted for such landscape buffer strip. At the discretion of the Planning Board, suitable existing vegetation may substitute for these requirements.

126-6. Streets, Walks and Parking.

A. All streets, storm water drainage systems and utilities in a Manufactured Home Park shall be constructed in accordance with the standards and criteria established in the Subdivision Regulations[†].Streets in a Manufactured Home Park shall be owned and maintained by the Permittee.

B. Where appropriate, the Planning Board shall require paved sidewalks not less than five (5) feet in width on at least one (1) side of selected streets within the Manufactured Home Park.

C. Paved walkways not less than three (3) feet in width shall connect each Manufactured Home to a paved sidewalk, to a paved street or to a paved driveway connecting to a paved street.

D. Off-street parking in all Manufactured Home Parks shall be furnished at the rate of at least two (2) car spaces for each mobile home. Parking spaces shall be paved and shall be located on the lot they are intended to serve.

E. Manufactured Home stands or pads shall provide an adequate foundation for the placement of a mobile home. The stand or pad foundation shall be of such construction as to prevent heaving, shifting or settling due to frost action.

126-7. Utilities.

A. Water supply

(1) The water system shall comply with the provisions of Chapter 155-43.

B. Sewerage

(1) The Manufactured Home Park sewage system shall be connected to the municipal sewage disposal system.

C. Electricity

(1) Electric service shall comply with the provisions of Chapter 155-45.

D. Fuel supply and storage

(1) Natural gas and liquefied petroleum gas systems shall meet nationally recognized standards (See NFPA No. 58). Installation of systems shall be subject to inspection and approved by the Fire Chief.

[†] Editor's Note: See Ch. 155, Subdivision of Land and Ch. 152, Streets and Sidewalks, Art. I, respectively.

(2) All fuel oil supply systems shall be constructed and installed underground in each Manufactured Home Lot in accordance with all applicable codes and regulations. Installation of the system shall be subject to inspection and approval of the Fire Chief.

E. Refuse

(1) The storage, collection and disposal of refuse in the Manufactured Home Park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. Refuse collection shall be the responsibility of the Permittee.

(2) All refuse must be stored in waterproof, vermin proof, covered containers, which shall be located not more than one hundred fifty (150) feet from any Manufactured Home Lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. All containers must be properly screened from street view.

F. Open space and recreation

(1) At least ten percent (10%) of the overall area of the park shall be devoted to open space.

(2) There shall be an active recreation area of at least ten thousand (10,000) square feet.

(3) Active recreation areas shall be provided, furnished and protected from traffic and parking. All such facilities shall be properly maintained.

126-8. Standards for Development.

A. A central screened storage area shall be provided for storage of major items of equipment owned by tenants.

B. No Manufactured Home site shall be converted to another form of housing.

C. Manufactured Home Parks projects may be developed in stages if so approved by the Planning Board. However, one-fourth (1/4) of all potential sites in any stage shall be fully developed before any occupancy of a Manufactured Home Park is Permitted.

126-9. Recordkeeping.

A. The Permittee shall be responsible for supervision and maintenance of facilities and equipment in safe and sanitary condition.

B. The Permittee shall be responsible for proper placement of Manufactured Homes, stability and installation and hookup of all utilities and skirting.

C. The Permittee shall fully comply with the provisions of RSA 205-A.

126-10. Notice of Violations.

The Building Inspector shall serve a notice of violation and order to any Permittee responsible for the erection, construction or operation of a Manufactured Home Park which is in violation of any provisions of this chapter, and such order shall direct the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation. Any Permittee who has been served with a notice and ceases any work or other activity shall not leave the Manufactured Home Park or any structure or lot therein in such a condition as to constitute a hazard or menace to the public safety, health, morals or general welfare.

126-11. Violations and Penalties.

Any Permittee who violates any requirement of this chapter shall, upon conviction, be fined a sum of twenty-five dollars ($25.00) for each offense. Any such violation may result in suspension or revocation of the mobile home park Permit. Each day in which a violation is proved to exist shall constitute a separate offense under this section.

126-12. Appeals.

A. Appeals concerning the provisions of this chapter or a decision of the Building Inspector shall be heard by the Dover Zoning Board of Adjustment as RSA 674:33.

B. Appeals concerning a decision of the Dover Zoning Board of Adjustment shall be heard by the New Hampshire Superior Court as per RSA 674:4

C. Appeals concerning a decision of the Dover Planning Board shall be heard by the New Hampshire Superior Court as per RSA 677:15.

126-13. Higher Standard to Prevail.

If any requirement of this chapter is found to be in conflict with a requirement of another effective regulation, code or ordinance, the requirement which establishes the higher standard shall prevail.

MUNICIPAL RECORDS

CHAPTER 127

127-1. Municipal Records Committee.

127-2. Definitions.

127-3. Powers, Duties and Guidelines.

127-4. Records Management Officer.

127-5. Responsibilities of City Departments and Agencies.

[HISTORY: Adopted by the City Council on 09-10-2003 by Ord. No. 19; Amendments noted where applicable.]

127-1. Municipal Records Committee.

A. Membership. The membership of the Municipal Records Committee shall consist of the City Manager "or their designee together with the clerk, treasurer, assessors and tax collector of the city" pursuant to RSA 33A:3. The committee shall govern the disposition of Records pursuant to the rules promulgated by the Municipal Records Committee and the disposition and retention schedule established by RSA 33A:3-a.

B. Terms. All ex-officio members of the Municipal Records Committee shall serve as members of the Committee as long as they hold their appointed offices in City government. The City Council may decide upon the term of its liaison member.

127-2. Definitions.

As used in this Chapter the following terms mean:

DISPOSAL – Shall be in accordance with guidelines and procedures developed by the Municipal Records Committee to assure that Records of continuing value are not inadvertently removed or destroyed. Records designated as confidential by the office or department responsible for their custody shall be disposed under the supervision of the City Records Manager in a manner that ensures the information they contain cannot be recaptured or reconstructed.

DUPLICATE – Any accurate, unaltered, unabridged copy of a Record or series or Records which is not Original.

NON-RECORD – Materials are those extra copies of materials preserved only for convenience or reference as well as redundant copies of official publications of the City.

ORIGINAL – Refers to both the retained Record copy and the copy maintained for use of the recipient or other authorized persons, or any other Records designated by the Municipal Records Committee as Original.

PERMANENT RECORDS – Those records that by state statute and administrative rules, the Code of Federal Regulations, or when so designated by the Municipal Records Committee, the custody of which "shall remain with the Municipality forever" [Mur302.01]

PUBLIC RECORD REQUEST FORM – Form to be used to process requests in accordance with RSA-91 Right to Know requirements.

RECORD –All documents, papers, letters, warrants, deeds, reports, minutes of meetings, maps, charts, blueprints, photographs, films and microfilms, software used to process information as well as the information stored electronically which may be created by or provided to the City of Dover, their officers, and employees acting in their official capacities. The term shall also include books, reports, and pamphlets produced by the City, newspaper notices of official actions by the City or its officers, audio and video Recordings made or received pursuant to law or ordinance or in connection with the transaction of official business of the City of Dover.

RECORDS RETENTION SCHEDULE – The City-wide schedule indicating:

A. How long Records are to be retained in the department responsible for their creation or use; and
B. How long they must be retained to satisfy requirements mandated by RSA 33A:3-a, the Code of Federal Regulations, or longer periods mandated by the Municipal Records Committee before Disposal or destruction.

SCHEDULED RECORDS – Those records that, by state statute and administrative rules or the Code of Federal Regulations, need only be retained for a stated period. The Municipal Records Committee may determine that such Records are to be maintained by the City for a period longer than the minimum required period, such determination to be made a matter of Record by the Committee and incorporated in the City-wide Records Retention Schedule.

127-3. Powers, Duties, and Guidelines.

In keeping with state statute, the Municipal Records Committee is charged with carrying out the rules established by the NH Municipal Records Board [RSA 33-A:3]. The Municipal Records Committee shall:

A. Establish standards, procedures, and techniques for the effective management of the Records of the City;

B. Make continuing surveys of current practices for the management of Records and recommend improvements in those practices, including the use of space, equipment, and supplies to create, maintain, and store Records;

C. Establish standards for the preparation of schedules providing for the retention of Records of continuing value and for the prompt and orderly disposition of Records which are no longer required to be maintained by state or federal regulations and no longer possess sufficient administrative, legal, fiscal or historical value to the City to warrant further retention;

D. Analyze Records management procedures for efficiency, accuracy, and cost-effectiveness;

E. Establish, maintain, and operate a center(s) for receiving, storing, and retrieving upon request Records of the City's departments pending their disposition in a manner prescribed by law and the Disposal and destruction policies developed by the Municipal Records Committee;

F. Develop policies and procedures governing retrieval and access to Records in keeping with RSA 91-A, federal and state law, and City ordinances, always providing that such policies and procedures respect the confidential nature of some Records;

G. Provide appropriate storage facilities and services to ensure the long-term preservation needs of the City's permanent Records;

H. Establish a program for the efficient management of forms and files;

I. Accept gifts of money and/or property in the name of the City of Dover, subject to approval of the City Council, such gifts to be managed and controlled by the Municipal Records Committee; and

J. Hire consultants or contractors as needed.

In carrying out these duties the Municipal Records Committee shall:

K. Approve all Records retention and disposition schedules;

L. Review any request for information that was denied by the Records Management Officer to determine whether the denial was in keeping with prevailing law and policies;

M. Make recommendations to the City Manager for the implementation of these policies; and

N. Render a report annually to the City Council regarding the development and status of the City's Records Management Program.

O. Turn over Records in accordance with the Records Disposition Schedule to the Trustees of the Woodman Institute. The Trustees shall keep only those Records they determined to have historical significance.

127-4. Records Management Officer.

This individual is charged with the day-to-day administration of the City's Records management program and carrying out the policies developed by the Municipal Records Committee including but not limited to the following:.

A. Regularly report to the Committee and recommend for their consideration and approval standards, procedures, and techniques for the effective management of Records and shall be responsible for maintaining and operating centers for storing and receiving Records from City departments, pending their disposition or Disposal;

B. Supervise and be responsible for all data-entry in the City's Records Management system. The Records shall be periodically backed-up according to the Information Technology procedures;

C. Implementing a program for the preservation and conservation of those Records designated by statute or determination of the Municipal Records Committee as permanent or possessing historical value; and

D. Supervising the destruction or Disposal of scheduled Records and will attest that such destruction/Disposal was carried out in the manner required by the Municipal Records Committee.

127-5. Responsibilities of City Departments and Agencies.

The officer in charge of any City Department, agency, board or commission shall:

A. Make and preserve public Records containing proper documentation of the department or agency's organization, functions, policies and procedures;

B. Establish and maintain effective controls over the creation, maintenance, and use of Records and guard against the loss or unauthorized or unlawful removal of City Records while such Records are in their care;

C. Utilize the Public Record Request Form to process requests in accordance with RSA-91 Right-to-Know requirements.

D. Apply provisions of the approved Records Retention Schedule to execute the orderly disposition of Records including the transfer to the City Records Center(s) of non-current or inactive Records; and

E. Appoint a department member who shall act as liaison between the department or agency and the City's Record Management Officer on all matters relating to the Records of the department or agency and its Record-keeping practices.

OFFENSES

CHAPTER 131

131-1. Definitions. (formerly Loitering and Obstruction.)

131-2. Benches.

131-3. Prohibited Weapons.

131-4 Safe Storage of Firearms. (formerly 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. Reserved. (formerly Keeping Controlled Drugs.)

131-14 Fireworks.

131-15. Operation of Boats and Vehicles on Willand Pond Restricted.

131-16 Violations and Penalties.

131-17 Sale of Rolling Papers to Minors.

131-18 School Truancy.

131-19 Facilitation of a Drug of Underage Alcohol Party.

131-20 Use of Tobacco Products in Henry Law Park , School Grounds, and Athletic Fields.

131-21 Use of Tobacco Products on the Grounds of the McConnell Center and Dover Public Library.

131-22 Registered Sex Offender Restrictions.

[HISTORY: Adopted by the City Council on 10-28-1981 by Ord. No. 7-81; Amendments noted where applicable.]

131-1. Definitions. (formerly Loitering and Obstruction [Repealed by 03-11-2009 by Ord. No.2009.02.25-4])

As used in this Chapter the following terms mean:

BLACKJACK--A hard weapon consisting of a piece of leather enclosed metal with a strap or flexible shaft for a handle.

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.

FIREARM - 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.

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.

MINOR - Any person under the age of eighteen (18)

PREMISES - Shall mean the building structure or curtilage surrounding the building, playground area or playing field, or courts.

RADIUS - Distance shall be measured from the outer property lines.

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.

ROLLING PAPERS - 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.

SAFE STORAGE of FIREARMS - Keeping the firearm in the immediate possession or under the immediate control of the owner, or:

(1) Keeping the firearm in a securely locked box or container; or,

(2) Securing the firearm with a trigger lock; or,

(3) 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 minor child.

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.

SLUNGSHOT - A small mass of metal or stone fixed on a flexible handle, strap or the like and used as a weapon.

131-2. Benches. **[Amended on 10-28-81 by Ord. No. 19-81]**

No person shall sit or stand upon the back or stand upon the seat of any municipally owned bench.

131-3. Prohibited Weapons. **[Amended on 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, Slungshot, Metallic Knuckles, or Blackjack. [See RSA 159:16]

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. 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.

D. Any person violating any of the provisions of this section shall be guilty of a violation.

131-4. Safe Storage of Firearms. **[Added on 01-17-96 by Ord. No. 22-95; Amended on 03-11-2009 by Ord. No. 2009.02.25-4] (formerly Fishing in Restricted Areas. [Repealed on 03-11-2009 by Ord. No. 2009.02.25-4])**

A. 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 engage in practices constituting the Safe Storage of Firearms.

(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.

B. PENALTIES

(1) Any person violating the provisions of this section shall be subject to a fine of up to one thousand dollars ($1,000.00).

(2) All 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.

131-5. Identification of Certain Workers.

Every person, whether in the employ of the city or any private corporation who enters private property residences or buildings for the purposes of examining electric, gas and water meters or pipes or inspecting drains or chimneys shall wear during the entry the entry a clearly visible and suitable badge or other distinctive mark, indicating his/her employment or authority.

131-6. Consumption and Possession of Alcoholic Beverages. **[Amended on 5-19-93 by Ord. No. 09-93; Amended on 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 259:125 of the New Hampshire Revised Statutes Annotated, or any public sidewalk or

municipal parking lot except as provided in Chapter 99 Eating and Drinking Establishments of this Code.

B. No person shall consume or possess in an open can, bottle or other container any alcoholic liquor or beverages, as defined by RSA 175 in any park, recreation or rest area except upon the written consent of the City Manager.

C. No person shall consume or possess in an open can, bottle or other container any alcoholic liquor or beverages in Hilton Park except when upon the written consent of the New Hampshire Commissioner of the Department of Public Works and Highways or his or authorized representative.

131-7. Park Hours.

A. No person shall remain in or enter 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.

B. Exceptions

(1) Park Street Park. No person shall remain in or enter the Park Street Park, during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30.

(2) Hilton Park. No person shall remain in or enter Hilton Park during the hours of 8:00 p.m. to 6:00 a.m., except upon the written consent of the New Hampshire Commissioner of Public Works and Highways, or authorized representative. [Amended on 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 on 2-22-84 by Ord. No. 3-84; Amended on 10-27-2004 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 in writing.

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 two hundred fifty dollars ($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. **[Amended on 03-20-2002 by Ord. No. 13-02]**

131-10. Private Property Rights. **[Amended on 10-28-81 by Ord. No. 19-81]**

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 afront or alarm to said occupant(s). [**Amended Added on 2-11-87 by Ord. No. 4-8]**

131-11. Public Peace. **[Amended on 10-28-81 by Ord. No. 19-81; Amended on 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 of 100 feet or more**. [Amended on 09-20-2000 by Ord. No. 12-2000]**

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 for other than a lawful purpose without the consent of the parent or legal guardian of the child.

131-12. Interference with Law Enforcement Officers. **[Amended on 10-28-81 by Ord. No. 19-81; Amended on 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. Reserved. (formerly Keeping Controlled Drugs **[Repealed 03-11-2009 by Ord. No. 2009.02.25-4]**)

131-14. Fireworks. **[Amended on 10-9-85 by Ord. No. 12-85; Amended on 09-23-2009 by Ord. 2009.09.23-22]**

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 Chapter 109 Fire Prevention and Life Safety, 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.

131-15. Operation of Boats and Vehicles on Willand Pond Restricted. **[Amended on 8-10-88 by Ord. No. 14-88]**

No person shall operate a vehicle or boat which has at 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 ($1,000.00).

131-16. Violations and Penalties. **[Amended on 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.

131-17. Sale of Rolling Papers to Minors. **[Added on 07-22-99 by Ord. No. 09-99]**

A. 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.

B. Penalties

(1) Any person violating the provisions of this section shall be subject to a fine of up to one hundred dollars ($100.00).

131-18. School Truancy. **[Amended on 07-22-99 by Ord. No. 09-99; Amended on 10-17-2001 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.

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 under age eighteen (18) 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 $25.00 for a first offense or $100.00 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 $100.00

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.

131-19. Facilitation of a Drug or Underage Alcohol Party. **[Added on 12-17-2003 by Ord. No. 22-2003]**

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. Any person who violates section I above shall be guilty of a violation and shall be fined a minimum of three hundred dollars ($300.00) for the first offense and five hundred dollars ($500.00)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.

131-20. Use of Tobacco Products in Henry Law Park, School Grounds, and Athletic Fields. **[Added on 02-18-2004 by Ord. No. 01-2004; Amended on 01-23-2013 by Ord. No. 2013.01.09-2]**

A. No person shall smoke or use a tobacco product within Henry Law Skate Park, the Henry Law Rotary Pavilion or playground areas of Henry Law Park, on the grounds of all recreational facilities, areas or athletic fields associated with the Woodman Park, Horne Street or Garrison elementary schools, or within two hundred (200) feet of the playing surfaces at Shaw's Lane athletic field. A designated smoking area may or may not be provided at the discretion of city or school staff.

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 twenty five (25) foot buffer zone immediately surrounding the recreational area and rink.

   The Henry Law Park Rotary Pavilion area shall be defined as the area that is bordered by: the black fence that runs along Washington Street from the corner of the current New Hampshire Children's Museum building to the intersection of Henry Law Avenue; and the fence that runs along Henry Law Avenue from the intersection with Washington Street to the end of the fence opposite the Rotary Pavilion; and the front of the stage area and the front of the building currently occupied by the New Hampshire Children's Museum. The restricted area includes the interior of the band shell, the adjacent stairs and stairwell, and any steps and frontage of the NH Children's Museum. The sidewalks running parallel to and immediately adjacent to Washington Street and Henry Law Avenue are not restricted.

   The playground area of Henry Law Park shall be defined as the area within the line starting at the sidewalk emerging from the stairwell connecting the Henry Law Park Pavilion and the playground areas, and continuing on the inside edge of the sidewalk adjacent to the parking lot of the Dover Indoor Pool to where it connects with the sidewalk at Henry Law Avenue, and continues along the inside edge of the sidewalk adjacent to Henry Law Avenue where it shall connect with the black fence which defines the Henry Law Park Rotary Pavilion area. The Dover Indoor Pool parking lot and the sidewalks immediately adjacent to the parking lot and parallel to Henry Law Avenue are not restricted.

C. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to fifty dollars ($50.00) for a 1st offense and up to one hundred dollars ($100.00) for a 2nd or subsequent offense.

131-21. Use of Tobacco Products on the Grounds of the McConnell Center and Dover Public Library. **[Added on 03-16-2005 by Ord. No. 05-2005; Amended on 3-11-2009 by Ord. No. 2009.02.25-4]**

A. No person shall smoke or use a tobacco product upon the grounds of the McConnell Center and the Dover Public Library. A designated smoking area may or may not be provided at the discretion of city staff.

B. The grounds of the McConnell Center and Dover Public Library are all areas surrounding the buildings including the adjoining parking lot, driveway, monument area, bench areas and lawn area in front of both buildings to the inner edge of the sidewalks on Locust and St. Thomas streets.

C. The grounds of the McConnell Center and Dover Public Library are all areas surrounding the buildings including the adjoining parking lot, driveway, monument area, bench areas and lawn area in front of both buildings to the inner edge of the sidewalks on Locust and St. Thomas streets.

D. Any person violating the provisions of the City Ordinance shall be subject to a fine of up to fifty dollars ($50.00) for a 1st offense and up to one hundred dollars ($100.00) for a 2nd or subsequent offense.

131-22. Registered Sex Offender Restrictions. **[Added on 10-19-2005 by Ord. No. 18-2005; Amended on 01-17-2007 by Ord. No. 15-2006]**

A. 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.

B. Exceptions

(1) 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.

C. Penalties

(1) Any person violating the provisions of this Chapter shall be subject to a fine of not less than five hundred dollars ($500.00) for the first offense, and one thousand dollars($1000.00) for any subsequent offense.

ADULT ENTERTAINMENT PROHIBITIONS

CHAPTER 132

132-1. Purpose.

132-2. Prohibited Businesses.

132-3. Definitions.

132-4. Reserved. (formerly Book Sales)

132-5. Reserved. (formerly Mini Motion Picture Displays)

132-6. Reserved. (formerly Nude, Semi-Nude Dancing)

132-7. Reserved. (formerly Massage Parlors)

132-8. Penalty.

[HISTORY: Adopted on 06-17-1992 by Ord. No. 16-92; Amendments noted where applicable.]

132-1. Purpose.

It is declared to be the purpose and intent of this ordinance to prohibit any commercial enterprise from presenting or engaging in any Obscene exhibitions for profit, to protect the public health, safety, welfare and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which increase crime and violence, and are contrary to the morals of the community. In recognition of the protections afforded to the citizens under the First and Fourteenth Amendments, it is not the intent of this chapter to inhibit freedom of speech or the press, rather to protect the public order recognizing that those parts of a community, which become centers of immoral conduct, frequently become places of rowdiness, criminality, and indecent behavior.

132-2. Prohibited Commercial enterprises.

It is unlawful for any person or commercial enterprise to engage in, solicit, permit, promote or assist in any commercial enterprise for an Obscene exhibition.

132-3. Definitions.

As used in this Chapter the following terms mean:

COMMERCIAL ENTERPRISE - Any business, corporation, association or natural person established for pecuniary gain other than a Theater.

ENGAGE IN - To solicit, produce, direct, finance, physically participate in, compensate others for, further the interest of, or be otherwise involved with the proscribed conduct.

EXHIBITION - Any aural, visual or tactile performance, dramatization, show or display which includes any amount of human, animal or animated conduct whether presented live or by way of mechanical reproduction, sound recording, audio-visual cassette or tape, silhouette depiction or by any other means.

OBSCENE - Any conduct of a sexual nature which:

1. To the average individual applying contemporary community standards, considered as a whole appeals to the prurient interest;

2. Presents in a patently offensive manner actual or simulated ultimate sexual acts, sodomy, bestiality, excretory functions, masturbation, direct physical stimulation of unclothed genitals, flagellation or torture in context of ultimate sexual acts, exhibition of the human male or female genitals, pubic area, buttocks or the female breast below the top of the nipple; and

3. Considered as a whole lacks serious literary, artistic, political or scientific value.

PRESENT - To show, reveal, display or expose to any person.

THEATER –

1. Any building or hall designed primarily for showing motion pictures, having a permanent movie screen and permanently fixed seats arranged in such fashion as to allow spectators an unobstructed view of the screen;

2. An open-air theater designed primarily for showing motion pictures, having a permanent movie screen and permanent devices for broadcasting movie sound tracts in motor vehicles;

3. Any playhouse, hall, or similar structure designed primarily for legitimate artistic expression.

132-4. Reserved. (formerly Book Sales) **[Repealed at time of adoption of Code; see Ch. 1, General Provisions, Art. I 2013])**

132-5. Reserved. (formerly Mini Motion Picture Displays) **[Repealed at time of adoption of Code; see Ch. 1, General Provisions 2013])**

132-6. Reserved. (formerly Nude, Semi-Nude Dancing) **[Repealed at time of adoption of Code; see Ch. 1, General Provisions 2013])**

132-7. Reserved. (formerly Massage Parlors) [Repealed at time of adoption of Code; see Ch. 1, General Provisions 2013])

132-8. Penalty.

Any person, firm or corporation violating any provision of this Chapter shall be fined not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

PEDDLERS AND VENDORS

Chapter 133

133-1. Purpose.

133-2. License Required; Display of License.

133-3. Definitions.

133-4. Application.

133-5. Inspection.

133-6. Fees.

133-7. Exemptions.

133-8. Violations and Penalties.

[HISTORY: Adopted by the City Council on 8-18-1982 as Ord. No. 13-82; Amendments noted where applicable.]

GENERAL REFERENCES Eating and drinking establishments - See Ch. 99.

133-1. Purpose.

Pursuant to the terms of RSA 31:102-a and RSA 31:102-b, the purpose of this Chapter is to enact provisions for the licensure and regulation of Peddlers and Vendors.

133-2. License Required: Display of License. **[Amended on 7-13-83 by Ord. No. 22-83]**

It shall be unlawful for a Peddler or Vendor, as defined in 133-3 of this chapter, to engage in such business within the City of Dover without obtaining a license from the Licensing Board by application through the City Clerk as hereinafter provided. Such license shall be displayed in a conspicuous place. In addition, a health license may be required. See Chapter 99 Eating and Drinking Establishments and also Section 133-4 and 133-5 of this Chapter.

133-3. Definitions.

As used in this Chapter the following terms mean:

MOTOR VEHICLE – Any vehicle used for the displaying, storing or transporting of articles offered for sale by a Vendor, which is required to be licensed and registered by the Department of Motor Vehicles.

PEDDLER – As defined in RSA 320:1, and includes any person, whether a resident of the City of Dover or not, traveling by foot, wagon, motor vehicle or any other type of conveyance, from place to place, from house to house or from street to street, carrying, conveying or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale from stock or by sample for future delivery or who, without travelling from place to place, shall Sell or offer the same for sale from a wagon, Stand, motor vehicle, railroad car or other vehicle or conveyance. The term "Peddler" shall not be construed to include an individual who displays his merchandise on a public sidewalk immediately adjacent to his place of business, provided that any merchandise so displayed allows sixty (60) inches of pedestrian travel width consistent with the provisions of Chapter 152. [**Amended 7-13-83 by Ord. No. 22-83]**

PUBLIC PROPERTY – Any city-owned or controlled property, including but not limited to streets and sidewalks.

SELL – Includes any offer or attempt to offer any exchange of a product or service

STAND – Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a Peddler.

VENDOR – A Peddler who on public property Sells food, beverage or merchandise from a Stand, motor vehicle or his person.

133-4. Application.

A. The application for a Peddler or Vendor's license shall include the following information:

(1) The name, home and business address of the applicant and the name and address of the owner, if other than the applicant, of the business and any Stand and motor vehicle to be used in the operation of the business.

(2) A description of the type of food, beverage or merchandise to be sold and, in the case of products of farm or orchard, whether produced or grown by the applicant.

(3) A description and photograph of any Stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.

(4) Certificates of inspection as required by 133-5 of this Chapter.

(5) A certificate of insurance or other proof acceptable to the Licensing Board that the applicant has been issued an insurance policy by an insurance company licensed to do business in the State of New Hampshire, protecting the licensee from all claims for damage to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such policy shall provide coverage for personal and property damage in such amounts as may be deemed reasonable by the Licensing Board. **[Amended 7-13-83 by Ord. No. 22-83]**

B. In addition, an application for a Vendor's license shall include:

(1) A Vendor from a motor vehicle shall describe, if less than the entire city, the general area in which he proposes to vend.

(2) A description of the proposed location of the vending business.

(3) A Vendor from a motor vehicle who wishes to operate from a fixed location may request the hours and days of the week during which he wishes to operate. The Licensing Board shall have the authority to set the hours of operation.

133-5. Inspection. **[Amended 8-27-86 by Ord. No. 11-86]**

A Vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in Chapter 99 and the following:

A. The equipment used in vending food and beverages shall not be used until the Vendor receives a certificate of inspection indicating compliance with this section.

B. Each food and beverage vending business shall be inspected at least quarterly by the Health Officer.

133-6. Fees. **[Amended 7-13-83 by Ord. No. 22-83; Amended 05-01-91 by Ord. No. 17-91]**

License fees shall be in accordance with the Fee Schedule.

133-7. Exemptions. **[Amended on 7-13-83 by Ord. No. 20-83]**

A. Non-commercial Vendors such as religious, charity, political and other social non-profit organizations are exempt from these provisions and are not required to apply for an exemption. **[Amended 8-27-86 by Ord. No. 11-86; Amended 08-21-02 by Ord. No. 27-02]**

B. Participants in any "street fair," as defined by RSA 31:100 which may be authorized from time to time by the City Council, and persons selling agricultural products from their own labor on land they own or till shall be exempt from the fee requirements of

133-6 only. All other provisions of this Chapter shall apply to said participants. Said participants shall be defined as those persons or business organizations which have been listed and identified by the organization sponsoring any such "street fair." Any list compiled by said organization for the purposes of this section shall be completed and placed on file in the office of the City Clerk on or before the first day of the "street fair."

133-8. Violations and penalties.

Any person, firm or corporation violating any provisions of this Chapter shall be guilty of a violation and be subject to a fine of up to One hundred dollars ($100.00).

PLUMBING

CHAPTER 135

ARTICLE I

TITLE AND SCOPE

135-1. Title; Enforcement.

135-2. Applicability.

135-3. Adoption of State Provisions.

135-4. Reserved. (formerly Responsibility for Facilities Adjacent to Public Streets.)

135-5. Reserved. (formerly Disposition of Monies.)

ARTICLE II

LICENSING REQUIREMENTS

135-6. Reserved. (formerly Licensed Plumbers.)

135-7. Reserved. (formerly Supervision of Work.)

135-8. Reserved. (formerly Annual Fee.)

135-9. Reserved. (formerly Revocation.)

135-10. Reserved. (formerly Use of Licensee's Name by Another; Notification of Name and Address.)

135-11. Reserved. (formerly Plumber's Examining Board; Examination and Certification.)

135-12. Reserved. (formerly Examination Fee.)

135-13. Reserved. (formerly Reexamination.)

ARTICLE III

PLUMBING STANDARDS

135-14. Adoption of Standards.

135-15. Copies to be Kept on File.

135-16. Reserved (formerly 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 on 12-14-1977 . [*] Section 135-24 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I (1983); Other amendments noted where applicable. Multiple changes made on 10-14-2009 with Ord. No. 2009.09.23-23.]

GENERAL REFERENCES -- Building construction - See Ch. 68.

[*] `Editor's Note: Provisions of this chapter are derived from Ch. 16 of the former Code, adopted 12-14-77.

ARTICLE I

TITLE AND SCOPE

135-1. Title; Enforcement.

This Chapter adopts the "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 on 09-15-93 by Ord. No. 25-93]**

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 this Chapter, Section 22.. **[Amended on 09-15-93 by Ord. No. 25-93]**

135-4. Reserved. (formerly Responsibility for Facilities Adjacent to Public Streets. **[Repealed on 10-14-2009 by Ord. No. 2009.09.23-23])**

135-5. Reserved. (formerly Disposition of Monies. **[Repealed on 10-14-2009 by Ord. No. 2009.09.23-23])**

ARTICLE II

LICENSING REQUIREMENTS

Sections 135-6 through 135-13.

[†] Editor's Note: See Chapter 3 Administrative Code

[Repealed 09-15-93 by Ord. No. 25-93]

ARTICLE III

PLUMBING STANDARDS

135-14. Adoption of Standards. [Amended on 09-15-93 by Ord. No. 25-93]

All installations, repairs, and alterations of plumbing shall be performed in accordance with the State Plumbing Code.

135-15. Copies to be Kept on File. [Amended on 09-15-93 by Ord. No. 25-93]

Three (3) copies of the State Plumbing Code thereto shall be kept on file by Inspections Services Division for inspection by and use of the public and shall be marked with the words "City of Dover, New Hampshire Official Copy".

135-16. Reserved. (formerly Additional Standards [Repealed on 09-15-93 by Ord. No. 25-93])

135-17. Issuance of Permits.

No plumbing work, except as provided in this Chapter 135-21, shall be undertaken prior to the issuance of a permit by the Plumbing Inspector. A permit shall be issued only to a licensed master plumber, except as provided in 135-18 of this Chapter.

135-18. Exception. [Amended on 09-15-93 by Ord. No. 25-93]

Any permit required by this Chapter 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.

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 Fee Schedule.

Fees shall be established by the City Council and published as 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. 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. 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 fixture.

ARTICLE IV

ADMINISTRATION

135-22. Protection of Water Supply System.

The Plumbing Inspector shall make and publish such rules and regulations in furtherance of the purposes of this Chapter and not inconsistent with the specific provisions of this Chapter 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 Building 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.

135-24. Violations and Penalties. ‡

Any person violating any provision of this chapter shall be punishable by a fine of up to two hundred dollars ($200.00). Each day of said violation shall be construed as a separate offense. [**Amended on 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.(1983)

POLITICAL CONTRIBUTIONS AND EXPENDITURES

CHAPTER 137

137-1. Definitions.

137-2. Reporting Political Contributions and Expenditures.

137-3. Political Expenditures; Limitations.

137-4. Violations and Penalties.

[HISTORY: Adopted by the City Council on 12-14-1977.[*] General revisions on 1-28-2009 by Ord. No. 2008.10.22-018; Amendments noted where applicable.]

137-1. Definitions.

As used in this Chapter the following terms mean:

CANDIDATE – Any person for whom votes are sought in an election.

CONTRIBUTION – Any payment, gift or loan to a candidate or political committee made for the purpose of influencing the election of any candidate. Contributions shall include the use of anything of value, but shall not include the services of volunteers who receive no compensation.

COMMITTEE – Any organization of two (2) or more persons acting in behalf of a candidate for the purpose of promoting the success or defeat of any candidate.

ELECTION – Any election to the City Council, School Board, Charter Commission or other elective municipal offices when voters cast ballots in the City of Dover.

137-2. Reporting Political Contributions and Expenditures. **[Amended 08-20-2003 by Ord. No. 11-2003]**

A. Each Candidate and each Committee shall file with the City Clerk an itemized, signed and sworn statement disclosing Contributions and expenditures no sooner than fifteen (15) days prior to an election and no later than eleven (11) days prior to an election reflecting the current status of Contributions and expenditures as of the date of filing. A final up-to-date itemized, signed and sworn disclosure of contributions and expenditures shall be filed by all Candidates and every Committee within ten (10) days after an election. All disclosures shall include the full name and address of

[*] Editor's Note: Provisions of this chapter are derived from Ch. 7 of the former Code, adopted 12-14-77.

contributors and recipients of expenditures. Ward moderators, supervisors and selectmen shall not be required to file disclosure statements.

B. Compliance with this section shall be a qualification for office. No Candidate shall assume his or her office until all disclosure statements are filed.

137-3. Political Expenditures; Limitations.

No expenditure, contract therefore or use of a contribution of money or thing of value, tangible or intangible, shall be made for the purpose of promoting the success or default of any person:

A. By a Committee without the knowledge and written consent of the Candidate.

B. By a Committee, unless the Committee files, with the City Clerk, a statement of the purpose for which the Committee is organized and a statement of the name and address of its chairman, treasurer and other officers. The statements shall be filed not later than sixty (60) days prior to election. A member of the Committee shall not do any act on behalf of the Committee to promote the success or defeat of a Candidate, until the statements required by this subsection are filed. A Committee to promote the election of a Candidate may not be organized within sixty (60) days of an election.

137-4. Violations and Penalties.

Failure of any Candidate or member of a Committee to comply with the provisions of this Chapter shall be a violation under New Hampshire law. Failure of the Candidate to file on a continuing basis after notice of a violation of this Chapter shall constitute a continuing offense resulting in daily violations and daily fines until the disclosure statement is properly filed.

CHAPTER 140

Reserved (formerly Refuse)

[REPEALED on 10-08-2008 by Ord. No. 2008.09.24-13]

SCENIC ROADS

Chapter 143

143-1. Designation.

143-2. Effect of Designation.

143-3. Protection of Stonewalls.

143-4. Violations and Penalties.

[HISTORY: Adopted by the City Council 12-14-1977 [*] Section 143-3 Added at time of adoption of Code; see Ch. 1, General Provisions, Art. I (1983); Other amendments noted where applicable.]

143-1. Designation.

The City Council may designate any road in the city, with the exception of Class I or Class II highways, as a "scenic road" as provided by RSA 231:157-58.

143-2. Effect of Designation.

Upon a road being designated as a scenic road as previously provided, any repair, maintenance, reconstruction or paving work done with respect thereto shall not involve or include the cutting or removal of trees or the tearing down or destruction of stone walls or portions thereof, except with the prior written consent of the City Council, after a public hearing duly advertised as to time, date, place and purpose, two (2) times in a newspaper of general circulation in the area, the last publication to occur at least seven (7) days prior to such hearing as provided and set forth in RSA 231:158.

143-3. Protection of Stonewalls. **[Amended on 04-18-01 by Ord. No. 02-2001]**

Stonewalls that are located along the front property line of lots abutting a scenic road shall be protected and preserved to the maximum extent possible. If the City Council, after holding a public hearing as required by this Chapter, approves the removal of a portion of a stonewall, the stones taken from the original wall shall be reused on the property to rebuild deteriorated portions of the stonewall or to construct a stonewall at the driveway entrance.

143-4. Violations and Penalties.[†] **[Amended on 04-18-01 by Ord. No. 02-2001; Amended on 12-18-02 by Ord. No. 36-2002]**

[*] Editor's Notes: Provisions of this chapter are derived from Ch. 26 of the former Code, adopted 12-14-77.
[†] Editor's Note: Added at time of adoption of Code; see Ch. 1,General Provisions, Art.I (1983).

Any person, firm or corporation violating any provisions of this Chapter shall, upon conviction, be subject to a fine of up to one hundred dollars ($100.00). Each day of said violation shall be construed as a separate offense. Said violator shall be held responsible for the restoration of the stonewall or tree.

SEWERS

CHAPTER 147

ARTICLE I

SEWER USE AND REGULATION

147-1. Definitions and Word Usage.

147-2. Prohibited Acts; Connection to Public Sewer Required.

147-3. Private Wastewater Disposal.

147-4. Building Sewers and Connections.

147-5. Reserved. (formerly Sewer Commission Established; Terms of Office; Powers and Duties.)

147-6. Use of Public Sewer.

147-7. User Charges; Industrial Cost recovery.

147-8. Restricted Acts.

147-9. Right of Entry.

147-10. Variances.

147-11. Permit Applications.

147-12. Violations and Penalties.

ARTICLE II

INDUSTRIAL PRETREATMENT STANDARD

147-13. Applicability.

147-14. Industrial Discharge Permit.

147-15. Industrial User Reporting.

147-16. Records to be Maintained; Monitoring.

147-17. Additional Requirements for Industrial Users.

147-18. Categorical Pretreatment Standards.

147-19. Notification of Slug or Spill discharge required.

147-20. Imminent Endangerment.

147-21. Monitoring and Surveillance; Costs; Unrestricted Access to be Provided.

147-22. Investigations.

147-23. Information to be Public.

147-24. Public Participation.

ARTICLE III

SEWER AND WATER MAINS

147-25. Petition for Construction Required.

147-26. Investigation and Grant of Petition.

147-27. Supervision of Construction.

147-28. Filing of Instruments.

147-29. Petitioner to Pay Construction Costs; Title.

147-30. Control of Construction; Promulgation of Additional Construction Standards.

147-31. Special Assessments.

147-32. Board of Appeal Established; Membership; Powers and Duties.

147-33. Manner of Waiver.

147-34. Conflict with Other Provisions.

147-35. Invalidity.

147-36. Notice.

147-37. Violations and Penalties.

[HISTORY: Adopted by the City Council on 11-30-1988 as Ord. No. 25-88[*]; Amended on 06-11-2008 by Ord. No. 2008.05.28-004; Amendments noted where applicable.]

[*] [*] Editor's Notes: Section 2 of this Ordinance (25-88) repealed former Ch. 147, Sewers, adopted as follows: Art. I, 12-14-77 (see Ch. 43 of the former Code, adopted 12-14-77); Art. II, 12-14-77 (see Ch. 42 of the former Code, adopted 12-14-77).

GENERAL REFERENCES - Building Construction - See. Ch. 68. Flood hazard control - See Ch. 113. Housing standards - See Ch. 119. Mobile home parks - See Ch. 126. Plumbing - See Ch. 135. Water system - See Ch. 148. Site Review – See Ch. 149. Subdivision of land - See Ch. 155.

ARTICLE I

SEWER USE AND REGULATION

[Amended 12-7-88 by Ord. No. 25-88.]

147-1. Definitions and Word Usage.

Unless the context specifically indicates otherwise, the meanings of terms used in this Article shall be as follows:

APPLICANT – Any person requesting approval to discharge industrial or domestic wastewaters into facilities of the city.

BEST MANAGEMENT PRACTICES or BMPs – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOD (denoting "biochemical oxygen demand") – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C.), expressed in milligrams per liter.

BUILDING DRAIN – That part of the lowest horizontal piping of a drainage system which receives the discharge from inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

BUILDING SEWER – The extension beyond five (5) feet from the building drain to the public sewer or other place of disposal.

BYPASS - The intentional diversion of wastewater streams from any portions of a wastewater treatment facility and/or of an Industrial User's pretreatment system. **[Added 12-16-92 by Ord. No. 33-92]**

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD or PRETREATMENT STANDARD – Any requirement or any regulation containing pollutant discharge limitations promulgated by the US EPA - in accordance with Section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317), which apply to Industrial Users and which are found in the Code of Federal Regulations 40 CFR, Chapter I, Subchapter N, Parts 403 through 471.

COMBINED SEWER – A sewer intended to receive both surface runoff and sewage.

COMPOSITE SAMPLE – A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample: composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots. [The permit writer should determine the most appropriate composite sampling method to be used by the permittee.] **[Added 12-16-92 by Ord. No. 33-92]**

DILUTE – To reduce in concentration, or thin down, or weaken by mixing with water or other liquids. **[Added 12-16-92 by Ord. No. 33-92]**

DIVISION – The New Hampshire Water Supply and Pollution Control Division.

DOMESTIC WASTEWATER or **SANITARY SEWAGE** – Normal water- carried household and toilet wastes or waste from sanitary conveniences, excluding ground-surface or storm water.

DOVER UTILITIES COMMISSION – As set forth in the Code entitled "Boards, Commissions and Committees". **[Added 03-20-91 by Ord. No. 10-91]**

EPA – The Environmental Protection Agency of the United States Government.

EXCESSIVE – Amounts or concentration of a constituent of a wastewater which, in the judgment of the Community Services Director, or designee. **[Amended 12-16-92 by Ord. No. 33-92]**

A. Will cause damage to the city's wastewater facility.

B. Will be harmful to a wastewater treatment process.

C. Cannot be removed in the city treatment works to the degree required to meet the limiting stream classification standards of the receiving water and/or EPA effluent standards.

D. Can otherwise endanger life, limb or public property.

E. Can constitute a nuisance.

FACILITIES – Includes structures and conduits for the purpose of collecting, treating, neutralizing or disposing of domestic wastewater and/or industrial or other wastewaters as are disposed of by means of such structures and conduits, including treatment and disposal works necessary, intercepting, outfall and outlet sewers and pumping stations

integral to such facilities with sewers, equipment, furnishings thereof and other appurtenances connected therewith.

FLOATABLE OIL – Oil, fat or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility.

GARBAGE – The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

GRAB SAMPLE – A single sample collected in less than15 minutes at a particular time and place, which represents the composition of the wastestream. **[Added 12-16-92 by Ord. No. 33-92]**

INCOMPATIBLE POLLUTANT – Any pollutant, other than biochemical oxygen demand, suspended solids, pH, coliform bacteria or additional pollutants identified in the permit, which the treatment works was not designed to treat and does not remove to a substantial degree.

INDUSTRIAL DISCHARGE PERMIT (IDP) – The official document issued by the publicly owned/operated treatment works (POTW) to an Industrial User of the Dover sewer system and treatment works that outlines the general and specific conditions under which the industrial user may discharge wastewaters into the city's collection system or POTW.

INDUSTRIAL ESTABLISHMENT – Any room, group of rooms, building or other enclosure used or intended for use in the operation of one (1) business enterprise for manufacturing, processing, cleaning, laundering, assembling or preparing any product, commodity or article or from which any process waste, as distinct from domestic wastewater, may be discharged.

INDUSTRIAL USER – A person who discharges industrial wastes to the wastewater facilities in Dover. **[Added 12-16-92 by Ord. No. 33-92]**

INDUSTRIAL WASTE – The liquid wastes from industrial manufacturing processes, trade or business as distinct from domestic wastewater. **[Amended on 03-14-79 Ord. No. 3-79]**

INTERFERENCE – A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment process or operations or its sludge processes, use or disposal; and therefore is a cause of a violation of the City of Dover's NPDES permit or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as RCRA; any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act;

the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503 Standards for Sewage Sludge Use and Disposal and RSA 485-A:4,XVI-a.

INSTANTANEOUS LIMIT – The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

MANAGER – The City Manager or the top executive and administrative officer of the city or his duly authorized agent.

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

NEW SOURCE – Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Categorical Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that: **[Added 12-16-92 by Ord. No. 33-92]**

A. The building, structure, facility or installation is constructed at a site at which no other source is located; or

B. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

C. The production or wastewaters generating process of the building structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

   (1) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs A or B of this section but otherwise alters, replaces, or adds to existing process or production equipment.

   (2) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

D. Begun, or caused to begin as part of a continuous on site construction program:

(1) Any placement, assembly or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(3) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

PASS THROUGH – The discharge of pollutants through the POTW into navigable waters in quantities or concentrations which, alone or in conjunction with discharges from other sources, is a cause of a violation of any requirements of the POTW's National Pollutant Discharge Elimination System permit, including an increase in magnitude or duration of a violation, or of applicable water quality criteria.

PERSON – Any individual, firm, company, partnership, state, association, society, corporation, group, or municipality, commission, government facility or governmental subdivision of a state or any interstate body, or responsible corporate officer. **[Amended 12-16-92 by Ord. No. 33-92]**

pH – The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

POLLUTANT – Includes but is not limited to the materials identified in 147-6 of this chapter and Article II, 147-13. **[Added on 03-14-79 by Ord. No. 3-79]**

POTW or **PUBLICLY OWNED TREATMENT WORKS** – A wastewater treatment works which is owned by a State or a municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial waste of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW wastewater treatment works. The term also means the municipality which has jurisdiction over discharges to and the discharges from such a treatment works. **[Added 12-16-92 by Ord. No. 33-92]**

PRELIMINARY TREATMENT or **PRETREATMENT** – The conditioning of a waste at its source before discharge to remove or to neutralize substances injurious to the facilities of the city or to effect a partial reduction in the load on the treatment process.

PRETREATMENT REQUIREMENT – Any substantive or procedural requirement related to pretreatment in addition to Pretreatment Standards imposed on an Industrial User. **[Added 12-16-92 by Ord. No. 33-92]**

PROPERLY SHREDDED GARBAGE – The wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch [one and twenty-seven hundredths (1.27) centimeters] in any dimension.

PUBLIC SEWER – A sewer in which all owners of abutting properties have equal rights and is controlled by a municipality.

RECEIVING WATERS – Any watercourse, river, pond, ditch, lake, aquifer or other body of surface or ground water receiving discharge of wastewater.

SANITARY SEWER – A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SCREENING LEVEL – That concentration of a pollutant which under baseline conditions would cause a threat to personnel exposed to the pollutant, or would cause a threat to structures of wastewater facilities. To be administered as limits applicable to a particular discharge, the screening levels must be adjusted to account for conditions at the point of discharge which differ from baseline conditions. **[Added 12-16-92 by Ord. No. 33-92]**

SEWAGE – A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be present.

SEWER – A pipe or conduit for carrying sewage.

SHALL – Is Mandatory, MAY – is Permissive

SIGNIFICANT INDUSTRIAL USER – Abbrev. (S.I.U.) All users of the sewer system which:

A. Discharges ten thousand (10,000) gallons per day or more of process wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater; or

B. Contributes a process waste stream which makes up five percent (5%) or more of the average dry-weather hydraulic or organic (BOD, total suspended solids, etc.) capacity of the treatment plants; or

C. Has a reasonable potential, in the opinion of the City Manager or his authorized representative, to adversely affect the operation of the POTW; or

D. Violating any pretreatment standard or requirement in accordance with 40 CFR 403.8 (f) (6); or

E. Is subject to Categorical Pretreatment Standards as outlined in 40 CFR 403.6, 40 CFR 403.8, and 40 CFR Chapter I, Subchapter N.

F. Is a discharger of medical/infectious waste, pharmaceutical waste, radiological waste, or wastewater from a hospital process or system, that in the opinion of the Community Services Director, or designee, could have an adverse affect on the POTW

Significant Noncompliance or SNC -

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Categorical Pretreatment Standard or Requirement, including Instantaneous Limits, as defined by 40 CFR 403.3(1);

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the numeric Categorical Pretreatment Standard or Requirement including Instantaneous Limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a Categorical Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through,(including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the City's authorized agent exercise of the emergency authority under 40 CFR 403.8 (f)(1)(vi)(B) "Imminent Endangerment" to halt or prevent such a discharge;

(5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with

Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of Best Management Practices, which the Community Service Director, or designee, determines will adversely affect the POTW operation or implementation of the local pretreatment program. **[Added 12-16-92 by Ord. No. 33-92; added 03-20-91 by Ord. No. 10-91; Amended 05-17-95 by Ord. No. 08-95.]**

SLUG – Any discharge of water, sewage or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24)hour concentration or flow during normal operation or which shall adversely affect the collection system and/or the performance of the treatment works.

SPILL – The release, accidental or otherwise, of any material not normally released to the facilities which, by virtue of its volume, concentration or physical or chemical characteristics, creates a hazard to the facilities, their operation or their personnel. Such characteristics shall include, but are not limited to, volatile, explosive, toxic or otherwise unacceptable materials.

STORM DRAIN (sometimes termed "storm sewer") – A pipe or conduit which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT –The Community Services Director, or designee. **[Amended to "The Community Services Director, or designee," on 12-16-92 by Ord. No. 33-92]**

SUSPENDED SOLIDS – Solids that either float on the surface or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.

TTO'S ("TOTAL TOXIC ORGANICS") – Any of the organic substances, alone or in combination, as determined by the Community Services Director, or designee, to sufficiently inhibit the operation of the public treatment works or endanger its employees, which may result in violation of air or water quality criteria or which could result in sludge reuse limitations.

UNPOLLUTED WATERS – Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to sanitary sewers and wastewater treatment facilities provided.

USER – Any person who discharges wastewater to the facilities of the city.

WASTEWATER – The same materials as described in the definition of "sewage."

WASTEWATER TREATMENT PLANT – Any arrangement of devices and structures used for treating and disposing of sewage.

WSPCD – The Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services. **[Added 12-16-92 by Ord. No. 33-92]**

WASTEWATER WORKS – All facilities for collection, pumping, treating and disposing of sewage.

WATERCOURSE – A channel in which a flow of water occurs, either continuously or intermittently.

147-2. Prohibited Acts; Connection to Public Sewer Required.

A. It shall be unlawful for any person to place, deposit or permit to be deposited any sewage, human or animal excrement, garbage or other objectionable waste on public or private property within the City of Dover or in any area under the jurisdiction of said city.

B. It shall be unlawful to discharge to any natural outlet within the City of Dover or in any area under the jurisdiction of said city any wastewater, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

D. The owner(s) of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the building.

E. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal wastewater works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

147-3. Private Wastewater Disposal.

A. Where a public sanitary sewer is not available under the provisions of 147-2(D), the building sewer shall be connected to a private wastewater disposal system complying with the provisions of the City Plumbing Ordinance (see Chapter 135), as amended, and the Division of rules and regulations.

(1) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the NHWSPCD, and a written permit signed by the City Engineer. The application for such permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the City Engineer. A permit and inspection fee shall be paid according to the Fee Schedule and shall be paid at the time the application is filed. In case of community systems, the fee shall be for each leach bed system. **[Amended on 12-20-89 by Ord. No. 1-89; Amended on 12-16-92 by Ord. No. 33-92.]**

(2) A permit for a private wastewater disposal system shall not become effective until the installation is completed to the satisfaction of the City Engineer. The City Engineer shall be allowed to inspect the work at any stage of construction and, in any event, the applicant of for the permit shall notify the City Engineer when the work portions are uncovered. This inspection shall be made within twenty-four (24) hours of the receipt of notice from the applicant.

(3) The type, capacities, location, layout and installation of a private wastewater disposal system shall comply with all requirements of the New Hampshire Water Supply and Pollution Control Division. No septic tank or cesspool shall be permitted to discharge to any natural outlet. **[Amended on 03-14-79 by Ord. No. 3-79]**

(4) The owner(s) shall operate and maintain private wastewater disposal facilities in a sanitary manner at all times, at no expense to the city. Sludge from private disposal systems shall be removed only by licensed operators. Disposition will be made within the city and will be accepted into the sewer system at a designated receiving structure within the treatment plant area and at such times as are established by the Community Services Director, or designee, provided that such wastes do not contain toxic pollutants or materials and provided that such surcharge does not violate any other special requirements established by the city. Permits and fees as approved by the City Council to use such facilities shall be under the jurisdiction of the Dover Utilities Commission or its duly authorized representatives. Permits to use such facilities shall be under the jurisdiction of the Dover Utilities Commission. Fees for dumping septage will be established as part of the user charge system. The Director of Community Services, or designee, Community Services Director, or designee, shall have authority to limit such wastes, if such disposal would interfere with treatment plant operation.

Municipalities need not accept septage if it would interfere with proper operation of the municipal treatment and disposal facilities (RSA 486:13). Procedures for the disposal of such wastes shall be in conformance with the operating policy of the Community Services Director, or designee, Community Services Director, or designee, and disposal shall be accomplished under his supervision unless specifically permitted otherwise. [RSA 147]. **[Added on 12-16-92 by Ord. No. 33-92.]**

B. At such time as a public sewer becomes available to a property served by a private wastewater disposal system a direct connection shall be made to the public sewer in compliance with this Chapter within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the building.

C. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

147-4. Building Sewers and Connections.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Community Services Director, or designee/City Engineer.

A. There shall be three (3) classes of building sewer permits:

(1) For residential service.

(2) For commercial service producing only domestic wastewater.

(3) For service to establishments producing industrial wastes.

B. In all cases, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by the plans, specifications or other information considered pertinent in the judgment of the Community Services Director, or designee/City Engineer. A permit and inspection fee set by the city for either a residential, commercial or industrial building sewer permit shall be paid to the city at the time the application is filed. Transfer of use from one industrial or commercial use to another industrial or commercial use will constitute the need for a new permit.

C. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may, directly or indirectly, be occasioned by the installation of the building sewer.

D. A separate and independent building sewer shall be provided for every building, unless a special exception is granted, in writing, by the Dover Utilities Commission, or except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through and adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one (1) building sewer, but the city will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

E. An old building sewer may be used in connection with new buildings when the new building replaces an old one, provided that the existing sewer and connection are exposed for the examination and test by the Community Services Director, or designee/City Engineer and are found to meet all requirements of this chapter.

F. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city and the Division. In the absence of code provisions to cover a specific project or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Federation Manual of Practice No. 9 shall apply.

G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means, at the owner's expense, and discharged to the building sewer.

H. No person shall make connection of roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building drain which in turn is connected, directly or indirectly, to a public sanitary sewer.

I. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city or the procedures set forth in appropriate specifications of the American Society for Testing and Materials and Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Community Services Director, or designee/City Engineer before installation.

J. The applicant for the building sewer permit shall notify the Community Services Director, or designee, at least twenty-four (24) hours prior to commencement of the work proposed and again for inspection purposes at least twenty-four (24) hours prior

to the covering of any underground portions of the installation. The physical connection to the public sewer shall be made under the supervision of the Community Services Director, or designee.

K. All excavations for building sewer installation shall be adequately guarded with barricades and lights as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City, at the expense of the owner.

L. Any person proposing a new discharge into the system or a discharge of listed or characteristic hazardous waste, or an increase in the volume, beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system shall notify the Community Services Director, or designee, at least 60 days prior to the proposed change or connection.

M. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalence (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristic in industrial discharge must be approved by the Division. It is understood that absent special circumstances, NHWSPCD. will approve plans for new systems, extensions, or replacement sewers only when designed upon the separate plan, in which rain water from roofs, streets, and other areas, and ground water from foundation drains are excluded. **[Amended 12-16-92 by Ord. No. 33-92]**

147-5. Reserved. (formerly Sewer Commission. [Repealed on 03-20-91 by Ord. No.10-91])

147-6. Use of Public Sewer.

A. A user may not introduce into any POTW any pollutant(s) which may cause Pass-Through or Interference. These general prohibitions and the specific prohibitions in this section apply to each user introducing pollutants into a POTW whether or not the user is subject to other National Pretreatment Standards or any national, state, or local pretreatment requirements. **[Added 05-17-9 by Ord. No. 08-95]**

B. No person or industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for treatment. Dilution is prohibited to achieve compliance with all applicable pretreatment standards and requirements. No wastewaters which otherwise will not meet the requirements of this Article shall be diluted with river water or other unpolluted water in order to render the wastewater acceptable as meeting the requirements of this Article. **[Amended 12-16-92 by Ord. No. 33-92]**

C. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet. Industrial cooling water or unpolluted process waters require a NPDES permit prior to discharge to a storm sewer or natural outlet. **[Amended 05-17-95 by Ord. No. 08-95]**

D. (Prohibitions) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer: **[Amended 12-16-92 by Ord. No. 33-92]**

(1) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to gasoline, benzene, naptha, fuel oil or other flammable or explosive liquid, solid or gas, any waste stream with a closed cup flashpoint of less than 140 degrees F, using test method from 40 CFR 261.21, pollutants causing toxic gases, vapors, or fumes that may cause worker health, and safety problems, or any pollutant(s) which cause Pass Through or Interference.

(2) Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or interaction with other wastes, to injure, pass through, or cause interference with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters or the wastewater treatment works.

(3) Waters or wastes which interfere with safety, operation and maintenance, or performance of the POTW; or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater works, such as but not limited to ashes, cinders, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, unground garbage, whole blood, paunch manure, hair and fleshings, leather dust, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

(5) Wastewater sufficiently hot to cause the influent at the wastewater treatment facilities to exceed 104°F (40°C) or cause inhibition of biological activity in the POTW, resulting in interference.

(6) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause interference or pass through at the POTW.

(7) Petroleum oil greater than 100 mg/L, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through. **[Amended 04-30-97 by Ord. No. 13-97]**

(8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(9) Wastewater alone or in conjunction with other sources that causes the treatment plant's effluent or sludge to fail a toxicity test.

(10) Household hazardous waste including but not limited to paints, stains, thinners, pesticides, herbicides, anti-freeze, transmission and brake fluids, motor oil, and battery acid.

(11) Any hazardous waste listed or designated by NHDES under ENV-Wm 400.

E. The following described substances, materials, waters, or waste shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or can otherwise endanger life, limb or public property or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, consideration may be given to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the wastewater treatment process, capacity of the wastewater treatment plant, degree of treatability of wastes in the wastewater treatment plant and other pertinent factors. The substances prohibited are: **[Amended 12-16-92 by Ord. No. 33-92]**

(1) Waters or waste containing animal or vegetable type oil & grease, or wax whether emulsified or not, in amounts that will cause interference or pass through and containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred four degrees Fahrenheit (32°F and 104°F), or zero degrees and forty degrees Celsius (0°C and 40°C). **[Amended 04-30-97 by Ord. No. 13-97]**

(2) Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Community Services Director, or designee.

(3) Waters or wastes containing strong acid iron- pickling wastes, or concentrated plating solutions whether neutralized or not.

(4) Any wastewaters containing an increase in caustic alkalinity in the raw waste recalculated as CaC03, (calcium carbonate) in excess of 75 milligrams per liter (mg/L or in volumes which may be excessive.

(5) Waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances or wastes exerting an excessive chlorine requirement to such a degree that any such material received in the composite sewage at the wastewater treatment works exceeds the limits established for such materials.

(6) Any waters or wastes containing odor-producing substance exceeding limits. Community Services Director, or designee.

(7) Any medical/infectious wastes, pharmaceutical waste, or radiological waste except as specifically authorized in an industrial discharge permit. Additionally, any radioactive wastes or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulation

(8) Waters or wastes having a pH less than six point zero (6.0) or in excess of eleven point zero (11.0). **[Amended 05-19-93 by Ord. No. 08-93]**

(9) Any water or wastes which, by interaction with other water or wastes in the public sewer system, releases obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and/or treatment processes.

(10) Wastewater with any of the following constituents at concentrations greater than those indicated below: If applicable see procedures for net/gross determination 40 CFR section 403.15. **[Amended 12-20-89 by Ord. No. 1-89; Amended 08-19-92 by Ord. No. 22-92]**

LOCAL LIMITS ARE UNIFORM CONCENTRATION LIMITS EXPRESSED AS "TOTAL" LIMIT OF EACH PARAMETER IN mg/L: **[Amended 05-17-95 by Ord. No. 08-95]**

(BOD 79 [Deleted 04-30-97 by Ord. No. 13-97])

CADIUM (Cd)	.020	ZINC (Zn)	4.33
CHROME (Cr)	4.03	SILVER (Ag)	.713
COPPER (Cu)	3.46	NICKEL (Ni)	1.07
CYANIDE (Cn)	.363	MERCURY (Hg)	.004
LEAD (Ph)	.806	ARSENIC (As)	.400
PHENOL	182	SELENIUM	8.55

SCREENING LEVELS in MG/L:

Wastewater which has a concentration of any pollutant above the following screening levels shall be limited in its discharge to POTW by the Community Services Director, or designee. Such screening levels, generated on the basis of standard conditions, shall be adjusted for the particular conditions applicable to the specific discharge. Fume toxicity screening levels shall be adjusted when administered as limits to account for the pH, temperature, dilution, other toxic fumes and ventilation present at the site of the particular discharge. The screening level for sulfate shall be adjusted when administered as a limit to account for the type of concrete used in sewer construction and the type of concrete used in sewer construction and the dilution present. Specific lists of screening levels:

AMMONIA	90.000	BROMOMETHAN	.002
VINYL CHLORIDE	0.003	CARBON DISULFIDE	0.060
CHLOROMETHANE	0.007	ACRYLONITRILE	1.240
CHLOROBENZENE	2.350	1,2-DICHLOROBENZENE	3.740
CHLOROFORM	0.420	1,4-DICHLOROBENZENE	3.540
NAPTHALENE	3.340	DICHLORODIFLUORO-METHANE	0.04
METHANE	0.040	1,1-DICHLOROETHANE	4.580
VINYL ACETATE	1.210	1,2-DICHLOROPROPANE	3.650
1,3-DICHLOROPROPENE	0.090	TRAN-1,2-DICHLORO-ETHYLENE	0.28
SULFATE	150/1500	TRICHLOROFUOROME - THANE	1.220
THYLENE	.280	ETHYLENE DICHLORIDE	1.050
SULFIDE	1.000	HEPTACHLOR	.003
SULFITE	2.000	HEXACHLORO-1,3 BUTADIENE	.0002
ACETONE	1176	HEXACHLOROETHANE	0.960
ETHYL BENZENE	1.590	TRETRACHLOROETHYLENE	0.530
TOLUENE	1.350	1,2,4-TRICHLOROBENZENE	0.430

METHYLENE CHLORIDE	4.150	1,1,1-TRICHLOROETRHYLENE	1.550
FORMALDEHYDE	0.070	METHYL ETHYL KETONE	249
POLYCHLORINATED BIPHENYLS	0.002	TRICHLOROETHYLENE	0.710

(11) Materials which exert or cause:

(a) Unusual concentration of inert suspended solids, such as but not limited to fuller's earth, lime slurries and lime residues, or of dissolved solids, such as but not limited to sodium chloride and sodium sulfate.

(b) Excessive discoloration such as but not limited to dye wastes and vegetable tanning solution or dyes that pass through the WWTP and visibly color effluent. **[Amended 12-20-89 by Ord. No. 1-89]**

(c) Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the wastewater treatment works.

(d) Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

(e) Waters or wastes containing substances which are not amenable to treatment or reduction by the processes employed are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to receiving waters.

(f) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Subsection E of this section and which the judgment of the Community Services Director, or designee, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters or which otherwise create a hazard to life or constitute a public nuisance, the Community Services Director, or designee, may take any or all of the following actions:

(i) Reject the wastes

(ii) Require pretreatment to an acceptable condition for discharge to the public sewers

(iii) Require control over the quantities and rates of discharge

(iv) Require payment to cover the added cost of handling and treating the wastes

(v) Impose additional discharge limits on a user

F. If the Community Services Director, or designee, permits the pretreatment or equalization of waste flows, the design and installation of equipment for such shall be subject to the review and approval of the Division and subject to the requirements of all applicable codes, ordinances and laws.

G. Such facilities shall not be connected until said approval is obtained in writing. Such approval shall not relieve the owner of the responsibility of discharging treated waste meeting the requirements of this ordinance. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional Engineer, registered in N.H. in the fields of sanitary or chemical engineering.

H. To determine compliance with respect to prohibited discharges and categorical limitations on wastewater discharges and discharge permits, prohibitions and limitations may be made on the basis of either instantaneous grab samples or composite samples of the wastewater. The nature and time span of sampling shall be determined by the Community Services Director, or designee. The City may also conduct sampling of either scheduled or random nature to ensure compliance.

I. Grease, oil and sand interceptors shall be provided when, in the opinion of the Community Services Director, or designee, they are necessary for the proper handling of liquid wastes containing grease, oil, sand or other materials which, in the opinion of the City Engineer/Community Services Director, or designee, of the WWTP, will damage or interfere with the operation of sewers or drains or give rise to hazardous conditions therein. All interceptors shall be of the type and capacity approved by the City Engineer and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight in place, shall be gastight and watertight. Where installed, all grease, oil, and sand interceptors shall be maintained by the owner at his expense in continuously efficient operation at all times. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal or collected waste. Appropriate means of disposal shall be subject to review by the Community Services Director, or designee. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Community Services Director, or designee.

J. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the owner at his expense.

K. All industrial wastes shall be pretreated in accordance with federal and state regulations and this ordinance to the extent required by applicable Categorical Pretreatment Standards, state pretreatment standards or standards established by the Community Services Director, or designee, whichever is more stringent. When required by the Community Services Director, or designee, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances, in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City Engineer. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. The owner shall perform or have others perform at his expense all tests and monitoring required by the Community Services Director, or designee. Completed reports of all tests shall be submitted to the Community Services Director, or designee, for his records.

L. The Community Services Director, or designee, may require a user of sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include but are not limited to:

(1) Wastewater discharge peak rates and volume over a specified period

(2) Chemical analysis of wastewaters

(3) Information on raw materials, processes, and products effecting wastewater volume and quality

(4) Quality and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use and control

(5) A plot plan of sewers on the user's property showing sewer and pretreatment facility location

(6) Details of pretreatment facilities

(7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer

M. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with methods and procedures as set forth in 40 CFR Part 136. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis subject to approval by the Community Services Director, or designee. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report,

based on data that is representative of conditions occurring during the reporting period. **[Amended 05-17-95 by Ord. No. 08-95]**

(1) Except as indicated in Section (2) and (3) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Community Services Director, or designee. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits

(2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Community Services Director, or designee, may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

N. All applications to discharge any industrial wastewater, substances, or wastes directly into any sewer under the control of the City, or into any tributary thereof, shall be accompanied by an (IDP) stating that the applicant agrees to abide by all ordinances and rules and regulations of the City, that the applicant will provide such works for the preliminary treatment of the wastewater, substances or wastes as may be required by the City, and that the applicant will permit duly authorized representatives of the City to enter the premises of the industry to sample and measure wastewaters, as needed to check characteristics of the wastewaters, when so directed by the City. **[Amended 12-16-92 by Ord. No. 33-92]**

O. When required by the permit, each industrial permittee shall submit a duly signed report to the Community Services Director, or designee, containing all information

requested. If insufficient data has been furnished, additional information may be required.

P. Each significant industrial user shall be required to submit a semi-annual report on the first of June and the first of December each year containing information as to the minimum, average and peak flows of industrial wastewater discharges during the previous six months, accompanied by designated analysis and wastewater samplings taken by an approved EPA method and at appropriate times during the flow measuring periods. A non-significant industrial user will be required to submit the above information, but on an annual basis, on the first of July each year. A non-significant industrial user will be required to submit the above information, after evaluation, at the discretion of the City's authorized agent.

Q. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis as specified in the Industrial permit.

R. All users shall notify the Community Services Director, or designee, at least sixty (60) days prior to the discharge of all pollutants which would cause a substantial change in the volume or character of the pollutants entering the treatment plant. In addition to receiving a permit to enter the public sewer, the new user shall notify the Community Services Director, or designee, at least sixty (60) days before any discharge begins. Any user whose discharged would be subject to Section 301 of the Public Law 92-500 shall notify the Community Services Director, or designee, at least sixty (60) days prior to any discharge of pollutants. **[Amended 3-14-79 by Ord. No 3-79]**

S. The Community Services Director, or designee, and other duly authorized employees of the City bearing proper credentials and identifications shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this subchapter.

T. The Community Services Director, or designee, NHWPCD, EPA, or their duly authorized employees are authorized to obtain information concerning industrial processes which have a bearing on the kind and source of discharge to the public sewer.

U. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, provided that such agreements do not contravene any requirements of existing Federal or State laws, and/or regulations promulgated thereunder, are compatible with the Fee Schedule , and do not waive applicable Categorical Pretreatment Standards.

V. If sampling performed by an Industrial User indicates a violation, the User shall notify the City within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation, except the Industrial User is not required to resample if: **[Added 12-20-89 by Ord. No. 1-89]**

(1) The City performs sampling at the Industrial User at a frequency of at least once per month or;

(2) The City performs sampling at the User between the time when the User performs its initial sampling and the time when the User receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the industrial User. If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

W. Each Industrial User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Chapter. Facilities to prevent accidental discharges shall be provided and maintained at the Industrial User's expense. **[Added 12-16-92 by Ord. No. 33-92]**

X. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. The Industrial User shall notify the (POTW) immediately in the event of any bypass. **[Added 12-16-92 by Ord. No. 33-92]**

147-7. User Charges and Industrial Cost Recovery.

A. All Users, including residential, commercial and industrial shall pay a user's fee to cover the costs involved in processing their portions of the total wastewater treated.

B. Any Industrial User whose wastes will significantly influence the capital costs of the treatment works by virtue of abnormal strength, volume, rate of flow or any other design factor shall be required to pay an industrial cost recovery (ICR) fee. The Dover Utilities Commission shall use the sewer user charge, Industrial Survey Results, and Chemical analysis reports of the Industrial Pretreatment program as prepared by the City of Dover, as a guideline for determining which industries fall under this section and the method by which the fees will be applied. As a minimum the industrial cost recovery fee shall be proportional to the user's flow and in addition to the basic user's fee.

C. The User charge system, as established by resolution of the City Council, shall generate sufficient revenue to offset the cost of all treatment works' operation, maintenance and repair provided by the city and shall be reviewed annually in

accordance with recommendations of the Dover Utilities Commission. **[Amended on 03-14-79 by Ord. No. 3-79]**

147-8. Restricted Acts.

To uncover the public sewer for any purpose or make connection therewith or to uncover the public sewer for inspection or connection to branches thereof or to open any manhole, unless and except with the written consent and under the supervision of the Manager or his representative, shall constitute a violation of this Article. The powers and authority of the Manager and his duly authorized agents are set forth in 147-9.

147-9. Right of Entry.

A. The Manager or his authorized agent shall be permitted to enter all properties, including dwellings, for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of the Article. The manager or his representatives shall have authority to inquire into any processes, including but not restricted to metallurgical, chemical, oil, refining, ceramic, tanning, paper or other industries, that have a bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. The Manager shall have access to and permission to copy all records and inspect all equipment installed as required by 147-6.E(11)(f) of this Article. **[Amended on 05-17-95 by Ord. No. 08-95.]**

B. The Manager shall be permitted to enter all private properties through which the city holds an easement for the purposes of but not limited to inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement.

147-10. Variances.

A. Any person seeking a variance from any of the provisions of this Article shall file a written request with the Dover Utilities Commission setting forth the reasons for the variance. Categorical Pretreatment Standards are exempt from variances, waivers, or agreements. **[Amended 12-16-92 by Ord. No. 33-92]**

B. The Dover Utilities Commission, upon receipt of a request for a variance from this Article, shall within thirty (30) days act on such requests and promptly notify the applicant, in writing, of its decision to grant or deny the variance.

147-11. Permit Applications.

The required application form to carry out the provisions of this Article as shown in Attachments A, B and C is hereby incorporated by reference and made a part of this Article.

147-12. Violations and Penalties.

A. If after reasonable testing in accordance with the requirements of 147-6 M, any person found by the Community Services Director, or designee, to be violating any discharge limitation or any other provision of Article I or Article II of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactorily correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person who shall continue any violation beyond this time limit provided for in Subsection A of this section shall be fined in the amount not exceeding ten thousand dollars ($10,000.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. [House Bill 980 which established a limit in RSA 149-I:6, effective January 1, 1989.] **[Amended on 12-16-92 by Ord. No. 33-92]**

B. Any person failing to obtain permits as required by 147-3 (A)1-4 or 147-3 (B) shall be in violation of this Article.

C. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

D. Any person in noncompliance with this ordinance shall be subject to the following enforcement responses not necessarily in this order, Notice of Violation, Administrative Order, Fines, Termination of service, Civil Litigation, or Criminal Prosecution. **[Amended on 12-16-92 by Ord. No. 33-92]**

ARTICLE II

INDUSTRIAL PRETREATMENT

[Amended on 12-7-88 by Ord. No. 25-88.]

147-13. Applicability.

All persons discharging industrial process wastes into public or private sewers connected to the City's wastewater facilities, shall comply with applicable requirements of local, state and federal industrial pretreatment regulations and Pretreatment Standards for new and existing sources set out in 40 CFR Chapter I, Subchapter N, Parts 403-471, (as amended). **[Amended on 12-16-92 by Ord. No. 33-92.]**

147-14. Industrial Discharge Permit (IDP).

A. IDP Required: Effective one hundred twenty (120) calendar days after this provision is adopted by the City, the discharge of any industrial waste to the City's wastewater

works or to a public or private sewer connected to the City's wastewater facilities is prohibited without a valid INDUSTRIAL DISCHARGE PERMIT (IDP).

B. IDP Application: Within sixty (60) days after the effective date of these INDUSTRIAL PRETREATMENT RULES, Persons subject to these rules shall submit an application for an IDP containing the information required below:

(1) The name and address of the facility, including the name of the operators and owners.

(2) A list of all environmental permits held by or for the facility.

(3) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operations carried out at such facility.

(4) An identification of the categorical pretreatment standards applicable to each regulated process.

(5) An analysis identifying the nature and concentration of pollutants in the discharge.

(6) Notification to the city, EPA Waste Management Division, and the state Hazardous Waste Authority of any proposed or existing discharge of listed or characteristic hazardous waste as required by 40 CFR 403.12(P). **[Amended on 12-16-92 by Ord. No. 33-92]**

(7) In those instances in which the industrial user provides notification of discharge of hazardous wastes, the industrial user shall also provide the following certification; "I certify that the company has a program in place to reduce the volume, and toxicity of hazardous wastes generated to the degree the company has determined to be economically practical." Reference 40 CFR 403.12(j) & (p). **[Amended on 12-16-92 by Ord. No. 33-92; Amended on 05-17-95 by Ord. No. 08-95.]**

(8) Information showing the measured averaged daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.

(9) A schedule of actions to be taken to comply with discharge limitations.

(10) Additional information as determined by the WWTP Community Services Director, or designee, or his representative may also be required.

C. Provisions: The IDP will outline the general and specific conditions under which the industrial process waste is accepted for treatment at the City's wastewater treatment plant. Specifically, included in the IDP are the following: **[Amended on 12-16-92 by Ord. No. 33-92]**

(1) Pretreatment and self-monitoring facilities required.

(2) Parameters to be monitored, type of samples, and monitoring frequencies required;

(3) Effluent limitations, including Best Management Practices, on the industrial process waste using the combined wastestream formula where applicable, also considering Federal Categorical Pretreatment Standards, and Local Limits, then applying the more stringent of the two sets of Pretreatment Standards.

(4) Reporting requirements;

(5) Location of sampling site;

(6) Notification by the industrial user of slugs, bypass or noncompliance;

(7) Penalties for noncompliance;

(8) Compliance schedule;

D. Permit Duration: The IDP shall be issued for a period of time not to exceed five (5) years from the date it is issued. The user shall apply to the POTW for permit renewal a minimum of sixty (60) days prior to the expiration of any existing IDP. Any changes or new conditions in the IDP imposed on the user by the POTW shall include a time schedule for compliance. **[Amended on 12-16-92 by Ord. No. 33-92]**

E. Permit Transfer: An IDP is issued to a specific user for a specific operation. An IDP shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the POTW. Any succeeding owner or user shall comply with the terms and conditions of the existing permit until such time that the POTW issues a new IDP.

F. Accidental Discharge/Slug Discharge Control Plans: The Community Services Director, or designee, shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Community Services Director, or designee, may require within any Users control mechanism (permit) the user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Community Services Director, or designee, may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following: Description of discharge practices, including non-routine batch discharges; Description of stored chemicals; Procedures for immediately notifying the Community Services Director, or designee of any accidental or Slug Discharge, as required by Section 147-19 of this ordinance; and Procedures to prevent adverse impact from any accidental or Slug Discharge. Such

procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

G. Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting the potential for a Slug Discharge.

147-15. Industrial User Reporting. **[Amended on 12-20-89 by Ord. No. 1-89; amended on 12-16-92 by Ord. No. 33-92]**

A. All SIUs are required to submit periodic compliance reports, all SIUs must, at a frequency determined by the Community Services Director, or designee, submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Community Services Director, or designee, or the Pretreatment Standard necessary to determine the compliance status of the User. Sampling for all S.I.U.'s for periodic reports must be performed during the period covered by the report. Extra sampling data from categorical S.I.U.'s must be included in the periodic reports. The reports shall state whether the applicable Categorical Pretreatment Standards and effluent limitations are being met on a consistent basis and, if not, what additional operations and maintenance practices and/or pretreatment are necessary. Additional requirements for such reports may be imposed by the Community Services Director, or designee, or his representative.

B. Signature for Reports, Reports submitted under this section shall be signed by an authorized representative, and shall contain certification statement of 40 CFR 403.6(a) (2) (ii), an authorized representative may be as specified in 147-15.C.

C. Signature for reports. The reports required by 147-15.A and 147-15.B, shall include the certification as set forth in 147-15.D, and shall be signed as follows: **[Amended on 05-17-95 by Ord. No. 08-95.]**

(1) By a responsible corporate officer, if the Industrial User submitting the reports required this Ordinance is corporation. For the purpose of this paragraph, a responsible corporate officer means:

(a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

(b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manger in accordance with corporate procedures.

(2) By general partner or proprietor if the Industrial User submitting the reports required by this Ordinance is a partnership or sole proprietorship respectively.

