CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, January 22, 2020**
Meeting Time: **7:00pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
   A. **ADOPTION OF THE CODE OF THE CITY OF DOVER**
   SPONSORED BY COUNCILORS SHANAHAN AND WILLIAMS
8. **CITIZEN'S FORUM**

   Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.
9. **CITY MANAGER'S REPORT**
10. **APPROVAL OF MINUTES**
    A. **January 6, 2020 – Organizational Meeting**
    B. **January 8, 2020 – Workshop Session**
    C. **January 8, 2020 – Regular Meeting**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
    A. **ORDINANCES IN THE 2nd READING**
       1. **ADOPTION OF THE CODE OF THE CITY OF DOVER**
       SPONSORED BY COUNCILORS SHANAHAN AND WILLIAMS
    B. **ORDINANCES IN THE 3RD READING**
    C. **RESOLUTIONS**

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Pope Memorial Humane Society**
2. **ROAD RACE – Community Partners "Reds Race for a Better Community"**
3. **ROAD RACE – Pope Memorial Humane Society "Tails to Trails 5k"**
4. **ROAD RACE – St. Mary Academy 5k**
5. **ROAD RACE – Spirit of Recovery 5k**
6. **ROAD RACE – Wentworth-Douglass Foundation "Seacoast Cancer 5k"**
7. **ROAD RACE – Zebra Crossings "Moms on the Run 5k"**

8. **B14074 PHASE II – PROFESSIONAL ENGINEERING SERVICES FOR WATER SYSTEMS FACILITY UPGRADES CHANGE ORDER #6 & #7**
   SPONSORED BY MAYOR CARRIER BY REQUEST

9. **B19019 TRAFFIC SIGNAL REPAIRS AND MAINTENANCE**
   SPONSORED BY MAYOR CARRIER BY REQUEST

10. **APPROVAL OF ZEBRA CROSSINGS LEASE AGREEMENT**
    SPONSORED BY MAYOR CARRIER BY REQUEST

11. **APPROVAL OF STRAFFORD COUNTY LEASE AGREEMENT**
    SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

1. **School Board**
2. **Planning Board**
3. **400th Anniversary Committee**
4. **Appointments Committee**
5. **Arena Commission**
6. **Arts Commission**
7. **Conservation Commission**
8. **Downtown TIF Advisory Board**
9. **Energy Commission**
10. Heritage Commission
11. Legislative Liaison
12. Library Board of Trustees
13. McConnell Center Advisory Committee
14. Ordinance Committee
15. Parking Commission
16. Pool Advisory Committee
17. Recreation Advisory Board
18. Solid Waste Advisory Commission
19. Transportation Advisory Commission
20. Waterfront TIF Advisory Board
21. Joint Building Committee – Dover High School and Regional Career Technical Center
22. Joint Building Committee Garrison Elementary School
23. COAST
24. Cocheco Waterfront Development Advisory Committee
25. Dover Main Street
26. Strafford Regional Planning Commission
27. Tri-City Homelessness Task Force

B. RESOLUTIONS

1. **FISCAL YEAR 2020 TRANSFER ADDITIONAL FUNDS TO SCHOOL FACILITIES CAPITAL RESERVE AND SCHOOL CURRICULUM CAPITAL RESERVE (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.) (TO BE REFERRED TO A PUBLIC HEARING ON FEBRUARY 12, 2020.)**
   SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

A. Letter from New Hampshire State Representative Tom Schamberg dated January 10, 2020.

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN

City Manager's Report



Officers Dunne, Murch, and Donais pose in front of a police cruiser with their "little sisters" during the Bigs with Badges Christmas celebration at the police department.

January 22, 2020

Reporting on: November & December 2019

J. Michael Joyal, Jr.

City Manager

Report Highlights

Section 1: Customer Focused Outcomes

Ensure overall municipal service delivery remains responsive to needs of community and that response time to citizen concerns is reasonable.

Section 2: Product & Process Outcomes

Ensure overall municipal services meet and/or exceed the highest industry standards given the resources available.

Section 3: Leadership & Governance Outcomes

Effectively continue to communicate with the community at large through various means and support citizen engagement in local governance and community forums, and provide leadership in the implementation of the City's Master Plan.

Section 4: Financial & Benchmark Outcomes

Maintain and strengthen financial stability of municipality to include reporting on any financial concerns and addressing them as they may arise during the course of the fiscal year.

Section 5: Workforce-Focused Outcomes

Continue to recruit, retain and support training of employees and volunteers necessary to fulfill service delivery needs of community.

COMMON ABBREVIATIONS

ACO	Animal Control Officer
CREU	Community Response & Enforcement Unit
DPL	Dover Public Library
F&G	Facilities & Grounds
HSRO	High School Resource Officer
MSRO	Middle School Resource Officer
WFRO	Whittier Falls Resource Officer
POP	Problem Oriented Policing
SIB	Special Investigations Bureau
SCRTOU	Strafford County Regional Tactical Operations Unit
Y2Y	Youth to Youth

City of Dover's Municipal Leadership Team



Michael Joyal
City Manager



Gary Bannon
Recreation Director



Daniel Barufaldi
Economic Development Director



Cathleen Beaudoin
Public Library Director



Joshua Wyatt
City Attorney



William Breault
Police Chief



Susan Daudelin
Human Resources Director



Annie Dove
Information Technology Director



Paul Haas
Fire & Rescue Chief



Daniel Lynch
Finance Director



Lena Nichols
Public Welfare Director



Christopher Parker
Assistant City Manager-Planning Director



John Storer
Community Services Director

1. Customer Focused Outcomes

"ENSURE OVERALL MUNICIPAL SERVICE DELIVERY REMAINS RESPONSIVE TO NEEDS OF COMMUNITY AND THAT RESPONSE TIME TO CITIZEN CONCERNS IS REASONABLE."

Animal Control – November

Total animal calls for service:	66
Handled by Officers/Dispatch:	44
Handled by Animal Control Officer:	22

Breakdown of Animal Calls:
Found/Loose Animals: 29
Animal Bites: 08
Welfare Checks: 06
Misc/Other: 23

Animal Control – December

Total animal calls for service:	50
Handled by Officers/Dispatch:	35
Handled by Animal Control Officer:	15

Breakdown of Animal Calls:
Found/Loose Animals: 21
Animal Bites: 06
Welfare Checks: 09
Misc/Other: 14

One of the calls the ACO handled in November involved a Shiba Inu named Xander who wandered from home, but was reunited with his owner.



Xander

During the month of November, the Mounted Unit worked closely with Community Action Partnership of Strafford County to assist the homeless. The cold weather means larger needs but for a generally smaller population. Many of the unsheltered individuals are able to find more consistent shelter when the weather turns colder. There are still a significant number of homeless living outside at this time in Dover. CAP attempts to give them the items they need for survival. The Mounted Unit has been distributing clothing that has been donated to the Police Department and knitted items to people in need. The Mounted Unit regularly checks on the individuals known to be living outside during the cold months to ensure their welfare.

The Mounted Unit has a new horse, Benny, who is on trial with the unit. Rasa will be retiring in

the spring of 2020 due to a number of chronic health issues. Benny is a 6-year-old Percheron Cross. The officers located him for sale in Deerfield NH. Benny was used as a pulling horse.

Benny is in Dover with the unit for the next 4 months on a trial basis to see if he is fit for work as a police horse. It takes a number of weeks to establish rapport with any new mount. The officers then introduce sensory training (exposing the horse to unfamiliar sights and sounds) to ensure they are able to handle these things out in public. Horses are flight animals by nature, but to be mounted police horse, they must learn not to flee when startled. Slowly the new mount will be taken out in public with a mentor horse. As horses are herd animals they typically prefer to have a "buddy" at all times. This helps give the horse confidence when faced with new things. So far, Benny has done very well and will start on the street sometime in in December.

During the month, Officers Caproni and Murch made hundreds of positive community contacts throughout their patrol area which covers the entire downtown business district from New York Street to Silver Street and all the way from the Community Trail to Cocheco Street. These police contacts give the officers and the public sense of being part of the community together. Officer Caproni and Murch can assess the community's needs and concerns and helps to develop trust between the community and the police. This is especially important with the children. The officers are told daily by people they meet how much they appreciate seeing the horses around and that is not only from children or horse lovers.

The Mounted Unit's probationary horse named Benny began to make an appearance on the street during the month of December. So far, Benny has the perfect personality for policing in Dover as he is very interested in people and craves attention. The many followers of the Dover Mounted Patrol have been watching his progress and are thrilled when to get to meet him downtown. Every day Benny is becoming more comfortable with his new job as a police horse. It takes approximately a year for a new mount to be "seasoned".



Benny: The newest member of the Dover Police Department's Mounted Patrol.

During the month of November, the Dover Police Department responded to 1,460 calls for service throughout the city. In addition, officers made a total of 646 traffic stops. Officers also initiated 136 non-enforcement related contacts with the community. The total number of incidents handled by the police department for November 2019 was 2,242.

During the month of December, the Dover Police Department responded to 1,652 calls for service throughout the city. In addition, officers made a total of 690 traffic stops. Officers also initiated 136 non-enforcement related contacts with the community. The total number of incidents handled by the police department for December 2019 was 2,478.

December saw Fire & Rescue responding to 509 calls for service, an average of over 17 calls per 24-hour period. 6 of the calls for service were for fires, 324 were for medical emergencies, 21 were for other hazardous situations requiring emergent intervention (natural gas leak or energized power line down, for example), 55 were either false or good intent in nature, with the remaining being for non-emergent requests.

Mounted Patrol: November

33 public assists

17 parking assists

31 community action/homeless assists

Mounted Patrol: December

33 public assists

17 parking assists

21 community action/homeless assists

INSPECTIONS & PERMITS:

Inspection statistics not available at time of report.

Inspections - Life Safety		Inspections - Plumbing/Mechanical		Inspections - Woodstove/Fireplace	
Inspections - Business		Inspections - Blasting		Permits Issued - Blasting	
Inspections - Sprinkler/Alarm		Inspections - Health		Permits Issued - Building	
Inspections - Building		Inspections - School / Daycare		Permits Issued - Certificate of Occupancy	
Inspections - Electrical		Inspections - Oil Burner		TOTAL	

Below is the summary of Emergency Medical calls provided by Fire & Rescue, including the number of "no transports" and what facilities patients were transported to when there was a transport.

November figures not available at time of report.

Ambulance Transportations	May Individuals	June Individuals	July Individuals	August Individuals	September Individuals	October Individuals	December Individuals
Wentworth Douglass Hospital	200	179	204	183	220	189	197
Portsmouth Regional Dover ER	40	35	32	34	25	42	46
Frisbie Memorial Hospital	5	5	3	0	1	1	1
Portsmouth Regional Hospital	4	4	6	10	3	4	7
Shriners Boston	0	0	1	0	0	0	0
Boston Children's Hospital-MA	0	0	0	1	0	1	0
Mass General Hospital	0	0	0	1	0	3	1
Brigham and Womens Hospital-MA	0	0	0	0	1	0	0
Maine Medical-ME	0	0	0	0	0	1	0
Non Transports/Sign Offs/Refusal of Care	129	78	60	72	82	65	72
Totals:	378	301	306	301	332	306	324

145 new library patrons registered at the Dover Public Library in November and 84 in December bringing the active cardholder total to 14,556.

14,576 people visited the Dover Public Library in November and 18,240 people visited in December.

November library circulation totaled 21,349 items and December totaled 19,658 items.

Museum passes were borrowed 98 times in November from the library and 78 times in December.

1,650 people attended or registered for 79 free programs at the library in November and 814 people for 62 free programs in December.

The library executed 20 U.S. passports in November and 29 in December.

1,295 patron hold requests were filled by the circulation desks in November and 1,153 in December.

During the months of November and December, the Highway Division was kept busy prepping for and dealing with winter storm operations. Leaves were picked up from the downtown area, roadside brush cutting was completed, catch basins were cleared of debris, sanders were placed on the trucks, sand barrels were placed in various locations throughout the city and the residential sand/salt pile was filled.

Prior to snow events, roads were pretreated with a brine solution. This solution is made out of water and solar salt. It can be applied to the road up to seven days in advance of inclement weather.

All City streets and parking lots were plowed and snow was removed as needed. Sidewalks in the downtown and along school routes were cleared after each storm. Crews sanded and salted the roadways and sidewalks as needed.

With the assistance of a City of Dover contractor, the Highway Division replaced the 12" drain line from 36 Mount Vernon Street to 71 Grove Street. The drain line, located in the backyards of the properties, had completely collapsed. The collapsed drain caused water to back up into resident's basements as well as the flooding of properties. The drain line was upgraded to a 15" drain line. In preparation of the work, crews transported drainage pipes from the Community Services facility to Mount Vernon Street.

Approximately 80 feet of drain line was replaced on Old Garrison Road. The 12" culvert that crossed under the road had rotted out. The culvert was upgraded to a 15" culvert.

The Community Service program tracked seven active participants during the month of November. A total of 8 community service hours were completed during the month. None of the participants finished his/her assigned hours.

The Community Service program tracked nine active participants during the month of December. A total of 12.5 community service hours were completed during the month. None of the participants finished his/her assigned hours.

During the month of November, 9 registered sex offenders were processed by the Dover Police Department's Special Investigations Unit. The processing of a sex offender can range from the annual, semi-annual, quarterly, or initial registration, and can also include a change of address or other information that must be updated.

In November 2019, SIU detectives and Crime Scene Unit officers continued to investigate a jewelry store robbery that took place in Dover in October 2019. The case remains under investigation, but significant progress has been made.

In November 2019, SIU detectives and Crime Scene Unit officers investigated the death of a five year old boy on Summer Street. The death is not considered suspicious.

In addition, SIU detectives investigated one other unattended death in November 2019.

During the month of December, 7 registered sex offenders were processed by the Dover Police Department's Special Investigations Unit. The processing of a sex offender can range from the annual, semi-annual, quarterly, or initial registration, and can also include a change of address or other information that must be updated.

In December 2019, SIU detectives and Crime Scene Unit officers continued to investigate a jewelry store robbery that took place in Dover in October 2019. The case remains under investigation, but significant progress has been made.

In December 2019, SIU detectives and Crime Scene Unit officers investigated the deaths of a man and a woman on Mt. Vernon Street. The deaths are believed to be drug overdoses; however, the investigation is ongoing. In addition, SIU detectives investigated four other unattended deaths in December 2019.

On December 20, 2019, multiple SIU detectives attended a charity breakfast at the Moose Club in Dover.

For the month of November, Officer Collis had a heavy focus on training and safety presentations. Officer Collis assisted in several large CRASE presentations at St. Thomas and for the Dover SAU. He also presented it to two smaller groups at the Great Bay Calvary Church and Temescal Wellness. Officer Collis also attended several day long trainings during the month, including the Addiction Summit at WDH in which he learned about Adverse Childhood Events (ACEs) and how they affect mental health and can lead to drug use/addiction. He also spent the last week of November serving as a full time officer.

In between the trainings and safety presentations, Officer Collis continued to visit and monitor the Dover Public Library and continuously met with staff to discuss ongoing issues. He also continued to visit other issue areas including Hannoush Jewelers, who had requested additional patrols after the robbery.

Officer Collis also continued to monitor calls for service involving the homeless population. In the month of October, Dover Police Officers encountered 66 separate homeless individuals. He continued to maintain and update a log of all arrests for the LEAD program, as well as a log of individuals who were contacted using the Dover police lobby to warm up. Officer Collis also continued working with Officer Cooper on planning for the holiday movie night that will be hosted in December at Dover Housing Authority.

For the first week of December, Office Collis was again assigned as a field training officer. During that week he also conducted further training for Dover High School and their active shooter response program.

During the rest of the month, Officer Collis also conducted further safety presentations at WOKQ and Garrison Women's Health. He also assisted with an active shooter response training for first responders in Farmington.

Officer Collis continued to maintain close ties with the library staff and conducted numerous checks of the building and visited with the staff. He also visited the local jewelers who had expressed safety concerns due to having a large inventory on hand prior to the holiday season.

Officer Collis also continued to monitor calls for service involving the homeless population. In the month of December, Dover police officers encountered 72 separate homeless individuals.

He continued to maintain and update a log of all arrests for the LEAD program, as well as a log of individuals who were contacted using the Dover police lobby to warm up. As of December 31, subjects using the lobby to warm up had been contacted 29 times and were offered assistance and resources.

Parking Manager Bill Simons conducted a review of the downtown parking lots with Community Services supervisors to assess balancing the needs of the city plow operators with the needs of those looking for off street, overnight parking options during parking bans.

Parking Manager Bill Simons has been working closely with the project managers for the Orpheum and 3rd Street Lot developments to coordinate the activation of parking areas adjacent to each location. Public parking will soon be reopening on the westerly side of Locust Street and the southerly side of Washington Street as well as the parking spaces along the railroad tracks in the 3rd Street parking lot.

The delay in occupancy of the Orpheum Apartments has allowed the Parking Bureau to monitor the capacity of the parking garage for the first storms of this winter. It became apparent that once the Orpheum is at full capacity and using their 70 parking permits, the upper floors of the garage will need to posted for Permit Parking Only. The ordinance had already been passed by City Council, but implementation was delayed until the Orpheum started using their permits. The bottom two floors of the garage and the Orchard Street surface lot will be for customer/visitor parking.

Parking Manager Bill Simons worked closely with Community Services Director John Storer for the roll out of the adjustment of the Winter Parking Ban. Thirteen streets were identified as being problematic for plows and emergency vehicles getting through when cars were parked on both sides during the winter. Parking on those streets has been restricted.



The Dover Police Department's Parking Bureau recently had a visitor for the holiday season.

In December, Parking Manager Bill Simons continued to work closely with Community Services Director John Storer on the revised Winter Parking Ban. Thirteen streets were identified as being problematic for plows and emergency vehicles to get through when cars were parked on both sides during the winter. Five additional streets were added to the restrictions for the remainder of the winter. Notices are left on vehicles and letters were sent to property owners. The Parking Commission will review this year's program and may make recommendations to the City Council for permanent changes.

Quotes are being acquired to install a camera in the parking garage elevator. Concerns have been raised about individuals sleeping in the elevator making it uncomfortable for early morning users.

The Parking Bureau assisted Community Services with posting numerous streets and parking lots for parking restrictions for snow removal, utility work and repairs during the month of December.

The parking system is still experiencing strong usage with nearly 2,000 transactions being recorded each day. This is a 5.5% increase over the prior year to date totals.

The conversion of 13 additional meters to the TPAL version was completed in December. The TPAL version has a back lit keypad and color display screen that makes it easier to use in the evening hours. The conversion also extends the life of the meters that are mostly 9-11 years old. The Parking Bureau has been updating 11-13 meters each year.

The following is a general description of the Police Priority Response System.

PRIORITY 1: IMMEDIATE RESPONSE: Crimes "in progress"; injury accidents; alarms.

PRIORITY 2: RAPID RESPONSE: Crimes or incidents that are not "in-progress" but require quick response to preserve evidence, locate witnesses or provide for public safety; to include suspicious activity and domestic disturbances.

PRIORITY 3: TIMELY RESPONSE: Disturbances; noise violations; welfare checks; motor vehicle disturbances; minor collisions.

PRIORITY 4: AS OFFICERS BECOME AVAILABLE: Non-criminal related activity; crimes reported well after they have been committed; message delivery; tow request; littering; fingerprints; assistance; abandoned vehicles.

PRIORITY 5: MOTOR VEHICLE STOPS.

Number of Calls in November /December

Priority 1: 188/188

Priority 2: 88/88

Priority 3: 495/563

Priority 4: 689/809

Priority 5: 782/826

Each month, Captain Gould reviews all of the Priority 1 calls received and determines which involved police emergencies. During the month of November 2019, the Dover Police Department responded to fourteen emergency incidents and arrived on scene in less than six minutes to 57% of those calls (14 calls, 6 in six minutes or more). During the month of December 2019, the Dover Police Department responded to twenty emergency incidents and arrived on scene in less than six minutes to 60% of those calls (20 calls, 8 in six minutes or more).

DISPATCH COMMUNICATIONS
November/December

RADIO TRANSMISSIONS

12,984 / 13,925

PHONE CALLS

7,052 / 7,924

911 CALLS RECEIVED

411 / 445

LOBBY CUSTOMERS

278 / 157

POLICE ALARMS RECEIVED

102 / 104

POLICE ALARMS CANCELLED PRIOR TO ARRIVAL

19 / 11

FIRE & MEDICAL ALARMS

58 / 42

OTHER ALARMS

3 / 0

Sergeant Speidel coordinated all traffic control particulars for the "Yes I Can" 5K run/walk, held at the Dover High School and surrounding streets on November 3, to benefit the Dover High School Unified Activities Program.

The Traffic Bureau coordinated the logistics of voter parking at four of the six ward polling facilities for the municipal election on November 5. This involved advance

deployment and posting of cones, barricades, and signs to promote parking turnover for voters and allow for safe and orderly flow of traffic. This included evaluation of access and traffic at the Saint Ann's Rehabilitation Center, which served as a new polling location for Ward 3, and two of the City's elementary schools which because new polling sites.

The agency speed monitoring and awareness radar trailer was deployed by the Traffic Bureau in various locations during the month of November. These included Dover Point Road, Stark Avenue, Old Rochester Road, and Portland Avenue.