(3) By a duly authorized representative of the individual designated in paragraph 1) or 2) of this sub-section if:

(a) The authorization is made in writing by the individual in paragraph 1) or 2);

(b) The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well or well field Community Services Director, or designee, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

(c) The written authorization is submitted to the City.

(4) If an authorization under paragraph 3) of this subsection is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph 3) of this sub-section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

D. Certifications

All reports required to be signed as specified in 147-15.C, shall include the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

147-16. Monitoring Records.

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under 147-14.C(3) to implement discharge limits and requirements of 147-6. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Additionally, flow rate, and production rate maybe required. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or [the City], or where the User has been specifically notified of a longer retention period by the City's authorized agent. **[Amended 12-16-92 by Ord. No. 33-92]**

147-17. Additional Conditions.

A. The IDP will contain a statement of duration, but in no case shall the duration be for more than five years. **[Amended on 12-16-92 by Ord. No. 33-92; Amended on 05-17-95 by Ord. No. 08-95]**

B. The IDP is non-transferable and may be revoked for non-compliance, or modified so as to conform to discharge limitation requirements that are enacted by Federal or State Rules and/or Regulations.

C. An industry proposing a new discharge or a change in volume or character of its existing discharge must submit a completed IDP application to the City at least 60 days prior to the commencement of such discharge. The submitted application must include plans and engineering drawings, stamped by a registered professional engineer, of the proposed pretreatment facilities. Upon approval of the application by the City, a Discharge Permit Request is submitted by the community to WS and PCD. The industry and the City will enter into a new or amended IDP in accordance with the procedure outlined in this subpart.

D. Industrial users will be assessed an annual fee by the City to defray the administrative costs of the IDP program.

E. For industrial users whose discharge is in noncompliance with this ordinance (Chapter 147), the local or federal pretreatment programs as amended, shall meet the requirement of 40 CFR 403.8(f)(1)(iv). **[Added on 12-16-92 by Ord. No. 33-92]**

147-18. Categorical Pretreatment Standards.

A. Notification: The City Manager shall provide timely notification to appropriate industries of applicable categorical pretreatment standards.

B. Deadline for Compliance with Categorical Standards. As defined in 40 CFR 403.6(b). **[Amended on 12-16-92 by Ord. No. 33-92]**

C. Amendment to IDP Required: An industrial user subject to categorical pretreatment standards shall not discharge to wastewater facilities after the compliance date of such standards unless an Amendment to its IDP has been issued by the Dover Utilities Commission.

D. Application for IDP Amendment: Within 120 days after the effective date of a categorical pretreatment standards, an industry subject to such standards shall submit an application for an IDP Amendment. The Application shall contain the information noted under Section 2 (B) of the Article.

E. Categorical Compliance Schedule Reports: Each user subject to a compliance schedule as required under, 40 CFR 403.8(f)(1)(iv) or 147-14.B(9) shall report on progress to include 403.12(c) toward meeting compliance with these regulations as follows: **[Amended on 12-16-92 by Ord. No. 33-92; Amended on 05-17-95 by Ord. No. 08-95.]**

(1) Not later than fourteen (14) days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the Dover Utilities Commission indication whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply, the reason for the delay, and the steps being taken by the industrial user to return the progress to the schedule established.

(2) The time for any increment in the schedule, or the interval between reports required in paragraph 1), shall not exceed nine (9) months. An increment is the time between the dates for commencement and completion of major events leading to the construction and operation of pretreatment facilities necessary to achieve compliance with this ordinance and national categorical pretreatment standards.

F. Report on Compliance with Categorical Standard Deadline: Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new industrial user following introduction of wastewater into city sewer, any industrial user subject to pretreatment standards and requirements shall submit to Dover Utilities Commission a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and the average and maximum daily flow for these process lines. The report shall state whether the applicable pretreatment standards are being met on a consistent basis, and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards. This statement shall be signed by an authorized representative (see Section 2(C) (4) (B) and certified by a qualified professional engineer.

G. Baseline Monitoring Reports: reporting requirements for I.U.s upon effective date of Categorical Pretreatment Standard baseline report shall be in accordance with 40CFR403.12(b). **[Added on 12-16-92 by Ord. No. 33-92]**

H. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the City's authorized agent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the City's authorized agent a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged (403.12(b)(4),and(5))**[Added 12-16-92 by Ord. No. 33-92]**

(1) Users described above shall submit the information set forth below.

(a) Identifying Information: The name and address of the facility, including the name of the operator and owner.

(b) Environmental Permits: A list of any environmental control permits held by or for the facility.

(c) Description of Operations: A brief description of the nature, average rate of production including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process

diagram, which indicates points of discharge to the POTW from the regulated processes.

(d) Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(e) Measurement of Pollutants:

(i) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by [the Superintendent], of regulated pollutants in the discharge from each regulated process.

(iii) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

(iv) The sample shall be representative of daily operations and shall be analyzed in accordance with 40 CFR Part 136. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the City's authorized agent or the applicable Standards to determine compliance with the Standard.

(v) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

(vi) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(vii) Sampling and analysis shall be performed in accordance, and as outlined, in the user's control mechanism (permit);

(viii) The City's authorized agent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;

(ix) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(f) Compliance Certification: A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and Standards and Requirements.

(g) Compliance Schedule: If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet these requirements as set forth:

(i) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(ii) No increment referred to above shall exceed nine (9) months;

(iii) The User shall submit a progress report to the Community Services Director, or designee, no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

(iv) In no event shall more than nine (9) months elapse between such progress reports to the City's authorized agent.

a. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with 40CFR 403.6(a)2ii and signed by an authorized representative.

I. For the POTW developing a pretreatment program pursuant to 40 CFR Subsection 403.8 specific discharge limits on pollutant(s) shall be developed and continue to be developed as necessary and effectively enforced by the City. **[Added on 12-16-92 by Ord. No. 33-92]**

J. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (H) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the clean water act. **[Added on 12-16-92 by Ord. No. 33-92]**

K. By the legal authority obtained through the Dover Sewer Use Ordinance, compliance with applicable Pretreatment Standards and requirements by Industrial Users shall be enforced. **[Added on 12-16-92 by Ord. No. 33-92]**

147-19. Slug or Spill Discharge Notification. **[Amended on 12-16-92 by Ord. No. 33-92.]**

Industrial users shall immediately notify the Superintendent of the Wastewater Treatment Plant of any slug or process waste discharged by such user to the City's system. A written report shall be sent by the user to the Community Services Director, or designee, within five (5) days of the incident describing reason for the slug or spill, remedial action taken, and steps taken to prevent its reoccurrence, all complete and concise.

A. Any damage experienced by the City as the result of a spill or slug is considered a violation of this ordinance and costs for repair, replacement or other associated costs shall be recoverable.

B. The Control Authority shall evaluate, at least once every two years, whether each Significant Industrial User needs a plan to control slug discharges. For purposes of this subsection a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge. The results of such activities shall be available to the Approval Authority upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements: **[Added on 12-16-92 by Ord. No. 33-92]**

(1) Description of discharge practices, including non- routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;

(4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.

147-20. Imminent Endangerment.

The Community Services Director, or designee, may, after formal notice to the industry discharging wastewater to the public sewer, immediately halt or prevent any such discharge reasonably appearing to present an imminent endangerment to the health and welfare of person, or any discharge presenting, or which may present, an endangerment to the environment, or which threatens to interfere with operation of the public sewer or wastewater treatment facilities. Actions which may be taken by the City include ex parte temporary judicial injunctive relief, entry on private property to halt such discharge, blockage of a public sewer to halt such discharge, or demand of specific action by the industry.

147-21. Monitoring and Surveillance. **[Amended on 12-16-92 by Ord. No. 33-92.]**

The City shall as necessary, sample and analyze the wastewater discharges of contributing industries and conduct surveillance and inspection activities to identify, independently of information supplied by such industries, occasional and continuing non-compliance with industrial pretreatment standards. Additionally, the City will sample the effluent from each Significant Industrial User and inspect them at least annually. Each industry will be billed directly for costs incurred for analysis of its wastewater. All industries discharging to the city system shall allow unrestricted access by City, Division, and EPA personnel for the purposes of investigating and sampling discharges from the industries.

147-22. Investigations.

The City shall investigate instances of non-compliance with industrial pretreatment standards and requirements.

147-23. Public Information.

Information and data submitted to the City under its Industrial Pretreatment Program and this Part relating to process and/or wastewater discharge characteristics shall be available to the public in accordance with those conditions as set forth in 40 CFR 403.14. **[Amended on 05-17-95 by Ord. No. 08-95.]**

147-24. Public Participation. [Amended on 05-17-95 by Ord. No. 08-95.]

A. The City shall comply with the public participation requirements of 40 CFR part 25 in the enforcement of national pretreatment standards. The Community Services Director, or designee, shall publish annually, in newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of Users which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users(or any other industrial user that violates paragraphs (3), (4), or (8) as defined in section 147-1.

B. Application of Public Notice, reference, modification to Dover's Industrial Pretreatment Program (IPP) - Policy for placing IPP information on public notice.

ARTICLE III

SEWERS AND WATER MAINS

[Amended on 12-7-88 by Ord. No. 25-88.]

147-25. Petition for Construction.

All applications for the construction of sewer and water mains, whether by persons, developers, corporations, contractors, or otherwise shall be in the form of a petition addressed to the City Council, in compliance with the rules of the Council and having inscribed on the face thereof a recommendation by the Community Services Director, or designee, and by the Planning Board, signed by the Chairman and Secretary of the Planning Board; provided however, that in the case of water main extension, the petition shall also bear the approval of the Board of Water Commissioners, and in the case of sewer lines, the petition shall also bear the approval of the Sewer Commissioners.

147-26. Investigation.

The Council in finance session, upon investigation of costs of construction, materials or any other factor involved in such installation may, by majority vote, grant the petition at any regular or special meeting of the Council.

147-27. Supervision of Construction.

All construction shall be under the supervision of the Community Services Director, or designee.

147-28. Filing of Instruments.

The Council may require that a petitioner file with the City Clerk such rights-of-way, releases, completion bonds, payment bonds or any other instruments reasonably consistent to any such construction, and the City of Dover shall be the grantee, insured or payee of any such instrument.

147-29. Construction Cost; Title.

The petitioner shall pay full costs for any such construction of sewer of water mains and installation, and full title to the same shall, upon acceptance by the City Council, be in the City of Dover.

147-30. Control of Construction.

All construction of water mains and sewers shall be under the direct control of the City Council, Dover Utilities Commission but any heads of departments having the duty of repair and/or maintenance of these installations may make rules and regulations governing the same, subject to confirmation by the Council.

147-31. Special Assessments. **[Amended on 12-20-89 by Ord. No. 20-89]**

A. Special Assessments may be created in response to petitions for the extension of water or sewer lines in accordance with the provisions below:

(1) If other property owners intervene between the land of the petitioner and the end of the City's water or sewer facilities, they may join, by application in writing with the petitioner. The application must be made through the office of the City Clerk;

(2) The Community Services Director, or designee, City Engineer, representative of the Utilities Division and a representative of the Waste Water Treatment Plant shall act as a board to determine the proportionate cost to each intervening applicant. However, after determining the proportionate cost, it shall be duty of the Finance Director to carry out all financial details of the Board.

(3) The basis of determining such shall be the proportion of the frontage owned by the applicant by which the extension extends to the total distance of the extension. The sewer line may be figured on a per lot basis.

(4) No property owner shall be forced to join with the petitioner, but if, after the facilities have been installed to the petitioner and any intervening applicants, an intervening landowner desires to take advantage of said facilities, he may petition the Community Services Director, or designee, for such right;

(5) If the aforementioned petition is granted, the Board shall tax the latter petitioner his proportionate share, and said proportionate share, when paid, shall be refunded to the first petitioner, except where Subsection (C1) hereof applies.

B. Special Assessments may be developed for water or sewer line extensions that are initiated by the City in accordance with the follow provisions:

(1) The City Council may, by resolution, enact specific rules and procedures for said assessment, that establishes the cost of the proposed improvement, identifies the boundaries of a betterment district, establishes the percentage of the cost of the proposed improvement that is to be borne by the City, establishes the pro-rata share assigned to each property owner within the betterment district, and identifies the maximum number of installments in which the special assessment may be paid. Any such proposal for the establishment of a special assessment for the extension of a water line and any such proposal for the establishment of special assessment for the extension of a sewer line shall be referred to the Dover Utilities Commission for its review and recommendations.

(2) The Special Assessment may be based upon the length of frontage, amount of land area, or other factors deemed appropriate by the City Council.

(3) If the expenditures of the proposed improvement are to exceed one thousand dollars a public hearing shall be held by the City Council, and action by the Council shall not be taken earlier than seven (7) days after said hearing.

C. The proportionate share of each abutter along the line of construction and installation, or the proportionate share of each property owner within the betterment district, shall become a lien on such property as to real estate taxes until full payment of said proportionate share of full costs, including financing, is made. Payment may be as follows:

(1) The petitioner, applicant or late petitioner may pay his proportionate share in cash for the full amount at the time the obligation is incurred or enter into an agreement with the City of Dover that said proportionate share of all costs may be paid in equal installments over a period of time equal to the full term of the bond or a lesser period. Said agreement is to be recorded with the Strafford County Registry of Deeds at the expense of the petitioner, applicant or late petitioner. All the funds relating to sewer and water extensions under these provisions shall be placed in a special fund for payment of bonds, interests and charges pertaining thereto.

(2) All fees for permits, licenses, etc. see Fee Schedule.

(3) Abatements may be granted in accordance with the rules and regulations of the Dover Utilities Commission.

147-32. Board of Appeal.

A. There hereby is created a Board of Appeal, composed of the Mayor, Finance Director and the City Assessor, to hear appeals from 147-31C.

B. Any petitioner, applicant or late petitioner dissatisfied with the determination of his proportionate share of costs by the Board of Appeal as set forth above, may appeal said assessment to the DUC.

147-33. Manner of Waiver.

Upon recommendation of the Mayor and the Dover Utilities Commission, the Council, by a two-thirds vote, may suspend the provisions of Article III. All recommendations and the evidence supporting the same shall be in writing and submitted to the City Clerk, according to the rules of the Council.

147-34. Conflict of Ordinances.

If a provision of this subchapter is found to be in conflict with any provision of any zoning, building, safety or health or other Chapter of the City of Dover that Chapter which in the judgment of the Director of Community Services or the Board of Health establishes the higher standard of safety and protection of health shall prevail; and that ordinance or provision which sets the lower standard is hereby declared to be invalid to the extent that is found to be in conflict with the ordinance or provision which sets the higher standard.

147-35. Invalidity.

The invalidity of any section, clause, sentence or provision this subchapter shall not affect the validity of any other part of this subchapter which can be given effect without such invalid part or parts.

147-36. Notice. **[Repealed on 12-20-89 by Ord. No. 1-89]**

147-37. Violations and Penalties. **[Amended on 12-20-89 by Ord. No. 20-89]**

Any person, firm or corporation violating any provisions of this Article shall upon conviction, be subject to a fine of up to ten thousand dollars ($10,000.00) for each violation. Each day in which any such violation shall continue beyond the time limit shall be deemed a separate violation.

WATER SYSTEM

CHAPTER 148

ARTICLE I

CONTROL OF BACKFLOW AND CROSS-CONNECTIONS

148-1. Purpose; Responsibility of Director.

148-2. Statutory Authority; Responsibility of Water Department.

148-3. Definitions.

148-4. Protection Requirements; Inspections; Noncompliance; Permits.

148-5. Administration.

148-6. Responsibilities.

148-7. Degree of Hazard.

148-8. Permits.

148-9. Existing In-Use Backflow Devices.

148-10. Testing.

148-11. Records and Reports.

148-12. Fees and Charges.

[HISTORY: Adopted by the City Council on 9-28-1983 by Ord. No. 27-83; Repeal and Revised in its Entirety 05-22-2013 by Ord. No. 2013.05.08-001; Amendments noted where applicable.]

GENERAL REFERENCES – Public Health – See Ch. 116. Plumbing – See Ch. 135. Sewers – See Ch. 147.

ARTICLE I

CONTROL OF BACKFLOW AND CROSS-CONNECTIONS

148-1. Purpose; Responsibility of Director.

CROSS-CONNECTIONs between water supplies and non-potable sources of contamination are significant threats to health in the water supply industry. This ordinance is designed to maintain the safety and potability of the water in the Community Services Department by establishing rules and procedures to prevent the contamination of public drinking water by the BACKFLOW of water from an approved source or other fluids.

A. The purpose of this regulation is:

(1) To protect the public water supply of the Community Services Department from the possibility of contamination by isolating CONTAMINANTs which could BACKFLOW or back-siphon into the public water system within its customers' internal distribution system(s);

(2) To promote the elimination or control of CROSS-CONNECTIONs, actual or potential, between its customers' in-plant drinking water system(s) and anything that could contaminate or pollute it; and

(3) To provide for the maintenance of a CROSS-CONNECTION control program to effectively prevent the contamination or pollution of all drinking water systems.

148-2. Statutory Authority; Responsibility of Water Department.

A. New Hampshire Administrative Rule Env-Ws 364, or subsequent rules, *Backflow Prevention.*

B. The Dover Utilities Commission rules and regulations approved by the Dover City Council. Under these rules and regulations, the Community Services Department has the primary responsibility for protecting the public water supply from the back flow and cross contamination of dangerous substances which would endanger the public health or physically damage the public water system.

148-3. Definitions.

AUXILIARY WATER SUPPLY – Any water supply on or available to the premises other than the purveyor's approved public potable water supply.

BACKFLOW – The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than the intended approved source of supply.

BACKFLOW PREVENTER – A device or means designed to prevent Backflow or Back-Siphonage.

AIR GAP – A physical separation sufficient to prevent backflow between the free-flowing discharge end of the potable water system and any other system. Physically defined as a vertical distance equal to twice the diameter of the supply pipe but not less than one inch.

ATMOSPHERIC VACUUM BREAKER – A device which prevents back-siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

BACKPRESSURE – A condition in which the owner's system pressure is greater than the supplier's system pressure.

BACK-SIPHONAGE – The flow of water or other fluids, mixtures or substances into the distribution pipes of a potable water system from any source other than its intended source caused by the sudden reduction of pressure in the public water system.

BAROMETRIC LOOP – A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water systems to protect against Back-Siphonage.

CONTAINMENT – A method of backflow prevention which requires a backflow prevention device at the water service entrance.

CONTAMINANT – A substance that may impair the quality of the water creating a potential health hazard to the public.

CROSS-CONNECTION – Any actual or potential connection between the public water system and any source of contamination or unapproved water source

DOUBLE CHECK VALVE ASSEMBLY – An assembly of two independently operating spring loaded check valves with tightly closing shut-off valves on each side of the double check valve, plus properly located test cocks for the testing of each check valve.

DUAL CHECK VALVE WITH INTERMEDIATE ATMOSPHERIC VENT – A device having two independently operating spring loaded check valves separated by an atmospheric vent chamber.

FIXTURE ISOLATION – A method of backflow prevention in which a backflow preventer, such as a hose bib or an atmospheric vacuum breaker, is located to correct a cross-connection at an in-plant location rather than at a water service entrance. This protects the drinking water in the building.

HOSE BIB VACUUM BREAKER – A device which is connected to a hose bib and which acts as an Atmospheric Vacuum Breaker. Not to be used under constant pressure.

PRESSURE VACUUM BREAKER – A device containing one or two independently operated spring loaded check valves and an independently operated spring loaded air inlet valve located on the discharge side of the check valve(s). The device includes tightly closing shut-off valves on each side of the check valve(s) and properly located test cocks for the testing of the assembly.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER – An assembly consisting of two independently operating spring loaded check valves with an automatically operating differential relief valve located between the two check valves, tightly closing shut-off valves on each side of the check valves plus properly located test cocks for the testing of the check valves and the relief valve.

RESIDENTIAL DUAL CHECK – An assembly of two spring loaded independently operating check valves. Generally employed immediately downstream of the water meter to act as a containment device in a single or two family residence.

OWNER – Any person who has legal title to, or license to operate or habitat in, a property upon which a cross-connection inspection is to be made or upon which a cross-connection may be present.

PERSON – Any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

WATER SERVICE ENTRANCE – That point in the owner's water system beyond the sanitary control of the water supplier; generally considered to be the outlet end of the water meter or where the water service first enters the building.

WATER SUPERINTENDENT – The official, or his delegated representative, in charge of the Community Services Department who is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this ordinance.

WATER SUPPLIER – The public water supply system.

148-4. Protection Requirements; Inspections; Noncompliances; Permits.

The WATER SUPERINTENDENT shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the BACKFLOW or BACK-SIPHONAGE of CONTAMINANTs or pollution through the water service connection. If, in the judgment of the WATER SUPERINTENDENT, an approved BACKFLOW prevention device is required at the City of Dover's water service connection to any customer's premises for the safety of the water system, the WATER SUPERINTENDENT or his designated agent shall give notice, in writing, to said customer to install an approved BACKFLOW prevention device at each service connection to his premises. The customer shall, within 90 days, install approved device or devices at his own expense. Failure, refusal, or inability on the part of the customer to install said device or devices within 90 days shall constitute grounds for discontinuing water service to the premises until such device or devices have been properly installed.

148-5. Administration.

A. The Community Services Department will operate an approved CROSS-CONNECTION control Chapter, including the keeping of necessary records to fulfill the requirements of NHDES's BACKFLOW Rules, Regulations, and related laws.

B. The OWNER shall allow the City of Dover to inspect his property for possible CROSS-CONNECTIONs and shall follow the provisions of the City of Dover's Public Water System ordinance and their rules.

C. If the City of Dover requires that the public supply be protected by CONTAINMENT, the OWNER shall be responsible for the water quality beyond the outlet end of the CONTAINMENT device and should utilize the appropriate device approved for that purpose.

148-6. Responsibilities.

A. Community Services Department

1. On new installations, the City of Dover will provide an on-site evaluation and/or inspection and review of plans in order to determine the type of BACKFLOW PREVENTER, if any, that will be required.

2. On new installations, the City of Dover will issue a permit and perform inspection and testing.

3. For premises existing prior to the start of this program, the City of Dover will:

a. Perform an assessment of the function of the premise and determine if it poses a CROSS-CONNECTION risk. If a risk is present, asses the risk as high hazard or low hazard.

b. Inform the OWNER in writing of any corrective action deemed necessary, the method of achieving the correction, and the time allowed for the correction to be made. Ordinarily, 30 days will be allowed. However, this time period may be shortened depending upon the degree of hazard involved and the history of the device(s) in question.

4. The City of Dover will not allow any CROSS-CONNECTION to remain unless it is isolated by an approved BACKFLOW prevention assembly, commensurate with the degree of hazard, for which a permit has been issued and which will be regularly inspected/tested to ensure satisfactory operation.

5. The City of Dover shall inform the OWNER in writing of any failure to comply and the time allowed for the correction to be made. If upon re-inspection the OWNER has not complied, the City of Dover may allow an additional 15 days for the correction. In the event the OWNER fails to comply with the necessary correction by the time of the second re-inspection, the City of Dover will inform the OWNER, by certified letter, that the water service to the OWNER's premises will be terminated within a period not to exceed five days. In the event that the OWNER informs the City of extenuating circumstances as to why the correction has not been made, a time extension may be granted by the Community Services Director.

6. If the City of Dover determines at any time that a serious threat to the public health exists, the water service shall be terminated immediately.

7. The City of Dover shall begin inspections to determine the nature of existing hazards and corrections to be made, following approval of the program by NHDES. Initial focus will be on high hazard water use.

8. Certified BACKFLOW prevention device inspectors must be certified through the NEWWA Certified Backflow Prevention Device Inspectors/Testers Program.

9. The City of Dover shall also develop installation standards and specifications for each type of BACKFLOW PREVENTER to ensure they are installed in a manner in which they have been evaluated and approved and to allow for periodic testing and maintenance.

B. OWNER

1. The OWNER shall be responsible for the elimination or isolation with the proper installation of an approved BACKFLOW PREVENTER commensurate with the degree of hazard, for all CROSS-CONNECTIONs on his premises.

2. The OWNER, after having been informed by a letter from the city, shall, at his expense, install, maintain, and inspect or have inspected (as determined by the City of Dover), all BACKFLOW PREVENTERs on his premises.

3. The OWNER shall correct any deficiency of a BACKFLOW PREVENTER which is revealed by inspection or testing. This shall include the replacement of parts or the replacement of the BACKFLOW PREVENTER, if deemed necessary by the Community Services Department.

4. The OWNER shall inform the Community Services Department of any proposed or modified CROSS-CONNECTIONs and also existing CROSS-CONNECTIONs of which the OWNER is aware but has not been found by the Community Services Department.

5. The OWNER shall not install a by-pass around any BACKFLOW PREVENTER unless there is a BACKFLOW PREVENTER of the same type on the by-pass. OWNERs who cannot shut down operations for inspecting of the device(s) must supply additional devices necessary to allow inspecting to take place.

6. The OWNER shall install BACKFLOW PREVENTERs in a manner and location approved by the Community Services Department.

7. The OWNER shall only install approved BACKFLOW PREVENTERs from a list adopted by the Community Services Department and NHDES.

8. Any OWNER having a private well or other private water source must:

a. Have a permit if the well or source is cross-connected to the Community Services Department's system. Permission to cross-connect may be denied by the Community Services Department. The OWNER may be required to install a BACKFLOW PREVENTER at the service entrance if a private water source is maintained, even if it is not cross-connected to the Community Services Department's system.

b. In the event the OWNER installs plumbing to provide drinking water for domestic purposes which is on the [City of Town] Public Water System's side of the BACKFLOW PREVENTER, such plumbing must have its own BACKFLOW PREVENTER installed.

9. The OWNER shall be responsible for the payment of all fees for permits, annual or semi-annual device inspections, re-testing in the case that the device fails to operate correctly, and re-inspections for non-compliance with the Community Services Department or NHDES requirements.

148-7. Degree of Hazard.

The Community Services Department recognizes the threat to the public water system arising from CROSS-CONNECTIONs. All threats will be classified by degree of hazard and will require the installation of approved BACKFLOW prevention devices for high and low hazards.

A. Low Degree of Hazard

If BACKFLOW were to occur, the resulting effect on the water supply would be a change in its aesthetic qualities. The foreign substance must be non-toxic to human.

B. High Degree of Hazard

If BACKFLOW were to occur, the resulting effect on the water supply could cause illness or death if consumed by humans. The foreign substance may be toxic to humans from either a chemical, bacteriological or radiological standpoint. The effects of the CONTAMINANTs may result from short or long term exposure.

Only the following types of BACKFLOW prevention devices may be used for the CONTAINMENT of on-site CONTAMINANTs for high and low hazard situations respectively:

C. High Hazard:

1. AIR GAP (AG)

2. Reduced pressure principal BACKFLOW PREVENTER (RPZ)

3. Combination of the above

D. Low Hazard:

1. AIR GAP (AG)

2. PRESSURE VACUUM BREAKER (PVB)

3. DOUBLE CHECK VALVE ASSEMBLY (DCVA)

4. Reduced pressure principal BACKFLOW PREVENTER (RPZ)

5. Combination of the above

148-8. Permits.

The Community Services Department shall not permit a CROSS-CONNECTION within the public water system unless it is considered necessary and cannot be eliminated.

A. CROSS-CONNECTION permits that are required for each BACKFLOW prevention device are obtained from the Community Services Department. A fee will be charged for the initial permit and for the renewal of each permit as found in the Fee Schedule.

B. CROSS-CONNECTION permits shall be renewed every five years and are non-transferable. Permits are subject to revocation and become immediately revoked if the OWNER should so change the type of CROSS-CONNECTION or degree of hazard associated with the service type of device, replacement of device with a new device, or change of ownership

C. A permit is not required when FIXTURE ISOLATION is achieved with the utilization of a non-testable BACKFLOW PREVENTER in the case of RESIDENTIAL DUAL CHECKs

148-9. Existing in-use BACKFLOW Devices.

Any existing BACKFLOW PREVENTER shall be allowed by the Community Services Department to continue in service unless the degree of hazard is such as to supersede the effectiveness of the present BACKFLOW PREVENTER, or unless an unreasonable risk to the public health results.

148-10. Periodic Testing.

A. BACKFLOW prevention devices shall be inspected and tested at least semi-annually for high hazard devices and annually for low hazard devices.

B. Periodic inspections and testing shall be performed by an inspector certified through the NEWWA Backflow Prevention Device Inspectors/Testers Program. The inspections will be done at the OWNER’s expense.

C. When performed by an inspector from the Community Services Department, the inspections shall be conducted during the Community Services Department's regular business hours. Exceptions to this, when at the request of the OWNER, may require additional charges to cover the increased costs to the Community Services Department.

D. Any BACKFLOW PREVENTER which fails the inspection test during a periodic inspection will be repaired or replaced. When repairs are necessary, upon completion of the repair the device will be inspected a second time at the OWNER's expense to ensure correct operation. High hazard situations will not be allowed to continue unprotected, if the BACKFLOW PREVENTER fails the inspection and cannot be repaired immediately. In other situations, a compliance date of not more than 30 days after the inspection date will be established. The OWNER is responsible for spare parts, repair tools, and/or a replacement device. Parallel installation of two devices is an effective means of the OWNER ensuring that uninterrupted water service is provided during inspections or repair of devices and is strongly recommended when the OWNER desires such continuity.

E. These devices shall be repaired or replaced at the expense of the OWNER whenever said devices are found to be defective. Tests and repairs shall be recorded on forms approved by the WATER SUPERINTENDENT, and copies shall be distributed to the OWNER and WATER SUPERINTENDENT within ten (10) days of the actual test.

F. BACKFLOW prevention devices may be inspected more frequently than specified in section A above; in cases where there is a history of test failures and the Community Services Department feels that due to the degree of hazard involved, additional inspections are warranted. Cost of the additional inspections will be borne by the OWNER.

148-11. Records and Reports.

A. **Records** – The Community Services Department will initiate and maintain the following for a minimum of five years:

1. Master files on customer CROSS-CONNECTION inspections and/or tests.

2. Master files on CROSS-CONNECTION permits.

3. Copies of permits and permit applications.

B. **Reports** – Each year, by April 1, the Community Services Department will submit a summary of inspection results to NHDES that includes the following:

1. The name, certifying organization, and certification number of the certified BACKFLOW prevention device inspector who performed the inspection and test on the device;

2. The permit number;

3. The name of the OWNER and the location of the device;

4. The purpose of the device and its hazard class;

5. The type of device;

6. The date and result of each test; and

7. If the test failed, the subsequent test date and result until the device passes.

148-12. Fees and Charges.

The Community Services Department will publish a list of fees or charges. See Fee Schedule.

SITE REVIEW REGULATIONS

CHAPTER 149

ARTICLE I

PURPOSE AND SCOPE

149-1. Title.

149-2. Legislative Authority.

149-3. Legislative Intent.

149-4. Applicability.

149-5. Interpretation.

ARTICLE II

APPLICATION PROCEDURE

149-6. Application Requirements.

149-7. Planning Board Action.

149-8. Certification.

149-9. Expiration of Planning Board Approval.

ARTICLE III

REQUIRED AGREEMENTS

149-10. Construction of Improvements; CERTIFICATE OF OCCUPANCY.

149-11. Performance Guaranties.

149-12. Inspections.

ARTICLE IV

SITE DESIGN AND DEVELOPMENT DESIGN AND DEVELOPMENT CRITERIA

149-13. SITE DEVELOPMENT PLAN.

149-14. Site Development Design Criteria.

149-14.1 Design Standards for Development in the ETP District.

149-14.2. Design Standards for Development in the Residential Commercial Mixed-USE (RCM) Overlay District.

149-15. Physical Arrangements.

ARTICLE V

REVIEW FEES

149-16. Schedule of Fees.

149-17. Inspection Fees.

ARTICLE VI

ADMINISTRATION

149-18. Enforcement; Failure to Comply with Order; Violations and Penalty.

149-19. Variances and Waivers.

ARTICLE VII

WORDS AND PHRASES

149-20. Word Usage.

149-21. Definitions.

[HISTORY: Adopted by the City Council on 10-25-78 by Ord. No. 19-78; Adopted by the Planning Board 05-24-88; Amendments noted where applicable]

ARTICLE I

PURPOSE AND SCOPE

149-1. Title.

This chapter shall be known and may be cited as the "Site Review Regulations of the City of Dover."

149-2. Legislative Authority.

These regulations are adopted by the Dover Planning Board pursuant to the authority granted by the New Hampshire RSA 674:43 and by Chapter 41, entitled Planning Board, of the Code of the City of Dover, 1983.

149-3. Legislative Intent.

The site PLAN review process recognizes that certain types of development and USES, even though generally suitable for a particular zoning district, may adversely affect the City's vested interests and the health, safety and general welfare of the public unless careful consideration is given to certain critical design elements. It is the intent of this chapter to provide a vehicle for review of the nature, size, and impacts of proposed developments and changes of USE.

149-4. Applicability. **[Amended per Planning Board 04-23-91, 08-26-2008, 03-23-2010 and 01-24-2012]**

Prior to the issuance of a building permit by the Building Official, the owner or his/her authorized agent shall apply for and secure site review approval. This approval shall be in accordance with the rules and regulations contained herein for the following development types:

A. New construction. Site Review and Planning Board approval will be required for development of land for:

(1) Non-residential USES;

(2) Multi-family dwellings of five (5) or more units; and;

(3) Construction of parking areas larger than 4,000 square feet.

(4) Construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common PLAN of development that would disturb one acre or more.

(5) Any construction activities that require a conditional use permit for work to be located in or within fifty feet of a wetland or Conservation District.

B. Expansions and/or additions. Technical Review Committee review will be required for the following expansion and/or additions to existing development:

(1) Any increase of NONRESIDENTIAL development resulting in an expansion of gross floor area exceeding twenty-five hundred (2,500) square feet.

(2) Any addition to a residential structure resulting in the creation of five (5) or more additional units.

(3) Any accessory structures with floor areas exceeding fifteen hundred (1,500) square feet.

(4) Any expansion of a parking area or paving of a gravel parking area larger than one thousand (1,000) square feet.

(5) Any construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common PLAN of development that would disturb one acre or more.

(6) Any construction activities that result in a land disturbance of greater than or equal to one thousand (1,000) square feet if the activity is located in or within fifty (50) feet of a wetland or Conservation District.

(7) Notwithstanding the above criteria, the Technical Review Committee by majority vote, may require any project which has a significant projected impact on traffic, health, welfare, environmental quality, and safety issues to appear before the Planning Board for Site Review.

C. Change of USE of Existing Structures. Site review will be required for a change in conforming USE with a new USE allowed in the zoning district in which the tract or structure is located. For the purposes of this subsection, the definition of a new USE shall not include any USES which have previously existed on the site since the adoption of the Dover Zoning Ordinance (July, 1948). The following criteria constitutes a CHANGE IN USE:

(1) Development which causes a residential structure to be converted resulting in an increase of five (5) or more units.

(2) Proposals that would change the USE of an existing structure containing twenty-five thousand (25,000) square feet or more of gross floor space. The proposed

square footage shall be measured around the inside perimeter of the space to be changed, including all floors of a multi-floor structure. In the event that an existing structure is being subdivided and the new USE in only a section of the new space is known, the entire original space must be considered in the calculation.

(3) Any proposal which, in the judgment of the Technical Review Committee, has the potential for having a significant impact on the health, safety and welfare of the community.

149-5. Interpretation.

The standards contained in this Chapter shall be interpreted as minimum requirements. Projects subject to new construction, or change of USE of existing structures, must meet all requirements of the Code of the city of Dover as expressed in these regulations, Subdivision Regulations, Zoning Ordinance, and Building and Life Safety Codes. Compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that a proposed application is in the best interests of the City will the application be approved.

ARTICLE II

APPLICATION PROCEDURE

149-6. Application Requirements. **[Amended per Planning Board on 08-26-2008, 03-23-2010 and 01-24-2012]**

A. Prior to the formal submission of an application for site review, the APPLICANT shall meet with the Technical Review Committee. Said meeting(s) shall serve to assist the APPLICANT in preparing a development proposal that is technically conforming to the regulations contained therein.

The Technical Review Committee shall be comprised of the Planning Board Chairperson, the Conservation Commission Chairperson, City Engineer, Fire Chief, Police Chief, Zoning Administrator, Economic Development Director and Director of Planning and Community Development, who shall serve as Chair. All Committee members shall have a designated alternate available in their absence. A completed application sufficient to invoke jurisdiction of the Planning Board shall include the following elements:

(1) A completed application form, available at the Department of Planning and Community Development Office.

(2) A completed site review checkoff list.

(3) A written narrative description of the proposed project addressing its purpose, scope of operation, and impact on the immediate area of influence and the city in general (traffic, schools, utilities, land USE compatibility, aesthetics, land and water resources, etc.).

(4) Ground/aerial photographs of the site and immediate area.

(5) Include one electronic and fifteen (15) copies of the SITE DEVELOPMENT PLAN as more fully described in Article IV of this chapter. (Note: Only six (6) copies of the preliminary PLAN need to be submitted initially for review by the Technical Review Committee. However, fifteen (15) copies will be required for submission of the complete application to the Planning Board).

(6) A list of abutting property owners that lie within two hundred (200) feet of the subject parcel. Information shall include name, mailing address, and Dover Tax Map and Lot Numbers. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.

(7) Be accompanied by a fee of an amount to be determined in accordance with the fee schedule contained in 149-16 of this Chapter.

B. The APPLICANT shall file the application with the Planning Board Office at least fifteen (15) days prior to the Planning Board meeting at which time the application will be accepted and a public hearing held.

(1) The APPLICANT and ABUTTERS shall be notified of said public hearing by certified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least ten (10) days prior to the date of the meeting.

(2) Such public hearing shall be advertised in a newspaper of general distribution not less than ten (10) days prior to the said meeting.

149-7. Planning Board Action. **[Amended per Planning Board on 08-26-2008]**

A. The Planning Board shall take no action on an APPLICANT'S development proposal until it has received a report from the Technical Review Committee evaluating said proposal.

B. The Planning Board shall act to approve or disapprove within sixty-five (65) days after formal acceptance of the application. **[Amended per Planning Board 08-26-2008]**

C. The Planning Board may petition the City Council for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application. The APPLICANT may waive the requirement for Planning Board action and consent to such extension as may be mutually agreeable. The Planning Board may request technical assistance from experts in any field in making a proper determination of the physical, social, economic, and environmental or other impact of a proposed development on the community. In the event that said technical assistance would require remuneration, the APPLICANT shall be responsible for such costs.

D. The Planning Board shall, as deemed necessary, place conditions on such approval, including the posting of a PERFORMANCE BOND or ESCROW AGREEMENT as specified in 149-11 of this Chapter.

E. The action of the Planning Board shall be recorded in writing and shall be transmitted to the APPLICANT, stating the reasons for approval, approval with modification, or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the City's ordinances or to other essential planning criteria, as determined by the Planning Board in accordance with 149-5 of this Chapter.

F. The Planning Board may grant preliminary site review approval, however, said approval shall not qualify the APPLICANT to receive a building permit for the construction of said project. Said approval shall remain in effect for a period not to exceed one (1) year. In the event a development is being constructed in phases, the APPLICANT may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two (2) years.

149-8. Certification. **[Amended per Planning Board on 09-11-90, 09-28-93, 04-22-2003 and 08-26-2008]**

A. The APPLICANT shall submit to the Planning Department an electronic copy, a mylar and five (5) copies of the final SITE DEVELOPMENT PLAN for Planning Board Chairman's signature within ninety (90) days of receipt of final site PLAN approval by the Planning Board. The Director of Planning and Community Development may grant one ninety (90) day extension if circumstances arise beyond the control of the APPLICANT. An extension denial by the Director of Planning and Community Development can be appealed to the Planning Board. Any additional extensions can only be granted by the Planning Board.

B. The final SITE DEVELOPMENT PLAN shall be clearly and legibly reproduced via black or blue print lines.

C. Where an APPLICANT is required by the Planning Board as a condition of its' approval, to file a PERFORMANCE BOND or ESCROW AGREEMENT, it shall be posted prior to the start of construction of any improvement or the issuance of a building permit. Such bond or ESCROW AGREEMENT shall be executed on forms provided by the Planning Board office and shall be certified as to its sufficiency by the General Legal Counsel.

149-9. Expiration of Planning Board Approval. **[Amended per Planning Board on 11-15-91, 06-13-95 and 08-26-2008]**

A. Planning Board approval shall be valid for four (4) years from the date of said approval. If a building permit has not been issued within such time constraints, then said approval shall be considered null and void, except as provided below.

B. The Planning Board may grant time extensions, not to exceed one (1) year each. The APPLICANT shall appear before the Planning Board and document that the following criteria are met:

(1) The proposed project is consistent with the City Master Plan.

(2) Surrounding conditions (i.e. traffic flow, school capacity, water/sewer demand) have not changed to the point of requiring reanalyzing of the proposed project.

(3) The proposed project complies with current City, State and Federal regulations, ordinances and statutes.

(4) Notification of ABUTTERS shall be required of all first time extension requests. Said notification shall be by certified mail and shall be at the expense of the APPLICANT.

C. Approved site plans shall be protected from future amendments in regulations and ordinances in accordance with RSA 674:39. In order to be protected under RSA 674:39, the owner shall have completed active and substantial development, which is defined as the construction of basic infrastructure to support the development, including foundation walls and footings, driveway and parking lot construction to a minimum of gravel base, utilities placed in underground conduits, construction of all drainage improvements, and installation of all EROSION and SEDIMENT control measures. Substantial completion shall be defined as the completion of all on-site and off-site improvements specified in the site PLAN approval.

ARTICLE III

REQUIRED AGREEMENTS

149-10. Construction of improvements; CERTIFICATE OF OCCUPANCY.

[Amended per Planning Board on 03-23-2010 and 01-24-2012]

A. All site improvements shall be constructed and/or installed within a period of time mutually agreed upon by the APPLICANT and the Planning Board, unless such time is extended by written mutual consent of the Planning Board and the APPLICANT. Such improvements shall not be considered complete until officially approved by the City Engineer, Director of Planning and Community Development, Fire Chief, Police Chief and Community Services Director or accepted by the City Council, as appropriate.

B. Building certificates of occupancy, temporary or final, shall be issued by the Building Official for all development activities only upon the receipt of a written memorandum from the appropriate department head certifying the adequacy of all required improvements servicing the subject parcel.

The Building Official or City Engineer has the authority to require an escrow account or irrevocable letter of credit.

(1) A temporary CERTIFICATE OF OCCUPANCY (good for up to six (6) months) may be issued, provided that all required roads and utilities servicing the subject parcel have been constructed and/or installed to such an improved condition as to provide the basic services of snow removal, rubbish collection, fire, police protection and the like.

(2) A final CERTIFICATE OF OCCUPANCY shall be issued, provided that all required roads and utilities servicing the subject parcel have been constructed and/or installed in accordance with city specifications.

C. Construction activities and storage of building materials shall only be carried on in such a manner and at such times that render said activities not unduly objectionable to adjacent properties. Hours of construction shall be determined during the pre-construction meeting and documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development prior to land disturbance.

D. All utilities shall be installed on or before the completion of the roadway base course. Work shall be constructed with the deepest utility being installed first and working up to the road surface. The Community Services Department shall be notified seventy-

two (72) hours prior to the start of any construction. All subsurface work shall be visually inspected by the City Engineer or his agent prior to back filling.

E. These inspections shall be completed during normal working hours within a twenty-for (24) hour period after notification. Covering work before it has been inspected shall be sufficient cause for rejection. Final testing of subsurface utilities for acceptance by the city shall be completed prior to paving the road surface. All testing and inspections shall be at the expense of the developer. Material samples and/or product certification sheets shall be supplied to the City Engineer or agent upon reasonable notice.

F. All site improvements which require blasting of land shall meet the following requirements prior to any blasting occurring:

(1) The APPLICANT shall prepare a pre-blast survey of all structures within five hundred (500) feet of the external boundaries of the proposed lot to be DEVELOPED. This survey, along with a monitoring plan, shall be on file with the Dover Fire and Rescue. Upon recommendation of the Fire Chief, the Planning Board may require a pre-blast survey of all structures within one thousand (1,000) feet.

(2) The APPLICANT shall hold a neighborhood meeting to review the blasting plan and pre-blast survey, with representatives of the Fire and Rescue and the blasting company in attendance, prior to any on-site blasting. ABUTTERS within one thousand (1,000) feet of the external boundary of the project parcel shall be notified by certified mail (paid for by the APPLICANT) of the meeting no less than ten (10) days prior to the meeting.

(3) Permit holders shall be in compliance with NFPA 495, The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials, in addition to all other provisions set forth in Chapter 109 Fire Prevention and Life Safety, which specifically prohibits the overnight storage of explosives or blasting agents. Further all storage magazines shall be locked in the open position at the end of the days' operation, for easy inspection by City Officials.

(4) Blasting permits may be obtained by calling the Dover Fire and Rescue during normal business hours. The permits are only active for the dates and times specified on the permit.

(5) Permit holders shall hold insurance against claims for damages for personal injury and property which may arise from performance of the work.

(6) Hours of operation for the blasting shall be no earlier than 8:00 am and no later than 6:00 pm Monday through Friday, excluding federal holidays.

149-11. Performance Guaranties. [Amended per Planning Board on 01-24-2012]

A. Where the Planning Board, Building Official or City Engineer requires the posting of a PERFORMANCE BOND or ESCROW AGREEMENT to secure for the City the satisfactory construction and installation of required site improvements, said surety shall be in an amount determined by the City Engineer.

B. Construction and installation of required improvements must be satisfactorily executed within the imposed time constraints, or the APPLICANT shall forfeit said surety, and it shall be used to complete and/or install said improvement in accordance with city specifications.

149-12. Inspections. [Amended per Planning Board on 03-23-2010]

All required site improvements shall be subject to investigation by an approval of the Community Services Director and the City Engineer, as appropriate, who shall be notified by the developer at least seventy-two (72) hours prior to the start of construction. Inspections will be conducted by said officials or their designees. No underground installation shall be covered until inspected by the appropriate city department. Any improvements completed without inspection will be considered not accepted. All fees and costs connected with inspection for the review of plans, construction and specifications shall be paid for by the developer, at a rate set forth in the City of Dover Adopted Schedule of Fees, as amended annually.

ARTICLE IV

SITE DESIGN AND DEVELOPMENT CRITERIA

149-13. SITE DEVELOPMENT PLAN. [Amended per Planning Board on 05-25-99, 08-26-08, 03-23-2010 and 01-24-2012]

A. A SITE DEVELOPMENT PLAN shall be drawn to an appropriate scale, not less than one (1) inch equals fifty (50) feet, and shall show the following information:

(1) A small-scale location map delineating the project site and its relation to the surrounding area within a radius of three thousand (3,000) feet.

(2) Name or identifying title of the proposed project as well as planning file number once assigned.

(3) Date and approximate true North.

(4) Exact locations and dimensions or property lines and names of current ABUTTERS.

(5) Location of all existing and proposed buildings and structures on the site.

(6) Delineate existing zoning and special district boundaries.

(7) Specify proposed finished floor elevations of buildings so to assure positive surface drainage and proper elevation relationship to adjacent property.

(8) Existing and proposed grade contours (two-foot intervals) so to certify the adequate disposal of on-site water. Upon request, contours delineating existing surface shall be extended one hundred (100) feet beyond the limits of the project site and shall be related to the United States Geographical Survey.

(9) Location, dimension and material of all existing and proposed utilities and identify all on site waste disposal systems and wells.

(10) Location of test borings, groundwater elevation and soil profiles shall be provided upon request.

(11) Parking layout that delineates the number of parking spaces and parking arrangement.

(12) A landscape plan that delineates the arrangement, species and dimensions of all existing and proposed landscaping materials. The landscape plan, in sufficient detail to indicate compliance with these regulations, shall be prepared by a Professional Landscape Architect who is licensed by the State of NH. The licensed Landscape Architect shall sign the plan. The landscape plan shall be certified by the licensed Landscape Architect and include their State of NH license number.

(13) Where multi-family development is proposed, those areas supporting slopes in excess of twenty (20%) percent, the Federal floodway and floodplain, and the surface areas of waterbodies and wetlands shall be clearly depicted on the site PLAN and quantified.

(14) Where CHANGE IN USE is being proposed, the following additional items are required

(a) A table showing the expected amount of change in demand for parking, water and sewer use, and traffic.

(b) A floor plan showing the proposed USE and square footage in each USE.

(15) A colored architectural plan showing all sides of new buildings, as prepared by a registered engineer or architect, who shall sign the plan and place his/her seal upon it. The plan shall conform to the guidelines contained in Section 149-14.L.

(16) A neighborhood PLAN, showing all property lines within a distance determined by the Director of Planning and Community Development during initial consultations, and how the project relates to abutting USES. This sheet should show the proposed impervious surfaces, and zoning boundaries.

(17) A colored rendering of the streetscape that will be created along the existing public R.O.W. This sheet shall include a perspective of both sides of any existing roadway, any street or sidewalk improvements, proposed plantings and structures, as prepared by a registered engineer or architect, who shall sign the plan and place his/her seal upon it, as required.

(18) Any project that creates more than ten (10) residential units shall submit a fiscal impact analysis which details the probable effects of the site plan on the following aspects of concern to the City:

(a) attendance at public schools;

(b) increase in vehicular traffic;

(c) changes in the number of legal residents;

(d) increases in municipal costs;

(e) load on public utilities or future demand for them;

(f) public safety;

(g) changes in tax revenue;

(h) changes in surface drainage;

(i) increased consumption of groundwater;

(j) increased refuse disposal;

(k) pollution of water or air;

(l) land EROSION or loss of tree cover;

(m) disturbance to other aspects of the natural ecology;

(n) blocking of views;

(o) harmony with the character of surrounding development; and

(p) location of utilities.

(19) A STORM WATER Management and EROSION Control Plan shall be developed in accordance with the requirements of Chapter 149-14.A if it is determined to be necessary by the Technical Review Committee during its review process, as outlined in Chapter 149-6.A. Site plans shall provide for the proper management of STORM WATER and EROSION and sedimentation control.

(20) Traffic Impact Assessment and Analysis – All development projects that require site PLAN review shall prepare a Traffic Impact Assessment and Analysis that complies with the standards contained in Chapter 155 – Land Subdivision Regulations, Section 155-9.I, as amended.

B. The information required by A (1) through A (20) of this section must be supplied. The SITE DEVELOPMENT PLAN may be modified to eliminate items outlined under Article II that are not subject to change or are impertinent to the proposed USE, however the Planning Board or its staff may require that the information be supplied. In addition, the Planning Board may require the area and USES outside the building to be upgraded to meet existing standards.

149-14. Site Development Design Criteria. **[Amended per Planning Board on 05-25-99, 01-14-2003, 08-26-2008, 03-23-2010 and 01-24-2012]**

A. STORM WATER Management, EROSION Control, and Flood Hazards

(1) Purpose

The following are the purposes of these regulations:

(a) To treat STORM WATER to maintain and protect the quality of receiving waters;

(b) To reduce the DISCHARGE of pollutants;

(c) To promote the implementation of Low Impact Development practices;

(d) To minimize the amount of site disturbance and retain existing vegetation to the extent possible;

(e) To maintain the natural hydrology of a site to the extent possible;

(f) To promote the use of nontraditional and nonstructural STORM WATER management measures;

(g) To promote STORM WATER management systems that require lower maintenance;

(h) To encourage designs that allow for the containment in the event of a spill;

(i) To promote a balance between pre-development and post-development flow and volume;

(j) To properly pre-treat all STORM WATER RUNOFF;

(k) To promote designs that maintain groundwater recharge volumes;

(2) To address salt and sand loading

(3) STORM WATER Management

STORM WATER management shall comply with the standards contained in Chapter 155 – Land Subdivision Regulations, Section 155-35.B, as amended.

(4) STORM WATER Management System Operation and Maintenance Plans
STORM WATER management system operation and maintenance plans shall comply with the standards contained in Chapter 155 – Land Subdivision Regulations, Section 155-35.C, as amended.

(5) EROSION and Sedimentation Control

EROSION and sedimentation control measures shall comply with the standards contained in Chapter 155 – Land Subdivision Regulations, Section 155-35.D, as amended.

(6) Flood Hazards

Any site PLAN proposed within the federally designated special flood hazard areas, as shown on the Flood Insurance Rate Maps dated May 17, 2005, as amended, shall comply with Chapter 113 Floodplain Development.

B. Utilities

(1) Water

(a) Extensions to public water mains shall be at least twelve (12) inches in diameter. When projected development, the City's Master Plan or Capital

Improvements Plan indicate that a larger water main is needed, the Planning Board may require a larger pipe

(b) Extensions of public water mains shall cross the full frontage of the parcel for which development is proposed.

(c) Extensions of water lines shall be designed to avoid dead end lines, where possible.

(d) Extensions of and connections to the public water system shall be in accordance with Chapter 148, Water System.

(e) Where an extension to the municipal water system is proposed, the following items must be specified:

(i) Rated normal capacity in gallons per minute at prime use time.

(ii) Rated maximum capacity in gallons per minute at prime use time.

(iii) Residual pressure of proposed tap line.

(2) Sewer

(a) Extensions of and connections to the public sewer system or private wastewater systems shall be in accordance with Chapter 147, Sewers,.

(b) Where sanitary DISCHARGE into the municipal sewer system is anticipated, projected additional peak hour sewer load volume must be specified.

(c) Where nondomestic sanitary DISCHARGE is anticipated, such effluent shall comply with the rules and regulations of Chapter 147 Sewers.

(3) Electric, Cable TV and Telephone

(a) The installation of electric power, cable television and telephone lines shall be underground throughout the site for which development is proposed. Site plans shall show any easements for these services.

C. Driveways, ACCESSWAYS and Internal Roads

(1) All driveways, ACCESSWAYS, internal roads, loading and service areas shall be graded, paved and improved with curbs, gutters, sidewalks and stormwater drainage facilities. The curbing along or at intersections with public street rights-of- way shall be granite. Internal walkways shall be constructed of a pervious

material, such as pervious asphalt or concrete, open or pervious paving blocks, or similar technologies.

(2) Private driveways and internal roads shall be designed and constructed pursuant to the following criteria:

	0-4 RESIDENTIAL UNITS	5-24 RESIDENTIAL UNITS	OVER 25 RESIDENTIAL UNITS
RIGHT-OF-WAY	30 Feet	30 Feet	50 Feet
ROAD WIDTH	16 Feet	24 Feet	24-32 Feet *
BASE COURSE	12” bank run gravel	18” bank run gravel	18” bank run gravel
	4” crushed gravel	4” crushed gravel	6” crushed gravel
	2” asphalt tight binder	2” asphalt tight binder	2 1/2” asphalt tight binder
	3’ gravel shoulder	3’ gravel shoulder	3’ gravel shoulder

*The width of the roadway shall be determined by the site's physical characteristics and the layout and density of the proposed development.

(3) A road PLAN and profile shall be submitted with the site review application. Said plans shall be prepared by a professional engineer licensed to practice in the State of New Hampshire.

(4) When a non-residential zoned parcel straddles or abuts a residential zone, non-residential traffic shall be prohibited from exiting or entering through the residential zone, unless there is no other viable option. Infill and redevelopment projects shall include sidewalk improvements via installation of sidewalks back to closest improved sidewalk.

D. Parking.

(1) Paved on-site parking shall be provided in accordance with the requirements of the Parking Regulation Table.

A parking PLAN shall be submitted that delineates the number of striped parking spaces and the parking arrangement. No on-street parking is permitted. Whenever a USE existing on the effective date of this chapter is changed thereafter to a new USE, parking facilities and access shall be provided as required herein for such new USES. The following parking standards represent minimum requirements and may be increased as part of the approval of a SITE DEVELOPMENT PLAN.

PARKING REGULATION TABLE

Columns are cumulative, not exclusive.						
	Vehicle parking spaces					
USE *	Per Unit	Per Seats	Per Employee on maximum shift	Per bed	Per Square footage (GLA)[1]	Notes
Adult Day Care			6			
Auditorium		0.25				
Auto Parts Retail					300	
Auto Repair			1			plus 3 spaces per service bay
Bar/nightclub		1				plus eating and drinking requirement
Bed and Breakfast				1		
Car dealership					1,000	Square foot is for the total developed area of the lot
Carpet retailer					600	
Child Care			1			plus 1 per 3 children at maximum capacity
Church		0.25				
Congregate Care Facility Apartment style	1		1			
Congregate Care Facility Nursing home style	2		1			
Eating and Drinking Establishment		0.5	1			see Bar/nightclub for additional requirement
Eating and Drinking Establishment – take out			1		300	
Education Institution (9-12, College)			1			plus 1 per 6 students at maximum capacity
Education Institution (K-8)		0.2	1			per seat calc. by the largest assembly room
Elderly Assisted Care Home			1	2		
Funeral Home						8 spaces per chapel, 10 spaces minimum
Furniture dealer					600	
Gasoline Service Station			1			plus 2 spaces per gas dispenser
Grocery Store					200	
Group Home			1	0.5		
Hardware store					600	
Hospital				0.5		
Hotel/Motel					400	1.1 per guest room; SF is added if meeting space is included
Laundry					300	

Columns are cumulative, not exclusive.						
	Vehicle parking spaces					
USE *	Per Unit	Per Seats	Per Employee on maximum shift	Per bed	Per Square footage (GLA)[1]	Notes
Manufacturing					500	
Municipal Building					400	
Museum			1		250	public floor area
Nursing Home				0.5		
Office - General					325	
Office – medical/dental			1		200	
Office - Professional			5			plus 1 space per staff member
Personal Service Establishment					300	
Pharmacy					200	
Real Estate					300	
Recreation (commercial or public)					300	
Residential (1 or 2 units)	2					
Residential (3 or more units)	3					plus 1 space per bedroom over three bedrooms
Retail - General					250	
Rooming House				1		
Self storage	0.1		1			
Shopping plaza/center					200	
Theater		0.25				
Wholesale Distribution					800	

*** = If a USE is not listed, the Director of Planning shall determine the USE, Mixed USES shall be the sum of all USES.**
[1] GLA = GROSS LEASABLE AREA

(2) In addition to parking spaces for automobiles, any proposed USE that is required to obtain site review approval per Chapter 149-4, shall be required to provide parking for bicycles on bicycle racks. The number of spaces for bicycles shall be equal to five percent (5%) of the number of parking spaces required by the Parking Regulation Table in Chapter 149-14.D (1).

(3) Notwithstanding the requirements established in D (1) above, required parking spaces for the Central Business (CBD) and Cochecho Waterfront (CWD) Zoning districts are as follows:

(a) Construction of new floor spaces shall be accompanied by a number of parking spaces as required in D (1) above.

(b) Conversions or changes of USE that result in an increase in residential units shall require a number of parking spaces in accordance with D (1) above.

(c) Parking spaces required in (CBD) and CWD zoning districts may be located off-site up to one thousand (1,000) feet. The spaces may be located in a municipal parking lot and leased from the City, or leased from a private landowner.

(4) Conditional USE Permit for Reduction in Number of Parking Spaces

(a) A Conditional USE Permit may be granted by the Planning Board (RSA 674:21 II) after proper public notice and public hearing for the purpose of altering any provisions of Chapter 149-14.D, Parking Regulation Table, provided that the proposed project complies with the following standards:

(i) The APPLICANT shall submit an analysis justifying a request for reduced parking requirements.

(ii) The conditional USE permit application shall describe the limits of any parking area subject to the reduced requirements and the reduction applicable to each USE.

(iii) The APPLICANT shall submit an analysis and/or a parking study substantiating the availability of nearby alternative parking to be used as a credit towards reducing parking requirements. The APPLICANT must show that the USE(s) can be adequately served by a combination of on and off street parking.

(iv) The APPLICANT shall submit data and/or a transit study that indicates that existing and planned transit service in the vicinity justifies the reduction requested. The Planning Board shall make the determination.

(v) The APPLICANT shall submit a Traffic Reduction and/or Transportation Management Plan which outlines the measure(s) to be taken to permanently reduce parking demand. The plan may include any/all of the following initiatives:

a. facilitate employee/customer use of mass transit.

b. facilitate employee/customer use of ride share/van pool program.

c. establish alternative work hours/flex time program.

d. provide incentives to encourage non-vehicular trips, i.e. pedestrian and bicycle alternatives.

e. provide preferred parking for ride share/van pool participants.

f. create shuttle bus service to/from train/bus stations.

g. establish an information center to coordinate ride share/van pool efforts among separate USES within a structure or complex.

(vi) There shall be no detrimental effects on surrounding properties by any proposal.

(b) A Conditional USE Permit may also be granted by the Planning Board to allow a decrease in the off-street parking requirements for a building or buildings in close proximity serving more than one USE. To obtain such an approval, the APPLICANT must conclusively demonstrate that one or more such USES will generate a demand for parking spaces primarily during periods when the other USE or USES are not in operation. Calculations for parking reduction shall be consistent with nationally accepted parking publications such as Shared Parking, (Urban Land Institute, Washington, DC, 1990). The location of all shared parking spaces shall conform with the provisions outlined in Chapter 149-14.D (3) unless determined otherwise by the Planning Board.

(c) Any Conditional USE Permit approval shall apply only to the application specified at the time of approval and shall not be transferable to a different application, building expansion, or change of USE regardless of size. Any subsequent change(s) to a project or plan that has a shared parking agreement shall be subject to review by the Director of Planning and Community Development . If the proposed parking demand is determined to increase, the project shall be referred to the Planning Board for further review.

(5) Parking Lot Design Standards

(a) Parking spaces shall comply with the following dimensions:

Angle Degrees	Stall Width (feet)	Curb Length (feet)	Length of Space (feet)	Angle Width* (feet)
90°	9	9	18	22
75°	9	9.5	19.5	20
60°	10	10	21	16

*When garages are erected for meeting a developer's parking requirements, aisle widths shall be increased to twenty-four (24) feet.

(b) One-way ACCESSWAYS (internal aisle) shall be a minimum of twelve (12) feet wide, and two- way ACCESSWAYS shall be a minimum of twenty-four (24) feet in width.

(c) Entrance islands shall support a curve radii illustrated in Sketch A.

(d) Parking lots shall be designed so as to avoid vehicles backing into the street.

(e) Parking lots and driveway entrances for non-residential USES shall be designed to prevent vehicles on the City street from queuing up while waiting to access the site. The Planning Board may require that the APPLICANT hire a traffic consultant to prepare a traffic impact study to determine if the development proposal will generate traffic volumes that require traffic control measures such as deceleration or acceleration lanes, adequate turning radii for driveways, or driveways designed with adequate entrance depth.

(f) Where a proposed parking area exceeds three quarters (¾) of an acre, the applicant shall document that they have investigated utilization of pervious materials to implement the parking area. The applicant shall supply the documentation to the City Engineer to review and approve prior to TRC. Said documentation shall include, design conditions and other such variables to show that the use of pervious materials is prohibitive.

An applicant that constructs a parking lot that exceeds an area three quarters (¾) of an acre with pervious materials shall be eligible for the Fast Track Review provisions outlined in 170-20.G (1). The design of the area shall meet or exceed standards developed and outlined in the New Hampshire Stormwater Manual.

(g) Where a proposed parking lot or other paved area meets or exceeds an area one and a half (1.5) acres, the applicant shall design and construct the vehicle storage areas using pervious materials. The design of the area shall meet or exceed standards developed and outlined in the New Hampshire Stormwater Manual. The applicant shall also be required to retain the design engineer as an inspector for the duration of construction of the parking area.

E. Outdoor Lighting

(1) General Requirements

(a) When the installation or replacement of outdoor lighting is part of a development proposal for which site review approval is required under these

regulations, the Planning Board shall review and approve the lighting installation as part of its site review approval.

(b) The APPLICANT shall submit sufficient information, in the form of an overall outdoor lighting plan, to enable the Planning Board to determine that the applicable provisions will be satisfied. The lighting plan shall include the following:

(i) A site PLAN, drawn to scale, showing buildings, landscaping, parking areas, and all proposed outdoor lighting fixtures.

(ii) A photometric report that includes a numerical grid of lighting levels the fixtures will produce on the ground, measured in FOOT-CANDLES.

(iii) Specifications for all proposed light fixtures, including the type of lamp and the wattage of each lamp.

(iv) Proposed mounting height of all outdoor lighting fixtures.

(v) Analyses showing that the proposed installation conforms to the lighting level standards in this section.

(c) Principal buildings in commercial or industrial USES shall be lighted on all sides for security.

(d) Wiring for outdoor lighting shall be placed underground.

(e) All outdoor light fixtures shall be designed, oriented or shielded to prevent light or glare onto adjacent property or streets.

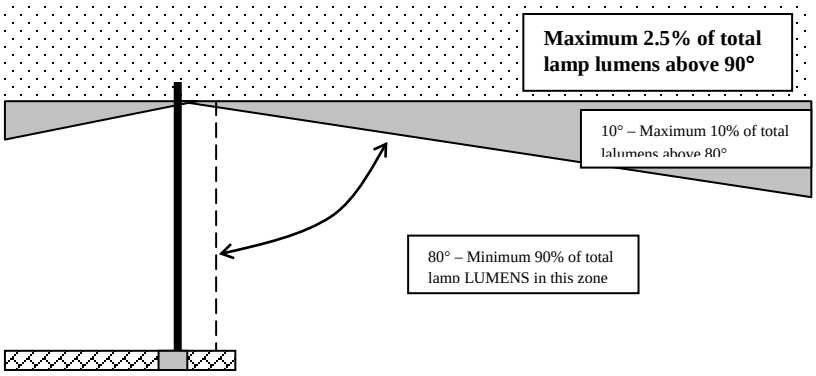
(f) Holiday lighting during the months of November, December, and January shall be exempt from the provisions of this regulation, provided that such lighting does not create dangerous glare on adjacent streets or properties.

(g) All light fixtures lawfully in place prior to the date of this amendment shall be grandfathered. However, any light fixture that replaces a grandfathered light fixture, or any grandfathered light fixture that is moved, must meet the standards of this regulation.

(2) Parking Lot Lighting

Parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision and safety in parking areas, and do not cause glare or direct illumination onto adjacent properties or streets.

(a) All lighting fixtures serving parking lots shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and illustrated below.



Cut-off fixture as defined by IESNA

(b) Parking area lighting standards are as shown in the Table below.

	Zoning Districts – B-3, B-4, B-5, I-1, I-2, I-4, and ETP	**Zoning Districts – O, B-1, CBD, and CWD**	**Zoning Districts – RM-SU and RM-U**
Mounting Height (Maximum)*	25 feet	20 feet	20 feet
Minimum Illumination Level (at darkest spot of the parking lot)	No less than 0.3 FOOT-CANDLES No more than 0.5 FOOT-CANDLES	No less than 0.2 FOOT-CANDLES No more than 0.4 FOOT-CANDLES	No less than 0.2 FOOT-CANDLES No more than 0.3 FOOT-CANDLES
Uniformity Ratio **	6:1	5:1	4:1

*Mounting height is the vertical distance between the surface being illuminated and the bottom of the lighting fixture.

**Uniformity ratio is the ratio of average illumination to minimum illumination.

(c) The Planning Board may permit an alternative to the cut-off fixtures required above if a lighting fixture of a particular "period" or architectural style would be more compatible to the design of the area. Such alternative fixtures shall have a mounting height of not more than fifteen (15) feet.

(3) Lighting of Gasoline Station/Convenience Store Aprons and Canopies Lighting levels on gasoline station/convenience store aprons and under canopies shall be adequate to

facilitate the activities taking place in such locations. Lighting of such areas shall not be used to attract attention to the businesses.

(a) Areas directly under the canopy and within five feet of the canopy footprint shall be illuminated so that the minimum ILLUMINANCE at grade level is between 1.0 and 5.5 FOOT-CANDLES. The uniformity ratio (ratio of average to minimum ILLUMINANCE) shall be no greater than 4:1, which yields an average illumination level of no more than 22.0 FOOT-CANDLES.

(b) Light fixtures mounted on canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy and/or shielded by the fixture or the edge of the canopy so that light is restrained to no more than eighty-five (85°) degrees from vertical.

(c) Lights shall not be mounted on the top or sides of the canopy, and the sides of the canopy shall not be illuminated.

(d) Areas of the parking lot that are not within five feet of the canopy footprint shall be illuminated in accordance with the requirements for parking areas set forth in Section 2) above. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

F. Fire Hazards

(1) The designation of fire lanes, and the storage of explosives, flammable liquids, liquefied petroleum gas or similar materials shall be in accordance with Chapter 109, entitled Fire Prevention, Safety, of the Code of the City of Dover.

G. Landscaping

In order to separate parking areas from abutting streets, to provide areas for snow disposal, to break up expanses of vehicles and pavement, to provide summer shade on pavement areas, and to provide general beautification of parking facilities the following landscaping standards are required for non-residential development:

(1) Interior Landscaping

(a) In addition to the perimeter landscaping required in Section 149-15.C, landscaping requirements for the interior of parking lots is as follows:

MINIMUM INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS	
Number of Parking Spaces in Lot	Minimum Percent of Interior Landscaping

20 or fewer spaces	Not required
21 to 125 spaces	5 percent (5%)
126 to 375 spaces	8 percent (8%)
Greater than 375 spaces	10 percent (10%)

(b) Parking lots which have more than two (2) aisles, which are approximately parallel, shall be required to have continuous landscaped planting strips separating every four (4) rows of parking. The landscaped planting strips shall be a minimum of six (6) feet in width and shall be separated from the parking area by adequate curbing. Within the landscaped planting strips, deciduous shade trees shall be planted at forty (40) feet on center. Trees shall be species tolerant to the climatic conditions of Dover and shall be a minimum caliper of two and a half (2.5) inches (measured at four (4) feet above grade level). Within the landscaped planting strips, shrubs shall be planted between the deciduous trees at five (5) feet on center. The shrubs shall be a mix of deciduous and evergreen species, tolerant to the climatic conditions of Dover and shall be a minimum height of two (2) feet at the time of planting. All trees, shrubs and landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.

(c) Islands at the end of a row of parking spaces are encouraged to protect parked vehicles, increase safety in parking lots, and provide space for landscaping. The minimum size for landscaped islands shall be two hundred fifty square (250) feet in total area. Adequate curbing is required for landscaping islands.

(2) Perimeter Landscaping

(a) Along the perimeter of parking lots with ten or more spaces, deciduous shade trees shall be planted at forty (40) feet on center within the buffer area required by Section 149-15.C. Trees shall be species tolerant to the climatic conditions of Dover and shall be a minimum caliper of two (2) and a half (2.5) inches (measured at four (4) feet above grade level). Within the perimeter buffer, shrubs shall be planted between the deciduous trees at five (5) feet on center. The shrubs shall be a mix of deciduous and evergreen species, tolerant to the climatic conditions of Dover and shall be a minimum height of two (2) feet at the time of planting. All trees, shrubs and landscaping materials shall be maintained in good condition so as to present a healthy, neat, and orderly appearance.

(b) At the discretion of the Planning Board, alternative methods of perimeter screening may be permitted if the APPLICANT can demonstrate that an adequate screening of the parking lot is achieved. Additional screening methods that are encouraged include earthen berms planted with grass and shrubs, fencing, and low walls.

(3) Other Landscaping

(a) Whenever possible, existing trees and shrubs shall be preserved and used to satisfy the minimum landscaping requirements of this section.
(b) Loading docks, dumpsters, generators, ground-level mechanical units and other similar devices shall be adequately screened so as not to be visible from the public road or adjacent parcels.
(c) The use of interior landscaping islands and perimeter landscaping areas for STORM WATER treatment and bioretention is acceptable if the areas still provide a visual buffer.

(4) Invasive Species.

(a) While reviewing site plans, the Planning Board shall reserve the right to prohibit invasive species from being planted. The Planning Department shall maintain an up-to-date listing of invasive species.

H. Driveway Location and Spacing Standards for Non-Residential USES in the B-3, B-4, B-5, I-2, and I-4 Districts.

(1) To reduce the number of conflict points for vehicles, reduce traffic congestion, and improve traffic safety along non-residential corridors, the following minimum standards are set forth for driveway location and spacing in the B-3, B-4, B-5, I-2, and I-4 Districts:

	VARIABLES	**ARTERIAL ROADS**	**COLLECTOR ROADS**	**LOCAL ROADS**
Number of Driveways Per Lot	--	One driveway per 400 feet of road frontage, or fraction thereof	One driveway per 200 feet of road frontage, or fraction thereof	One driveway per 125 feet of road frontage, or fraction thereof
Minimum driveway spacing from public street intersections	Posted Speed Limit 35 mph 40 mph 45 mph 50 mph	 310 feet 380 feet 470 feet 560 feet	 230 feet 280 feet 350 feet 420 feet	 155 feet 190 feet 230 feet 275 feet

	VARIABLES	ARTERIAL ROADS	COLLECTOR ROADS	LOCAL ROADS
Minimum spacing between driveways	Posted Speed Limit			
	35 mph	230 feet	185 feet	155 feet
	40 mph	280 feet	220 feet	190 feet
	45 mph	350 feet	260 feet	230 feet
	50 mph	420 feet	300 feet	275 feet

(2) Spacing between public street intersections and driveways are measured from the point of tangency of the intersecting street right-of-way to the nearest edge of the driveway where it intersects with the right-of-way line. Spacing between driveways are measured from the nearest edge of each driveway where intersecting with the street right-of-way. Existing driveways that do not meet the above standards may be retained, but the elimination of unnecessary access points is strongly encouraged. Notwithstanding the above standards, any lot of record shall be entitled to a minimum of one driveway.

(3) In recognition of the unique circumstances of some parcels of land, the Planning Board shall be permitted to vary the standards set forth in subsection H (1) above. The Planning Board may approve projects that do not conform strictly to the access standards above, provided that a finding is made by the Planning Board that safe and adequate access can be achieved. Any deviation from the standards in subsection H (1) above can only be considered after first receiving a written recommendation from the City Engineer.

(4) When a non-residential zoned parcel straddles a residential zone, non-residential traffic shall be prohibited from exiting into or entering from the residential zone, unless there is no other viable option. **[Added per Planning Board 01-14-03]**

I. Incentives for Reducing the Number of Driveways in the B-3, B-4, B-5, I-2, and I-4 Districts.

(1) In addition to limiting the number and location of driveways, the City of Dover encourages shared driveways for adjacent parcels, the elimination of existing driveways, and the construction of fewer driveways than permitted in Section 149-14.H. By limiting access points, the number of points where turning vehicles and through vehicles conflict is reduced. To provide incentives for shared driveways in the B-3, B-4, B-5, I-2 and I-4 Districts, an incentive system has been developed.

(2) An APPLICANT may increase the maximum lot coverage permitted in the Table of Dimensional Regulations referenced in Chapter 170-12 of the Zoning Ordinance for the B-3, B-4, B-5, I-2 and I-4 Districts by electing to use one or more of the provisions listed below. The Planning Board shall decide if the APPLICANT complies with the provisions of the incentive system. An APPLICANT may utilize one or more of the following voluntary provisions:

(a) Provide shared driveway to be the sole access to the subject parcel and one or more adjacent parcels. To qualify for this incentive, the APPLICANT shall provide appropriate easements to insure that the shared driveway will remain in existence and will be adequately maintained.

(b) For parcels with existing driveways, reduce either the number of separate driveways or the total width of the existing driveways (as measured at the right-of-way line) by at least fifty percent (50%), or reduce the number of driveways to one driveway of not more than thirty-two (32) feet in width.

(c) Reduce the total number of driveways permitted, or increase the spacing between driveways by twenty-five (25%) percent over the standards set in Section 149-14.H (1) herein, or increase the spacing between driveways and public street intersections by twenty-five (25%) percent over the standards set in Section 149-14.H (1) herein.

(3) If the Planning Board finds that an APPLICANT has complied with one or more of the voluntary provisions, the following incentives shall be granted. For each of the provisions achieved, the Planning Board shall permit an additional five (5%) percent of lot coverage (building footprint) above the maximum permitted in the Table of Dimensional Regulations referenced in Chapter 170-12 of the Zoning Ordinance (e.g.; the maximum lot coverage (building footprint) in the I-4 District could be increased from thirty-three (33%) percent to thirty-eight (38%) percent if one provision was achieved).

J. Interconnections Between Parcels

(1) In order to reduce the number of vehicles entering and exiting arterial and collector roads, the provision of interconnecting driveways is required whenever feasible. These interconnecting driveways or service roads are provided to allow customers and employees to move from site to site without repeatedly using City streets.

(2) In the B-3, B-4, B-5, I-2 and I-4 Districts, an APPLICANT shall integrate an interconnecting driveway into the overall traffic and pedestrian circulation of the subject site. Interconnecting driveways shall be provided to access abutting

parcels. If an adjacent parcel(s) is vacant, the APPLICANT shall grant an easement for future access. The easements shall be written to insure that the interconnection(s) will remain open and will be adequately maintained. The cross connections shall be located to encourage internal traffic between abutting properties and shall be adequately marked with directional signs.

(3) In recognition of the unique circumstances of some parcels of land, the Planning Board shall be permitted to vary the standards set forth in subsection J (2) above. The Planning Board may approve projects that do not conform strictly to the interconnection standards above, provided that a finding is made by the Planning Board that the unique circumstances of the parcel make compliance unreasonable. Any deviation from the standards in subsection J (2) above can only be considered after first receiving a written recommendation from the City Engineer.

K. Location of Parking Lots

(1) Buildings should be sited closer to the street and parking areas should be located on the side or rear of lots in an effort to reduce the visual dominance of parking areas, improve pedestrian safety in parking lots, and increase the visibility of businesses to drivers. The following standards are required:

(a) For parcels in the B-4 District with frontage and driveway access on an arterial or collector road, where the parking requirements are one hundred (100) spaces or greater, a minimum of seventy (70%) percent of the parking spaces shall be located to the side or rear of the building (i.e.; no closer to the front lot line than the building). **[Amended per Planning Board 08-26-08]**

(b) For parcels in all other non-residential districts (other than B-4) and for parcels in the B-4 District where the parking requirements are less than one hundred (100) spaces, the requirements for parking lot location in Section K (1) (a) are optional. However, if an APPLICANT voluntarily complies with the standards of Section K (1) (a), the APPLICANT shall be entitled to a twenty-five (25%) percent reduction in the amount of landscaping for the interior of the parking lot required in Section 149-14.G) (1) (a).

(2) In recognition of the unique circumstances of some parcels of land, the Planning Board shall be permitted to vary the standards set forth in subsection K (1) (a) above. The Planning Board may approve projects that do not conform strictly to the parking lot location standards above, provided that a finding is made by the Planning Board that the unique circumstances of the parcel make compliance unreasonable.

L. Architectural Design Guidelines

(1) Findings

The City of Dover Planning Board finds that:

(a) Our city contains a historic downtown area, three major thoroughfare business districts, beautiful rural landscape replete with unique natural and cultural resources, an excellent architectural tradition, a colorful history, and much visual appeal.

(b) Preserving and enhancing these features is integral to maintaining the character and identity of our community.

(c) Building designs which are indifferent to the traditions of our city and region, aggressively seek the attention of passing motorists, do not consider the quality of the pedestrian environment, or are erected at the lowest possible cost without due concern for aesthetics harm the character of our community, depress property values, and impair our quality of life.

(d) While subjectivity and judgment is invariably part of reviewing architectural designs there are universal principles of good design.

(e) Well-crafted design standards can promote building design that is functional, economical, attractive, and harmonious. Quality development and sustainable economic development are not mutually exclusive; rather, they are interdependent.

(2) Purpose

The purpose of the Architectural Design Guidelines is to:

(a) Provide for high quality architecture that respects UNIVERSAL DESIGN PRINCIPLES, enhances the appearance of Dover, reinforces pedestrian character where appropriate, and is sensitive to neighboring buildings, the broader setting, and natural and cultural resources.

(b) Protect and enhance the positive visual qualities of Dover’s downtowns, residential neighborhoods, commercial corridors, industrial parks, and scenic and rural landscapes.

(c) Encourage design, which is compatible with the TRADITIONAL character of Dover and New England.

(d) Enhance property values and foster civic pride.

(e) Minimize potential aesthetic conflicts between residential and NONRESIDENTIAL USES and between single family and multifamily USES.

Adherence to these standards should not be burdensome and they are not intended to stifle creativity or variety. On the contrary, the standards will likely encourage more thoughtful approaches to building design. There is much flexibility embodied in the guidelines and many ways of meeting the objectives. It is hoped that they will serve as useful guidelines for design professionals and APPLICANTS seeking to produce quality designs respectful of place and context.

(3) Adoption

This section is adopted pursuant to the City of Dover Master Plan and New Hampshire Revised Statutes Annotated sections 674:21 (Innovative Land USE Controls) and 674:44 (Site PLAN Review Regulations).

(4) Applicability

Architectural design review is required as part of Site PLAN Review process for all NONRESIDENTIAL structures and for all residential structures where the total number of dwelling units in one development, whether in one or more structures, exceeds four (however, in no event would any single family structures or properties be subject to review). This includes all new construction, building additions, and alterations to buildings if those alterations would significantly affect the exterior appearance of the building. Design review is required only for building ELEVATIONS and portions of structures that would be visible from a public street or path or from neighboring residential properties. All applicable development must conform to these guidelines as reasonably interpreted and applied by the Planning Board.

Architectural design review is not conducted for routine repair or maintenance of structures, any work on the interior of a building, any existing structures for which no exterior alterations are proposed, and modifications solely for the purpose of providing safe means of egress or access in order to meet requirements of the Building Code or Life Safety Code. Architectural design review is only conducted in instances found within 149.4 Applicability of the Site Review Regulations.

(5) Various Sections of The City

Various sections of the City differ from one another in character and in appropriate treatment. The following sections are listed in order, generally, from the most sensitive to the least sensitive sections.

(a) CBD. This zone encompasses the downtown areas and is highly sensitive because of the importance and challenge of maintaining a pleasing pedestrian environment. This is the Central Business District, which includes the areas along Washington Street from Chestnut Street to Main Street, all of Main Street, and a section of Central Avenue from Sixth Street to Silver Street. As one travels closer to the core areas traditionally the buildings are taller, closer to the sidewalk, built of more substantial materials, and more elaborate in design and detailing.

(b) CWD. These areas are not as sensitive as existing neighborhoods in which existing residents could be vulnerable to new development over which they have little control. New commercial structures are not being built in TRADITIONAL neighborhoods, however this zone is adjacent to the existing downtown core, and should feel as if it is an extension of the CBD district. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land USES and activities, which take advantage of the peculiar characteristics of the waterfront as well as its central location in Dover and it proximity to the historic area.

(c) B-1, O. These areas are sensitive because some older neighborhoods that are zoned for mixed USE have been harmed by incompatible multifamily and NONRESIDENTIAL development. These are transitional zones, and as such the new non-residential components should respect the character and nature of the existing residential USES. New development should blend in with the TRADITIONAL character of these neighborhoods in order not to diminish property values and the small SCALE pedestrian nature of these areas.

(d) B-3, B-4, B-5. It is important to enhance the quality of commercial development along these corridors (such as Routes 9, 108, 4, and 155). All serve as gateways to the city, carry high levels of traffic, and are the most prominent areas of the city. On the other hand, an intensive automobile oriented and big BOX/small BOX character is already established in many areas. Thus, while we seek to enhance the visual experience along these corridors, there are generally fewer sensitive resources vulnerable to this type of development.

(e) I-1, I-2, I-4. We seek to enhance the quality of our industrial parks (such as Venture Drive and Industrial Park Road). However, because these are located on dead end streets with almost no incidental traffic and with few vulnerable existing visual resources they are less sensitive.

(6) General Guidelines

An application is considered to meet the design requirements of the Architectural Design Guidelines if the Planning Board, in its judgment, determines that the application overall demonstrates reasonable conformity with the Purpose, above, the General Guidelines, that follow, and Elements of Design in the next subsection.

(a) Recognizing that every property, every proposal, and every situation is unique, the Planning Board may waive, or modify any of the standards herein as it reasonably deems appropriate, based upon the individual circumstances of any application. No particular architectural style is stipulated and innovative, contemporary, and distinctive designs are encouraged, provided they are respectful of general design principles and context.

(b) Buildings should be compatible with TRADITIONAL New England architecture. They should be articulated to express an architectural identity and ideally will be handsome and dignified.

(c) While the use of a TRADITIONAL architectural vocabulary (GABLES, PORTICOS, beltcourses, etc.) is desirable, designers are encouraged to use this vocabulary in an original manner that reads as contemporary.

(d) It is recognized that many national and regional chain businesses seek to build a standard design across the country or region without regard to local conditions. However, the Planning Board will evaluate all proposed designs for their compatibility with our own local community character and for conformance with the goals of these guidelines. It shall be the obligation of the APPLICANTS to develop designs that are compatible with our community character; the City need not make adjustments to accommodate these template designs.

(e) Use of false or partial MANSARD roofs, unconventionally shaped roofs, overly bright colors, disproportionately sized building elements, crudeness of features, or a general plastic feel of the building, is not appropriate.

(f) Buildings should possess an overall integrity. Architectural details should not give the impression of being tacked on but rather should be integral to the

overall design. (For example, use of undersized shutters on a picture window, or installation of an elaborate classical PORTICO or CUPOLA on an otherwise clearly utilitarian big BOX would be discouraged.)

(g) Generally, the less visible or prominent a structure or FACADE is, the lower the level of standards will be. For example, less strict review is in order for a building located a good distance from the road or for one that is partly obscured by another structure.

(h) While it cannot be required under these guidelines, the reuse of existing structures that have special architectural, historical, cultural, or contextual value by the Sis strongly encouraged.

(i) Modifications and additions to existing buildings should be harmonious with the character of the existing building when the existing building would reasonably be considered to be in general conformance with the goals of these guidelines.

(j) Building design should blend with other features of the site - signage, landscaping, lighting, fencing, outbuildings, etc. - to the extent practical.

(k) Whenever possible, signage on buildings in the CBD district is encouraged to follow the mill motif criteria as set out in the sign ordinance (Chapter 170.32.O).

(7) Elements of Design

Proposed designs should be harmonious with neighboring structures that have a visual relationship with the subject building in terms of mass, width, height, PROPORTION, spacing, setback, and all of the other elements of design discussed below when those neighboring structures would reasonably be considered to be in general conformance with the goals of these guidelines. This is particularly applicable to older buildings located in downtown areas and residential neighborhoods.

(a) Siting of building. To the extent practical, structures should be located and configured in a visually harmonious manner in keeping with the terrain and vegetation and should not impede scenic views.

Most buildings are oriented parallel or perpendicular to the street. This pattern reinforces the streetscape. Buildings should not be oriented at odd angles to the street unless this is already the prevailing pattern in the area or if it is dictated by strong topographic or site considerations.

(b) SCALE. Every effort should be made to provide an appropriate SCALE to new buildings both in their overall size and in their details.

If practical, it is preferred that buildings contain at least two stories. Alternatively, a single story building should have a relatively steep roof or a high PARAPET. It is required in the CBD zone for buildings to be multistory in order to reinforce the SENSE OF ENCLOSURE of the street.

(c) PROPORTION. Buildings and their details should be well proportioned in accordance with commonly accepted design principles so as to create a sense of order and balance.

(d) MASSING. Large structures should be broken into smaller masses to provide human SCALE, variation, and depth. These smaller masses should have a strong relationship to one another and, ideally, each smaller mass will have integrity of form. Construction of unadulterated warehouse style big BOXES ☐ should gene
industrial parks). Blocky multifamily structures within predominantly single and two family neighborhoods are highly inappropriate.

(e) Roof. As a design element, the roof has a significant effect on the building's character. The lack of a roof often promotes a feeling of boxiness. The taller the building, the less necessary is a pitched roof. Multistory buildings in downtown and mill buildings rarely included a pitched roof.

Incorporation of a moderate slope is preferred. Where flat roofs are used, however, there should be a distinct CORNICE and/or PARAPET to emphasize the top of the building. Extensive areas of visible roof should be broken up with DORMERS, CROSS GABLES, CUPOLAS, chimneys, PARAPETS, balustrades, and TOWERS.

(f) Building FACADE. Much attention should be given to create an attractive building FACADE. Broad expanses of blank walls are inappropriate. Traditionally, the parts of a FACADE that might be embellished, or at least articulated in some fashion include:

(i) the horizontal base where the building meets the ground (such as a different treatment for the foundation)

(ii) the horizontal top where the building meets the sky (such as a projecting CORNICE with BRACKETS)

(iii)a horizontal section in between (such as a belt COURSE between stories)

(iv) the vertical corners on the left and right sides (such as CORNER BOARDS or QUOINS)

(v) vertical articulation in the middle (such as PILASTERS)

(vi) the area around the door/entry (such as a PORTICO)

(vii) the areas around the windows (such as window SURROUNDS)

In addition, depth may be created for the FACADE through use of porches, projecting or recessed sections, BAY WINDOWS, or ARCADES.

(g) FENESTRATION. Windows are an integral part of a building and should be incorporated on front FACADES, and preferably side FACADES to humanize the building. It is desirable that the windows along with the door establish a coherent, orderly pattern and RHYTHM.

It is preferable that windows be vertical or at least "no more squat than square" (except as described in CBD area, below). Horizontally shaped windows are discouraged. Where horizontal windows are sought, a series of contiguous vertical windows with MULLIONS in between should be used arranged in a horizontal band.

In pedestrian oriented downtown or waterfront commercial centers, use of large picture type windows for retail USES on the first floor is strongly encouraged. In residential areas and on upper floors of downtown buildings use of multiple panes of glass (or the appearance of multiple panes) rather than picture type windows is preferred.

Shutters, where appropriate, should be sized properly for the window opening (approximately one half the width of the opening.)

(h) Entrance. The entrance is an important element in defining a building. Articulation of the entrance is encouraged through use of a PORTICO, canopy, awning, sidelights, SURROUND, or other device.

Generally, there should be an entrance, if not the primary entrance, located on the front FACADE. Use of a usable front porch on residential buildings is strongly encouraged.

(i) Materials. The use of natural materials or materials that appear natural is preferred. Materials should be high quality and durable. Wood (CLAPBOARD and shakes), brick, stone, fiber reinforced stucco,

TEXTURED block, and terra cotta are the preferred materials, although fabricated materials which effectively imitate the character of these materials is acceptable. Conventional vinyl and aluminum siding arranged in a horizontal CLAPBOARD pattern is acceptable but not preferred. Its use is inappropriate in downtown areas.

Sheet plastic, sheet fiberglass, T-111 plywood, PECKY SHINGLES, simulated brick, and similar materials should not be used. Use of highly reflective plastic or metal surfaces are inappropriate. Use of salvage style brick with multiple colors is discouraged. Prefabricated metal wall PANELS and undressed concrete/cinder block should not be used except in industrial park areas. When these materials are used in industrial park areas it is preferable to minimize the area over which they are used, minimize their use on front FACADES, and to combine their use with other materials, such as installing metal walls over a foundation of TEXTURED block.

(j) Color. Color of buildings is reviewed for NONRESIDENTIAL property only. Generally, it is preferable to use two or three colors. The main color(s) on a building should generally be nature blending, earth tone, neutral, or pastel in character. Bright colors should be limited to accent areas. High intensity colors, metallic colors, or fluorescent colors should not be used.

Subtle colors are appropriate on larger, plain buildings, whereas smaller buildings with more detailing can more effectively incorporate brighter colors.

(k) Lighting. Use of low key, low intensity wall pack or spot type lighting, or lighting of signage on buildings is appropriate. Use of lighting to highlight the building in a prominent manner, such as brightly illuminated roof fins or neon tube lighting is discouraged.

(8) Particular Building Types and Components

(a) Gasoline Station. Canopies should incorporate features to avoid the sense of a large, hovering mass. A pitched roof or other TRADITIONAL roof form should be used (attractive examples include the Irving Stations in Northwood and Meredith). The FASCIA of the canopy should be short in height, generally not to exceed two feet. It is preferable that COLUMNS be articulated in some manner. All vertical surfaces should be nonreflective and colors should be muted.

(b) Miniwarehouses/Self Storage Facilities. When these facilities are located on major roads, their design must be very carefully considered. Deep setbacks

should be established. The structures should be located perpendicular to the road with no doors facing the road. Use of corrugated metal on the front FACADES is unacceptable. Use of TEXTURED block, brick, wood, or stucco is preferred though flat metal may be acceptable. Colors should be muted. (The facility located on Route 155 is well designed, including the fine selection of colors.)

(c) Garages. Garage doors should be relatively unobtrusive. To the extent practical, doors should be placed on side FACADES not facing the street, doors should be screened from view by landscaping or other structures, or garages should be set back a greater distance from the street. Where the garage is attached to the main building it is preferable for the garage section to be subordinate to the main section by reducing the size and recessing it beyond the main section.

(d) Utility elements. To the extent practical, all utility elements, such as dumpsters, utility meters, and ground mounted air conditioning units, should be screened and located such that they are not visible from a public way or neighboring residential properties.

Above ground storage tanks, with the exception of businesses that sell fuel, should be screened or hidden from view.

(e) Fences. Use of chain link fences in front or side yards is discouraged. When they are used in these areas the chains should be covered in a colored vinyl (such as dark green) or equivalent.

(9) Process

APPLICANTS should submit ELEVATION drawings drawn to scale of each pertinent FACADE. A color board containing actual color samples of exterior finishes, keyed to the ELEVATIONS and indicating the manufacturers name and color designation should also be submitted. APPLICANTS should also submit a material sample if appropriate, such as the type of brick proposed.

Any proposed building illumination must be submitted and approved. No such lighting may be installed without approval.

ELEVATION drawings must be prepared by a registered engineer, architect, or landscape architect (use of a registered architect is strongly encouraged). The Planning Board may waive this requirement in the case of smaller structures, less prominent structures, or as it deems appropriate.

While APPLICANTS are required to meet the guidelines herein, it is not necessary to submit waiver requests from any specific design guidelines herein. It shall be up to the Planning Board to determine if the overall proposal meets the intent of this section.

At its option, the Planning Board may secure the services of a consulting architect or other professional to assist in the review of an application. The BOARD may impose reasonable fees upon an APPLICANT to cover this expense.

As part of the overall site review process the Technical Review Committee, will review plans for compliance with these guidelines and report to the Planning Board as to adherence.

149-14.1 Design Standards for Development in the Executive and Technology Park (ETP) District.

A. Purpose

These design standards are adopted to regulate development within the Executive and Technology Park (ETP) District, which provides an area for large-scale high technology, research, professional office and clean manufacturing USES needing large sites and high aesthetic standards. The design standards are intended to:

(1) Establish and maintain high aesthetic standards in the ETP District.

(2) Preserve the District's natural resources and visual character by assuring that improvements are properly related to their sites and to neighboring developments.

(3) Encourage good design and innovation in site planning and development, including architecture, landscaping, and graphic design.

(4) Encourage the compatible and complementary development of each site in the District.

(5) Minimize conflicts between residential and non-residential USES.

(a) Building Siting and Design

B. The general character of the ETP District is intended to be a campus or park-like setting, with emphasis on the natural characteristics of the site. The site design should create a sense of entry into the site and into the businesses within the site through landscaping, façade treatment, and signage. The architectural character of each building shall be of contemporary design and style. The design should integrate the

building's form, TEXTURES and colors with the particular landscape and topographical character of each site. Specific requirements are as follows:

(1) All exterior building walls and structures shall be constructed with attractive, durable materials such as TEXTURED concrete, MANSONRY, stone, brick, CLAPBOARD, finishing wood, stucco or glass.

(2) Buildings with exterior walls made of metal or corrugated steel shall not be permitted.

(3) Building roofs shall be uncluttered and when flat roofs are visible from public roads, pitched roofs or PARAPETS are required.

(4) Rooftop and ground-mounted mechanical units an ventilating fans are to either be integrated into the design of the building or screened from view.

(5) All exterior service, loading, storage and utility areas shall be located at the side or rear of the building and screened or sheltered so as not to be visible from the public road or adjacent parcels.

C. Parking Areas and Pedestrian Circulation

(1) Parking areas shall be screened from public streets and existing residential USES so as to minimize the visibility of such areas.

(2) A majority of the parking spaces shall be located to the side or rear of the buildings.

(3) All sites shall be designed so as to promote safe pedestrian access, not only within the development, but to adjacent properties and public streets.

D. Landscaping

(1) A landscaping plan shall be submitted as part of the development application. The landscaping plan shall depict a scheme that creates a park-like setting. Maintenance of existing vegetation should be incorporated in the landscaping plan when appropriate.

(2) Existing trees of significant size or special character should be preserved wherever possible.

(3) All trees should be planted in a permeable area of no less than a three (3) foot wide radius from the base of the tree.

(4) Planting islands should be used to define vehicular and pedestrian circulation patterns and to break up large expanses of pavement. A combination of end cap islands and linear islands running parallel to parking rows are preferred. Islands should be planted with either grass or evergreen shrubs and include trees.

(5) Landscaping should be maintained to present a healthy appearance and dead materials should be replaced.

E. Exterior Lighting

Exterior lighting shall be low profile. High-intensity directional lighting shall be prohibited. Lighting shall be designed and oriented so as to avoid glare onto adjacent property or streets.

149-14.2 Design Standards for Development in the Residential Commercial Mixed-USE (RCM) Overlay District. **[Added per Planning Board on 04-11-06]**

A. Purpose:

The purpose of these Regulations is to promote flexibility in large-scale mixed USE developments by considering project proposals based upon a comprehensive, integrated and detailed PLAN rather than the specific constraints applicable to piece-meal, lot-by-lot development under conventional zoning requirements. A mixed USE development should improve the quality of new development by encouraging attractive features and promoting quality site design.

B. Non-residential Site Planning

Planning for mixed USE development on a site encompasses items such as its relationship to surrounding USES, building orientation on the site, pedestrian and vehicular circulation, and efficiency of parking areas, screening of loading and utility areas, and the design of landscaping, signage and lighting.

(1) Contextual Relationship:

(a) The commercial portion of the development should be of an appropriate SCALE, set back and building height. Multi-story commercial buildings should incorporate lower SCALE, single-story elements and/or greater setbacks adjacent to existing and future single-family development.

(b) Orient support USES such as trash enclosures, compactors, truck loading areas and outdoor storage away from residential USES to the extent practical.

(2) Building Orientation:

(a) Locate pad buildings closer to arterial intersections to provide a strong visual and pedestrian relationship to the project. When practical, locate some parking and service functions behind the building.

(b) In multi-building projects, organize the site layout to provide functional pedestrian spaces and landscaping amenities.

(3) Pedestrian Amenities:

(a) Wherever practical, design attractive and convenient pedestrian and bicycle access to streets.

(b) Design sites to minimize pedestrian and vehicular conflicts. Where pedestrian circulation paths cross vehicular routes, provide a change in paving materials, TEXTURES or colors to emphasize the conflict point.

(c) Enhance and encourage connection between the residential and commercial components.

(d) Accessible parking spaces should be convenient to building entries.

(e) Provide convenient bicycle parking in locations that do not interfere with pedestrian circulation.

(f) Allow for outdoor dining and/or other amenities to enliven plazas and open space areas.

(4) Vehicular Circulation and Parking:

(a) To promote safe pedestrian access, provide sidewalks and not head-in parking spaces directly in front of large individual retail tenants over 30,000 square feet (with the possible exception of handicap-accessible spaces).

(b) Strive to minimize driveway cuts on arterial streets by providing vehicular cross-access easements and shared access driveways between adjacent commercial projects.

(c) Traffic calming devices are encouraged in the interior of a site to enhance safety.

(d) Use appropriate landscaped parking lots to break up the mass of large parking lots. Refer to 149.14.G Landscaping for specific landscaping requirements of parking lots.

(5) Outdoor Display Areas:

(a) On final site plans identify the location of all proposed outdoor display and sales areas, including what type of items would be sold. Their location should not displace required parking and pedestrian or landscaping areas.

(6) Signage:

(a) Locate freestanding signs on low planter walls or design monument signs to incorporate distinctive elements of the architectural style or theme of the development.

(b) Design and locate signage to be visible from both pedestrian and vehicular areas.

(c) Provide building signage that is proportional to the SCALE of the tenant façade. All building and freestanding signs should be designed to further the design theme of the building and be consistent with any sign package.

(d) Paint sign backgrounds and sign cabinets to complement building colors.

(7) Landscaping and Grading:

(a) Design the project landscape theme to complement and enhance project architecture.

(b) Provide a raised landscaped median at major entrances from arterial streets to separate ingress lanes from egress lanes.

(c) For the overall site, use a mixture of deciduous and evergreen trees.

(d) If retaining walls in retention basins are necessary, they should be landscaped to reduce their visual SCALE.

(e) Design retention basins that are visible from public streets and common open spaces to avoid a "bathtub" or linear channel appearance through landscaping.

(f) No more than 25% of the total ground area of a landscape area shall be comprised on non-living ornamental materials.

(g) A minimum of two (2) trees and four (4) shrubs for each one thousand (1,000) square feet of landscaped area shall be provided. (One (1) additional tree may be substituted in lieu of each four (4) shrubs required).

(h) Deciduous trees shall be at least two-inch caliper measured four (4) inches above the ground except ornamental and flowering trees shall be at least one and one half inch caliper measured four (4) inches above the ground; multi-trunk trees shall have at least three (3) canes, and shall be six (6) inches measured four (4) inches above the ground, with a minimum height of five (5) feet.

(i) Coniferous trees shall be at least six (6) feet tall.

(8) Lighting:

(a) Provide pedestrian SCALE lighting fixtures in areas designed for pedestrian activity such as plazas, courtyards, pathways and seating areas but excluding parking only areas. Select lighting fixtures that complement the general architectural style of the development.

(b) Highlighting of unique or special features of the site, such as architectural features, specimen trees and artwork with accent lighting should be considered.

(c) Use decorative wall-mounted sconces or light fixtures when building lighting are proposed on ELEVATIONS away from residential USES.

(d) Lighting on parking areas shall avoid glare on adjoining properties.

(9) Building Design

(a) Where practical, building mass should be broken into smaller elements, consistent with the PROPORTIONS of the architectural style selected and surrounding USES.

(b) Reduction of building mass may be achieved by using a combination of the following techniques:

- Variation in the rooflines and form.
- Use of ground level arcades and covered areas.
- Use of protected and recessed entries.
- Use of vertical elements on or in front of expansive blank walls.
- Use of pronounced wall plane offsets and projections.
- Use of focal points and vertical accents.

- Inclusion of windows on ELEVATIONS facing streets and pedestrian areas.

- Retaining a clear distinction between roof, body and base of a building.

(10) Design:

(a) All FACADES, including back and side ELEVATIONS of a building generally visible from public view or adjacent to residential areas, should be architecturally treated.

(b) Design multi-building projects to include architecturally sensitive design elements throughout the project.

(c) Building ELEVATIONS should incorporate architectural features and patterns that consider a pedestrian SCALE.

(d) Building roofs shall be uncluttered and when flat roofs are visible from public roads, pitched roofs or PARAPETS are required.

(e) Rooftop and ground- mounted mechanical units an ventilating fans are to either be integrated into the design of the building or screened from view.

(f) At least two of these elements should repeat horizontally. Buildings with FACADES greater than 150 feet in length should include several of the elements listed below, repeated at appropriate intervals, either horizontally or vertically:

- Color change. Recognizable, but not strongly contrasting.

- TEXTURE change.

- Material change.

- Architectural variety and interest through a change in plane such as offsets, reveals, archways or projecting ribs.

- Wall plane projections or recesses.

(g) Service and exit doors should be integrated into the architecture of publicly visible ELEVATIONS.

(h) Where practical, variations in rooflines or PARAPETS should be used to reduce the SCALE of non-residential buildings. Roof size, shape, material, color and slope should be coordinated with the SCALE and theme of the building.

(i) All exterior building walls and structures shall be constructed with attractive, durable materials such as TEXTURED concrete, MANSONRY, stone, brick, CLAPBOARD, finishing wood, stucco or glass.

(j) The exterior walls of buildings should not predominantly utilize the following materials, except as accents:

- Pre-fabricated steel PANELS.
- Corrugated metal.
- Asphalt shingle roofs, except for period architecture.
- Highly reflective glass.

(k) Buildings should have clearly defined customer entrance(s) incorporating appropriate architectural elements

C. Freestanding Accessory Structures:

Enclosed service/refuse areas and covered parking should be designed to be an integral part of the building architecture. Wherever practical, the forms, colors, TEXTURES and materials used on the main building should be applied to all sides of these structures generally visible to the public.

D. Residential Site Planning

(1) Building Orientation:

(a) Residential structures should be located to encourage interaction among residents and sited in such a way as to allow for a private yard as well as a public yard.

(2) Pedestrian Amenities:

(a) Design pedestrian amenities that allow for use and enjoyment of outdoor areas as a development focal point or centralized amenity.

(3) Vehicular Circulation and Parking:

(a) Adequate off street parking shall be provided for residents and guests. If possible guest parking shall be available near the common facilities (i.e. club house).

(4) Signage:

(a) Locate freestanding signs on low planter.

(b) Design and locate signage to be visible from both pedestrian and vehicular areas.

(5) Landscaping

(a) For single family home developments:

(i) At least one (1) tree in the front yard setback,

(ii) Deciduous trees shall be at least two-inch caliper measured four (4) inches above the ground, except ornamental and flowering trees shall be at least one and one half inch caliper measured four (4) inches above the ground,

(iii) Coniferous trees shall be at least six (6) feet tall,

(iv) Multi-trunk trees shall have three (3) or more canes, and be six (6) inches measured four (4) inches above the ground, with a minimum height of five (5) feet.

(b) For all other residential structures:

(i) Two (2) trees and four (4) shrubs for each one thousand (1,000) square feet of landscape area. One (1) additional tree may be substituted in lieu of four (4) shrubs.

(ii) Deciduous trees shall be at least two (2) inch caliper measured four (4) inches above the ground except ornamental and flowering trees shall be at least one and one half inch caliper measured four (4) inches above the ground; multi-trunk trees shall be three (3) or more canes starting from the ground, six (6) inches measured four (4) inches above the ground, with a minimum height of five (5) feet.

(iii) Coniferous trees shall be at least six (6) feet tall.

(6) Lighting:

(a) Provide pedestrian SCALE lighting fixtures in areas designed for pedestrian activity such as walking, biking or use of segway/golf carts. Select lighting fixtures that complement the general architectural style of the development.

(7) Building Design:

(a) All mobile homes shall be constructed to include a peaked roofs, and architectural shingles, and shall have full basements and garages.

E. Consideration of the within design criteria shall not delay the acceptance of a complete site PLAN application.

F. Approval of a conditional USE design permit must be completed within the time limitations of RSA 676:4 I(c)(1).

149-15. Physical Arrangements. **[Amended per Planning Board on 01-14-03 and 08-26-08]**

A. All service, storage and utility areas shall be designed to the side or rear yard of a proposed building(s), and such areas shall be appropriately screened/buffered by walls, fences, earth berm and/or vegetation.

B. Utility elements situated on the roof of a proposed building(s) shall be adequately screened and baffled upon request.

C. All paving and/or storage shall not be permitted within five (5) feet of any side or rear property line, and no parking or paving, except for entrances/exits, shall be permitted within ten (10) feet of any front property line. These spaces shall be maintained as landscaped area.

D. Pedestrian walkways, entrances and exits designed for use by the handicapped shall be required upon request.

E. Loading facilities shall be designed to the rear or side of all proposed buildings. Loading facilities shall be designed in accordance with the rules and regulations of the Zoning Ordinance and shall be off- street or accessible via a public alley.

F. All parking, loading and protective buffers shall be situated on the same parcel (same ownership) as the primary USE structure(s).

G. Drive-In facilities shall be designed to impose the least amount of intrusion upon existing residential ABUTTERS. Such design features shall include, but not be limited to, non-audible ordering systems (touchpad or human contact) shall be utilized, placement shall be as far from residential USES as possible, and hours of

operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9: 00 p.m. A PLAN shall not consist solely of accessory USES (parking, landscaping or open space, etc.) in Dover for a project that is primarily located within an adjacent municipality.

ARTICLE V

REVIEW FEES

149-16. Schedule of Fees. **[Amended per Planning Board on 04-23-91, 11-15-91, 02-26-96, 01-14-2003, 08-26-2008 and 03-23-2010]**

A. The Planning Board shall levy a fee as set forth in the City of Adopted Dover Schedule of Fees, as amended annually, for each dwelling unit resulting from new additions, and changes of USE.

B. The Planning Board shall levy a fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for each lodging unit for motel/hotel development.

C. The Planning Board shall levy a review fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for all new non-residential construction. The Planning Board shall levy a review fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for additions to existing non-residential structures. A fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, shall be placed on any APPLICANT requesting a change of USE. The Planning Board shall levy a review fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for parking lots and paved areas.

D. The Planning Board shall levy a fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for APPLICANTS requiring a Conditional USE Permit.

E. The Planning Board shall levy a fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for the review of applications for time extensions, per Chapter 149-9.B, to approved site plans to cover staff time.

F. In addition to the application fees outlined in section A thru E, the Planning Board shall require the APPLICANT be responsible for paying the cost of mailing certified notices to ABUTTERS as well as paying the cost of advertising or posting the application.

149-17. Inspection Fees. **[Amended per Planning Board on 01-24-2012]**

The fee levied shall be the actual cost per hour of the individual(s) making the inspection of improvements as required in Section 149-12. The City shall be remunerated for equipment usage necessary for conducting said inspections. Where the owner fails to comply with the payment of fees, inspections shall not be conducted nor CERTIFICATE OF OCCUPANCY awarded until full payment has been made.

ARTICLE VI

ADMINISTRATION

149-18. Enforcement; Failure to Comply with Order; Violations and Penalty. **[Amended per Planning Board on 08-26-08]**

If, after an occupancy permit, temporary or permanent has been issued and the building or buildings are occupied and/or used, the Planning Board finds that any of the conditions of an approved final site review application are in violation, the Planning Board, or its authorized representative, shall order the owner to make such corrections as it deems necessary to bring the use and operation into 2 with the provisions of such approval. Such order shall be complied with within a period of time extending not more than thirty (30) days from the original notice. Where the owner fails to comply with the notice of the Planning Board, a fine not to exceed one hundred dollars ($100.00) per day may be levied against said owner, and the CERTIFICATE OF OCCUPANCY shall be revoked as per RSA 676:4-a.

149-19. Waivers. **[Amended per Planning Board on 03-23-2010]**

A. The Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, that:

   (1) 1Strict conformity would pose an unnecessary hardship to the APPLICANT and the waiver would not be contrary to the spirit and intent of the regulations; or
   (2) Specific circumstances relative to the subdivision, or conditions of the land in such site PLAN, indicate that the waiver will properly carry out the spirit and intent of the regulations.

B. In granting waivers, the Planning Board may require such conditions as will in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures. A petition for any such waiver shall be submitted in writing by the APPLICANT at the time when the application is filed for consideration by the Planning Board. The petition shall state fully the grounds for the waiver and all of the

facts relied upon by the petitioner. The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Planning Board.

ARTICLE VII

WORDS AND PHRASES

149-20. Word Usage.

Words used in the present tense shall indicate the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory; the word "may" is permissive.

149-21. Definitions. **[Amended per Planning Board on 05-25-99, 04-22-2003, 08-26-2008 and 03-23-2010]**

As used in this chapter, the following terms appearing in CAPITAL LETTERS shall have the meanings indicated:

ABUTTER means the owner of record of a parcel of land located in New Hampshire and adjoins or is directly within two hundred (200) feet (including land across the street or waterway) of the proposed site under consideration by the Board.

A. For projects meeting the criteria of 149-4.A the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified by first class mail.

ACCESSWAY means the roadway configuration within a site.

APPLICANT means any person, agent, firm, association, partnership or corporation that makes application to the Planning Board for the NONRESIDENTIAL development of a site, pursuant to the rules and regulations of this chapter.

ARCADE means a series of arches supported by COLUMNS, sometimes forming a covered walkway.

ARCH means a curved form spanning an opening; it may take various rounded forms including a pointed shape.

AXIS means a line established by two points in space and about which forms and spaces can be arranged.

AXONOMETRIC drawing means a drawing showing a building in three dimensions.

AWNING WINDOW means a single SASH window that opens outward from the top.

BALUSTER means an upright, often vase-shaped, support for a rail

BALUSTRADE means a series of BALUSTERS with a rail.

BARGEBOARD means a board, typically decorated, on the sloping edge of an overhanging GABLE roof.

BAY means a vertical division of a building FACADE as delineated by some regular recurring feature such as windows or COLUMNS.

BAY WINDOW means a window element projecting from a building FACADE.

BEST MANAGEMENT PRACTICES means for STORM WATER management purposes, structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce nonpoint source pollutants from entering receiving waters.

BOARD means the Planning Board of the City of Dover.

BOND means the pattern formed by bricks in a wall using one or more sides or positions (oblong or upright) of the brick.

BOX generally refers either to “big BOX” or “small BOX”; a very simple building with minimal adornment or complexity in its form, usually a rectangular footprint with a flat roof, and few if any windows.

BRACKET means a structural (or visually structural) element projecting from a wall which supports a roof overhang or other overhang, generally in the form of an “L” or a right triangle.

BUILD TO LINE means the opposite of the conventional front setback requirement; a maximum setback to which buildings must be placed, as opposed to a minimum setback.

CANTILEVER means a horizontal element projecting from a wall without external support.

CAPITAL means the top portion of a COLUMN or PILASTER crowning the shaft.

CASEMENT means a single SASH window that opens outward from the side.

CERTIFICATE OF OCCUPANCY means a statement signed by the Building Official setting forth that a building or structure complies with this chapter, the Zoning Ordinance

and other relevant codes and regulations of the city and with the APPLICANT's PLAN as approved.

CHANGE IN USE means a CHANGE IN USE shall consist of replacing a conforming or legal non-conforming USE contained entirely within an existing building with a new USE which is allowed in the zoning district in which the tract or structure is located.

CLAPBOARD means narrow, horizontal, overlapping wooden boards that form the outer **SKIN** of an exterior building wall.

COLONIAL means the style of architecture in the American colonies in the 17th and 18th centuries (prior to the American Revolution), derived mainly from English traditions.

COLONNADE means a row of COLUMNS supporting a roof, arches, or an ENTABLATURE.

COLUMN means a freestanding upright support element usually round in cross section. In classical architecture consists of a base, shaft, and CAPITAL.

CORNER BOARD means a decorative vertical board placed at the corner of a wood frame building.

CORNICE means projecting top portion of an ENTABLATURE or any linear element placed along the top of a buildings FACADE or atop a section of the FACADE to divide the FACADE into sections.

COURSE means a horizontal decorative band extending across a FACADE. Stringcourse refers to a narrow COURSE while beltcourse refers to a wide COURSE.

CUPOLA means small enclosed or partially enclosed structure crowning a roof or TOWER.

CROSS GABLE means a GABLE form attached to and placed perpendicular to a larger GABLE roof

DATE OF OFFICIAL SUBMISSION means an application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate procedure and the receipt of a written memorandum from the Director of Planning and Community Development certifying said application's technical review.

DEVELOPED means all new structures as well as additions, including the conversion of structures to multifamily (five (5) units or more) residential dwellings.

DENTILS means small, rectangular blocks arranged in a tooth-like series under an overhang.

DISCHARGE means water or effluent released to a receiving waterbody.

DORMER means window rising vertically atop a roof.

DOUBLE HUNG WINDOW means a window with two vertical sliding SASHES, each closing half of the window opening

EAVE means the horizontal or downward projecting overhang at the lower edge of a roof.

ELEVATION means a head-on drawing of a building FACADE, without any allowance for perspective, in fixed PROPORTION to the measurement on the actual building; one exterior face or side of a building (comparable to a FACADE).

ENGAGED COLUMN means a COLUMN which is attached to a wall (rounded in cross section).

ENTABLATURE means the horizontal top part of an order of classical architecture. It is supported by COLUMNS and consists of three levels - architrave, FRIEZE, and CORNICE.

EROSION means weathering of soil by running water, wind, or ice.

ESCROW AGREEMENT means a conditional delivery of money by a developer to a bank to be held until such time as the conditions of a final site approval have been satisfactorily complied with.

FAÇADE means the front or principal exterior face of a building; may refer to other prominent exterior faces as well.

FALSE FRONT means a FACADE that extends well above the rest of the building, to give the impression that a building is larger than its actual size.

FARM/AGRICULTURE means any land, buildings or structures on or in which AGRICULTURE and farming operations are carried out as the principal USE, including all operations outlined in RSA 21:34a II. One single-family dwelling shall be permitted as an accessory to the principal USE.

FASCIA means a flat vertical board that forms the face along the edge of a flat roof or along the horizontal (or EAVE) side of a pitched roof.

FENESTRATION means arrangement of windows on a façade including number, size, PROPORTION, spacing, and composition.

FINIAL means small vertical ornament at the top of a roof.

FOOT – CANDLE means a measure of light falling on a given surface. One FOOT-CANDLE is equal to the amount of light generated by one candle shining on a square foot surface one foot away.

FRIEZE means a decorative, horizontal band set just below the CORNICE.

FRONTISPIECE means an ornamental portal around the entrance

GABLE means a simple pitched roof form with two opposite sloping sides; the triangular part of a wall formed by a GABLE roof.

GAMBREL means a roof form with a double sloped profile - a steep lower plane and a less steep upper plane (differs from a MANSARD in that a GAMBREL is two sided while a MANSARD is four sided; also the angle of the two planes on a MANSARD is closer to 90 degrees).

GROSS LEASABLE AREA means the gross floor area available for leasing to a tenant.

HIERARCH means the articulation of the importance of a form by its size, shape, or placement relative to the other related forms.

HIPPED ROOF means a roof, which slopes upward from all four sides of a building (it may have a RIDGE or end in a point).

ILLUMINANCE means the amount of light falling on a surface – measured in FOOT-CANDLES. LINTEL means a horizontal structural member that bridges an opening

LOZENGE means a diamond shaped ornament applied to a wall.

LUMEN means a unit of measurement for the amount of light cast by a lamp. One FOOT-CANDLE is one LUMEN per square foot.

LUNETTE means a semicircular or half-moon window or other element on a FACADE.

MANSARD means a steep, one story high roof with two planes on all four sides, the first plane almost vertical and the second plane above, nearly flat; named for Francois Mansart, 17th century French architect.

MASONRY means heavy materials including stone, brick, concrete, concrete block, and stucco.

MASSING means the shapes, sizes, and arrangement of the three dimensional forms that compose a building.

MEDALLION means an ornamental plaque applied to a wall.

MODERN ARCHITECTURE means a style characterized by largely undecorated and simple building forms with relatively large windows and a horizontal emphasis.

MOLDING means architectural detailing applied around a window or door or to the surface of a wall.

MULLION means vertical element separating windows or doors set in a series.

MUNTIN means dividers between panes of glass within an individual window.

NEOCLASSICAL means a formal style of design evoking ancient Greek or Roman architectural forms.

NONRESIDENTIAL means included land uses of a commercial and industrial nature as well as commercial residential uses, exempting however, the construction or conversion of single- family and multi-family (up to four (4) units per parcel) residential dwellings.

ORIEL WINDOW means a BAY WINDOW projecting from a buildings upper floor.

PANEL means a decorative recessed rectangular portion of a wall.

PARAPET means a low wall or railing extending above and in the front of a roof.

PECKY SHINGLES means irregular wood shingles, frequently untreated or stained rather than painted, with various curves and splits that give an appearance of peeling off an exterior surface (such as one might see at a “Fish Shack Restaurant”).

PEDIMENT means triangular front end of a roof, comparable to a GABLE except a PEDIMENT always has an articulated horizontal side.

PERFORMANCE BOND means any security which may be accepted in lieu of a requirement that certain improvements be made as a condition of Planning Board site approval.

PERGOLA means an unenclosed structure with an open wood framed roof, often latticed.

PIAZZA means an open space oriented to pedestrians, usually rectangular in shape, defined by a building or buildings on two or more sides.

PIER means a freestanding upright support element, usually rectangular in cross section, and wider and more squat than a COLUMN.

PILASTER means a COLUMN or PIER affixed to a wall surface (rectangular in cross section).

PLAN means the layout of a building drawn in the horizontal plane.

PORTHOLE WINDOW means a circular window (also called a bull's eye window).

PORTICO means a covered space usually supported by COLUMNS surrounding an entrance and forming the centerpiece of the FACADE.

PROPORTION means the relation of one dimension to another, such as the height of a window compared to its width. PROPORTION affects visual order through coordination of such elements as height, width, depth, and spacing.

QUOINS means corner stones, or other material made to resemble stones, at a corner or edge of a building.

RHYTHM means the use of recurring patterns to organize a series of like forms or spaces.

RIDGE means the linear intersection of two sloping roof planes.

RUNOFF means precipitation, snowmelt, or irrigation that flows over the land, eventually making its way to surface water (such as a stream, river or pond).

SASH means a single window section within its frame that opens in some manner.

SCALE means the perception of the size of a building or building element relative to the human body or other buildings or objects in the vicinity.

SEDIMENT means eroded soil and rock material and plant debris, transported and deposited by RUNOFF.

SENSE OF ENCLOSURE means an outdoor area where the height and continuity of adjacent or surrounding buildings or other structures loosely establishes the feeling of a three dimensional space.

SHED ROOF means a roof composed simply of one sloping plane.

SILL means the horizontal bottom element of a window or door frame.

SITE DESIGN CRITERIA means Design and performance standards required under the provisions of 149-14.

SITE DEVELOPMENT PLAN means a professionally rendered drawing which delineates the proposed development of a site, prepared as required under the provisions of 149-13.

SKIN means the outer clothing or membrane of a building - CLAPBOARD, brick, steel, etc.

SOFFIT means the underside of any building part, such as under an EAVE, ARCH, or LINTEL.

STEEPLE means the combined TOWER and spire of a church

STORM WATER means RUNOFF from a storm event, snowmelt RUNOFF, and surface RUNOFF and drainage.

STORM WATER POLLUTION PREVENTION PLAN (**SWPPP**) means a plan developed for a site or property that evaluates potential pollutant sources and designs and implements appropriate measures to prevent or control DISCHARGE of pollutants in STORM WATER RUNOFF.

SURROUND means an ornamental device used to enframe all or part of a window or door.

SYMMETRY means the balanced distribution of equivalent forms and spaces about a common line (AXIS) or point.

TEXTURE means the quality of finish on a wall or roof surface being smooth, rough, bumpy, etc.

TOWER means a distinctly vertical structure, which may be freestanding or attached to another structure.

TRADITIONAL means sensitive to, evocative of, or harmonious with any particular style of architecture established prior to 1950 or the prevailing patterns, forms, or styles of architecture dating from the original settlement of the United States up to 1950.

TURRET means a small, slender TOWER usually at the corner of a building.

UNIVERSAL DESIGN PRINCIPLES means rules and guidelines that are generally recognized and respected among design professionals.

USE means the manner in which a parcel of land or the structures on that parcel are employed. Uses are categorized by the Dover Zoning Ordinance as follows: Residential Low Density (less than 5DU); Residential Multi-Family (more than 4DU); Agricultural/Silvacultural; Office; Business; Industrial; and Community/Public USE.

VICTORIAN means term used to cover all of the various styles of architecture during the reign of Queen Victoria - 1837 to 1901, including Second Empire, Italianate, Gothic Revival, COLONIAL Revival, Queen Anne, Renaissance Revival, and others. (Georgian, Federal, and Greek Revival styles predate the VICTORIAN era.)

WATER TABLE means a thickened and frequently adorned part of the foundation of a building originally designed to make the foundation less permeable to stormwater.

STREETS AND SIDEWALKS

CHAPTER 152

PART 1

Construction Specifications

STREETS AND SIDEWALKS

ARTICLE I

STREETS; WATERS MAINS; SEWERS

152-1. Applicability.

152-2. Administration.

152-3. Reserved (formerly Appeal.)

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.

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ARTICLE III

WAIVER OF PROVISIONS

152-6. Application; Denial; Appeal. (formerly Article III-A; formerly Article III Specific Areas of Five-Year Prohibition formerly 152-6 Fee Required; Designation of Area)

ARTICLE IV

INDEMNIFICATION

152-7. Deposit Required; Bonding.

ARTICLE V

WELLS, CELLARS, CISTERN DRAINS

152-8. Excavation Standards.

152-9. Violations and Penalties.

ARTICLE VI

STREET NUMBERING

152-10. Powers of Building 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.

152-19. Violations and Penalties.

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 Report.

152.25. Extensions and Improvements Limited.

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ARTICLE XIII

SIDEWALK OBSTRUCTION

152-26. Definitions.

152-27. Certain Public Way Obstructions Prohibited.

152-28. Licensing of Location-News Rack Limited Exception.

152-29. Standards for Installation, Maintenance and Operation.

152-30. Public Way Obstruction Identification Required.

152-31. Hold Harmless and Insurance.

152-32. Removal of News Rack or Public Way Obstruction.

152-33. Severability.

152-34. Injunction.

152-35. Damage to Public Way Obstructions.

152-36. Penalty.

[HISTORY: Adopted by the City Council on 12-14-77 [*]; Multiple revisions 10-14-2010 by Ord. No. 2010.09.23-24; Amendments noted where applicable.]

[*] Editor's Notes: Provisions of this Code derived of the former code adopted on 12-14-77; Part 1 derived from Ch. 38 of the former Code, Part 2 are derived from Ch. 39 of the former Code, Part 3 are derived from Ch. 40 of the former Code.

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PART I

Construction Specifications

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 Article shall be administered by the Director of Community Services.

152-3. Reserved. (formerly Appeal. [Repealed 10-14-2009 Ord. No. 2009.09.23-24])

PART 2

Maintenance Procedures; Hazards

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 encumber with the City Engineer, Director of Community Services, Police Department, Superintendent of Community Services, , gas company, Fire Department, telephone companies and Public Service of New Hampshire 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 ($50.00) nor more than one hundred dollars ($100.00) 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 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 on 2-29-80 by Ord. No. 4-80; Amended on 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 pedestrian way 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.**[Amended 2-29-80 by Ord. No. 4-80]**

C. 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.

D. Any person, persons, firm, or corporation violating any of the provisions of this section shall be fined not less than fifty dollars ($50.00) nor more than one hundred dollars ($100.00) for each violation after written notice from the City Engineer or Community Services Director.

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ARTICLE III

WAIVER OF PROVISIONS

[Added 1-12-83 by Ord. No. 1-83]

(formerly SPECIFIC AREAS OF FIVE-YEAR PROHIBITION**;** 152-6 Reserved (formerly Fee required; Designation of area.) [Added on 10-14-81 by Ord. No. 17-81; Amended on 4-9-86 by Ord. No. 5-86; Amended on 9-28-88 by Ord. No. 17-88; Amended on 12-6-89 by Ord. No. 27-89; Amended on 03-06-91 by Ord. No. 07-91. ; Repealed 10-14-2009 by Ord. No. 2009.09.23-24])

152-6. 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 Chapter. **[Amended on 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.

ARTICLE IV

INDEMNIFICATION

152-7. Deposit Required; Bonding. **[Amended on 4-9-86 by Ord. No. 4-86; Amended on 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.

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.

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 ($20.00) for each day such violation shall continue after written notice from the Building Official.

ARTICLE VI

STREET NUMBERING

152-10. Powers of Building Official

[Amended on 04-19-95 by Ord. No. 03-95; Amended 10-14-2009 by Ord. No. 2009.09.23-24]The Building 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

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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 more than ten dollars ($10.00) for each day such violation shall continue after written notice from the Building 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 Official, Chief of Police and Community Services Director. Said person shall comply in all respects with the conditions of the permit.

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 ($50.00) nor more than one hundred dollars ($100.00).

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 pedestrians . 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 more than ten dollars ($10.00) for each day such violation shall continue after written notice from the Building Official .

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.

152-17. Violations and Penalties.

Any person, persons, firm or corporation violating any of the provisions of this Article shall be fined not more than twenty-five dollars ($25.00).

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 more than twenty dollars ($20.00) for each day such violation shall continue after written notice from the Building Inspector.

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ARTICLE XI

LIQUIDS ON STREETS AND SIDEWALKS

152-20. Interference with Vehicular or Pedestrian Traffic.

No person shall deposit or cause to be deposited, including but not limited to deposits from roof and/or foundation drains, 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 more than twenty dollars ($20.00) for each day such violation shall continue after written notice from the City Engineer or Director of Community Services.

PART 3

Sidewalks

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.

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 Chapter 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.

ARTICLE XIII

SIDEWALK OBSTRUCTIONS

[Added 02-24-2010 by Ord. No. 2010.02.10-3; Amended 07-14-2010 by Ord. No. 2010.07.14-24]

152-26. Definitions.

As used in this Chapter the following terms mean:

NEWSPAPER OR NEWS PERIODICAL –A daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.

NEWS RACK –Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of Newspapers or News Periodicals.

PUBLIC WAY OBSTRUCTION –Any object, not including sandwich board signs governed by the provisions of Chapter 170-32 which in any way obstructs the free passage of pedestrians, wheelchairs or vehicles on the streets, sidewalks, or roadways.

152-27. Certain Public Way Obstructions Prohibited.

A. No person shall install, use, attach or maintain any Public Way Obstruction which projects onto, into, or over any part of the roadway of any public street.

B. No person shall install, use, attach or maintain any Public Way Obstruction which, in whole or in part, rests upon, in, or over any public sidewalk, when such installation, use or maintenance results in one or more of the following:

(1) Endangers the safety of persons or property, or

(2) When such site or location is used for public utility purposes, public transportation purposes or other governmental use, or

(3) When such public way obstruction unreasonably interferes with, or impedes the flow of, pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the

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use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.

152-28. Licensing of Location – News Rack Limited Exception.

A. No person shall install or maintain any Public Way Obstruction which, in whole or in part, rests upon, in or over any public sidewalk, except News Racks, without first applying for and obtaining a license from the Dover Licensing Board (See Chapter 35 Licensing Board). The license application shall include the following:

(1) The physical dimensions of the public way obstruction;

(2) The name, address and telephone number of the person or company responsible for the obstruction;

(3) A diagram showing the location of the obstruction and the dimensions of the sidewalk upon which it is to be located.

B. News Racks shall require the submission of a license application, but the license shall be granted by the City Clerk on a ministerial basis without the requirement of Licensing Board approval. News Racks must comply with the remaining provisions of this ordinance.

C. The Licensing Board (see Chapter 35) may waive licensing requirements for applicants who plan to temporarily maintain a public way obstruction for the purpose of public expression of views and/or non-commercial objects such as cigarette disposal containers or complimentary non-business related seating or similar related activities. **[Added 07-14-2010 by Ord. No. 2010.07.14-11]**

152-29. Standards for Installation, Maintenance and Operation.

Any public way obstruction which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:

A. No Public Way Obstruction shall be placed, installed, used or maintained in any location whereby the clear space for the passageway of pedestrians is reduced to less than forty (40) inches; or would otherwise interfere with the free passage of a wheelchair. **[Amended 07-14-2010 by Ord. No. 2010.07.14-11]**

B. Every Public Way Obstruction shall be maintained in compliance with any conditions attached to the issuance of the license.

152-30. Public Way Obstruction Identification Required.

Every person, or other entity, which places or maintains a Public Way Obstruction on the streets of the City including News Racks shall have his/her, or its name, address and telephone number displayed in a place where such information may be easily seen.

A. Public Way Obstructions shall be licensed individually by location.

B. The City shall issue a proof of license to be displayed to the public by the licensee in a prominent location.

C. Fees for licenses for Public Way Obstructions shall be adopted by the City Council on an annual basis, for each table, chair, or other Public Way Obstruction except that there shall be no fee for a News Rack license.

D. All licenses must be renewed annually prior to July 1st.

E. Unlicensed News Racks or public way obstructions will be considered abandoned and subject to removal without notice.

F. All licenses are non-transferable.

G. Members of the public shall be permitted to use outdoor seating and tables installed by licensees irrespective of whether there is a purchase of products or services from the licensee.

H. A License shall only be issued for locations in front of, or on the side of, businesses or properties owned by the licensee.

152-31. Hold Harmless and Insurance.

Every person or other entity which places or maintains a public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the City Clerk satisfactory to the General Legal Counsel, whereby he/she, or it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City. A Certificate of Insurance in a form approved by the General Legal Counsel indicating no less than one million dollars ($1,000,000.00) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the City Clerk by each such person or entity.

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152-32. Removal of News Rack or Public Way Obstruction.

The City Manager or his/her designee shall remove any Public Way Obstruction placed on any street, sidewalk, parkway or roadway in violation of this Chapter.

152-33. Severability.

The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or application.

152-34. Injunction.

Any violation of this Chapter is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Chapter. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.

152-35. Damage to Public Way Obstructions.

Any damage to Public Way Obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, will be at the sole expense of the owner.

152-36. Penalty.

Any person, firm or corporation violating any provision of this ordinance shall be fined one hundred dollars ($100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SUBDIVISION OF LAND

Chapter 155

ARTICLE I

GENERAL PROVISIONS

155-1. Title.

155-2. Legislative Authority.

155-3. Purpose.

155-4. Interpretation.

155-5. Applicability.

155-5A. Scattered or Premature Development.

155-6. Nonresidential and Multi-Family Dwelling Subdivision Review.

ARTICLE II

APPLICATION PROCEDURES FOR MAJOR SUBDIVISIONS

155-7. Applicability.

155-8. Preliminary Consultation.

155-9. Application Submittal and Review.

155-2010. Actions by the Board/Public Hearings.

155-2011. Public Notice Requirements.

155-2012. Reserved.

155-13. Reserved.

155-14. Final Plat Certification; Recording, Performance and Maintenance Guaranty.

ARTICLE III

APPLICATION PROCEDURES FOR MINOR SUBDIVISIONS

155-15. Applicability.

155-16. Preliminary Consultation.

155-17. Application Submittal and Review.

155-18. Application Submittal and Review for Minor Lot Adjustments and Boundary Agreement.

155-19. Actions by the Board/ Public Hearings.

ARTICLE IV

OPEN SPACE SUBDIVISIONS

155-20. Concept and Purpose.

155-21. Approval Procedure.

155-22. General Requirements.

155-23. Common Open Space.

ARTICLE V

REQUIRED IMPROVEMENTS AND AGREEMENTS

155-24. Performance Requirements.

155-25. Performance Guaranty.

155-26. Maintenance Guaranty.

155-27. Inspection of Improvements.

ARTICLE VI

LAYOUT SPECIFICATIONS AND CONSTRUCTION DETAILS

155-28. Preliminary Plat Layout.

155-29. Final Plat Layout.

155-30. Construction Detail Sheets.

ARTICLE VII

GENERAL REQUIREMENTS AND DESIGN STANDARD

155-31. Minimum Standards; Waiver.

155-32. Street Layout.

155-33. Street Design.

155-34. Street Names.

155-35. Stormwater Management, Erosion Control, and Flood Hazards.

155-36. Parks, Open Space, Natural Features.

ARTICLE VIII

DESIGN SPECIFICATIONS

155-37. Construction Plans and Specifications.

155-38. Utility Construction Standards.

155-39. Reference Monuments.

155-40. Street Improvements.

155-41. Storm Sewers and Drainage Appurtenances.

155-42. Sanitary Sewers.

155-43. Water Mains and Fire Hydrants.

155-44. Street Markers and Traffic Signs.

155-45. Telephone, Electric Utilities and Seek Lights.

155-46. Sidewalks.

155-47. Curbs.

155-48. Private Roads.

155-49. Required Changes.

155-50. As-Built Plans.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

155-51. Waivers.

155-52. Enforcement.

155-53. Fees.

155-54. Adoption.

155-55. Interpretation and Conflict.

155-56. Separability.

155-57. Amendments.

155-58. Appeals.

ARTICLE X

WORDS AND PHRASES

155-59. Word Usage.

155-60. Definitions.

[HISTORY: Adopted by the City Council 05-23-79 as Ord. 16-79[*]; Adopted by the Planning Board on 08-26-86 and 12-18-2012; Amendments noted where applicable.]

ARTICLE I

GENERAL PROVISIONS

155-1. Title.

This chapter shall be known and may be cited as the "Land SUBDIVISION Regulations" of the City of Dover.

[*] Editor's note, formally Chapter 13 of the 1951 Code

155-2. Legislative Authority.

These regulations are adopted by the Dover PLANNING BOARD pursuant to the authority granted by the RSA, 674:35 and by Chapter 41 Planning Board of the City of Dover ORDINANCES.

155-3. Purpose.

For the purpose of providing for the orderly growth and development of the City of Dover and affording adequate facilities for the housing, transportation, distribution, comfort, health, safety and welfare of persons living within the jurisdiction of the municipality, this chapter prescribes guidelines for the SUBDIVISION or RESUBDIVISION of land within the jurisdiction of the City of Dover and sets forth the procedures, requirements, standards and specifications with respect thereto.

155-4. Interpretation.

The standards contained in this chapter shall be interpreted as minimum requirements, and compliance with said minimum requirements shall in no instance obligate the PLANNING BOARD to approve any particular application solely on that basis. Only after the PLANNING BOARD is fully satisfied that a proposed application is in the best public interest will the application be approved.

155-5. Applicability.

Whenever any SUBDIVISION of land is proposed, before any contract for the sale of any part thereof is executed and before any permit for the erection of a structure in such proposed SUBDIVISION shall be granted, the subdividing OWNER or his/her authorized agent shall apply for and secure approval of such proposed SUBDIVISION in accordance with the rules and regulations contained herein.

155-5A. Scattered or Premature Development **[Added per Planning Board on 01-14-2003]**

The PLANNING BOARD may provide against such scattered or premature SUBDIVISION of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.

155-6. Nonresidential and Multi Family Dwellings Subdivison Review.

Anyone who desires to subdivide PARCELS for nonresidential use or for MULTI-FAMILY DWELLINGS of more than two (2) units per structure, shall comply with the rules and regulations set forth in this chapter. Prior to the issuance of a BUILDING PERMIT by the BUILDING OFFICIAL for nonresidential and MULTI-FAMILY DWELLING development of a SITE, all provisions pursuant to the City of Dover SITE PLAN REVIEW Regulations shall be met.

ARTICLE II

APPLICATION PROCEDURES FOR MAJOR SUBDIVISIONS

155-7. Applicability **[Amended per Planning Board on 09-2008-87, 02-2010-2003 and 02-2010-2004]**

A. MAJOR SUBDIVISION - The following rules and regulations shall pertain to the SUBDIVISION of land into four (4) or more separate PARCELS. In addition, a SUBDIVISION of fewer LOTS shall be considered major if in the judgment of the Planning Director the proposed SUBDIVISION may present significant engineering/planning problems or there is the likelihood of further SUBDIVISION of any of the PARCELS at a later date. The PLANNING BOARD reserves the right to review the Planning Director's decision to consider a SUBDIVISION to be major, if the APPLICANT disagrees with the decision.

(1) Any proposed development within an R-40 District shall be required to follow the procedures outlined in Article IV 155-22 "OPEN SPACE SUBDIVISION" for said proposed development.

(2) Any proposed development in an R-20 or R-2012 District that meets the minimum LOT size requirement for an OPEN SPACE SUBDIVISION shall be required to follow the procedures outlined in Article IV 155-22 "OPEN SPACE SUBDIVISION" for said proposed development.

B. MINOR SUBDIVISION - In the case where a proposed SUBDIVISION or RESUBDIVISION of a PARCEL would create three (3) or fewer LOTS in a four year time period, the PLANNING BOARD may implement an expedited review of the application procedure. See Article III, Section 155-15 for an explanation and definition of the procedure.

C. MINOR LOT LINE ADJUSTMENT - In the case where a LOT LINE adjustment would create a LOT that is smaller than the minimum LOT size required for an OPEN SPACE SUBDIVISION, the PLANNING BOARD shall require that any

SUBDIVISION of the resulting LOTS, in a four year time period follow the procedures outlined in Article IV 155-22 “OPEN SPACE SUBDIVISION”

155-8. Preliminary Consultation.

It is suggested that all SUBDIVISION applicants meet with the Planning Director or the TECHNICAL REVIEW COMMITTEE on an informal basis, or with the PLANNING BOARD at a regularly scheduled BOARD meeting, prior to submitting a FORMAL APPLICATION. A "SKETCH MAP" may be submitted by the APPLICANT to facilitate discussion. The limits of the preliminary consultation shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements of the City's ORDINANCES and regulations. Preliminary consultation and review shall not bind either the APPLICANT or the PLANNING BOARD (RSA 676:4 II). A formal public notification is not required for preliminary consultation.

155-9. Application Submittal and Review. **[Amended per Planning Board on 08-26-2008 and 03-23-2010]**

Anyone desiring to subdivide a tract of land shall file an application with the PLANNING BOARD. Only COMPLETE APPLICATIONS will be reviewed by the BOARD. To be considered complete an application shall:

A. Be made on forms available at the PLANNING BOARD office.

B. Include one electronic copy and fifteen (15) copies of the PRELIMINARY PLAT layout and the PLAT CONSTRUCTION DETAIL SHEETS as more fully described in 155-28 and 155-30 respectively, in this chapter. (Note: Only six (6) copies of the PRELIMINARY PLAT need to be submitted initially for review by the TECHNICAL REVIEW COMMITTEE. However, fifteen (15) copies will be required for submission of the COMPLETE APPLICATION to the PLANNING BOARD).

C. Include a fee in an amount to be determined in accordance with the fee schedule outlined in 155-53 of this chapter.

D. Comply in all respects with Article VIII of this chapter, except where a waiver may be specifically authorized by the PLANNING BOARD.

E. Be filed with the Director of Planning at least fifteen (15) calendar days prior to a regularly scheduled meeting of the BOARD. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three

duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.

F. Be reviewed and evaluated by the TECHNICAL REVIEW COMMITTEE as to the completeness of the information submitted by the APPLICANT. Particular attention will be given to the arrangement, location and width of STREETS, topography and soil data, method of sewage disposal, water provision, on-site drainage, preservation of on-site vegetal elements, LOT size and arrangement, the present and future development of adjoining lands and conformity with the MASTER PLAN and other relevant City ORDINANCES. This review by the TECHNICAL REVIEW COMMITTEE may be eliminated if in the judgment of the Planning Director, such a review is not warranted. The Director shall provide a written explanation to the PLANNING BOARD for said elimination of this review.

G. Include special investigative studies, review of documents and other matters, if required for particular applications. Reasonable fees to cover the cost of such studies or reviews shall be charged to the APPLICANT (RSA 676:4-I (g)).

H. The Planning Director shall include a written memorandum indicating whether or not the application has sufficient information for the BOARD to begin formal consideration. The memorandum shall inform the BOARD of the findings of the Planning Director and/or the TECHNICAL REVIEW COMMITTEE'S review indicating areas of particular concern.

I. Traffic Impact Assessment and Analysis – All proposed MAJOR SUBDIVISIONS shall be reviewed by the TECHNICAL REVIEW COMMITTEE and/or PLANNING BOARD to ascertain that adequate provisions have been made by the APPLICANT for traffic safety. To facilitate this review, the APPLICANT shall provide a Traffic Impact Assessment and Analysis to document existing traffic conditions in the vicinity of a proposed development project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic. All analyses must meet the minimum requirements of a “Standard” analysis. If any of the following thresholds apply, then an “Advanced” analysis must be completed:

(1) Trip generation exceeding 1,000 average daily trips or 100 peak hour trips. Peak hour is defined as any of the following:

(a) AM peak hour (7-9 AM);

(b) PM peak hour (4-6 PM);

(c) Saturday midday peak hour (11AM-1PM); and

(d) peak hour generator for certain land uses (e.g., school, movie theater) if it falls outside the three previously listed periods. Analysis of Saturday midday peak only applies to retail uses.

(2) The Planning Department may require an "Advanced" analysis because of special circumstances.

The requirements for a "Standard" or an "Advanced" analysis are contained in the Planning Department document entitled, "City of Dover Traffic Impact Assessment and Analysis Standards". This document is available in the Planning Department and can be found on the City web-site. Applicants are strongly encouraged to consult with the staff of the Planning Department early in the project design regarding the scoping of the Traffic Impact Assessment and Analysis, including consideration of the study area boundary and any special considerations for the area that the development is proposed. A draft of the Traffic Impact Assessment and Analysis shall be completed prior to the final TECHNICAL REVIEW COMMITTEE meeting so that it can be included in the discussion. A complete version of the analysis shall be finished prior to the first meeting at which the application will be presented to the PLANNING BOARD so that ABUTTERS and the PLANNING BOARD will have an opportunity for review.

155-10. Actions by the Board/Public Hearings **[Amended per Planning Board on 03-23-2010]**

A. The PLANNING BOARD shall, by a majority vote of its members present, accept an application to subdivide at its regularly scheduled meeting only if the application has been submitted in accordance with 155-9. Notice of said PUBLIC MEETING shall be provided to the APPLICANT, ABUTTERS and the public in accordance with 155-2011 (RSA 676:4-I (d)).

B. The BOARD shall begin formal consideration of the application within thirty (30) days after submission and acceptance of the completed application. The BOARD shall act to approve, conditionally approve or disapprove within sixty-five (65) days after accepting the application subject to extension or waiver as set forth in paragraph C below (RSA 676:4-I (c)).

C. The PLANNING BOARD may apply to the City Council for an extension not to exceed an additional sixty-five (65) days before acting to approve, conditionally approve, or disapprove an application. The APPLICANT may waive the time period requirements for PLANNING BOARD action and consent to such extension as may be mutually agreeable (RSA 676:4-I(f)).

D. No application, shall be approved or disapproved without a PUBLIC HEARING on said application except as noted in 155-2010 .F below. Notice of the PUBLIC HEARING shall be provided in accordance with 155-11.

E. Following a PUBLIC HEARING on a SUBDIVISION application, the BOARD shall approve, conditionally approve, disapprove or table the proposed SUBDIVISION application. If approved or conditionally approved, the requirements of 155-12 and 155-13 shall be met. If the BOARD denies the preliminary plans, the APPLICANT shall be notified in writing as to the reasons for denial.

F. A PUBLIC HEARING is not required for disapprovals of applications based upon failure of the APPLICANT to supply information required by the regulations, including: ABUTTERS identification, failure to meet reasonable deadlines established by the BOARD, or failure to pay fees required by the BOARD (RSA 676:4 – I (e)(2)).

155-11. Public Notice Requirements.

A. No SUBDIVISION application shall be accepted or acted on by the PLANNING BOARD without giving due notice to the public. Such notice will be given in the following manner:

B. The APPLICANT and all ABUTTERS shall be notified by certified mail of the date upon which the application will be formally submitted to the BOARD. The APPLICANT and all ABUTTERS shall also be notified in the same manner concerning the date of the PUBLIC HEARING. If notice of the PUBLIC HEARING has been included in the notice of submission or any prior notice, additional public notice of the PUBLIC HEARING is not required. Nor shall additional notice be required of a recessed PUBLIC HEARING if notice is provided at the PUBLIC HEARING, (including date, time and place) when the hearing will be resumed.

C. Notice shall be mailed at least ten (10) calendar days prior to submission.

D. Notice to the general public shall be at the same time by advertising in a newspaper of general circulation or by posting. The notice shall include a general description of the proposal which is the subject of the application and shall identify the APPLICANT and the location of the proposal.

E. All costs of notice, including mailing, posting or publishing, shall be paid by the APPLICANT. Failure to pay such costs shall constitute valid grounds for the PLANNING BOARD to terminate further consideration and to disapprove the application without a PUBLIC HEARING.

155-12. Reserved. [Amended per Planning Board on 03-23-2010]

155-13. Reserved. [Amended per Planning Board on 03-23-2010]

155-14. Final Plat Certification; Recording, Performance and Maintenance Guaranty [Amended per Planning Board on 09-2011-90, 09-28-93, 01-14-2003, 04-22-2003, 08-26-2008, 3-23-2010 and 01-24-2012]

A. The APPLICANT shall submit to the Planning Department a mylar, an electronic copy, a digital CAD file and five (5) copies of the FINAL PLAT layout for PLANNING BOARD Chairman's signature within ninety (90) days of receipt of FINAL PLAT approval by the PLANNING BOARD. The Planning Director may grant one ninety (90) day extension if circumstances arise beyond the control of the APPLICANT. An extension denial by the Planning Director can be appealed to the PLANNING BOARD. Any additional extensions can only be granted by the PLANNING BOARD. The Planning Department shall file the signed mylar with the Office of the Registry of Deeds of Strafford County within thirty (30) days of the date of said signing. All applicable handling and recording fees charged by the Registry of Deeds shall be paid by the APPLICANT.

B. The FINAL PLAT layout shall be clearly and legibly reproduced on linen mylar, or any other permanent polyester base material, and shall conform to the specifications detailed in 155-29.

C. Every FINAL PLAT application granted approval shall be deemed to be an amendment of or an addition to the City of Dover OFFICIAL MAP and a part thereof. Approval of a FINAL PLAT application shall not be deemed to constitute or effect an acceptance by the City of the dedication of any STREET, open space, or parks shown upon the FINAL PLAT layout.

D The APPLICANT shall file, an irrevocable letter of credit or an ESCROW agreement as required by 155-25 prior to the issuance of a Building Permit, or as per the judgment of the PLANNING BOARD, prior to the start of construction of any IMPROVEMENTS.

E. An APPLICANT may, at the discretion of the PLANNING BOARD, be required to enter into an ESCROW agreement with the City as security for the performance of its obligation under 155-25, in lieu of filing an IRREVOCABLE LETTER OF CREDIT. Such ESCROW agreements shall be executed on forms provided by the City Engineer.

ARTICLE III

APPLICATION PROCEDURES FOR MINOR SUBDIVISIONS

155-15. Applicability **[Amended per Planning Board on 10-8-87]**

A. The following rules and regulations for MINOR SUBDIVISIONs shall pertain to those PARCELS of land which, through SUBDIVISION or RESUBDIVISION, are divided into three (3) or fewer LOTS within a four (4) year time period. These LOTS may be for BUILDING development purposes or for proposals which do not include the creation of LOTS for BUILDING development purposes (RSA 676:4-III). In addition, it must be determined that the MINOR SUBDIVISION:

(1) Would create only LOTS fronting on existing STREETS;

(2) Would require no new STREETS;

(3) Would require no extension of municipal facilities;

(4) Would require no public IMPROVEMENTS;

(5) Would have no adverse impact on the remainder of the PARCEL or any adjoining land;

(6) Would not conflict with any portion of the MASTER PLAN, Zoning ORDINANCE or these regulations.

B. The determination of whether a proposed SUBDIVISION is MAJOR or MINOR shall be made by the Planning Director based on initial discussions with the SUBDIVIDER. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning. If the APPLICANT does not agree with the Director's determination, he/she may appeal the decision to the BOARD at its next meeting.

C. The determination may be revised by the BOARD at any time prior to acceptance of the FINAL PLAT.

155-16. Preliminary Consultation.

Prior to formal submission of an application, a SUBDIVIDER may discuss his/her proposal with the Planning Director, TECHNICAL REVIEW COMMITTEE or PLANNING BOARD as per 155-8.

155-17. Application Submittal and Review **[Amended per Planning Board on 08-26-2008]**

Anyone desiring to subdivide a tract of land under the MINOR SUBDIVISION classification, shall file an application with the PLANNING BOARD in accordance with the following requirements, except for MINOR LOT LINE ADJUSTMENTS and boundary agreements as noted in 155-18 below. Only COMPLETE APPLICATIONS will be reviewed by the BOARD. To be considered complete an application shall:

A. Be made on forms available at the PLANNING BOARD office.

B. Include fifteen (15) copies and an electronic copy of a FINAL PLAT layout as described in 155-29 of this Chapter. Additional information/data may be requested by the PLANNING BOARD for the proper review of said MINOR SUBDIVISION.

C. Include fifteen (15) copies of the PLAT CONSTRUCTION DETAIL SHEETS, if appropriate, as described in 155-37 of this chapter.

D. Where city sewer service is not available, the APPLICANT shall provide evidence that all proposed LOTS are of a sufficient size to support individual waste systems as described in 155-42.

E. Include a fee in an amount to be determined in accordance with the fee schedule contained in 155-53 of this Chapter.

F. Be filed with the Director of Planning at least fifteen (15) calendar days prior to a regularly scheduled meeting of the BOARD. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records or the Strafford County Registry of Deeds not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, two duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.

G. PRELIMINARY PLATS are required for MINOR SUBDIVISIONS.

155-18. Application Submittal and Review for Minor Lot Line Adjustments and Boundary Agreements. **[Amended per Planning Board 08-26-2008 and 03-23-2010]**

Anyone desiring to alter a LOT LINE shall file an application with the PLANNING BOARD in accordance with the following requirements. Only COMPLETE APPLICATIONS will be reviewed by the BOARD. To be considered complete an application shall:

A. Be made on forms available at the PLANNING BOARD office.

B. Include fifteen (15) copies and an electronic copy of a surveyed PLAT layout that contains the following information:

(1) Date, approximate true North point and scale.

(2) Name, address and signature of OWNER and stamp of registered New Hampshire surveyor.

(3) Names of OWNERS of record of abutting properties or developments.

(4) Square footage within newly adjusted LOT LINES.

(5) LOT LINES with accurate dimensions and bearings of a sufficient scale to determine readily the location bearing and length of all lines.

(6) Zoning information and BUILDING SETBACK LINES for the zone.

(7) Location map.

(8) Existing structures.

C. Be filed with the Director of Planning at least fifteen (15) calendar days prior to a regularly scheduled meeting of the BOARD. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records or the Strafford County Registry of Deeds not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.

D. Include a fee in an amount to be determined in accordance with the fee schedule contained in Section 155-53 of this Chapter.

E. LOTS created under the Cluster SUBDIVISION with LOT LINES method of OPEN SPACE SUBDIVISIONS (formerly 155-22.D (3), shall not be allowed to have LOT LINE ADJUSTMENTS completed if the LOT LINE ADJUSTMENT would alter the area of Open Space approved at the time of SUBDIVISION.

155-19. Actions by the Board/Public Hearings.

A. The PLANNING BOARD shall, by a majority vote of its members present, accept a COMPLETE APPLICATION for a MINOR SUBDIVISION at its regularly scheduled meeting only if the application has been submitted in accordance with 155-17.

B. After accepting a COMPLETE APPLICATION, the BOARD may at the same meeting, proceed with a PUBLIC HEARING on the application providing that the APPLICANT, ABUTTERS and public have been notified of the hearing in accordance with 155-11.

C. If the PLANNING BOARD does not hold a PUBLIC HEARING on the day of submission and acceptance of a completed application, the BOARD shall begin formal consideration of the accepted application within thirty (30) days of the acceptance date.

D. The PLANNING BOARD is not authorized to approve without a PUBLIC HEARING, MINOR LOT LINE ADJUSTMENTS or boundary agreements which do not create BUILDABLE LOTS. This provision may not be waived (RSA 676:4-I (C)(V)).

E. A PUBLIC HEARING is not required for disapprovals of applications based upon failure of the APPLICANT to supply information required by the regulations, including: ABUTTERS identification, failure to meet reasonable deadlines established by the BOARD, or failure to pay fees required by the BOARD (RSA 674:4-I (e)(2)).

F. After the PUBLIC HEARING, the BOARD may act to approve, conditionally approve, disapprove or table the proposed SUBDIVISION application. If approved, the APPLICANT shall file the approved PLAT in accordance with 155-14.

G. Any APPLICANT that receives PLAT approval subject to CONDITIONS PRECEDENT, must comply with the CONDITIONS PRECEDENT by the time of submission of the FINAL PLAT. Additional PUBLIC HEARINGS, in accordance with 155-2011, will be held by the BOARD to determine if the APPLICANT has complied with all CONDITIONS PRECEDENT, except as noted below (RSA 676:4-I(i)).

(1) A PUBLIC HEARING is not required to determine compliance with CONDITIONS PRECEDENT if the Planning Director certifies in writing to the BOARD that the APPLICANT has satisfactorily complied with the CONDITIONS PRECEDENT and that the conditions imposed by the BOARD were:

(a) Minor PLAT changes whether or not imposed by the BOARD as a result of a PUBLIC HEARING, compliance with which is administrative and which does not involve discretionary judgment; or

(b) Conditions which are in themselves administrative and which involve no discretionary judgment on part of the BOARD; or

(c) Conditions with regard to the APPLICANT'S possession of permits and approvals granted by other boards or agencies.

(2) All other CONDITIONS PRECEDENT shall require a PUBLIC HEARING and notice as required in 155-11.

ARTICLE IV

OPEN SPACE SUBDIVISIONS

155-20. Concept and Purpose **[Amended per Planning Board on 07-2005-88 and 04-25-00]**

A. An OPEN SPACE SUBDIVISION (OSS) represents a form of residential development where, instead of subdividing an entire tract of land into LOTS of conventional size and arrangement, a similar number of single-family housing units, duplexes in an R-12 zone, may, at the discretion of the PLANNING BOARD, be arranged on the land in a more innovative fashion which better fits the topography and natural attributes of the SITE. The remaining land in the tract which has not been built upon shall be set aside for municipal use or integrated among the housing units and reserved for useable COMMON OPEN SPACE. Said open space shall be held in a form of ownership that will prevent it from being further subdivided or developed.

B. The purpose for establishing this section is to promote a development pattern that creates areas of useable and accessible open space, provides land for municipal use, prevents disruption of natural topography and drainage systems, maintains the rural and open character of the undeveloped area of the City; protect historically significant BUILDINGS, resources, and/or landscapes; protects valuable wildlife areas; allows for attractive SITE design and encourages a lesser and more practical utility and STREET network.

C. **[Deleted per Planning Board in its entirety on 04-25-2000]**

155-21. Approval Procedure **[Amended per Planning Board on 07-2005-88 and 02-2010-2004]**

A. An OPEN SPACE SUBDIVISION with SUBDIVISION LOTS or cluster arrangements, shall be subject to the granting of a MAJOR SUBDIVISION approval pursuant to the regulations contained herein. A plan for an OPEN SPACE SUBDIVISIONS with cluster arrangements shall depict, in addition to the required contents of a SUBDIVISION PLAT, the locations of all proposed BUILDING

SITES, roads, DRIVEWAYS, parking LOTS and other features determined by the PLANNING BOARD to be necessary for proper review of the plan.

B. In specific cases the PLANNING BOARD may vary the provisions contained herein, provided the modifications are consistent with the concept and purpose stated in Section 155-20 above.

155-22. General Requirements. **[Amended per Planning Board on 07-2005-88, 3-19-91, 04-25-00, 02-2011-2003, 02-2010-2004, 08-26-2008 and 03-23-2010]**

A. Location.

(1) Any MAJOR SUBDIVISION within an R-40 District shall be required to adhere to the following procedures for said development.