On November 14, Sergeant Speidel joined Planner Steve Bird and City Manager Joyal to hear presentations from Dover Middle School students who are participating in the First Lego League Robotics and Innovation contest. The student groups are tasked with finding a problem in a public space or in the community and creating a model to improve it. One of the teams created a crosswalk innovation and received some guidance from Sergeant Speidel on their presentation and invention model.

On November 19, the Traffic Bureau coordinated the emergency closure of Dover Point Road in response to a collision involving a construction vehicle and utility wire hazards. A traffic detour for both directions was organized and deployed, and Sergeant Speidel worked closely with First Student officials to help minimize disruption to student transportation services at the end of the school day.

On November 14 and 21, Sergeant Speidel fulfilled Planning Board Technical Review Committee responsibilities for various site plans pending application to the Dover Planning Board. These included a small residential subdivision on Glenwood Avenue and a communications tower off Henry Law Avenue.

Sergeant Speidel performed 7 child passenger seat inspections during the month of November and 5 in December. Each safety check takes approximately 30 to 60 minutes and involves a review of child restraint systems in the caregiver's vehicle, instruction on proper child seat installation procedures, and discussion of safety precautions specific to the age group. Sergeant Speidel is a certified Child Passenger Safety technician through the Safe Kids Worldwide program, and the police department provides this service free of charge.

On November 27, Dover officers participated in the Operation Safe Commute statewide coordinated enforcement initiative. The date was selected by the NH Office of Highway Safety. Extra traffic patrols were performed during evening commuting hours and the agency's personnel costs were reimbursed through a grant from the Office of Highway Safety. Targeted violations included moving violations – including speeding - trending toward aggressive driving behavior or distracted driving. Targeted locations on that date included upper Sixth Street, Tolend Road, and the Weeks Crossing area.

In addition to the events noted above, the Traffic Bureau helped coordinate or provided equipment to facilitate event parking, road closures, or provided other traffic control resources for the following activities during the month of November:

American Cancer Society Relay for Life team road toll fundraiser, November 3

Eversource and Unitil utility work downtown, throughout the month of November

WTSN/WBYY Caring and Sharing 2018 Food Drive, November 21-25

Chamber of Commerce City Lights committee downtown lighting, November 4-8

Woodman Museum Veterans Day commemoration, November 10

Film shoot at Cleary Cleaners, November 16

Thanksgiving celebration at Blue Latitudes, November 27

Sergeant Speidel coordinated the police department's traffic control logistics to facilitate the city's annual Holiday Parade on December 1. Sergeant Speidel worked closely with staff members of the Dover Children's Center to present this annual community event. The Traffic Bureau was responsible for coordinating the temporary suspension of freight train service at the Dover grade crossings, the advance posting of on-street parking restrictions, the deployment of temporary traffic control equipment to set up various traffic detours, and the scheduling and assignment of police personnel and Strafford County Citizen Corps volunteers to assist with traffic control.

On December 9, Sergeant Speidel joined staff from the Planning and Engineering Departments in attending the regular meeting of the Transportation Advisory Commission. Sergeant Speidel prepared the meeting agenda and related materials and helped coordinate staff preparation for agenda items and follow-up of the committee recommendations.

During the latter part of December, Sergeant Speidel worked closely with the Deputy Finance Director and City Attorney to review, revise, and redistribute the City's wrecker/tow contract in accordance with the City's RFP process. The wrecker rotation is comprised of private tow companies meeting the City's specifications for service and pricing and is used whenever any City official (typically a police officer) requires a vehicle to be towed from a City street or lot. The contract is typically renewed every two years.

On December 12 and 19, Sergeant Speidel fulfilled Planning Board Technical Review Committee responsibilities for various site plans pending application to the Dover Planning Board, to provide staff comment pertaining to site access, traffic, or public safety and security as applicable. These included a proposed three-story treatment center off Central Avenue and a second site plan review for a commercial-to-residential conversion off Third Street.

On December 29, Dover officers participated in the Operation Safe Commute statewide coordinated enforcement initiative. The date was selected by the NH Office of Highway Safety. Extra traffic patrols were performed during evening commuting hours and the agency's personnel costs were reimbursed through a grant from the Office of Highway Safety. Targeted violations included moving violations, including speeding, trending toward aggressive driving behavior or distracted driving. Targeted locations on that date included Old Rochester Road, upper Sixth Street, and the Indian Brook Drive area.

In addition to the events noted above, the Traffic Bureau helped coordinate or provided equipment to facilitate event parking, road

closures, or provided other traffic control resources for the following activities during the month of December:

Central Avenue closure, December 1 (winter storm related)

Bellamy Road closure, December 17

Eversource utility work downtown, various locations throughout the month

Chief Breault has reallocated resources in the field operations division to assign Officer Paul Levin to the Traffic Bureau in the capacity of Traffic Patrol Officer. The staffing will help allow the agency to address enforcement concerns in the coming year and to target specific areas in the community.

The K-9 Unit trains on a daily basis and attends formal training on Mondays at the New Hampshire Police K-9 Academy, which is located at the Sig Sauer grounds in Epping NH, or at other designated areas in New England for a minimum of 20 hours a month. Currently K9 Barco holds a USPCA PDI and PDII certification.

Additionally, On November 12th, as members of the Strafford County Regional Tactical Operations Unit (SCRTOU), Officer Brown and K9 Barco participated in one of the monthly trainings.

On November 27, K9 Barco and Officer Brown responded to Sylvan Drive for a report of a domestic assault, which had just occurred. The suspect fled on foot. A short track was conducted which led back to the area of Sylvan Drive. The suspect was later located and taken into custody.

On December 29th, K9 Barco and Officer Brown responded to 1 Mill Street for a report of an assault to assist patrol. Upon arrival, it was determined that a female party had been assaulted and the male left on foot. Information about the males last known whereabouts was provided and K9 Barco was deployed, a short track was conducted and the male suspect was located by the dog several hundred yards away under a bridge. He was taken into custody.

On December 2nd, Fire Chief Haas, along with other City officials, attended an informational session hosted by the Strafford County Commissioners at the Strafford County Complex. County commissioners discussed the future of the County's Extreme Cold Weather Shelter and the other resources available throughout the tri-county region. Comments and questions were heard from several concerned citizens and homeless advocacy groups.

On November 22nd 2019, Dover Fire responded to a mutual aid structure fire at 39 Ross Road in Barrington, NH. The location of the incident was far beyond the hydrant areas in Barrington and a portable tank and tanker shuttle operation was deployed. The portable tanks were set up at the intersection of Ross Rd and Beauty Hill Rd while tankers from several mutual aid communities, shuttled water from Swains Lake located over a mile away. This tanker shuttle operation went extremely well as many people at this fire scene were also involved with the training a week prior based on this exact scenario.



Portable tank/ Tanker Shuttle – Structure Fire - 39 Ross Road in Barrington

Fifty-eight work orders pertaining to buildings were addressed this month by the Facilities & Grounds Division. Only two work orders pertaining to HVAC systems maintenance were generated, while Siemens continued with their preventive maintenance tasks throughout the City. Air filters were changed in several municipal buildings, the usual elevator inspections and fire extinguisher inspections were completed. NORRIS followed up on any quoted repairs required after the annual fire protection system inspections. Eight deliveries were made this month and five requests to move items was processed. Nine keys were issued.

The City Hall auditorium was set up on January 6th for the inauguration of new city council members. Presidential candidate Andrew Yang held a town meeting style event in the auditorium on January 11th.

New locks are going to be installed on the bathroom doors of the Library. The locks have come in and are going to be installed shortly. Daily emptying of the book-drop and custodial duties, as men were available, continued in December at the public library in the absence of their maintenance person.

A laundry list of items that need addressing at City Hall, after the relocation of offices, was generated for tending as time allowed. Bulletin boards being moved, fixture holes been repaired and repainted, etc.

The electrical supervisor continues trying to remedy issues with street lights that aren't operating properly, but is waiting on the LED supplier for replacement parts. He is busy with many other projects, major and minor that demand his attention.

While only sixteen work orders were generated pertaining to facilities and grounds issues, several of these encompassed many hours of manpower to complete a task. Over eighty NO PARKING THIS SIDE during snow events signs were posted on streets throughout the City. This is because windrows of snow fill the parking spaces and make two-way travel very difficult on narrow streets. Snow removal equipment cannot pass through narrow streets and when vehicles are in the way, emergency vehicles would not be able to pass either.

Other sign work included twenty work orders for replacing posts or signs that had been struck by motor vehicles or signs that had gone missing.

Facilities & Grounds responded to four complaints or issues regarding trees. Urban Tree came in to prune several large older trees which extended over travel lanes on Oak St. Tree removal was also conducted in Pine Hill Cemetery, where the huge maples are very old.

Traffic signals on Central Avenue at Oak Street and Reservoir Street were struck mere hours apart during a snow event. Electric Light came and replaced the damaged parts and reinstall the signal posts. Opticom systems that needed attention were evaluated and repairs made when possible. Other items will be quoted for repair or replacement in the upcoming weeks. These systems allow emergency vehicles to send out a signal that changes the traffic signals to allow traffic to clear or pull over in the direction the emergency vehicles are traveling. It stops all other traffic, making for less moving targets, when the emergency vehicles are passing through busy intersections.

The Parking Bureau noted that there are 35 signs that needed to be swapped, due to changing hours requiring a parking slip. Eleven other sign issues were addressed, struck posts being replaced or faded signs being changed out.

Flags were lowered for Pearl Harbor Day on December 7, to honor those lost in the Japanese attack on Pearl Harbor on December 7, 1941.

Due to the water meter replacement program, the Utilities Division has been busy replacing curb boxes around the city. As staff has been steadily replacing water meters, a few times they've discovered that the meter is unable to be changed out due to either a bad inside stop or a bad curb box. As they've made repairs, the meter division has been able to return to install a new meter at these locations.

Crews repaired two water breaks and one major leak. The first water break was on Atkinson Street. The 6" cast iron main had a lateral crack.



Water break on Atkinson Street

The next water break occurred on the Sixth Street end of Mount Vernon Street. The 6" cast iron water main had a lateral crack. This was a difficult break to excavate. Just above the water main was a 4" natural gas main. Also, crossing perpendicular to the water main was a 12" drain line. Staff had to use both the backhoe and the sewer jet to get at the water main. While conducting repairs, crews found a previous repair which they cut out.

A leak was excavated on Dover Point Road at Old Dover Point Road. Crews initially thought that it was a service leak. Once they started digging, they discovered that the leak was coming from a hymax coupling that was tying the two 12" ductile iron pipes together. Crews were able to tighten the coupling up but there is still a small leak. This part of the pipe is located in the State of NH Right of Way. The

city will have to wait until spring to conduct permanent repairs.

With the first storm of the season, the Utilities Division had to replace a few hydrants that had been hit. A couple had been reported but others were discovered while staff was conducting their second round of hydrant winterizations. The locations were Middlebrook Road, Washington at Water Street, Sandra's Way and 266 Central Avenue.