(2) Any proposed development in an R-20 or R-2012 District that meets the minimum LOT size requirement for an OPEN SPACE SUBDIVISION shall be required to adhere to the following procedures for said development.

B. Permitted uses shall be as follows:

(1) All uses permitted in the ZONING DISTRICT within which the OPEN SPACE SUBDIVISION is located.

(2) Open space, private or public, providing for both passive as well as active recreational facilities.

C. Minimum project area permitted for an OPEN SPACE SUBDIVISION shall be as follows:

(1)

ZONING DISTRICT	Contiguous Acres Required	
	Residential Only	With Commercial
R-40	No Minimum	50 acres
R-20	15 acres	50 acres
R-2012	5 acres	20 acres

Projects not meeting the minimum acreage requirements of an OPEN SPACE SUBDIVISION shall follow these additional requirements:

(a) A preliminary PUBLIC HEARING shall be conducted by the PLANNING BOARD prior to an APPLICANT'S formal submittal application for MAJOR SUBDIVISION approval. Prior to this preliminary PUBLIC HEARING, the APPLICANT shall submit two different design review plans for general discussion; one YIELD PLAN showing a SUBDIVISION plan based on

conventional regulations, and a second plan design as an OPEN SPACE SUBDIVISION. At said preliminary PUBLIC HEARING the APPLICANT shall be responsible for demonstrating that the characteristics of their plan warrant consideration for development as an OPEN SPACE SUBDIVISION.

(i) The disposition of the PUBLIC HEARING shall be executed as per the procedure established in 155-2011.

(ii) Within thirty (30) calendar days from the date of PUBLIC HEARING the PLANNING BOARD shall render a determination as to whether the APPLICANT can process his/her application as an OPEN SPACE SUBDIVISION or as a conventional SUBDIVISION.

b) An impact statement shall be submitted which details the probable effects of the SUBDIVISION on the following aspects of concern to the City:

(i) attendance at public schools;

(ii) increase in vehicular traffic;

(iii) changes in the number of legal residents;

(iv) increases in municipal costs;

(v) load on public utilities or future demand for them;

(vi) public safety;

(vii) changes in tax revenue;

(viii) changes in surface drainage;

(ix) increased consumption of groundwater;

(x) increased refuse disposal;

(xi) pollution of water or air;

(xii) land EROSION or loss of tree cover;

(xiii) disturbance to other aspects of the natural ecology;

(xiv) blocking of views;

(xv) harmony with the character of surrounding development; and

(xvi) location of utilities.

D. Density

(1). Density Allocation. The maximum number of DWELLING UNITS permitted in an OPEN SPACE SUBDIVISION shall be determined by a submitted YIELD PLAN. The resultant number shall not allow a higher density than that provided by a conventional SUBDIVISION on the same PARCEL.

An OPEN SPACE SUBDIVISION may consist of the following:

(a) A SUBDIVISION of land into reduced sized individual house LOTS.

(b) Cluster SUBDIVISION. One PARCEL with individual detached SINGLE-FAMILY DWELLINGS located in a cluster arrangement.

(c) **[Deleted per Planning Board in its entirety on 08-26-2008]**

2) Density Bonus

(a) If the proposed development is located in an R-40 or R-20 zone, and is greater than 50 acres, or is located within the R-2012 zone, and is more than 20 acres, a nonresidential component shall be allowed meeting the following the criteria:

(i) No more than fifty (50%) percent of the development SITE including open space, shall be devoted to parking, STREETS, BUILDINGS, and accessory structures.

(ii) Non-residential uses allowed in the underlying district, as well as those listed below, shall be permitted as long as they are constructed to be compatible in scale and design with residential uses, be attractive and low key (in terms of BUILDING design, signage, lighting, and treatment of parking), and have a strong pedestrian orientation with a BUILDING footprint of not to exceed ten thousand (10,000) square feet.

a. Neighborhood scale personal service establishments, such as convenience stores, craft store, drug stores, beauty shops, tailors, laundromats, banking establishments;

b. Professional offices;

c. Medical care uses, including medical care office BUILDINGS;

d. Adult day care facilities;

e. Sales office for the sale or rental of property;

f. Restaurants without a drive up window;

g. Elderly assisted care may have a BUILDING footprint of not to exceed twenty thousand (20,000) square feet.

(iii) Prohibited uses and designs. The following uses and designs are not permitted in an OPEN SPACE SUBDIVISION unless they are already allowed in the underlying ZONING DISTRICT under an existing permit or as existing non-conforming uses: commercial telecommunication towers/wireless communications facilities as a primary use, gravel pits, hospital, or wholesaling.

(iv) The commercial uses delineated above may be located in a flexible spatial environment, assuring compatibility with residential uses and with the overall development design, provided that nonresidential uses do not exceed 33% of the net tract area of the OPEN SPACE SUBDIVISION. These limitations herein are maximums and should not be construed as by right permitted levels of development.

(v) No BUILDING shall exceed four (4) stories in height (except for cupolas, dormers, BUILDING towers, and similar elements)

E. No structures or septic systems will be allowed to be built in the following areas: areas with a SLOPE greater than twenty (20) percent; areas within conservation districts; all FLOOD HAZARD AREAS, unless flood proofing standards can be met through construction practices, and; undevelopable wetlands as defined in Chapter 170 Zoning.

F. Dimensional Requirements.

ZONING DISTRICT	MINIMUM LOT SIZE FOR SUBDIVISION LOTS	MINIMUM FRONTAGE FOR SUBDIVISION LOTS	MINIMUM BUFFER ALONG FRONTAGE
R-40	20,000 SF	40	100
R-20	12,000 SF	30	100
R-2012	8,000 SF	20	100

MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS		MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS	
STREET Sides of Units	Between Units	Abutting A STREET	Abutting A LOT LINE
R-40 20 feet	30 feet	20 feet	20 feet
R-20 15 feet	25 feet	15 feet	15 feet
R-2012 10 feet	20 feet	10 feet	10 feet

(1) If a portion of a PARCEL of land is covered by a ZONING DISTRICT in which an OPEN SPACE SUBDIVISION is not permitted, this portion shall not be included in a proposed OPEN SPACE SUBDIVISION.

(2) If a PARCEL of land is covered by more than one of the R-40, R-20 or R-2012 ZONING DISTRICTS, and more than fifty (50) percent of the PARCEL lies in the more restrictive district, the more restrictive regulations shall apply to the entire PARCEL.

(3) FRONTAGE requirements shall not apply to cluster SUBDIVISIONS. Nevertheless, paved access suitable for emergency vehicles, and approved by the PLANNING BOARD, shall provide access from a city STREET or state highway to each of the units with the SUBDIVISION. All accessways shall be privately owned and comply with the private drive standards specified in Chapter 149, Site Review, of the Code of the City of Dover.

(4) Notwithstanding the dimensional requirements outlined above, structures or DWELLING UNITS in a proposed OPEN SPACE SUBDIVISION must maintain the following minimum buffer distances from existing structures, DWELLING UNITS and external boundaries:

ZONING DISTRICT	MINIMUM DISTANCE FROM EXISTING STRUCTURES OF DWELING UNITS	MINIMUM DISTANCE FROM EXTERNAL BOUNDARIES
R-40	100 Feet	50 Feet
R-20	75 Feet	40 Feet
R-2012	50 Feet	30 Feet

Whenever possible the natural vegetation shall be retained, or if required, vegetation shall be planted of sufficient size to shield the development from abutting properties.

G. Project ownership. The subject land may be owned, leased or controlled either by a single person, corporation or by a group of individuals or corporations. An approved OPEN SPACE SUBDIVISION shall be binding on the project land and OWNER(S) and shall be so indicated on each individual deed.

H. Additional considerations. In addition to the information required to be presented on the preliminary and FINAL PLAT layout (see 155-28 and 155-29), the following additional information shall be required.

(1) Dimensions and locations of all proposed COMMON OPEN SPACES.

(2) The external dimensions of OPEN SPACE SUBDIVISION boundaries. (See 155-23)

(3) Appropriate documents defining the DEED RESTRICTIONS and other provisions under which all COMMON OPEN SPACES will be established.

(4) A fiscal analysis demonstrating that the submitted YIELD PLAN is realistic shall be required of the APPLICANT. At a minimum the following items shall be included:

(a) potential road costs;

(b) potential utility costs;

(c) potential miscellaneous costs (to include the cost of moving existing structures.)

I. Community Leach (Septic) Systems. An OPEN SPACE SUBDIVISION (OSS) may include a community or common leach system for the disposal of the effluent from household septic tanks. Such a system shall be installed by the SUBDIVIDER and shall be installed under the following conditions:

(1) Community Leach Systems (CLS) may only be used in those areas of the appropriate zones served by the public water system of the city of Dover.

(2) All CLS's shall meet the design requirements of the State of New Hampshire Water Supply and Pollution Control Commission and these regulations:

(a) Each structure shall have its own septic tank sized according to the requirements of the N.H. Water Supply and Pollution Control Commission. Access to the septic tank cover should be provided by risers as necessary and location shown on the "As-Built plan" submitted to the Dover City Engineer as described in J(3) below.

(b) Leach fields shall be located on land held in common by the property OWNERS to be used exclusively for wastewater disposal. Each area designated for wastewater disposal shall be large enough to accommodate the required leach field and associated fill as well as an alternate reserve leach field, should replacement of the original field become necessary. The leach field and reserve field must have suitable soil according to the N.H. Water Supply and Pollution Control Commission rules for sewage disposal system design.

(c) All piping connecting septic tanks to leach systems and other mechanical equipment such as pumps, valves, etc. shall meet the standards of the State of New Hampshire and the City of Dover as detailed in 155-42. All such equipment used by more than one DWELLING shall be placed in an EASEMENT which shall be deeded to the maintaining authority and such authority shall have the right to access at any time for the purposes of maintaining the system. All construction under this article shall be explicitly subject to the provisions of Article V of these regulations.

(d) The DEVELOPER and HOMEOWNERS ASSOCIATION are required to provide each new resident in the development a copy of the N.H. Department of Environmental Services pamphlet "You and Your Septic System".

(3) Facility Ownership. At the conclusion of the construction of all piping, equipment and leach fields, a complete set of "As-Built" drawings of the systems will be filed with the City Engineer. The OWNERS of the CLS shall also comply with the following requirement:

(a) Whether or not the DEVELOPER has opted to establish a cooperative legal entity to own and manage the common space, such an entity shall be set up to own and manage the common leach system. The By-Laws of such an entity shall be established in accordance with state law governing such organizations (New Hampshire RSA 479A:1-23 inclusive as amended) and shall include the provisions of Article IV, paragraph 155-23.E, "Requirements of a Homeowner's Association", by substituting the words "common leach system" for "COMMON OPEN SPACE" in those regulations.

(4) Facility Maintenance Requirements. The following requirements shall be made part of any HOMEOWNERS ASSOCIATION agreement:

(a) The OWNER of the common leach system shall maintain a service contract with a licensed septic system service and installation contractor to perform the required maintenance. Such a contract shall detail the periodic maintenance to be performed on the distribution/collection system including leach fields, distribution boxes, pumps, and collection pipes, etc. The service contract shall provide for an annual report to the City Engineer by the licensed septic system installer detailing the condition of the system and any repairs made that year or anticipated at the time of the report. A copy of the service contract shall be delivered to the City Engineer for review at least 30 days before it goes into force.

(b) The OWNER of the common leach system shall collect from the users of the system an annual fee equal to the cost of repairs and an amount sufficient to establish a reasonable cost of replacement reserve. The fee should be assessed annually based upon the previous years experience and the forth coming service contract amount.

(c) The maintaining authority shall keep a record of each individual septic tank, showing its location and the frequency of its pumping. As a guide to maintenance, each tank should be pumped at least once in every five (5) year period and not more frequently than every two (2) years.

(d) No structure shall be built on a LEACH FIELD LOT.

155-23. COMMON OPEN SPACE **[Amended per Planning Board on 07-2005-88 and 04-25-2000]**

A. General COMMON OPEN SPACE shall be set aside for the use and benefit of the residents in an OPEN SPACE SUBDIVISION, or dedicated to a public or non-profit organization. Generally the open space shall be useable for recreation and integrated into the layout and design of the SUBDIVISION. The location and configuration of the open space shall be at the discretion of the PLANNING BOARD.

B. External Boundaries. A BUFFER ZONE of one hundred (100) feet shall be provided along the perimeter of the subject tract that fronts existing public roadways. If said perimeter is predominantly open land, it shall be suitably landscaped at the discretion of the PLANNING BOARD. Should the PLANNING BOARD find that the unique topography and other SITE conditions warrant a certain degree of flexibility in the

extent of the required BUFFER ZONE, a waiver of the affected portion of said buffer will be taken under consideration.

C. Open Space Requirements.

(1) The COMMON OPEN SPACE for an OPEN SPACE SUBDIVISION that contains SUBDIVISION LOTS shall be depicted on the SUBDIVISION PLAT as bounded by property lines and as being exclusive of: house LOTS; STREETS, DRIVEWAYS and parking LOTS; STORM WATER collection ponds; land area dedicated to septic systems, and; EASEMENTS and RIGHTS-OF-WAY for STORM WATER drainage ways, STREETS or and utilities. The COMMON OPEN SPACE for an OPEN SPACE SUBDIVISION that contains DWELLING UNITS in cluster arrangements on a single PARCEL shall be depicted on the SUBDIVISION PLAT as land area exclusive of: DWELLING UNITS and accessory structures; STREETS, DRIVEWAYS and parking lots; areas required for minimum buffers around DWELLING UNITS; land area required for septic systems; area covered by EASEMENTS or RIGHTS-OF-WAY for STORM WATER drainage systems, STREETS or utilities, and; STORM WATER collection ponds. The legal and spatial disposition of such open space is at the sole discretion of the PLANNING BOARD.

(2) The area of the open space shall equal or exceed the total allowed reduction in the LOT sizes within the OPEN SPACE SUBDIVISION and shall be permanently dedicated as open space, or for municipal use as agreed upon. A minimum of 50% of the total open space land must be usable uplands and reasonably accessible to all property OWNERS in the project.

(3) The open space shall be deeded to the City of Dover for municipal use, deeded to a non-profit organization, or a DEED RESTRICTION or EASEMENT shall be placed upon all COMMON OPEN SPACE, so that all said open space remains open space in perpetuity and shall never be developed or further subdivided. Acceptance of ownership of deeded open space is at the discretion of the City or non- profit organization.

(4) Said DEED RESTRICTIONS and documents shall be placed on file with the City Clerk upon receipt of PLANNING BOARD SUBDIVISION approval and duly recorded at the Strafford County Registry of Deeds, where appropriate.

(5) The required COMMON OPEN SPACE shall be owned and maintained by the DEVELOPER until it is owned in one or more of the following ways:

(a) By the City of Dover, subject to acceptance by the City.

(b) By a private, nonprofit organization (such as the Nature Conservancy or Audubon Society), which has as its purpose the preservation of open space through ownership and control; provided, however that the residents within the OPEN SPACE SUBDIVISION have access to the COMMON OPEN SPACE for appropriate recreational uses.

(c) By a private, nonprofit corporation, association or other nonprofit legal entity such as homeowner's association, established by the APPLICANT for the benefit and enjoyment of the residents of the SUBDIVISION and over which said residents have control.

(d) No privately owned recreation structures shall be built in the open common space without the approval of the PLANNING BOARD.

(e) Current Use Limitation: The common land areas, open space areas and natural areas in an approved development are considered to be a part of the residential use of such development and shall not be considered to be "open space land"; "farmland"; "wetlands"; "recreation land"; "floodplain"; or "wild land: within the meaning of RSA 79-A except where such consists of actively operated farmland.

D. In the event that an OPEN SPACE SUBDIVISION is to be of the cooperative legal entity, all COMMON OPEN SPACE shall be governed in accordance with the requirements of the New Hampshire RSA 479A:1-23 inclusive as amended.

E. Requirements of a homeowner's association.

(1) The financial and administrative obligations for future maintenance of COMMON OPEN SPACE and other common facilities shall be clearly stated, adequate and enforceable by the City, at the association's expense, in the event of negligence.

(2) In the event that the homeowner's association established to own and maintain COMMON OPEN SPACE or any successor organization shall fail to maintain the COMMON OPEN SPACE/facilities in a reasonable order and condition, the PLANNING BOARD may serve written notice upon such organization and shall demand that any deficiencies of maintenance be cured in thirty (30) days of receipt of said notice. In addition, a trustee shall be designated by the homeowners' association to insure that proper care of said COMMON OPEN SPACE is continued. The trustee's responsibilities shall include, but not be limited to, passive and active recreational areas, retention ponds, drainage EASEMENTS and common septic disposal systems.

(3) In the event that the maintenance deficiencies have not been resolved within said prescribed time limits, the cost of maintenance by another party, other than the City of Dover, shall become a tax lien on the properties within the SUBDIVISION. Entry and maintenance of said COMMON OPEN SPACE shall not exceed a period of one (1) year.

(4) Before the expiration of said year, the PLANNING BOARD shall, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of the COMMON OPEN SPACE, call a PUBLIC HEARING upon fifteen (15) days' notice to such organization or to the residents and OWNERS of the development, at which hearing such organization or the residents or OWNERS of the development shall show cause why such maintenance by the third party shall not, at the election of the City, continue for a succeeding year.

(a) If the PLANNING BOARD determines that said organization is able to maintain said COMMON OPEN SPACE in a reasonable condition, the City shall cease to have such space maintained at the end of the prescribed time limit.

(b) If the PLANNING BOARD determines that such organization is not able to maintain said COMMON OPEN SPACE in a reasonable condition, the City may continue to have such land maintained by a third party for a succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the PLANNING BOARD in each such case shall constitute the final administrative decision subject to judicial review.

(5) The cost of such maintenance shall be assessed proportionately against the properties within the development that have a right of enjoyment of the COMMON OPEN SPACE and shall become a tax lien on said properties. The City, at the time the third party enters upon said COMMON OPEN SPACE for the purpose of maintenance, shall file a notice of such lien in the office of the City Assessor and the Registrar of Deeds for Strafford County upon the properties affected by such lien within the development, and the same shall be discharged by the City upon payment as with other liens.

ARTICLE V

REQUIRED IMPROVEMENTS AND AGREEMENTS

155-24. Performance Requirements **[Amended per Planning Board on 11-15-91, 06-13-95, 08-26-2008, 03-23-2010 and 01-24-2012]**

A. All SITE IMPROVEMENTS in the approved SUBDIVISION or part thereof shall be constructed and/or installed within four (4) years of the date of FINAL PLAT approval in accordance with the requirements specified herein, unless such time is extended by written mutual consent of the APPLICANT and the PLANNING BOARD. Such IMPROVEMENTS shall not be considered complete until officially approved by the City Engineer and Community Services Director, or accepted by the City Council, as appropriate. Responsibility for uninspected and unimproved utilities will be that of the DEVELOPER.

B. The PLANNING BOARD may grant time extensions, not to exceed one (1) year each. The APPLICANT shall appear before the PLANNING BOARD and document that the following criteria are met:

(1) The proposed project is consistent with the City MASTER PLAN.

(2) Surrounding conditions (ie. traffic flow, school capacity, water/sewer demand) have not changed to the point of requiring reanalyzing of the proposed project.

(3) The proposed project complies with current City, State and Federal regulations, ORDINANCES and statutes.

(4) Notification of ABUTTERS shall be required of all first time extension requests. Said notification shall be by certified mail and shall be at the expense of the APPLICANT.

C. BUILDING certificates of occupancy, shall be issued by the BUILDING OFFICIAL for all residential and/or nonresidential units only upon the receipt of a written memorandum cosigned by the Planning Director, the Community Services Director or the City Engineer and the Fire Chief or designee as to the adequacy of all required IMPROVEMENTS servicing the subject PARCEL or PARCELS.

(1) A CERTIFICATE OF OCCUPANCY shall be issued, provided that all required roads, utilities and other IMPROVEMENTS servicing the subject PARCEL have been constructed and/or installed in accordance with city specifications.

(2) A CERTIFICATE OF OCCUPANCY may be issued if only minor IMPROVEMENTS are needed to complete the project and if the completion of these IMPROVEMENTS have been delayed due to factors, such as the weather, beyond the control of the DEVELOPER. The DEVELOPER must demonstrate to the Planning Director, the Community Services Director or the City Engineer and the Fire Chief or designee, the reason these IMPROVEMENTS were not completed. In addition, the DEVELOPER must demonstrate that the lack of these IMPROVEMENTS as well as the eventual construction of the IMPROVEMENTS will not impede the protection of public health and safety and that an IRREVOCABLE LETTER OF CREDIT will be posted to cover the cost of these IMPROVEMENTS, as outlined in 155-24. The DEVELOPER must also indicate the time that will be required to make the necessary IMPROVEMENTS.

D. Construction activities and storage of BUILDING materials shall only be carried on in such a manner and at such times that shall render said activities not unduly objectionable to adjacent properties. Hours of construction shall be determined during the pre-construction meeting and documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Development prior to construction land disturbance.

E. Approved SUBDIVISIONS shall be protected from future amendments in regulations and ORDINANCES in accordance with RSA 674:39. In order to be protected under RSA 674:39, the OWNER shall have completed active and substantial development, which is defined as the construction of basic infrastructure to support the development, including road construction to a minimum of gravel base, utilities placed in underground conduits, construction of all drainage IMPROVEMENTS, installation of all EROSION and SEDIMENT control measures, and the construction of at least one complete BUILDING foundation. Substantial completion shall be defined as the completion of all on-site and off-site IMPROVEMENTS specified in the SUBDIVISION approval.

F. All SUBDIVISION IMPROVEMENTS which require blasting of land shall meet the requirements of Chapter 149-10.F, prior to any blasting occurring.

155-25. PERFORMANCE GUARANTY.

A. An IRREVOCABLE LETTER OF CREDIT that will be considered to have automatically been "called" unless the individual or institution advancing the surety obtains a CERTIFICATE OF COMPLETION from the City prior to the expiration date of the security, or an ESCROW agreement shall be filed by the SUBDIVIDER

with the City Clerk after FINAL PLAT approval, within the time requirements set forth in 155-14 of this Chapter.

B. Such PERFORMANCE GUARANTY shall be in an amount up to one hundred and twenty (120%) percent of the cost of construction as determined by the City Engineer to secure to the City the satisfactory construction and installation of the required IMPROVEMENTS.

C. Construction and installation of required IMPROVEMENTS must be satisfactorily executed within the time constraints imposed by the PLANNING BOARD, or the APPLICANT shall forfeit said PERFORMANCE GUARANTY, and the surety shall be used to complete and/or install such IMPROVEMENTS in accordance with the requirements specified herein. If an extension of such time limit is required, the APPLICANT shall notify the PLANNING BOARD at least thirty (30) days prior to said completion date. The PLANNING BOARD shall have the discretion to extend said completion date and/or increase the limit of the PERFORMANCE GUARANTY.

155-26. MAINTENANCE GUARANTY **[Amended per Planning Board on 08-26-2008 and 01-24-2012]**

An IRREVOCABLE LETTER OF CREDIT to guaranty that all SITE work was properly done shall be posted by the APPLICANT with the Community Services Department, which shall place the letter of credit with the City Treasurer. Such MAINTENANCE GUARANTY shall be in an amount of two percent of the estimated project cost prepared by the City Engineer for three (3) years after SITE IMPROVEMENTS are completed. If such repairs are needed and are not satisfactorily installed by the DEVELOPER, then such guaranty shall be used to complete and/or install such IMPROVEMENTS in accordance with the requirements specified herein.

155-27. Inspection of IMPROVEMENTS **[Amended per Planning Board on 03-23-2010]**

All SITE IMPROVEMENTS shall be subject to inspection by and approval of the Community Services Director, City Engineer and the Planning Director, as appropriate, who shall be notified by the DEVELOPER at least seventy-two (72) hours prior to the start of construction. Inspections will be conducted by said officials or their designee following a request by the DEVELOPER. No underground installation shall be covered until inspected by the appropriate City department. Any IMPROVEMENTS covered without inspection shall be considered not accepted. All fees and costs connected with inspection for the review of plans, construction and specifications shall be paid for by the DEVELOPER, at a rate set forth in the City of Dover Adopted Schedule of Fees, as amended annually.

ARTICLE VI

LAYOUT SPECIFICATIONS AND CONSTRUCTION DETAILS

155-28. PRELIMINARY PLAT Layout [Amended per Planning Board on 08-26-2008, 03-23-2010, and 01-24-2012]

The PLANNING BOARD, in considering an application for the SUBDIVISION of land, shall be guided by the following considerations and standards. A PRELIMINARY PLAT layout submitted to the PLANNING BOARD shall be drawn to a convenient scale, not less than one (1) inch equals fifty (50) feet, and shall show the following information:

A. A location or locus map drawn at a suitable scale showing the entire SUBDIVISION and its relation to the surrounding area.

B. Proposed SUBDIVISION name and location.

C. Names and addresses of the OWNER, APPLICANT and the REGISTERED LAND SURVEYOR who prepared the PRELIMINARY PLAT layout.

D. The names of all adjoining property OWNERS of record or names of condominium association officers.

E. The date, approximate true North point and scale.

F. The location and approximate dimensions of all existing property lines, including the entire area proposed to be subdivided and the remainder of the tract not subdivided, if any.

G. All relevant features, including soils information, existing structures, STREETS, railroads, bodies of water, watercourses and significant vegetation, that may influence the design of the SUBDIVISION.

H. Contours shall be at two-foot intervals, shown in dotted lines for the existing natural surface and in solid lines for proposed final grade, together with the final grade elevations shown in figures at all LOT corners. If the existing grades are not to be changed, then the contours in these areas shall be solid lines. Upon request, contours delineating existing surface shall be extended one hundred (100) feet beyond the limits of the SUBDIVISION boundaries and shall be related to the United States Geological Survey, provided that bench marks exist within one-half (1/2) mile of the boundary of the SUBDIVISION.

I. Limits of special districts, including zoning, shall be shown within the scope of the layout.

J. STREETS and RIGHTS-OF-WAY on and adjoining the SITE of the proposed SUBDIVISION, showing all names, and including STREET roadway and RIGHT-OF-WAY widths, approximate gradients, types and widths of pavements, curbs, sidewalks, crosswalks and other pertinent data, including the functional classification of all proposed STREETS.

K. Locations and dimensions of all property proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semipublic, or community purpose. The City will not accept the ownership or maintenance of any land used to retain or impound STORM WATER RUNOFF.

L. The locations and results of soil percolation tests if individual sewage disposal systems are proposed.

M. Proposed locations of all utilities, including water mains, storm and sanitary sewer mains, catch basins and culverts, streetlights, fire hydrants, etc.

N. The one hundred (100) year flood elevation data shall be provided for that portion of the SUBDIVISION located within a "Special FLOOD HAZARD AREA" as designated on the Flood Boundary and Flooding Maps and Flood Insurance Rate Maps for the City of Dover, dated May 17, 2005, or later.

O. Reserved. **[Amended per Planning Board 03-23-2010]**

P. A neighborhood plan, showing all property lines within a distance determined by the Planning Director during initial consultations, and how the project relates to abutting uses. This sheet should show the proposed layout of the SUBDIVISION.

Q. Any project that creates more than ten (10) residential LOTS shall submit a fiscal impact analysis which details the probable effects of the SUBDIVISION on the following aspects of concern to the City:

(1) attendance at public schools;

(2) increase in vehicular traffic;

(3) changes in the number of legal residents;

(4) increases in municipal costs;

(5) load on public utilities or future demand for them;

(6) public safety;

(7) changes in tax revenue;

(8) changes in surface drainage;

(9) increased consumption of groundwater;

(10) increased refuse disposal;

(11) pollution of water or air;

(12) land EROSION or loss of tree cover;

(13) disturbance to other aspects of the natural ecology

(14) blocking of views;

(15) harmony with the character of surrounding development; and

(16) location of utilities.

155-29. Final Plat Layout **[Amended per Planning Board on 01-14-2003, 08-26-2008, 03-23-2010 and 01-24-2012]**

A. FINAL PLAT layouts shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet, provided that the resulting drawing shall not exceed thirty-four (34) inches in the longest dimension. A scale of up to one hundred (100) feet to one (1) inch may be used for such larger SUBDIVISIONS. Five (5) black or blue line prints of the FINAL PLAT layout shall be submitted per requirements specified in 155-14.

B. Information to be shown on FINAL PLAT layout shall include all of the information on the PRELIMINARY PLAT, as required by Chapter 155-28, and the following information:

(1) Proposed SUBDIVISION name or identifying title which shall not duplicate or closely approximate that of any other development in the City.

(2) Locations and widths of all STREETS and sidewalks, together with names of STREETS, STREET numbers for all structures and location, dimensions and status of all EASEMENTS proposed by the SUBDIVIDER.

(3) LOT areas in square feet.

(4) LOT LINES with accurate dimensions and bearings of a sufficient scale to determine readily the location, bearing and length of all lines. The survey information shall be tied into the City's Geographical Information System coordinate system if the benchmarks exist within one-half (1/2) mile of the PARCEL being subdivided.

(5) Radius of all curves and length of arcs.

(6) Location, material and approximate size of all permanent monuments.

(7) The accurate outline of all property which is offered or to be offered for dedication for public use, with the purpose intended thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property OWNERS of the SUBDIVISION.

(8) Minimum BUILDING line SETBACK on all LOTS.

(9) A STORM WATER Management and EROSION Control Plan prepared in accordance with the design standards in Chapter 155-35, if it is determined to be necessary by the TECHNICAL REVIEW COMMITTEE during its review process, as outlined in Chapter 155-9.F or Chapter 155-16.

(10) Where proposed, show location of sanitary system.

(11) All elevations shall be referenced to the United States Geological Survey.

(12) All dimensions shall be shown in feet and decimals of a foot.

(13) All proposed restrictive covenants.

(14) Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law.

(15) An approved SUBDIVISION does not absolve the SUBDIVIDER or subsequent OWNER from conforming with the regulations, ORDINANCES and laws of the City of Dover, the State of New Hampshire or the U.S. Government. Specifically before construction, City and/or State approval of the design of any leach field, septic system of sewer system or sewer system connection well and City approval of DRIVEWAY access and BUILDING codes must be obtained.

155-30. Construction Detail Sheets **[Amended per Planning Board on 01-24-2012]**

Construction detail sheets shall show the following information, except that where requirements have been waived, applicable specifications may be omitted:

A. Profiles showing existing and proposed elevations along the center line of all STREETS. Where a proposed STREET intersects an existing STREET or STREETS, the elevations along the center line of the existing STREET or STREETS, within one hundred (100) feet of the intersection, shall be shown. All elevations shall be referenced to the United States Geological Survey.

B. Plans and profiles showing the locations and a typical section of STREET pavements, including curbs and gutters, sidewalks, manholes and catch basins; the location of STREET trees, street lighting standards and STREET signs; the location, size and invert elevations of existing and proposed sanitary sewers, STORM WATER drains and fire hydrants; the exact location and size of all water, gas and other underground utilities or structures; and the location and elevation of the one hundred year floodplain, where applicable.

ARTICLE VII

GENERAL REQUIREMENTS AND DESIGN STANDARDS

155-31. Minimum Standards; Waiver.

In considering application for the SUBDIVISION of land, the PLANNING BOARD shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the PLANNING BOARD only under circumstances set forth in 155-51 herein.

A. Character of land. Land to be subdivided shall be of such character that it can be used safely for BUILDING purposes without danger to health or peril from fire, flood, soil failure or other hazard.

B. Specifications for required IMPROVEMENTS. All required IMPROVEMENTS shall be constructed or installed to conform to the City's specifications.

155-32. Street Layout **[Amended per Planning Board on 01-24-2012]**

A. Width, location and construction. STREETS shall be of sufficient width (see attached Standard Road Cross-Section), suitably located and adequately constructed to conform with the MASTER PLAN and to accommodate the projected traffic and afford access for firefighting, snow-removal and other road maintenance equipment. The arrangement of STREETS shall be such as to avoid imposing undue hardship on adjoining properties and shall be coordinated so as to comprise a convenient system. In the event a SUBDIVISION adjoins or includes an existing STREET which does not conform to widths as required by these regulations or by the MASTER PLAN of

the City of Dover, the DEVELOPER shall dedicate sufficient land to bring such STREET into conformity. SUBDIVISIONS along one (1) side of any such STREET or highway shall be required to dedicate only one-half (1/2) of the required extra width.

B. Arrangement. The arrangement of STREETS and/or right- of-way in a SUBDIVISION shall provide for the continuation of STREETS and/or RIGHTS-OF-WAY of adjoining SUBDIVISIONS and for the proper protection of such accessways into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewer, water and drainage facilities. Continuations or extensions of existing STREETS and/or RIGHTS-OF-WAY shall be of widths equal to or greater than those appurtenances now existing; provided, however, that such IMPROVEMENTS conform to those standards contained herein 155-32.A. Where, in the opinion of the PLANNING BOARD, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified.

C. LOCAL STREETS. LOCAL STREETS (minor) shall be so arranged that their use by through traffic shall be avoided.

D. Provision for future RESUBDIVISION. Where a tract is subdivided into LOTS substantially larger than the minimum size required in the ZONING DISTRICT in which a SUBDIVISION is located, the PLANNING BOARD may require that STREETS and LOTS be arranged so as to permit future RESUBDIVISION in accordance with the requirements contained in this Chapter.

E. Dead-end STREETS (cul-de-sac). The creation of dead- end or loop residential STREETS shall be encouraged whenever the PLANNING BOARD finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end STREETS, where needed or desirable, the PLANNING BOARD may require the reservation of a twenty (20) foot wide EASEMENT to provide for continuation of pedestrian traffic and utilities to the next STREET.

F. BLOCK size. BLOCKS general shall not be less than five hundred (500) feet nor more than one thousand two hundred (1,200) feet in length. In general, no BLOCK width shall be less than twice the normal LOT depth. In BLOCKS which exceed eight hundred (800) feet in length, the PLANNING BOARD may require the reservation of an EASEMENT through the BLOCK to provide for the crossing of pedestrian traffic and underground utilities where needed or desired and may further specify, at its discretion, that a paved footpath be included.

G. Intersections with COLLECTOR or major ARTERIAL roads. Local (minor) or secondary STREET openings into such roads shall, in general, be at least four hundred (400) feet apart. Intersections of more than two (2) STREETS at any one (1) point shall not be allowed without PLANNING BOARD approval.

H. STREET jogs. STREET jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.

I. Angle of intersection. In general, all STREETS shall join each other so that for a distance of at least one hundred (100) feet the STREET is approximately at right angles to the STREET it joins. No STREET shall intersect another STREET at an angle of less than sixty degrees.

J. Reverse curves. A minimum tangent of one hundred (100) feet shall be required between reverse curves on ARTERIAL and COLLECTOR STREETS.

K. Relation to topography. The STREET plan of a proposed SUBDIVISION shall bear a logical relationship to the topography of the property, and all STREETS shall be arranged so as to obtain as many of the BUILDING SITES as possible at or above the grade of the STREETS. Grades of STREETS shall conform as closely as possible to the original topography.

L. Special treatment along major ARTERIAL STREETS. Where a SUBDIVISION abuts or contains an existing or proposed major ARTERIAL STREET, the PLANNING BOARD may require limited-access STREETS, reverse FRONTAGE with screen planting contained in a nonaccess reservation along the rear property line, deep LOTS with rear service alleys or such other treatments may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

155-33. Street Design **[Amended per Planning Board on 08-11-92, 11-28-95, 01-14-2003 and 08-26-2008]**

A. Widths of RIGHTS-OF-WAY. STREETS shall be the following widths:

TYPE OF STREET	MINIMUM RIGHT-OF-WAY	MINIMUM PAVEMENT	
		RESIDENTIAL	NONRESIDENTIAL
ARTERIAL STREETS (major)	70	36	36
COLLECTOR STREETS	60	32	32
LOCAL STREETS – up to 5 LOTS	50	20*	28

LOCAL STREETS – 6 to 20 LOTS	50	24**	28
LOCAL STREETS – 21 or more LOTS.	50	28***	28

***No on STREET parking will be allowed.**
****Parking must be restricted to one side of the road only.**
*****The PLANNING BOARD may allow a reduction to twenty-four (24) feet if the SUBDIVISION is designed to provide a one hundred (100) foot SETBACK from the existing public RIGHT-OF-WAY for any structures on the CORNER LOTS created at the intersection(s) of the proposed SUBDIVISION STREET and the existing public STREET.**

B. IMPROVEMENTS. STREETS shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, STREET trees and fire hydrants, except where waivers may be requested, and the PLANNING BOARD may waive, subject to appropriate conditions, such IMPROVEMENTS as it considers may be omitted without jeopardy to the public health, safety and general welfare. Pedestrian EASEMENTS shall be improved as required by the City Engineer or designee. Such grading and IMPROVEMENTS shall conform to the design specifications set forth in Articles VII and VIII.

C. Utilities. The PLANNING BOARD shall, whenever possible, require that underground utilities be placed in the STREET RIGHT-OF-WAY to simplify location and repair of lines when they require attention. The SUBDIVIDER shall install underground service connections to the property line of each LOT within the SUBDIVISION for such required utilities before the STREET is paved.

D. Utility EASEMENTS. Where topography is such as to make impractical the inclusion of utilities within the STREET RIGHT-OF-WAY, perpetual unobstructed EASEMENTS at least thirty (30) feet in width shall be provided with satisfactory access to the STREET. EASEMENT of greater width may be required where more than one utility is located in the same EASEMENT. Wherever possible, EASEMENTS shall be continuous from BLOCK to BLOCK. Such EASEMENTS shall be cleared and graded where required.

E. No tree, shrub or BUILDING shall be placed or erected in any EASEMENT for utility or drainage purposes, except at the OWNER'S risk as to all costs for demolition, removal or reconstruction or by arrangements made with the City Engineer and the Community Services Director. The proper authorities may have free access to and use of the EASEMENTS at any time. Any planting of trees within the STREET RIGHT-OF-WAY shall be in accordance with a plan approved by the Community Services Director.

F. Curve radii at STREET intersections. STREET RIGHT-OF-WAY lines at intersections shall be rounded by curves of at least thirty (30) foot radius for local

residential STREETS and at least thirty-five (35) foot radius for all other STREETS, unless otherwise specified by the PLANNING BOARD.

G. Grades. No LOCAL STREET grade shall be in excess of eight (8) percent and no COLLECTOR STREET grade shall be in excess of four (4) percent, except as otherwise approved by the PLANNING BOARD due to adverse topographic conditions. For adequate drainage, the minimum grade of any new STREET shall not be less than one-half of one (0.5) percent. No STREET shall support a grade in excess of three (3) percent within seventy- five (75) feet of its point of intersection with any other STREET.

H. Changes in grade. All changes of grade shall be connected by vertical curves of such length and radius so as to provide smooth transition and proper sight distance.

I. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any CORNER LOT (whether at an intersection entirely within the SUBDIVISION or of a new STREET with an existing STREET) shall be kept cleared of all growth, except isolated trees, and obstructions above a level three (3) feet higher than the center line of the STREET. If necessary, ground shall be excavated to achieve visibility.

J. Dead-end STREETS (CUL-DE-SAC). Unless topography indicates a need for a greater length, said STREETS shall not exceed one thousand (1,000) feet in length and shall terminate in a CUL-DE-SAC. The exact form of the CUL-DE-SAC shall be aesthetically pleasing as well as functional. The RIGHT-OF-WAY limits at the CUL-DE-SAC shall be as necessary to ensure adequate property within which to properly maintain the area. The exact configuration and dimension of the CUL-DE-SAC shall be approved by the PLANNING BOARD. Temporary dead-end STREETS, such as in phased construction, may require temporary turnaround facilities. Hammer head designed dead end STREETS are not acceptable for public roadways.

K. Watercourses. Where a watercourse separates a proposed STREET from abutting property, provision shall be made for access to all LOTS by means of culverts or other structures of suitable design.

L. Where a SUBDIVISION is traversed by a watercourse, drainageway, channel or stream, there shall be provided, upon request, a STORM WATER EASEMENT or drainage RIGHT-OF-WAY. In no case shall it be less than thirty (30) feet in width.

155-34. Street Names [Amended per Planning Board on 01-24-2012]

A. Type of name. All STREET names and addresses for LOTS and/or BUILDINGS shall be shown on a preliminary and FINAL PLAT layout and shall be approved by the PLANNING BOARD. In general, STREETS shall have names and LOT numbers.

B. Names to be substantially different. Proposed STREET names shall be substantially different so as not to be confused in sound or spelling with present names, except those STREETS that join or are in alignment with STREETS or an abutting property shall bear the same name.

C. Where a subdivision will create a private roadway, the RIGHT OF WAY name shall end in Drive.

155-35. Stormwater Management, Erosion Control, and Flood Hazards.

[Amended per Planning Board 08-26-2008, 03-23-2010 and 01-24-2012]

A. Purpose

(1) The following are the purposes of these regulations:

(a) To treat STORM WATER to maintain and protect the quality of receiving waters;

(b) To reduce the DISCHARGE of pollutants;

(c) To promote the implementation of Low Impact Development practices;

(d) To minimize the amount of SITE disturbance and retain existing vegetation to the extent possible;

(e) To maintain the natural hydrology of a SITE to the extent possible;

(f) To promote the use of nontraditional and nonstructural STORM WATER management measures;

(g) To promote STORM WATER management systems that require lower maintenance;

(h) To encourage designs that allow for the containment in the event of a spill;

(i) To promote a balance between pre-development and post-development flow and volume;

(j) To properly pre-treat all STORM WATER RUNOFF;

(k) To promote designs that maintain groundwater recharge volumes;

(l) To address salt and sand loading

B. STORM WATER Management

(1) A written engineering report describing the impacted watershed area, projected RUNOFF and any projected downstream impacts shall be required upon request. Where it is determined by the City Engineer that the additional RUNOFF incident to the development of the project SITE will overload or significantly impact an existing watercourse or downstream drainage facility, the PLANNING BOARD may require the provision of drainage EASEMENTS or drainage IMPROVEMENTS and/or facilities to alleviate said problem. Unless the PLANNING BOARD grants a waiver, the post-development surface water RUNOFF rate(s) shall not exceed the pre-development RUNOFF rate(s). All required drainage IMPROVEMENTS and/or facilities shall be sized and constructed as required in Chapter 155-41.

(2) Drainage calculations and STORM WATER management measures to achieve water quality, recharge, and peak DISCHARGE control shall be prepared in conformance with the BEST MANAGEMENT PRACTICES outlined in the following documents:

(a) "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE," Rockingham County Conservation District, NH Department of Environmental Services (DES), Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended;

(b) “NEW HAMPSHIRE STORMWATER MANUAL” NH Department of Environmental Services (DES), December 2008, as amended; and

(c) any published DES regulations.

(3) Measurement of peak DISCHARGE rates shall be calculated using point of DISCHARGE. The topography of the SITE may require evaluation at more than one location if flow leaves the property in more than one direction. An APPLICANT may demonstrate that a feature beyond the property boundary is more appropriate as a design point.

(a) During the development of a site, if it is discovered that more site drainage is generated than originally designed for, eg geothermal well discharge, excessive sump pumping, then a new drainage study shall be submitted to the City Engineer, for review and approval.

(4) No new STORM WATER conveyances may DISCHARGE untreated STORM WATER directly to or cause EROSION into wetlands or water bodies.

(5) A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) shall be developed to prevent EROSION, control SEDIMENT loss and keep other pollutants from contaminating STORM WATER and receiving waters. The SWPPP shall utilize a combination of structural, non-structural, and vegetative BEST MANAGEMENT PRACTICES (BMP's). A SWPPP is required by the Environmental Protection Agency (EPA) as part of their STORM WATER permit program and the NH Department of Environmental Services. Copies of all SWPPP inspection reports (completed on City provided forms) prepared during construction shall be submitted to the Dover Community Services Department as they are completed.

C. STORM WATER Management System Operation and Maintenance Plans

(1) All STORM WATER management systems shall have an operation and maintenance plan (O&M plan) to ensure that systems function as designed. This plan shall be reviewed and approved as a part of the SITE plan. The O&M plan shall, at a minimum, identify:

(a) STORM WATER management system(s) OWNER(S);

(b) The party or parties responsible for operation and maintenance;

(c) A schedule for inspection and maintenance;

(d) The routine and non-routine maintenance tasks to be undertaken;

(e) An inspection and maintenance log sheet to record the results of the inspection; and

(f) The O&M plan shall include the requirement that an annual report, including all inspection and maintenance logs, be submitted to the Dover Community Services Department in the month of December.

(2) Where private storm water infrastructure is installed and proposed to be maintained by a collective Association (eg Homeowners or Condominium), said

Association's bylaws shall include a the requirement to annually submit the Management System Operation and Maintenance Plans to the Community Services Department.

D. EROSION and Sedimentation Control

(1) EROSION and sedimentation controls must be implemented to prevent impacts during construction or land disturbance activities, and shall be properly installed prior to soil disturbance in the contributing drainage area.

(2) The APPLICANT shall prepare a plan that provides for EROSION and SEDIMENT control measures that meet the design standards and specifications set forth in the document, "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE," Rockingham County Conservation District, NH Department of Environmental Services (DES), Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended, and any published DES regulations.

(3) The EROSION and SEDIMENT control plan shall contain a sequence of construction of the development SITE, including stripping and clearing, rough grading, road construction, construction of utilities, infrastructure, and BUILDINGS, and final grading. Sequencing shall identify the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary EROSION and SEDIMENT control measures, and the establishment of permanent vegetation. Stripping of vegetation, regarding, or other development shall be done in such a way that will minimize soil EROSION. Whenever practical, natural vegetation shall be retained, protected or supplemented.

(4) EROSION control measures called for in the plan shall be installed prior to the removal of vegetation and topsoil. Clearing necessary to install SEDIMENT control measures is allowed. Disturbed areas shall be kept to a minimum. Disturbed areas not in active development shall be adequately stabilized.

(5) All temporary EROSION and SEDIMENT control measures shall be removed after final SITE stabilization. Trapped SEDIMENT and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days.

(6) The APPLICANT/OWNER shall bear final responsibility for the installation, construction and disposition of all EROSION and SEDIMENT control measures required by these regulations. The APPLICANT/OWNER and construction SITE

operator shall maintain all EROSION and SEDIMENT control measures in effective working condition.

(7) The City Engineer shall require the posting of a letter of credit or other acceptable form of security to ensure the actual construction and installation of the EROSION and SEDIMENT control measures and to cover the cost of revegetating all disturbed areas on the SITE, prior to any earth disturbing activity. All loam shall be stockpiled on site and shall not be removed from the site until after substantial completion.

(8) In addition to local approval, the APPLICANT shall be responsible for obtaining any required State and Federal permits. Permits may include an Environmental Protection Agency (EPA) STORM WATER permit, NH Department of Environmental Services Site Specific permit, or a State wetlands permit.

E. Flood Hazards

(1) SUBDIVISIONS involving land designated as special FLOOD HAZARD AREAS shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements:

(a) Permits. Prior to preliminary approval, the PLANNING BOARD shall review the proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by Federal and State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

(b) Minimization of Flood Damage. Sufficient evidence (constructions drawings, grading and land treatment plans) shall be submitted so as to allow the PLANNING BOARD to determine that:

(i) All such proposals are consistent with the need to minimize flood damage;

(ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage;

(iii) Adequate drainage is provided so as to reduce exposure to flood hazards; and,

(iv) New and replacement water and sewer systems (including on-site systems) are located, designed, and constructed to minimize infiltration and avoid impairment.

(c) Elevation and flood-proofing records. The SUBDIVIDER shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures, whether or not such structures contain a basement.

(d) Base flood elevation data shall be provided for SUBDIVISION proposals and other proposed development which contains at least fifty (50) LOTS or five acres, whichever is less.

155-36. Parks, Open Space, Natural Features **[Amended per Planning Board on 01-14-2003 and 03-23-2010]**

A. Open space provision. The minimum requirements concerning the provision of open space facilities in SUBDIVISIONS shall be as specified herein and in Chapter 170 Zoning.

B. Reservation of park areas.

(1) Where a proposed park, playground, open space or other public use is shown in the MASTER PLAN or the Open Space Plan and is located, in whole or in part, in a SUBDIVISION, the PLANNING BOARD may require the dedication or reservation of such area within the SUBDIVISION.

(2) If no such areas are so delineated within the boundaries of a SUBDIVISION, the PLANNING BOARD may, where appropriate, require that the PLAT layout show SITES of a character, extent and location suitable for the development of a park, playground or other recreation purpose. Said area(s) shall not exceed fifteen (15) percent of the total area of the SUBDIVISION and shall have a sufficient legal restriction to assure permanence of use for open space and maintenance with respect thereto. The PLANNING BOARD shall consult with the Director of Parks and Recreation prior to the reservation of such land.

C. Reserve strips. Reserve strips of land which might be used to control access from the proposed SUBDIVISION to any neighboring property, or to any land within the SUBDIVISION itself shall be prohibited.

D. Preservation of natural features. The PLANNING BOARD shall, whenever possible, establish the preservation of those natural features which add value to residential/commercial developments and to the community, such as tree masses, watercourses, historic SITES, vistas and similar irreplaceable assets.

E. STREET tree planting. Any newly constructed roadway that is the result of a MAJOR SUBDIVISION shall include the planting of deciduous shade selected from

the City of Dover's approved list of STREET trees. The trees, with a minimum height at planting of eight feet, shall be planted within the RIGHT-OF-WAY along the FRONTAGE of all developed LOTS where residential development is to take place. In accordance with a Landscaping Plan submitted by the APPLICANT (which also takes into account the character of the area), the PLANNING BOARD and the Community Services Director shall duly approve the planting of such vegetal elements at staggered intervals on opposite sides of the STREET.

F. Perimeter Landscaping. In order to reduce the visual impact of new SUBDIVISIONS to abutting properties, the PLANNING BOARD shall require an APPLICANT for a MAJOR SUBDIVISION to prepare a perimeter landscaping plan. The purpose of the landscaping plan shall be to provide natural vegetation screening along the perimeter of the original LOT(S) being subdivided. Whenever possible, existing trees and shrubs shall be preserved and used to satisfy the screening requirements. The landscaping plan shall depict the species and sizes of the proposed trees and shrubs and identify any existing plants that will be preserved. Any trees proposed to be planted, shall have a minimum height of eight feet at the time of planting. Trees and shrubs shall include a mix of deciduous and evergreen species and shall be species tolerant to the climatic conditions of Dover. The PLANNING BOARD may allow alternative screening methods such as a combination of fencing, plantings and earthen berms only if preferred by the abutting property OWNER(S). Vegetation used as a buffer for screening purposes must maintain understory.

ARTICLE VIII

DESIGN SPECIFICATIONS

155-37. Construction Plans and Specifications

A. Before final approval is granted for any SUBDIVISION, the DEVELOPER shall submit a complete set of PLAT CONSTRUCTION DETAIL SHEETS and specifications to the City Engineer for evaluation. Once approved by the City Engineer, the DEVELOPER shall not alter or vary the construction documents without prior consultation with the City Engineer.

B. As a minimum, the PLAT CONSTRUCTION DETAIL SHEETS and specification shall incorporate the requirements of these regulations.

155-38. Utility Construction Standards **[Amended per Planning Board on 01-24-2012]**

A. All utilities shall be installed on or before the completion of the roadway base course. Work shall be constructed with the deepest utility being installed first and working up

to the road surface. The Community Services Department shall be notified seventy-two (72) hours prior to the start of any construction. All subsurface work shall be visually inspected by the City Engineer or designee prior to back filling.

B. These inspections shall be completed during normal working hours within a twenty-four (24) hour period after notification. Covering work before it has been inspected shall be sufficient cause for rejection. Final testing of subsurface utilities for acceptance by the city shall be completed prior to paving the road surface. All testing and inspections shall be at the expense of the DEVELOPER. Material samples and/or product certification sheets shall be supplied to the City Engineer or designee upon reasonable notice.

C. Any site improvements which require blasting of land shall follow the requirements of 149-10.F.

155-39. Reference Monuments

Utility and STREET IMPROVEMENTS shall be provided by the SUBDIVIDER in accordance with the standards and requirements described hereinafter. The standards contained hereinafter shall be considered as minimum requirements, and nothing contained herein shall be construed to imply that the SUBDIVIDER cannot construct or provide IMPROVEMENTS of a higher quality.

A. The DEVELOPER shall provide permanent reference monuments along the side of STREET RIGHTS-OF-WAY and reference pins along the side of any EASEMENT.

B. Monument specifications.

(1) Permanent monuments shall be of stone or reinforced concrete six by six by fifty-four (6x 6x 54) inches, with a drillhole in the center, set in such a manner so that they will not be disengaged by frost; if of concrete, the mix shall be Class A.

(2) All reference pins shall be of ferrous metal, one-half (1/2) inch in diameter or larger and a minimum of twenty-four (24) inches in length. The pin may be solid, hollow, round, square or any other standard configuration normally used by surveyors. The pin shall be driven into the ground and shall not protrude above the ground surface more than one and one-half (1 1/2) inches.

155-40. Street Improvements **[Amended per Planning Board on 09-2008-87 and 01-24-2012]**

A. General. In general, all new STREETS within the SUBDIVISION and all work to be undertaken thereon shall be designed and constructed according to the specifications adopted by the New Hampshire Department of Transportation. All plans for such

IMPROVEMENTS shall be submitted for approval or approval with modifications to the City Engineer.

B. Grading roadway and side SLOPES. The roadway and side SLOPES thereof shall be considered as part of a SITE's IMPROVEMENTS and as such shall be constructed substantially in accordance with the STREET crosssectional design standards. Side SLOPES shall not exceed one-foot vertical rise per every two (2) feet of horizontal length without retaining structure or other special considerations. If the depth of fill is over five (5) feet, the contractor may be required to perform certain operations to ensure that major settlement will occur prior to continuing construction.

C. All backfill in trenches and fill for roadbeds shall be thoroughly compacted to ninety-five (95%) percent of optimum density, unless otherwise specified in the approval specifications. All compaction is subject to testing by the City Engineer or designee.

D. STREET construction standards. All STREETS within the jurisdictional authority of the City, with the exception of state highways, shall be improved in accordance with the following minimum criteria and shall further be arranged and constructed in accordance with the provisions set forth hereinafter:

(1) Base course.

(a) The depth of the base course shall be as shown on the standard road cross section.

(b) Base course shall not be constructed during freezing weather or on a wet or frozen subgrade. Blading and rolling shall be required to provide a smooth, even and uniformly compacted course true to cross section and grade. A minimum SLOPE of the finished base course shall be one-half (1/2) inch per foot or as may be required on curves or on superelevations.

(c) Any portion of the base course material which is not accessible to means of proper compaction with rolling equipment shall be compacted thoroughly by methods satisfactory to the Community Services Department. All yielding or unstable material shall be excavated as directed and brought up to grade with satisfactory material.

(d) At all times during construction, the subgrade and all ditches shall be constructed and maintained so that the roadbed will be effectively drained to prevent EROSION.

(e) The top four (4) inches of the base course shall not contain stones over three (3) inches in diameter. The gravel pit shall be acceptable to the City.

(f) In areas with excessive clay, water or loam base, the depth of the base course shall be more than the minimum depth. The base course depth and required base drainage shall then be properly designed by the SUBDIVISION engineer and approved by the City Engineer (e.g., by increasing base depth as needed or road underdrains, or both).

(g) Design depth shall be based on current engineering practices, using percolation results obtained during the wet season, soil-bearing capacity and type.

(h) Samples of all gravel materials and gradation analysis to be used in project shall be submitted to the City Engineer's office upon request.

(2) STREET Paving.

(a) STREET paving shall be accomplished by placing a minimum of four (4) inches in two (2) courses of hot asphalt concrete for streets that are to become public streets. The minimum thickness of each course shall be as shown on the standard cross section which shall be placed with a self-propelled mechanical spreader and compacted with a minimum ten ton tandem roller. Paving shall be allowed between April 15 and November 15 only and shall not be placed unless the atmospheric temperature in the shade is above forty (40°) degrees Fahrenheit and the mixture delivered to the spreader has a temperature above two hundred and fifty (250°) degrees Fahrenheit. Pavement shall not be placed on wet or frozen roadbeds. Unless otherwise specified, paving regulations shall be the same as those specified in the State of N.H. Department of Transportation standard specifications for roads and bridge construction, adopted and approved, latest edition. In special instances, when it has been determined that there is an emergency situation; the above requirements may be waived by the Community Services Director. The PLANNING BOARD shall be notified of any waivers by the Planning Director.

(b) The hot asphalt concrete shall consist of the following materials: the aggregate shall be as indicated in New Hampshire Department of Transportation Specifications; bituminous material shall be an asphalt cement AC 85-20100, unless otherwise designated on the plans ordered; and the percentage of bituminous material shall be determined at the plant SITE to ensure proper control. This is in no way to relieve the contractor from designing a road pavement for a higher classification of traffic which would require a heavy pavement for strength or a different design mix as approved by the Community Services Department.

(c) The SUBDIVIDER shall be required to improve ARTERIAL and COLLECTOR STREETS only to the width required by the current and immediate needs of his SUBDIVISION consistent with the standards and specifications herein contained.

(d) Alleys, where permitted or required, shall have not less than a four (4)-inch bituminous-concrete surface and a sixteen (16)-inch base course as required for STREETS.

E. Where a subdivision will create a public roadway, a sign shall be erected on the site alerting those traveling the roadway that they are on a roadway that is not accepted or maintained by the City of Dover, and they travel at their own risk. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development prior to land disturbance.

155-41. Storm Sewers and Drainage Appurtenances **[Amended per Planning Board on 08-26-2008 and 01-24-2012]**

All areas of a SUBDIVISION shall be graded to prevent ponding of water or eroding of property. In addition to the installation of curbs or gutters along the STREETS as required by 155-47, storm sewers or other drainage appurtenances shall be constructed throughout the entire SUBDIVISION to carry off water from all inlets and catch basins and be connected to an adequate outfall. The STORM WATER drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with drainage laws of the State of New Hampshire. Included in the overall design shall be any work necessary in order to provide adequate and satisfactory drainage along the side of any existing STREET which is adjacent to the SUBDIVISION. The plans and specifications for the disposing of STORM WATER and the construction thereof shall be approved by the City Engineer. Manholes will be required upon request, to be located between catch basins.

A. Design.

(1) Proper sizing of culverts, pipes, etc., shall be by acceptable established engineering practice.

(2) Design storm frequency requirements shall be as follows:

(a) Major streams, rivers, bridges, culverts: fifty (50) year storm or flood of record.

(b) Minor brook culverts: fifteen (15) year storm.

(c) Storm sewers: ten (10) year storm.

(3) A sample set of the calculations used in sizing the various pipes and a list of the variables used must be submitted to the City Engineer's office. Failure to include this information could result in a delay of the review process.

B. Standards of construction.

(1) All IMPROVEMENTS shall meet the specifications of American Association of State Highway Transportation Officials (AASHTO) in regards to material and strength requirements.

(2) Catch basins or drop inlets shall be equal to New Hampshire Standard Type A with three (3) foot sumps or four (4) foot sumps with hoods if required by the City Engineer.

(3) Minimum-size pipe shall be twelve (12) inches in diameter for storm drains. Minimum size culvert shall be fifteen (15) inches diameter.

(4) All pipes shall be one (1) of the following:

TYPICAL USE	RCP	HDPE	PVC
Culverts	X	X	---
Storm drains	X	X	X
Drive culverts	X	X	---
Underdrain (six inch)	---	X	X
Overdrain (six inch)	---	---	X

Notes: X = acceptable; RCP = reinforced concrete pipe (Class III minimum); PVC = Polyvinyl SDR 35 pipe; HDPE = High-density polyethylene

(5) There shall be a three (3) foot minimum cover over all pipes.

(6) Culvert headwalls/endwalls, when required, shall be either concrete or mortar rubble masonry.

(7) EROSION protection of ditches or pipe outlets shall be provided where soil and/or velocity conditions warrant protection by paving or use of stone.

(8) No STORM WATER pipe, catch basin, drainage inlet or other pipes (floor drains) used to drain surface water shall be connected to any sanitary sewer system.

155-42. Sanitary Sewers **[Amended per Planning Board on 01-24-2012]**

A. Each LOT in the SUBDIVISION shall be provided at the property line with a connection to the public sanitary sewer system. This connection to be shown with tie-in distances on the as-built plans. The construction of the sewer system shall conform to the approved plans and specifications and all work must be properly inspected and

approved by the City Engineer or representative. In general, the design of municipal sewer lines shall follow the guidelines presented in the Water Pollution Control Federation Manual of Practice No. 9.

B. In the case of a private wastewater disposal system, both a City and a State permit is required. The system must be designed in accordance with New Hampshire Water Supply and Pollution Control Commission (NHWSPCC) requirements and must be approved and inspected by the City and State. Back filling before either party has made the inspection will constitute grounds for rejection.

   Such approval notwithstanding, the PLANNING BOARD on the advice of a sanitary system engineer of its own choice, may approve or disapprove or, approve with modifications such plans if it deems such State approved plans insufficient and may make additional requirements. In no case will DISCHARGE of pollutants into surface water or wetlands be permitted, nor will any system which utilizes mechanical or powered devices be permitted unless a copy of a service contract, prepaid at least twelve (12) months in advance, giving the City or any Citizen thereof the power to call for repairs, or a bond in lieu thereof, shall be submitted to the PLANNING BOARD, and after approval such contract shall be renewed annually. It shall be understood that failure to renew and/or non-repaired failure of such sewage system shall be grounds for eviction of residents whether OWNERS or tenants, unless and until the system is rendered functional.

C. An adequate sanitary sewer shall be designed by a qualified REGISTERED ENGINEER to handle all of the present and future development incorporated in a SUBDIVISION. A manhole shall be installed at each change of alignment in the pipe and/or beginning or end, as well as each change of grade, but at intervals not to exceed three hundred (300) feet. Manhole frames and covers shall be of heavy-duty type. Manholes shall be precast and watertight.

D. Any sewer lift station required for a SUBDIVISION shall be designed by a qualified REGISTERED ENGINEER as to its capacity and type. Final approval of the type of station shall be specified by the Community Services Department. All manuals pertaining to said lift station (i.e., operation, service guaranty) shall be turned over to the City. All lift stations shall be duplex pump-type installations unless specifically approved otherwise. The decision to accept any sewer lift station is entirely a City option and shall be based on the recommendations of the City Engineer, Community Services Director and the Dover Utilities Commission to the PLANNING BOARD. The owner of a private system shall maintain a service contract (contact information to be provided to the City) with a licensed service provider to perform the required maintenance. The service contract shall provide for an annual report to the City Engineer detailing the condition of the system and maintenance report.

E. All pipes shall be sized and have proper bearing material under them. All trenches shall be opened by the DEVELOPER for inspection by the Community Services Department prior to approval. House connections shall be made in a workmanlike manner and, tees shall be supplied in the main. Should a tap be required, it shall be completed by use of a mechanical tapping machine. All joints shall be tight fitting and sealed. Inspections shall be completed on a normal workday within a forty-eight (48) hour period after notification. Lateral connections shall be through a tee (wye) or cast-iron saddle. All joints of said sewer system shall be cemented or consist of a suitable locking-type joint to prevent the seepage of water either in or out. Minimum SLOPE of a sanitary sewer shall be established to maintain a minimum average velocity of two (2) feet per second.

F. Materials selected for sewer construction shall be of the following types:

(1) Pipe:

(a) Reinforced concrete, not recommended.

(b) Ductile iron, force mains and heavy loads.

(c) PVC; SDR 35 minimum with cement joints not allowed.

(2) Manholes; may be precast-concrete-sections construction. Manhole covers shall be heavy-duty type and preferably self-sealing.

(3) Sewer services; at main, to be wyes or tees; if tapped, must use cast-iron sewer saddles of approved design.

G. Construction standards shall be clearly emphasized in the specifications and attention shall be directed to the bedding material and backfill requirements. Suitable compaction as required by the City Engineer shall be provided. All sewer lines laid at a grade less than zero and one-hundredth (0.01) shall be set with a laser. All lateral connections which use sewer saddles, shall be tapped with a mechanical tapping machine and suitably sealed. All manholes shall be made watertight with brick inverts. All joints between pipes and with manholes shall be cemented or consist of an adequate locking type joint to prevent water seepage in or out of the system.

H. All pipes shall be inspected as approved as required under by 155-38. Tests to be performed shall include but not be limited to air or smoke testing of lines, water or vacuum testing of manholes and visual television inspection of all mains.

155-43. Water Mains and Fire Hydrants **[Amended per Planning Board on 09-2008-87 and 01-24-2012]**

A. All SUBDIVISIONs in the City of Dover shall provide municipal water service when available or required by the PLANNING BOARD. Installation of all water mains is subject to the approval of the Water Department.

B. When City water is supplied, each LOT shall have a separate connection brought to the LOT LINE, equipped with an outside stop and capped until ready for use. All house service lines shall be connected to the main by the use of tapped couplings. The DEVELOPER shall provide ties for the end of the service and the outside stop to the City Engineer's office for each LOT in the development.

C. When City water is available and/or required the system shall be designed by a qualified REGISTERED ENGINEER. Each system shall be designed to handle the expected flows, domestic and fire, for present and future development within the SUBDIVISION.

D. In general, the design of City water mains shall follow the guidelines prescribed by the American Waterworks Association (AWWA). In addition, thrust BLOCKS shall be supplied as necessary and gate valves shall be provided on all sides of junctions with other mains. All waterlines shall be installed with a minimum of five (5) feet of cover. The minimum size of a water main shall be eight (8) inches in diameter. The water main shall be sized to provide adequate fire flow to the proposed development and any future development. The design size must be approved by the City Engineer.

E. Materials selected for water construction shall be America made, meet American Waterworks Associations standards and shall meet the following minimum requirements:

(1) Pipe and fittings. All pipe shall be cement-lined ductile iron pipe, Class 52. All fittings shall be ductile iron. All fittings and pipe shall be American Waterworks Association standard Class 140, coal-tar dipped or greater. All valve boxes shall be ductile iron and of the sliding type, tar- coated, both inside and out. All gate valves shall be Mueller or Clow and must open counter-clockwise.

(2) Hydrants. All hydrants shall be Eddy manufacture and subject to the following additional details. All hydrants shall be or iron body. All hydrants shall be the improved type with breakable flanges, painted red body with silver reflective domes and nozzles. All hydrants shall open counterclockwise, with the direction of opening cast on the head of the hydrant. All hydrants shall have a valve opening of five and one-fourth (5 1/4) inches, hose nozzles conforming to the

National Standard of nozzles and two and one-half inches and one (1) four and one-fourth (4 1/4) inch steamer nozzle. Hydrants shall be long enough to accommodate a minimum bury of five and one-half (5 1/2) feet and equipped with six (6) inch pipe connections. All hydrants shall be plugged.

F. Construction standards shall be clearly emphasized in the specifications. Attention should be directed to bedding and backfill requirements. Various gates and other fittings shall be installed in conformance with manufacturer's specifications. Hydrants shall be installed not less than one (1) foot nor more than three (3) feet from the curb and so installed that the center of the hydrant steamer nozzle shall be at least eighteen (18) inches above the finish grade. All hydrant gate valves shall be installed with anchoring tees to the water main with the top of the box flush with finish grade.

G. The Superintendent of the Water Department shall be notified at least forty-eight (48) hours prior to any construction involving water mains. All new pipes shall be inspected as provided by 155-38. Tests to be performed shall include but not be limited to water sampling and testing for contamination.

155-44. Street Markers and Traffic Signs **[Amended per Planning Board on 01-24-2012]**

All regulatory signs shall be installed in conformance with the Uniform Code for Traffic Signs. A permanent STREET marker shall be placed at each intersection designating the names of the STREETS entering said intersection and shall comply with the specifications as provided by the City. All STREET signs shall be of the approved size, color and type set forth by the Community Services Department and shall be purchased at a nominal rate from the Department or other suitable source of supply. The signs shall be installed at the expense of the DEVELOPER and done to the satisfaction of the Community Services Department. If a roadway is to remain private, a private sign marker shall be added to the street sign.

155-45. Telephone, Electric Utilities and Street Lights **[Amended per Planning Board on 01-24-2012]**

All utility lines for telephone and electric service shall be placed underground in the RIGHT-OF-WAY or in rear-lot EASEMENTS. Where telephone and electric service lines are placed underground entirely throughout a subdivided area, said conduits or cables shall be placed within EASEMENTS or dedicated public ways in a manner which will not conflict with other underground services. They shall be a minimum of five (5) feet from any other utility. Wherever possible, underground services will be placed under grassed areas rather than paved areas. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Additionally, all STREET lighting fixtures and poles shall be approved by the Community Services Director or designee. The most energy efficient STREET lighting shall be installed.

155-46. Sidewalks [Amended per Planning Board on 08-11-92 and 11-28-95]

A sidewalk is required on at least one side of a STREET in the URBAN CORE and may be required by the PLANNING BOARD on both sides of the STREET where it is deemed appropriate. Sidewalks shall be of bituminous concrete or portland cement concrete. Bituminous concrete shall not be less than two and one half (2 1/2) inches in thickness and placed over a six-inch gravel base. Portland cement concrete sidewalks shall not be less than four (4) inches in thickness, reinforced by eight by eight (8 X 8) - six by six (6 x 6) wire mesh and placed on a suitable base not less than twelve (12) inches thick. Portland cement concrete sidewalks that cross DRIVEWAYS shall be not less than six (6) inches thick and meet all the standards listed above. All sidewalks shall be five (5) feet in width and constructed adjacent to the property line within the STREET RIGHT-OF-WAY.

155-47. Curbs [Amended per Planning Board on 08-11-92; PUBLIC HEARING held 11-28-95]

A. All new and improved STREETS within the URBAN CORE shall be provided with granite curbs. When the curb forms one (1) edge of a sidewalk, the granite curbing shall be vertical and five (5) inches by seventeen (17) inches. Curbs used to define DRIVEWAY entrances shall be tapered as per standard Road Cross Section Graphic.

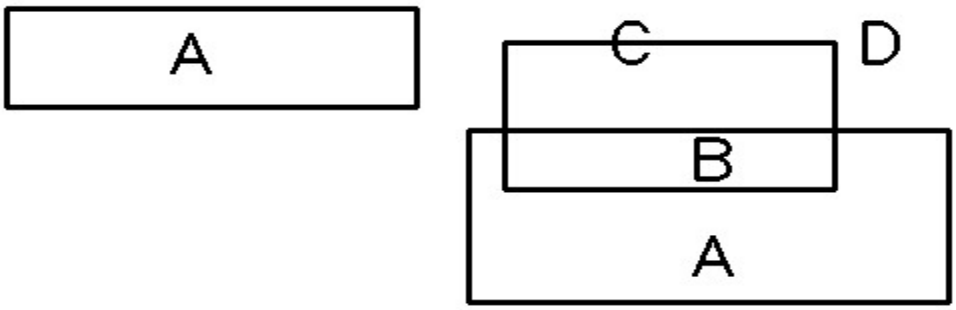
B. Granite SLOPE edge curb shall be installed as specified in Section 609 of the State of New Hampshire Standards for Road and Bridge Construction; minimum cross section of stone to be four by twelve (4 x 12) inches.

155-48. Private Roads [Amended per Planning Board on 03-23-2010]

A) PRIVATE ROADS shall be designed and constructed pursuant to the following criteria:

	3 and 4 PARCELS	5 or more PARCELS in R-2012, R-20, R-40, RM-SU, RM-U or Nonresidential Districts
RIGHT-OF-WAY Width (feet)	30	50
Road Width (feet)	16	24-32*
Base Course	12 inches bank-run gravel (A)	12 inches bank-run gravel (A) 6 inches crushed gravel (B) 1 ½ inch binder and inch topcoat (C) 3 foot gravel shoulder (D) (A road profile shall be submitted with SUBDIVISION applications. Said profile shall be rendered by a qualified REGISTERED ENGINEER.)

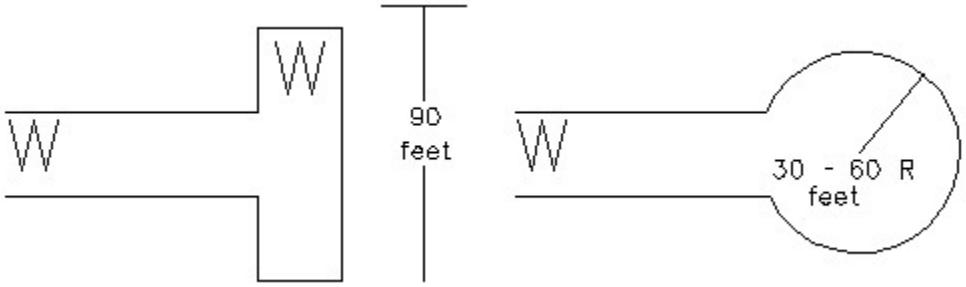
Standard Roadway Cross Section



*Notes: The width of the roadway shall be determined by the SITE's physical characteristics and the layout and density of the proposed development.

B. The subdividing of LOTS along such RIGHTS-OF-WAY shall only be approved upon the condition that no City services will be rendered until said private RIGHT-OF-WAY is built in accordance with the City STREET construction specifications. (See Articles VII and VIII.)

C. CUL-DE-SAC shall be designed and constructed as depicted below:



W = Required roadway width. R = Required radius width.

D. The physical constraints of a specific tract shall dictate the BOARD'S consideration thereon.

155-49. Required Changes.

Changes in the terms and specifications contained in PLANNING BOARD approval of the IMPROVEMENT aspects of a SUBDIVISION application may be required in the event subsequent excavations reveal subsurface conditions which require special attention, e.g., underground water requiring side drains, etc. All such changes must be approved by the City Engineer, Planning Director and the Community Services Directors.

155-50. As-built Plans [Amended per Planning Board on 01-14-2003 and 08-26-2008]

A. The DEVELOPER shall be responsible for submitting an "AS BUILT" DRAWING of the project to the City Engineer's Office. The drawings shall include all items as required in the final plan with as-built locations, dimensions and sizes. Also included on the "AS BUILT" DRAWINGS shall be water and sewer locations, depths and ties. The AS-BUILT DRAWINGS shall be submitted in mylar and digital formats and shall be tied into the City's GIS coordinate system.

B. If a STREET is to become a public roadway, prior to the City Engineer processing the request and advising the City Council on whether to accept STREET or not, the DEVELOPER shall be responsible for submitting a recordable deed and any associated fees to the City Engineer's office. Once the City Council has accepted the STREET, the DEVELOPER shall be notified and the City Engineer shall record the deed with the Strafford County Registry of Deeds within ten (10) days of acceptance. Upon registration, a signed original copy of the deed shall be filed with the City Clerk's office and a copy submitted to the DEVELOPER.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

155-51. Waivers [Amended per Planning Board on 03-23-2010]

A. The PLANNING BOARD may waive specific provisions of these regulations. The PLANNING BOARD may only grant a waiver if the PLANNING BOARD finds, by majority vote, that:

(1) Strict conformity would pose an unnecessary hardship to the APPLICANT and the waiver would not be contrary to the spirit and intent of the regulations; or

(2) Specific circumstances relative to the SUBDIVISION, or conditions of the land in such SUBDIVISION, indicate that the waiver will properly carry out the spirit and intent of the regulations.

B. In granting waivers, the PLANNING BOARD may require such conditions as will in the BOARD'S judgment, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures. A petition for any such waiver shall be submitted in writing by the APPLICANT at the time when the application is filed for consideration by the PLANNING BOARD. The petition shall state fully the grounds for the waiver and all

of the facts relied upon by the petitioner. The basis for any waiver granted by the PLANNING BOARD shall be recorded in the minutes of the PLANNING BOARD.

155-52. Enforcement.

The enforcement of this ORDINANCE shall be in the manner enacted by the Dover City Council as authorized by RSA 676:17.

155-53. Fees **[Amended per Planning Board on 11-15-91, 01-14-2003, 08-26-2008, 03-23-2010 and 01-24-2012]**

A. Application Fees. Any application for approval of a SUBDIVISION shall be accompanied by a non-refundable fee per new LOT as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, to cover the cost of reviewing the application. An application for a MINOR LOT LINE ADJUSTMENT or boundary change shall be accompanied with a non-refundable fee as set forth in the City of Dover Schedule of Fees, as amended annually. In addition, the APPLICANT shall be responsible for paying the cost of mailing certified notices to ABUTTERS as well as paying the cost of advertising or posting the application.

B. Additional Fees. Any APPLICANT may be required to pay additional reasonable fees, as well as the fees for notice under 155-53 .A, as imposed by the BOARD to cover costs of special investigative studies, review of documents and other matters which may be required by a particular application (RSA 676:4-I (g)). A fee as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, shall be charged the APPLICANT for staff time spent reviewing requests for time extensions to approved SUBDIVISIONs, per Chapter 155-24.

C. Inspection Fees. All fees and costs connected with inspections and engineering review of plans and specifications for IMPROVEMENTS shall be paid for by the APPLICANT, at a rate determined by the City Engineer and the Community Services Director. Where the APPLICANT/owner fails to comply with the payment of fees, inspections will not be conducted nor will CERTIFICATE OF OCCUPANCY awarded until full payment has been made.

155-54. Adoption **[Amended per Planning Board on 03-23-2010]**

In accordance with RSA 675:6, these regulations shall become effective after a PUBLIC HEARING is held as specified in RSA 675:7, adoption and certification by a majority of the PLANNING BOARD members, and filing of certified copies with the City Clerk as required by RSA 675:8. Copies shall also be filed with the New Hampshire Office of Energy and Planning as required by RSA 675:9.

155-55. Interpretation and Conflict.

In matters of judgment or interpretation of the requirements of these regulations, the opinion and decision of the BOARD shall prevail. In any place where these regulations are in conflict with any other regulations, ORDINANCES or law in effect in the City, the more restrictive regulations or provisions shall prevail.

155-56. Separability.

If any section, subsection, paragraph, sentence, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, or phrase of these regulations.

155-57. Amendments.

In accordance with RSA 675:6, these regulations may be amended or rescinded by the BOARD following a PUBLIC HEARING as specified in RSA 675:7 on the proposed change. The Chairman of the BOARD shall transmit a copy certified by a majority of the PLANNING BOARD members of any changes so adopted to the City Clerk. Copies shall also be filed with the New Hampshire Office of Energy and Planning.

155-58. Appeals.

As provided for in RSA 677:15, any persons aggrieved by any decision of the PLANNING BOARD concerning a PLAT or SUBDIVISION may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the PLANNING BOARD.

ARTICLE X

WORDS AND PHRASES

155-59. Word Usage.

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "BUILDING" shall include the word "structure", the word "shall" is mandatory; the word "may" is permissive.

155-60. Definitions **[Amended per Planning Board on 09-2008-87, 08-11-92 by PUBLIC HEARING, 08-26-2008, 04-22-2003, 02-2010-2004, 03-23-2010 and 01-24-2012]**

The following definitions shall apply to this Chapter:

ABUTTER means any person whose property is located in New Hampshire and adjoins or is directly across the STREET or stream from the land under consideration by the BOARD. For purposes of receiving testimony only, and not for purposes of notification, the term ABUTTER shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purpose of receipt of notification for a PUBLIC HEARING by the BOARD, the term of abutting property OWNER for a condominium or other collective form of ownership means the officers of the collective or association as defined in RSA 356-B:3, XXIII.

A. For **MAJOR** and/or **OPEN SPACE SUBDIVISIONS**, the individual OWNERS of units within the association, which are located within two hundred (200) feet of the common property line shall be notified by first class mail.

APPLICANT means any person, agent, firm, association, partnership or corporation that makes application to the PLANNING BOARD for the SUBDIVISION of land pursuant to the rules and regulations of this chapter.

APPLICATION, **COMPLETE** means an application for SUBDIVISION approval which contains sufficient information to invoke jurisdiction of the PLANNING BOARD. A COMPLETE APPLICATION shall include all the items listed in Section 155-9 for a MAJOR SUBDIVISION and Section 155-17 for a MINOR SUBDIVISION. The period for review does not start until a COMPLETE APPLICATION has been submitted by the SUBDIVIDER and accepted by the BOARD. The OWNER of the land must sign the application before it is filed with the PLANNING BOARD.

APPLICATION, FORMAL - See Application, Complete.

APPLICATION, **FILE** means to deliver an application to the Planning Director for inclusion on the PLANNING BOARD'S agenda as outlined in 155-9 and 155-2010.

APPLICATION, SUBMISSION - See OFFICIAL SUBMITTAL DATE.

AS-BUILT DRAWINGS means drawings which delineate the specific location of SITE utilities.

BEST MANAGEMENT PRACTICES means for STORM WATER management purposes, structural, nonstructural, and managerial techniques that are recognized to be

the most effective and practical means to prevent or reduce nonpoint source pollutants from entering receiving waters.

BLOCK means a tract of land bounded by STREETS or by a combination of STREETS and public land, railroad rights of way, waterways or other barriers to the continuity of a development.

BOUNDARY LINE ADJUSTMENT - See LOT LINE ADJUSTMENT, MINOR.

BUFFER ZONE means land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. BUFFER ZONES may include such things as fences or berms as well as shrubs and trees.

BUILDABLE LOT means the smallest LOT area established by the zoning ORDINANCE on which a use or structure may be located in a particular district.

BUILDING means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "BUILDING" includes open porches, open breezeways and any other roofed areas. This in no way is to be construed to include a trailer, MOBILE HOME or any other like product.

BUILDING OFFICIAL means the individual designated by the City of Dover to enforce BUILDING codes and development regulations.

BUILDING PERMIT means written permission issued by the proper City official authorizing the construction, repair, alteration or addition to a structure.

CERTIFICATE OF COMPLETION means a document issued by the proper City officials indicating that the IMPROVEMENTS required by the PLANNING BOARD have been satisfactorily completed.

CERTIFICATE OF OCCUPANCY (**CO**) means a document issued in accordance with 155-24 allowing the occupancy or use of a BUILDING and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ORDINANCES.

COMMON LEACHING SYSTEM means a system for the collection and processing via leach fields, the effluent from more than two septic tanks, including all of the pipes, valves and other equipment, land and EASEMENTS necessary for operating such a system. All of the leaching equipment will be in a single common ownership, though the septic tanks may not.

CONDITIONS PRECEDENT means a condition of approval that shall be satisfied before the submission of a final SUBDIVISION PLAT.

CONDITIONS SUBSEQUENT means a condition of approval that shall be satisfied after approval of a final SUBDIVISION PLAT.

CONSTRUCTION PLAN means the maps or drawings accompanying a SUBDIVISION PLAT and showing the specific location and design of IMPROVEMENTS to be installed in the SUBDIVISION in accordance with the requirement of the PLANNING BOARD as a condition of the approval of the SUBDIVISION PLAT.

CUL-DE-SAC means a short, minor LOCAL STREET, having only one end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles.

DEED RESTRICTION - See RESTRICTED COVENANT

DEVELOPER means the OWNER of land proposed to be subdivided or his representative. Consent shall be required from the legal OWNERS of the property.

DISCHARGE means water or effluent released to a receiving waterbody.

DRIVEWAY means a PRIVATE ROAD which is intended to provide vehicular access from a public or private way to a parking space, garage, DWELLING or other structure.

DWELLING means a structure or portion thereof which is used exclusively for human habitation.

DWELLING, MULTI-FAMILY means a DWELLING containing more than two (2) DWELLING UNITS.

DWELLING, SINGLE-FAMILY means a detached BUILDING containing (1) DWELLING UNIT only.

DWELLING UNIT means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the DWELLING UNIT for exclusive use of a single family maintaining a household.

EASEMENT means the right or privilege that a person may have in another person's property usually for the purposes of installing and maintaining utilities and drainageways.

EROSION means weathering of soil by running water, wind, or ice.

ESCROW means a conditional delivery of money by a DEVELOPER to a bank to be held until such time as the conditions of FINAL PLAT approval have been satisfactorily complied with.

FARM/AGRICULTURE means any land, BUILDINGs or structures on or in which AGRICULTURE and farming operations are carried out as the principal use, including all operations outlined in RSA 21:34:a II. One SINGLE-FAMILY DWELLING shall be permitted as an accessory to the principal use.

FLOOD HAZARD AREA means that portion of land, as designated on the most current Flood Insurance Rate Maps or on the Flood Boundary and Floodway maps of the City of Dover, that, on the average, is likely to be flooded once every one hundred (100) years, i.e., that has a one percent (1%) chance of flood occurrence in any given year.

FRONTAGE means the linear distance measured along the front LOT LINE between the points of intersection with the side LOT LINES. "FRONTAGE" along CUL-DE-SACS shall be the linear distance at the appropriate front yard BUILDING set back depth from the front LOT LINE between the points of intersection with the side LOT LINES. For the purpose of measurement, LOT "FRONTAGE" shall be measured along the joining boundary of the front LOT LINE and a public RIGHT-OF-WAY.

HOMEOWNERS ASSOCIATION means a community association, other than a condominium association, which is organized in a residential development in which individual OWNERS share common interests in open space or facilities.

IMPROVEMENT means SITE grading, STREET work and utilities, including water, sewer, electric, gas and STORM WATER to be installed or agreed to be installed by the SUBDIVIDER on land to be used for public or private STREETS, and EASEMENTS or other purposes as are necessary for the general use of LOT OWNERS in the SUBDIVISION.

LEACH FIELD LOT means a LOT containing only leach fields and the equipment necessary to operate such. Found only in OPEN SPACE SUBDIVISIONS.

LETTER OF CREDIT, IRREVOCABLE means a conditional delivery of money by a DEVELOPER to a nominee mutually agreeable to the PLANNING BOARD and the DEVELOPER. The holder of the money will retain the money until release is authorized by the City or the money is "called", that is transferred to the City of Dover. The money will be called by the City if the DEVELOPER does not obtain a CERTIFICATE OF COMPLETION from the City prior to the expiration date of the security. Upon the expiration date, the money will be transferred to the City if a CERTIFICATE OF COMPLETION has not been received by the DEVELOPER from the City.

LOT means a tract of land under single ownership and occupied by, or designed to be occupied by, one (1) principal BUILDING and its accessory BUILDINGS or uses customarily incident to it, together with such open spaces and yards as are required by this chapter, exclusive of MULTI-FAMILY DWELLINGS and Industrial I-1 and I-2 ZONING DISTRICTS.

LOT, **CORNER** means a LOT abutting upon two (2) or more STREETS at their intersection.

LOT LINE means a line or record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other public space.

LOT LINE ADJUSTMENT, MINOR means a change in the LOT LINE that does not create a BUILDABLE LOT.

MAINTENANCE GUARANTY means an IRREVOCABLE LETTER OF CREDIT accepted by the City to assure that necessary IMPROVEMENTS will function as required for a specific period of time.

MASTER PLAN means the plan or any portion thereof adopted by the City for the coordinated physical development, including, among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public BUILDINGS or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the City.

MOBILE HOME means any vehicle used or so constructed as to permit its being used as a conveyance or transported upon its own wheels upon the public STREETS or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a DWELLING or sleeping place for one (1) or more persons and provided with a toilet and bathtub or shower. A prefabricated residential unit shall not be construed as a trailer or "MOBILE HOME" if said unit is supported by a permanent foundation.

MOBILE HOME PARK OR TRAILER PARK means any plot of ground upon which two (2) or more MOBILE HOMES, occupied for DWELLING or sleeping purposes, are located.

MOBILE HOME SUBDIVISION means any SUBDIVISION involving a division of land into two (2) or more LOTS, designed to accommodate one (1) or more individual MOBILE HOMES.

NONRESIDENTIAL SUBDIVISION means a SUBDIVISION intended to be used for purposes other than residential, such as commercial and industrial. Such SUBDIVISIONS shall comply with the applicable provisions of these regulations.

OFFICIAL MAP means a map adopted in conformance with Chapter 674:9-14 of the New Hampshire revised Statutes Annotated, 1985, inclusive. Such "OFFICIAL MAP" is to be deemed to be final and conclusive with respect to the locations and widths of STREETS and the locations of parks shown thereon.

OFFICIAL SUBMITTAL DATE means an application shall be considered officially submitted only at the regular meetings of the PLANNING BOARD following the completion of the appropriate application procedure and the receipt of a written memorandum from the Planning Director certifying said application's technical review.

OPEN SPACE, COMMON means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and IMPROVEMENTS as are necessary, appropriate and approved by the PLANNING BOARD.

OPEN SPACE SUBDIVISION means an alternative form of residential development where, instead of subdividing an entire tract into LOTS of conventional size, a similar number of single-family housing units may be arranged on LOTS of reduced dimensions.

ORDINANCE means any legislative action, however denominated, of the City of Dover which has the force of law, including any amendment or repeal of any ORDINANCE.

OWNER means any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARCEL means a LOT or tract of land.

PERFORMANCE GUARANTY means an IRREVOCABLE LETTER OF CREDIT or an ESCROW agreement accepted by the City as a guarantee that IMPROVEMENTS required as part of a SUBDIVISION approval are satisfactorily completed.

PLANNING BOARD means the PLANNING BOARD of the City of Dover. Also referred to as the BOARD.

PLAT means the maps, drawings, charts and other documents complying with all applicable provisions in this chapter which constitute the plan for the SUBDIVISION and which the SUBDIVIDER submits to the City.

PLAT CONSTRUCTION, DETAIL SHEETS means drawings which delineate the proposed locations profiles and specifications of all existing and proposed SITE utilities.

PLAT, **FINAL** means the final map of all or a portion of a SUBDIVISION which is presented to the PLANNING BOARD for final approval. May sometimes be referred to as FINAL PLAT layout.

PLAT, **PRELIMINARY** means a preliminary map indicating the proposed layout of the SUBDIVISION which is submitted to the PLANNING BOARD for consideration and preliminary approval. May sometimes be referred to as PRELIMINARY PLAT layout.

PRIVATE ROAD means a road constructed and maintained by a private OWNER or OWNERS, to be used for either public or private use which provides access to a public STREET. PRIVATE ROADS may service three (3) or four (4) adjacent PARCELS of land and shall be constructed in accordance with the specifications of these regulations.

PUBLIC HEARING means a meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC MEETING means any scheduled meeting of the PLANNING BOARD.

REGISTERED ENGINEER means an engineer properly licensed and registered in the State of New Hampshire.

REGISTERED LAND SURVEYOR means a land surveyor properly licensed and registered in the State of New Hampshire.

RESTRICTED COVENANT means a restriction on the use of land usually set forth in the deed.

RESUBDIVIDE means the further division of LOTS or the relocation of LOT LINES of any LOT or LOTS within a SUBDIVISION previously made and approved or recorded according to law; or the alteration of any STREETS or the establishment of any new STREETS within any such SUBDIVISION, but not including conveyances made so as to combine existing LOTS by deed or other instrument.

RIGHT-OF-WAY (ROW) means a PARCEL of land used to provide access for a second party.

RIGHT-OF-WAY LINES means the lines that form the boundaries of the RIGHT-OF-WAY.

RUNOFF means precipitation, snowmelt, or irrigation that flows over the land, eventually making its way to a surface water (such as a stream, river or pond).

SEDIMENT means eroded soil and rock material and plant debris, transported and deposited by RUNOFF.

SETBACK LINE means the line that is the required minimum distance from the STREET RIGHT-OF-WAY line or any other LOT LINE that establishes the area within which the principal structure must be erected or placed.

SITE means any plot or PARCEL of land or combination of contiguous LOTS or PARCELS of land.

SITE PLAN REVIEW means the procedure by which the City reviews the development plan for one or more LOTS on which is shown the existing and proposed conditions of the LOT including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the PLANNING BOARD.

SKETCH MAP means a preparatory sketch to the preliminary SUBDIVISION PLAT layout to enable the SUBDIVIDER to save time and expense in reaching general agreement with the PLANNING BOARD as to the form of the PLAT and the objectives of these regulations (See 155-8).

SLOPE means the degree of natural inclination of the existing ground.

STREET means a public or private way which is intended to provide vehicular access to two (2) or more LOTS and/or to two (2) or more primary BUILDINGS and which may or may not be continuous. Also included are terms such as avenue, boulevard, road, PRIVATE ROAD, lane, alley, highway, viaduct, freeway, court, way, and drive.

STREET, **ARTERIAL** (Major) means a STREET designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

STREET, **COLLECTOR** means a STREET which carries or is proposed to carry intermediate volumes of traffic from LOCAL STREETS to ARTERIAL STREETS and which may or may not be continuous.

STREET, **LOCAL** means a STREET used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as minor or secondary STREETS.

STORM WATER means RUNOFF from a storm event, snowmelt RUNOFF, and surface RUNOFF and drainage.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) means a plan developed for a SITE or property that evaluates potential pollutant sources and designs and implements appropriate measures to prevent or control DISCHARGE of pollutants in STORM WATER RUNOFF.

SETBACK means the distance between the STREET RIGHT-OF-WAY LINES and the front line of a BUILDING.

SUBDIVIDER means any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit dividing or proposing to divide land in a manner that constitutes a SUBDIVISION as herein defined.

SUBDIVISION means the division of the LOT, tract, or PARCEL of land into two (2) or more LOTS, PLATS, SITES, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or BUILDING development. It includes RESUBDIVISION and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. A condominium conveyance, per RSA 356-B, shall not require PLANNING BOARD approval.

A. **MAJOR** means a division of a LOT, tract or PARCEL of land into four (4) or more separate PARCELS, or a SUBDIVISION which required new STREETS, the extension of municipal facilities or the creation of any public IMPROVEMENTS (See Article II).

B. **MINOR** means a division or redivision of a LOT, tract or PARCEL of land into three (3) or fewer PARCELS within a four (4) year time period, provided that there shall be no extension of STREETS or other significant IMPROVEMENTS required; or, any SUBDIVISION that, in the judgement of the PLANNING BOARD, will present no significant engineering and/or planning difficulties. (See Article III).

TECHNICAL REVIEW COMMITTEE shall be comprised of the PLANNING BOARD Chairperson, the Conservation Commission Chairperson, City Engineer, Fire Chief, Police Chief, Zoning Administrator, Economic Development Director and Director of Planning and Community Development, who shall serve as Chair. All Committee members shall have a designated alternate available in their absence.

URBAN CORE means an area containing most of the following characteristics: Density of development that is more characteristic of city development than rural; STREETS with

curbs and sidewalks; water and sewer utilities; and, an opportunity to walk to nearby stores, schools and service centers.

YIELD PLAN means a plan which demonstrates the maximum number of BUILDABLE LOTS achievable under conventional zoning, at the full density allowed in the district. The plan should be based upon maps showing the Conservation Areas consisting of wetlands, floodplains, and steep SLOPES. In addition to this information, LOTS should be laid out in the conventional format taking into consideration a roadway network and the minimum LOT size requirements, FRONTAGE and the contiguous upland areas. If the plan requires a waiver from these SUBDIVISION regulations, a preliminary PUBLIC HEARING shall be conducted by the PLANNING BOARD prior to an APPLICANT'S formal submittal application for MAJOR SUBDIVISION approval.

ZONING DISTRICT means a specifically delineated district with the City where regulations and requirements uniformly govern the use, placement, spacing and size of land and BUILDINGS.

TAXICABS

CHAPTER 161

161-1. Definitions.

161-2. Compliance with Rules, Regulations and Procedures.

161-3. Violations and Penalties.

[HISTORY: Adopted by the City Council 12-14-1977.[*] Amendments noted where applicable.]

161-1. Definitions.

As used in this Chapter the following terms mean:

DRIVER – The person in actual physical control of a taxicab.

OPERATOR – Any person owning, in charge of or managing a taxicab business or company in the City.

TAXICAB – Any motor vehicle having a manufacturer's rated seating capacity of not more than seven (7) persons used in the call and demand transportation of passengers for compensation to or from points chosen or designated by the passengers and not operated on a fixed schedule between fixed termini; or any such vehicle leased or rented or held for leasing or renting, with or without drivers or operators. (Reference RSA 376:2 Xl.) **[Amended 11-11-98 by Ord. No. 18-98]**

161-2. Compliance with Rules, Regulations and Procedures **[Amended on 03-14-2012 by Ord. No. 2012.02.22-4]**

All Drivers, operators, Taxicabs and valet parking operators are required to obtain a permit from the Dover Licensing Board as defined in Chapter 35 Licensing Board. All Drivers, Operators, Taxicabs and valet parking Operators shall be subject to those requirements, rules, regulations and procedures that may be promulgated, from time to time by the City of Dover Licensing Board.

161-3. Violations and Penalties **[Amended on 6-28-78 by Ord. No. 5-78; Amended on 03-14-2012 by Ord. No. 2012.02.22-4]**

Any person, firm or corporation violating any provision of this chapter or any requirements, rules, regulations or procedures that may, from time to time, be promulgated by the City of Dover Licensing Board shall be guilty of a violation. A separate offense shall be deemed committed upon each day or part thereof during or on which a violation occurs or continues.

[*] Editor's Note: Provisions of this chapter are derived from Ch. 46 of the former Code, adopted 12-14-77.

TREES AND VEGETATION

CHAPTER 163

163-1. Purpose.

163-2. Definitions.

163-3. Authority of the City Arborist.

163-4. Permits Required.

163-5. Standards for Issuance of Permits; Notice of Completion.

163-6. Obstruction Trees Pruned.

163-7. Abuse of Public Trees.

163-8. Improper Planting.

163-9. Necessary Removal.

163-10. Protection of Trees.

163-11. Violations and Penalties.

[HISTORY: Added by the City Council on 07-19-2000 by Ord. No. 11-2000.]

163-1. Purpose.

The purpose of this Chapter is to enact provisions to protect and enhance the administrative procedures with regard to the planting of or removal of trees and Vegetation within the City of Dover.

163-2. Definitions.

As used in this Chapter the following terms mean:

CITY ARBORIST OR ARBORIST – The authorized person employed or appointed by the city of Dover by the City Manager to oversee all related tree and Vegetation issues.

PARK – All public parks owned by the city.

PROPERTY OWNER – The person owning such property as shown by the city's assessor's plats.

PUBLIC PLACES – Includes all streets, highways, parks, cemeteries, easements or other grounds owned by the city.

PUBLIC TREES – Includes shade, ornamental and forest trees or shrubs now or hereafter growing on any street, park, cemetery, or public place.

STREET OR HIGHWAY – The entire width of every public way or right-of-way when any part thereof is open to the use of the public as a matter of right for purpose of vehicular or pedestrian traffic.

VEGETATION – Plant life collectively.

SPRAYING – The application of pesticides, herbicides or any material used in plant care also to include any granular material for such uses.

163-3. Authority of the City Arborist.

A. The City Arborist shall have the authority to regulate the planting, maintenance, preservation, spraying and removal of trees and shrubs in all Public Places for the benefit and the welfare of the public and to protect and preserve the symmetry and beauty of such trees and Public Places.

B. The City Arborist shall have the authority to order the trimming, spraying, preservation or removal of trees or plants upon private property when he shall find such action necessary to public safety or to prevent the spread of disease or insects to public trees and places. The cost of such work may be billed to the Property Owner.

163-4. Permits Required.

A. No person shall plant, spray, fertilize, prune, remove, cut or otherwise disturb above or below the ground any tree on any street, park or public place without first filling an application and procuring a permit from the City Arborist.

B. No person shall apply pesticides, herbicides on a for hire basis without first filling an application and procuring a permit from the City Arborist.

163-5. Standards for Issuance of Permits; Notice of Completion.

A. The City Arborist shall issue such a permit if the proposed work is desirable and the proposed method and workmanship thereof are in accordance with reasonable arboricultural specifications and standards of practice.

B. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time allowed on the permit and the manner as therein described. Any permit shall be void if its terms are violated.

C. Notice of completion shall be given within five (5) days thereof to the City Arborist for his or her inspection. Notice of completion may be waived on the discretion of the Arborist.

D. In order to obtain a permit the person filing must provide a certificate of insurance, professional license and information of where said work will be done. Pesticide applicators must provide a state of New Hampshire Pesticide Applicators license.

163-6. Obstruction Trees Pruned.

A. Generally, it shall be the duty of any Property Owner or person occupying real property upon which there may be trees or plants bordering on any street, to prune such trees or plants in such a manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians or sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection, or will not create any other hazard to the public. The minimum clearance of any overhanging portion thereof shall be ten (10) feet over sidewalks and twelve (12) feet over all streets except truck thoroughfares which shall be sixteen (16) feet.

B. Notice to prune or remove: Should any Property Owner whose property is bordering on any street fail to prune trees as hereinabove mentioned provided, the city arborist shall order such person, within ten (10) days after receipt of written notice to prune or remove such trees.

C. Order required: The order required herein shall be served by mailing a copy of the order to the last known address of the property owner by certified mail, return receipt requested.

D. Failure to comply: When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the city to prune or remove such trees and all costs thereof shall be charged to the Property Owner thereof.

163-7. Abuse of Public Trees.

Unless specifically authorized by the City Arborist, no person shall damage, prune transplant, or remove any public tree, attach any rope, wire, nails, advertising posters, or any contrivance to any tree, allow any gaseous, liquid or solid substance which is harmful to such trees that come in contact with them, or set fire or permit any fire to burn when such fire or the

heat thereof will injure any portion of any such tree. The city may recover the cost of repair or replacement of such mutilated tree.

163-8. Improper Planting.

Whenever any tree shall be planted improperly in any Public Place in violation of the provisions hereof, the City Arborist may remove or cause removal thereof, or may take such other action deemed necessary to rectify such improper planting and the cost thereof may be charged to the Property Owner or planter thereof.

163-9. Necessary Removal.

No person or Property Owner shall remove a tree from any Public Place for the purpose of construction, or for any other reason, without procuring a permit as required by sections and without replacing the removed tree. Said replacement shall meet the standards of size, species, and placement as provided for in the permit issued by the City Arborist. The person or Property Owner shall bear the cost of removal and replacement of all trees removed.

163-10. Protection of Trees.

A. All trees on any street or Public Place near any excavation or construction of any building, structure, or street work, shall be guarded with good substantial fence, frame or box of such reasonable dimensions as required by the City Arborist. All building materials unless otherwise approved by the City Arborist, or other debris shall be kept outside the barrier. No person shall excavate any ditches, tunnels, trenches or lay any drive within a radius of twenty (20) feet from any public tree without obtaining a permit from the City Arborist.

B. No person shall deposit, place or maintain upon any Public Place, any vehicles, stone, brick, sand, concrete or other materials which may impede the free passage of water, air and fertilizer to the roots of any tree growing therein, except by written permit of the city arborist, except for emergencies.

163-11. Violations and Penalties.

Violations of any provision of this chapter shall be subject to a fine of not more than one hundred dollars ($100.00). The violator shall be liable for the cost of restoration of the affected vegetation to a condition which conforms to the provisions of this chapter to the satisfaction of the Community Services Director. If a violator fails to ensure that the above said conformance is accomplished within thirty (30) days of receiving written notification from the City Arborist, the restoration shall be accomplished by the city and charged to the violator.

VEHICLES

CHAPTER 165

MOTOR VEHICLE REGISTRATION EXEMPTION FOR PRISONERS OF WAR

165-1. Purpose.

165-2. Exemption.

[HISTORY: Added by the City Council on 09-24-1986 by Ord. No. 15-86.]

165-1. Purpose.

The purpose of this Chapter is to adopt the provisions of RSA 261:157-a, entitled Exemption for Prisoners of Wars.

165-2. Exemption.

Any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, shall be exempt from paying the fee to be charged for a permit to register one motor vehicle which may be owned by such person. Satisfactory proof of the circumstances which qualify such person for the exemption provided for by this Chapter must be provided to the City Clerk who shall then certify such qualification to the Tax Collector.

VEHICLES AND TRAFFIC

CHAPTER 166

ARTICLE I

GENERAL PROVISIONS

166-1. Definitions.

166-2. Applicability.

166-3. Installation of Traffic Control Devices.

166-4. Schedules; and Tables, Adoption of Orders, Rules and/or Regulations.

ARTICLE II

TRAFFIC REGULATIONS

166-5. Travel Restrictions.

166-6. One-Way Roadways Designated.

166-7. Turning Restriction.

166-8. Stop Intersections.

166-9. Yield Intersections.

166-10. Misuse of Vehicles.

166-11. Snow Removal.

166-12. (Reserved). (formerly Misuse of Vehicles)

166-13. (Reserved). (formerly Playing Fields)

166-14. (Reserved). (formerly Snow Removal)

166-15. Violations and Penalties.

ARTICLE III

PARKING; STOPPING; STANDING

166-16. General Parking Restrictions.

166-17. General Parking Provisions.

166-18. Parking Lots.

166-19. Winter Parking.

166-20. No Parking Anytime.

166-21. Reserved. (formerly No Parking Certain Hours.)

166-22. Limited Time Parking.

166-23. (Reserved). (formerly No Parking At Any Time.)

166-24. (Reserved). (formerly No Parking Certain Hours.)

166-25. (Reserved). (formerly Limited Time Parking.)

166-26. (Reserved). (formerly Parking Of Commercial Vehicles.)

166-27. (Reserved). (formerly Parking in Fire Lanes.)

166-28. Exceptions.

166-29. Police Officer's Report.

166-30. First Notice of Violations; Payment Schedules.

166-31. Subsequent Notice of Violation.

166-32. Payment Not an Admission of Guilt.

166-33. Summons to Court.

ARTICLE IV

METERED PARKING

166-34. Definitions

166-35. Applicability

166-36. Installation of Meters

166-37. Hours of Operation

166-38. Unlawful Acts; Separate Violations

166-39. Truck Parking.

166-40. Contractor Parking.

166-41. (Reserved). (formerly Parking Sale Of Stickers.)

166-42. Penalties and Procedures. (formerly Police Officers Report)

166-43. Registration of Motor Vehicles. (formerly First Notice Violation)

166-44. In-Vehicle Parking Meters.(formerly First Notice of Violation)

166-45. (Reserved). (formerly Payment Not Admission of Guilt)

166-46. (Reserved). (formerly Summons to Court)

ARTICLE V

WEIGHT LIMITS

166-47. (Reserved). (formerly Weight Limit; Authority.)

ARTICLE VI

SCHEDULES

166-48. SCHEDULE A: One-way Roadways.

166-49. SCHEDULE B: Prohibited Turns at Intersections.

166-50. SCHEDULE C: Stop Intersections.

166-51. SCHEDULE D: Yield Intersections.

166-52. SCHEDULE E: Travel Restricted to Emergency Vehicles.

166-53. SCHEDULE F: Commercial Vehicle Travel Restricted.

166-54. SCHEDULE G: Truck Travel Restricted.

166-55. SCHEDULE H: Right Turn Required.

166-56. SCHEDULE I: No Parking at Any Time.

166-57. SCHEDULE J: Limited Time.

166-58. SCHEDULE K: Parking of Commercial Vehicles.

[HISTORY: Adopted by the City Council on 12-14-1977.* Additions and amendments at time of adoption of Code, noted within, see Ch. 1 General Provisions (1983) on 04-27-83 by Ord. No. 10-83; Articles I through VI amended in whole October 1989. Chapter 166 updated in accordance with E-911 amendments January 2006. Amended in its entirety on 8-13-08 by Ord. No. 2008.07.23-6. Additions and amendments at time of adoption of Code, noted within, see Ch. 1 General Provisions (2013) on 05-22-2013 by Ord. No. 2013-05-08-001; Amendments noted where applicable.]

ARTICLE I
GENERAL PROVISIONS

[Amended 09-09-81 by Ord. No. 16-81]

166-1. Definitions.

As used in this Chapter the following terms mean:

PERSON – Any individual, company, firm, corporation, association or any other organization.

PUBLIC HIGHWAY – The entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute or approved by the Planning Board, or any such way provided for public use, or any such way which has been used for public travel thereon for 20 years, or any public or private parking lot which is maintained primarily for the benefit of paying customers.

SIDEWALK – That portion of a public highway between the edge of the traveled way and the limit of the public right-of-way, laid out as such by the City or reserved by custom for the use of pedestrians.

VEHICLES – Any device by which any person or property may be transported on a public highway, except those operated on rails or permanent tracks.

166-2. Applicability.

A. The rules and regulations herein contained pertaining to control of motor vehicle traffic and parking areas shall apply to any person, company, firm, corporation, association or other organization.

* Editor's Note: The provisions of Arts. I, II, II and VI are derived from Ch. 34, adopted 12-14-77 and amended 8-19-81 by Ord. No. 13-81; Art. V is derived from Ch. 37, adopted 12-14-77.

B. The City Council of the City of Dover may, by resolution, suspend the operation of this Chapter or any portion thereof for temporary periods in cases of emergency, for the public good or for other reasons which to it appears to justify such suspension.

166-3. Installation of Traffic Control Devices.

A. The City Council, pursuant to RSA 47:17 VII, shall regulate the use of highways not otherwise regulated by the Commissioner of Transportation pursuant to RSA 236:1 and shall establish stop intersections, erect or cause to be erected stop signs or other traffic devices or signals thereon or upon any such highway entering therein and shall further determine the character and type of all such official signs and signals. Every stop sign, traffic device or traffic signal erected on such highways shall be deemed lawfully erected and maintained, until the contrary is proven in all cases, civil or criminal.

B. The Chief of Police shall have the authority to establish or modify traffic patterns, establish parking areas, restrict parking, or to modify the provisions of this Chapter of the revised ordinances of the City of Dover on a temporary basis. When such action is taken, the Chief of Police shall make every reasonable effort to notify the general public of such action and shall notify the City Manager.

C. The penalty for violation of any of the provisions established under the authority of this Article shall be as prescribed in 166-15 of this Chapter.

166-4. Schedules and Tables; Adoption of Orders, Rules and/or Regulations.

[Added on 04-27-83 by Ord. No. 10-83]

For the purpose of maintaining an accurate record of all orders, rules and/or regulations adopted and/or issued under the provisions of this Chapter, there is hereby established a system of schedules and tables, appearing as Article III and VI of this Chapter, in which shall be entered such orders, rules and/or regulations after adoption and/or issuance. Such schedules and tables shall be deemed a part of the section to which they refer. Orders, rules and/or regulations shall be adopted with reference to the appropriate schedule or table, as indicated in the various sections of this Chapter.

ARTICLE II

TRAFFIC REGULATIONS

[Amended 09-09-81 by Ord. No. 16-81]

166-5. Travel Restrictions. **[Added on 04-27-83 by Ord. No. 10-83; Amended on 12-21-94 by Ord. No. 27-94;]**

A. Emergency Vehicles Only

The streets or parts of streets indicated in Schedule E (166-52) shall be restricted to be used only by emergency vehicles as defined in RSA 259:28.

B. Playing Fields (repealed)

C. Commercial Vehicle Travel Restricted **[Amended on 4-27-83 by Ord. No. 10-83; Amended 05-15-91 by Ord. No. 19-91; Amended on 11-12-2008 by Ord. No. 2008.10.22-17**]

Section 1. General

(1) No vehicle with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall utilize any City street for travel in or through the City, unless said street has been designated as a commercial vehicle route. However, said vehicles are permitted to travel on City streets for the purpose of delivering or receiving goods and services to a specific, identifiable destination. If travel on a restricted street is necessary for the purpose of delivering or receiving goods or services, vehicles shall exit a commercial vehicle route at the intersection nearest to the end destination in order to minimize the use of restricted streets. If originating from a restricted street, vehicles shall proceed to the nearest intersecting commercial vehicle route.

(2) No vehicle with a United States Federal Highway Administration (FHWA) Classification 8 through 13 shall be permitted on the streets listed in Section 166-53, Schedule F, unless the vehicle is making a delivery or pickup on that particular street.

Section 2. Designated commercial vehicle routes;

(1) All State numbered routes and non-numbered state-maintained roadways are designated commercial vehicle routes in the City of Dover. Vehicles with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall be

permitted to utilize these designated commercial vehicle routes as a means of travel through the City of Dover.

(2) In addition to all State numbered routes and non-numbered state maintained roadways, certain City streets shall be designated as commercial vehicle routes. As of the date of passage of this ordinance, these streets include:

Oak Street	From Atlantic Avenue to Portland Avenue
Stark Avenue	Entire length
Jenness Street	Entire length
Indian Brook Drive	From Sixth Street to NH 16
Sixth Street	From Central Avenue to Rochester city line

(3) Commercial vehicle routes shall be designated by signage in accordance with the Manual on Uniform Traffic Control Devices, latest edition, applicable laws and safety policies.

(4) Permanent revisions to the designated commercial vehicle routes in (b) above shall be presented to the Transportation Advisory Commission by written petition. The Transportation Advisory Commission may require a traffic study and other supporting evidence to consider the petition. TAC shall provide a recommendation to the City Manager or his designee. The City Manager or designee shall post a current list of designated commercial vehicle routes in the office of the City Clerk, Community Services, and the Police Department.

(5) The City Manager, upon the recommendation of the Community Services Director, may designate temporary, specific construction/haul routes over non-commercial vehicle routes for specific projects with appropriate time limitations on the temporary designation.

Section 3. Exceptions

This ordinance shall not apply to any police, fire, ambulance or other public safety vehicle; or to vehicles owned or operated by the City. Additionally, this ordinance shall not apply to any heating system delivery vehicle, school bus, or public transit bus.

Section 4. Enforcement

This Ordinance shall be enforced by the Police Chief, his designees or other sworn law enforcement officer(s).

Section 5. Violations and Penalties

Violations of 166-5C shall be punishable by the imposition of a one-hundred fifty dollar ($150.00) citation for the first offense. Repeat offenders may be punished by the imposition of citations up to two-hundred fifty dollars ($250.00) for each offense.

D. No persons shall operate a motor vehicle, OHRV, tracked or other motorized vehicle upon any city owned or controlled property except upon ways designed and designated for public access. Government owned vehicles and vehicles authorized by the Chief of Police are exempt.

166-6. One-Way Roadways Designated. **[Added on 04-27-83 by Ord. No. 10-83]**

The streets or parts of streets described in Schedule A (166-48) are hereby designated as one-way streets, and vehicles shall proceed along those streets or parts of streets only in the direction indicated.

166-7. Turning Restrictions. [Amended on 4-27-83 by Ord. No. 10-83]

A. No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule B (166-49). Emergency vehicles shall be exempted from the provisions of this section.

B. Required right turns.

It shall be unlawful for the operator of any motor vehicle to make any traffic movement other than a right-hand turn at the locations described in Schedule H (166-55).

166-8. Stop Intersections. **[Amended on 4-27-83 by Ord. No. 10-83]**

The intersections described in Schedule C (166-50) are hereby designated as stop intersections, and stop signs shall be erected as indicated. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection or, in the event that there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway, and shall remain stopped until such time as he can safely enter the intersection.

166-9. Yield Intersections. **[Added on 04-27-83 by Ord. No. 10-83]**

The intersections described in Schedule D (166-51) are hereby designated as yield intersections, and yield signs shall be erected as indicated. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event that there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway.

166-10. Misuse of Vehicle. [Added on 04-27-83 by Ord. No. 10-83]

No person shall operate any vehicle within the City of Dover so as to make excessive noise by any of the following means:

A. Misuse of power, acceleration or traction so as to spin the wheels in the manner commonly known as "laying rubber."

B. Misuse of brake and stopping power in the deceleration of a motor vehicle where no emergency exists.

C. Misuse of power, acceleration or traction by means of rapid upshift of transmission gears.

D. Misuse of stopping or deceleration by means of rapid downshift of transmission gears.

E. Racing of engine by means of the accelerator, carburetor, gear selector, either when the motor vehicle is in motion or stationary.

166-11. Snow Removal.

No person shall deposit, or cause to be deposited, any ice or snow which has been removed from private property, in or upon any street, sidewalk or public place in the city, or deposit or cause to be deposited any ice or snow on private property in such manner as to obstruct the normal and reasonable flow of traffic in or upon any street, sidewalk or public place within the city.

166-12. Reserved. (formerly Misuse of Vehicle)

166-13. Reserved. (formerly Playing Fields)

166-14. Reserved. (formerly Snow Removal)

166-15. Violations and Penalties.

A violation of any provision in this Chapter shall be punishable by a fine of up to one thousand dollars ($1000.00) for each offense, unless otherwise noted.

ARTICLE III

PARKING; STOPPING; STANDING

[Amended 09-09-81 by Ord. No. 16-81]

166-16. General Parking Restrictions.

A. Truck Parking

Vehicles over nineteen (19) feet in overall length, with permission of the Chief of Police or his designated representative, may stop and unload merchandise in a parking space but under no circumstances shall any vehicle obstruct or impede the free flow of traffic.

B. Designation of taxicab stands and bus stops.

The Chief of Police may establish bus stops and taxicab stands on such public streets and in such places and such numbers as shall be determined to be of the greatest benefit and convenience to the public, and every such bus stop or taxicab stand shall be designated by an appropriate sign. It shall be unlawful for the owner/operator, owner or person having custody of any vehicle other than a bus or taxicab to park or permit same to be parked in an officially designated bus stop or taxicab stand.

C. Loading and unloading zones.

The Chief of Police may establish loading and unloading zones which shall be marked by appropriate signs. It shall be unlawful for the owner of any vehicle or any person having custody to any vehicle to park said vehicle or permit the same to be parked in any zone designated as a loading or unloading zone unless actually engaged in loading and unloading.

D. Parking of commercial vehicles.

(1) It shall be unlawful for the driver of any bus or taxicab to stand or park upon any street in any business district at any place other than a bus stop or taxicab stand, except while actually engaged in taking on or leaving passengers.

(2) No tractor-trailer combination or other truck, shall park on the travel portion of the street for the purpose of loading or unloading on Monday through Saturday, between the hours of 11:00 a.m. and 1:00 p.m. and from 3:30 p.m. to 6:00 p.m. upon the streets indicated in Schedule K (166-58).

(3) This section of the Chapter shall not apply to trucks used on said streets for emergency purposes or while engaged in highway or other necessary maintenance or repairs.

E. Restricted Parking. **[Added 10-02-96 by Ord. No. 13-96]**

Henry Law Park. No person shall park a vehicle in designated parking at Henry Law Park and Recreation Facility unless they are a City Employee on city business or are present and using the recreational facility or grounds at Henry Law Park. The parking of vehicles for any other purpose is prohibited. Violators shall be subject to Table B fines under 166-30.

F. Parking for Primary Purpose of Advertising Prohibited. **[Added 10-19-2005 by Ord. No. 19-2005]**

No person shall park a vehicle upon any public way for the primary purpose of advertising goods or services, except as provided in Chapter 133 – Peddlers and Vendors. Violators shall be subject to Table B fines under 166-30

166-17. General Parking Provisions

Except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or official traffic control device, no person shall:

A. Stop, stand or park a vehicle:

(1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(2) On a sidewalk.

(3) Within an intersection.

(4) On a crosswalk.

(5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.

(6) Upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless a parking space is specifically provided.

(7) On any railroad tracks.

(8) Within twenty (20) feet of the corner of any intersecting street, unless a parking space is specifically provided.

(9) It shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for any length of time in a designated fire lane. **[Amended 02-24-82 by Ord. No.3-82]**

(10) At any place where official signs prohibit parking. **[Added 05-15-96 by Ord. No. 07-96]**

(11) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special number plate, decals, or a card issued pursuant to RSA 261:86, 87 or 88, or a similar license plate, decal or card issued by another state or country displaying the international accessibility symbol and the persons who qualifies for the plate, decal or card is being transported to or from the parking place. **[Amended 04-21-93 by Ord. No. 05-93]**

(12) In or overlapping into any access aisle. "Access aisle" shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether public or private property. Access aisles shall be so marked as to discourage parking in them. **[Added 04-30-2005 by Ord. No. 07-2005]**

B. Stand or park a vehicle, whether occupied or not, except momentarily, to pick up or discharge a passenger or passengers:

(1) In front of or within five (5) feet of the edge of a public or private driveway.

(2) Within ten (10) feet of a fire hydrant.

(3) Within twenty (20) feet of a crosswalk at an intersection.

(4) Within twenty (20) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.

(5) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly signposted.

(6) Adjacent to any curb painted yellow or along any curb where there is a yellow line along the pavement adjacent to said curb.

(7) Within twenty (20) feet of the entrance to any multi-family complex consisting of five (5) or more units. **[Added 11-16-83 Ord. No. 32-83]**

C. Stand or park a vehicle in a roadway, other than paralleled with the edge of the roadway, headed in the direction of traffic, and with the right side of the vehicle within twelve (12) inches of the edge of the roadway, except as provided in the following subsections:

(1) In locations where the Police Department shall have marked or cause to be marked off individual parking spaces on the public streets, public parking areas or highways of the city, in which case it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the spaces so designated, unless such vehicle is too large to be confined to one (1) such space.

(2) When a vehicle, truck, trailer or tractor-trailer is backed to the curb for the purpose of loading or unloading merchandise, in which case, the vehicle, truck, trailer or tractor-trailer shall be turned so as to stand as near parallel to the curb as possible and shall not stand or park a vehicle so as to obstruct the view of any traffic control device of other drivers traveling upon such a street.

D. Stand or park a vehicle, whether occupied or not, upon the travel portion or shoulder of the roadway or parts there as listed in Schedule I-(B), between 10:00 p.m. and 6:00 a.m.

E. Notwithstanding the provisions of Subsection C, allow or permit a motor vehicle to stand unattended, on any public highway within the City of Dover, without first stopping the engine, locking the ignition and removing the key from the vehicle.

F. Display a disability placard issued pursuant to RSA 261:86, 87 or 88, or a similar placard issued by another state or country displaying the international accessibility symbol while parked in a metered or time limited parking area unless the person who qualifies for the placard is being transported to or from the parking place. **[Added 08-24-94 by Ord. No.11-94]**

166-18. Parking Lots. **[Amended on 04-01-88 by Ord. No. 2-88; Amended on 08-20-2003 by Ord. No. 13-2003]**

A. The Police Department is authorized to sell and distribute monthly parking passes for the parking of motor vehicles in any municipally owned parking lot or parking area so designated by the City Council, for such periods of time, under such conditions and at such rates as determined by the City Council.

B. Parking in the City Hall parking lots shall be restricted to one-hour parking, Monday through Friday, from 9:00 a.m. to 5:00 p.m., except for publicly owned vehicles.

C. The McConnell Center/Library parking lot shall be restricted to a three hour parking limit each day, unless the vehicle displays a permit authorized by the Chief of Police. Except when Chapter 166-19 (winter parking) is in effect, resident parking permits are not valid for use in this lot. **[Amended on 11-11-87 by Ord. No. 20-87; Amended on 12-21-88 by Ord. No. 27-88; Revoked 08-13-2008 by Ord. No. 2008-07-23-6; Amended on 06-08-2011 by Ord. No. 2011.05.25-7]**

D. Reserved. **[Added on 10-30-91 by Ord. No. 35-91; Revoked 08-13-2008 by Ord. No. 2008-07-23-6]**

E. The Dover School Department is authorized to sell and distribute parking passes for parking motor vehicles in the Bellamy Parking Lot between August 25 and June 20, Monday through Friday or on school days, as set by the Dover School District Calendar, between the hours of 7:00 a.m. and 3:30 p.m. Parking rules and rates for permits shall be determined by the Dover School Department. Except for five (5) spaces, which shall be marked with appropriate signs and reserved for Bellamy Park users only, no motor vehicle shall be parked in the Bellamy Lot during this time period without the benefit of a permit issued by the School Department. Any vehicle found in violation of this section may be towed from the lot and stored, the expenses of both to be paid by the registered owner of the vehicle. The Dover School Department shall have the authority to enforce parking rules in the Bellamy Parking Lot in accordance with the requirements of NH RSA 262:40-a, and shall be responsible for maintenance and snow removal in the lot. **[Added 05-17-95 by Ord. No. 07-95; Amended 08-20-2003 by Ord. No. 13-2003]**

166-19. Winter Parking. **[Amended on 11-16-83 by Ord. No. 31-83; Amended on 03-11-87 by Ord. No. 5-87; Amended on 11-11-98 by Ord. No. 15-98;**

A. No person shall, between the hours of 1:00 a.m. and 6:00 a.m. from the first day of December to the first day of April, park or allowed to be parked any motor vehicle on any street or sidewalk within the City of Dover. The Chief of Police may, when deemed necessary because of weather conditions, suspend enforcement of this section

upon giving notification of said suspension to the City Manager. Any vehicle parked on any public way contrary to the provisions of this section and interfering with municipal snow removal operations, shall, at the request of the Public Works Department, be towed from its place and stored as directed by the Police Department. The expenses of both towing and storage shall be paid by the owner of the vehicle before reacquiring the same.

B. The Chief of Police shall have the authority, after consultation with the Community Services Director, to declare an emergency parking ban affecting some or all City streets to facilitate municipal snow removal operations. The same public notification requirements contained in section 166-3(B) shall apply. Any vehicle which is parked on a public way during an emergency parking ban time period and which is interfering with municipal snow removal operations shall be towed from its place and stored, the expenses of both to be paid by the owner of the vehicle before reacquiring the same. **[Amended on 04-20-2005 by Ord. No. 10-2005; Amended 05-22-2013 by Ord. No. 2013.05.08-001]**

C. Chronic Offenders. Any person with five (5) violations in a season will be fined one hundred dollars ($100.00) for each subsequent offense. In addition to a fine, any vehicle to be found in violation of the aforementioned provisions may be towed by the direction of the Police Department and the expense of said towing will be at the expense of the owner of the vehicle. **[Added on 11-11-98 by Ord. No. 15-98]**

166-20. No Parking Anytime.

The parking of vehicles is prohibited at all times in those streets or parts of streets described in Schedule I- (166-56).

166-21. Reserved.(formerly No Parking Certain Hours **[Added on 04-27-83 by Ord. No. 10-83; Repealed on 08.13.2008 by Ord. No. 2008.07.23-6]**

166-22. Limited-Time Parking. **[Added on 04-27-83 by Ord. No. 10-83]**

The parking of vehicles is hereby prohibited in the locations described in Schedule J-(166-57) for a longer period of time than that designated, during the hours indicated.

166-23. Reserved. (formerly No Parking At Any Time. [Added on 04-27-83 by Ord. No. 10-83]**)**

166-24. Reserved. (formerly No Parking Certain Hours. [Added on 04-27-83 by Ord. No. 10-83]**)**

166-25. Reserved. (formerly Limited Time Parking. [Added on 04-27-83 by Ord. No. 10-83])

166-26. Reserved. (formerly Parking Of Commercial Vehicles.)

166-27. Reserved. (formerly Parking in Fire Lanes.)

166-28. Exceptions.

A. The provisions of this Chapter shall not apply to those who have obtained a special temporary parking permit from the Chief of Police and are following the instructions provided with such permit.

B. In any area in which parking is restricted, except the no-parking areas on the Central Avenue Bridge, the restriction shall not apply to vehicles loading or unloading when such loading and unloading is actually being accomplished and when such vehicle does not unreasonably block or impede traffic.

166-29. Police Officer's Report.

Any police officer observing a violation of 166-16 through 166-22 of this Chapter shall issue a parking ticket, the copy of which shall be considered his report of the violation. The report shall contain information as follows:

A. The location of the vehicle in violation of this ordinance.

B. The state license plate number of the vehicle in violation.

C. The time and date such vehicle is parked in violation.

D. Any other pertinent facts which are necessary for a thorough understanding of the circumstances of the violation.

166-30. First Notice of Violation; Payment Tables. **[Amended on 03-25-88 by Ord. No. 28-87; Amended on 04-19-2000 by Ord. No. 03-2000; Amended on 03-20-2002 by Ord. No. 15-2002; Amended on 04-20-2005 by Ord. No. 06-2005; Amended on 01-26-2011 by Ord. No. 2011.01.12-2; Amended on 07-11-2012 by Ord. No. 2012.05.09-8; Amended 05-22-2013 by Ord. No. 2013.05.08-001]**

Late Notice - If the fine indicated for the initial violation is not paid within ten (10) days, the Chief of Police shall send a late notice to the owner of the vehicle. Such notice shall be sent to the primary owner as listed with the motor vehicle department of the state in which the vehicle is registered. The late notice shall be sent by First Class mail and shall instruct the vehicle owner

that they may avoid further prosecution and fine by paying the City of Dover the amount in the applicable payment schedule for that violation.

A. All parking violations enumerated in 166-16 through 166-46 shall be TABLE A violations, except as follows:

(1) Violations of Section 166-16E, 166-15F, 166-17A(9), 166-17A(12), 166-17E, 166-34C(4) shall be TABLE B violations.

(2) Violations of Section 166-17A(11) and 166-17F shall be TABLE C violations.

B. Parking violation tables shall be as follows:

(1)	TABLE A		
(A)	INITIAL VIOLATION:	Fifteen dollars	$15.00
(B)	LATE NOTICE(10 days after violation)	Thirty dollars	$30.00
(C)	14 DAYS AFTER LATE NOTICE:	Fifty dollars	$50.00
(D)	AFTER NOTIFICATION TO COLLECTIONS AGENCY	Sixty dollars	$60.00
(E)	MINIMUM COURT FINE		$100.00

(1)	TABLE B		
(A)	INITIAL VIOLATIONS	Fifty dollars	$50.00
(B)	LATE NOTICE (10 days after violation)	Seventy dollars	$70.00
(C)	14 DAYS AFTER LATE NOTICE	One-hundred dollars	$100.00
(D)	AFTER NOTIFICATION TO COLLECTION AGENCY	One-hundred-twenty dollars	$120.00
(E)	MINUMUM COURT FINE	One-hundred-fifty dollars	$150.00

(1)	TABLE C		
(A)	INITIAL VIOLATIONS	Two-hundred-fifty dollars	$250.00
(B)	LATE NOTICE:	Two-hundred-fifty dollars	$250.00
(C)	14 DAYS AFTER LATE NOTICE	Two-hundred-fifty dollars	$250.00
(D)	AFTER NOTIFICATION TO COLLECTION AGENCY	Three-hundred dollars	$300.00
(E)	MINUMUM COURT FINE	Three-hundred dollars	$300.00

166-31. Final notice of Violation. **[Amended on 3-11-87 by Ord. No. 5-87; Amended on 6-2-88 by Ord. No. 6-88; Amended on 04-19-2000 by Ord. No. 03-2000, Amended on 01-26-2011 by Ord. No. 2011.01.12-2]**

A. Late Notice. If the fine indicated for the initial violation is not paid within ten (10) days, the Chief of Police shall send a final notice violation to the owner of the vehicle. Such notice shall be sent to the primary owner as listed with the Motor Vehicle Department of the state in which the vehicle is registered. The late notice shall be sent by First Class mail and shall instruct the vehicle owner that they may avoid further prosecution and fine by paying the City of Dover Police Department the final notice payment in the applicable payment schedule for that violation.

B. Final Notice Requirement Waiver. If the final notice of violation required in Subsection A above is returned to the Police Department by the United States Postal Service as undeliverable to the addressee for any reason, the notice returned shall be considered evidence that the Police Department has complied with the provisions of Subsection A.

166-32. Payment Not an Admission of Guilt.

Such payment as outlined in 166-30 and 166-31 of this Chapter shall not constitute an admission of guilt nor a determination of guilt. .

166-33. Summons to Court/Towing or Immobilization of Motor Vehicle for Non-Payment of Parking Fines. **[Amended on 03-11-87 by Ord. No. 5-87; amended on 08-03-88 by Ord. No. 09-88]**

A. Any person to whom is sent or issued notification of a violation or violations of the proceeding section of this Article and who does not pay the charges prescribed above may be summoned to the Dover District Court. The penalty for a violation of this

Article in such case shall be no less that the fine indicated in Chapter 166-30, no portion of which may be suspended. If a person fails to appear after being summonsed, the vehicle involved shall be subject to immobilization in accordance with Section B below. **[Amended on 05-19-93 by Ord. No. 10-93]**

B. Any vehicle found parked on any public street, parking lot or any other place, registered in the name of an owner who has three (3) or more outstanding parking violation "Final Notices" for violations or preceding section have been sent, may be subject to towing and storage or immobilization by the Police Department provided notice of intent to tow and store or immobilize said vehicle has been sent to the address listed with the State Motor Vehicle Department of the State in which the vehicle is registered. Said notice shall contain the following information [**Amended on 04-19-2000 by Ord. No. 03-2000]:**

(1) The date, time and location of the violations leading to the issuance of this notice;

(2) That the subject vehicle shall be subject to towing and storage or immobilization after a specific date of not less than five (5) days subsequent to the date of the notice unless the matter is resolved;

(3) That the recipient of the notice may contact the Police Department and request a hearing on the subject of the violations.

(a) Hearing. At the request of any recipient of a notice pursuant to this section, the designated member of the Police Department shall arrange a hearing. Such designated member of the Police Department shall conduct and preside over such hearings which shall be informal. At such hearing, the owner of the motor vehicle that is the subject of the hearing, may present any relevant facts or information on the issue.

The decision of the Hearing Officer shall be final, subject only to a judicial review.

(i) Upon receipt of the request for a hearing, a vehicle shall not be towed and stored or immobilized until such requested hearing is conducted.

C. Any vehicle towed and stored or immobilized in accordance with the preceding may be released as follows:

(1) By payment of all charges due including an administrative fee of twenty-five dollars ($25.00). **[Amended 04-19-2000 by Ord. No. 03-2000]**

(2) By order of the Chief of Police or the person designated to conduct hearings in accordance with Section B3(a) above, after a hearing has been conducted.

(3) By posting cash bond with the Police Department in an amount sufficient to make full payment of all parking charges due arising out of violations subject to the provisions of this Chapter in order to allow judicial determination regarding the matter in question.

(4) By judicial determination.

D. In the event that any motor vehicle has been towed and stored or immobilized pursuant to this Chapter, a further precondition to the release of said vehicle shall be the payment by the party desiring the release of said vehicle of all fees and charges incurred by the City for the towing and storage or immobilization of said vehicle. When a motor vehicle has been immobilized pursuant to the provisions of this Chapter, the Police Department shall affix a warning notice on the windshield of the vehicle advising the driver not to attempt to operate the vehicle or remove the immobilization device, and advising the operator or owner of the steps to be taken to have the immobilization device removed.

E. Any person attempting to remove a Police Department immobilization parking device from a vehicle without authorization by the Police Department, shall be guilty of a violation, and fined One Hundred Dollars ($100.00), no portion of which may be suspended.

ARTICLE IV

METERED PARKING

[Amended on 08-19-81 by Ord. No. 13-81]

166-34. Definitions.

As used in this Chapter the following terms mean:

PARKING METER – A mechanical device located upon a public highway or sidewalk in a place regularly designed as a parking zone as hereinafter defined, which devise shall record a certain number of minutes by the use of a clock mechanism determining the period of time for which parking privileges may be extended to the person so depositing a coin or any device which produces a ticket upon which the time for which parking privileges are extended may be printed.

PARKING METER ZONE – Any designated section of the public highway within which a motor vehicle may be temporarily parked and allowed to remain for such period of time as indicated upon the parking meter attached therein.

PERSON – Any individual, company, firm, corporation, association or other organization.

PUBLIC HIGHWAY – The entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute or approved by the Planning Board, or any such way provided for public use, or any such way which has been used for public travel thereon for twenty (20) years, or any public or private parking lot which is maintained primarily for the benefit of paying customers of the state and city.

SIDEWALK – That portion of a public highway between the edge of the traveled way and the limit of the public right-of-way, laid out as such by the City or reserved by custom for the use of pedestrians.

VEHICLE – Any device by which any person or property may be transported upon a public highway, except those operated upon rails or permanent tracks.

166-35. Applicability.

A. The rules and regulations herein contained pertaining to the control of motor vehicle traffic and parking areas shall apply to any person, company, firm, corporation, association or other organization.

B. The City Council of the City of Dover may, by resolution, suspend the operation of this Article for temporary periods in cases of emergency, for the public good or for other reasons which, to it, appear to justify such suspension. If any section or part of a section of this Article is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the remaining sections or part thereof.

166-36. Installation of Meters.

The City of Dover shall provide for the installation, regulation and operation of such meters and provide curb and street marking lines therefore. Meters shall be placed upon the curb in relation to the individual parking spaces or, in the case of a so-called master parking meter, shall be placed at a designated location to be controlled by said master parking meter, and shall be constructed so as to show the limit of legal parking upon deposit of payment and to provide some signal, ticket or some other mechanical device showing the expiration of said parking. **[Amended 05-22-2013 by Ord. No. 2013.05.08-001]**

166-37. Hours of Operation. **[Amended on 01-13-88 by Ord. No. 34-87]**

Parking meters shall be in operation daily between the hours of 9:00 a.m. and 7:00 p.m., except on Saturdays, Sundays and legal holidays.

166-38. Unlawful Acts; Separate Violations.

The following shall be considered violations of this Article:

A. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked in a parking meter zone so that vehicle is not entirely within the area designated or delineated by lines or markings.

B. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked in excess of nineteen (19) feet in overall length in a parking meter zone except as provided in 166-39.

C. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked or left standing in any area where parking is controlled by a master parking meter:

(1) Without purchasing a receipt from said master parking meter for such parking or standing time.

(2) Without displaying any receipt so purchased in a master parking meter in a position on the dashboard of the vehicle in order that the time printed on said receipt may be clearly visible from outside the vehicle.

(3) After parking or standing time which has been purchased has expired.

(4) Displaying an altered or falsified receipt or any receipt that has not been purchased from the master parking meter controlling the parking space in which the vehicle displaying the receipt is parked.

(5) Exception: No master meter receipt is required for on- street parking of less than 15 minutes. This exception does not apply to parking lots.

(6) In excess of the posted time limits.

D. Each subsection of the acts described in Subsection C(1) to (4) shall constitute a separate violation and additional violation. It shall further be unlawful for any person to park or allow any vehicle registered in his name to remain parked in a parking meter zone when time purchased on the parking meter for that space has expired, except as provided in 166-37.

E. It shall be unlawful for any person to park or allow any vehicle registered in his name to be parked or left standing on any public highway or part of a public highway within the city in a parking meter zone without conforming to the provisions of this Article.

F. Where a violation of this Article is found, each additional one (1) hour that a vehicle is so parked in violation shall constitute a separate additional violation.

G. Exceptions: The provisions of the aforementioned sections of this Article shall not apply to publicly owned vehicles nor to persons who are disabled and have obtained permission so to park from the Chief of Police.

166-39. Truck Parking.

Vehicles over nineteen (19) feet in overall length, with permission of the Chief of Police or his designated representative, may stop and unload merchandise in a parking meter zone, but under no circumstances shall any vehicle obstruct or impede the free flow of traffic.

166-40. Contractor Parking.

The Chief of Police, or his designated representative, may permit plumbers, electricians or other contractors to park in any area, without regard to meter fees or time restrictions, provided that it is essential to work being done in the immediate area. **[Amended on 04-20-05 by Ord. No. 09-2005]**

166-41. Reserved. (formerly Parking Sale Of Stickers.)

166-42. Penalties and Procedures. **[Added on 03-11-87 by Ord. No. 05-87] (formerly Police Officers Report [Repealed 03-11-87 by Ord. No. 05-87])**

Any violations of any section of this Article shall be handled by the Police Department in accordance with the procedures and penalties for other parking violations in Article III, 166-29, 166-30, 166-31, 166-32, and 166-33.

166-43. Registration of Motor Vehicles. **[Added on 06-02-88 by Ord. No. 08-88] (formerly First Notice Of Violation [Repealed 03-11-87 by Ord. No 05-87])**

The provisions of RSA 231:130-a, Notification of Unpaid Fines, is hereby adopted by the City of Dover, New Hampshire. Pursuant to the adoption of RSA 231:130-a, the Tax Collector shall:

A. Maintain a record in the office of the Tax Collector which shall contain a listing of all residents of the City of Dover who have outstanding parking violations incurred in municipalities that have adopted the provisions of this section.

B. Notify the Town or City Clerk of any other municipality that has adopted the provisions of this section of any outstanding parking violations incurred by residents of such municipality within the limits of the notifying municipality.

C. Notify the Town or City Clerk of any municipality that has adopted the provisions of this section of the payment of any outstanding parking violations incurred by residents of such municipality within the limits of the notifying municipality. Such action shall be taken within ten (10) days of the payment of the outstanding violation.

D. The Tax Collector shall update and keep readily available the records required by RSA 231:30-a, (1), in order that such records may be consulted at such time as residents of such municipalities apply for permits for the registration of motor vehicles pursuant to RSA 261:148.

E. Furthermore, no resident in the City of Dover shall be allowed to register a motor vehicle until all outstanding parking violations have been paid to the City of Dover or to any other municipality that has adopted the provisions of RSA 231:130-a.

166-44. In-Vehicle Parking Meters . **[Amended on 08-27-2012 by Ord. No. 2012.07.25-11] (formerly Second Notice Of Violation. [Repealed 03-11-87 by Ord. No 05-87])**)

A. The use of In-Vehicle Parking Meters (IVPM) to pay for parking is permitted notwithstanding the provisions of 166-38 (C)(1) under the following conditions:

(1) The IVPM is displayed by using the mounting bracket, or on the dashboard allowing the readout device to be clearly viewed.

(2) The IVPM is authorized for use in the City of Dover and activated for the proper zone in which the vehicle is parked.

(3) No manipulation of the software, display, deactivation, or reactivation of the IVPM resulting in the avoidance of parking fees has occurred.

B. Attempts at circumvention of the IVPM program may result in the closing of the IVPM account without refund of any kind.

166-45. Reserved. (formerly Payment Not Admission Of Guilt. **[Repealed 03-11-87 by Ord. No 05-87])**

166-46. Reserved. (formerly Summons To Court. **[Repealed 03-11-87 by Ord. No 05-87])**

ARTICLE V

WEIGHT LIMITS

166-47. Reserved. (formerly Weight Limit; Authority. **[Amended on 4-27-83 by Ord. No. 10-83; Repealed on 08-13-2008 by Ord. No. 2008.07.23-6])**

ARTICLE VI

SCHEDULES

[Amended on 09-09-81 by Ord. No. 16-81; Amended on 10-28-91 by Ord. No. 18-81; Amended on 11-10-81 by Ord. No. 20-81; Amended on 02-24-82 by Ord. No. 04-82; Amended on 06-09-82 by Ord. No. 11-82; Amended on 09-08-82 by Ord. No. 14-82; Amended on 09-08-82 by Ord. No. 15-82; Amended on 09-22-82 by Ord. No. 18-82; Amended on 10-13-82 by Ord. No. 19-82; Amended on 04-27-83 by Ord. No. 10-83]

166-48. SCHEDULE A: One-Way Roadways [Amendments noted where applicable]

In accordance with the provisions of 166-5, it shall be unlawful for any person operating a motor vehicle to operate the same on those portions of public highways hereinafter named, in any direction other than as hereinafter set fourth:

Street	Direction of Travel
Angle Street **[Added on 03-17-93 by Ord. No. 03-93]**	Easterly from the intersection with Academy Street to the intersection with Central Avenue
Central Avenue	Easterly on the crossway between the two portions of Central Avenue immediately to the south of the Morrill Monument and Fountain in the Upper Square
Central Avenue	Southerly from the intersection with Second Street to the intersection with Washington Street
Chapel Street	Easterly from the intersection with Main Street to the intersection with St. John Street
Chestnut Street	**[Repealed on 07-01-92 by Ord. No. 18-92]**
Cochecho Street **[Added on 04-13-88 by Ord. No. 01-88]**	Easterly from the intersection with Portland Avenue to the intersection with Rogers Street
Fayette Street **[Added on 05-30-90 by Ord. No. 07-90]**	Northerly, from the intersection with Washington Street to the intersection with Green Street
First Street **[Added on 10-10-84 by Ord. No. 19-84]**	Westerly from the intersection with Central Avenue to the westernmost entrance to the First Street parking lot
Fourth Street **[Added on 11-12-86 by Ord. No. 17-86]**	Easterly from the intersection with Chestnut Street to the intersection with Central Avenue
Green Street **[Added on 05-30-90 by Ord. No. 07-90]**	Westerly, from the exit from the United States Post Office parking lot to the intersection with Washington Street
Hampshire Circle	Easterly from the intersection with Whittier Street and then westerly to the intersection with Whittier Street

Street	**Direction of Travel**
Henry Law Avenue **[Added on 09-10-2008 by Ord .No. 2008.08.13-12]**	Easterly from the intersection of Washington Street to the intersection of George Street
Lincoln Street **(Added 04-21-2004 by Ord. No. 06-2004)**	Westerly from the intersection with Chestnut Street to the intersection with Grove Street
Locust Street **[Added on 12-26-91 by Ord. No. 48-91]**	Northerly from St. Thomas Street to Washington Street
Main Street	Northerly from the intersection with Washington Street to the intersection with Chapel Street
Mechanic Street **[Added on 04-91-88 by Ord. No. 04-88]**	Northerly, from the intersection with School Street to the entrance to the School/Mechanic Street parking lot
Mill Street	**[Repealed on 12-17-01 by Ord. No. 28-2001]**
Mineral Park Drive **[Added on 04-03-91 by Ord. No. 12-91]**	Northerly from the intersection with Whittier Street to the intersection with Pleasant View Circle
Nelson Street **[Added on 07-27-11 by Ord. No 2011-07.13-9]**	Westerly from the intersection of Locust Street to the intersection of Atkinson Street
New York Street	Easterly from the intersection with Central Avenue to the intersection with Park Street
Orchard Street Lot service road **[Added on 11-17-04 by Ord. No. 20-2004]**	Northerly, from its intersection with Orchard Street to its exit into the north end of the Orchard Street Lot
Pleasant View Circle **[Added on 05-29-91 by Ord. No. 23-91]**	Easterly from the intersection of Washington Street to the intersection with Whittier Street
Portland Avenue Connector **[Added on 06-16-93 by Ord. No. 11-93]**	Easterly from the intersection with Chapel Street to the intersection with Portland Avenue
St. Thomas Street	**[Repealed on 07-17-02 by Ord. No. 20-2002]**
St. Thomas Street	Westerly from the intersection with Central Avenue to the intersection with Locust Street

Street	Direction of Travel
St. Thomas Street **[Added on 07-17-02 by Ord. No. 20-2002]**	Westerly from the intersection with Chestnut Street to the intersection with Belknap Street
School Street **[Added on 04-19-88 by Ord. No. 04-88]**	Easterly, from the entrance to the School/Mechanic Street parking lot to the intersection of Mechanic Street
Second Street	Westerly from the intersection with Central Avenue to the intersection with Chestnut Street
Spruce Lane **[Added on 05-16-2001 by Ord. No. 09-01]**	On the westerly side of Back River Road from the intersection with Back River Road in the so called "Slip Lane"
Spruce Lane **[Added on 05-16-2001 by Ord. No. 09-01]**	In the easterly side of Back River Road from the intersection with Back River Road and the so called "Slip Lane"
Union Street	Easterly from the intersection with Central Avenue to the intersection with Court Street
Winter Street	Easterly from the intersection with Broadway to the intersection with Durrell Street

166-49. SCHEDULE B: Prohibited Turns at Intersections

In accordance with 166-7, it shall be unlawful for the driver of any motor vehicle to make a left-hand turn at the following intersections:

Street	**Direction of Travel/Intersection**
Angle Street **[Added on 03-17-93 by Ord. No. 02-93]**	When emerging from Angle Street onto Central Avenue between the hours of 7:00 a.m. and 7:00 p.m.
Boston Harbor Road **[Added on 03-21-01 by Ord. No. 01-2001]**	South at the intersection of north on ramp to Spaulding Turnpike (near Motor Vehicle Substation)
Central Avenue	South at the intersection of Central Avenue with Broadway
Chestnut Street **[Added on 04-20-05 by Ord. No. 11-2005]**	North at the intersection with Washington Street
Chestnut Street **[Added on 04-20-05 by Ord. No. 11-2005]**	South at the intersection with Third Street
Church Street **[Added on 03-17-93 by Ord. No. 02-93]**	When emerging from Church Street onto Central Avenue between the hours of 7:00 a.m. and 7:00 p.m.
New Rochester Road	**[Repealed on 09-20-2000 by Ord. No. 13-00]**
Third Street	East at the intersection with Central Avenue

166-50. SCHEDULE C: Stop Intersections: **[Amended on 06-30-99 by Ord. No. 07-99, Additional amendments noted where applicable]**

In accordance with **166-8**, the following streets are designated as full stop street intersections:

STOP SIGN ON:	AT INTERSECTION OF:
Abbott Street	Central Avenue
Abbott Street	Mount Vernon Street
Academy Street **[Added on 04-01-92 by Ord. No. 04-92]**	Church Street
Adelle Drive **[Added on 02-08-2006 by Ord. No. 2006.01.11-02]**	Durham Road
Alder Lane	Wilbrod Avenue
Allan Street **[Added on 10-25-06 by Ord. No. 2006.10.11-13]**	Old Rochester Road
Alumni Drive	Bellamy Road
Alumni Drive	Durham Road
Amy Lane **[Added on 04-01-92 by Ord. No. 04-92]**	Sixth Street
Angle Street	Central Avenue
Apache Street **[Added on 10-25-06 by Ord. No. 2006.10.11-13]**	Old Rochester Road
Applevale Drive **[Added on 02-08-06 by Ord. No. 2006.01.11-02]**	Middlebrook Road
Arch Street **[Added on 08-03-88 by Ord. No. 10-88]**	Washington Street
Ash Street	Central Avenue
Ash Street	Grove Street
Ash Street	Horne Street
Ash Street	Mt. Vernon Street
Ash Street (4-way) **[Added on 10-19-94 by Ord. No. 24-94]**	Maple Street
Atkinson Street	St. Thomas Street
Atkinson Street	Silver Street
Atkinson Street	Washington Street
Atlantic Avenue	Portland Avenue
Auburn Street	New Rochester Road
Augusta Way **[Added on 04-17-02 by Ord. No. 16-2002]**	Middle Road
Austin Drive **[Added on 04-21-93 by Ord. No. 06-93]**	Garrison Road
Ayers Lane	Royer Lane
Back Road **[Added on 10-11-06 by Ord. No. 2006.09.27-12]**	Henry Law Avenue

STOP SIGN ON:	**AT INTERSECTION OF:**
Baker Street	East Concord Street
Beech Road	Longmeadow Road
Beech Road **[Added on 3-18-98 by Ord. No. 03-98]**	Stark Avenue
Belanger Drive	Dover Point Road
Belknap Street **[Added on 10-11-89 by Ord. No. 23-89]**	Fisher Street
Belknap Street	Silver Street
Belknap Street	Washington Street
Bellamy Road	Durham Road
Benjamin Way **[Added on 04-17-02 by Ord. No. 16-2002]**	Danielle Lane
Beverly Lane **[Added on 04-01-92 by Ord. No. 04-92]**	Bellamy Road
Boxwood Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Cottonwood Drive
Brickyard Drive	Isaac Lucas Drive
Browning Drive **[Added on 03-19-99 by Ord. No. 04-99]**	Tennyson Avenue
Cailey Anna Lane	Corbin Drive
Canney Lane **[Added on 02-16-05 by Ord. No. 03-2005]**	Overlook Drive
Canney Lane **[Added on 02-16-05 by Ord. No. 03-2005]**	Quaker Lane
Cataract Avenue	Bellamy Road
Cataract Avenue	Rutland Street
Chandler Way	Knox Marsh Road
Chapel Street	Portland Avenue
Charles Street	Central Avenue
Cherrywood Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Sixth Street
Chestnut Street	Central Avenue
Chestnut Street (4-way)	Sixth Street
Church Street	Central Avenue
Church Street **[Added on 01-20-1999 by Ord. No. 23-98]**	Locust Street
Clearwater Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Spur Road
Clifford Street	Rutland Street
Cobble Hill Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Elmview Circle

STOP SIGN ON:	**AT INTERSECTION OF:**
Cochecho Street	**[Repealed on 04-03-96 by Ord. No. 03-96]**
Cochecho Street **[Added on 07-29-98 by Ord. No. 07-98]**	Rogers Street
Columbus Avenue	Littleworth Road
Columbus Avenue	Tolend Road
Conifer Commons **[Added on 04-17-02 by Ord. No. 16-2002]**	Glenwood Avenue
Constitution Way **[Added on 04-01-92 by Ord. No. 04-92]**	Dover Point Road
Corbin Drive	Mast Road
Cordeiro Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Varney Road
Cornerstone Drive **[Added on 04-01-92 by Ord. No. 04-92]**	County Farm Cross Road
Cottonwood Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Wildewood Drive
Country Club Drive	Gulf Road
County Farm Cross Road **[Added on 02-08-06 by Ord. No. 2006.01.11-02]**	County Farm Road
County Farm Cross Road **[Added on 07-25-01 by Ord. No. 18-01]**	Sixth Street
County Farm Road **[Added on 01-30-91 by Ord. No. 04-91]**	County Farm Cross Road
County Farm Road	Sixth Street
Court Street	Central Avenue
Crescent Avenue	Horne Street
Crosby Road	Littleworth Road
Cushing Street	Silver Street
Cushing Street	Washington Street
Danielle Lane	Mathes Hill Drive
Danielle Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Spruce Lane
Dean Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Tolend Road
Deborah Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Spur Road
Digby Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Back River Road
Dover Neck Road **[Added on 04-01-92 by Ord. No. 04-92]**	Middle Road
Dover Point Road (northbound)	Route 4
Drew Road **[Added on 09-27-2001 by Ord. No. 25-01**]	Back River Road

STOP SIGN ON:	**AT INTERSECTION OF:**
Dover Street	East Street
Dover Street **[Added on 04-24-2013 by Ord. No. 2013.04.10-6]**	Park Street
Dunn's Bridge Lane **[Added on 04-01-92 by Ord. No. 04-92]**	Durham Road
Durrell Street	St. John Street
East Street	New York Street
East Concord Street	Ham Street
East Concord Street	Hill Street
East Watson Street	Court Street
Ela Street	Pearl Street
Elliott Park	Stark Avenue
Elm Street	Summer Street
Elm Street	Silver Street
Elmview Circle **[Added on 04-17-02 by Ord. No. 16-2002]**	Court Street
Essex Street	Forest Street
Essex Street	Portland Avenue
Everett Street	Ham Street
Evergreen Valley Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Sullivan Drive
Ezras Way **[Added on 04-17-02 by Ord. No. 16-2002]**	Littleworth Road
Fairway Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Gulf Road
Fayette Street **[Added on 05-17-2000 by Ord. No. 07-00]**	Green Street
Fieldstone Drive	Long Hill Road
Fifth Street	Central Avenue
Fifth Street	Chestnut Street
First Street	**[Repealed on 10-10-84 by Ord. No. 19-84]**
Fisher Street	Locust Street
Fisher Street	Rutland Street
Florence Street	Pearl Street
Fourth Street	Central Avenue
Fourth Street	Chestnut Street
Fourth Street	Washington Street
Foxtail Ridge	Sixth Street

STOP SIGN ON:	**AT INTERSECTION OF:**
French Cross Road **[Added on 01-16-91 by Ord. No. 24-90]**	Tolend Road
Garrison Road	Back River Road
Gerrish Road	Old Dover Point Road
Glencrest Avenue	Horne Street
Glenwood Avenue **[Added on 10-31-90 by Ord. No. 18-90]**	Sixth Street
Governor Sawyer Lane **[Added on 04-01-92 by Ord. No. 04-92]**	Stark Avenue
Grady's Lane	Mast Road
Grandview Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Littleworth Road
Green Street	Washington Street
Green Street	**[Repealed on 05-30-90 by Ord. No. 07-90]**
George Street **[Added on 04-22-2013 by Ord. No. 2013.04.10-3]**	**Henry Law Avenue**
Grove Street **[Added on 11-15-95 by Ord. No. 15-95]**	Ash Street
Grove Street	Fourth Street
Grove Street	Fifth Street
Grove Street	Hough Street
Grove Street (Northerly and Southerly) **[Added on 11-04-92 by Ord. No. 28-92]**	Sixth Street
Hale Street	Central Avenue
Hale Street	Locust Street
Ham Street	Central Avenue
Ham Street	Broadway
Ham Street **[Added on 04-24-2013 by Ord. No. 2013.04.10-6]**	Park Street
Hampshire Circle **[Added on 02-16-05 by Ord. No. 01-2005]**	Whittier Street
Hancock Street **[Added on 01-18-06 by Ord. No. 23-2005]**	Forest Street
Hancock Street	Portland Avenue
Hanson Street	Henry Law Avenue
Harlans Way **[Added on 04-17-02 by Ord. No. 16-2002]**	Mast Road
Hawthorne Road **[Added on 01-21-98 by Ord. No. 27-97]**	Stark Avenue
Henry Law Avenue **[Added on 04-24-2013 by Ord. No. 2013.04.10-3]**	George Street
Hill Street	Central Avenue

STOP SIGN ON:	**AT INTERSECTION OF:**
Hill Street	Broadway
Homestead Lane **[Added on 04-01-92 by Ord. No. 04-92]**	Dover Point Road
Horne Street **[Added on 10-11-89 by Ord. No. 23-89]**	Glenwood Avenue
Horne Street [Added on 03-24-10 by Ord. No. 2010.03.10-7]	Hough Street
Horne Street	Sixth Street
Hough Street	Central Avenue
Hough Street **[Added 04-24-2013 by Ord. No. 2013.04-10-5**	Grove Street
Hough Street	Horne Street
Hough Street	Maple Street
Hough Street [Added on 3-24-10 by Ord. No. 2010.03.10-7]	Mt Vernon Street
Hubbard Road **[Added on 04-01-92 by Ord. No. 04-92]**	Hawthorne Road
Hubbard Road **[Added on 04-01-92 by Ord. No. 04-92]**	Middle Road
Industrial Park Drive	Littleworth Road
Ironwood Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Cherrywood Drive
Ironwood Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Cottonwood Drive
Isaac Lucas Circle **[Added on 04-01-92 by Ord. No. 04-92]**	Middle Road
Ivans Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Dover Point Road
Karens Way **[Added on 04-17-02 by Ord. No. 16-2002]**	Cordeiro Drive
Kirkland Street	Central Avenue
Kirkland Street **[Added on 01-20-99 by Ord. No. 23-98]**	Locust Street
Landing Way **[Added on 04-01-92 by Ord. No. 04-92]**	Dover Point Road
Leighton Road	Dover Point Road
Lexington Street	Silver Street
Lexington Street	Washington Street
Locust Street	Washington Street
Long Hill Road	Old Rochester Road
Long Hill Road	Sixth Street
Longmeadow Road	Woodland Road

STOP SIGN ON:	**AT INTERSECTION OF:**
Lowell Avenue	Central Avenue
Towne Drive **[Added on 06-20-2001 by Ord. No. 16-2001; Name Change by Resolution]**	Henry Law Avenue
Franklin Plaza **[Added on 02-23-94 by Ord. No. 02-94; Name Changed by Resolution on 9-14-11]**	Central Avenue
Maple Street	Ash Street
Maple Street **[Added on 11-15-95 by Ord. No. 16-95]**	Hough Street
Maple Street	Sixth Street
Martin Lane	Henry Law Avenue
Mast Road	Back River Road
Mast Road **[Added on 08-27-86 by Ord. No. 12-86]**	Spruce Lane
Leathers Lane **[Added on 05-01-91 by Ord. No. 15-91; Name Change by Resolution]**	Back River Road
Mathes Hill Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Danielle Lane (south)
Mathes Hill Drive	Mast Road
Mechanic Street	Chapel Street
Merry Street	Ridge Street
Middle Road	Back Road
Middle Road	Dover Point Road
Middlebrook Road **[Added on 01-21-97 by Ord. No. 27-97]**	Stark Avenue
Mineral Park Drive **[Added on 02-16-05 by Ord. No. 01-2005]**	Pleasant View Circle
Milk Street	Central Avenue
Mohawk Drive **[Added on 10-25-06 by Ord. No. 2006.10.11-13]**	Shawnee Lane
Morningside Drive (southerly) **[Added on 01-13-2010 by Ord. No. 2009.12.09-25]**	River Dale Avenue
Mt. Vernon Street (4-way) **[Added on 02-20-91 by Ord. No. 03-91]**	Ash Street
Mt. Vernon Street	Hough Street
Mt. Vernon Street	Lowell Avenue
Mt. Vernon Street **[Added on 08-27-86 by Ord. No. 12-86]**	Sixth Street
Mulligan Drive **[Added on 11-04-92 by Ord. No. 29-92]**	Back Road
Mulligan Drive **[Added on 09-27-2001 by Ord. No. 24-01]**	Samuel Hanson Avenue

STOP SIGN ON:	**AT INTERSECTION OF:**
Nelson Street	Atkinson Street
Newport Road **[Added on 02-08-06 by Ord. No. 2006.01.11-02]**	Middlebrook Road
Newton Street	New Rochester Road
New Bellamy Lane	Dover Point Road
New Bellamy Lane **[Added on 12-18-2002 by Ord. No. 34-02]**	Spur Road
New York Street **[Added on 07-18-89 by Ord. No. 12-89]**	Broadway
Niles Street **[Added on 08-27-86 by Ord. No. 12-86]**	Henry Law Avenue
Northam Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Glenwood Avenue
Northway Circle **[Added on 08-27-86 by Ord. No. 12-86]**	Plaza Drive
Oak Street	Atlantic Avenue
Oak Street	**[Repealed on 04-20-05 by Ord. No. 08-2005]**
Old Dover Point Road	Dover Point Road
Old Littleworth Road	Littleworth Road
Olde Madbury Lane	Knox Marsh Road
Old Rochester Road	Indian Brook Drive
Old Rochester Road **[Added on 10-26-11 by Ord. No. 2011.09.28 -012]**	Long Hill Road
Old Stage Road	Littleworth Road
Orchard Street	Central Avenue
Overlook Drive **[Added on 02-16-05 by Ord. No. 03-2005]**	Tuttle Lane
Park Street	Ham Street
Park Street	Hill Street
Park Street	New York Street
Park Street	Oak Street
Parker Street	Rutland Street
Parker Street **[Added on 09-27-2001 by Ord. No. 22-01]**	Woodman Park Drive
Pearson Drive	Dover Point Road
Penny Lane **[Added on 04-01-92 by Ord. No. 04-92]**	Henry Law Avenue
Philip Street **[Added on 10-25-06 by Ord. No. 2006.10.11-13]**	Long Hill road
Philip Street **[Added on 10-25-06 by Ord. No. 2006.10.11-13]**	Old Rochester Road

STOP SIGN ON:	**AT INTERSECTION OF:**
Pierce Street **[Added on 04.25.12 by Ord No. 2012.04.11-7]**	Broadway
Pierce Street	Central Avenue
Pinecrest Lane	Weeks Lane
Pineview Drive	Dover Point Road
Plaza Drive	Glenwood Avenue
Pleasant View Circle **[Added on 02-16-05 by Ord. No. 01-2005]**	Whittier Street
Pondview Drive	Mast Road
Portland Avenue	Main Street
Production Drive	Sixth Street
Progress Drive	Knox Marsh Road
Quail Drive	Sixth Street
Quaker Lane **[Added on 02-16-05 by Ord. No. 03-2005]**	Tuttle Lane
Redden Street	Horne Street
Reservoir Street	Mt. Vernon Street
Reyner's Brook Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Sixth Street
Richmond Street	Washington Street
Ridge Street	Driveway of 833 Central Avenue
River Street	Henry Law Avenue
Riverside Drive	Dover Point Road
Roberta Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Dover Point Road
Roberts Road	Dover Point Road
Rogers Street	Portland Avenue
Roosevelt Avenue	Horne Street
Roosevelt Avenue	Mt. Vernon Street
Rutland Street **[Added on 04-20-05 by Ord. No. 08-2005]**	Central Avenue
Rutland Street	Silver Street
St. John Street	Broadway
St. John Street	Chapel Street
St. Thomas Street (westerly) [**Added on 04-20-05 by Ord. No. 08-2005]**	Atkinson Street
St. Thomas Street (westerly) **[Added on 04-20-05 by Ord. No. 08-2005]**	Belknap Street

STOP SIGN ON:	**AT INTERSECTION OF:**
St. Thomas Street (westerly) **[Added on 04-20-05 by Ord. No. 08-2005]**	Locust Street
Samuel Hanson Avenue **[Added on 09-27-2001 by Ord. No. 24-01]**	Back Road
Sandpiper Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Watson Road
School Street	Main Street
Seaborne Drive	Garrison Road
Second Street	Chestnut Street
Shawnee Lane **[Added on 10-2501-06 by Ord. No. 2006.10.11-13]**	Old Rochester Road
Shaw's Lane **[Added on 05-17-2000 by Ord. No. 07-00]**	Garrison Road
Sixth Street	Central Avenue
Sixth Street (4-way)	Chestnut Street
South Pine Street	Central Avenue
South Watson Lane **[Added on 04-01-92 by Ord. No. 04-92]**	East Watson Street
South Watson Lane **[Added on 03-18-98 by Ord. No. 03-98]**	Stark Avenue
Southwood Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Mast Road
Spring Street	Central Avenue
Spring Street	Locust Street
Spruce Lane (easterly and westerly) **[Added on 04-01-92 by Ord. No. 04-92]**	Back River Road
Spur Road **[Added on 04-01-92 by Ord. No. 04-92]**	Gerrish Road
Station Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Sixth Street
Strafford Road **[Added on 09-15-04 by Ord. No. 16-2004]**	Old Rochester Road
Sullivan Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Old Rochester Road
Summer Street	Central Avenue
Summer Street	Locust Street
Sumner Drive	Knox Marsh Road
Sunnybrooke Drive **[Added on 04-01-92 by Ord. No. 04-92]**	Mast Road
Sunset Drive	Bellamy Road
Sylvan Drive **[Added on 02-08-06 by Ord. No. 2006.01.11-2]**	Durham Road
Tennyson Avenue **[Added on 08-15-95 by Ord. No. 10-95]**	Court Street

STOP SIGN ON:	**AT INTERSECTION OF:**
Tennyson Avenue **[Added on 07-19-89 by Ord. No. 12-89]**	Henry Law Avenue
Third Street	Chestnut Street
Third Street (westerly) **[Added on 04-01-92 by Ord. No. 04-92]**	Chestnut Street
Third Street	Grove Street
Three Rivers Farm Road	Gulf Road
Towle Avenue **[Added on 09-27-2001 by Ord. No. 22-01]**	Clifford Street
Trakey Street	Central Avenue
Trakey Street	Locust Street
Tuttle Lane **[Added on 01-17-96 by Ord. No. 21-95]**	Dover Point Road
Tuttle Lane **[Added on 12-30-2000 by Ord. No. 16-00]**	Middle Road
Union Street	Court Street
Wallace Drive	Columbus Avenue
Walnut Street	**[Repealed on 04-20-05 by Ord. No. 08-2005]**
Watson Road **[Added on 01-19-89 by Ord. No. 32-88]**	County Farm Road
Watson Road	Tolend Road
Wentworth Douglass Hospital Driveway	Old Rollinsford Road
Wentworth Douglass Hospital ER Entrance	Central Avenue
Wentworth Terrace	Hilton Park Drive
Westgate Drive	Knox Marsh Road
Westwood Circle	Littleworth Road
Whittier Street	Glenwood Avenue
Whittier Street	**[Repealed on 04-20-05 by Ord. No. 08-2005]**
Whittier Street	Tolend Road
Wilbrod Avenue **[Added on 09-15-04 by Ord. No. 16-2004]**	Glenwood Avenue
Wildewood Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Cottonwood Drive
Wildewood Drive **[Added on 04-17-02 by Ord. No. 16-2002]**	Sixth Street
Willand Avenue	New Rochester Road
Willand Avenue	Old Rochester Road
Williams Street **[Added on 04-20-05 by Ord. No. 08-2005]**	Henry Law Avenue
Willow Street **[Added on 04-17-02 by Ord. No. 16-2002]**	Tolend Road

STOP SIGN ON:	**AT INTERSECTION OF:**
Wingate Lane **[Added on 04-17-02 by Ord. No. 16-2002]**	Back River Road
Woodland Road **[Added on 03-18-98 by Ord. No. 03-98]**	Stark Avenue
Woodman Park Drive **[Added on 09-27-2001 by Ord. No. 22-01]**	Clifford Street
Young Street	Main Street

166-51. SCHEDULE D: Yield Intersections.