When not plowing, crews were changing out the two rotating assembly's located at Hampshire Circle. The current wear plates and impellers had reached their useful life and needed to be rebuilt. Crews installed the two spare rotating assemblies that were on hand. The old assemblies were removed and will be rebuilt at a local work shop. As the pumps are the same size, this process will be repeated at Watson Road Pump Station.

The number two rotating assembly for the Charles Street Pump Station was recently rebuilt and has been reinstalled. The number three assembly was removed and sent to the repair shop.

The oil furnace at the Wentworth Terrace Pump Station has failed and will need to be replaced. The City Electrician installed two new electric heaters on the dry side of the station to prevent the pumps and water from freezing.

SNOW MANAGEMENT SUMMARY REPORT

Date	Condition	Accum. Inches	Total O/T hrs	Total O/T Cost	Contractor Cost	Salt Ton	Salt Cost	Salt/Sand Mix Yard	Salt/Sand Cost	Sand-Yard Only	Sand Cost	Salt Brine	Brine Cost	Total Storm Cost
11/21/2019	Icy Roads	0.00	27.63	$908.87	$140.00	37.50	$1,880.63	0.00	$0.00	0.00	$0.00	0.00	$0.00	$2,929.50
11/24/2019	Ice, sleet, rain	0.00	30.12	$1,103.17	$0.00	35.50	$1,780.33	0.00	$0.00	0.00	$0.00	0.00	$0.00	$2,883.50
11/25/2019	Icy Roads	0.00	7.38	$269.49	$0.00	11.50	$576.73	0.00	$0.00	0.00	$0.00	0.00	$0.00	$846.22
12/1-12/3/19	Snow	12.00	679.10	$23,076.04	$27,442.50	410.25	$20,574.04	242.00	$6,110.50	0.00	$0.00	2,460.00	$196.80	$77,399.88
12/6/2016	Snow	1.50	31.52	$912.80	$740.00	33.50	$1,680.03	8.00	$202.00	1.00	$16.70	10,350.00	$828.00	$4,379.53
12/11/2019	Snow	1.50	49.20	$1,558.66	$70.00	90.50	$4,538.58	16.00	$404.00	6.00	$100.20	1,930.00	$154.40	$6,825.84
12/17/2019	Snow	4.00	404.85	$13,635.49	$10,699.25	371.50	$18,630.73	95.00	$2,398.75	12.00	$200.40	4,030.00	$322.40	$45,887.02
12/27/2019	Icy Roads	0.00	48.53	$1,645.44	$280.00	90.00	$4,513.50	51.00	$1,287.75	0.00	$0.00	0.00	$0.00	$7,726.69
12/30-12/31/19	Snow	8.00	678.00	$23,221.87	$16,717.50	184.00	$9,227.60	80.00	$2,020.00	0.00	$0.00	0.00	$0.00	$51,186.97
1/1/2020	Icy Roads	0.00	107.40	$3,431.19	$4,215.00	29.50	$1,479.43	80.00	$2,020.00	0.00	$0.00	0.00	$0.00	$11,145.62
1/5/2020	Snow	1.00	55.83	$1,760.62	$0.00	59.00	$2,958.85	19.00	$479.75	3.00	$50.10	0.00	$0.00	$5,249.32
12/5/2019	Downtown Removal	0.00	144.89	$5,099.20	$3,272.50	0.00	$0.00	10.00	$252.50	0.00	$0.00	0.00	$0.00	$8,624.20
1/3/2020	Downtown Removal	0.00	32.17	$1,185.65	$0.00	4.00	$200.60	0.00	$0.00	0.00	$0.00	0.00	$0.00	$1,386.25
1/7/2020	Downtown Removal	0.00	55.83	$1,760.62	$1,280.00	0.00	$0.00	0.00	$0.00	0.00	$0.00	0.00	$0.00	$3,040.62
Through January 2020		**28.00**	**2,352.45**	**$79,569.11**	**$64,856.75**	**1,356.75**	**$68,041.01**	**601.00**	**$15,175.25**	**22.00**	**$367.40**	**18,770.00**	**$1,501.60**	**$229,511.12**

Through February 2019	**43.50**	**3,769.87**	**$121,137.29**	**$38,383.50**	**3,261.25**	**$163,551.69**	**2,598.50**	**$65,612.13**	**125.50**	**$2,127.23**	**32,975.00**	**$2,638.00**	**$393,449.83**
Through February 2018	**54.75**	**4,820.70**	**$150,506.71**	**$35,355.50**	**3,073.25**	**$163,343.24**	**2,741.50**	**$65,631.51**	**100.50**	**$1,582.88**	**9,430.00**	**$1,594.80**	**$418,014.63**
Through February 2017	**61.50**	**5,157.52**	**$162,064.13**	**$20,634.30**	**3,084.25**	**$167,721.52**	**3,070.00**			**$39,142.50**	**22,080.00**	**$1,766.40**	**$391,328.85**
Through February 2016	**33.25**	**3,295.10**	**$104,808.60**	**$25,638.00**	**1,541.00**	**$83,799.58**	**1,877.50**			**$23,938.13**	**4,800.00**	**$384.00**	**$238,568.31**

2019-2020 Parking Bans: 7

1 Ban

2 Bans

Total Permits Issued: December 2019

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
19-364	COLONY AUTO BODY	880	CENTRAL AVENUE	CONST. A 1 STORY COMMERCIAL ADDI	C	38	2400	186486	1885
19-485	COCHECO MILLS HOLDINGS, L	383	CENTRAL AVENUE	SUITE 275, FIT-UP FOR TENANT SPACE	C	23	7AO	10000	225
19-528	THOMPSON BROOK LLAC	6	SCHOOL STREET	CONST. A FIRST FLR ACCESSIBLE BATH	C	3	2300	8000	105
19-531	RECON REALTY LLC	80	INDUSTRIAL PARK DRIVE	FOUNDTN ONLY-MIXD SEPRATD USE F	C	G	G3A0	100000	1025
19-543	POINTE PLACE DEV., LLC	50	POINTE PLACE	SUITE 33, FIT-UP ADA BATHRM	C	K	19-5	12000	145
19-560	DOVER POINT OFFICE PARK C	44	DOVER POINT ROAD	UNIT H, REPAIRS AFTER WATER DAMA	C	K	24A17	85000	875
19-562	CITY OF DOVER	33	CHESTNUT STREET	INT. IMPROVEMENT FOR TENANT FIT-U	C	31	4BLS	35000	0
19-427	44 MAPLE STREET, LLC	44	MAPLE STREET	DEMO EXISTING COMMERCIAL BLDG.	I	30	1900	52354	545
19-060	THOMAS	25	SIXTH STREET	APT. A, RENTAL REMODEL	R	30	9000	15000	175
19-200	BRENNAN, MATTHEW	36	SPRUCE LANE	RENEW BP16-308, 2 CAR ATT. GARGE W	R	I	33-A	73600	50
19-497	FONSECA, DAVID	17	RIVERSIDE DRIVE	CONST. A SFD W/UNFNSHED ATTIC & C	R	L	9100	410200	4120
19-500	POUNDER	4	CONCORD WAY	REMVE DECK FOR ADD-ON & NEW DEC	R	F	1750	1800	35
19-501	POUNDER	4	CONCORD WAY	CONST. A NEW ADD. & REAR DECK	R	F	1750	25000	275
19-510	MCKENNEY	11	NILES STREET	INTERIOR RENOVATIONS	R	20	800	180000	1825
19-516	KRIEGER	53	THREE RIVERS FARM ROAD	INSTALL 24 GROUND MOUNT SOLAR PA	R	N	3A0	24136	265
19-525	BIRCHWOOD BUILDING & DE	9	TOPAZ DRIVE	SFD W/2 CAR ATT. GARGE & UNFINSIHE	R	G	910	243750	2465
19-526	STRANGE	44	HAM STREET	INT. RENO. LOWER FLR DWLLING UNIT	R	27	8800	75000	775
19-534	MEYER	44	SADDLE TRAIL DRIVE	CONVERT. LOWER LEVEL TO HABITAB	R	N	813	80000	825
19-537	BERG	303	BACK ROAD	INSTALL SOLAR PANEL PV SOLAR PANE	R	M	10520	18750	212
19-545	MCCARTHY	110	MOUNT VERNON STREET	CREATE A HABITABLE AREA ON 3RD FL	R	29	9600	20000	225
19-546	SEGIL	155	COLUMBUS AVENUE	CONST. A SCREENED PORCH	R	F	23GO	30000	325
19-549	REDDY	36	ISAAC LUCAS CIRCLE	EXTEND LIVING AREA BEHIND GARAGE	R	M	90P	10000	125

Permit #	Owner's Last Name	Street #	Street	Description	Type	Map	Lot	Construction Value	Fee
19-551	HAYDEN	34	FLORENCE STREET	FINISH ADD'L LIVING AREA ABOVE GAR	R	27	25000	10000	125
19-557	GLIDDEN	26	FISHER STREET	INSTALL AN 8' HIGH FENCE	R	15	4700	11228	135
19-558	CIOTTI	98	SILVER STREET	KITCHEN RENOVATION	R	12	127	40000	425
19-559	MCCANN	68	HORNE STREET	FOUNDATN FOR DETACHED GARAGE	R	36	3629B	8000	105
19-563	SINGH	26	SINGH DRIVE	CONST. A SFD W/ATT. GARGE W/UNFNS	R	B-6	G-4	400000	4025
19-565	HASTINGS	7	ERIK DRIVE	PERMIT TRANSFER FEE	R	B	19I0	170000	25

Total Permits Issued: 28

Total Construction Value: $2,335,304.00

Total Fees Collected: $21,342.00

Type of Permits Issued		Certificate of Occupancy's	
Commercial	1	Change of Use	4
Commercial Renovations	7	Commercial	0
Convert 1 to 2 Fmly Dwlg	0	Convert 1 to 2 Fmly Dwlg	0
Two Family Dwelling	0	Two Family Dwelling	2
Multi-Family Dwelling Units	0	Industrial	0
Industrial	0	Renovations	9
Industrial Renovations	0	Manufactured Dwlg	0
Manufactured Dwelling	0	Multi-Family Dwelling Units	185
Single Family Dwelling	3	Single Family Dwellings	2
Renovations Dwelling Unit	17	Accessory Dwelling Unit	1
Demo. of a Dwelling Unit	0		
Accessory Dwelling Unit	0		
		Total	13