In accordance with **166-9**, the following streets are designated as full yield street intersections:

INTERSECTION	Direction of Travel	YIELD SIGN ON:
Adelle Drive and Durham Road	**[Repealed on 02-08-2006 by Ord. No. 2006.01.11-02]**	
Angle Street and Hanson	**[Repealed on 02-23-94 by Ord. No. 01-94]**	
Applevale Drive and Middlebrook Road	**[Repealed on 02-08-2006 by Ord. No. 2006.01.11-02]**	
Arch Street and Washington Street	**[Repealed on 08-03-88 by Ord. No. 11-88]**	
Back Road and Court Street **[Added on 04-19-88 by Ord. No. 05-88; Amended 09-28-94 by Ord. No. 13-94]**	West	Back Road
Back Road	**[Repealed on 10-11-2006 by Ord. No. 2006.09.27-12]**	
Central Avenue at Main Street Connector	**[Repealed on 02-23-94 by Ord. No. 01-94]**	
Cochecho Street and Atlantic Avenue	East	Cochecho Street
Cochecho Street and Rogers Street **[Added 04-03-96 by Ord. No. 03-96]**	**[Repealed on 07-29-98 by Ord. No. 7-98]**	
Durham Road and Back River Road	**[Repealed on 04-01-92 by Ord. No. 01-92]**	
Fayette Street and Green Street	**[Repealed on 05-17-2000 by Ord. No. 08-2000]**	
Glen Hill Road and Tolend Road **[Added on 12-14-83 by Ord. No. 33-83]**	West	Glen Hill Road
Glenwood Avenue and Sixth Street	**[Repealed on 10-31-90 by Ord. No. 18-90]**	
Jenness Street and Central Avenue	East	Jenness Street
Littleworth Road and Knox Marsh Road	**[Repealed on 04-20-2005 by Ord. No. 08-2005]**	
Long Hill Road and Varney Road	East	Long Hill Road

INTERSECTION	**Direction of Travel**	**YIELD SIGN ON:**
Merry Street and Ridge Street **[Added on 08-03-88 by Ord. No. 11-88]**	East	Ridge Street
Newport Road and Middlebrook Road **[Added 07-13-83 by Ord. No. 21-83]**	**[Repealed 02-08-2006 by Ord. No. 2006.01.11-02]**	
Pierce Street and Broadway	**[Repealed 04-25-12 by Ord. No. 2012.04.11-7]**	
School Street and Portland Street	**[Repealed 04-01-92 by Ord. No. 01-92]**	
Spruce Lane and Back River Road	**[Repealed on 04-01-92 by Ord. No. 01-92]**	
Spur Road and Cushing Road	**[Repealed on 04-01-92 by Ord. No. 01-92]**	
St. Thomas Street and Locust Street	**[Repealed on 04-20-2005 by ord. No. 08-2005]**	
Sylvan Drive and Durham Road	**[Repealed on 02-08-2006 by Ord. No. 2006.01.11-02]**	
Third Street and Chestnut Street	**[Repealed on 04-01-92 by Ord. No. 01-92]**	
Washington Street and Central Avenue	**[Repealed on 04-20-2005 by ord. No. 08-2005]**	
Washington Street and Main Street **[Added on 04-24-2013 by Ord. No. 2013.04.10-4]**	West	Washington Street
Watson Lane and Watson Street	**[Repealed on 04-01-92 by Ord. No. 01-92]**	

166-52. SCHEDULE E: Travel Restricted to Emergency Vehicles

In accordance with **166-5**, the following street(s) shall be restricted to be used by emergency vehicles, as defined in RSA 259:1 VII-a only.

STREET	**LOCATION**
Reserved.	

166-53. SCHEDULE F: Commercial Vehicle Travel Restricted **[Amended on 05-15-91 by Ord. No. 18-91; Amended on 01-29-97 by Ord. No. 01-97; Amended on 11-11-98 by Ord. No. 17-98; Amended 02-19-2003 by Ord. No. 03-2003; Amended on 11-12-2008 by Ord. No. 2008.10.22-17; Amended 05-22-2013 by Ord. No. 2013-05-08-001]**

In accordance with 166-5(C), no vehicle with a United States Federal Highway Administration (FHWA) Classification 8 through 13 shall be permitted on the following streets, unless making a delivery or pickup on that particular street:

STREET	**LOCATION**
Columbus Avenue	From Tolend Road to Littleworth Road
Watson Road	From County Farm Road to Tolend Road
Whittier Street	From Sixth Street to Washington Street
Tolend Road	From Glenhill Road to Washington Street
Glenhill Road	From Tolend Road to Rochester city line
Washington Street	From Tolend Road to Chestnut Street
Arch Street	From Silver Street to Washington Street
Sixth Street	From Central Avenue to Indian Brook Drive

166-54. SCHEDULE G: Truck Travel Restricted [Repealed on 05-15-91 by Ord. No. 20-91]

166-55. SCHEDULE H: Right Turn Required [Amended 05-22-2013 by Ord. No. 2013.05.08-001]

In accordance with the provisions of 166-7, it shall be unlawful for the operator of any motor vehicle to make any traffic movement other than a right hand turn at the following intersections:

STREET	LOCATION
Central Avenue (Miracle Mile)	**[Repealed on 01-17-96 by Ord. No. 24-95]**

166-56. SCHEDULE I: No Parking at Any Time

A. In accordance with the provisions of **166-20**, it shall be unlawful for the owner of any vehicle or any persons having custody or control of any vehicle to park or permit to be parked in the following locations within the City of Dover, and any vehicle found to be in violation of the aforementioned provisions may be towed by the direction of the Police Department and the expense of such towing born by the owner of the vehicle.

STREET	LOCATION
Abbey Lane	Southerly side, from the intersection with Rutland Street easterly to the end of said Abbey Lane
Abbott Street **[Added on 04-18-01 by Ord. No. 04-2001]**	Southerly side, from the intersection with Central Avenue westerly to the intersection with Mount Vernon Street
Academy Street **[Added on 05-15-02 by Ord. No. 18-2002]**	Both sides, northerly for a distance of 100 feet starting at the intersection of Church Street
Alumni Drive	Both sides, from the intersection with Bellamy Road easterly to the intersection of Durham Road
Angle Street **[Added on 01-29-92 by Ord. No. 02-92; Amended on 05-15-2002 by Ord. No. 18-02]**	Northerly side from Academy Street to Central Avenue
Arch Street **[Added on 01-17-01 by Ord. No. 17-00; Amended on 07-17-02 by Ord. No. 25-02]**	Both sides, from the intersection with Silver Street northerly to the intersection of West Concord Street
Ash Street **[Added on 10-19-94 by Ord. No. 21-94**]	Southerly side from intersection with Central Avenue westerly to the parking lot entrance in the rear of #678 Central Avenue
Atkinson Street **[Added on 12-16-92 by Ord. No. 32-92]**	Easterly side, from the intersection with Washington Street southerly to the intersection with Silver Street
Ayers Lane **[Added on 09-15-04 by Ord. No. 17-2004]**	Both sides, entire length

STREET	**LOCATION**
Baker Street **[Added on 05-25-11 by Ord No. 2011.05.11-06]**	Southerly side from the intersection of East Concord Street easterly for a distance of 300 feet
Belknap Street	Easterly side, from the intersection with Washington Street to the intersection with St. Thomas Street
Bellamy Road **[Added on 05-01-91 by Ord. No. 14-91; Amended on 10-19-94 by Ord. No. 22-94; Amended on 08-13-08 by Ord. No. 2008.07.23-7]**	Easterly side, from the intersection with Cataract Avenue southerly to Alumni Drive
Bellamy Road [**Added on 04-19-00 by Ord. No. 05-2000]**	Easterly side from Alumni Drive southerly for a distance of 440 feet
Bellamy Road **[Added on 04-19-00 by Ord. No. 05-2000]**	Westerly side, from the Bellamy River Bridge southerly to 200 feet beyond Lisa Beth Drive
Boyle Street **[Added on 03.14.12 by Ord No 2012.02.22-5]**	Northerly side, from Court street Easterly for a distance of 200 feet
Broadway **[Added on 01-13-88 by Ord. No. 32-87; Amended on 07-17-02 by Ord. No. 21-02]**	Easterly side, from the PSNH pole #114/25 (a point across from Florence Street) northerly to the intersection with Oak Street
Canney Lane **[Added on 02-16-05 by Ord. No. 04-2005]**	Northerly side, entire length
Central Avenue	Both sides, from the intersection with Back River Road easterly to the intersection with Stark Avenue
Central Avenue **[Added on 01-04-90 by Ord. No. 32-89]**	Easterly side, from the intersection with Ham Street northerly for a distance of 35 feet
Central Avenue **[Added on 05-08-85 by Ord. No. 05-85]**	Easterly side, from the intersection with Pierce Street northerly to the driveway of 547 Central Avenue (formerly Seacoast Savings Bank)
Central Avenue	Easterly side, from the PS pole #1/1305 to the island of PS pole #1/130A
Central Avenue **[Added on 05-18-88 by Ord. No. 03-88]**	Easterly side from the south property line of 633 Central Avenue to the driveway of 655 Central Avenue
Central Avenue	**[Repealed on 09-16-92 by Ord. No. 24-92]**

STREET	**LOCATION**
Central Avenue **[Amended 02-26-86 by Ord. No. 01-86; amended 09-16-92 by Ord. N. 24-92]**	Easterly side, from the intersection with South Pine Street Southerly to the PSNH pole number 1/147
Central Avenue **[Added on 07-20-94 by Ord. No. 08-94]**	Easterly side from the intersection with Indian Brook Drive southerly to the PSNH pole number 1/71
Central Avenue	Easterly side from Washington Street north for a distance of 320 feet.
Central Avenue **[Added on 01-19-94 by Ord. No. 35-93]**	Easterly side, from the southerly driveway of 189 Central Avenue northerly to the intersection with George Street
Central Avenue **[Added on 03-12-86 by Ord. No. 03-86; Amended on 01-19-94 by Ord. No. 35-93]**	Westerly side, from Church Street to Silver Street, except during Sunday Religious Services at the First Parish Church
Central Avenue	Westerly side, from the intersection with Indian Brook Drive southerly to the intersection with Reservoir Street
Central Avenue **[Added on 02-26-86 by Ord. No. 01-86]**	Westerly side, from the driveway to 146 Central Avenue southerly to a point 30 feet south of intersection with Trakey Street
Chapel Street	Both sides from the intersection with Portland Avenue westerly to St. John Street
Chapel Street **[Added on 07-19-89 by Ord. No. 16-89]**	Northerly side, from the intersection with Main Street easterly to St. John Street
Chestnut Street **[Added on 11-21-90 by Ord. No. 21-90]**	Both sides, from the intersection with Washington Street northerly to the intersection with Third Street
Chestnut Street	Both sides, from the intersection with Washington Street southerly to the intersection with St. Thomas Street
Chestnut Street	Westerly side, from the intersection with Fourth Street northerly for 50 feet

STREET	**LOCATION**
Church Street **[Added on 03-12-86 by Ord. No. 03-86; Amended on 03-16-94 by Ord. No. 04-94]**	Northerly side, from the intersection with Central Avenue westerly to the intersection with Locust Street, except for school buses and parents picking up or discharging students or during church services at the First Parish Congregational Church. When both student pick-up/discharge and church services occur at the same time, school buses alone shall take precedence
Church Street	**[Repealed on 03-12-86 by Ord. No. 03-86]**
Clifford Street **[Added on 11-15-95 by Ord. No. 17-95]**	Northerly side, from the intersection with Towle Avenue easterly for a distance of thirty (30) feet
Court Street **[Added on 03-20-02 by Ord. No. 11-2002]**	Northerly side, from Central Avenue to Boyle Street
Court Street **[Added on 02-19-03 by Ord. No. 02-2003]**	Northerly side, from the intersection with Union Street easterly for a distance of 110 feet
Court Street	Southerly side, from the intersection with Central Avenue to the intersection with Union Street
Court Street **[Added on 04-24-2013 by Ord. No. 2013.04.10-7]**	Southerly side, from South Pine Street westerly for a distance of 100 feet
Cushing Street	**[Repealed on 05-15-02 by Ord. No. 18-2002]**
Cushing Court	**[Repealed on 05-15-02 by Ord. No. 18-2002]**
Dover Street **[Added on 03-20-02 by Ord. No. 10-2002; Amended 07-17-02 by Ord. No. 24-2002]**	Northerly side, from the easterly corner of the property at 18-20 Dover Street, westerly for a distance of 135 feet, from 7:00 a.m. to 5:00 p.m. Monday through Friday
Durham Road	**[Repealed on 03-25-09 by Ord. No. 2009.03.11-7]**
Durham Road	**[Repealed on 03-25-09 by Ord. No. 2009.03.11-7]**
Durham Road **[Added 03-25-09 by Ord. No. 2009.03.11-7]**	Both sides, from the intersection of Back River Road to the intersection of Mast Road

STREET	**LOCATION**
Durrell Street **[Added on 07-18-90 by Ord. No. 12-90; Amended 05-115-02 by Ord. No. 18-2002]**	The entire length of the northerly and westerly sides, from St. John's Street to Winter Street
East Watson Street **[Added on 10-15-97 by Ord. No. 22-97]**	Both sides, from the intersection with Central Avenue easterly to the intersection with South Watson Lane
Ezra's Way **[Added on 03-14-2007 by Ord. No. 2007.02.14-03]**	Easterly side, Entire length
Fern Court **[Added on 06-15-94 by Ord. No. 07-94]**	Westerly side from the intersection with Folsom Street, northerly, and then westerly to the dead end
Fifth Street **[Added on 07-25-01 by Ord. No. 17-01]**	Northerly side, from the intersection with Central Avenue westerly to Chestnut Street,
First Street **[Added on 10-10-84 by Ord. No. 20-84]**	Northerly side, from the intersection with Chestnut Street easterly to the intersection with Central Avenue
Fourth Street	Southerly side, from the intersection with Chestnut Street westerly for a distance of 100 feet
Fourth Street **[Added on 07-18-90 by Ord. No. 11-90]**	Southerly side, from the intersection with Chestnut Street easterly to Public Service Pole #53/1A
Fourth Street **[Added on 03-24-10 by Ord. No. 2010.03.10-05]**	Southerly side, from the Cocheco River bridge easterly to the intersection of Frances Drive, a distance of 250 feet
Garrison Road **[Added on 05-15-91 by Ord. No. 21-91]**	Southerly side, from the intersection with Shadow Drive easterly to the intersection with Meridian Drive
George Street **[Added on 03-14-84 by Ord. No. 08-84; Amended on 03-16-94 by Ord. No. 03-94; Amended on 05-15-02 by Ord. No. 18-2002]**	Southeasterly side from the northeast corner of the property line of 233 Central Avenue northeasterly to the intersection with Sonnett Street
Green Street	**[Repealed on 05-30-90 by Ord. No. 07-90]**
Greenfield Drive **[Added on 02-17-99 by Ord. No. 02-99]**	Northerly side from the intersection with Garrison Road easterly to the northwest corner of Greenfield Drive traffic circle

STREET	**LOCATION**
Hampshire Circle **[Added on 10-26-83 by Ord. No. 29-83; Amended on 10-19-94 by Ord. No. 20-94]**	Northerly side from the southerly intersection with Whittier Street continuing around on that side of Hampshire Circle to the northerly intersection with Whittier Street
Hanson Street	**[Repealed on 09-16-92 by Ord. No. 25-92]**
Hanson Street **[Added on 09-16-92 by Ord. No. 25-92; Amended on 10-15-01 by Ord. No. 20-2001]**	Northerly side, from the easterly property line of #8 Hanson Street easterly to Henry Law Avenue
Hanson Street **[Added on 08-15-01 by Ord. No. 20-2001]**	Southerly side, from the intersection with Central Avenue easterly to the easterly property line of #15 Hanson Street
Hanson Street **[Added on 09-16-92 by Ord. No. 25-92]**	Southside, from the intersection with Henry Law Avenue westerly to the westerly property line of #33 Hanson Street
Henry Law Avenue	Westerly side, from the intersection with Williams Street southerly to the intersection with George Street
Henry Law Avenue **(Added on 02-11-09 by Ord. No. 2009.01.28-02)**	Westerly side, from the intersection of George Street southerly to a point directly across from Towne Drive
Henry Law Avenue **(Added on 02-11-09 by Ord. No. 2009.01.28-02)**	Westerly Side, from the intersection of Browning Drive northerly for a distance of 75 feet
Henry Law Avenue **(Added on 02-11-09 by Ord. No. 2009.01.28-02)**	Easterly side, from the Maglaras Park entrance road to Browning Drive
Horne Street **[Added on 05-15-91 by Ord. No. 21-91]**	Westerly side, from the intersection with Glencrest Avenue southerly to the driveway of 68 Horne Street
Ivan's Lane **[Added on 02-18-06 by Ord. 01-2006]**	North side, entire length
Kirkland Street **[Added on 05-20-92 by Ord. No. 14-92; Amended on 01-15-97 by Ord. No. 20-96; Amended on 01-15-97 by Ord. No. 20-96; Amended on 05-15-02 by Ord. No. 18-2002 Amended on 09-17-03 by Ord. No. 14-2003]**	Southerly side,

STREET	**LOCATION**
Lisa Beth Drive **[Added on 02-16-00 by Ord. No. 02-2000; Amended on 04-19-00 by Ord. No. 05-2000]**	**[Repealed on 08-13-08 by Ord. No. 2008.07.23-7]**
Locust Street **[Added on 05-14-86 by Ord. No. 07-86]**	Easterly side, from the intersection with Silver Street southerly to the intersection with Central Avenue
Locust Street **[Added on 07-12-06 by Ord. No. 2006.06.28-09]**	Easterly side, from the intersection with St. Thomas Street southerly to the intersection with Silver Street
Locust Street	**[Repealed on 03-20-02 by Ord. No. 05-2002]**
Long Hill Road	Both sides, from the intersection with New Rochester Road (Route 108) westerly to the intersection with Old Rochester Road (Route 16B)
Main Street	Easterly side, from the intersection with Washington Street northerly to the intersection with Chapel Street
Mechanic Street	**[Repealed on 07-19-89 by Ord. No. 13-89]**
Mechanic Street **[Added on 07-19-89 by Ord. No. 13-89]**	Both sides, from intersection of School Street northerly to the intersection of Chapel Street
Middle Street	**[Repealed 05-15-02 by Ord. No. 18-2002]**
Mill Street **[Added on 10-11-89 by Ord. No. 22-89; Amended 02-16-2005 by Ord. No. 02-2005]**	Both sides, from a point 370 feet from Central Avenue easterly for a distance of 700 feet
Mineral Park Drive **[Added on 12-26-83 by Ord. No. 29-83]**	Northerly side, from the intersection with Washington Street to the intersection with Pleasant View Circle
Morin Street **[Added on 06-19-93 by Ord. No. 12-93]**	Both sides, from the intersection with Central Avenue, westerly to PSNH pole #1/18B
Nelson Street	Southerly side, from the intersection with Atkinson Street westerly to the intersection with Belknap Street

STREET	**LOCATION**
Nelson Street	Southerly side, from the intersection with Locust Street westerly to the intersection with Atkinson Street, between December 1 and April 1
New York Street	Both sides, from the intersection with Broadway to the intersection with East Street
New York Street **[Added on 11-02-88 by Ord. No. 19-88]**	Southerly side, from the intersection with Central Avenue easterly to the Public Service Pole 111/12
North Pine Street	**[Repealed on 05-15-02 by Ord. No. 18-2002]**
Old English Village Road	Southerly side, from the intersection with Central Avenue easterly to the Rollinsford Town Line
Old Garrison Road **[Added on 03-15-95 by Ord. No. 01-95]**	Both sides, along the entire 510 foot frontage of Tax Map J, Lot 10-6, owned by State of NH Fish and Game Dept.
Old Rollinsford Road **[Added on 05-15-02 by Ord. No. 18-2002]**	Both sides, from the intersection with Central Avenue to the Wentworth Douglass Hospital
Orchard Street	Both sides, from the intersection with Central Avenue westerly to the entrance to the Orchard Street Parking Lot
Orchard Street Parking Lot	**[Repealed on 12-15-93 by Ord. No. 32-93]**
Orchard Street Lot service road **[Added on 11-17-04 by Ord. No. 19-2004]**	Both sides, entire length from its intersection with Orchard Street northerly, then westerly to its exit to Orchard Street lot
Overlook Drive **[Added on 02-16-05 by Ord. No. 04-2005]**	Westerly side, entire length
Paul Street **[Added on 09-20-95 by Ord. No. 12-95]**	Easterly side, from the intersection with Henry Law Avenue, to the intersection with Wallingford Street
Pierce Street	Both sides, entire length
Plaza Drive **[Added on 12-15-93 by Ord. No. 33-93]**	Easterly side, from the intersection with Glenwood Avenue northerly to the intersection with Northway Circle
Pleasant View Circle **[Added on 10-26-83 by Ord. No. 29-83]**	On the westerly side from the intersection with Washington Street northerly to the intersection with Whittier Street

STREET	**LOCATION**
Portland Avenue **[Added on 12-15-93 by Ord. No. 30-93]**	Easterly side, from the north boundary of 161 Portland Avenue southerly to the north boundary of 149 Portland Avenue
Portland Avenue	**[Repealed on 07-18-89 by Ord. No. 17-89]**
Portland Avenue **[Added on 07-19-89 by Ord. No. 17-89]**	Southerly side of the intersection with Chapel Street easterly and westerly for a distance of 100 feet
Portland Avenue **[Added on 07-13-83 by Ord. No. 21-83]**	Within 20 feet of the entrance to the Dover Arena
Portland Avenue **[Added on 09-15-93 by Ord. No. 22-93]**	Northerly side, from PSNH pole 119/3A to the entrance of the Portland Avenue Parking Lot
Portland Avenue **[Added on 06-19-93 by Ord. No. 14-93]**	Northerly side from the intersection with Chapel Street to the entrance with Portland Avenue parking lot
Preble Street **[Added on 07-13-83 by Ord. No. 21-83; Amended on 03-06-91 by Ord. No. 06-91; Amended on 01-19-94 by Ord. No. 37-93]**	Southerly side, from the intersection with Central Avenue easterly then southerly along the westerly side to the intersection with Pierce Street
Quaker Lane **[Added on 02-16-05 by Ord. No. 04-2005]**	Westerly side, entire length
River Street **[Added on 04-19-89 by Ord. No. 07-89]**	Westerly side, from the intersection with Henry Law northerly to Washington Street
River Street **[Added on 04-19-89 by Ord. No. 07-89]**	Easterly side, from the intersection with Henry Law Avenue northerly for a distance of 130 feet
Rogers Street **[Added on 01-18-06 by Ord. No. 24-2005]**	Westerly side, from the intersection with Cochecho Street northerly for a distance of 400 feet
Rollins Road	**[Repealed on 05-15-02 by Ord. No. 18-2002]**
Royer Lane **[Added on 09-15-04 by Ord. No. 17-2004]**	Both sides, entire length
Sandpiper Drive **[Added on 09-17-03 by Ord. No. 17-2003]**	Southerly side, from the intersection with Watson Road to the cul-de-sac

STREET	**LOCATION**
School Street **[Added on 08-03-88 by Ord. No. 12-88]**	Southerly side, from the westerly entrance to the School Street Parking Lot easterly to the intersection with Mechanic Street
Shaw's Lane **[Added on 07-17-02 by Ord. No. 22-2002]**	Easterly side, entire length from Garrison Road to Tideview Drive
Silver Street	**[Repealed on 01-19-94 by Ord. No. 34-93]**
Silver Street **[Added on 01-19-94 by Ord. No. 34-93]**	North side, from the intersection with Central Avenue westerly to the intersection with Locust Street
Silver Street **[Added on 01-19-94 by Ord. No. 34-93]**	South side, from the intersection with Central Avenue westerly to the intersection with Locust Street, except during Sunday Religious Services at the First Parish Church
Silver Street	Southerly side, from the intersection with Locust Street westerly for a distance of 150 feet
Smith Well Road **[Added on 01-11-12- by Ord. No. 2011.12.14-15]**	Westerly side, fromm Glenwood Ave to Barry St
Sonnet Street	Both sides, from the intersection with George Street easterly to the intersection with Hanson Street
South Pine Street	**[Repealed on 12-07-88 by Ord. No. 21-88]**
South Pine Street **[Added 12-07-88 by Ord. No. 21-88]**	North side, from the intersection with Central Avenue easterly and northerly to the intersection with Court Street
South Pine Street **[Added on 12-07-88 by Ord. No. 21-88; Amended on 03-20-02 by Ord. No. 08-2002]**	Southerly side, from the intersection with Central Avenue easterly and northerly to the intersection with Court Street excluding the area between public service pole 150/4 easterly to public service pole 150/7A
Spring Street **[Amended on 10-14-09 by Ord. No. 2009.09.23-16]**	Northerly side, from Central Avenue to Locust Street
St. John Street	Easterly side, from the intersection with Broadway southerly to the intersection with Chapel Street

STREET	**LOCATION**
St. Thomas Street **[Added on 12-15-93 by Ord. No. 31-93]**	**[Repealed on 02-19-03 by Ord. No. 01-2003]**
St. Thomas Street **[Added on 05-20-92 by Ord. No. 14-92]**	**[Repealed on 02-19-03 by Ord. No. 01-2003]**
Susannah's Crossing **[Added on 03-14-2007 by Ord. No. 2007.02.14-03]**	Southerly side, entire length of publicly accepted portion of the street
Third Street	**[Repealed on 04-19-89 by Ord. No. 06-89]**
Third Street	Northerly side, from the intersection with Central Avenue westerly to the intersection with Chestnut Street
Third Street **[Added on 10-08-86 by Ord. No. 16-86]**	Northerly side, from the driveway of 33 Third Street westerly for 15 feet
Towle Avenue **[Added on 11-15-95 by Ord. No. 14-95]**	Easterly side, from the intersection with Clifford Street northerly for a distance of thirty (30) feet
Towle Avenue **[Added on 11-15-95 by Ord. No. 14-95]**	Westerly side, from the intersection with Clifford Street northerly for a distance of thirty (30) feet
Twombly Street	Northerly and easterly sides, from the intersection with Preble Street easterly and southerly to the intersection with Pierce Street
Union Street	Westerly side, from the intersection with Court Street northerly to the intersection with Federal Street
Washington Street	Easterly side, between the intersection with Pleasant View Circle northerly to the intersection with Mineral Park Drive
Washington Street	Southerly side, from the intersection with Locust Street westerly for a distance of 56 feet
Washington Street **[Added on 05-17-00 by Ord. No. 09-2000]** **Added**	Southerly side, from the easterly most driveway of 150 Washington Street to Atkinson Street

STREET	**LOCATION**
Washington Street **[Added on 3-11-09 by Ord. No. 2009.02.25-05]**	Westerly side, from the intersection of Morrison Lane northerly for a distance of 150 feet
Whittier Street	Both sides, from the intersection with Mineral Park Drive northerly to the Whittier Street Bridge
Willand Avenue	**[Repealed on 09-20-95 by Ord. No. 11-95]**
Wildewood Lane **[Added on 03-17-04 by Ord. No. 05-2004]**	Northeasterly side, from Sixth Street to Cottonwood Drive
Wildewood Lane **[Added on 03-17-04 by Ord. No. 05-2004]**	Both sides, from the intersection of Cottonwood Drive to the beginning of the cul-de-sac
Williams Street **[Added on 09-16-98 by Ord. No. 10-98]**	Both sides, from the intersection with Central Avenue easterly to the intersection with Henry Law Avenue
Winter Street **[Added on 10-09-85 by Ord. No. 11-85; Amended on 01-19-94 by Ord. No. 36-93; Amended on 05-15-02 by Ord. No. 18-2002]**	Both sides from the intersection with St. John Street easterly to the intersection with Durrell Street
Winter Street (formerly Cedar Street) **[Added on 05-15-02 by Ord. No. 18-2002]**	Northerly side, from the intersection with Durrell Street easterly to the dead end
Young Street **Added**	Northerly side, from the intersection with Main Street and Portland Avenue easterly to the Cochecho River
Young Street **[Added on 03-25-09 by Ord. No. 2009.03.11-6]**	Southerly side, from the intersection of Main Street easterly to the Chochecho River, between December 1 and April 1

166-57. Schedule J. [Amendments noted where applicable]

A. **[Repealed on 05-23-12 by Ord. No. 2012.05.09-9]**

B. In accordance with the provisions of **166-22**, it shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for more than two (2) hours in the following described locations:

STREET	LOCATION
Adelle Drive [**Added on 08-13-08 by Ord. No. 2008.07.23-7]**	Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1st and June 15th
Belknap Parking Lot	**[Repealed on 11-3-88 by Ord. No. 22-88]**
Broadway	Northerly side, from the intersection with St. John Street westerly to the PS pole #114/A1
Broadway	Southerly side, from the intersection with Central Avenue easterly to the intersection with St. John Street
Central Avenue **[Added on 12-21-88 by Ord. No. 30-88]**	Both sides, from the intersection of New York Street, southerly to the intersection with Fifth Street
Central Avenue	**[Repealed on 02-26-86 by Ord. No. 01-86]**
Chapel Street **[Added on 07-31-96 by Ord. No. 09-96]**	On the southerly side, from the intersection with Central Avenue, easterly to the driveway on the west side of St. George's Church
Chestnut Street **[Added on 12-21-88 by Ord. No. 30-88; Amended on 08-20-03 by Ord. No. 12-2003]**	Both sides, from the intersection with Third Street northerly to the intersection with Sixth Street, except as otherwise posted
Chestnut Street Parking Lot	All spaces except as otherwise posted
Fairfield Drive **[Added on 08-13-08 by Ord. No. 2008.07.23-7]**	Both sides for the entire length, between the hours of 8:00am and 2:00pm, Monday through Friday, between September 1st and June 15th

STREET	**LOCATION**
Fourth Street	Both sides, from the intersection with Chestnut Street westerly to the intersection with Grove Street except as otherwise posted
Green Street **[Added on 05-30-90 by Ord. No. 07-90]**	Northerly side, from the intersection with Chestnut Street westerly to the intersection with Washington Street except as otherwise posted
Hartswood Road **[Added on 08.13.08 by Ord. No. 2008.07.23-7]**	Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1st and June 15th
Kirkland Street **[Added on 01-15-97 by Ord. No. 21-96; Amended 09-17-03 by Ord. No. 14-2003]**	Northerly side, from the intersection with Locust Street easterly to the intersection with Central Avenue
Lisa Beth Drive **[Added on 08-13-08 by Ord. No. 2008.07.23-7]**	Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1st and June 15th
Locust Street	**[Repealed on 12-21-88 by Ord. No. 30-88]**
Locust Street	**[Repealed on 12-21-88 by Ord. No. 30-88]**
Locust Street **[Added on 07-12-06 by Ord. No. 2006.28-09]**	Westerly side, from the intersection with ~~Washington~~ Hale Street, southerly to the intersection with Kirkland Street, unless otherwise posted
Lower Square Parking Lot	**[Repealed on 05-15-02 by Ord. No. 18-2002]**
Plaza Drive **[Added on 09-28-94 by Ord. No. 14-94]**	Westerly side between exit and entrance to #307 Plaza Drive
Second Street	Both sides, from the intersection with Chestnut Street easterly to the rear exit of 42 Third Street
St. Thomas Street	**[Repealed 02-19-2003 by Ord. No. 01-2003]**
Sunset Drive **[Added 08-13-08 by Ord. No. 2008.07.23-7]**	Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1st and June 15th

STREET	LOCATION
Sylvan Drive **[Added on 08-13-08 by Ord. No. 2008.07.23-7]**	Both sides for the entire length, between the hours of 8:00 AM and 2:00 PM, Monday through Friday, between September 1st and June 15th
Third Street	Both sides, from the intersection with Chestnut Street westerly to the intersection with Grove Street except as otherwise posted

C. In accordance with the provisions of **166-22, i**t shall be unlawful for the owner or operator of any motor vehicle to park or allow to park or allow to be parked any motor vehicles for more than one (1) hour in the following described locations:

STREET	LOCATION

D. In accordance with the provisions of **166-22,** it shall be unlawful for the owner or operator of any motor vehicles to park or allow to be parked any motor vehicle for more than fifteen (15) minutes in the following described locations:

STREET	LOCATION
Green Street	2 spaces on northerly side in front of Waldron Towers

E. In accordance with the provisions of **166-22**, no person shall park, place or leave or cause to be parked, placed or left, any motor vehicle or horse drawn vehicle in and upon the following streets and places between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. **[Amended on 01-18-90 by Ord. No. 34-89; Amended on 08-13-08 by Ord. No. 2008.07.23-6]**

STREET	LOCATION

F. Reserved.

G. In accordance with the provisions of **166-22,** it shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for more than 30 minutes in the following described locations: **[Amended on 05-18-94 by Ord. No. 06-94.]**

STREET	LOCATION
Church Street **[Added on 07-12-06 by Ord. No. 2006.06.28-08]**	On the southerly side, from the intersection with Locust Street, two spaces in an easterly direction
George Street **[Added on 03-24-10 by Ord. No. 2010.03.10-6]**	Easterly side, 2 spaces nearest Henry Law Avenue
Henry Law Avenue **[Added on 03-24-10 by Ord. No. 2010.03.10-6]**	Northerly side, from George street to River Street

H. In accordance with the provisions of **166-22**, no person shall park, place, or leave or cause to be parked, placed, or left, any motor vehicle in the following described locations between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, between September 1st and June 30th. **[Amended on 09-27-2001 by Ord. No. 23-01; Amended on 08-13-08 by Ord. No. 2008.07.23-6]**

STREET	LOCATION
Clifford Street	Northerly side, from the intersection with Towle Avenue easterly to the intersection with Woodman Park Drive
Towle Avenue	Easterly side, from the intersection with Silver Street southerly to the intersection with Clifford Street
Shaws Lane [**Added on 01-13-10 by Ord No. 2009.12.09-26]**	Westerly Side, from the intersection of Garrison Road Northerly for a distance of 180’
Towle Avenue	Westerly side, from the northerly property line of #5 Towle Avenue southerly to the intersection with Clifford Street

I. In accordance with the provisions of 166-22, it shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for more than three (3) hours in the following described locations: **[Amended on 10-08-08 by Ord. No. 2008.09.24-12]**

STREET	LOCATION

166-58. SCHEDULE K: Parking of Commercial Vehicles.

In accordance with the provisions of **166-16D**, it shall be unlawful for a tractor-trailer combination or other truck to park on the travel portion of the streets listed below for the purpose of loading and unloading, between the hours of 11:00 a.m. to 1:00 p.m. and from 3:30 p.m. to 6:00 p.m.:

STREET	LOCATION
Broadway	From the intersection with Central Avenue northeasterly to the intersection with New York Street
Central Avenue	From the intersection with New York Street southerly to the intersection with Kirkland Street
Chestnut Street	From the intersection with Central Avenue southerly to the intersection with Washington Street
First Street	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Main Street	From the intersection with Washington Street northerly to the intersection with Central Avenue and Chapel Street
Second Street	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Third Street	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Washington Street	From the intersection with Atkinson Street easterly to the intersection with Main Street

ZONING

CHAPTER 170

ARTICLE I

GENERAL PROVISIONS

170-1. Title.

170-2. Authority.

170-3. Purpose.

170-4. Interpretation.

170-5. Applicability.

ARTICLE II

WORD USAGE

170-6. Definitions.

ARTICLE III

DISTRICTS AND BOUNDARIES

170-7. Establishment of Districts.

170-8. Zoning Map.

170-9. Amendments to Zoning Map.

170-10. Interpretation of District Boundaries.

ARTICLE IV

USES; TABLES

170-11. Use Regulations.

170-12. Applicability of Tables of Use and Dimensional Regulations by District.

ARTICLE V

DIMENSIONAL REGULATIONS

170-13. Availability of Utilities and Services.

170-14. Nonconforming LOTS.

170-15. OPEN SPACE requirements.

170-16. Dimensional Regulations for Swimming Pools.

170-17. Dimensional Regulations for Handicapped Accessible Additions.

ARTICLE VI

ADDITIONAL REGULATIONS

170-18. Customary Home Occupations.

170-19. Flexible Uses in the I-1 District.

170-20. Central Business District Regulations.

170-21. SMALL WIND ENERGY SYSTEM.

170-22. Telecommunications Facilities.

170-23. IMPACT FEE Ordinance.

170-24 ACCESSORRY DWELLING UNITS.

170-25 – RESERVED (Formerly Roadside Stands)

ARTICLE VII

OVERRIDING DISTRICTS

170-26. Additional Regulations.

170-27. Conservation District.

170-27.1 Wetland Protection District.

170-27.2 TRANSFER OF DEVELOPMENT RIGHTS.

170-28. Urban Renewal District.

170-28.1 Riverfront Residential Overlay District.

170-28.2. Residential-Commercial Mixed Use (RCM) Overlay .

170-28.3. Groundwater Protection.

170-28.4. Scenic Road Overlay District.

170-28.5. Hazardous Waste Landfill District I.

ARTICLE VIII

EXTRACTION INDUSTRIES

170-29. Authority.

170-29.1. Purpose and Intent.

170-29.2. Reserved (Formerly Definitions).

170-29.3. Applicability.

170-29.4. Abandoned EXCAVATIONS.

170-29.5. Prohibited Projects.

170-29.6. Criteria for Non-conforming EXPANSIONS.

170-29.7. Operational Standards.

170-29.8. Site RECLAMATION Standards.

170-29.9. Incremental RECLAMATION.

170-30. Performance Guarantee.

170-30.1. Waivers.

170-30.2. Application Procedures.

170-30.3. Application Submission Items.

170-30.4. Administration and Enforcement.

170-31. Reserved (Formerly Standards).

ARTICLE IX

SIGNS AND FENCES

170-32. SIGN Review and Regulations.

170-33. FENCE Review and Regulations.

170-34 through 170-38. (Reserved)

ARTICLE X

NONCONFORMING LOTS, USES AND STRUCTURES

170-39. Nonconforming LOTS.

170-40. NONCONFORMING USES of land.

170-41. Nonconforming STRUCTURES.

170-42. Repairs and Maintenance.

170-43. Uses Permitted by Special Exception.

ARTICLE XI

OFF-STREET PARKING AND LOADING

170-44. Applicability.

170-45. Reserved (Formerly Required Spaces).

170-46. Loading Spaces.

ARTICLE XII

ADMINISTRATION

170-47. Administrative Officer.

170-48. Reserved (Formerly Building Permit Procedure).

170-49. Reserved (Formerly CERTIFICATE OF OCCUPANCY).

170-48. Reserved (Formerly Building Permit Fees).

170-51. Violations and Penalties.

170-52. ZONING BOARD OF ADJUSTMENT.

170-53. Amendment Procedure.

SIGN DIAGRAMS

TABLES OF USE AND DIMENSIONAL REGULATIONS BY DISTRICT

Residential
R-40 Rural Residential District
R-20 Low-Density Residential District
R-12 Medium-Density Residential District
RM-SU Suburban Density Multi-residential District
RM-U Urban Density Multi-residential District

Nonresidential
B-1 NEIGHBORHOOD Business District
B-3 Thoroughfare Business District
B-4 HOTEL/Retail District
B-5 Gateway District
I-1 Restricted Industrial District
I-2 Rural Restricted Industrial District
I-4 Assembly and Office
ETP Executive and Technology Park

Mixed -Use
H Hospital
LBW Little Bay Waterfront District
O Office District
CBD Central Business District
Regulating Plan
General
Mixed Use
Residential
CWD Cochecho Waterfront District

[HISTORY: Adopted by the City Council on 05-23-1979 as Ord. No. 15-79; Amended on Ord. No. 2012.11.14-24; Amendments noted where applicable.]

GENERAL REFERENCES - PLANNING BOARD – See Ch. 41. Site Plan Review- See Ch. 149. Streets and SIDEWALKS – See Ch. 152. Subdivision of Land – See Ch. 155.

ARTICLE I

GENERAL PROVISIONS

170-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."

170-2. Authority.

This chapter is adopted pursuant to the authority granted by RSA 674:16.

170-3. Purpose.

This chapter is an element of the Dover Comprehensive Development Plan and is designed to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

170-4. Interpretation.

The provisions of this chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

170-5. Applicability. **[Amended on 06-10-87 by Ord. No. 13-87.]**

All BUILDINGS or STRUCTURES hereafter erected, reconstructed, altered, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this chapter. This chapter shall not apply to existing BUILDINGS or STRUCTURES, nor to the existing use of any BUILDING or STRUCTURE or of land to the extent to which it is used at the time of enactment of this chapter. Furthermore, if the PLANNING BOARD has formally accepted an application for development prior to the first legal notice of a proposed change to this chapter, the Building Official shall not withhold a building permit, and the proposed regulation shall not affect the accepted application.

ARTICLE II

WORD USAGE

170-6. Definitions. **[Amended on 9-24-80 by Ord. No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 11-30-88 by Ord. No. 24-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-01-93 by Ord. No. 20-93; Amended on 09-15-93 by Ord. No. 19-93; Amended on 10-20-93 by Ord. No. 28-93; Amended on 08-24-94 by Ord. No. 09-94; Amended on 03-18-98 by Ord. No. 02-98; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-19-2003 by Ord. No. 05-03; Amended on 03-21-2007 by Ord. No. 01-07; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A. For the purposes of this chapter, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or occupies" include the words "intended, designed or arranged to be used or occupied," and certain terms or words shall be interpreted as follows:

B. Words and terms appearing in CAPITAL LETTERS throughout this chapter shall have the meanings indicated:

ABANDONED SIGN means any sign that does not display a well-maintained message for a consecutive one-hundred eighty (180) day period, and/or the owner of said sign cannot be located after reasonable efforts have been made, and/or said sign is no longer fully supported by the structure designed to support the sign for a consecutive one-hundred eighty (180) day period, and/or the sign no longer advertises bona fide business and/or products sold for a consecutive one-hundred eighty (180) day period. The Zoning Administrator shall direct the removal of any sign which meets this definition.

ABUTTER means:

(1) The owner of record of a parcel of land located in New Hampshire and adjoins or is directly within two hundred (200) feet (including land across the street or waterway) of the proposed site under consideration by the PLANNING BOARD.

(2) For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person or entity who is able to demonstrate that his land will be directly affected by the proposal under consideration.

(3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail.

(4) For purposes of notification and receiving testimony, abutter means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the PLANNING BOARD.

(5) For purposes of notification, abutter ownership information for LOTS located in Dover, shall be obtained through the City's Tax Assessment Office.

ACCESSORY DWELLING UNIT means a secondary DWELLING UNIT (a) attached and subordinate to a SINGLE FAMILY DWELLING or (b) constructed above a detached garage that is accessory and subordinate to a SINGLE FAMILY DWELLING. See Section 170-24 for the ACCESSORY DWELLING UNIT regulations.

ACCESSORY STRUCTURE means a STRUCTURE with a minimum FLOOR AREA of one hundred (100) square feet which exists on the same LOT and within the same zoning district as the PRINCIPAL BUILDING and which shall be customarily incident and subordinate to the PRINCIPAL BUILDING subject to the provisions of Chapter 170-2010 E.

ACCESSORY USE means a use existing on the same LOT and within the same zoning district as the principal use which shall be customarily incident and subordinate to the principal use, subject, however, to the provisions of 170-2010E.

ADULT BOOKSTORE AND/OR VIDEO STORE means a place of business that devotes more than fifteen percent (15%) of the total display, shelf, rack, table, stand or FLOOR AREA, for the display and sale of the following: [Added]

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMS or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

(2) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth control devises.

An **ADULT BOOKSTORE** and/or VIDEO STORE does not include an establishment that sells books, periodicals or videos as an incidental or accessory part of its principal stock and trade and does not devote more than fifteen percent (15%) of the total FLOOR AREA of the establishment to the sale of books, periodicals or videos.

ADULT CABARET means a night club, bar, restaurant or similar establishment which during a substantial portion of the total presentation time, features live performances that meet the definition of "harmful to minors" and/or "a sexual conduct" as set forth in RSA 571-B:1,and/or shows films, motion pictures, video

cassettes, slides or other photographic reproductions, which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

ADULT DAY CARE means a facility used for the care of three (3) or more adults for less than twenty four (24) hours per day who are in need of supervision or assistance with daily living activities. The facility may provide for dining, recreation activities, education and counseling services, and ACCESSORY USEs related to the care of adults in need.

AGRICULTURE - See RSA 21:34-a.II. AGRICULTURE shall not include marketing or selling at wholesale or retail, except where permitted as part of a ROADSIDE FARM STAND or where the retail sale of agricultural or farm products raised on site is a permitted use. One single family dwelling shall be permitted as an accessory to the principle use.

ALTER or **ALTERATIONS** means any change involving the structural frame of a BUILDING or use of a BUILDING.

ALTERNATIVE TOWER STRUCTURE means the use of STRUCTURES such as man-made trees, clock towers, bell steeples, rooftops on BUILDINGS five (5) stories or more, light poles, and similar Alternative-design mounting STRUCTURES that camouflage or conceal the presence of ANTENNAS or towers and their appurtenances.

ANTENNA means any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

APPLICANT means any person, agent, firm, association, partnership or corporation that makes application to a land use board, pursuant to the rules and regulations of this chapter.

ASSESSED PROPERTY means any land or BUILDINGS comprising NEW DEVELOPMENT that is subject to an IMPACT FEE ASSESSMENT under this Article.

ASSESSMENT means a notification issued by the City of Dover, its PLANNING BOARD, or its Building Inspector, which states the amount of an IMPACT FEE due on an ASSESSED PROPERTY and the responsibilities, conditions or schedules pertinent to the process and timing of IMPACT FEE payments to the City.

ASSISTED LIVING FACILITY means a facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than twelve (12) elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a nursing home. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and twenty-four (24) hours per day staffing. An assisted living facility includes a community dining room in which meals are provided to all residents, and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the facility's staff, only assisted living units are permitted as part of an assisted living facility.

ASSEMBLY HALL means a BUILDING or a portion of a BUILDING, not to exceed five thousand (5,000) square feet, used for groups of people to gather for an event or regularly scheduled program. Assembly Halls include but are not limited to SERVICE CLUB, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

AUTO SERVICE means a place of business which offers as a service the repair of automobiles. Such "AUTO SERVICE" place shall not be construed to be a VEHICLE REFUELING /RECHARGING STATION.

BED AND BREAKFAST means a residential STRUCTURE consisting of nine (9) or less bedrooms rented on a temporary short term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four (24) hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

BERM means a mound of EARTH that may contain stumps of sufficient height to serve as sight, sound, sand and dust screening of operations in an EXCAVATION SITE.

BLOCK means a tract of land bounded by STREETS or by a combination of STREETS and public land, railroad rights of way, waterways or other barriers to the continuity of a development.

BLOCK CORNER means where two public streets meet on a BLOCK.

BLOCK FACE means the aggregate of all the BUILDING facades on one side of a BLOCK.

BUILD TO LINE means a line parallel to the STREET right-of-way line at any story level of a BUILDING and representing the minimum distance which all or

any part of the BUILDING is set back from said right-of-way line. Front porches, stairs and handicap ramps may extend beyond the build-to line up to half their depth.

BUILDING means any STRUCTURE built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "BUILDING" includes open porches, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, MANUFACTURED HOUSE or any other like product. For the purposes of measuring SETBACKS, eaves and uncovered decks, porches and steps may encroach into the side, REAR and front SETBACKS for a distance of up to three (3) feet.

BULK means a term used to indicate the physical size, SETBACKS, and location of a BUILDING upon a LOT.

BUSINESS FLOOR AREA means that area, leased or occupied by a business, excluding hallway(s) or shared BUILDING/tenant facilities.

BUSINESS FRONTAGE means the length along the GROUND FLOOR of a BUILDING front, having FRONTAGE on the STREET, which is occupied by a separate and distinct principal use; or the length along the GROUND FLOOR of a BUILDING side, having FRONTAGE on a STREET, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said BUILDING.

CERTIFIED SOIL SCIENTIST means a person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the PLANNING BOARD of Natural Scientists.

CERTIFICATE OF OCCUPANCY – See Chapter 68 of the Code of the City of Dover, titled “Building Construction”, Section 68-15

CHILD CARE FACILITY means a non residential facility used for the care of children for periods of less than twenty-four (24) hours per day, and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. A CHILD CARE FACILITY requires Technical Review Committee review and is subject to possible Site Review and Planning Board approval per Section 149-4.C.3 of the Site Review Regulations.

CHILD CARE HOME means an occupied single family dwelling in which child day care is provided for less than twenty four (24) hours per day, except in

emergencies. A CHILD CARE HOME is subject to the CUSTOMARY HOME OCCUPATION requirements and requires a CUSTOMARY HOME OCCUPATION Certificate of Use. There are two types of CHILD CARE HOMES, as follows:

(1) Group Child Care Home is a child day care for seven (7) to twelve (12) preschool aged children from one or more unrelated families. The twelve (12) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the twelve (12) children, up to five (5) children enrolled in a full day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. Applications require Technical Review Committee review, are subject to possible Site Review and Planning Board approval per Section 149-4.C.3 of the Site Review Regulations.

(2) Family Child Care Home is a child day care for up to six (6) preschool aged children from one or more unrelated families. The six (6) children shall include all children residing with the caregiver in the home, except children ten (10) years of age or older. In addition to the six (6) children, up to three (3) children enrolled in a full day school program may also be cared for up to five (5) hours per day on school days and all day during school holidays. A Family Child Care Home for up to three (3) children (at any one time and not including the provider's own children) shall not require a Customary Home Occupation Certificate of Use and does not require Technical Review Committee review.

CIVIC BUILDING means a BUILDING operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE means an outdoor area dedicated for public use.

COLLECTION means the actual delivery of payment of an ASSESSMENT of an IMPACT FEE to the City of Dover on behalf of an ASSESSED PROPERTY.

COMMENCEMENT OF CONSTRUCTION means the beginning of the physical construction of an approved STRUCTURE. Said construction shall include the erection of any portion of a STRUCTURE above or below grade level.

COMMERCIAL EXCAVATION means EXCAVATION of EARTH intended for commerce, excluding EXCAVATION that is strictly conducted for the purpose of ALTERATIONS, renovation, improvement or construction to the property on which the EXCAVATION takes place. Any material leaving the

property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by RSA 21:34-a.

COMMERICAL PARKING FACILITY means an area of OFF-STREET PARKING, where, for a fee, or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight OFF-STREET PARKING. Said facility may provide shuttle or park-n-ride services.

COMMERCIAL RECREATION means leisure time activities conducted at prescribed places, sites, or fields as a principal use, in order to obtain profit for a private group, organization, or individual. For the purpose of this ordinance, COMMERCIAL RECREATION may include but not be limited to: (a) mechanical and/or electronic operating games (b) animated mechanical devices and/or rides (c) live entertainment; and (d) food concessions will be allowed by permit.

COMMON YARD means a planted private FRONTAGE wherein the facade is set back from the front property line.

CONGREGATE CARE FACILITIES means a residential facility for elderly persons containing individual, one (1) and two (2) bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law

CONSERVATION LOT means a LOT created solely for the purpose of land conservation. The CONSERVATION LOT must contain no less than fifty percent (50%) developable uplands, but will have no DEVELOPMENT RIGHTS. The CONSERVATION LOT may be owned by a private, nonprofit organization, which has as its purpose the preservation of OPEN SPACE, or dedicated to a public entity. CONSERVATION LOTS must meet the required minimum LOT size and SETBACKS. CONSERVATION LOTS do not need to meet the minimum FRONTAGE requirements. CONSERVATION LOTS must be created following the regulations outlined in Chapter 155, Subdivision of Land.

CONTIGUOUS means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of STATIONARY MANUFACTURING PLANTS, whose perimeter is not defined by the City’s boundaries.

CONTINUING CARE COMMUNITY FACILITY means a residential development that provides multiple elements of adult living, including independent living units, assisted living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care, programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by persons sixty-two (62) years of age or older and thereby qualifies as “housing for older persons” under state law.

COUNTRY CLUB means a nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a STRUCTURE designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "COUNTRY CLUB" shall not be so construed as to include within its meaning any operation conducted with a profit-making intent.

COVERAGE means the percentage of area of a LOT which is occupied by the physical limits of a BUILDING or BUILDINGS. Roofed area to the extent of the drip line shall constitute the physical limits of a BUILDING.

COVER CROP means vegetation designed to prevent erosion of the soil.

CUSTOMARY HOME OCCUPATION means an occupation carried on as a secondary use in a DWELLING UNIT or accessory BUILDING by the occupant of such unit.

DEVELOPMENT RIGHTS means the legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by the City of Dover Zoning Ordinance.

DIMENSION STONE means rock that is cut, shaped or selected for use in BLOCKs, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of BUILDINGS, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. DIMENSION STONE includes quarry BLOCKs from which sections of DIMENSION STONE are to be produced. DIMENSION STONE does not include EARTH as defined below.

DRIVE-IN SERVICE means service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

DWELLING, MULTI-FAMILY means a BUILDING containing more than four (4) DWELLING UNITS.

DWELLING, SINGLE-FAMILY means a detached BUILDING containing one (1) DWELLING UNIT only.

DWELLING UNIT means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the DWELLING UNIT for exclusive use of a single family maintaining a household.

EARTH means sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.

EDUCATIONAL INSTITUTION, POST SECONDARY means an institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.

EDUCATIONAL INSTITUTION, K-2012 means a facility, licensed by the State of New Hampshire, that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

ELDERLY ASSISTED CARE HOME means a residential facility permanently housing six (6) to twelve (12) elderly residents with common dining facilities and ACCESSORY USES typically needed by elderly persons. The Zoning Board of Appeals may increase the number of residents through the granting of a special exception.

EXCAVATION means a land area that is used, or has been used, for the commercial taking of EARTH, including all slopes.

EXCAVATION AREA means the area within an EXCAVATION SITE where EXCAVATION has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.

EXCAVATION SITE means any area of CONTIGUOUS land in common ownership upon which EXCAVATION takes place.

EXISTING EXCAVATION means any EXCAVATION that lawfully existed as of August 24, 1979, from which EARTH material of sufficient weight or volume

to be commercially useful had been removed during the two (2) year period before August 24, 1979.

EXISTING TOWERS AND ANTENNAS means any TOWER or ANTENNA lawfully constructed or permitted prior to the adoption of this ordinance. Additionally, any TOWER or ANTENNA lawfully constructed in accordance with this ordinance that predates an application currently before the PLANNING BOARD.

EXPANSION (pertaining to EXCAVATIONS) means

(1) of EXISTING EXCAVATIONS means EXCAVATION beyond the limits of the City and the area which on 8/24/79 had been CONTIGUOUS to and in common ownership with the EXCAVATION SITE and has been appraised and inventoried for tax purposes as part of the same tract as the EXCAVATION SITE.

(2) of STATIONARY MANUFACTURING PLANTS means to any CONTIGUOUS lands which were in common ownership with the site of the plant on 8/4/89.

EXTENSION, BUILDING means any action which shall cause the FLOOR AREA or volume of a STRUCTURE to be increased.

EXTENSION, USE means the enlargement of a business, industrial or residential activity beyond the limits in use at the time this chapter was passed.

FAA means an acronym meaning Federal Aviation Administration.

FAMILY - [Repealed on 08-01-90 by Ord. No. 8-90]

FARM - See RSA 21:34-a.I. See also definition of AGRICULTURE

FARM ANIMALS means animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison, alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats, totaling six (6) or fewer, shall not be considered to be included.

FARM ANIMALS FOR FAMILY USE means animals commonly raised or kept by a family for non-commercial purposes on a LOT containing a one or two family dwelling. Includes chickens, sheep or goats totaling six (6) or fewer, but does not include roosters.

FCC means an acronym meaning Federal Communications Commission.

FENCE means a freestanding STRUCTURE of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLASHING SIGN means any directly or indirectly illuminated SIGN which changes the intensity of illumination so as to result in changes in light, color, director or animation. Included in this definition shall be electronic changeable message boards or SIGNS of similar technologies, excluding those deemed necessary for the public safety and welfare by Federal, State or municipal authorities.

FLOOR AREA means the sum of the gross horizontal areas of all floors of any BUILDING or BUILDINGS on a LOT measured from the exterior walls. In particular, the "FLOOR AREA" shall include:

(1) In dwellings, any basement space designed to be used for residential purpose.

(2) In other than dwellings, any basement or cellar space used for any purpose.

(3) In all BUILDINGS, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural head ROOM of at least seven (7) feet.

FLOOR RATIO - [Repealed 08-01-90 by Ord. No. 8-90]

FREESTANDING SIGN means a SIGN permanently erected on a freestanding frame, mast or pole and not attached to any BUILDING. A-frame SIGNS shall not be considered freestanding but rather a TEMPORARY PORTABLE SIGN. (See the definition of "TEMPORARY PORTABLE SIGN.")

FRONTAGE means the linear distance measured along the front LOT LINE between the points of intersection with the side LOT LINEs. "FRONTAGE" along cul-de-sacs shall be the linear distance at the appropriate FRONT YARD BUILDING set back depth from the front LOT LINE between the points of intersection with the side LOT LINEs. For the purpose of measurement, LOT "FRONTAGE" shall be continuous and measured along the joining boundary of the front LOT LINE and a public right-of-way.

FRONTAGE, in the CBD means the area between a BUILDING facade and the public STREET, inclusive of it’s built and planted components.

GALLERY means a private FRONTAGE conventional for retail use wherein the facade is aligned close to the front property line with an attached cantilevered shed or lightweight colonnade overlapping the SIDEWALK.

GENERAL FARMING means the pursuit of those activities normally associated with the raising of a crop or the care of animals for agricultural purposes.

GROUND FLOOR means the STREET level floor of a STRUCTURE.

GROUP HOME FOR MINORS means a group boarding home for minor children and others attending Grades K - 12 which is issued a general or intermediate license by and operated in accordance with standards promulgated by the State of New Hampshire Department of Health and Welfare. Such use may include ACCESSORY USEs such as educational and counseling programs which are directly related to the primary purpose of the home.

HAZARDOUS WASTE/MATERIAL means a material, waste or combination of materials or wastes which, because of the quantity, concentration or infectious character istics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment.

HEIGHT when referring to a telecommunications TOWER or other STRUCTURE means the distance measured from ground level to the highest point on the TOWER or other STRUCTURE or appurtenance, even if said highest point is an ANTENNAs or other appurtenance.

HEIGHT OF BUILDING means the vertical distance measured from the grade level to the highest level of the roof surface or front PARAPET, whichever is greater. Television and radio receiver ANTENNAs and photovoltaic systems as well as church steeples shall not be included in this calculation.

HEIGHT RATIO - [Repealed 08-01-90 by Ord. No. 8-90]

HIGH INTENSITY SOIL MAP (HIS) means a map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England, in the publication High Intensity Soil Maps for New Hampshire, January 1987, as amended.

HOME BASED AGRICULTRUAL ACTIVITIES means the sale of products associated with raising poultry/bees/or like animals, or harvesting of herbs, flowers or vegetables/fruit. Products must be grown on-site and may be sold in either in raw or value added forms.

HOTEL means a BUILDING consisting of ten (10) or more ROOMS accessed by a common hallway and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

IMPACT FEE means a fee or ASSESSMENT imposed upon development, including subdivision, BUILDING construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and RIGHTS OF WAY; municipal office facilities; public school facilities; public safety facilities; solid waste COLLECTION, transfer, recycling, processing and disposal facilities; public library facilities; and PUBLIC RECREATIONAL FACILTIES not including PUBLIC OPEN SPACE.

INTERMITTENT STREAM means a stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year.

JUNKYARD means an open area where waste, used or secondhand materials are brought, sold, exchanged, stored, baled, packed, dissembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "JUNKYARD" shall not include uses established entirely within enclosed BUILDINGS.

JUNKYARD, MOTOR VEHICLE means includes any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in BULK to two (2) or more motor vehicles. "Motor vehicle JUNKYARD" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof.

KENNEL means any BUILDING(s) or land operated as a business for the boarding, breeding, training, or selling of five (5) or more dogs, cats or other household pets.

LANDSCAPE AREA means the area unoccupied by pavement or STRUCTURES and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

LIGHT INDUSTRY means all manufacturing and assembly processes carried on completely within a STRUCTURE, and involving no permanent outside storage of equipment or materials (except as a customary ACCESSORY USE in connection with the permitted activities with the STRUCTURES), unless such storage is approved by the Dover PLANNING BOARD. This term shall not be interpreted to include any industry, the operations of which shall result in Significant objectionable noise, glare, vibration or odor which would constitute a **NUISANCE** in an industrial district and which exceed the maximum levels of adjacent activities.

LOADING BERTH means a berth designed for the on-loading and off-loading of trucks and other commercial vehicles.

LOT means a parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of way and is occupied by, or is intended to be occupied by one (1) PRINCIPAL BUILDING and its accessory buildings or uses customarily incidental to it, together with such OPEN SPACES and yards as are required by this chapter. More than one (1) PRINCIPAL BUILDING may be placed on a LOT located in the Central Business District. More than one (1) PRINCIPAL BUILDING may also be placed on a LOT in all other districts with PLANNING BOARD approval for non-residential developments, multi-family dwelling developments, and OPEN SPACE subdivisions

LOT, CORNER means a LOT abutting upon two (2) or more STREETS at their intersection. The side of the corner lot that fronts on the street that provides the address for the property shall be considered the front, and the side(s) of the CORNER LOT that front on any other streets shall be considered the abut-a-street.

LOT LINE means a line of record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other public space.

LOT WIDTH means the width of a LOT along a straight line parallel to the front STREET line and lying at a distance from said STREET line equal to the required minimum FRONT YARD SETBACK for said LOT.

MANUFACTURED HOUSING means any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in

width and forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. MANUFACTURED HOUSING shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK or **MOBILE HOME PARK** means any plot of ground upon which two (2) or more MANUFACTURED HOUSING, occupied for dwelling or sleeping purposes, are located.

MANUFACTURED HOUSING SUBDIVISION **[Repealed on 11-28-2012 by Ord. No. 2012.11.14-24.]**

MARINA means a facility for storing, servicing, fueling, berthing, securing and launching of private pleasure marine craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

METEOROLOGICAL TOWER (MET TOWER) means the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a SMALL WIND ENERGY SYSTEM.

MODIFICATION in relation to a SMALL WIND ENERGY SYSTEM means any change to the system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

MOTEL means a BUILDING consisting of ten (10) or more ROOMS having direct outside access and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

NEIGHBORHOOD means a grouping of STRUCTURES with more clearly evident relationship to one another than to other STRUCTURES in the community.

NEIGHBORHOOD STORE is any retail store containing a maximum of fifteen hundred (1,500) square feet of enclosed space with no on-site parking permitted or required.

NET METERING means the difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

NEW DEVELOPMENT means an activity that results in:

(1) The creation of a new DWELLING UNIT or units; or

(2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of DWELLING UNITS; or

(3) Construction resulting in a new non-residential BUILDING or a net increase in the FLOOR AREA of any non-residential BUILDING; or

(4) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of IMPACT FEE ASSESSMENTS.

NEW DEVELOPMENT shall not include the replacement of an existing MANUFACTURED HOUSE or the reconstruction of a STRUCTURE that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

NONCONFORMING BULK means a BUILDING or use of land is nonconforming as to BULK if it does not conform to the prescribed BULK regulations of the district in which it is located.

NONCONFORMING USE means a lawful use that does not conform as to BULK if it does not conform to the prescribed BULK regulations of the district in which it is located.

NUISANCE means a factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

NURSING HOME means a residential facility for elderly persons that is licensed by the State, containing a common dining facility and ACCESSORY USES typically needed by elderly residents.

OFFICE means a place of business which may fall under the following categories:

Accessory. An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.

Administrative Business Professional. An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate offices, travel agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes: accounting, auditing and bookkeeping services, advertising agencies, airline, lodging, chain, and rental car company reservation centers, architectural, engineering, planning and surveying services, attorneys, legal services, commercial art and design services, computer software and hardware design, counseling services, court reporting services, data processing services, detective agencies and similar services, educational, scientific and research organizations, employment, stenographic, secretarial and word processing services, insurance claim processing, literary and talent agencies, mail order and e-commerce transaction processing, management and public relations services, media postproduction services, photography and commercial art studios, police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars, psychologist, telecommunications facility design and management, telemarketing, writers and artists offices;

Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical. An office or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatral, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but exclude inpatient services and overnight accommodation.

OFF-SITE IMPROVEMENTS means those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision PLAT or site plan approval by the PLANNING BOARD. Such OFF-SITE IMPROVEMENTS shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

OFF STREET PARKING means parking facilities located in city or privately owned LOTS and STRUCTURES.

OPEN SPACE means land that is not built upon or substantially altered by human activity including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and waterbodies.

ORDINARY HIGH WATER MARK means the line on shore, running parallel to the main stem of the river, established by the fluctuations of the water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristic of the surrounding areas.

OUTBUILDING means an accessory BUILDING, usually located toward the REAR of the same LOT as a PRINCIPAL BUILDING, and sometimes connected to the PRINCIPAL BUILDING.

PARAPET means a low protective wall or railing along the edge of a raised STRUCTURE such as a roof or balcony.

PARKING SPACE means an off-Street area available with paved surface, accessible and suitable for parking one (1) motor vehicle.

PERSONAL SERVICE ESTABLISHMENT means a commercial use, the primary concern of which is the rendering of services rather than the sale of products. "Primary concern" shall mean less than fifty percent (50%) of the revenues from such commercial use shall be gained from the sale of products. A "PERSONAL SERVICE ESTABLISHMENT" shall not be construed to include a gasoline service station.

PLANNING BOARD means the PLANNING BOARD of the City of Dover.

PLAT means a map or plan of a subdivision or a site plan, prepared by a registered surveyor or engineer in compliance with all applicable provisions of the Zoning Ordinance (Ch. 170), the Site Review Regulations (Ch. 149), and the Subdivision Regulations (Ch.155) of the City of Dover

PORCH AND FENCE means a private FRONTAGE set back from the front property line with an attached porch permitted to encroach beyond the BUILD TO LINES.

POWER GRID means the transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

PRINCIPAL BUILDING means the main BUILDING on a LOT, usually located toward the FRONTAGE.

PROJECTING SIGN means a SIGN attached to a BUILDING with the plane of the SIGN at an angle to the plane of the wall of the BUILDING.

PUBLIC ART means works of art in any media that has been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC OPEN SPACE means a parcel of land essentially unimproved and principally intended for OPEN SPACE preservation, natural resource conservation, or similar uses. For the purposes of this Article, City parks that do not include “PUBLIC RECREATION facilities” constitute PUBLIC OPEN SPACE.

PUBLIC RECREATION means leisure time activities open to the public, subject to reasonable limitations as to participation, and conducted at prescribed places, sites or fields by non-profit corporations or charitable organizations. The non-profit organization or charitable organization may either rent or own the site. Food concessions will be allowed by permit.

PUBLIC RECREATION FACILITIES means the land and facilities owned or operated by the City of Dover, other than PUBLIC OPEN SPACE, that are used or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor PUBLIC RECREATION opportunities. PUBLIC RECREATION facilities may also include those portions of PUBLIC OPEN SPACE parcels that are improved with developed trail systems for uses such as hiking or cross country skiing.

PUBLIC SPACE means open to public view or access.

PUBLISHING FACILITY means a STRUCTURE or part of a STRUCTURE, with office space and production facilities, which is used for producing newspapers, magazines, books and/or other related published materials. For the purpose of this definition, production facilities shall include a printing press and/or similar equipment.

REAR means the private back portion of a property.

RECEIVING AREA means a defined area within a TDR DISTRICT to which DEVELOPMENT RIGHTS are transferred resulting in more efficient and intense use of suitable development sites.

RECLAMATION means the restoring of an EXCAVATION SITE to a standard at least equal to those outlined in Section 170-29.8.

REGULATING PLAN means a zoning map or set of maps that shows the sub-districts subject to regulation by the form based code.

REVOCATION means the revoking of the approved extraction permit by the PLANNING BOARD. The REVOCATION requires ceasing operations until such time as the owner or operator can bring the operation into compliance, and subsequently reapply for permitted status with the PLANNING BOARD at a regular meeting using standard application steps as outlined in this article.

RIGHTS OF WAY means a public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

RIGHT-OF-WAY LINES means the lines that form the boundaries of the RIGHT-OF-WAY.

ROOM means an unsubdivided portion of the interior of a DWELLING UNIT, excluding bathrooms, closets, hallways and service porches.

ROADSIDE FARM STAND means an accessory use where permitted AGRICULTURE products grown on site are sold.

ROOMING HOUSE means any BUILDING in which ROOMS are rented, leased or otherwise made available for compensation to not more than ten (10) persons, for longer than one night, but not requiring a long term lease. Ssaid ROOMS being for a sleeping purpose and containing communal bathroom facilities and cooking facilities.

SENDING AREA means a defined area within a TDR DISTRICT from which DEVELOPMENT RIGHTS are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

SERVICE CLUB means an establishment to be used as a gathering place for a group of citizens organized for a non-profit purpose.

SETBACK means the area of a LOT measured from the LOT LINE to a BUILDING facade or elevation that is maintained clear of permanent STRUCTURES, with the exception of allowed encroachments for stairs or porches.

SHADOW FLICKER means the visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

SHOPFRONT means a private FRONTAGE conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the BUILDING entrance at SIDEWALK grade.

SHOPPING CENTER means any BUILDING containing five (5) or more tenants and containing more than fifty thousand (50,000) Square feet of gross FLOOR AREA.

SIDEWALK means the paved section of the public FRONTAGE dedicated to pedestrian activity, café seating, and other STREET FURNITURE.