NAME	STREET NAME		Total Units	Units Built*	Units left	DATE OF PB SIGNATURE	DATE OF PB APPROVAL	SCRD DATE	PLANNING FILE #	MAP	L0T	EXPIRATION DATE	SCHOOL	Students**
Mixed Use														
STF	10 Strawberry Drive	A	12	12	0	6/26/2018	4/10/2018	Site	P18-11	40	43	6/26/2023	H	0.4
Hellenic Realty	333 Central Avenue	A	18	18	0		3/27/2018	Site	P18-04	2	19		H	0.5
Salty Sea	52 Old Rochester Rd	A	15	0	15	1/9/2018	12/12/2017	Site	P17-74	40	25	1/9/2023	H	0.5
Cathartes	Washington Street	A	130	130	0	1/9/2018	12/12/2017	Site	P17-66	2	4	1/9/2023	H	3.9
Changing Places/Robbins	Mechanic Street	C	15	15	0	11/14/2017	4/25/2017	Site	P17-11	24	98	11/17/2022	H	0.5
Carnegie Hill	Third Street	A	20	20	0	9/12/2017	4/25/2017	Site	P17-02	6	54A	9/12/2022	H	0.6
Third/Grove	Grove Street	A	38	38	0		5/8/2018	Site	P16-31C	31	14		H	1.1
Old Courthouse	First Street	A	71	0	71	N/A	5/28/2019	Site		6	20	5/23/2022	H	2.1
Pointe Place	Pointe Place		119	119	0		9/25/2018	Site	P18-37	K	19-4			3.6
Little Bay Marina	421 Dover Point Road		25	0	25		5/28/2019	Site	P19-05	8	9,10,11,12			
Preble Street	Preble Street		12	0	12		4/23/2019	Site	P19-11	4	40			
Bradley Commons	Central Ave	A	49	49	0	2/10/2015	9/23/2014	Site	P14-34	27	2/3	2/10/2020	H	1.5
Total: Mixed Use			***524***	***168***	***123***									***9.4***
Multi-Family:														
Clay Hill	Henry Law Avenue	C	10	0	10	12/4/2015	7/28/2015	Site	P15-17	22	3	12/4/2021	W	1.1
Lilac Gardens	Lilac Ln	A	120	72	48	9/27/2005	9/27/2005	Site	P04-04	H	35C	9/27/2009	W	13.2
Total: Multi-family			***130***	***72***	***58***									***14.3***
Subdivisions:														
RV Paolini Construction	56-58 Dover Point Road	M	7	0	7	TBD	12/11/2018	TBD	P18-45	M	6	TBD		
TDAK	99 Sixth Street	H	4	3	1	6/26/2018	6/12/2018		P18-07	35	57	6/26/2023	H	1.4
Singh	County Farm Cross Road	H	4	1	3	3/14/2018	10/24/2017	3/15/2018	P17-58	B	6G	3/14/2023	H	1.4
Coughlin	Piscataqua Road	H	3	3	0	12/12/2017	7/25/2017	12/14/2017	P17-42	I	94-A/B	12/12/2022	G	1.1
Quantum	Littleworth Road	H	6	0	6	8/2/2017	6/13/2017	8/3/2017	P17-34	H	29A	8/2/2022	W	2.1
Whitney Scott	Topaz Drive	H	9	3	6	1/9/2018	6/13/2017	3/6/2018	P17-18	G	9	1/9/2023	W	3.2
Sophie Lane	County Farm Road	H	3	0	3	6/27/2017	5/9/2017	6/28/2017	P17-32	E	32	6/27/2022	H	1.1
Ayer	Eagan Drive	H	17	2	15	11/17/2017	4/11/2017	1/10/2018	P16-25	N	18	11/17/2022	G	6.0
Indian Ridge	Emerald Ln	H	49	48	1	8/25/2015	6/23/2015	12/4/2015	P14-58	F	15	8/25/2020	W	17.2
Bellamy Ridge	Red Barn Dr	H	7	7	0	10/13/2015	8/25/2015	10/15/2015	P15-05	I	6-C	10/13/2020	G	2.5
Foster's Way	Fosters Dr	H	5	5	0	9/17/2014	12/17/2013	9/17/2014	P13-49	L	89-1	9/17/2019	G	1.8
Child's Subdivision	Childs Dr	H	19	18	1	4/9/2013	3/28/2013	3/29/2013	P12-20	N	8A-1	3/28/2018	H	6.7
Arch St	Fresian Drive	H	11	0	11	7/30/2013	10/23/2012	8/1/2013	P12-28	11	16	7/30/2018	W	3.9
Hidden Valley Drive	Hidden Valley Dr	H	10	8	2	7/30/2009	3/24/2009	8/4/2009	P09-03	I	94C	7/30/2013	G	3.5
Harbor Hills	Shore Ln	H	16	15	1	8/10/2010	3/23/2010	8/11/2010	P07-39	L	89G	8/10/2014	G	5.6
Paddocks/Tidewater Farms	Saddle Trail Dr	H	9	5	4	2/21/2008	10/23/2007	2/21/2008	P07-43	N	8	2/21/2012	H	3.2
Picnic Rock	Back River Rd	H	21	20	1	10/31/2007	7/10/2007	11/6/2007	P07-32	16	20	10/31/2011	G	7.4
StoneCroft	Carriage Hill Ln	H	11	10	1	8/9/2005	5/24/2005	8/9/2005	P05-18	A	16	8/9/2009	H	3.9
Havenwood Farm at Alden	Boxwood/Wildewood	H	32	28	4	6/6/2005	5/10/2005	6/7/2005	P04-42	B	21	6/6/2009	H	11.2
Weeden	Garrison Rd	H	4	3	1	9/28/2004	6/22/2004	10/4/2004	P04-25	I	1P	9/24/2008	G	1.4
Lundy Pointe LLC	32 Old Stage		10	3	7		4/9/2019		P19-20	G	35E		G	3.5
44 Maple Ave LLC	44 Maple		12				4/9/2019		P18-58	30	19		H	4.2

** Students are estimated based upon Impact Fee multipliers. THERE IS NO GUARANTEE TO THESE NUMBERS
A:Apt, H:House, C:Condo

* Built or permit issued and unit under construction

NAME	STREET NAME		Total Units	Units Built*	Units left	DATE OF PB SIGNATURE	DATE OF PB APPROVAL	SCRD DATE	PLANNING FILE #	MAP	L0T	EXPIRATION DATE	SCHOOL	Students**
TDAK	Beaumont (146 Dover Point)		11	6	5	1/8/2019	8/28/2018		P18-14	M	61	1/8/2024	G	3.9
Arbor Woods	Cielo Dr	H	72	64	8	2/20/2007	1/9/2007	2/20/2007	P06-25	H	4	2/20/2011	W	
Total: Elderly			***72***	***64***	***8***									
TOTAL APPROVED UNITS			**738**	**304**	**189**									**28**

* Built or permit issued and unit under construction

** Students are estimated based upon Impact Fee multipliers. THERE IS NO GUARANTEE TO THESE NUMBERS
A:Apt, H:House, C:Condo

2. Product & Process Outcomes

"ENSURE OVERALL MUNICIPAL SERVICES MEET AND/OR EXCEED THE HIGHEST INDUSTRY STANDARDS GIVEN THE RESOURCES AVAILABLE."

City Planner Benton continued to monitor proposed changes to COASTs operations and bus routes and attended the listening session on December 3rd. New bus routes are proposed to begin summer 2020.

Assistant City Planner Piekut addressed enforcement concerns regarding wetland protection district violation, unpermitted home businesses, group homes, trash, motor vehicle junkyards, a lot line adjustment plan violation, illegal signage, and continued to assist customers with zoning inquiries and determinations.

The Assistant City Manager reviewed requested information regarding the Planning Board's role in permitting private roads and how the Board notices potential buyers of lots built on private roads. While no private roads have been proposed or applications processed recently, staff have developed policy changes and information changes for the next time an application is provided for the Planning Board's review.

City Planner Benton oversaw the signing of the lease for the Transportation Center tenant. The Transportation Center closed on December 26th for interior renovations.

On December 6, City Planner Benton and Assistant City Manager attended the NH Planner's Association Annual meeting in Manchester. The main topic for the meeting was the newly adopted building and life safety code. In addition, the group discussed recent and proposed legislation that the General Court is reviewing.

In October, Planning staff participated in reviewing the proposals received from qualified firms to transition to electronic permitting and permit review. This software would be utilized by Planning, Inspections, Engineering and Finance to track permits received, and ensure proper invoicing. The Information Technology Division and the Inspection Division are the leads on this project.

Assistant City Manager Parker and Community Development Planner Carpenter attended and staffed the December Heritage Commission meeting. The Commission made a recommendation to the City Council regarding mitigation related to the General Sullivan Bridge. These recommendations will be reviewed by the Council in January 2020.

The Steering Committee for the update to the Recreation Chapter of the Master Plan met on December 18 and the consultant and staff met to go over the status of all previous recommendations. An update will be provided at the January Land Use Meet and Greet. D. Benton applied for a Bloomberg Asphalt Art Grant in collaboration with the Arts Commission and Dover Main Street.

The Assistant City Manager renewed the City's System for Awards Management (SAM) registration. This federal requirement is in place to ensure the City has the proper credentials to receive federal grants. The registration is critical to the continued participation in the Community Development Block Grant program.

Planning and Community Development staff attended a meeting with Community Services to kick off the traffic signal coordination project. This

project looks to migrate traffic signals on Central Avenue to a coordinated system to improve traffic flow and reduce greenhouse gas emissions.

The Community Trail Advisory Committee visited the Transportation Advisory Committee on December 9th with a plan to improve the crossing at Washington Street which was unanimously endorsed by the CTAC and TAC. HUD has approved the use of CDBG funds for the project so it will be added to the proposed action plan this winter/spring.

City Planner Bird worked with the Forest Management Sub-committee of the Conservation Commission to discuss the forest management plans for City owned parcels with the selected forester. A draft of the plan is expected to be completed in January.

City Planner Bird met with the Conservation Commission on December 9th to review three new applications and approve an expenditure from the Conservation Fund for hiring a forester to prepare a forest management plan for City-owned property.

City Planner Bird worked with the Open Lands Committee and the City Attorney to finalize a proposed conservation easement deed and City Council resolution for a conservation easement purchase. City Planner Bird attend the December 11th City Council meeting to speak to the resolution approving the purchase of the Morin conservation easement on Tolend Road. The easement deed, easement survey and title research were completed during December and the deed was signed and recorded on December 19th.

D. Benton attended a field study walk with the City Engineer and members from SRPC, NHDOT, and Spur Road on the feasibility of creating a trail between Mill Street and Finch Lane on December 13th.