SIGN means any name, identification, description, display, illustration which is affixed to or painted or represented directly or indirectly upon a BUILDING, STRUCTURE or piece of land, in view of the general public, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA means the entire area within a single continuous perimeter enclosing the extreme limits of the actual SIGN surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced SIGNS, only one (1) display space shall be measured in computing total surface area where the SIGN faces are parallel or where the interior angle formed by the faces is ninety degrees (90°) or less.[*]

SITE DEVELOPMENT PLAN means professionally rendered drawings which delineate a proposed non-residential, multi-family or MANUFACTURED HOUSE development. Said plan shall include: property lines, location of BUILDINGS, means of ingress and egress, access to off-site parking and all provisions as outlined in this Chapter and Chapter 149, entitled Site Review, of the Code of the City of Dover.

[*] See Figures 8 and 9 of the SIGN Diagrams, Part II, included at the end of this chapter.

SLOPE means the ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. SLOPE is measured over horizontal distances of twenty (20) feet or more, utilizing elevations at two-foot contours.

SQUARE means a CIVIC SPACE designed for unstructured recreation and civic purposes, spatially defined by BUILDING FRONTAGES and consisting of paths, lawns and trees.

SMALL WIND ENERGY SYSTEM means a wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS means facilities that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated EARTH materials.

STOOP means a private FRONTAGE wherein the facade is aligned close to the front property line with the first story elevated from the SIDEWALK for privacy, with an exterior stair and landing at the entrance.

STREET means a city thoroughfare for vehicle access.

STREET FURNITURE means benches and other STRUCTURES incorporated into the STREETSCAPE for use by pedestrians.

STREET LIGHTS means pedestrian scale lighting incorporated into the STREETSCAPE and in parking facilities to promote safe travel during evening hours.

STREET TREES means canopy trees used to reinforce the area along vehicular streets where pedestrian activities are encouraged.

STREET WALLS means a freestanding wall built along the front property line. It may mask a parking LOT from the STREET, provide privacy to a SIDE YARD, and/or strengthen the spatial definition of the public realm.

STREETSCAPE means the physical elements along a STREET including trees, benches, waste bins, and bike racks.

STRUCTURE means a framework of support.

SUSPENSION means the ordered cessation of that portion of an extraction operation that is in violation of this Article until such time as the owner or operator can demonstrate compliance to the Zoning Administrator.

SYSTEM HEIGHT means the vertical distance from ground level to the tip of the WIND GENERATOR blade when it is at its highest point.

TELECOMMUNICATIONS FACILITIES means any STRUCTURE, ANTENNA, TOWER, or other device which provides licensed commercial mobile wireless services, cellular telephone services, specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TEMPORARY PORTABLE SIGN means a SIGN(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground. A-frame, sandwich board, inflatable, and other SIGNS not permanently affixed, directly or indirectly, upon a BUILDING, STRUCTURE or land and not otherwise referenced under the definitions of "FREESTANDING SIGN," "PROJECTING SIGN" or "WALL SIGN", shall also be considered as "TEMPORARY PORTABLE SIGNS".

TERRACE/LIGHTWELL means a private FRONTAGE set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach beyond the BUILD TO LINES.

TOURIST HOME - [Repealed on 08-01-90 by Ord. No. 8-90.]

TOWER means any STRUCTURE that is designed and constructed primarily for the purpose of supporting one or more ANTENNAS, including self-supporting lattice towers, guy towers, or monopole towers. The terms also includes commercial radio and television transmission towers, microwave towers, common carriers towers, cellular telephone towers, ALTERNATIVE TOWER STRUCTURES, and similar STRUCTURES.

TOWER means the monopole, guyed monopole or lattice structure that supports a WIND GENERATOR.

TOWER HEIGHT means the height above grade of the fixed portion of the TOWER, excluding the WIND GENERATOR.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) means the conveyance of the DEVELOPMENT RIGHTS of a parcel of land by deed or other legal instrument approved by the PLANNING BOARD to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

TDR DISTRCT means an area defined as a zoning overlay district, which includes a SENDING AREA and a RECEIVING AREA for the purpose of transferring DEVELOPMENT RIGHTS from a parcel within the SENDING AREA to a parcel within the RECEIVING AREA.

USED CAR LOT means an unenclosed space on which three (3) or more used cars are stored or offered for sale.

VEHICLE REFUELING /RECHARGING STATION means an establishment, the principle use of which is to provide for the sale of gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and DRIVE-THRU SERVICE may also be allowed.

WALL SIGN means a SIGN attached to or erected against the wall of a BUILDING, with the face in a parallel plane to the plane of the BUILDING wall, and projecting no more than fourteen (14) inches from the BUILDING wall.[†]

WAREHOUSING means only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WATER DEPENDENT means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore, cannot be located inland.

WATER RELATED EDUCATIONAL/RESOURCE CENTER means a facility devoted to the provision of educational resources and materials and/or displays. Such a facility may include but not be limited to a museum, aquarium, and aquaculture facility.

[†] See Figure 10 of the SIGN Diagrams, Part II, included at the end of this chapter.

WATERBORNE PASSENGER TRANSPORTATION FACILITY means a facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.

WETLAND EVALUATION HANDBOOK FOR DOVER means the manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by the Wetland Protection District Ordinance.[‡] This handbook shall be adopted and amended, as required, by the PLANNING BOARD after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three (3) places at least fifteen (15) days prior to the hearing.

WHOLESALING means only includes the activity of storage, repacking, sale and/or distribution of commodities in BULK quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

WIND GENERATOR means the blades and associated mechanical and electrical conversion components mounted on top of the TOWER whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

YARD, FRONT means an open unoccupied space on a LOT between the STREET line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

YARD, REAR means an open unoccupied space on a LOT between the REAR LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

YARD, SIDE means an open unoccupied space on a LOT between the side LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.

ZONING BOARD OF ADJUSTMENT means the ZONING BOARD OF ADJUSTMENT of the City of Dover, as provided in the RSA 673:3

[‡] See 170-27.1, Wetland Protection District, of this Chapter.

ARTICLE III

DISTRICTS AND DISTRICT BOUNDARIES

170-7. Establishment of Districts. [Amended on 3-30-83 by Ord. No. 5-83; Amended on 4-27-83 by Ord. No. 12-83; Amended on 10-26-88 by Ord. No. 18-88; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-16-92 by Ord. No. 23-92; Amended on 11-22-95 by Ord. No. 19-95; Amended on 10-18-2006 by Ord. 03-2006; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. Districts:

The City of Dover is hereby divided into the following districts:

Residential

R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-residential District
RM-U	Urban Density Multi-residential District

Nonresidential

B-1	NEIGHBORHOOD Business District
B-3	Thoroughfare Business District
B-4	HOTEL/Retail District
B-5	Gateway District
I-1	Restricted Industrial District
I-2	Rural Restricted Industrial District
I-4	Assembly and Office
ETP	Executive and Technology Park

Mixed -Use

H	Hospital

LBW	Little Bay Waterfront District
O	Office District
CBD	Central Business District
CWD	Cochecho Waterfront District
Overriding	
CD	Conservation District
URD	Urban Renewal District
RRD	Riverfront Residential Overlay District
GWP	Groundwater Protection District
HWD	Hazardous Waste Landfill District
RCM	Residential-Commercial Mixed Use
SRD	Scenic Road Overlay District
TDR	TRANSFER OF DEVELOPMENT RIGHTS
TEL	Telecommunications Facilities
WPD	Wetland Protection District"

B. District Purpose Statements:

(1) RESIDENTIAL DISTRICTS

The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create city NEIGHBORHOODS that are safe and promote harmonious development.

(a) Rural Residential District (R-40)

The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODS in the more rural areas of the city. These areas have larger LOT sizes (1+ acres) and the homes are most likely served by on-

site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as OPEN SPACE developments with reduced LOT sizes allowed in return for the permanent preservation of OPEN SPACE. Agriculture and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and CHILD CARE FACILITIES.

(b) Low-Density Residential District (R-20)

The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODS on LOTS not less than twenty thousand (20,000) square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least fifteen (15) acres can be done as OPEN SPACE subdivisions. Agriculture and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and CHILD CARE FACILITIES.

(c) Medium-Density Residential District (R-12)

The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODS on LOTS not less than twelve thousand (12,000) square feet. The homes in this district are almost all served by municipal sewer and water. Many of the NEIGHBORHOODS surrounding the elementary schools are in this district and have a SIDEWALK system that is conducive to children walking to school. The development of parcels with at least five acres can be done as OPEN SPACE subdivisions. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and CHILD CARE FACILITIES.

(d) Suburban Density Multi-residential District (RM-SU)

The purpose of this residential district is to provide an environment suitable for a variety of moderate density housing types, including SINGLE-FAMILY, two family, 3-4 family and MULTI-FAMILY DWELLINGS. These districts are suburban NEIGHBORHOODS located along major roadways outside of the center of the city. The homes in this district are almost all served by municipal sewer and water. Some non-residential uses that are compatible

with residences are permitted, including churches, elementary schools, high schools, and CHILD CARE FACILITIES.

(e) Urban Density Multi-residential District (RM-U)

The purpose of this residential district is to provide an environment suitable for a variety of moderate/high density housing types, including SINGLE-FAMILY, two family, and 3-4 family dwellings. These districts are urban NEIGHBORHOODS located close to the downtown area and contain many historic homes that are built close to the SIDEWALKS and STREETS. The homes in this district are all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and CHILD CARE FACILITIES.

(2) NONRESIDENTIAL DISTRICTS

The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

(a) NEIGHBORHOOD Business District (B-1)

The purpose of this business district is to provide small sites for commercial use in or near dense residential NEIGHBORHOODS without having significant impact upon residential uses. The district encourages traditional small scale retail and service uses that are convenient for the nearby residents. Development is intended to be pedestrian-oriented and compatible with the scale of the residential uses.

(b) Thoroughfare Business District (B-3)

The purpose of this business district is to provide an environment that encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. The twenty thousand (20,000) square foot minimum LOT size encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, HOTELS, offices, banks, and theaters. Other commercial uses and MULTI-FAMILY DWELLINGS are allowed by special exception.

(c) HOTEL/Retail District (B-4)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development on a larger scale along major highways outside of the downtown. The minimum LOT size of five acres encourages larger commercial development. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, HOTELS, offices, banks, and theaters.

(d) Gateway District (B-5)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development along major highways that are gateways to the city. The minimum LOT size of twenty thousand (20,000) square feet encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, GAS STATIONS, automobile sales, HOTELS, offices, banks, and theaters.

(e) Restricted Industrial District (I-1)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the city and provide employment opportunities. These areas tend to be smaller sites closer to the downtown area containing older buildings that have historically been used for industrial and business uses. The smaller minimum LOT size of forty thousand (40,000) square feet also encourages business uses such as PUBLISHING, HOTELS, GAS STATIONS, car sales, offices, and personal services. The close proximity of these areas to older residential NEIGHBORHOODS requires careful consideration of impacts on adjacent uses in other districts.

In 2009 the zoning for this district was amended to allow for the redevelopment of this industrial property in a more flexible and context sensitive method. The district encourages mixed residential and commercial uses that complement one another and create a sense of community between the mixed uses.

(f) Rural Restricted Industrial District (I-2)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage,

WAREHOUSING, WHOLESALING and shipping activities that expand the economic base of the city and provide employment opportunities. This area is the location of one of the first industrial parks in the city, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum LOT size of twenty thousand (20,000) square feet also encourages business uses such as PUBLISHING, HOTELS, GAS STATIONS, restaurants, car sales, offices, and personal services.

(g) Assembly and Office (I-4)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, WAREHOUSING, WHOLESALING, PUBLISHING and shipping activities that expand the economic base of the city and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newest industrial park developed by the city is located in this district. The minimum LOT size in this district is five acres, which encourages larger industrial users.

(h) Executive and Technology Park (ETP)

The purpose of this executive and technology district is to provide appropriate locations for large-scale high technology, research, professional office, and clean manufacturing uses that need large sites and high aesthetic standards. The general character of the district is intended to be a campus or park-like setting that encourages creative design and innovation is site planning and development, while protecting the natural resources. In this district the minimum LOT size is three acres and there is no FRONTAGE requirement, which encourages larger users in campus settings. Some of the city's largest employers are located in this district. This district includes special design standards for BUILDINGS, parking LOTS and landscaping.

(3) MIXED –USE DISTRICTS

The mixed use districts are intended to provide suitable areas for a mixture of urban NEIGHBORHOODS containing residential, commercial, service, retail, and office uses. The mixed use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

(a) Office District (O)

The purpose of this office district is to provide appropriate locations for a mixture of residential and offices uses along higher volume STREETS. The remaining large historic homes are no longer suitable for single family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, NURSING HOMES and CONGREGATE CARE FACILITIES. The density for residential uses is about eight units per acre and in new buildings residential is only allowed on the second floor or higher.

(b) Central Business District (CBD)

The purpose of this district is to provide the appropriate locations for context sensitive zoning. The form based code in this district is intended to foster a vital main street both for itself and for its adjacent NEIGHBORHOODS through a lively mix of uses—with shop fronts, SIDEWALK cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

(c) Cochecho Waterfront District (CWD)

The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum LOT size, FRONTAGE or SETBACK requirements and a density of forty three (43) dwelling units per acre. Several water related land uses are permitted in the district, including MARINAS, WATERBORNE PASSENGER TRANSPORTATION FACILITIES and WATER RELATED EDUCATION AND RESOURCE CENTERS. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

(d) Hospital (H)

The purpose of the hospital district is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also

encourages other health care services and various housing facilities providing levels of service for older persons. Single and two family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(e) Little Bay Waterfront (LBW)

The purpose of this mixed use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various sized commercial uses, with water related uses, such as marinas, specifically permitted. Single and two family homes are allowed in recognition of the historically residential use of the area. Three or four family dwellings are allowed only as part of a mixed use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(4) OVERRIDING DISTRICTS

The purpose of the overriding districts is to provide an additional layer of land use regulation or protection is certain sensitive areas of the city. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements review the text of each overriding district.

170-8. Zoning Map. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

A. The location and boundaries of the Zoning Districts are hereby established as shown on a map entitled "Zoning Map of the City of Dover, New Hampshire"[§], dated December 9, 2009, which accompanies and is hereby declared to be part of this chapter.

B. For the purposes of the delineation of the Central Business District (CBD) the location and boundaries of sub districts are hereby established as shown on a map entitled “REGULATING PLAN[**] for the CBD Zone” dated December 9, 2009, accompanies and is hereby declared to be part of this chapter.”

[§] Said Zoning Map is on file in the office of the Planning Department, where it may be examined during regular business hours.

[**] Editor's Note: Said REGULATING PLAN is on file in the office of the Planning Department, where it may be examined during regular business hours.

170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be noted on the Zoning Map.

170-10. Interpretation of District Boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a STREET, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a STREET, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance there from as shown on the Zoning Map.

C. Where a dimensioned boundary coincides within ten (10) feet or less with a LOT LINE, the boundary shall be construed to be the LOT LINE.

D. Where a boundary is indicated as intersecting the centerline of a STREET, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one (1) LOT and more than fifty percent (50%) of the area of such LOT lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district may apply to the remainder of said LOT up to a distance of not more than fifty (50) feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than one hundred (100) feet to any STREET line in the more restricted district.

ARTICLE IV

USES; TABLES

170-11. Use Regulations. **[Amended on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 8-90.]**

Except as herein provided, no BUILDING or land shall be used except for the purposes permitted in the district as described in this Article.

A. Uses permitted by right. A use listed in the Tables of Use and Dimensional Regulations By District is permitted as a matter of right in the district in which it is

listed, subject to the rules set forth in this Chapter and other sections of the Code of the City of Dover.

B. Uses permitted by right, with conditions imposed. A use listed in the Tables of Use and Dimensional Regulations By District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

Uses permitted by special exception. A use listed in the Uses Via Special Exception section of the Tables of Use and Dimensional Regulations By District may be permitted as a special exception granted by the PLANNING BOARD of Adjustment in accordance with the conditions of Article VI and 170-52 herein and in conformance with such other rules and regulations as may apply.

The Special Exception designation in a given district does not constitute an authorization of an assurance that such use will be permitted.

C. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations By District shall not be permitted in the district.

D. PLANNING BOARD Site Review Approval. The following development/redevelopment shall be subject to the rules and regulations contained in the Site Review Regulations of the City of Dover[††]:

(1) All non-residential development or redevelopment.

(2) All multi-family residential uses wherein more than five (5) units are proposed for development.

(3) All MANUFACTURED HOUSING PARKS.

(4) Any Change of Use as defined in Chapter 149, Site Review Regulations.

E. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this Chapter. (Refer to Article VII.)

170-12. Applicability of Tables of Use and Dimensional Regulations by District. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.][‡‡]**

A. Uses permitted in those zoning districts identified in 170-7 shall be as set forth in the Tables of Use and Dimensional Regulations By District.

[††] See Ch. 149, Site Review.
[‡‡] See district sheets for individual amendment dates.

B. The minimum regulations for LOT size, LOT FRONTAGE, BUILDING SETBACK standards for front, side and REAR YARDS, BUILDING HEIGHTS, and LOT coverage shall be as specified in the Tables of Use and Dimensional Regulations By District.

ARTICLE V

DIMENSIONAL REGULATIONS

170-13. Availability of Utilities and Services. [Amended on 6- 10-87 by Ord. No. 13-87.]

In instances where municipal sewer and water facilities are not provided, no residential STRUCTURE shall be built on a LOT with less than thirty thousand (30,000) square feet in area. Where municipal water is available and sewer is not, the minimum LOT size shall be twenty thousand (20,000) square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire Water Supply and Pollution Control Commission or required elsewhere in this chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other Chapters of the Code of the City of Dover.

170-14. Nonconforming LOTS. [Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90.]

The erection of a BUILDING or STRUCTURE shall be permitted on any LOT which has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this Chapter, provided that:

A. The LOT shall support a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet. In such cases, the following SIDE YARD restrictions shall apply:

(1) A LOT with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum SIDE YARD of ten (10) feet.

(2) A LOT with a width of seventy-five (75) feet or less and fifty (50) feet or more shall have a minimum SIDE YARD of six (6) feet.

B. Refer to Article X of this chapter for provisions regulating nonconforming LOTS that are adjacent or of continuous FRONTAGE and NONCONFORMING USES and STRUCTURES.

170-15. OPEN SPACE Requirements. **[Amended on 08-01-90 by Ord. No. 8-90, Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

A. For each bedroom of a multifamily [greater than four (4) DWELLING UNITS] residential STRUCTURE, there shall be provided at least one hundred (100) square feet of usable OPEN SPACE. Half of this required OPEN SPACE shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required OPEN SPACE shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development. Efficiency apartments shall be counted on the basis of fifty (50) square feet per unit. Projects which are designed not to contain children (i.e., housing for the elderly) may eliminate the active recreational component of this requirement.

B. The minimum distance between any main BUILDING and any accessory BUILDING not structurally attached to such main BUILDING shall be not less than the HEIGHT of the rear wall of the accessory BUILDING.

C. No part of a yard or other OPEN SPACE required about any BUILDING for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other OPEN SPACE similarly required for another BUILDING.

D. All OPEN SPACE requirements pursuant to this section shall not be binding in the CBD, and CWD Zoning Districts.

170-16. Dimensional Regulations for Swimming Pools. **[Amended 12-09-2009 by Ord. No. 2009.09.09-15.]**

In Districts allowing one (1) Family Dwellings, two (2) Family Dwellings, and three to four (3 – 4) Family Dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

A. Every outdoor swimming pool shall be completely surrounded by a FENCE or wall not less than four (4) feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a FENCE is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory BUILDING or STRUCTURE may be used as part of the enclosure.

B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at

all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. Applicability. The requirements of this chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the city, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of (18) inches shall fail to provide and maintain such FENCE or wall as herein provided.

D. Appeals and hearings. The Board of Adjustment after public hearing, may make modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the FENCE, wall, gates or latches or the necessity therefore, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or STRUCTURES to be used so long as the degree of protection afforded by the substitute devices or STRUCTURES is not less than the protection afforded by the wall, FENCE, gate and latch described herein.

E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Welfare.

F. Option to FENCE regulation. When not in attendance, access ladders or slide ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

170-17. Dimensional Regulations for Handicapped Accessible Additions.

[Amended on 08-14-93 by Ord. No. 17-93; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a STRUCTURE constructed for the express purpose of improving and/or providing accessibility to an existing BUILDING for physical and/or mentally challenged individuals may be erected within the BUILDING SETBACKS (front, side and/or REAR) as specified in the Table of Dimension Regulations provided:

A. The STRUCTURE cannot feasibly and practicably be constructed on the LOT in compliance with the Table of Dimensional Regulations;

B. ABUTTERS to the property on which the proposed STRUCTURE will be erected shall be notified by the Building Inspector prior to the issuance of the building permit; and

C. The STRUCTURE must not create a hazard or detrimental impact to surrounding properties.

ARTICLE VI

ADDITIONAL REGULATIONS

170-18. CUSTOMARY HOME OCCUPATIONS. **[Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A CUSTOMARY HOME OCCUPATION is a permitted use in all Residential Districts. The following conditions apply:

A. "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer, hairdresser, HOME BASED AGRICULTRUAL ACTIVITIES, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B. No more than one (1) nonresident shall be employed therein.

C. The use is carried on strictly by the occupant of the PRINCIPAL BUILDING.

D. No more than twenty-five percent (25%) of the existing net FLOOR AREA\of the principal and any accessory BUILDINGS not to exceed six hundred (600) square feet is devoted to such use.

E. There shall be no display of goods or wares visible from the STREET.

F. No advertising on the premises other than a small no-illuminated SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.

G. The BUILDINGS or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a MULTIFAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.

H. Any such BUILDING shall include no feature of design not customary in BUILDINGS for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers

or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.

I. A minimum of two (2) OFF-STREET PARKING SPACEs shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter 92. Driveways

J. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.

K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator verifying conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the customary home occupation continues. Fees shall be levied as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for CUSTOMARY HOME OCCUPATION certificates of use and renewals.

L. The use of a room in a dwelling or accessory building as a home office by a resident/occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.

170-19. Flexible Uses in the I-1 District. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

A. Purpose and Intent

The Restricted Industrial District was created in 1949 as a zone around property that had industrial uses on it prior to the inception of Zoning in Dover. These areas of the City are surrounded by residential uses and are located in the urban core of the City. The properties have continued to be utilized in an industrial capacity, however this use may not be compliant with the surrounding uses, and a more context sensitive reuse may be more appropriate.

The purpose of this section is to allow property owners to redevelop their industrial property in a more flexible and context sensitive method. Additionally, these non-residential nodes are located in areas that could accept commercial uses that are on a neighborhood scale and the property could offer surrounding residents opportunities that do not exist today.

The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects that adaptively reuse the

industrial property in a more context sensitive mode. The district encourages mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses.

B. Permitted Uses

The following uses are permitted:

(1) Principal Uses

(a) Two-family dwelling

(b) Three to Four family dwelling

(c) MULTI-FAMILY DWELLING (if part of a STRUCTURE that includes non-residential uses, must be on the second floor or above)

(d) Public and private utilities

(e) Non-Residential uses as allowed as follows:

(i) Barber or Beauty Shop

(ii) Bank

(iii) Eating/Drinking Establishments (no Drive thru Service)

(iv) BED AND BREAKFAST

(v) Office (excluding medical, dental or veterinary)

(vi) PERSONAL SERVICE ESTABLISHMENT

(vii) Retail store

(viii) Theater

(2) ACCESSORY USES

(a) ACCESSORY USES typically associated with the above principal uses shall be allowed with the approval of the PLANNING BOARD at the time of site plan review.

(3) Conditional uses

The uses listed in this section shall be considered conditional uses, subject to approval by the PLANNING BOARD per the provisions of RSA 674:21, "Innovative Land Use Controls." In order for the conditional uses to be permitted, the PLANNING BOARD must determine that the proposed use complies with the statement of purpose of this section and meets all of the provisions of the district.

(a) Medical, dental and veterinary offices.

(b) COMMERCIAL RECREATION, including but not limited to health club, fitness center and recreation facilities, limited to no more than three (3) coin-operated amusement devices.

(c) Funeral homes

(d) Greenhouses

(e) Existing industrial uses allowed at the time the ordinance is approved.

C. Procedural Concepts

The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTS must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and open space. Non-residential uses must exceed forty-nine percent (49%) of the original tract(s). Existing uses may contribute to the overall percentages.

Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60) applied to the Development Lot and not individually to the Internal Dwelling LOTS.

For residential development of two (2) family, three to four (3 to 4) family and multi-family dwellings, that are to be constructed in new STRUCTURES, density shall be based upon calculating the average density of all residential LOTS located in the City of Dover within 600 feet of the external LOT LINE of the property. For multi-family dwellings that are to be constructed within or added onto existing STRUCTURES the density shall be based upon calculating one unit per four thousand (4,000) square feet of existing building space.

The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-19 A. For the purposes of this section, development shall include:

(1) construction of STRUCTURES;

(2) environmental remediation;

(3) site preparation or demolition;

(4) roadway utility or recreation and common area design and construction; and bonding or other security for site development.

The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent (25%) and fifty percent (50%) of the non-residential STRUCTURES as negotiated between the Planning Board and the Developer.

Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five (5) year phasing period provided a request for extension is submitted before the expiration of the initial five (5) year phasing term.

(1) Residential Development Plan Guidelines

The developer shall be permitted to allocate permitted density among Internal Dwelling LOTS in a flexible and creative manner. Dwellings shall be sited with a variety of setbacks to prevent the row house effect. The sum total of the permitted density shall not exceed the permitted density of the Development LOT or Legal LOT. Layouts may include individual LOTS or a cluster of units without LOT LINEs.

Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

Residential layout shall reflect surrounding neighborhood design and should embrace traditional neighborhood features and philosophies. These include, but are not limited to tree lined streets, architectural details that encourage the feeling that the development is an extension of existing neighborhoods and not built separately. In addition to tree lined streets, developments shall incorporate natural

materials in the building construction such as brick, wood and a composite material, such as fiber cement siding, as approved by the PLANNING BOARD.

All residential development must adhere to architectural design guidelines. Development shall embrace the aesthetics of the existing neighborhood, within five hundred (500) feet of the external boundary line of the property. Embraced elements should include roof style, non-decorative porches, front stoops, and other architectural details. Chapter 149 -14.L,Site Review Regulations, may offer guidance in developing designs.

(2) Nonresidential Development Plan Guidelines

The general character of the nonresidential STRUCTURES within the Development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façade treatment, and SIGNAGE. Materials used for new construction should be natural materials such as brick, wood and a composite material, such as fiber cement siding, as approved by the PLANNING BOARD.

Care should be taken to allow for transitional uses between the existing neighboring uses and any proposed uses. All commercial and other enterprises shall be limited to the following hours of operation: 6:00 a.m. -- 12:00 a.m. The PLANNING BOARD may further restrict the hours of operation of individual businesses, based upon anticipated usage, at the time of site plan approval.

Non-residential uses proposed to be contained within new STRUCTURES shall be two or more stories and shall have residential units on the second floor or above to create a mixed use environment.

There may be only one (1) retail establishment selling general merchandise with a gross FLOOR AREA of up to ten thousand (10,000) square feet. All other establishments shall have no more than five thousand (5,000) square feet of gross FLOOR AREA, unless existing at the time of enacting of the ordinance.

The guidelines for this development are included in Chapter 149-14.2 ,Site Review Regulations,.

D. Standards and Regulations

(1) Internal Roads

As part of the approval of the site plan review, the PLANNING BOARD shall determine whether internal roads shall be public or private. If a road is determined

to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below roadways shall conform to the STREET design criteria laid out in the City of Dover Code:

(a) Minimum Internal R.O.W.

(i) Maximum residential: 35 feet

(ii) Maximum Mixed use: 50 feet

(b) Minimum Pavement Width

(i) Minimum residential: 20 feet

(ii) Minimum non- residential: 28 feet

(iii) Minimum SIDEWALK pavement width: 5 feet

(iv) Minimum bike/Segway/golfcart path width: 5 feet

(c) Minimum Tangent Length at Intersections = 75 feet

(d) Maximum STREET angle at Intersections = 60 degrees

(e) Minimum centerline radius = 100 feet

(f) Minimum Tangent Length between reverse curves = 50 feet

(2) Dimensional Requirements

(a) SETBACKS

(i) Minimum SETBACKS from the edge of pavement and between STRUCTURES shall be calculated by determining the average SETBACK front, REAR and side SETBACKS of those STRUCTURES within five hundred (500) feet of the external property boundary.

(b) BUILDING HEIGHT

(i) To determine the residential BUILDING HEIGHT, the APPLICANT shall calculate the modal HEIGHT of all residential STRUCTURES, on the STREET side, within five hundred (500) feet of the external property boundary.

(ii) The highest modal HEIGHT shall be the maximum HEIGHT and the lowest modal HEIGHT shall be the minimum HEIGHT.

(iii) For mixed use BUILDINGS, the HEIGHT shall be a maximum of forty-five (45) feet.

(3) Parking

(a) All DWELLING UNITs shall require two (2) independently accessible PARKING SPACEs per unit, except where multimodal transportation resources are provided. Non-residential uses shall comply with parking requirements defined by the zoning ordinance.

(b) Visitor parking shall be provided for each residential unit. The total residential spaces shall be calculated and an additional five percent (5%) of spaces shall be provided for visitors.

(c) Where mixed uses will be contained within a STRUCTURE, parking shall be shared between the residential and non-residential uses.

170-20 Central Business District Regulations. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13.]**

A. Purpose and Intent

The City of Dover Central Business District (CBD) follows the premises of context sensitive zoning. This form based code is intended to foster a vital main street both for itself and for its adjacent NEIGHBORHOODS through a lively mix of uses—with SHOPFRONTS, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices.

Redevelopment within the Central Business District (CBD) shall be regulated by this form based code, in order to achieve the City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the PLANNING BOARD on November 13, 2007.

The form based code was developed through a citizen-based discussion process regarding the design for the improvement of all properties in the Central Business District. designated areas. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along corridors and NEIGHBORHOODS alike.

All of the areas within the CBD share a common goal of increased emphasis on the form and placement of STRUCTURES, and a decreased emphasis on the function(s) contained within them. As such this Article sets careful and clear controls on BUILDING form—with broader parameters on BUILDING use—so as to shape clear, attractive PUBLIC

SPACES (good streets, NEIGHBORHOODS and parks) with a healthy mix of uses. With proper urban form, a greater integration of BUILDING uses is natural and comfortable.

Wherever there appears to be a conflict between the form based code and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

B. Conditional Use Permit

(1) Conditional use approval for relief from the standards herein may be granted by the Planning Board (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) That both public and private BUILDINGS and landscaping shall contribute to the physical definition of RIGHTS OF WAY as CIVIC SPACES.

(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.

(c) That the design of streets and BUILDINGS shall reinforce safe environments, but not at the expense of accessibility.

(d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.

(e) That BUILDINGS shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.

(f) That CIVIC BUILDINGS and public gathering places shall be provided as locations that reinforce community identity and activity.

(g) That CIVIC BUILDINGS shall be distinctive and appropriate to a role more important than the other BUILDINGS that constitute the fabric of the city.

(h) That the preservation and renewal of historic BUILDINGS shall be facilitated.

(i) That the harmonious and orderly evolution of urban areas shall be secured through the adoption of these regulations.

(2) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds.

C. Sub-districts

(1) The REGULATING PLAN for the CBD shall locate the boundaries for the following sub-districts:

(a) General

(b) Mixed Use

(c) Residential

D. Standards and regulations

(1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:

(a) District Purpose

(b) LOT Occupation Regulations

(c) Diagram of BUILDING HEIGHT

(d) Diagram of BUILD TO LINES

(e) Special Regulations

(f) Permitted Uses

(2) Where BUILDINGS exist on LOTS adjacent to a proposed BUILDING, the proposed BUILDING may match the more conforming of the adjacent BUILDINGS' SETBACKS and HEIGHTS rather than match the provisions of this code, through the issuance of a conditional use permit.

(3) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.

(a) General Guiding Principles

(i) BUILDINGS are aligned and close to the STREET.

(ii) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.

(iii)BUILDINGS oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.

(iv)Property lines are physically defined by BUILDINGS or STREET WALLS.

(v) BUILDINGS are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access

(vi)Vehicle storage, garbage and mechanical equipment are kept away from the STREET.

(vii) Within the General and Mixed Use sub-districts, new retail and commercial activities are located on the GROUND FLOOR. Residential activity is not.

(viii) Parking (not including on-street parking) should be away from the STREETS and shared by multiple owners/users.

(ix) Historic character should be preserved and enhanced by context sensitive construction

E. STREETSCAPE

(1) The CBD sites shall be developed so that BUILDINGS are placed at or near the STREET, along the outer edge of their sites and so as to ensure the unity of those STREETS. Furthermore, the standards demonstrate the relationship between the STREET and LOTS. Finally, these standards establish an environment that encourages and facilitates pedestrian activity.

(2) General Principles and Intent

(a) The STREETSCAPE

(i) The STREET and BUILDING façade receives more attention than the rest of the BUILDING.

(ii) STREETSCAPE elements, such as brick pavers, benches and waste-bins must be consistent within a project and adjacent properties.

(iii)PUBLIC ART is encouraged.

(b) FRONTS AND REARS

(i) BUILDING facades are the public "face" of every BUILDING. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their BUILDINGS.

(ii) The private, REAR portions of the LOTS allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium BUILDINGS) OPEN SPACE.

(c) OFF STREET PARKING

(i) Parking provided for a project shall be screened from the STREET.

(ii) Parking shall be considered accessory and shall not be the principal use of a lot.

(3) Minimum Standards

Unless sub-district tables indicate additional or replacement regulations, development shall follow the regulations outlined below:

(a) The STREETSCAPE

(i) Each STREET shall have canopy shade trees (STREET TREES). STREET TREES shall be planted at an average spacing not greater than twenty-five (25) to thirty (30) feet on center (measured per BLOCK FACE). The planting area's minimum dimension shall be not less than five (5) feet. At planting, trees shall be at least four (4) to four and a half (4.5) inches in diameter (four (4) feet above grade) and at least twelve (12) feet in overall HEIGHT.

(ii) Any unpaved ground area fronting the LOTS (to the curb) shall be planted with groundcover or flowering vegetation.

(b) SIDEWALKS

(i) SIDEWALKS shall be a minimum of five (5) feet wide

(c) STREET FURNITURE

(i) Benches - Benches will have backs and arm rests.

a. For each project, one (1) bench will be provided for every one hundred (100) feet of FRONTAGE on a project.

(ii) Waste Bins - At a minimum, one (1) waste bin will be provided at each BLOCK CORNER.

(iii) Bike Racks – At a minimum, one (1) bike rack shall be required per non-residential project.

F. Architectural Standards

The following standards are optional and may be utilized by the APPLICANT. An APPLICANT's election not to submit to architectural standards shall not adversely prejudice the application.

(1) General Principles and Intent

(a) Tradition

(i) These standards favor BUILDINGS that are traditional in design in a broad sense. They specify an architectural language of load-bearing walls and regional materials that help define building base and cornice. These standards encourage details, such as column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.

(ii) The intent behind these standards is to reinforce the existing character and historic nature of Dover's central business district. However, modern BUILDINGS that are sensitive to that character may be permitted as well

(iii) All building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

(b) Energy Efficiency and Environmental Conservation

(i) LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the building design.

(c) PUBLIC SPACE

(i) Many of these standards apply only in conditions that enhance and define the PUBLIC SPACE. These controls concentrate on the public

space/views from the public space and minimize interference in the private realm.

(2) Building Walls (Exterior)

(a) Building walls should reflect and complement the traditional materials and techniques of Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier more permanent materials (masonry) support lighter materials (wood).

(b) Building materials shall be context sensitive and shall reflect a consistency to be found within the sub-district.

(i) Brick, stone or masonry building materials are encouraged for exterior walls.

(3) Roofs and PARAPETS

(a) Roofs and PARAPETS should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

(b) BUILDINGS without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between six (6) and twelve (12) inches beyond the building walls. For BUILDINGS three stories or taller, the cornice projection shall increase an additional six (6) and twelve (12) inches per STORY.

(c) Skylights and roof vents are permitted only on the roof plane opposite the primary STREET or when shielded from the STREET view by the building's PARAPET wall.

(d) Overly elaborate, "postmodern" and/or "high-tech" designs are discouraged. However, ornamentation which contributes to the character of the building is encouraged. BUILDING designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the neighborhood of BUILDINGS to reinforce the fabric and richness of the community.

(e) Green roof technologies are encouraged. Vegetative cover should be considered for flat roofs and solar panels should be considered for integration into pitched roof STRUCTURES.

(4) Street Walls

(a) STREET WALLS establish a clear edge to the STREET in locations where the BUILDINGS do not. The CBD requirements include masonry walls that define outdoor spaces and separate the STREET from the private realm (parking LOTS, trash cans, gardens, and equipment). All STREET WALL façades shall be as carefully designed as the building façade, with the finished side out, i.e. the “better” side facing the STREET.

(5) Windows and Doors

(a) Windows should be divided by multiple panes of glass. This helps the window “hold” the surface of the façade, rather than appearing like a “hole” in the wall (an effect produced by a large single sheet of glass).

(6) Lighting and Mechanical Equipment

(a) Materials and equipment chosen for lighting fixtures should be durable, energy efficient and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

(b) STREET LIGHTS:

(i) In order to minimize light pollution, light should be directed downward to the immediate area being lighted and away from any living quarters.

(ii) Lights shall be located sixteen (16) feet above grade with a maximum average spacing (per BLOCK FACE) of sixty (60) feet on center

(iii) At the front of the building, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above the adjacent grade.

(iv) Floodlights or directional lights (maximum seventy-five (75)-watt bulbs) may be used to illuminate parking garages and working (maintenance) areas, but must be shielded or aimed in such a way that they do not shine into other LOTS, or the STREET.

(v) Floodlighting shall not be used to illuminate building walls (i.e. no up-lighting), except in the Mill sub-district.

(vi) Site lighting shall be of a design and height so as to illuminate only the LOT.

(vii) No flashing, traveling, animated, or intermittent lighting shall be visible from the STREET on the exterior of any building, whether such lighting is of temporary or long-term duration.

(c) Mechanical Equipment

(i) The following shall not be stored or located within any STREET, and be screened from view from the STREET:

a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a front yard under this Code.

(ii) Roof mounted equipment shall be screened from view from the STREET.

G. Incentives for Architectural Standards

(1) Any plan that demonstrates reasonable use of the optional architectural standards defined in Section F, may apply for the following incentives:

(a) Fast track review

The Planning Director shall give preference to projects in setting the Planning Board agendas and in other review processes.

(2) Reasonable use shall be considered demonstration of at least six (6) of the criteria or items mentioned under Section F. These criteria/items will be listed on a waiver application form.

H. Administration

(1) The CBD district exists like every other district and development within is intended to be reviewed and approved as any other district. Any appeals of this section shall be treated as any other zoning appeal and shall be directed to the Zoning Board of Appeals (as outlined in 170 – 52). Projects submitted shall follow the process outlined with Chapter 149, Site ReviewRegulations.

(2) Any redevelopment within the CBD is exempt from Wetlands Regulations as described and administered in this Chapter.

170-21. SMALL WIND ENERGY SYSTEM. [Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. Authority/Purpose:

This SMALL WIND ENERGY SYSTEMs ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate SMALL WIND ENERGY SYSTEMs in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for SMALL WIND ENERGY SYSTEMs to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

(1) Building Permit: SMALL WIND ENERGY SYSTEMs and met TOWERs are an accessory use permitted in all zoning districts where STRUCTUREs of any sort are allowed. No SMALL WIND ENERGY SYSTEM shall be erected, constructed, or installed without first receiving a building permit from the Building Inspector. A building permit shall be required for any physical modification to an existing SMALL WIND ENERGY SYSTEM. Met TOWERs that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.

(2) Application: Applications submitted to the Building Inspector shall contain a site plan with the following information:

(a) Property lines and physical dimensions of the APPLICANT's property.

(b) Location, dimensions, and types of existing major STRUCTUREs on the property.

(c) Location of the proposed SMALL WIND ENERGY SYSTEM, foundations, guy anchors and associated equipment.

(d) TOWER foundation blueprints or drawings.

(e) TOWER blueprints or drawings.

(f) Setback requirements as outlined in this ordinance.

(g) The RIGHT-OF-WAY of any public road that is contiguous with the property.

(h) Any overhead utility lines.

(i) SMALL WIND ENERGY SYSTEM specifications, including manufacturer, model, rotor diameter, TOWER HEIGHT, TOWER type, nameplate generation capacity.

(j) SMALL WIND ENERGY SYSTEMs that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

(k) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.

(l) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.

(m) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.

(n) List of abutters to the APPLICANT's property.

(3) ABUTTER and Regional Notification: In accordance with RSA 674:66, the Building Inspector shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a SMALL WIND ENERGY SYSTEM. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the building permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. Standards:

(1) The Building Inspector shall evaluate the application for compliance with the following standards;

(a) SETBACK: The setback shall be calculated by multiplying the minimum setback requirement number by the SYSTEM HEIGHT and measured from the center of the TOWER base to property line, public roads, or nearest point on the foundation of an occupied BUILDING.

Minimum Setback Requirements			
Occupied BUILDINGs on Participating Landowner Property	Occupied BUILDINGs on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(i) SMALL WIND ENERGY SYSTEMs must meet all setbacks for principal STRUCTUREs for the zoning district in which the system is located.

(ii) Guy wires used to support the TOWER are exempt from the SMALL WIND ENERGY SYSTEM setback requirements.

(b) TOWER: The maximum TOWER HEIGHT shall be restricted to thirty five (35) feet above the tree canopy within three hundred (300) feet of the SMALL WIND ENERGY SYSTEM. In no situation shall the TOWER HEIGHT exceed one hundred fifty (150) feet.

(c) Sound Level: The SMALL WIND ENERGY SYSTEM shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) SHADOW FLICKER: SMALL WIND ENERGY SYSTEMs shall be sited in a manner that does not result in significant SHADOW FLICKER impacts. Significant shadow flicker is defined as more than thirty (30) hours per year on abutting occupied BUILDINGs. The APPLICANT has the burden of proving that the SHADOW FLICKER will not have significant adverse impact on neighboring or adjacent uses. Potential SHADOW FLICKER will be addressed either through siting or mitigation measures.

(e) SIGNs: All SIGNs including flags streamers and decorative items, both temporary and permanent, are prohibited on the SMALL WIND ENERGY SYSTEM, except for manufacturer identification or appropriate warning signs.

(f) Code Compliance: The SMALL WIND ENERGY SYSTEM shall comply with all applicable sections of the New Hampshire State BUILDING Code.

(g) Aviation: The SMALL WIND ENERGY SYSTEM shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

(h) Visual Impacts: It is inherent that SMALL WIND ENERGY SYSTEMs may pose some visual impacts due to the TOWER HEIGHT needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.

(i) The APPLICANT shall demonstrate through project site planning and proposed mitigation that the SMALL WIND ENERGY SYSTEM's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

(ii) The color of the SMALL WIND ENERGY SYSTEM shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

(iii)A SMALL WIND ENERGY SYSTEM shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the APPLICANT shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEM.

(i) Approved Wind Generators: The manufacturer and model of the wind generator to be used in the proposed SMALL WIND ENERGY SYSTEM must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.

(j) Utility Connection: If the proposed SMALL WIND ENERGY SYSTEM is to be connected to the power grid through NET Metering, it shall adhere to RSA 362-A:9.

(k) Access: The TOWER shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of 8

feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEM and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Abandonment:

(1) At such time that a MALL WIND ENERGY SYSTEM is scheduled to be abandoned or discontinued, the APPLICANT will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the SMALL WIND ENERGY SYSTEM within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

(a) Removal of the WIND GENERATOR and TOWER and related above-grade STRUCTUREs.

(b) Restoration of the location of the SMALL WIND ENERGY SYSTEM to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an APPLICANT fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the SMALL WIND ENERGY SYSTEM. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the SMALL WIND ENERGY SYSTEM has been abandoned. If it is determined that the SMALL WIND ENERGY SYSTEM has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the SMALL WIND ENERGY SYSTEM has been abandoned or discontinued, the owner of the SMALL WIND

ENERGY SYSTEM shall remove the wind generator and TOWER at the owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the SMALL WIND ENERGY SYSTEM after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the SMALL WIND ENERGY SYSTEM removed at the owner's expense.

E. Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMs installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the SMALL WIND ENERGY SYSTEM.

F. Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

170-22. Telecommunication Facilities. **[Amended on 03-18-98 by Ord. No. 02-98; Amended on 10-20-99 by Ord. No. 13-99; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A. Authority. By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, this section creates an ordinance establishing a telecommunications program and amending the zoning code to add regulations pertaining to wireless communications facilities.

B. Purpose and Intent. This ordinance is enacted in order to establish general guidelines for the siting of telecommunication towers and ANTENNAS and to enhance and fulfill the following goals:

(1) Preserve the authority of the City to regulate and to provide for reasonable opportunities for the siting of telecommunications facilities while ensuring that telecommunications providers service remains effective and efficient.

(2) Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to, impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.

(3) Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future location availability, innovative siting techniques, and siting possibilities beyond the geographic boundaries of the City.

(4) Permit the construction of new towers only where all other reasonable alternatives have been exhausted, and to encourage the owners and users of towers and ANTENNAS to configure them in a manner that minimizes visual impacts of said structures.

(5) Require ANTENNA co-location on existing TOWER STRUCTURES through cooperation and agreements between providers.

(6) Provide for documentation of scheduling of recurring maintenance and safety inspections for all telecommunications facilities and appurtenances.

(7) Provide for the demolition and removal of abandoned facilities. Provide a procedure for the City to remove abandoned towers to provide for the health and safety of citizens.

(8) Provide for the removal or upgrade of technologically outmoded facilities.

C. Location. Telecommunication Facilities shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

General Location	**Map-LOT Number**
Finch Lane	K-35A
Middle Road	M-57
Blackwater Road	A-29
	A-1
Parsons Lane	A-36
Venture Drive	D-7
	D-5A
Glen Hill Road	C-2012
	C-7
	C-8
	C-20
	C-19
	C-22
Tolend Road	C-27
French Cross Road	F-14

(2) In other areas within the City of Dover only as a co-location on Existing Towers, ANTENNAS, and ALTERNATIVE TOWER STRUCTURES.

D. Telecommunication Facilities Procedural Requirements.

(1) Location or replacement of Telecommunication Facilities on existing towers or Towers or ANTENNAS or ALTERNATIVE TOWER STRUCTURES.

The location or replacement of telecommunication facilities on existing towers or ANTENNAS or ALTERNATIVE TOWER STRUCTURES may be approved by the Planning Department provided the following information is submitted in an application:

(a) A scaled plan detailing exact size and location of the telecommunication devise including a scaled elevation view.

(b) Submission of proof that the telecommunication device is needed to service City of Dover residents.

(c) Proof that the device meets all other technical requirements of this ordinance.

Any application denied by the Planning Department may be appealed to the PLANNING BOARD.

(2) Proposed construction of New Telecommunications Facilities.

An application for construction of any new telecommunications facilities shall be approved by the PLANNING BOARD. Public hearing requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:

(a) A scaled plan in accordance with Site Review Regulations shall be submitted including the following additional information; a scaled elevation view, topography, radio frequency coverage, TOWER HEIGHT requirements, SETBACKS, drives, parking, fencing, landscaping, adjacent land uses (up to two hundred (200) feet away), and any other information deemed necessary by the Planning Director.

(b) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on TOWER lighting requirements.

(c) The APPLICANT shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEAP) further referenced in applicable FCC rules. If an Environmental Assessment (EA) or an

Environmental Impact Statement (IS) is required under the FCC rules and NEAP, submission of the EA or IS to the PLANNING BOARD prior to the beginning of the federal thirty (30) day comment period, and the City's site review process, shall become part of the application requirements.

(d) Each APPLICANT for an ANTENNA and/or TOWER shall provide to the PLANNING BOARD an inventory of its existing towers that are within the jurisdiction of the City and those within two (2) miles of the border thereof, including specific information about the location, HEIGHT, design of each TOWER, as well as economic and technological feasibility for co-location on the inventoried towers. The PLANNING BOARD may share such information with other APPLICANTs applying for approvals or special exception permits under this ordinance or other organizations seeking to locate ANTENNAS within the jurisdiction of the governing authority, provided, however that the PLANNING BOARD is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

The APPLICANT shall submit written evidence demonstrating that no existing STRUCTURE can accommodate the APPLICANT's proposed ANTENNA. This evidence shall consist of one or more of the following:

(i) Adequate evidence that no existing towers or STRUCTURES are located within the geographic area required to meet the APPLICANT's engineering requirements, provided that a description of the geographic area required is also submitted.

(ii) Adequate evidence that existing towers are not of sufficient HEIGHT to meet the APPLICANT's engineering requirements, and why.

(iii) Adequate evidence that the existing towers or STRUCTURES do not have sufficient structural strength to support APPLICANT's proposed ANTENNA and related equipment.

(iv) Adequate evidence that APPLICANT's proposed ANTENNA would cause electromagnetic interference with the ANTENNA on the existing towers or STRUCTURES, or the ANTENNA on the existing towers or STRUCTURES would cause interference with the APPLICANT's proposed ANTENNA.

(v) Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing TOWER or STRUCTURE are unreasonable. Costs exceeding new TOWER development are presumed to be unreasonable.

(vi) Adequate evidence that the APPLICANT can demonstrate other limiting factors that render existing towers and STRUCTURES unsuitable.

(e) The APPLICANT proposing to build a new TOWER shall submit an agreement with the City that allows for the maximum allowance of co-location upon the new STRUCTURE. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the APPLICANT to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration board for their review. The arbitration board's decision shall become final and binding. Failure to provide such an agreement is evidence of the APPLICANT's unwillingness to cooperate with the orderly and well-planned development of the (City), and grounds for a Denial.

(f) The APPLICANT shall submit the engineering information detailing the size and coverage required for the facility location. The PLANNING BOARD may have this information reviewed by a consultant for verification of any claims made by the APPLICANT regarding technological limitations and feasibility for Alternative locations. Cost for this review shall be borne by the APPLICANT in accordance with RSA 676:4(g).

(g) Each APPLICANT for a TOWER, monopole, or Alternative STRUCTURE shall submit a design certified by a competent engineer that the STRUCTURE has been engineered to accommodate the maximum number and type of all compatible telecommunication media ANTENNAE, but in no event shall the APPLICANT provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

E. Performance Standards.

The uses listed in this section are deemed to be permitted uses, and at the discretion of the PLANNING BOARD, may require further review under this Chapter in accordance with Chapter 149, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or Secondary Use. Subject to this ordinance, an APPLICANT who obtains site review approval to site under this ordinance as a secondary and permitted use, may construct telecommunications facilities in addition to the existing principal use. ANTENNAS and towers may be considered either

principal or secondary uses. A different existing use or an existing STRUCTURE shall not preclude the installation of an ANTENNA or TOWER on such LOT.

For purposes of determining whether siting of an ANTENNA or TOWER complies with zoning district development regulations, including, but not limited to area, SETBACK, lot coverage, FRONTAGE, and other dimensional requirements, the dimensions of the entire LOT shall control, even though the ANTENNAS or towers may be located on leased parcels within such LOTS. Towers that are constructed, and ANTENNAS that are installed in accordance with the provisions of this ordinance, shall not be deemed the expansion of a non-conforming use or STRUCTURE. Further, said facilities shall not be considered an ACCESSORY USE.

(2) HEIGHT Requirements.

- New TOWER Construction – one hundred eighty (180) feet maximum.
- Co-location on Existing TOWER and ANTENNAS – current HEIGHT plus fifteen percent (15%) (not to exceed two hundred (200) feet)
- Co-location on ALTERNATIVE TOWER STRUCTURES – current HEIGHT plus twelve (12) feet

The HEIGHT requirements and limitations outlined above shall preempt all other HEIGHT regulations as required by the City of Dover Zoning Ordinance, and shall apply only to telecommunications facilities. A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitations only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and the increased HEIGHT would provide a greater opportunity for co-location provided that:

(a) The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property, and will promote the public interest.

(b) A written narrative identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

(i) topography and other site features

(ii) availability of Alternative site locations

(iii) property location as relates to required coverage area

(iv) size/magnitude of project and availability of co-location

(c) Necessary federal approvals and/or recommendations have been received.

(3) SETBACKS and Separation. The following SETBACKS and separation requirements shall apply only to telecommunications facilities, and shall supersede all other such standards found elsewhere in this Chapter or other applicable City Ordinances and Regulations.

(a) Towers shall be set back a distance equal to one hundred percent (100%) of the HEIGHT of the TOWER from any boundary line, or other principal use STRUCTURE located on the property the TOWER is sited upon. This provision may be waived by the PLANNING BOARD provided the intent of this Chapter remains intact.

(b) TOWER guys, and all other accessory facilities shall conform with the minimum SETBACK requirement of the zoning district in which said facilities and appurtenances are located.

(4) Security Fencing. Towers shall be enclosed by appropriate security fencing not less than six (6) feet in HEIGHT, and shall be equipped with an appropriate anti-climbing device.

(5) Landscaping.

(a) Towers shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the TOWER compound from abutting residential property. The minimum standard buffer shall consist of a landscaped strip ten (10) feet wide outside the perimeter of the TOWER compound. Existing (natural) vegetation is preferred.

(b) The requirement for landscaped screening may be reduced or waived entirely by the PLANNING BOARD in locations where the visual impact of the TOWER compound to abutting residential uses is deemed to be minimal.

(c) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible. Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded LOTS.

(6) Aesthetics and Lighting. The guidelines in this subsection shall govern the location of all towers, and the installation of all ANTENNAS. However, the PLANNING BOARD may waive those requirements, via Conditional Use Permit, only if it determines that the goals of this Chapter are served thereby.

(a) Towers shall either maintain a galvanized steel finisher, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

(b) At a TOWER site, the design of BUILDINGS and related STRUCTURES shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the TOWER facilities with the natural setting and previously developed environment. These BUILDINGS and facilities shall also be subject to all other Chapter 149 Site Review Regulations requirements.

(c) If an ANTENNA is installed on a STRUCTURE other than a TOWER, the ANTENNA and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting STRUCTURE so as to make the ANTENNA and related equipment as visually unobtrusive as possible.

(d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) Towers shall not contain any permanent or temporary SIGNS, writing, symbols, or any graphic representation of any kind.

(7) Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and ANTENNAS. If such standards and regulations are changed, then the owners of the towers and ANTENNAS governed by this Chapter shall bring such towers and ANTENNAS into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and ANTENNAS into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with this Chapter 170-22.I, , of the TOWER or ANTENNA, as abandoned, at the owner's expense through the execution of the posted security.

(8) BUILDING Codes – Safety Standards. To ensure the structural integrity of towers and ANTENNAS, the owner of a TOWER shall ensure that it is maintained in compliance with standards contained in applicable local BUILDING codes and the applicable standards for towers that are published by the Electronic Industries

Association, as amended from time to time. If, upon inspection, the City concludes that a TOWER fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the TOWER, the owner shall have thirty (30) days to bring such TOWER into compliance with such standards. If the owner fails to bring such TOWER into compliance within thirty (30) days, such action shall constitute an abandonment and grounds for the removal, in accordance with this Chapter 170-22.I, of the TOWER or ANTENNA, as abandoned, at the owners expense through execution of the posted security.

(9) Certification of safety standards and continued need. The owner of a TOWER or ANTENNA shall provide an annual certification to the Planning Department verifying compliance with building codes and safety standards. The certification shall also verify that the STRUCTURE is still needed for the operation of the owners network. Said certification shall be submitted to the Planning Department prior to December 31st of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A thirty (30) day extension for submission of a certification may be approved at the discretion of the Planning Department. After notification of a violation by the Planning Department subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with 170-22.I).

F. Exemptions.

(1) City Use. ANTENNAS or towers owned, performing City functions, or otherwise controlled by the City shall be exempt from the requirements of this TELECOMMUNICATIONS FACILITY Ordinance. This exemption shall only be available if a license or lease authorizing such ANTENNA or TOWER has been approved by the City Council, and the City Council elects, subject to RSA's, to seek said exemption.

(2) Amateur Radio. This section shall not govern any TOWER, or the installation of any ANTENNA that is owned and operated by a federally-licensed amateur radio station operator and the TOWER or ANTENNA is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16,IV.

(3) Citizen Band Radios. This section shall not govern the installation of any ANTENNA that is used for the exclusive purpose of facilitating the use of a Citizen Band Radio, except any towers in this section shall be limited to seventy (70) feet in HEIGHT.

(4) Receive-Only ANTENNAS. This section shall not govern any TOWER, or the installation of any ANTENNA that is used exclusively for receive-only ANTENNAS, except any towers in this section shall be limited to seventy (70) feet in HEIGHT.

(5) Essential Services and Public Utilities. Henceforth, from the date of adoption of this ordinance, telecommunications facilities shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the City's ordinances and regulations.

Siting for telecommunications facilities shall be considered a use of land, and is addressed by this ordinance.

G. Restrictions for Siting on Garrison Hill

Notwithstanding the provisions outlined in Subsection C, the siting of additional towers, monopoles, or use of Alternative STRUCTURES shall be prohibited on Garrison Hill in the City of Dover. Placement of new ANTENNAE media on the existing towers on Garrison Hill shall be allowed only after obtaining a Conditional Use Permit from the PLANNING BOARD. However, the replacement and/or repair of existing ANTENNAE media on towers on Garrison Hill is allowed by the Building Inspector, provided that there is no increase in the size or visual impact of the ANTENNAE. Performance standards to ensure that vistas, view sheds and view corridors are protected shall include the following elements:

(1) The APPLICANT has demonstrated that the appearance, form or shape, color, and size of any ANTENNA media to be attached to preexisting towers or monopole structures is concealed or camouflaged or otherwise is harmonious with the immediately surrounding environment at Garrison Hill;

(2) Any equipment shelters supporting such additional ANTENNA shall be designed consistent with one of the following design standards:

(a) Equipment shelter shall be located in underground vaults; or

(b) Equipment shelter shall be designed consistent with Northern New England architectural styles and materials, with a roof pitch of at least ten and a half (10 1/2) and wood clapboard, red brick or shingle siding; or

(c) Equipment shelters shall be camouflaged behind an effective year round landscaped buffer, equal to the HEIGHT of the proposed BUILDING and/or wooden FENCE. PLANNING BOARD shall determine the style of fencing and/or landscaped buffer that is compatible with the NEIGHBORHOOD.

(3) Any ANTENNA located on an existing STRUCTURE shall be concealed, to the extent technologically and commercially practicable, behind existing architectural features to limit the visibility of the ANTENNA from public ways.

H. Bonding and Security and Insurance.

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the PLANNING BOARD shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the TOWER is abandoned and the TOWER owner is incapable and unwilling to remove the TOWER in accordance with Subsection I) below.

Bonding and surety shall be consistent with the provisions in the Chapter 155, Subdivision of Land. Furthermore, the PLANNING BOARD shall require the submission of proof of adequate insurance covering accident or damage.

I. Removal of Abandoned ANTENNAS and Towers.

Any ANTENNA or TOWER that is not operated for a continuous period of twelve (12) months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned STRUCTURE within ninety (90) days of receipt of a declaration of abandonment from Zoning Administrator notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing notice per City regulations, with notice to ABUTTERS and the last known owner/operator of the TOWER. If the abandoned TOWER is not removed within ninety (90) days, the City may execute the security and have the TOWER removed. If there are two or more users of a single TOWER, this provision shall not become effective until all users cease using the TOWER.

170-23. IMPACT FEE Ordinance. **[Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A. Purpose: This ordinance is enacted pursuant to RSA 674:16 and 674:21, and in order to:

- Promote public health, safety, convenience, welfare, and prosperity;
- Insure that adequate and appropriate public facilities are available; and
- Provide for the harmonious development of the City and its environs.

For consideration in lieu of above:

(1) Assist in the implementation of the Master Plan and Capital Improvements Program;

(2) Provide adequate public capital facilities necessitated by NEW DEVELOPMENT;

(3) Assess an equitable share of the cost of public capital facilities to NEW DEVELOPMENT.

B. Authority

(1) IMPACT FEES may be assessed to NEW DEVELOPMENT to compensate the City of Dover and the School District for the proportional share of capital facilities generated by NEW DEVELOPMENT in the City of Dover. Any person who seeks approval for NEW DEVELOPMENT may be required to pay an IMPACT FEE in the manner set forth herein.

(2) The PLANNING BOARD may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an APPLICANT to pay exaction for off site improvements necessitated by the development.

(3) Nothing in this section shall be construed to limit the existing authority of the PLANNING BOARD to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the PLANNING BOARD's authority to require off-site work to be performed by the APPLICANT, in lieu of paying an exaction for OFF-SITE IMPROVEMENTS, or the board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

C. ASSESSMENT Methodology

(1) Proportionality: The amount of the IMPACT FEE shall be calculated by the PLANNING BOARD to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The PLANNING BOARD may prepare, adopt, or amend studies or reports that are consistent with the above standards, and

which define a methodology for IMPACT FEE ASSESSMENT for public capital facilities and IMPACT FEE ASSESSMENT schedules therefore.

(2) Existing Deficiencies: Upgrading of existing facilities and structures, the need for which is not created by NEW DEVELOPMENT, shall not be paid for by IMPACT FEES.

D. Administration

(1) Accounting: In accord with RSA 673:16, II and RSA 674:21, V(c), IMPACT FEES shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of IMPACT FEE ASSESSMENT, IMPACT FEES from the appropriate related capital facility IMPACT FEE accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) ASSESSMENT and COLLECTION:

(a) Where subdivision or site plan approval is required for NEW DEVELOPMENT, IMPACT FEES shall be assessed at the time of PLANNING BOARD approval of a subdivision PLAT or site plan. The amount of such ASSESSMENT shall be applicable to subsequent BUILDING construction within the approved subdivision or site plan for a period of four (4) years from the date of PLANNING BOARD approval. Once this four (4) year period has expired, remaining construction for which no building permit has been obtained shall be subject to the adopted fee schedule in force at the time the building permit application is made.

(b) With the exception of those PLATS and site plans meeting the conditions in A) above, and when no other PLANNING BOARD approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, IMPACT FEES shall be assessed upon the issuance of a building permit. In such cases, the impact fee schedule in force at the time of the building permit application shall apply.

(c) IMPACT FEES will be collected prior to or at the time of issuance of a building permit, unless the PLANNING BOARD establishes an alternate , mutually acceptable schedule of payment of IMPACT FEES imposed on an

ASSESSED PROPERTY. If an alternate schedule of payment is established, the PLANNING BOARD may require security, in the form of a cash bond, letter of credit, or performance bond so as to guarantee future payment of IMPACT FEES. In no case will an IMPACT FEE payment be allowed to be made after the issuance of a CERTIFICATE OF OCCUPANCY.

(3) Security: In the interim between ASSESSMENT and COLLECTION, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed IMPACT FEES.

(4) Refund of Fees Paid: The current owner of record of property for which an IMPACT FEE has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:

(a) When either the full or partial portion of the IMPACT FEE, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or

(b) When the City of Dover, or in the case of school IMPACT FEES, the Dover School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-IMPACT FEE share of related capital improvement costs.

E. Appeals

(1) A party aggrieved by a decision made by the Building Inspector regarding the ASSESSMENT or COLLECTION of IMPACT FEES authorized by this Section may appeal such decision to the PLANNING BOARD.

(2) In accord with RSA 676:5, III, appeals of the decision of the PLANNING BOARD in administering this ordinance may be made to Superior Court, as provided in RSA 676:5, III and RSA 677:15.

F. Waivers

(1) The PLANNING BOARD may grant full or partial waivers of IMPACT FEES where the PLANNING BOARD finds that one (1) or more of the following criteria are met with respect to the particular public capital facilities for which IMPACT FEES are normally assessed:

(a) An APPLICANT may request a full or partial waiver of school IMPACT FEES for those residential units that are lawfully restricted to occupancy by senior citizens age sixty two (62) or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The PLANNING BOARD may waive school IMPACT FEE ASSESSMENTS on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age sixty two (62) or over for a period of at least twenty (20) years.

(b) A person may request a full or partial waiver of IMPACT FEES for construction within a subdivision or site plan approved by the PLANNING BOARD prior to the effective date of this ordinance. Prior to granting such a waiver, the PLANNING BOARD must find that the proposed construction is entitled to the four (4) year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, BUILDING and construction has not yet occurred in the phase in which construction is proposed.

(c) The PLANNING BOARD may agree to waive all or part of an IMPACT FEE ASSESSMENT and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of IMPACT FEES under this provision that would involve a contribution of real property or the construction of capital facilities; the PLANNING BOARD shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of IMPACT FEE ASSESSMENT. The APPLICANT shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

170-24. ACCESSORY DWELLING UNITS. **[Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:

A. A maximum of one (1) accessory dwelling unit (ADU) per property is permitted. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.

B. Exterior alterations, enlargements, or extensions of the SINGLE FAMILY DWELLING or detached ACCESSORY STRUCTURE are permitted in order to

accommodate the ACCESSORY DWELLING UNIT. However, no such change is permitted which would alter the appearance of the SINGLE FAMILY DWELLING to look like a duplex or any other multi-family structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any access ways into the house and/or detached garage which are required for access to the ACCESSORY DWELLING UNIT shall be located to the side or rear of the building whenever possible.

C. An ADU shall have an area of no less than 300 square feet and no greater than 800 square feet. An attached accessory dwelling unit shall occupy no more than 30% of the FLOOR AREA of the SINGLE-FAMILY DWELLLING, including the ADU. If located in a detached ACCESSORY STRUCTURE, the ACCESSORY DWELLING UNIT shall be located entirely on the second floor of the structure.

D. A minimum of one dedicated off-street parking space shall be provided for the ADU.

E. The SINGLE-FAMILY DWELLING (and detached ACCESSORY STRUCURE, when applicable) and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the SINGLE-FAMILY DWELLING. In order to assure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds and a copy provided to the Planning and Community Development Department and the Assessor prior to the issuance of a CERTIFICATE OF OCCUPANCY.

F. The property owner must occupy one of the two DWELLING UNITs. Electric, water and sewer utilities shall be metered on a single bill.

G. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the ACCESSORY DWELLING UNIT continues. Fees shall be levied as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.

170-25. Reserved.

ARTICLE VII

OVERRIDING DISTRICTS

170-26. Additional Regulations.

All overriding districts shall be superimposed upon other zoning districts established in this chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable city ordinances.

170-27. Conservation District. **[Amended on 5-13-87 by Ord. No. 11-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:

(1) To prevent the development of STRUCTURES and land uses on naturally occurring wetlands and flood- prone areas which would contribute to pollution of surface and ground water by sewage or other contaminants.

(2) To prevent the destruction of natural wetlands or aquifer areas which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods.

(3) To prevent unnecessary or excessive expenses to the city to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.

(4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.

(5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.

(6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons inter alia, those cited in RSA 483-B.

(7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline.

(8) To protect public health and safety by minimizing hazards, including soil erosion, storm water runoff, SLOPE instability risks, and environmental degradation associated with development on steep and/or unstable slopes.

B. Location. The Conservation District is hereby determined to consist of the following:

(1) Those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any freshwater river or natural pond.

(2) Those areas within a minimum of fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) of any stream, brook or other freshwater body.

(3) Those areas owned by and situated in the City of Dover and known as LOTS: **Map 28, LOT 32; Map D, LOT 1; Map C, LOTS 5, 7 and 12; Map H, LOTS 58 and 63; Map 40, LOTS 10A, 13, and 17; Map F, LOTS 14 and 42; Map A, LOT 29A-1; and Map 37, LOT 40.**

(4) Those areas with slopes in excess of twenty percent (20%), (e.g. four (4) feet vertical in twenty (20) foot horizontal distance) and totaling more than two thousand (2,000) square feet of CONTIGUOUS area.

C. Conditional Use Permits. Conditional Use Permits may be granted by the PLANNING BOARD for the following uses within the Conservation District:

(1) Streets, roads and other access ways and utility rights-of-way, communications equipment, easements, including power lines and pipe lines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.

(2) The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a STRUCTURE, dredging, filling, draining or otherwise altering the surface configuration of the land, provided that:

(a) The APPLICANT shall demonstrate that the proposed use is essential to the productive use of land not in the district; is located and constructed to

minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate such use on land not in the district; and economic advantage alone shall not be deemed a sufficient reason for such proposed use.

(b) A soil erosion and sedimentation control plan is submitted and followed to verify the planned avoidance of sediment pollutant runoff to bodies of water. This plan will address the following (if applicable), but should not be limited to:

(i) stabilization of exposed soils and soil stockpiles;

(ii) protection of steep slopes from erosion;

(iii) construction site waste management;

(iv) inspection and maintenance of runoff control measures (BMPs);

(v) minimization of land clearing;

(vi) stabilization of drainage ways;

(vii) installation of perimeter controls;

(viii) installation of sediment trapping devices; and

(ix) storm drain inlet protection.

(c) Necessary state and federal approvals have been applied for. Said permits shall be received prior to the issuance of the Conditional Use Permit by the Planning Department.

(d) A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. The Commission's review shall address the following, but is not limited to:

(i) attempted avoidance of the impact;

(ii) minimization of the impact;

(iii) planned mitigation of the effects of the impact; and

(iv) efficacy of the soil erosion and sedimentation control plan.

D. Procedures for subdivision. No subdivision of land shall be permitted which would create a LOT or parcel or leave as a remainder a LOT or parcel which does not have,

outside the Conservation District, an area equal to the minimum LOT size or one (1) acre, whichever is less. The ZONING BOARD OF ADJUSTMENT may grant an exception to this rule if such a LOT or parcel is to be permanently dedicated to OPEN SPACE or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity.

E. Other provisions.

(1) Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply and that in all cases the more restrictive law should apply.

(2) In all cases where the Conservation District is superimposed over another zoning district in the city, that district whose regulations are the more restrictive shall apply.

(3) The Conservation District adopted herein is hereby designated as OPEN SPACE under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use ASSESSMENT of such property shall apply.

(4) The provisions of RSA 483-B:9,V(a) shall apply to the portions of the "Conservation District" as described in Subsections B (1) and B (2), that are within fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings.

(5) The provisions of RSA 483-B:9,V(b) shall apply to the portion of the "Conservation District" as described in Subsection B (1), that is between fifty (50) and one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on the amount of vegetation that can be removed within the area.

(6) Upon the discretion of the Building Inspector, a STRUCTURE may be erected within the Conservation District as described in Subsection B(1) up to but never closer than seventy-five (75) feet of the mean high water mark, provided that:

(a) The lot existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.

(b) The STRUCTURE cannot feasibly be constructed on a portion or portions of the lot which are outside the one-hundred-foot (100) setback of the Conservation District.

(7) Customary accessory STRUCTURES shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than seventy- five (75) feet to the reference line (as defined in RSA 483-B:4, XVII).

(8) Projects which have been officially accepted by the Planning Board prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein.

(9) Land area contained within the Conservation District can be counted in determining the gross land area of a tract, lot or parcel.

(10) The Planning Board may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(11) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront LOTS located in Urban Exemption Area, as approved by the NH Department of Environmental Services Commissioner on August 4, 2008, per File # 2008-2000372. (See map on file in the Planning Department)

G. Boat Docks.

(1) A boat dock may be allowed on a residential LOT, provided that the following provisions are met:

(a) The dock is for recreational and ACCESSORY USE only.

(b) One (1) dock is allowed per LOT.

(c) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986 amendment posting date for the purpose of providing water access to non-waterfront LOTS, shall be entitled to one (1) boat dock within the prescribed easement or right-of-way.

(d) All applicable state and federal approvals have been received.

(e) A dock may be provided a maximum space for two (2) slips. Joint use or private docks by adjoining waterfront residents, not to exceed two (2) slips per LOT, shall be encouraged when appropriate.

170-27.1. Wetland Protection District. **[Amended on 9-14-88 by Ord. No. 15-88; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15]**

A. Authority. By the authority granted under RSA 674:16 and 17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the alterations or destruction of wetland areas.

B. Purpose and intent. It is intended that this section shall:

(1) Prevent the development of STRUCTURES and land uses on wetlands, which will contribute to pollution of surface and ground water by sewerage, toxic substances or sedimentation.

(2) Prevent the destruction of, or Significant changes to, wetlands which provide flood protection, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.

(3) Protect unique and unusual natural areas and rare, threatened, and endangered species.

(4) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.

(5) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.

(6) Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.

(7) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

(8) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.

(9) Avoid the high costs of constructing heavy STRUCTURES and prevent damage to STRUCTURES and abutting properties caused by inappropriate development in wetland areas.

C. District boundaries

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands as defined by RSA 482-A:2, X and New Hampshire Administrative Rule Wt

101.103, which states a "'Wetland' means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.

For the purpose of this section, the delineation of wetland protection district boundaries shall be consistent with NHDES Wetlands Bureau Rules Wt. 301.01 or successor regulations

(2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the "1986 Wetland Plant List Northeast Region" of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes," (saltwater and freshwater) and "tidal wetlands."

D. Procedural requirements.

(1) Presence of Wetland Protection District on site.

(a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 2, July 1998, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation.

(i) A Certified Wetland Scientist is defined as: "a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board." (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The

botanist shall have equivalent and practical experience to that of the wetlands scientist.

(b) Applications for a BUILDING permit, subdivision and site plan approval shall locate and depict on the survey/subdivision PLAT/site plan all Wetland Protection Districts on the subject parcel. Any APPLICANT seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.

(c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink and black striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The APPLICANT may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within twenty feet of the wetlands buffer. The APPLICANT may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and PLANNING BOARD, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel's deed.

(2) The Planning Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with RSA 482-A: 3I(d) and RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to the wetlands impact application. The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for more extensive buffers, additional plantings in areas to be re-vegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.

(3) In the event that the accuracy of the boundaries submitted by the APPLICANT is suspect, the PLANNING BOARD may call upon the services of a certified wetland scientist and/or botanist to reexamine said area and report the findings to the PLANNING BOARD for a boundary determination. The APPLICANT shall pay the cost of said services.

(4) The Building Inspector shall not issue a building permit for construction and the PLANNING BOARD shall not approve a site plan or subdivision PLAT unless such construction activity or proposal conforms to the provisions of this Chapter.

(5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more-restrictive requirement shall control.

(6) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses.

(1) Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any building permit or subdivision/site plan can be approved.

(a) Crossing of a Wetland Protection District as provided for in Section F(1).

(b) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

(i) Said STRUCTURES are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).

(ii) The natural contour of the wetland is preserved.

(iii) All other applicable provisions of the city's Zoning Ordinance have been met.

F. Conditional use approval.

(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21II) after proper public notice and public hearing, for construction within the Wetland Protection District or buffer. Said construction may include, but is not limited to a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, STRUCTURES, and parking LOTS provided that the proposed construction complies with the following standards:

(a) *Demonstration of Need:* The proposed construction is essential to the productive use of land or water outside the Wetlands Protection District.

(b) *Avoidance:* The potential impacts have been avoided to the maximum extent practicable. The APPLICANT will demonstrate by plan and example that the proposed construction represents the least impacting alternative.

(c) *Minimization:* Any unavoidable impacts have been minimized. No reasonable Alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland. Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.

(d) *Mitigation:* If the APPLICANT is required by State rules to prepare a compensatory mitigation plan, the APPLICANT shall provide the Conservation Commission and Planning Board with one copy each of said plan for their review.

(e) Approval for the wetlands impact has been received from the NHDES Wetlands Bureau pursuant to Section G (3), below.

(2) The burden of proof that the conditions specified in Subsection F (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.

(3) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.

(4) If deemed necessary by the PLANNING BOARD, prior to the granting of a conditional use approval, the APPLICANT shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions satisfactory to the PLANNING BOARD. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

(5) The PLANNING BOARD may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

G. Specific provisions.

(1) Wetland Buffers.

(a) *Buffers Established.* Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above

(b) *Natural Conditions to be Maintained within Buffers.* Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. Restoration is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover building permit that includes a temporary disturbance of wetlands buffers, pursuant to Section G (1) (e) (iv) below, shall include a "Wetlands Buffer Encroachment and Restoration Plan." Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native non-invasive species specified in the "Wetlands Buffer Encroachment and Restoration Plan". Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section G (1)(e), below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(c) *Certain Uses Prohibited in Buffers.* The following uses and activities are prohibited within a wetland buffer:

(i) The establishment or expansion of salt storage, junk yards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;

(ii) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;

(iii) The dumping or disposal of snow and ice collected from roadways and parking LOTS;

(d) *Uses Allowed Only With a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F above:

(i) All uses not specifically prohibited in Section G (1) (c) above, or specifically exempted in Section G (1) (e) below.

(ii) The erection or construction of a BUILDING or STRUCTURE, excluding FENCEs that meet the requirements of 170-33, or the construction of parking LOTS or loading areas.

(iii) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.

(iv) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.

(v) The installation of water, sewer, or buried electrical or telecommunications cables.

(vi) The installation of water-supply wells.

(e) *Uses Allowed Without a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer with the noted conditions:

(i) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 303.05(a) – repair of an existing legal STRUCTURE; or successor rules.

(ii) The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(iii) The installation of monitoring or test wells completed in accordance with NHDES Rules Env-Wt 303.05(p) or successor rules.

(iv) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with Section G (1) (b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient LOT size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the PLANNING BOARD.

(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 482-A).

H. Filled lands and preexisting uses.

(1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for building permit or subdivision is made.

(2) STRUCTURES and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with 170-40 and 170-41 of this Chapter.

I. Exemption for one- and two-family residential STRUCTURES, existing LOTS, impoundments and maintenance dredging.

(1) Notwithstanding other provisions of this chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or buffer, provided that:

(a) The dwelling(s) lawfully existed prior to the effective date of this section;

(b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and any required State of New Hampshire Dredge and Fill Permit is obtained.

(c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation

of siltation FENCE and/or hay bales to contain erosion of the construction site.

(2) Notwithstanding other provisions of the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing LOT, provided that all of the following conditions are found to exist:

(a) The LOT for which an approval/permit is sought was an official LOT of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the city.

(b) The STRUCTURE for which the approval/permit is sought cannot be feasibly built on a portion or portions of the LOT, which are outside the Wetlands Protection District.

(c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the LOT can be made without the exemption.

(d) The design and construction of the proposed STRUCTURE will, to the extent practical, be consistent with the purpose and intent of this ordinance.

(e) The proposed STRUCTURE will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.

(f) The design and construction of the proposed STRUCTURE will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.

(3) Maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the PLANNING BOARD) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Department of Environmental Services and the United States Army Corp. of Engineers shall be submitted to the PLANNING BOARD prior to construction.

(4) The burden of proof that the conditions specified in Subsection I (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.

J. Separability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.

170-27.2. TRANSFER OF DEVELOPMENT RIGHTS. **[Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25.]**

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

   Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

   (1) The Industrial TDR DISTRICT is hereby determined to be any I-4 or B-4 zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKS as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any I-4 or B-4 zoning district. The RECEIVING AREA is defined to be all remaining land in be any I-4 or B-4 zoning district.

   (2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire,

adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

E. Procedural Requirements.

(1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in subsection G below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in subsection H below.

(2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA. For residential application, proof of previous preservation by the City of Dover is required.

(3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

(1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in subsection F above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the I-4 and B-4 zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site.

(2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(4) SETBACKS for parking, paved areas, and BUILDINGS may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGS shall be at least one hundred fifty (150) feet from residential STRUCTURES that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.