High School swimming started at the Indoor Pool on November 18th and is now in full swing with Dover High, St. Thomas, Spaulding and Berwick Academy using Indoor Pool on a daily basis as well as Oyster River during vacation and early release days. High School swimming will come to an end in mid-February and the pool schedule will change to accommodate more public pool time after that. Seacoast Swimming has had its usual swim time over the past month. Overall, there is an average of 50-75 lap/rec swimmers per day with as many as 100-150 swim team members each day during the week. The Hydrofitness class is still running three times per week usually bringing 10-20 attendees per class. Great Bay Masters is also still using the pool three times per week bringing 20-30 swimmers per practice. Swim Lesson program is still on hold as many lifeguards and instructors are high school swimmers. There was some staffing relief when college guards returned for winter break. The division is still running the facility with one manager until January 6th when the newly appointed Aquatics Facility Manager, Erika Friedman, starts.

December at the Dover Arena is always a busy time of year as both Foster Rink and Holt Rink have programs going non-stop. High School hockey season is in full-swing, with games and practices every day. Dover Youth Hockey is also mid-season with practices and games every day. Public Skate has become very popular on the weekends and Rock Night remains very popular as well every Saturday night. The fall COED League wrapped up its playoffs at the end of the month and is getting ready for the Winter session of the league. The month of January means many high school hockey games. Winter programs will begin. The COED League starts back up in the first week and Over 45 League starts at the end of the month. Learn to Skate starts back up on the second week. Bay State Girls Hockey Tournament in February is filling up with registrations from teams all over New England. Adult and Youth Stick Practice: 346 participants, Birthday Parties: 4

In addition to all ongoing activities, the Senior Center members continue to use fitness areas at Dover Recreation. Chair Yoga, Cardio, and Flexibility classes are offered. Pickleball is

Tuesday and Friday mornings. Despite some weather challenges, seniors managed to get 2 trips in and on December 13th reached the goal of 850 members for the calendar year! Mystery Lunch: 20 participants

At the Dover Public Library, 79 November programs were attended by 1,650 people. These included:

19 story times 405; 2 Craft sessions 360; 2 Knitting group meetings 14; 3D prints 27; 8 movies 52; Pizza & Pages 6; Creativity Corner 7; Game Night 5; 5 Lego Saturdays 116; 3 Technology classes 18; 6 Book groups 44; 4 Little Free Library visits, adding 141 books; Head Start visit 32; Little Tree visit 34; Superhero You 20; STEM Saturday 15; Raptors, reptiles & Mammals 85; Author talk 20; Judy Pancoast 6; Volunteer Fair 30; Memory Lab/ Maker tools uses 6; Crafternoon 15; Sesame Street celebration 123; Paws for Reading 10; Yoga for kids 7; 4 Book-A-Librarian appointments, Langdon Place visit 6; Instrument making 13; 7 Dungeons & Dragons sessions 39; and Passports 20.

At the Dover Public Library, 62 December programs were attended by 814 people. These included:

8 story times 156; Craft session 129; 2 Knitting group meetings 13; 3D prints 24; 10 movies 65; Pizza & Pages 5; Creativity Corner 7; 3 Lego Saturdays 53; 3 Technology classes 9; 4 Book groups 35; 4 Little Free Library visits, adding 152 books; Head Start visit 32; Memory Lab/ Maker tools uses 2; Paws for Reading 7; Yoga for kids 7; Frozen celebration 52; 3 Snowflake making 8; 3 Wrap It up 13; TAB 5; 2 proctored exams; 3 Book-A-Librarian appointments, Langdon Place visit 6; 8 Dungeons & Dragons sessions 29; and Passports 29.

All basketball programs for grades K-12 are now in full swing with most sessions being full. The division utilized Garrison Elementary School and Woodman Park Elementary School for Saturday morning youth programs as well as weekly practices for grades 4-12. The Butterfield Gym located within the McConnell Center is also utilized for practices, games and men's leagues 7 days a week. There are approximately 600 participants in basketball programs grades K thru the men's league. Fitness classes wrapped up for 2019 with new sessions of existing classes as well as new classes beginning in 2020.

Vicki Hebert has been asked to join a workgroup on Electronic Nicotine Delivery Devices (ENDS) and help the State of New Hampshire develop an educational media campaign for youth. The group discusses what is currently being done in the state and what materials and resources need to be developed to prevent ENDS use among youth.

The United Way of the Greater Seacoast has awarded the Granite Youth Alliance (GYA) another year of funding. The grant includes supporting 6 existing teams in Rockingham County and expanding with 5 new teams in Strafford County. The funding provides support for youth empowerment teams, an annual conference, film festival and technical assistance from Dover Youth to Youth. Staff has begun meeting with school administrators to expand the program into Strafford County. Six of the 10 school based Memorandum of Understandings have been signed with the other 4 in the process of getting signed.

Planning for the annual GYA training conference is well underway. The conference will take place on Thursday January 16th at the Austin 17 House in Brentwood. The day long training will focus on media development and is expected to attract approximately 100 youth from across the state.

On November 14th Vicki met with John Burns from SOS and Amanda Lee from Dover High School to discuss revamping the substance misuse unit in the health classes. The group reviewed different curriculums and planned guest speakers as well as a field trip to SOS in early December.

Dover Youth to Youth continues to follow the progress of legislation requiring tobacco/vaping products purchasers to be 21. Last year New

Hampshire increased the age to 19, effective in 2020. The bill to raise it further to age 21 is still alive in the NH Senate and recently passed the Commerce Committee. In the meantime, Congress passed a national Tobacco 21 law that is effective immediately. It is likely that the state legislation will go forward anyway. The impact of the federal changes are still being evaluated.

The Dover Teen Center calendar for November of 2019 consisted of educational and social programming for its youth participants. For the month, the teen center hosted a total of 497 participants on 16 days of programming, which yielded an average of approximately 31 participants per day.

Some program highlights for the month of November 2019 included, but were not limited to the following:

- TC Snack Special Day – "Steve's Chili" (11/4)
- TC Tournament! – "Ping-Pong" (11/6)
- TC Music Special Event – "DoverPalooza Harvest Moon Show" - Live Bands (11/8)
- TC Tournament! - "8-Ball Billiards" (11/12)
- TC Snack Special Day – "Pancake Mania" (11/15)
- TC Arts In Action Events: "Fireside Chats" w/The Voice Library (11/12 & 11/19)
- TC Challenge – "Elimination Billiards" (11/20)
- TC Snack Special Day – "Mystery Snack" (11/21)
- TC Holiday Event – "TC Family-Style Thanksgiving Dinner" (11/25)
- TC Annual Event – "Community Thanksgiving Dinner" (11/26)
- TC Annual Event – "Annual Dover Holiday Parade" (11/25)
- TC Trip! - "UNH Men's B-Ball Game" (11/26)

There were 17 new participants that signed up during the month.

The Dover Teen Center calendar for December of 2019 consisted of educational and social programming for its youth participants. For the month, the teen center hosted a total of 498 participants on 17 days of programming, which yielded an average of approximately 29 participants per day.

Some program highlights for the month of December 2019 included, but were not limited to the following:

TC Arts in Action Events – December 2019

Campfire Chats Series: (12/2 & 12/17 – 12/17 postponed due to Snow Storm)

The TC Players Troupe: (12/2 & 12/12)

TC Teacher Workshop Fun Day! – (12/6)

TC Special Event – "Intern Appreciation @ Dover Bowl (12/9)

TC Friday Flix Movie Day! – "ELF" (12/13)

TC Snack Special Day – "Hot Cocoa" (12/16)

TC Special Holiday Event – "Holiday Crafts Day" (12/18)

TC Special Holiday Event – "13th Annual Holiday Party" (12/19)

TC Winter Holiday Vacation Trip! – "Funspot Arcade" (12/23)

TC Winter Holiday Vacation Event – "Christmas Eve Chill-Zone Day" (12/24)

TC Winter Holiday Vacation Trip! – "BarnZ's Movie Theater" (12/30) (postponed due to Snow Storm)

TC Winter Holiday Vacation Trip! – "Maine Red Claws B-Ball-New Year's Eve Game" (12/31)

There were 7 new participants that signed up during the month.

On November 5, 2019, during a teacher workshop day, Officer Dunne attended the CRASE presentation at Dover High for the faculty of the Dover school district. After the presentation was complete, Officer Dunne and Officer Petrin met with a smaller group of teachers to discuss any

questions or concerns they have related to school safety.

On November 22, 2019, Officer Dunne presented information about e-cigarettes to 7th and 8th grade students at the Seacoast Charter School. The presentation focused on the chemicals used in these devices and how those chemicals interact with the human body.

Officer Dunne continued to teach the DARE curriculum to six 5th grade classrooms.

November also marked the start of the 2019-2020 Police and Community Together (PACT) Program. Officer Dunne organized and taught several lessons within the program, with the assistance of Officer Cooper.

Officer Dunne continues to lead an advisory group of 6th grade students. The purpose of advisory is to meet with students in small groups, be a safe place to discuss ideas and connect with other students. This year the school has chosen a theme of Choose Compassion within advisory. There are 7 lessons that are taught between September and February that discuss compassion and how to show compassion to classmates.

As part of Officer Dunne's daily duties, she continued to maintain a presence in the hallways, at lunch and recess, and outside during the morning and afternoon drop-off and pick-up.

On December 6, 2019, during the teacher workshop day on this date, Officer Dunne assisted with the CRASE follow-up meeting at Dover High School.

On December 13, 2019, Officer Dunne attended the Dover Middle School dance, where she maintained a presence and ensured everyone's safety.

Officer Dunne completed her portion of the DARE curriculum for the 2019-2020 school year. Her six classrooms all successfully completed DARE and passed the final exam. She will work with Officer Cooper to set up the classes that she will teach in the spring.

She also continued to coordinate the PACT program in conjunction with the Dover Police Department's Community Outreach Bureau. Officer Dunne taught a lesson on Internet/social media safety to parents. Detective Gaudreault, the department's Digital Forensics Investigator, assisted with this presentation as well.

Throughout the month of December, Officer Dunne met with her 6th grade Advisory group. She taught several lessons about compassion as outlined in the "Choose Love" curriculum DMS has adopted for this school year. Her group participated in an activity decorating paper placemats which a guidance counselor ultimately brought to an assisted living facility for Christmas dinner. Numerous advisories participated in this activity as well.

As part of Officer Dunne's daily duties, she continued to maintain a presence in the hallways, at lunch and recess, and outside during the morning and afternoon drop-off and pick-up.

As an additional duty, Officer Dunne is tasked with contacting individuals in the community who recently overdosed in order to follow up on their wellbeing and refer them to addiction services. She contacted 6 individuals in November. In December, one report was written for an opioid overdose, however the involved party does not have a telephone number. Other members of the department will attempt to contact the victim and follow-up with him.

Officer Pike continues to meet with students throughout the building on a day to day basis. Those meetings consist of general conversation not necessarily related to law enforcement. For instance, Officer Pike spoke to a student about

her receiving a traffic violation. Officer Pike helped educate her on the summons and the length of time she could potentially lose her youth license.