(5) The developer shall record covenants that address architectural considerations for STRUCTURES, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGS, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

(1) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.

(a) Private land transfer method

(i) For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel of at least five (5) acres, and developable under the existing land use regulations.

(ii) Land within a sending area, when surveyed, endorsed by the Conservation Commission/Open Lands Committee, approved by the PLANNING BOARD and preserved by easement or covenant as specified in subsection E above, may be counted for the minimum lot size requirement for a development site in a receiving area. The criteria used by Open Lands Committee to rank parcels shall be listed on the application.

(b) Land bank method

(i) For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel or easement purchased by the City through the use of Conservation funds allocated and approved by the City Council.

(ii) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission.

(iii) Proceeds from the purchase of development rights, shall be placed into the Conservation Fund to be used to purchase future property or easements, and not into the general fund.

(2) Regardless of the method utilized, the transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved. A minimum of three (3) acres shall be purchased.

(3) Regardless of the method utilized, the minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(4) Regardless of the method utilized, the minimum frontage requirement may be waived by the PLANNING BOARD for land subjected to the transfer of development rights provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.

(5) Regardless of the method utilized, any other provision in this chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the transfer of development rights so long as the increase in density or intensity:

(a) Is consistent with the Master Plan

(b) Is not incompatible with the land uses on neighboring LOTS

H. Conditional Uses.

(1) The PLANNING BOARD may grant conditional use permits to allow streets, roads, utilities, or other infrastructure improvements to cross wetlands within the RECEIVING AREA of the TDR DISTRICT, provided said infrastructure is essential to the productive use of land within the RECEIVING AREA of a TDR DISTRICT, and further provided that no possible location exists for said infrastructure in non-wetland areas.

170-28. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No.1 shall apply to the project area, as approved by the Dover City Council.

170-28.1. Riverfront Residential Overlay District. **[Amended on 02-17-99 by Ord. No. 25-98.]**

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting the shorelands which are valuable and fragile natural resources essential to maintain the integrity of public waters. By adopting this section, the City is striving to avoid uncoordinated, unplanned and piecemeal development of shorelands which could significantly impact public waters.

B. Location of District. The Riverfront Residential Overlay District is an overlay district that includes all land located within two hundred and fifty (250) feet of the reference line (as defined by RSA 483-B:4 – XVII) of any tidal water body or tidal river in a Single Family Residential District (R-12, R-20, and R-40).

C. Minimum LOT Size Requirement. The minimum LOT size for a LOT within the Riverfront Residential Overlay District shall be three times the minimum LOT size required by Section 170-12 – Applicability of Table of Dimensional Regulations for the underlying zoning district, but land classified as wetlands can be included for up to fifty percent (50%) of the minimum LOT area required in this district.

D. Minimum Shoreland FRONTAGE Requirement. Any new LOT created within the district shall provide a minimum of one hundred fifty (150) feet of river shoreland FRONTAGE per DWELLING UNIT for LOTS dependent on septic systems and a minimum of one hundred (100) feet of river shoreland FRONTAGE per DWELLING UNIT for LOTS served by municipal sewer.

E. Existing LOTS. Existing LOTS of record are exempt from the provisions of this Chapter. Only LOTS subdivided after the posting of this Chapter shall be subject to its provisions.

F. Other Provisions. Reference is hereby made to RSA 483-B, , the Comprehensive Shoreland Protection Act, the provisions of which apply. It is intended that the more restrictive law shall apply. In all cases where the Riverfront Residential Overlay District is overlain other local zoning districts, the more restrictive regulations shall apply.

170-28.2 Residential-Commercial Mixed Use (RCM) Overlay District. **[Amended on 01-22-2003 by Ord.35-02; Amended on 05-17-2006 by Ord. No. 03-06; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A. Purpose and Intent

The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the PLANNING BOARD shall have granted a Conditional Use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a Development Plan basis which allows flexibility in internal road design, with reduced dwelling LOT sizes and modified dimensional requirements.

The mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote OPEN SPACE conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing for older persons, as defined under RSA 354-A:15, outside the traditional residential developments.

B. Conditional Use Permit

(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The APPLICANT demonstrates that the development complies with the design guidelines that are outlined in Chapter 149 14.2, Site Review Regulations. These guidelines encourage a context sensitive development, which encourages components that act as one project and not as two adjacent projects

(b) The APPLICANT demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The APPLICANT shall submit a Fiscal Impact Analysis as defined in Chapter 155.22.C (1) (b) Subdivision of Land. The Analysis shall demonstrate that the project is at least a cost neutral project for the City at present and ten years from the occupation.

(2) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds.

C. Location

The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the B-4, I-4 or ETP zone, which is greater than fifty (50) acres, and within five hundred (500) feet of a road maintained by the State of New Hampshire.

D. Permitted Uses

The following uses are permitted:

(1) Principal Uses

(a) Housing for older persons as that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2) and the regulations adopted there under in the following settings:

(i) SINGLE-FAMILY DWELLING

a. Including the use of MANUFACTURED HOUSING

(i) Two-family dwelling

(ii) Three to Four family dwelling

(iii) MULTI-FAMILY DWELLING

(iv) MANUFACTURED HOUSING PARKS (permitted outright without a special exception)

(b) Public and private utilities

(c) Non-Residential uses as allowed as follows:

(i) Any use allowed in the underlying zone that is compatible with housing for older persons

(ii) Barber or Beauty Shop

(iii) Bank

(iv) Eating/Drinking Establishments (no Drive thru Service)

(v) BED AND BREAKFAST

(vi) Office

(vii) Retail store

(viii) Theater

(ix) ADULT DAY CARE

(x) NURSING HOMEs (In areas not serviced by City water and sewer utilities at a density of one bedroom per ten thousand (10,000) square feet of land; in areas serviced by City water and sewer utilities at a density of one bedroom per seventy-five hundred (7,500) square feet of land)

(xi) CONGREGATE CARE FACILITIES (In areas not serviced by City water and sewer utilities at a density of one unit per ten thousand (10,000) square feet of land; in areas serviced by City water and sewer

utilities at a density of one unit per seventy-five hundred (7,500) square feet of land)

(xii) Other uses compatible with housing for older persons

(xiii) Non-residential uses in existence at the adoption of this ordinance on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) ACCESSORY USES

(a) Recreational facilities

(b) Community BUILDING

(i) Defined as "A BUILDING used as a place of meeting, recreation or social activity typically for use by the residents of a particular development".

(c) Maintenance BUILDINGS

(d) Rental and sales offices

E. Procedural Concepts

The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTS must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and OPEN SPACE. Non-residential and/or mixed use uses must exceed forty percent (40%) of the original tract, residential uses must not exceed thirty-five percent (35%) of the original tract, and a minimum of twenty percent (20%) of the original tract shall be OPEN SPACE. Fifty percent (50%) of the required OPEN SPACE (as defined in Chapter 155-60, Subdivision of Land) must be usable uplands and reasonably accessible to all property owners in the project. Any OPEN SPACE provided above twenty percent (20%) may be mixed wetlands and upland.

Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60, Subdivision of Land) applied to the Development LOT and not individually to the Internal Dwelling LOTS.

For residential development that includes two (2) family, three (3) to four (4) family or MULTI-FAMILY DWELLINGS, density shall be based upon calculating one (1) unit per forty thousand (40,000) square feet of CONTIGUOUS upland, and using one hundred fifty (150) feet of FRONTAGE on a public roadway.

For single family residential development, density shall be based upon calculating one unit per ten thousand (10,000) square feet of CONTIGUOUS upland, and using one hundred (100) feet of FRONTAGE on public a roadway.

The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-28.2.A. For the purposes of this section, development shall include:

(1) construction of STRUCTURES;

(2) environmental remediation;

(3) site preparation or demolition;

(4) roadway utility or recreation and common area design and construction; and

(5) bonding or other security for site development.

The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent (25%) and fifty percent (50%) of the non-residential STRUCTURES as negotiated between the PLANNING BOARD and the Developer.

Provided that the developer is making reasonable efforts to develop the site, the PLANNING BOARD may extend the initial five-year phasing period provided a request for extension is submitted before the expiration of the initial five (5) year phasing term.

(1) Residential Development Plan Guidelines

The developer shall be permitted to allocate permitted density among Internal Dwelling LOTS in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the Development LOT or Legal LOT. Layouts may include individual LOTS or a cluster of units without LOT LINEs.

Dwelling layouts shall be so designed that parking is screened from external roadways by garages, BUILDING locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever

possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

Where possible, it is desirable and encouraged to mix residential and non-residential uses. This may be achieved through situating the BUILDINGS close to each other, or though allowing STRUCTURES to house residential – preferably on the second or above floor, with non-residential on the first floor. Creativity and flexibility is encouraged and the development plan may offer another option for mixing uses. Units created through the TDR program are not required to be housing for the elderly, that term is defined under RSA 354-A:15 and 42 USCA §3607(b)(2).

All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include STRUCTURES with peaked roofs, and architectural shingles. The guidelines for this development are included in Chapter 149, section 14.2, Site Review Regulations.

All MANUFACTURED HOUSEs shall adhere to the standards outlined in Chapter 126, MANUFACTURED HOUSE PARKS, with the exception of Sections 126-3, 126-4, 126-5, 126-6, and 126-7.H which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this Overlay District and the provisions of Chapter 126, "MANUFACTURED HOUSE PARKS", the provisions of the Overlay District shall apply.

(2) Nonresidential Development Plan Guidelines

The general character of the nonresidential STRUCTURES within the development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façade treatment, and SIGNAGE.

The guidelines for this development are included in Chapter 149, section 14.2, Site Review Regulations.

F. Standards and Regulations

(1) Internal Roads

As part of the approval of the Conditional Use permit, the PLANNING BOARD shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than

public safety, utilities maintenance, and regulatory services. Unless noted below roadways shall conform to the STREET design criteria laid out in the Code:

(a) Minimum Internal R.O.W.

(i) Maximum residential: 35 feet

(ii) Maximum non- residential: 50 feet

(b) Minimum Pavement Width

(i) Minimum residential: 20 feet

(ii) Minimum non- residential: 28 feet

(iii) Minimum SIDEWALK pavement width: 5 feet

(iv) Minimum bike/Segway/golfcart path width: 5 feet

(c) Minimum Tangent Length at Intersections = 75 feet

(d) Maximum STREET angle at Intersections = 60 degrees

(e) Minimum centerline radius = 100 feet

(f) Minimum Tangent Length between reverse curves = 50 feet

(2) Dimensional Requirements

(a) Non-residential/Mixed-Use BUILDINGS

(i) Minimum STRUCTURE SETBACK from

external LOT LINE: 50 feet

a. Expanding existing non-residential uses are not held to this SETBACK.

(i) Minimum STRUCTURE SETBACK from external

ROW: 50 feet

(ii) Maximum non-residential BUILDING HEIGHT: 55 feet

(iii) For all other dimensional requirements for non-residential STRUCTURES and parking SETBACKS refer to the

(iv) underlying zone.

(b) Residential Dwellings:

(i) Minimum STRUCTURE and parking SETBACK from external LOT LINE: 50 feet

(ii) Minimum STRUCTURE and parking SETBACK from external ROW: 100 feet

(iii) Maximum residential BUILDING HEIGHT: 35 feet

(iv) Minimum FRONTAGE on internal road: 40 feet

(v) Minimum SETBACKS:

a. FRONT YARD SETBACKS: 20 feet

b. Distance between BUILDINGS: 24 feet

(3) Parking

(a) All DWELLING UNITS shall require two independently accessible PARKING SPACES per unit, except that the CONGREGATE CARE and NURSING HOME requirements shall be as otherwise defined by the zoning Chapter. Non-residential uses shall comply with parking requirements defined by the zoning Chapter.

Overnight parking shall not be permitted on internal roadways.

170-28.3. Groundwater Protection. **[Amended on 6-12-85 by Ord. No. 7-85; Amended on 1-30-88 by Ord. No. 24-88; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.

B. Location. These regulations shall apply to all lands within the Primary and Secondary Groundwater Protection Zones. The boundaries of the Primary and Secondary Groundwater Protection Zones are depicted on maps entitled "Groundwater Protection Zones," dated October 6, 1998. These maps shall be on file at the Planning Department and the City Clerk's Office.

C. Applicability.

(1) All land use activities and development conducted within the Primary or Secondary Groundwater Protection Zones shall be regulated by the standards established herein.

(2) The standards established herein shall constitute the rules of an overlay zone and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other ordinance or regulation, the more restrictive requirement shall control.

(3) Pursuant to New Hampshire Code of Administration Rules Env-Ws 421, land use activities within a four-hundred-foot radius of a municipal well, the Primary Groundwater Protection Zone, shall be subjected to more restrictive standards than the balance of the Groundwater Protection Zones.

(4) Any NONCONFORMING USE may continue, and may be maintained and repaired, unless such use is determined to be an imminent hazard to public health and safety by the City Council or the Health Officer.

D. Standards and regulations.

(1) The following land uses are allowed in the Primary Groundwater Protection Zones. All other land uses are prohibited:

(a) Construction, operation, and maintenance of wells, dams and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.

(d) Maintenance and repair of any existing STRUCTURE, provided that there is no increase in the area of impermeable surfaces.

(2) The following land uses are expressly prohibited from the Secondary Groundwater Protection Zones:

(a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.

(b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic septic system approved in compliance with New Hampshire Department of Environmental Services (NHDES) Regulations, which may require a groundwater discharge permit under RSA 485-A:13. Land application of wastewater residuals (sewage sludge) subject to regulation under NHDES Rules Env 800-811 is prohibited.

(c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, as defined in RSA 174A, except for the temporary storage of such materials when they are incidental to or byproducts of a manufacturing process. Such materials are to be stored and removed in accordance with Chapter 149, Site Review Regulations, and other applicable state and federal regulations.

(d) JUNKYARD- or salvage yard.

(e) Motor vehicle service or repair shops, except as a customary ACCESSORY USE designed to provide routine service to the vehicles operated by the principal use.

(f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D (2) (c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.

(g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on-site.

(h) The dumping of snow containing road salt or other deicers brought in from outside the Groundwater Protection Zone.

(i) Industrial uses that discharge contaminated wastewater on-site.

(j) Animal feedlots.

(k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.

(l) The use of wood piling treated with creosote or other preservative.

(3) The following land uses are allowed in the Secondary Groundwater Protection Zones only if the PLANNING BOARD approves a Conditional Use Permit for the specific use per Chapter 170-28.E (4):

(a) General service and repair shops, including but not limited to: furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service and refinishing; refrigeration, heating, ventilating and air conditioning shops.

(b) Metalworking shops, including, but not limited to: machine shops; metal plating shops; heat treating shops; smelting shops; and jewelry making shops.

(c) Manufacturing facilities, including but not limited to: electronics and chemical manufacturing, processing, and RECLAMATION; paper, leather, plastic, fiberglass, rubber, silicon and glass making; pharmaceutical production; pesticide manufacturing; and chemical preservation of wood and wood products.

(d) Laboratories and professional medical offices, including but not limited to: medical, dental, and veterinary offices; and research and analytical laboratories

(e) Cleaning services, including but not limited to: dry cleaner; laundromats; beauty salons; and car washes.

(4) The following land uses are allowed in the Secondary Groundwater Protection Zones:

(a) Construction, operation and maintenance of wells, dams, and water conservation apparatus

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.

(d) All land use permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D (2) or (3) above.

(5) In soils that are excessively drained, well-drained, moderately well-drained or somewhat poorly drained, as defined by a site specific soil survey completed in

accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than twenty percent (20%) of the area of said soils except as provided for below. Any development in the Secondary Groundwater Protection Zone that proposes a total impervious surface greater than twenty percent (20%) shall only be permitted if the PLANNING BOARD grants a Conditional Use Permit, per Chapter 170-28.E (4). In reviewing a Conditional Use Permit application filed under this provision, the PLANNING BOARD shall require that the proposed development plan incorporates a stormwater drainage plan, approved by the PLANNING BOARD and prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the Secondary

Groundwater Protection Zone of all development-generated stormwater runoff from a ten (10) year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking LOT runoff by use of treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

(6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and building permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on-site and details the proposed method for disposal of such waste outside of the Groundwater Protection Zones.

(7) A hydrogeologic study may be required by the PLANNING BOARD to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or geologist shall be chosen from a list of such professionals provided by the City of Dover, and the APPLICANT shall pay any costs incurred.

E. Administration.

(1) Development or land use activities proposed within the Groundwater Protection Zones that require subdivision or site plan approval from the PLANNING BOARD also shall be reviewed by the Dover Conservation Commission. The PLANNING BOARD and Conservation Commission shall verify that the proposed activity will comply with this chapter before the PLANNING BOARD grants approval.

(2) The Building Inspector shall not issue a building permit for development or land use activities until such time as he verifies with the Zoning Administrator that the

proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or Planning Department as he deems necessary.

(3) Land use activities that do not require PLANNING BOARD approval or building permits are also subject to the requirements and standards established herein.

(4) Conditional use permits. The PLANNING BOARD, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit application, the APPLICANT shall submit expert technical information from a professional engineer, hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this chapter. Such technical information shall include an environmental protection plan consistent with the regulated substance management requirements of the NHDES's, "Best Management Practices for Groundwater Source Protection" (Env-Ws 421). Said plan shall also include provisions for routine monitoring and reporting of environmental protection activities to be reported to the City of Dover. Any cost incurred by the city in reviewing the groundwater protection information shall be paid by the APPLICANT for the conditional use application.

F. Performance Standards

(1) Applicability. Within the Primary and Secondary Groundwater Protection Zones, the following performance standards shall apply to

(a) all new non-residential and multi-family development,

(b) Expansion of pre-existing non-residential and multi-family developments that expands the LOT coverage of the existing STRUCTURE(s) by more than twenty percent (20%), and

(c) all subdivisions of four or more new LOTS:

(i) Post-development infiltration volumes shall be no greater than pre-development volumes as determined by use of the Development Review Model described in Section G, below.

(ii) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than eighty percent (80%) of the annual load of total suspended solids. The removal rate shall be accomplished using

best management practices installed in advance of the final infiltration system.

(iii) No stormwater infiltration system shall be located within the two hundred (200) day travel time of an existing or proposed municipal well as depicted on the map referenced in Section 170-28.3.B, above. In absence of a defined two hundred (200) day travel time radius, the APPLICANT shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific Requirements. Within the Primary and Secondary Groundwater Protection Zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

(a) Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two (2) weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II the requirements of this section may be waived if the APPLICANT demonstrates that such EXCAVATION will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

(b) Pursuant to Chapter 109-27, Fire Prevention and Life Safety, and RSA 146-E:4, on-premise use heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, “Installation of Oil-Burning Equipment”.

G. Development Review

All developments to which Section F Performance Standards, above, applies shall complete the calculations as specified in the Development Review Model, or a performance equivalent, incorporated herein by reference. A copy of this model shall be on file at the Planning Department and the City Clerk’s Office. The Building Inspector shall withhold a BUILDING permit until such time as he/she verifies that the proposed development will comply with the infiltration and nitrogen maximums set forth in Table 1, Sections A and B of said Development Review Model.

170-28.4 Scenic Road Overlay District. [Amended on 01-22-2003 by Ord. No. 35-02.]

A. Purpose. The purpose of this section is to promote the protection of natural woodlands located adjacent to the public right-of-ways of scenic roads as designated by the Dover City Council per the authority granted by Chapter 143, Scenic Roads. By adopting this section, the City is striving to maintain the scenic qualities of scenic roads both within the public right-of-way and in the privately-owned land adjacent to the scenic roads.

B. Location of District. The Scenic Road Overlay District is an overlay district that includes all land located within twenty-five (25) feet of the right-of-way of a scenic road, as designated by the City Council. At present the following roads have been designated as scenic roads: Old Garrison Road, David Tuttle Road and Rochester Neck Road.

C. Buffer Requirements. Within the Scenic Road Overlay District, the natural vegetative buffer, existing at the time of the adoption of this section, shall be maintained and preserved in its natural state, except as provided below:

(1) The removal of damaged, diseased or unsafe vegetation is permitted within the overlay district upon the approval of the City Arborist.

(2) The clearing of vegetation necessary for the construction of a driveway for access to a LOT is permitted. Such driveway shall be designed to minimize the amount of clearing of vegetation necessary.

(3) The clearing of vegetation for agricultural uses, as defined by RSA 21:34 is permitted.

D. Compliance with Other Requirements. Nothing in this section shall relieve the property owner from complying with the provisions of, Chapter 143, Scenic Roads.

170-28.5. Hazardous Waste Landfill District I. [Amended on 5-13-87 by Ord. No. 9-87.]

A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.

B. Location. The Hazardous Waste Landfill District I is hereby to consist of those City owned lots shown on the City of Dover's Assessor's Map C, Lot Nos. 16, 18 and 24.

C. Hazardous Waste Landfill District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the PLAT, site plan and application stating that the development site is within the Hazardous Waste Landfill District.

ARTICLE VIII

EXTRACTION INDUSTRIES

[Amended on 6-10-87 by Ord. No. 13-87; Amended on 09-17-2003 by Ord. No. 18-03.]

170-29. Authority.

RSA 155-E stipulates that, with some exceptions, all EARTH EXCAVATIONs in the State are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the PLANNING BOARD by the Code and RSA 155-E, the City adopts the following regulations to govern the EXCAVATION of EARTH materials in the City of Dover.

170-29.1. Purpose and Intent.

The goals of this regulation are to: provide for reasonable opportunities for EXCAVATION; minimize safety hazards which can be created by open EXCAVATIONs; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the City. For the purpose of achieving these goals, no EARTH materials in the City shall be removed except in conformance with these regulations.

170-29.2. Reserved.

170-29.3. Applicability.

A. Projects Requiring a Permit

(1) Those that commenced operations since August 24, 1979 without first obtaining a permit, unless specifically exempted by Section 170-29.3.B below.

(2) Any EXCAVATION proposing to begin operation after the effective date of these regulations.

(3) Those that have lawfully operated prior to August 24, 1979 and wish to expand the EXCAVATION AREA.

(4) Those EXCAVATIONS from an area that on August 4, 1989 was CONTIGUOUS to or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979 and wish to expand.

B. Projects Exempt From a Permit

(1) The following projects do not require a permit, but are nevertheless subject to Sections 170-29.7, 170-29.8, and 170-29.9. In the event of a question regarding compliance, the PLANNING BOARD may require the owner/operator to come before the PLANNING BOARD and submit such information as may be necessary to demonstrate compliance with said standards.

(a) EXISTING EXCAVATIONS that lawfully existed as of August 24, 1979 from which EARTH materials of sufficient weight and volume to be commercially useful has been removed during the two (2) year period before August 24, 1979, provided that:

(i) At the time operation began it was in compliance with any local ordinances that may have been in effect;

(ii) The owner or operator of such an EXCAVATION AREA shall have filed an EXCAVATION report per RSA 155-E: I (d) with the PLANNING BOARD no later than August 4, 1991. Any EXISTING EXCAVATION that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the PLANNING BOARD before continuing EXCAVATION of the site.

(2) The following projects do not require a permit, but are nevertheless subject to Sections 170-29.7, 170-29.8, and 170-29.9 of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-permit status can occur only after the PLANNING BOARD has given written notice that the EXCAVATION is not in compliance and the owner has failed to bring it into compliance within thirty (30) days of receipt of such notice.

(a) EXCAVATIONS from a site that on August 4, 1989 was CONTIGUOUS to or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979 and which use EARTH obtained from such EXCAVATION SITE.

(b) EXCAVATIONS from a site that on August 4, 1989 was CONTIGUOUS to, or was CONTIGUOUS land in common ownership with stationary manufacturing and processing plants for which local or state permits have

been granted since August 24, 1979 and before August 4, 1989, which used EARTH obtained from such site.

(c) An EXCAVATION performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway. A copy of the pit agreement executed between the pit owner, the agent, and the governmental unit shall be filed with the PLANNING BOARD prior to the start of EXCAVATION. In addition, the provisions of Section 170-29.5 of this Chapter and the provisions of RSA 155-E:2, IV, (b) and (c) shall be complied with.

(3) The following projects are exempt from a permit and are not subject to regulation by the PLANNING BOARD:

(a) EXCAVATION that is exclusively incidental to the lawful construction or ALTERATIONS of a BUILDING or STRUCTURE, a parking LOT or way including a driveway on a portion of the premises where removal occurs. This EXCAVATION cannot be started, however, until all required state and local permits have been issued.

(b) EXCAVATION that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment. In the event of questions, the Zoning Administrator shall determine what is incidental in accordance with RSA 21:34-a.

(c) EXCAVATION from a granite quarry for the purpose of producing DIMENSION STONE, if such EXCAVATION requires a permit under RSA 12-E (Mining and RECLAMATION).

(4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile EARTH taken from the construction site and may remove the EARTH at a later date after written notification to the City Engineer and Zoning Administrator.

170-29.4. Abandoned EXCAVATIONS.

A. Any EXCAVATION, except for those associated with STATIONARY MANUFACTURING PLANTS, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the RECLAMATION standards of this regulation shall be considered abandoned if:

(1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any two (2) year period either before, on, or after

August 4, 1989. The time period may be extended if, prior to the end of the time period, the PLANNING BOARD approves a RECLAMATION timetable, and a bond or other surety is posted in a form and amount prescribed by the City Engineer sufficient to cover the costs of reclaiming the entire site, however, in no case shall the incremental bond amount be less then two thousand five hundred dollars ($2,500.00)/acre.

(2) The EXCAVATION SITE is in use and is not an EXCAVATION associated with STATIONARY MANUFACTURING PLANTS, but either has not been brought into compliance with the incremental RECLAMATION standards of this regulation, or a bond has not been posted and the PLANNING BOARD has not approved a RECLAMATION timetable.

(3) The owner or operator of the EXCAVATION has neither secured a permit pursuant to these regulations nor filed an EXCAVATION report with the PLANNING BOARD within the prescribed period.

B. In the event the Zoning Administrator determines that any abandoned EXCAVATION presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete RECLAMATION within a reasonable period of time. Should RECLAMATION not be completed, the PLANNING BOARD may request the City to authorize RECLAMATION at the City's expense. The City's costs shall constitute an ASSESSMENT against the owner, and shall create a lien against the property on which the EXCAVATION is located. Such ASSESSMENT and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. The provisions of 170-29.4.B above also apply to any EXCAVATION that ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the RECLAMATION standards, if the Zoning Administrator determines in writing that specified RECLAMATION measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

170-29.5. Prohibited Projects.

The PLANNING BOARD shall not grant a permit:

A. Where the project cannot comply with the requirements of Sections 170-29.7, 170-29.8 and 170-29.9.

B. For EXCAVATIONs within fifty (50) feet of the boundary of a disapproving ABUTTER or within ten (10) feet of an approving ABUTTER unless approval is requested by said ABUTTER.

C. Where the EXCAVATION is not permitted by zoning or other applicable ordinances, provided, however, that reasonable opportunities for EXCAVATION exist in the City, as described in RSA 155-E: 4, III.

D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.

E. Where existing visual barriers would be removed, except to provide access to the EXCAVATION.

F. Where the EXCAVATION would substantially damage a known aquifer, as designated by the United States Geological Survey.

G. When the EXCAVATION cannot receive required necessary approvals from state or federal agencies, such as Alterations of Terrain or Wetlands permits.

170-29.6. Criteria For Non-conforming EXPANSIONS.

A. EXPANSION of EXISTING EXCAVATIONS located in an area in which EXCAVATIONS are no longer permitted by zoning that was in effect on August 4, 1989 may be restricted or modified with conditions by the PLANNING BOARD, if after notice to the owner and a public hearing, the PLANNING BOARD finds that the EXPANSION will have a substantially different and adverse impact on the NEIGHBORHOOD. Impacts will vary depending upon the particular NEIGHBORHOOD; nevertheless, the following criteria will be taken into consideration:

(1) The EXCAVATION will not cause a diminution in area property values or unreasonably change the character of the NEIGHBORHOOD.

(2) The EXCAVATION will not create any NUISANCE or create health or safety hazards.

(3) The EXCAVATION will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

170-29.7. Operational Standards.

A. For EXCAVATIONS not requiring a permit, the following standards apply. For those EXCAVATIONs requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

(1) No EXCAVATION shall be permitted within fifty (50) feet of the boundary of a disapproving ABUTTER, within one hundred fifty (150) feet of a dwelling that either existed or for which a building permit has been issued at the time the EXCAVATION is commenced.

(2) No EXCAVATION shall be permitted below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1 unless such EXCAVATION is for the purpose of said highway.

(3) Vegetation or suitable BERM or combination of both shall be maintained or provided within the peripheral areas of items (1) and (2) of this section.

(4) No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with State laws or rules pertaining to the storage of such materials.

(5) Where temporary slopes will exceed a one to one (1:1) grade, a FENCE or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

(6) Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

(7) EXCAVATION practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

(8) No EXCAVATION shall be permitted within one hundred (100) feet of any great pond, navigable river, or any other standing body of water ten (10) acres or more in area, or within fifty (50) feet of any other stream, river or brook which normally flows throughout the year, or any naturally-occurring standing body of water less than ten (10) acres, prime wetland as designated in accordance with RSA 482-A: 15, I or any other wetland area as defined by the Department of Environmental Services (DES) and, Chapter 170, Zoning, Article VII, 170-27.1.C.

(9) Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two (2) weeks prior to the date of measurement. Refer to section 170-28.3, Groundwater Protection, for monitoring report requirements.

170-29.8. Site RECLAMATION Standards.

A. For EXCAVATIONS not requiring a permit, the following standards apply. For EXCAVATIONS requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

B. Within twelve (12) months following the expiration date of a permit issued under these regulations, or the completion of any EXCAVATION with the exception of agricultural activities, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(1) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

(2) All EARTH and vegetative debris resulting from the EXCAVATION shall be removed or otherwise lawfully disposed of.

(3) All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the PLANNING BOARD. Changes of SLOPE shall not be abrupt, but shall blend with the surrounding terrain.

(4) Any standing bodies of water created by the EXCAVATION that is judged to constitute a hazard to health and safety shall be eliminated.

(5) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For EXCAVATION projects requiring a permit from the Division of Water Supply and Pollution Control, the provisions of RSA 485-A:17 shall supersede this regulation. Copies of all local, state and federal required permits shall be filed with the Planning Office.

170-29.9. Incremental RECLAMATION.

Except for EXCAVATION SITES operating STATIONARY MANUFACTURING PLANTS, any excavated area of five (5) CONTIGUOUS acres or more which is depleted of commercial EARTH materials, excluding bedrock, or any EXCAVATION operation from which EARTH materials of sufficient weight or volume to be commercially useful have not been

removed for a two (2) year period, shall be reclaimed in accordance with Section 170-29.8. within twelve (12) months following such depletion or non-use, regardless of whether other EXCAVATION is occurring on adjacent land in CONTIGUOUS ownership. A RECLAMATION plan, including a RECLAMATION timetable for the depleted areas within the RECLAMATION site, shall be submitted to the PLANNING BOARD for review and approval by each operator, other than the operators of STATIONARY MANUFACTURING PLANTS that are exempt from permit requirements.

170-30. Performance Guarantee.

A. Prior to the granting of any permit or to the removal of topsoil or other overburden material from a new area within an EXISTING EXCAVATION SITE, the APPLICANT shall submit to the Planning Department a bond with sufficient surety as determined by the City Engineer. In no case shall the incremental bond amount be less than two thousand five hundred dollars ($2500.00)/acre. The purposes of the bond are to guarantee RECLAMATION of the area, compliance with the permit, and to defray costs of any inspections. OFF-SITE IMPROVEMENTS for potential damage of City streets or facilities caused by the transportation of EARTH materials shall be discussed at this stage.

B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the PLANNING BOARD. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee RECLAMATION of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the City Engineer is satisfied that all conditions of the site RECLAMATION plan have been complied with.

170-30.1. Waivers.

Due to the diverse nature of EXCAVATION operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the PLANNING BOARD may, upon application and following a duly-noticed hearing, grant any waiver in writing to the standards contained in Sections 170-29.7, 170-29.8, 170-29.9, and 170-30.for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

170-30.2. Application Procedures.

Prior to the PLANNING BOARD rendering a decision for an EXCAVATION permit, a public hearing shall be held, with due notification of all ABUTTERS and the public. The procedure for holding these public hearings is as follows:

A. Filing of the Application

(1) Applications for EXCAVATION permits shall be filed with the Planning Office by April 1st annually.

(2) The application will be reviewed with the APPLICANT upon submittal to the Planning Office, and will be accepted only if it is found to meet all submission requirements for a completed application. The application must be accepted as complete no later than April 15th in order to be scheduled for a public hearing. If the application is not completed by the deadline, then another meeting may be scheduled, but may not be later than the expiration date of the permit. All operations shall cease upon permit expiration until a new hearing is scheduled and a completed application is approved.

B. Board Action on Application

(1) At the PLANNING BOARD's first meeting date in May, the PLANNING BOARD may vote to accept the application, and if accepted, will schedule a public hearing to be held within thirty (30) days.

(2) Within twenty (20) days of the close of the hearing on the application, or any continuation thereof, the PLANNING BOARD shall make a decision. The Board may for good cause with proper notice, accept the application, hold the public hearing, and make a decision during the same meeting. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Planning Office within seventy two (72) hours.

(3) The APPLICANT shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices Required for Public Hearing

(1) All ABUTTERS will be notified by certified mail, not less than fourteen (14) days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of ABUTTERS must be taken from City records not more than five (5) days before filing the application.

(2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than fourteen (14) days prior to the meeting.

(3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

D. Fees

(1) A filing fee of fifty dollars ($50.00) plus ABUTTER notification postage shall be paid upon submission of an application, to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the PLANNING BOARD to not accept the application.

(2) A permit fee of seventy five dollars ($75.00) shall be paid upon the issuance of a permit, to defray the costs of permit compliance.

(3) A fee payable to the Strafford County Register of Deeds (SCRD) shall be paid upon approval, for the filing of any new plan, if so required by the PLANNING BOARD.

(4) Additional reasonable fees shall be charged should the PLANNING BOARDPLANNING BOARD require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

170-30.3. Application Submission Items. **[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

The APPLICANT shall submit at least fifteen (15) copies of an EXCAVATION and a RECLAMATION Plan; one additional copy shall be sent to the Conservation Commission. The plans shall be at a scale appropriate for the land area involved. The PLANNING BOARD may, upon good cause shown, waive any of the items in Paragraphs A or B below.

A. EXCAVATION Plan

The EXCAVATION plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

(1) Name and address of the owner, the excavator (if different) and all ABUTTERS.

(2) Name, address, and Signature with professional stamp of the person preparing the plan; date, bar scale and north arrow.

(3) Zoning district boundaries of the proposed area and within two hundred (200) feet of the boundary of the project.

(4) Sketch and description of the location and boundaries of the proposed and any EXISTING EXCAVATIONS; including the area in square feet and acre.

(5) The location of existing BUILDINGS, STRUCTURES, septic systems and wells within two hundred (200) feet of the boundary.

(6) Public STREETs, driveways, intersections, rights-of-way, and all easements within two hundred (200) feet; road network to be affected; intended transportation routes to be used.

(7) Topography at contour intervals of five (5) feet or less.

(8) All surface drainage patterns including wetlands and standing water.

(9) Sketch and description of existing and proposed access roads, including width and surface materials.

(10) The breadth, depth and SLOPE of the proposed EXCAVATION and the estimated duration of the project.

(11) The elevation of the highest annual average ground water table within or next to the proposed EXCAVATION. Refer to Zoning Section 170-28.3., Groundwater Protection, for requirements of the annual report documenting compliance with the four (4) foot buffer rule.

(12) Test pits that extend to either the seasonal high water table, ledge, or a minimum of six (6) feet below the maximum proposed EXCAVATION depth, including location and soils data; boring logs may be submitted separately.

(13) Proposed fencing, buffers or other visual barriers, including height and materials.

(14) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.

(15) Plans for storm water management.

(16) Plans for storage, use, and disposal of petroleum products and other regulated materials.

(17) Methods to prevent materials from the site from being tracked onto public roadways.

(18) Copies of all necessary state and federal permits.

(19) All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.

B. RECLAMATION Plan

The RECLAMATION plan shall address the effects of the proposed EXCAVATION on soil, surface and groundwater, vegetation, overburden, topography, and fill material, and should address future land use consistent with the City's Master Plan. The plan shall show or be accompanied by the following items:

(1) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and north arrow.

(2) All boundaries of the area proposed for RECLAMATION and the land within two hundred (200) feet of the boundary of this site.

(3) Final topography of the area proposed for RECLAMATION, at contour intervals of five (5) feet or less.

(4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.

(5) Timetable as to fully depleted sites within the EXCAVATION AREA.

(6) Schedule of final RECLAMATION activities including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other Information

The PLANNING BOARD reserves the right, per RSA 155-E:3, VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the PLANNING BOARD by RSA 676:4,I (g), any reasonable expenses incurred for such information or reviews shall be charged to the APPLICANT. Failure to pay such costs constitutes valid grounds for the PLANNING BOARD to deny the application. The following items shall accompany the application:

(1) An annual report documenting compliance with the requirements of Section 170-28.3, Groundwater Protection. Pursuant to RSA 155-E:11, the requirements of this section may be waived if the APPLICANT demonstrates that such exception shall be recorded in the Registry of Deeds, and one copy filed with the NH Department of Environmental Services.

(2) A written statement from the Tax Collector that all current property and EXCAVATION taxes levied against all properties in the operation have been paid in full and that there are no unreleased tax liens encumbering said properties

(3) A copy of the Notice of Intent to Excavate filed with the Assessor's Office.

(4) A copy of the surety bond or other form of performance guaranty as approved by the PLANNING BOARD.

170-30.4. Administration and Enforcement.

A. Permits

(1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the PLANNING BOARD. A copy of the permit shall be prominently displayed at the site or the principal access to the site.

(2) A permit shall be valid for one (1) year and the expiration date shall be May 30th.

(3) Failure to file for a permit shall be considered a violation and operators who fail to file will be issued a cease and desist order by the Zoning Administrator.

(4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

(5) All permitted sites shall be inspected on a bi-annual basis. Inspections shall be scheduled in April to coincide with annual permit applications and in October each year by the Zoning Administrator or his designee. The inspection reports shall be timely submitted to the PLANNING BOARD for their review.

B. Amendments and Renewals

Permit holders wishing to alter the size or location of the EXCAVATION, the rate of removal or the plan for RECLAMATION shall apply for a renewal or amendment; following the same procedures as those required for the original EXCAVATION permit.

C. Inspections

The Zoning Administrator or his designee may make periodic inspections of all EXCAVATION SITES to determine if the operations are in conformance with these regulations and the approved plans.

D. SUSPENSIONS and REVOCATIONS

The Board may suspend or revoke a permit if the Zoning Administrator determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist. Such SUSPENSION or REVOCATION shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations to the ZONING BOARD OF ADJUSTMENT.

E. Appeals

Any person affected by the PLANNING BOARD'S decision to approve or disapprove an application or any amendment thereto or any SUSPENSION or REVOCATION of a permit, may appeal to the ZONING BOARD OF ADJUSTMENT for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Zoning Board shall either grant or deny the request for rehearing within (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Zoning Board's decision on a motion or rehearing may appeal in accordance with RSA 677:4-15.

F. Penalties

Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and 17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

170-31. Reserved.

ARTICLE IX

SIGNS AND FENCES

170-32. SIGN review and Regulations. **[Amended on 3-14-84 by Ord. No. 7-84; Amended on 6-10-87 by Ord. No. 13-87; Amended on 10-26-88 by Ord. No. 18-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 04-21-93 by Ord. NO. 04-93; Amended on 11-22-95 by Ord. No. 19-95; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-21-2007 by Ord. No. 01-07; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 2010.10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25.]**

Purpose. The purpose of this section is to create a legal framework for SIGNAGE regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate business identification, advertising and communication. While this section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through adequate maintenance and inspection and by reasonable guidelines formulated to minimize clutter.

A. Permitted SIGNS. No SIGN shall be permitted within the City of Dover, except in accordance with the provisions of this section. See tables of Use and Dimensional Regulations By District for overview of permitted SIGNS.

B. Permit required. No SIGN, other than a directional SIGN, a residential nameplate or SIGN advertising a sale or lease of a premise, shall be erected or placed in the City of Dover without a SIGN permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGN meets all the regulations of this section, after the submission of a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing SIGNS and support STRUCTURES, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this section.

   The Zoning Administrator may issue a sign permit in conjunction with the approval of a site plan by the PLANNING BOARD, after sufficient review of compliance with the regulations herein and payment of any permit fees.

C. General provisions. All SIGNS shall conform to the following regulations:

   (1) All SIGNS shall be located on the same LOT as the uses which they identify with the following exceptions:

      (a) Political advertising SIGNS. Political advertising SIGNS shall be regulated as required in Subsection L.

      (b) Industrial Park SIGNS. Industrial Park SIGNS shall be regulated as required in Subsection J (2) (g).

      (c) Temporary Real Estate and Yard Sale SIGNS. Temporary (forty eight (48) hours) real estate and yard sale SIGNS may be located off site with the permission of the property owner of the land on which the SIGN is to be placed.

      (d) Non-profit, public benefit and/or municipality related temporary SIGNS/ with consent of the Zoning Administrator.

   (2) All SIGNS shall be constructed, erected and maintained so as not to present a hazard to persons and property.

   (3) All SIGNS shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.

(4) All SIGNS shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGN, signal or like device.

(5) The illumination of any SIGN shall be nonflashing; spot- or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision or a motorist.

(a) FLASHING SIGNS are prohibited.

(b) Illuminance of the sign face shall not exceed the following standards:

(i) External illumination: fifty (50) foot-candles as measured on the sign face.

(ii) Internal illumination: five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the sign's face.

(iii) Direct illumination: five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the sign's face.

(6) The top edge of a WALL SIGN shall be at least one (1) foot below the top of the wall or PARAPET wall. The top edge of a roof SIGN shall be at least one (1) foot below the roof ridge or the highest point of the roof if no ridgepole exists.[§§]

(7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.

(8) Rotating SIGNS or beacons, waving pennants or whirling devices are prohibited.

(9) Temporary A-frame, portable or wheeled SIDEWALK or curb SIGNS are prohibited, except as otherwise provided in this section. Refer to Subsections .E (3), .F (2), and .K (2)

(10) All SIGNS are prohibited within the public right- of-way, except as otherwise provided in this section.

(11) The terms of this section shall not be construed so as to exclude SIGNS being necessary for the public welfare, and as such, are required by the municipal government and historical associations, etc. Display SIGNS pertaining to SERVICE CLUBS and/or civic associations may be erected or displayed within all districts upon approval of the Zoning Administrator.

[§§]See Figure 1 of the SIGN Diagrams, Part I, included at the end of this chapter

(12) The material and construction of any SIGN or supporting elements shall be in accordance with the National Building and Electrical Codes (in use by the City at the time of installation) and all other applicable city regulations.

(13) On a corner LOT, no FREESTANDING SIGN or support element shall be erected to materially impede vision between a HEIGHT of two and a half (2 ½) feet and eight (8) feet above curb grades in the same area bounded by the STREET lines of such corner LOT and a straight line joining points along said STREET lines thirty (30) feet from point of their intersection except as otherwise provided in this section.

(14) Essential directional SIGNS not exceeding four (4) square feet, in area, are permitted indicating entrance and exit driveways.

(15) SIGNS not exceeding two (2) square feet, in area, are permitted in parking LOTS indicating aisles or reserved areas or spaces.

(16) One (1) SIGN not exceeding thirty-two (32) square feet on a BUILDING or project under construction, identifying the architect, owner and/or contractor. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY.

(17) WALL SIGNS shall conform to the following additional regulations:

(a) No WALL SIGN shall be located in such a manner so as to extend above the next floor's window sill or descend below the top of the lower floor's lintel.[***]

(b) In all nonresidential zoning districts where a business/premises fronts on more than one (1) public STREET or municipal parking LOT, one (1) WALL SIGN shall be permitted for each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.[†††]

(c) In all nonresidential zoning districts, one (1) informational/directional WALL SIGN shall be permitted for each BUILDING entryway. Said SIGN shall not exceed four (4) square feet in area and shall not be illuminated.

(18) All FREESTANDING SIGNS shall conform to the following regulations:

[***]See Figure 2 of the SIGN Diagrams, Part I, included at the end of this chapter.
[†††] See Figure 3 of the SIGN Diagrams, Part I, included at the end of this chapter.

(a) No FREESTANDING SIGNS shall be located in an area designated for parking unless said SIGN is protected along all sides by curbing. A four (4) foot clear space is required along all approaches.[‡‡‡]

(b) No FREESTANDING SIGN shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.

(19) All PROJECTING SIGNS shall conform to the following additional regulations:

(a) PROJECTING SIGNS shall be attached to the main wall of the BUILDING.

(b) PROJECTING SIGNS shall be prohibited from projecting over a STREET, alley or other PUBLIC SPACE beyond four (4) feet eight (8) inches from a BUILDING facade or two-thirds (2/3) of the width of the SIDEWALK, whichever is less.[§§§]

(c) A clear space of not less than ten (10) feet shall be provided below all parts of a PROJECTING SIGN, except for residential nameplates.

(d) In all nonresidential zoning districts where a business/premise fronts on more than one (1) public STREET or municipal parking lot, one (1) PROJECTING SIGN shall be permitted for each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.

(20) Awnings may be used in lieu of permitted WALL SIGNS provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

D. SIGNS permitted in residential districts. Any SIGN permitted in a Residential District shall conform to the following regulations (See tables for overview of permitted SIGNS):

(1) CUSTOMARY HOME OCCUPATION SIGNS shall identify only the name of each occupant and the street address. Said SIGN shall not exceed two (2) square feet and shall not be subject to the permit requirements of this section.

(2) One (1) SIGN not to exceed four (4) square feet to announce for sale or rent real property or any part thereof upon which said SIGN is located. Said SIGN shall not be subject to the permit requirements of this section.

[‡‡‡] See Figure 4 of the SIGN Diagrams, Part I, included at the end of this chapter.
[§§§]See Figure 5 of the SIGN Diagrams, Part I, included at the end of this chapter.

(3) One (1) SIGN not to exceed sixteen (16) square feet may be erected in connection with any legally permitted non-residential use, excepting home occupations and BED AND BREAKFASTS.

(4) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.

(5) All nonresidential SIGNS may only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be so illuminated after 9:00 p.m.

(6) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.

(7) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING

E. SIGNS permitted in CBD, and CWD Zones. SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises (See table for overview of permitted SIGNS).

(1) WALL SIGNS[****]

(a) An additional one (1) square foot of SIGN AREA per one (1) foot of BUSINESS FRONTAGE shall be permitted, provided that the character of the SIGN conforms to mill motif design criteria. Refer to Subsection P[††††] for applicable criteria.

(2) FREESTANDING SIGNS

(a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected for each FRONTAGE.

(3) Temporary SIDEWALK/A-frame SIGNS

(a) Temporary SIDEWALK/A-frame SIGN permits shall remain in effect for a period of one (1) year.

(b) One (1) SIDEWALK/A-frame SIGN shall be permitted per each PRINCIPAL BUILDING, or portion thereof under separate ownership, regardless of the number of individual tenants within said BUILDING. BUILDINGS with an

[****] See Figure 6 of the SIGN Diagrams, Part II, included at the end of this chapter.
[††††] References to Subsection P (formerly Subsection Q)

excess of one hundred (100) feet of STREET FRONTAGE shall be permitted one (1) additional SIDEWALK SIGN.

(c) No SIGN shall be permitted on a city SIDEWALK or public right-of-way unless a five (5) foot, clear passageway can be maintained at all times.

(d) All SIDEWALK SIGNS shall be assigned a specific geographical location by the Zoning Administrator.

(e) A certificate of insurance in the amount of one hundred thousand dollars ($100,000.00) (bodily injury/property damage) shall be filed with the Zoning Administrator to assure sufficient liability coverage of the APPLICANT.

(f) A hold-harmless certification letter shall be filed with the Building Inspector to relieve the City of Dover from bodily injury and property damage liability.

(g) All SIDEWALK SIGNS shall conform to the mill motif design criteria (Subsection P).

(h) SIDEWALK SIGNS shall only be displayed during business hours.

F. SIGNS permitted in B-3 Thoroughfare Business District. SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises. (See table for overview of permitted SIGNS)

(1) FREESTANDING SIGNS

(a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected for each FRONTAGE, provided that the BUILDING complies with applicable SETBACKS.

(b) One (1) FREESTANDING SIGN shall be permitted for every principal entryway to a SHOPPING CENTER. Such SIGNAGE shall be a distance of five hundred (500) feet apart.

(2) Temporary SIGNS. Temporary SIGNS may be erected in the B-3 Thoroughfare District to advertise newly located businesses provided that the following guidelines are met:

(a) Temporary SIDEWALK/A-frame SIGN permits shall remain in effect for not more than six (6) months.

(b) Only one temporary SIGN shall be permitted per new business.

(c) The property owner shall be required to execute a hold harmless certification letter in a form approved by the General Legal Counsel for the purpose of indemnifying and holding the City harmless from any liability due to the use or existence of any such temporary SIGN. All such agreements shall be kept on file in the Department of Planning and Community Development Office.

G. SIGNS permitted in B-1 NEIGHBORHOOD Business Districts. SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises. No SIGN shall be illuminated after 9:00 p.m. (See table for overview of permitted SIGNS.)

(1) PROJECTING SIGNS

(a) All PROJECTING SIGNS shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the SIGN.

H. SIGNS permitted in O Office District. SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or services available within said premises. No SIGN shall be illuminated after 9:00 p.m. (See table for overview of permitted SIGNS.)

(1) SIGNS shall only be illuminated by a constant indirect source of lighting. The lighting element shall be shielded and shall illuminate only the SIGN.

I. SIGNS permitted in Industrial Districts I-1, I-2, and I-4. SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

(a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected for each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKS.

(b) Two (2) FREESTANDING SIGNS shall be permitted within an approved industrial park, provided that the combined square footage of such SIGNS does not exceed five hundred (500) square feet in area, that they are used solely for the purposes of identifying the park, its occupancies and uses, location and layout, and that, if on a corner LOT, such SIGNS shall be set so as to not materially impede vision, subject to the discretion of the Building Official and the City Engineer.

J. SIGNS permitted in ETP and B-4 Districts. SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

(a) Where a development fronts on more than one (1) public STREET or roadway, one (1) FREESTANDING SIGN shall be permitted for each FRONTAGE.

(b) Each FREESTANDING SIGN shall not exceed sixteen (16) feet in height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, FREESTANDING SIGNS fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in height.

(c) SIGN AREA shall not exceed sixty (60) square feet in area. Notwithstanding, a FREESTANDING SIGN fronting the Spaulding Turnpike shall not exceed one hundred (100) square feet in area.

K. SIGNS permitted in the B-5, Commercial/Retail District SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS.

(a) Where a development fronts on more than one (1) public STREET, one (1) FREESTANDING SIGN shall be permitted for each FRONTAGE.

Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

(2) Temporary SIGNS. Temporary SIGNS may be erected subject to the following regulations:

(a) Only one (1) temporary SIGN shall be permitted per new business.

(b) The property owner shall be required to execute a hold harmless certification letter in a form approved by the General Legal Counsel for the purpose of indemnifying and holding the City harmless from any liability due to the use or existence of any such temporary SIGN. All such agreements shall be kept on file in the Department of Planning and Community Development Office.

L. Political advertising SIGNS. Political advertising SIGNS are permitted as follows:

(1) The provisions of this section are in addition to the political advertising SIGN provisions of state law

(2) The person whose name appears on political advertising SIGN, or the person providing consent to placement, is responsible for the placement of and removal of the sign.

(3) No SIGN in any district shall be larger than sixteen (16) square feet.

(4) Removal of a political advertising SIGN not placed or removed in accordance with state law or local ordinance shall be subject to an administrative fine as contained in the local fee schedule.

M. Obsolete SIGNS. Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months or any SIGN which pertains to a business, service activity or event which no longer applies because of discontinuance or relocation of said business, service, activity or event shall be deemed to have been abandoned, and the SIGN shall be considered obsolete. Such obsolete SIGNS are prohibited and shall be removed by the owner of the SIGN or owner of the premises. In the event that the said SIGN(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said STRUCTURE(s) and assess all costs and expenses incurred in said removal against the STRUCTURE's owners and/or the owner of the land upon which said STRUCTURE(s) is located.

N. Nonconforming SIGNS. A SIGN installed prior to the effective date of this section which meets the applicable requirements of the zoning code then in effect but which is not in conformance with the provisions of this code shall be deemed a permitted nonconforming SIGN if a permit is obtained for said SIGN within six (6) months after the effective date of this section. Such nonconforming SIGN shall, however, be subject to the following regulations.

(1) No nonconforming SIGN shall be altered in any way in STRUCTURE or material, which makes the SIGN less in compliance with the requirements of this section than it was before the alterations.

(2) No nonconforming SIGN shall be relocated to a position making it less compliant with the requirements of this section.

(3) If the nonconforming SIGN is replaced, it shall be replaced in total with a SIGN that is in conformance with the provisions of this section.

(4) Should a nonconforming SIGN be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this section.

O. Mill motif design criteria.

(1) Intent. A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial BUILDING stock. Influenced by the early 19th century mill development, SIGNAGE was closely integrated with the style and composition of the BUILDING, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering was dominant. PROJECTING SIGNS were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent. The use of a mill motif SIGNAGE theme is an attempt to promote a style or architectural continuity within Dover's urban center. Within the defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all SIGNAGE should be guided by general design criteria.

(2) Permit process.

(a) The Zoning Administrator shall be responsible for the issuance of SIGN permits relative to mill motif accessory SIGNS. Application for said SIGNS shall include the following items:

(i) A scaled elevation drawing of the entire BUILDING façade (s).

(ii) Proposed SIGN clearly delineated on the elevation drawing, plus detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

(iii) A photograph of the BUILDING.

(iv) A sample color rendering of the intended SIGN.

(b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT in writing of the decision.

(3) SIGN location. The physical placement of SIGNAGE on a BUILDING shall be as important in perpetuating the mill motif theme as the SIGN composition itself. To maximize the effectiveness of SIGNS and a BUILDING's architecture, every

SIGN shall be required to be an integral part of its BUILDING. SIGNS shall be located with respect to the basic architectural framework of the BUILDING, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a BUILDING's framework. Refer to Subsection E) (4) (e) for graphic guidelines.

(4) SIGN composition. The visual style of a SIGN is determined by the relationship of its lettering, colors, lighting, and material used. Within the defined mill motif theme, a great range of variations exist among these elements. The design standards set forth herein constitute general design criteria to be followed when determining conformity with the mill motif theme. Refer to Subsection P) (4) (e) for graphic guidelines.

(a) Lettering.

(i) No more than one (1) lettering style shall be permitted per SIGN.

(ii) Letters may be attached to the BUILDING façade.

(iii) Light-colored letters on a dark background are preferred. Dark letters on a light back ground shall only be permitted if it complements the BUILDING's color composition.

(iv) Lettering and signboards shall be located so as not to obstruct architectural detailing on the BUILDING face.

(v) Product trademarks are discouraged; however, trade SIGNS (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are preferred.

(vi) Letter styles shall be limited to the classic genre, i.e., Copper plate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.

(vii) The size of the lettering shall be in proportion to both the SIGN configuration and the BUILDING.

(b) Color.

(i) No more than three (3) colors are preferred, including black white. Lettering shall preferably be one (1) color.

(ii) Colors used in SIGNAGE should relate to the color composition of the BUILDING material and be compatible with them.

(iii)The determination of SIGN color must relate to the degree of contrast between the SIGN lettering and SIGN background.

(c) Lighting.

(i) Internally-lit or back-lit SIGNS are prohibited.

(ii) Only shielded indirect light shall be permitted if lighting is used.

(d) Materials.

(i) Traditional materials, such as wood, glass, brass, bronze or iron, are preferred. The use of plastic, aluminum and vinyl will only be permitted if styled and composed to imitate wood or iron.

(ii) Wooden SIGNS shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. Ordinary plywood will not withstand exposure; therefore, only overlay, exterior or marine plywood shall be permitted

(iii)PROJECTING SIGNS shall be supported by black, iron attachments to the BUILDING. Guy wires shall not be permitted as a principle SIGN support member.

(iv)No support for a PROJECTING SIGN shall extend above the cornice line of the BUILDING to which it is attached.

(e) Graphic guidelines. The zoning ordinance regarding SIGNS was developed in an effort to limit the size, clutter and inefficiency of uncontrolled SIGNAGE, while encouraging more effective SIGNS through better and more appropriate design. The regulations that have been outlined in this section pertain primarily to maximums for height, size and content of business SIGNS. Concern for size alone, however, does not guarantee the effectiveness of a SIGN or its appropriateness to its location, and both are important for the overall selling power of the SIGN. In order to help business owners, manufacturers and designers and others with the design of quality mill motif SIGNS, the following notes have been prepared as a brief guide:

(i) Because it is an old city, Dover's Central Business District (CBD) has evolved from a mill era architectural influence. Almost all of the business STRUCTURES in this area have an architectural character worth preserving and enhancing. In this district, however, whether an individual BUILDING is of great architectural merit does not matter as much as the fact that individual BUILDINGS and rows of BUILDINGS

visually relate to each other. This sense of history and feeling of architectural unity is one of Dover's unique characteristics; it is attractive to both tourists and residents alike. And although nothing in the long run can replace the quality and character of a business concern's services or merchandise in drawing and keeping customers, the architecture of an individual BUILDING and the combined impact of groups of adjoining BUILDINGS, can be part of the attraction of a shopping district. Ideally, then, to maximize the effectiveness of SIGNS and BUILDING its BUILDING, and each BUILDING should have a good visual influence within its BLOCK of BUILDINGS. As a result, the BUILDING and its SIGN become part of an overall image, each supporting the other and helping to draw customers. This leads to a simple but vital point: A SIGN on a BUILDING should always be thought of as part of the BUILDING and not as an unrelated object attached to it. Figures A, B, C and D illustrate this point.[‡‡‡‡]

(ii) Just as a SIGN should respect a BUILDING façade, a row of shops and their SIGNS are most effective when the architecture and rhythm of the STREET is preserved and even emphasized by the design of all the SIGNS.

The matter of SIGNS becomes a concern for all neighboring businesses; a harmonious and uncluttered row of shops with legible well-designed SIGNS is much more attractive to shoppers than a hodge-podge of SIGNS that confuse the shopper rather than draw him to the area and the individual shops. One of the most common causes of this confusion is the tendency of shop fronts to burst out of their frames in an upward and outward direction until nothing of the original FRONTAGE is visible. Figures E, F and G illustrate the effects of this on a typical stretch of STREET front.[§§§§]

(iii)Letter styles:[*****]

P. Fees for the review of SIGNAGE are set annually and may be found in the City’s Fee Schedule

[‡‡‡‡] See Figures A, B, C and D are included in SIGN Diagrams, Part III, at the end of this chapter.
[§§§§] See Figures E, F AND G are included in SIGN Diagrams, Part IV, at the end of this chapter
[*****] Samples of the various letter styles are on file in the office of the City Clerk and are available for inspection during normal business hours.

170-33. FENCE Review and Regulations. [Amended on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 2010.10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. FENCE Heights. No person, or other entity shall erect or cause to be erected a FENCE exceeding four (4) feet in height between the RIGHT OF WAY and a parallel line with the front of the house closest to the RIGHT OF WAY. FENCES may be up to eight (8) feet in height from said parallel line with the front of the house, around both sides and around the REAR YARD height is measured from ground level.

B. FENCE design.

(1) The finished side of a FENCE shall face outward from the property on which the FENCE is located. The side of a FENCE containing the posts or poles and other bracing appurtenances shall face inward to the property being FENCED in or on which the FENCE is located. When erected on a property or LOT boundary line, all of the FENCE and any of its supporting STRUCTURES or appurtenances shall be contained within the LOT or property of the person erecting said FENCE.

(2) On a corner LOT, no FENCE or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the STREET lines of such corner LOT and a straight line joining points along said STREET lines thirty (30) feet from the point to the intersection. For corner LOTS that are located on the inside curve of streets and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit site distance.

C. Exceptions. The provisions described in Subsection A shall not apply in Industrial (I-2), Restricted Industrial (I-1), Thoroughfare Business (B-3), Central Business (CBD), Office (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ZONING BOARD OF ADJUSTMENT, as a condition attached to the granting of a variance or special exception to this Chapter, requires for screening purposes a FENCE exceeding six (6) feet.

170-34 through 170-38 (Reserved).

ARTICLE X

NONCONFORMING LOTS, USES AND STRUCTURES

170-39. Nonconforming LOTS. [Amended on 6-10-87 by Ord. No. 13-87; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

In any district, STRUCTURES which are allowed by right, but not STRUCTURES that are allowed by special exception, may be erected on any nonconforming LOT of record even though such LOT fails to meet the requirements for area width or FRONTAGE. See 170-14 for exceptions to the dimensional regulations. Further, yard dimensions and requirements other than those applying to area, width and FRONTAGE shall conform to the regulations for the district in which the LOT is located.

170-40. NONCONFORMING USES of Land. [Amended on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]

Where, at the time of passage of this chapter, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such NONCONFORMING USE shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter with the exception of a single-family STRUCTURE. Said single-family STRUCTURE may be expanded up to twenty percent (20%) of its gross habitable floor space provided the addition conforms with all other applicable regulations and ordinances and no additional units are created.

B. No such NONCONFORMING USE shall be moved, in whole or in part, to any portion of the LOT or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such NONCONFORMING USE of land ceases for any reason for a period of more than twelve (12) consecutive months or for twenty-four (24) months during any three (3) year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. No additional STRUCTURE not conforming to the requirements of this chapter shall be erected in connection with such NONCONFORMING USE of land with the exception of accessory STRUCTURES associated with a single-family house provided they comply with all other applicable City ordinances and regulations.

E. The above notwithstanding, if a LOT meets the requirements of 170-14, any additions or accessory STRUCTURES may be allowed to meet the SIDE YARD SETBACKS outlined therein.

170-41. Nonconforming STRUCTURES. **[Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98.]**

Where a lawful STRUCTURE exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this chapter by reason of restrictions on area, LOT coverage, height or yards, its location on the LOT or other requirements concerning the STRUCTURE may be continued so long as it remains otherwise lawful, subject to the following:

A. Except as provided for in 170-40.A and 170-41.D, no such nonconforming STRUCTURE may be enlarged or altered in a way which increases its nonconformity, but any STRUCTURE or portion thereof may be altered to decrease its nonconformity.

B. A BUILDING or STRUCTURE nonconforming either in terms of use or BULK may be restored to its former BULK if destroyed by fire or other hazard, provided that restoration of the STRUCTURE is begun within twelve (12) months after the act of destruction. All such STRUCTURES in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, ALTERATIONs or repairs are in compliance with the provisions of subsection A.

C. Should such STRUCTURE be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Additions to nonconforming single-family STRUCTURES, that were made nonconforming by a zoning amendment that changed the front, side or REAR SETBACK requirements, shall be permitted within the front, side or REAR SETBACK areas provided that the addition is no closer to the LOT LINE than the existing nonconforming STRUCTURE, and no closer than ten (10) feet from the LOT LINE.

170-42. Repairs and Maintenance.

On any nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE, ordinary repairs may be made, subject to the following provisions: if a nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE becomes physically unsafe or unlawful due to lack of repairs and

maintenance and is so declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a STRUCTURE to be secured to a safe condition.

170-43. Uses Permitted by Special Exception.

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through the PLANNING BOARD of Adjustment action from a NONCONFORMING USE to another use not generally permitted in the district) shall not be deemed a NONCONFORMING USE in such district, but shall without further action be considered a conforming use.

ARTICLE XI

OFF-STREET PARKING AND LOADING

170-44. Applicability. **[Amended on 9-24-80 by Ord. No. 15-80; Amended on 3-30-83 by Ord. No. 5-83; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 11-13-96 by Ord. No. 19-96; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]**

The following conditions shall apply to all parking and loading spaces provided in conformance with this chapter:

A. Conformity with the Site Review Regulations, Chapter 149, Subsections 149-14 and 149-15, site development criteria.

B. The enlargement of any BUILDING shall require the provision of OFF-STREET PARKING for the existing BUILDING as if it were newly erected, in addition to the required OFF-STREET PARKING SPACES for the enlargement.

C. All required PARKING SPACES in residential districts shall be upon or adjacent to the LOT upon which they are designed to serve. In all nonresidential districts, such PARKING SPACES shall be provided within a five-hundred-foot radius of the primary STRUCTURE.

D. Where one (1) BUILDING is used for more than (1) use, parking requirements shall be computed for each use as if it were a principal use.

E. Where a parking area is provided to serve two (2) or more STRUCTURES, the total number of spaces provided shall be not less than the sum of the individual total numbers of spaces required.

F. Where PARKING SPACES are provided for nonresidential STRUCTURES and this parking area adjoins a residential use, suitable screening at least seven (7) feet in height shall be provided and maintained.

G. Municipal parking LOTS shall not be substituted for the requirements of this section.

H. In the CBD and CWD Zoning Districts, none of the on-site parking standards shall be binding except in such cases where new construction is proposed that would create additional BUILDING square footage; and or when conversions or changes of use that would result in an increase in the number of residential units.

PARKING SPACEs required the CBD and CWD Zoning Districts may be located off-site within one thousand (1,000) feet of the proposed use. The spaces may be located in a municipal parking LOT and leased from the City, or leased from a private landowner. Lease agreements are subject to PLANNING BOARD approval, and must have a minimum duration of five (5) years, and have provisions for renewal at expiration.

I. Conditional Use Approval.

(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing for the purpose of altering any provisions of Article XI OFF-STREET PARKING and Loading, provided that the proposed project complies with the following standards:

(a) The APPLICANT submits an analysis justifying a request for reduced parking requirements.

(b) The conditional use application shall describe the limits of any parking area subject to the reduced requirements and the reduction applicable to each use.

(c) The APPLICANT submit an analysis and/or a parking study substantiating the availability of nearby Alternative parking to be used as a credit towards reducing parking requirements. The APPLICANT must show that the use(s) can be adequately served by a combination of on and OFF-STREET PARKING.

(d) The APPLICANT submits data and/or a transit study that indicates that existing and planned transit service in the vicinity justifies the reduction requested. The PLANNING BOARD shall make the determination.

(e) The APPLICANT submits a Traffic Reduction and/or Transportation Management Plan which outlines the measure(s) to be taken to permanently

reduce parking demand. The plan may include any/all of the following initiatives:

(i) facilitate employee/customer use of mass transit.

(ii) facilitate employee/customer use of ride share/van pool program.

(iii) establish Alternative work hours/flex time program.

(iv) provide incentives to encourage non-vehicular trips, i.e. pedestrian and bicycle alternatives.

(v) provide preferred parking for ride share/van pool participants.

(vi) create shuttle bus service to/from train/bus stations.

(vii) establish an information center to coordinate ride share/van pool efforts among separate uses within a STRUCTURE or complex.

(f) There shall be no detrimental effects on surrounding properties by any proposal.

(2) Conditional use approval may also be granted by the PLANNING BOARD to allow a decrease in the OFF-STREET PARKING requirements for a BUILDING or BUILDINGS in close proximity serving more than one (1) use. To obtain such an approval, the APPLICANT must conclusively demonstrate that one (1) or more such uses will generate a demand for PARKING SPACES primarily during periods when the other use or uses are not in operation. Calculations for parking reduction shall be consistent with nationally accepted parking publications such as Shared Parking, (Urban Land Institute, Washington, DC, 1990). The location of all shared PARKING SPACES shall conform with the provisions outlined in Subsections 170-44.C and 170-44.H unless determined otherwise by the PLANNING BOARD.

(3) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds.

(4) Any conditional use approval shall apply only to the application specified at the time of approval and shall not be transferable to a different application, BUILDING EXPANSION, or change of use regardless of size. Any subsequent change(s) to a project or plan that has a shared parking agreement shall be subject to review by the Planning Director. If the proposed parking demand is determined

to increase, the project shall be referred to the PLANNING BOARD for further review.

J. PARKING SPACES for non-residential uses and MULTI-FAMILY DWELLINGs shall have independent access to an aisle or driveway.

170-45. Reserved. [Removed on 12-2009-2009 by Ord. No. 2009.09.09-15.]

170-46. Loading Spaces. [Amended 02-20-91 by Ord. No. 02-91.]

In all districts, no nonresidential STRUCTURE shall be erected, enlarged or used unless off-STREET loading spaces are provided as specified herein.

A. OFF-STREET loading spaces shall be provided on the same LOT as the principal use they are intended to serve. In no instance shall an off-STREET loading space be counted as part of an area to satisfy the OFF-STREET PARKING requirements and vice versa.

B. No loading bay in a nonresidential district shall be located within one hundred (100) feet of a residential district boundary or within one hundred (100) feet of the LOT LINE of an abutting residential use.

C. All bays shall be located at the side or REAR of the BUILDING they are intended to serve.

D. The minimum number of required loading spaces shall be determined by the PLANNING BOARD. [†††††]

ARTICLE XII

ADMINISTRATION

170-47. Administrative Officer. [Amended 12-09-2009 by Ord. No. 2009.09.09-15]

A. This Chapter shall be enforced by the Zoning Administrator, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this Chapter.

B. The Building Inspector 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.

170-48 – 170-150. Reserved. [Removed on 12-09-2009 by Ord. No. 2009.09.09-15]

[†††††] Previous table illustrating number of loading spaces has been replaced by subsection D, by Ord. No. 02-91

170-51. Violations and Penalties. **[Amended on 9-24-80 by Ord. No. 15-80.]**

A. Violations. The administrative officer shall serve a notice of violation and order to any owner or person responsible for the erection, construction, reconstruction, conversion or ALTERATIONS of a STRUCTURE, increase in intensity of use or extension or displacement of use of any STRUCTURE or LOT in violation of any approved plan, information or drawing pertinent thereto, or in violation of a permit or certificate issued under the provisions of this chapter; and such order shall direct the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation. Any owner or person who has been served with a notice and ceases any work or other activity shall not leave any STRUCTURE or LOT in such a condition as to be a hazard or menace to the public safety, health or general welfare.

B. Prosecution of violations. If the notice of violation and order is not complied with, the Building Inspector shall cause to be initiated the appropriate action or proceeding so to prevent any continued unlawful action or condition and to restrain, correct or abate such violations. Any person who knowingly takes part in continuance of said violation(s) shall, for each and every violation(s), be liable to a fine not to exceed one hundred dollars ($100.00). Each day beyond the expiration of the aforementioned notice of violation and order shall constitute a separate offense.

170-52. ZONING BOARD OF ADJUSTMENT. **[Amended on 9-24-80 by Ord. No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No.8-90; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

A. Purpose. The purpose of the ZONING BOARD OF ADJUSTMENT is to hear and decide appeals of any person(s) who are aggrieved by the administration, enforcement and application of this Chapter.

B. Authority. The ZONING BOARD OF ADJUSTMENT shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this chapter as set forth herein.

C. Powers and duties.

(1) Powers. The ZONING BOARD OF ADJUSTMENT shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the in the enforcement of this Chapter (interpretation of ordinance).

(b) To hear and decide special exceptions to the terms of this Chapter upon which the ZONING BOARD OF ADJUSTMENT is required to pass under this Chapter (special exception).

(c) To authorize, upon appeal in specific cases, such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship and so that the spirit of this Chapter shall be observed and substantial justice done (variance).

(d) To hear and decide requests for equitable waivers from the dimensional terms of this Chapter upon where a structure has been found to be in violation of said dimensional requirement.

(2) Interpretation of chapter.

(a) On appeal from an order or decision made by any officer or board of the City, the ZONING BOARD OF ADJUSTMENT shall have the power to decide any of the following questions:

(i) Determination of the meaning of any provision of the text of this Chapter.

(ii) Determination of the exact location of any district boundary shown on the Zoning Map.[‡‡‡‡]

(iii) ZONING BOARD OF ADJUSTMENT shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made in the enforcement or application of this chapter. Upon such appeal, the ZONING BOARD OF ADJUSTMENT may, in accordance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) Special exceptions. ZONING BOARD OF ADJUSTMENT shall have the power to hear and decide on application for special exceptions. In applying a special exception, the APPLICANT need not demonstrate hardship, since the basis for the action is of general benefit to the city as a whole. In granting a special exception, the ZONING BOARD OF ADJUSTMENT, with due regard to the nature and condition of all adjacent STRUCTURES and uses and the district

[‡‡‡‡] Said Zoning Map in on file in the office of the City Clerk, where it may be examined during regular business hours.

within which the same is located, shall find all of the following general conditions to be fulfilled:

(a) The requested use is essential or desirable to the public convenience or welfare.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

(c) The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the city will be unduly subjected to hazards affecting health, safety or the general welfare. Refer to Article VI of this Chapter for additional provisions regarding special exceptions.

(d) Any special exception which has not been acted upon in accordance with the approval of the ZONING BOARD OF ADJUSTMENT within four (4) years of the date of said approval shall be considered null and void.

(4) Variances.

(a) The ZONING BOARD OF ADJUSTMENT may authorize a variance from the terms of this Chapter for:

(i) A particular use.

(ii) A parcel of land.

(iii)An existing/proposed BUILDING.

(b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this Chapter.

(c) In granting variances, the ZONING BOARD OF ADJUSTMENT, if it deems it proper to the carrying out of the intent and purpose of this Chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of the Chapter.

(d) Any variance which has not been acted upon in accordance with the approval of the ZONING BOARD OF ADJUSTMENT within four (4) years of the date of said approval shall be considered null and void.

(5) Other requirements. The granting of any appeal by the ZONING BOARD OF ADJUSTMENT shall not exempt the APPLICANT from any provision of this Chapter not specifically ruled upon by the ZONING BOARD OF ADJUSTMENT or specifically set forth as excepted in this particular case from a provision of this Chapter. It shall be unlawful for any owner or person to reconstruct, convert or ALTER a STRUCTURE or change the use, increase the intensity of use or extend or displace the use of any BUILDING, other STRUCTURE or LOT or change any required limitations or special conditions imposed by the ZONING BOARD OF ADJUSTMENT in authorizing a special exception or variance without appealing to the ZONING BOARD OF ADJUSTMENT as a new case, over which the ZONING BOARD OF ADJUSTMENT shall have complete administrative power to deny, approve or modify.

(6) Public Hearing. The ZONING BOARD OF ADJUSTMENT shall fix a reasonable time for the hearing of an appeal in accordance to its By-Laws; and before any hearing is given either on an appeal or an application for variance or special exception of this Chapter, notice shall be given to all ABUTTERs of any portion of the LOT in question. Notice shall be given to ABUTTERS by certified mail, and also placed in a newspaper of general circulation, not less than five (5) days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or APPLICANT to the Department of Planning and Community Development

D. Appeal from the decision of the ZONING BOARD OF ADJUSTMENT.

(1) Rehearing. Within thirty (30) days after any order or decision of the ZONING BOARD OF ADJUSTMENT, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefor; and the ZONING BOARD OF ADJUSTMENT may grant such rehearing if, in its opinion, good reason therefor is said in such motion.

(2) Appeal to Superior Court. No appeal from any order or decision of the ZONING BOARD OF ADJUSTMENT shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall have been made, no ground set forth herein shall be urged, relied on or given any consideration by the Court, unless the Court for good cause shown shall allow the appellant to specify additional grounds. Within thirty (30) days after the application for a rehearing is denied or, if the application is granted, then within thirty (30) days of the decision on such rehearing, the APPLICANT may appeal by petition to the Superior Court.

170-53. Amendment Procedure. [Amended on 12-09-2009 by Ord. No. 2009.09.09-15]

A. Power to Amend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this Chapter.

B. Initiation of Amendments. Amendments may be initiated by the City Council, the PLANNING BOARD, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for Consideration of a Proposed Amendment.

(1) Amendments Initiated by the PLANNING BOARD. The PLANNING BOARD may, upon its own initiative, from time to time, consider amendments to the this Chapter or Zoning Map, and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in Section D below.

(2) Amendments Initiated by the City Council. The City Council may, upon its own initiative, from time to time, consider amendments to this Chapter or Zoning Map. All such City Council initiated amendments shall be referred to the PLANNING BOARD for its review and study. The referral shall be made in writing by the Mayor. The PLANNING BOARD shall, after following the public notice and hearing requirements contained in Section D below, submit written recommendations regarding the amendments to the City Council within sixty (60) days of their referral.

(3) Amendments Initiated by Dover Citizens or Property Owners. Dover citizens or owners of property in Dover submitting amendments to this Chapter or Zoning Map, shall forward their proposed amendments to the PLANNING BOARD for its consideration and recommendation. Such submission shall contain the information required by Section E below. The PLANNING BOARD shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in Section D below, can be met. After the public hearing, the PLANNING BOARD shall make its recommendations concerning the petitioned amendments to the City Council within sixty (60) days of the date of the initial public hearing.

D. Public Notice and Hearing Requirements.

(1) Public Notice. Public notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing, not including the day the notice is posted or published or the day of the public hearing. Notice of the public

hearing shall be placed in a newspaper of general circulation in the city and shall be posted in at least three (3) public places, including the City web-site.

(2) Notice to Landowners and ABUTTERS. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by the proposed amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be by first class mail and shall be sent at least ten (10) days prior to the scheduled public hearing date.

(3) Text of Notice. All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, a general description of the property involved, where applicable, and designating a place where the full text of the amendment is on file for public inspection.

E. Submission Requirements for Petitioned Amendments.

A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

(1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;

(2) A statement of the purposes and intent of the proposed amendment

(3) A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and NEIGHBORHOODS;

(4) A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;

(5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;

(6) A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within one hundred (100) feet of the subject area. The list shall be current within ten (10) days of submittal; and

(7) A non-refundable fee in the fifty dollars ($50.00) to cover the cost of the newspaper notice, and a non-refundable fee of one dollar ($1.00) per landowner and ABUTTER required to be notified per Section D (2).

F. Criteria for PLANNING BOARD Review of Proposed Amendments.

The PLANNING BOARD shall provide to the City Council a report on each proposed amendment. The report of the PLANNING BOARD shall include the PLANNING BOARD's findings and recommendations on the following:

(1) The consistency of the proposed amendment with the Master Plan;

(2) The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the PLANNING BOARD and the City;

(3) The effect of the proposed amendment on the City's municipal services and capital facilities as described in the Capital Improvements Program;

(4) The effect of the proposed amendment on the natural, environment, and historical resources of the City;

(5) The effect of the proposed amendment on NEIGHBORHOOD including the extent to which nonconformities will be created or eliminated;

(6) The effect of the proposed amendment on the City's economy and fiscal resources; and

(7) The recommendation of the PLANNING BOARD relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

G. City Council Action on Proposed Amendments.

(1) Setting a Hearing Date. Upon receipt of the PLANNING BOARD's report and recommendations on the proposed amendment, or upon the expiration of the sixty (60) day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Section D.

(2) Wavier of Notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and ABUTTERS may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one (1) of the zoning districts established by 170-7 of this Chapter. Under no circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in Section D (1) of this section be waived.

(3) Action on the Proposed Amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the PLANNING BOARD recommendations unless by a vote of not less than two/thirds (2/3) of its membership present and voting.

(4) Protest Petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of two-thirds (2/3) of the City Council members present shall be required