Officer Pike assists the school's administration with coverage in the Town Square during the lunch block. During these lunches, Officer Pike assists with decorum and cleanliness of the Town Square. There were several times when Officer Pike noted students throwing food and trash across a table. Officer pike addressed the issues and does so on a regular basis. Also during this time, Officer Pike uses the school's video surveillance system to identify students who have left trash at their lunch tables.

On multiple occasions, Officer Pike assisted Donna Berchulski, the school's intervention specialist, with students experiencing difficulties or families that needed assistance.

On November 5, Officer Pike participated in the school's teacher workshop day. During this workshop, Officer Pike and members of the police department made a presentation on active attacker scenarios.

On November 5, Officer Pike and Dean Tom Waldron completed several home visits of student that had reached a certain number of truancies.

On November 15 Officer Pike and Dean Waldron completed another home visit to another student who had initially agreed to complete the school's online program, however; was refusing to complete process. Officer Pike and Dean Waldron were able to provide the student with the necessary resources for his completion of the program.

Officer Pike spoke to a 17 year old female student who was in trouble with the Newington Police Department following an assault investigation with that department. The student didn't understand the process and was feeling anxious until he helped her navigate the criminal justice system.

On November 21, Officer Pike assisted Health teacher Amanda Lee in her classroom. The block of instruction centered around impaired driving.

Officer Pike continues to be a volunteer assistant with the school's ice hockey team and is currently involved in the team's off ice training program.

On December 4th and 5th, Officer Pike presented in one of the health classes on the dangers of opioid addiction. Officer Pike presented in three 90 minute blocks each day. The course of instruction was designed as a power point presentation and was developed by the classroom teacher, Amanda Lee, and Coalition Coordinator Vicki Hebert.

On multiple occasions, Officer Pike assisted Donna Berchulski, the school's intervention specialist, with students experiencing difficulties or families that needed assistance. During the month of December 2019, Officer Pike and Berchulski identified multiple families that were struggling and added their name to the Dover Police Charities basket program.

Officer Cooper assisted with teaching a Civilian Response to Active Shooter Events (CRASE) training. The training was held at the Dover High School, which was open to all of the Dover public schools, and at St. Thomas Aquinas High School. The course was designed to assist staff with providing strategies and guidance if ever confronted by an active attack.

Mid-month, oral boards were held for potential openings for new hires. Officer Cooper was part of the oral board panel.

On 11/19/2019, Officer Cooper accompanied Sgt. Mark Nadeau to First Seacoast Bank for a robbery seminar.

On 11/20/2019, Officer Cooper attended a seminar at Wentworth Douglass Hospital. The seminar, hosted by the Strafford County Public Health Network, focused on adverse child experiences (ACE) and the long term effects. It also covered decreasing the trauma response.

On 11/27/2019, Officer Cooper assisted with the 11th annual Thanksgiving luncheon at Blue Latitudes. The event fed 350 people, to include folks from the housing authorities and some of the shelters. Officer Cooper greeted people as they arrived and helped facilitate with transportation.

During a welfare check, Officer Cooper found a Dover Housing resident in distress. The female was overwhelmed for a variety of reasons, to include financial hardship. Officer Cooper recalled having a recent conversation with a Dover Housing employee where they referenced an extra turkey and food she had. Officer Cooper, along with the employee, were able to provide the resident with these items and it, hopefully, improved her day. The position of a liaison officer presents unique opportunities to connect the residents with a variety of resources.

Officer Cooper and Sgt. Speidel collected the donated food at Hannaford and transported it to the DHA maintenance bay, to begin the efforts for the annual holiday basket delivery program.

Officer Cooper responded to a welfare check of a confused, elderly male. The male, who reported that he has Alzheimer's, was lost and had been walking for at least a couple hours. Officer Cooper gave him a ride home, ensured his residence was safe/clean, and then followed-up with family and the Dover Housing Senior Supportive Services Coordinator. Additionally, Officer Cooper obtained a recent photograph, pertinent health information, and other information that she believed would assist officers in finding the male in the case that he wandered again.

Officer Cooper continues to visit the elderly sites and meet people within the family housing area. The random visits provide for the residents to report any issues or ask for assistance. For example, during a visit to Central Towers, a resident asked Officer Cooper to discard several old prescription medications. During a visit at family housing, Officer Cooper learned of possible drug activity. Officer Cooper collected the information and forwarded it to a specialized unit for follow-up.

Officer Cooper attended DARE training for the first two weeks of December. She is eager to begin teaching the DARE curriculum, at Dover Middle School, in January.

On December 9th through December 12th, the Commission for Accreditation of Law Enforcement Agencies (CALEA) sent two site-based assessors to conduct its four year review of the department for re-accreditation. The department has been accredited since 1988, and this was be the tenth review that the department has had. The assessors spent the three and half days interviewing members of the department, city staff, Dover school staff, and other key members of the community who routinely work with or alongside the department.

Through guided tours and scheduled ride-alongs, the assessors also performed a thorough review of the facility and the department's operations. The assessors held a public call-in session along with a public hearing, affording the public the opportunity to provide comments and input about the agency.

On their last day of the assessment, the assessors met with the department administration about the review and informed the department that they would be recommending to the CALEA Commission that the Dover Police Department receive its tenth accreditation award.



During the CALEA on-site assessment, Chief Kulhawik, a CALEA Assessor and Chief of Police in Norwalk, Connecticut, meets with Officer Murch and Caproni at the Dover Police Department's Mounted Unit stables.

The Storz video laryngoscopes were put into service after all fire shifts where trained on these units. These high quality video devices have several features that allow not only a greater success rate at endotracheal intubation, but also provide for recording and photo ability, which is an invaluable feature for process QA/QI and training opportunities. This model is also the same as what is used at their resource hospital, Wentworth Douglass Hospital, allowing for quicker replacement and return-to-service times after being used on a call.

Chief Haas met with CASS Accreditation evaluators to discuss the excellent relationship enjoyed by the Fire Department, Police Department and the shared Dispatch Center. This process is a part of the ongoing recertification requirements of the Accredited Police Department.

Throughout the months and November and December, Dover Fire administration members worked together with police administration, members of Dispatch, and City Information Technology Services to continue reviewing bids and services offered by companies who responded to the City RFP for a replacement Computer Aided Dispatch and Records Management System.

On December 18th, Chief Haas and Information Technology administration participated in a conference call with ESRI representatives to discuss ways to better utilize the City's information and reporting systems to enhance dispatch, pre-fire planning and response awareness. ESRI is a leading mapping and GIS information gathering company that the City currently uses for many of its infrastructure needs. Dover Fire is investigating better ways to use its existing ESRI resources to capture data and develop a better presentation for reporting and daily operational awareness.

On December 20th, Chief Haas met with Father Gabrielle of St George's Maronite Church, to discuss their potential application as the City's first Conditional Use sheltering location. After meeting some additional basic life safety requirements for overnight use in their already approved assembly hall, St George's hosted several nights of overnight cold weather sheltering, in conjunction with volunteers from the Integrated Health Delivery Network. Over 20 homeless people utilized the conditional shelter on each of the nights it was open for this use.



Dover Fire members assisted administration from Woodman Park School in doing an exterior evaluation of the tower spire on Woodman Park School. After a recent bout of high winds, t Dover Fire's Tower Ladder (T1) was used to conduct a visual examination of the exterior. No concerns were found.

3. Leadership & Governance Outcomes

"EFFECTIVELY CONTINUE TO COMMUNICATE WITH THE COMMUNITY AT LARGE THROUGH VARIOUS MEANS AND SUPPORT CITIZEN ENGAGEMENT IN LOCAL GOVERNANCE AND COMMUNITY FORUMS, AND PROVIDE LEADERSHIP IN THE IMPLEMENTATION OF THE CITY'S MASTER PLAN."

The Department of Planning and Community Development continued to update its blog, Facebook page and Twitter feed to communicate with the public. The Department of Planning and Community Development has 502 Facebook friends and 902 followers on Twitter.

The Department of Planning and Community Development mailed 40 letters to new homeowners in the month of December. These letters note the zoning for their property and ways that new residents can get involved with the City and community. This is the resumption of a program that had been in place and curtailed in mid 2019.

The Department of Planning and Community Development promoted the Dover Community Trail through the Facebook fan page for the trail.

Media Services provided end-to-end production of live and recorded events in December, producing content for Channels 22 and 95, and online viewing. This included special programming on a variety of city programs and initiatives, including PSAs on recycling best practices.

Media Services provided coverage of numerous holiday events in December, including the annual Holiday Parade, Festival of Trees, Christmas Tree lighting, and many more.

Media Services produced a video for the schools about new competency based report cards in the elementary schools. The video included a roundtable discussion by administrators to address questions and concerns. The video is part of an ongoing series produced by Media Services for the SAU.

Among the PSAs and informational campaigns produced in December, Media Services launched the "Winter is Coming" campaign, intended to raise awareness and increase sign-ups for winter parking bans. The campaign produced an additional 300 subscribers in December.

Media Services distributed several news releases and public information across numerous platforms regarding the city's warming centers. These releases and posts are intended to inform and remind the public about the availability of the city's public facilities as warming centers, and the additional services provided to those seeking assistance.

Media Services produced videos and related media in December to help promote Greater Dover Chamber of Commerce and Dover Main Street events.

Media Services fulfilled several requests from various publications for photography and video of the City of Dover.

Media Services prepared and distributed 44 newsletters in December, including the weekly editions of Dover Download and numerous special announcements, as well as new project newsletters. These newsletters are designed to help communicate a wide variety of information to the public, of general interest and for specific projects and topics, and to instill the city's commitment to community stewardship.

Media Services distributed 56 press releases and numerous updates to the website and social media in December.

In December, DNTV-22 televised live, rebroadcast and made available online 15 public meetings and 3 special events. In addition, Media Services processed archival audio for all televised meetings, as well as additional audio for several boards and commissions, which is available via the city's archive of meetings and meeting minutes. This level of transparency in local governance adheres to the city's commitment to accountability to the public it serves.

Library staff posted 179 items in November and 172 items in December to its various social media platforms.

On November 3rd the Coalition had a display at the Dover High School unified sports 5k and health fair. Information about medication safety and safe disposal was distributed.

The Coalition and the Strafford County Public Health Network hosted the Strafford County Addiction Summit: Building Trauma Informed Communities. The day long training was held at Wentworth-Douglass Hospital on Wednesday November 20th and worked to educate and provide individuals living and working across the community with the knowledge, skills and tools to address challenges such as "adverse childhood experiences" by utilizing trauma informed care principles in their everyday lives and work. Over 160 people attended the event.



Large attendance at the Strafford County Addiction Summit



Michelle Muffett-Lipinski speaks during the Strafford County Addiction Summit

On November 6th seven members of Dover Youth to Youth provided an assembly of

Samantha Skunk Loves Her Os for the entire 2nd grade at Garrison School. This presentation teaches the students the value of exercise and the importance of not doing anything that makes it harder to breathe, such as smoking or vaping.

On November 12th three members of Youth to Youth provided a webinar for other coalitions and youth groups around New Hampshire on the issue of raising the age to purchase tobacco.

On November 19th four members of Youth to Youth also conducted a webinar for the State of North Carolina on Planning and Conducting Prevention Campaigns. The training was requested and sponsored by the agency responsible substance misuse training for the State of North Carolina. They in turn, advertised the availability of the training statewide.

During November, members of the Youth to Youth Monday night team recorded 4 radio PSAs at the studios of WTSN and FRANK FM WBYY. Two were part of our effort to expand our marijuana messaging and two were in support of our social norming campaign which focuses on reinforcing the message that (based on Dover's YRBS surveys) most kids don't drink, abuse medicine/pills and or use marijuana.

Dover Youth to Youth conducted its 13th annual Santa's Castle event in December over the weekend of December 14-15, and again on the Friday before Christmas. Over the course of the 3 evenings, the Y2Y students provided a Christmas experience for hundreds of people that toured five rooms of activities that included costumed characters, a brass band, dozens of elves, fun activities and Santa himself.



Youth to Youth "elves" preparing for customers to enter the 2019 version of Santa's Castle.

A new lesson on Pop Culture Influences on Alcohol Use has been completed. Starting in December Youth to Youth students will be trained in its delivery with an eye toward having them present at the January conference and in a national webinar later in the year. The new lesson was presented by Dana Mitchell to 3 groups of parents participating in the Police & Community Together (PACT) training program for the parents of 5th graders taking DARE at DMS.

During December, Youth to Youth students provided 5 Samantha Skunk presentations on Rx and medicine safety around the home to kindergarten students at Garrison School. The lesson is taught in brightly colored, full body costumes.

Each of the four 4th grade classroom at Horne Street School received the 2-lesson *TRUTH About Tobacco Program* in December. The first

lesson is about tobacco and e-cigarette consequences. The second lesson is presented by Dover Youth to Youth students and focuses on media literacy, tobacco advertising, and the tobacco industry's deceptive promotion of its products.



Y2Y members shown above teaching the 4th grade nicotine lesson in the classroom at Horne Street School.

On November 5th, Sergeant Tarmey, Sergeant Travaglini and several other officers conducted CRASE (Civilian Response to Active Shooter Event) training for the majority of the Dover School District. The presentation consisted of an overview of the CRASE material to a large audience, followed by guided discussions in smaller "breakout" groups.

Also on November 5th, Sergeant Tarmey and Officer Collis met with Dream Catchers NH to speak with the group about safety. Dream Catchers NH is a group of special needs young adults who meet monthly to develop life skills.

On November 8th, Sergeant Tarmey and Sergeant Travaglini conducted a similar CRASE presentation to St Thomas Aquinas School faculty. The format mirrored the presentation that was conducted at Dover High School on November 5th.

In November Sergeant Tarmey spoke with multiple churches and businesses regarding future "active shooter event" training dates. In addition to those future trainings, Sergeant Tarmey assisted Officer Collis in organizing a safety "walk through" with Temescal Wellness at their request. The business was burglarized earlier in the year, and the business sought input on how to keep the facility and employees safer.

Sergeant Tarmey, Officer Collis, and Officer Cooper started planning for the second annual Dover Police Department Holiday Movie Night scheduled for December 20th at 5pm. The event will feature a childrens' holiday movie, as well as a visit from Santa. All families from Dover Housing have been invited to attend. Several local businesses donated food and decorations for the event.

On December 6th Sergeant Tarmey coordinated the second phase of the CRASE training evolution with the Dover School District. During the training, Dover High School faculty were split into groups at designated locations throughout the school. At each location the groups participated in guided discussions about what to do during an active shooter event in that particular area of the school. The training was organized by Sergeant Travaglini and the department received positive feedback from the SAU.

On December 12th, Sergeant Tarmey and several other members of the CREU attended the Community Action Partnership's annual meeting/awards ceremony. The police department was recognized and awarded with the Community Champion Award for its ongoing efforts to help those in need. Notably, Mounted Patrol Officers Murch and Caproni

were highlighted during the presentation as key contributors in the department's involvement with CAP.

On December 16th Officer Collis and Sergeant Tarmey conducted an abbreviated CRASE presentation at the Townsquare Media facility on Middle Rd.

On December 20th Sergeant Tarmey and several other officers attended a charity/fundraiser breakfast hosted by the Bellamy Academy at Dover High School.

Also on December 20th, Officer Cooper, Officer Collis, Sergeant Tarmey and several other DPD officers hosted the annual "Holiday Movie Night" at the Seymour Osman Community Center at Dover Housing Authority.

On December 23, Sergeant Tarmey and Officer Collis met with faculty at Garrison Women's Health. The meeting was to schedule a future active shooter training at the facility in 2020.

On December 1st, Whittier Falls Housing entered a float in the annual Christmas parade. Several children were involved and rode on the float, while Officer Cooper walked along side.



Officer Cooper walks alongside the float made by Whittier Falls staff and residents during the annual holiday parade.

On 12/20/2019, Officers Cooper, Collis, Murch, Caproni and Sgt. Tarmey held a Christmas themed movie night for the children of Whittier Falls. Santa also made an appearance.



Officer Cooper holds a young Whittier Falls resident prior to the Whittier Falls holiday movie night event.



Officer Murch (on Santa's lap) along with Officers Cooper, Caproni, Collis and Sergeant Tarmey pose with Santa prior to the Whittier Falls holiday movie night event.

On 12/21/2019, Officer Cooper assisted with delivering the annual Christmas basket program. Officers Cooper and Collis delivered to 25 families on Hampshire Circle. While delivering the baskets, Officer Cooper was able to interact with many of the residents.



Officer Cooper poses with Officer Plummer (plain clothes) and several children with the Christmas Food Baskets prior to delivery on December 21, 2019.

Officer Murch helped initiate the "Bigs with Badges" program at the Dover Police Department. The program, the first in New Hampshire, pairs police officers with youth to act as mentors for them. Officer Murch and her "little" began meeting 3 months ago. Chief Breault and four other officers also have been matched with littles. On December 18, the Dover Police Department hosted a holiday party for the littles at the police station. Santa brought gifts and there was pizza, cookies and cupcakes to eat. The officers and their littles made gingerbread houses and ornaments while also playing games. The children also had the chance to sit in a police cruiser.



Detective Courter, Officer Donais, Officer Murch, Chief Breault, and Officer Dunne pose with their littles and Santa Claus during the Bigs with Badges Christmas celebration at the police department.

On November 21, 2019, Special Investigations Unit Sergeant Mark Nadeau spoke to staff at First Seacoast Bank regarding procedures regarding robberies and other safety topics.

On November 22, 2019, Sergeant Nadeau spoke to staff at Temescal Dispensary regarding procedures regarding robberies and other safety topics.

Each year, members of the Dover Police Department and their families gather on the Saturday before Christmas to distribute food to the needy. The food, which includes many staples needed to make several meals, comes in a laundry basket. Also included with the delivery is a frozen turkey and a meal box from Hannaford. Some of the food is purchased by the Dover Police Charities but much of it is donated.



Sergeant Speidel and Officer Levin picked up donated food at the Woodman Park School. This is one of a few sites throughout the City that donated proceeds of their food drives to the Dover Police Department's annual Christmas Basket delivery.



Officers O'Neil and Meyer prepare to make a food basket delivery on December 21, 2019.

On December 1, 2019, the majority of the police department participated in the annual City of Dover Holiday Parade. This included officers working at traffic posts as well as those marching or walking in the parade.



2019 City of Dover Holiday Parade

On November 21st and December 18th Assistant Fire Chief Spainhower attended the Mental Health Workgroup. This workgroup is a group of community members at want to help bring awareness to mental health in the city of Dover. This is a community effort and your experiences, insights and time will result in creating awareness and educating the community about mental illness, mental wellness and suicide prevention.

The Dover Fire Toy Bank helped bring Christmas joy to over 150 families this year. This program has been coordinated by current and retired members of the Dover Fire & Rescue for more than 40 years. The Dover Fire Toy Bank started out all those years ago helping a dozen families in the city. In the past, the Toy Bank has provided for more than 350 families in a single year.

In addition to toys and games, the Dover Fire Toy Bank also provides educational gifts, warm clothing, and boots to many children in Dover.

The Dover community — area businesses, seniors, families, school groups, civic groups and others have been very supportive and generous in the past, according to the Toy Bank. Donations of toys, games, clothing, personal hygiene items, gift certificates, and monetary donations have enabled them to help those less fortunate. The Dover Fire Toy Bank would not be successful without the continued help from the community.



Santa's helpers.

4. Financial & Benchmark Outcomes

"MAINTAIN AND STRENGTHEN FINANCIAL STABILITY OF MUNICIPALITY TO INCLUDE REPORTING ON ANY FINANCIAL CONCERNS AND ADDRESSING THEM AS THEY MAY ARISE DURING THE COURSE OF THE FISCAL YEA

PURCHASE ORDERS – OVER $5,000

DAC	PO Date	PO #	Vendor Name	Amount
Info Tech	12/12/2019	202005460	HOWARD SYSTEMS, LLC.	$6,316.00
Info Tech	12/18/2019	202005578	SOUTHERN COMPUTER WAREHOUSE	$8,312.08
Info Tech	12/23/2019	202005740	DELL MARKETING L.P.	$9,319.82
Community Services	12/20/2019	202005704	TRI-STATE SEALCOATING & PAVING	$5,058.00
Community Services	12/20/2019	202005721	BOBCAT OF NH	$5,756.56
Community Services	12/30/2019	202005811	NORTHEAST RESOURCE RECOVERY	$6,070.03
Community Services	12/18/2019	202005656	TRI-STATE SEALCOATING & PAVING	$6,930.00
Community Services	12/18/2019	202005577	ELECTRIC LIGHT CO, INC.	$7,436.00
Community Services	12/11/2019	202005421	S.J CANTWELL, INC.	$14,800.00
Community Services	12/03/2019	202005140	MACKINNON & SONS EXCAVATING	$35,000.00
Community Services	12/04/2019	202005207	COBB HILL CONSTRUCTION, INC.	$37,901.11
Community Services	12/23/2019	202005745	DOVER LANDFILL BELLAMY TRUST	$139,600.00
Community Services	12/23/2019	202005741	DOVER LANDFILL REMEDIAL ACTION	$554,840.00
Community Services	12/12/2019	202005455	D. AND C. CONSTRUCTION COMPANY	$4,723,660.00
Executive	12/19/2019	202005683	DRUMMOND WOODSUM	$6,659.64
Executive	12/09/2019	202005273	STATE OF NH-DEPT OF LABOR	$6,843.07
Executive	12/09/2019	202005272	SHEEHAN, PHINNEY, BASS & GREEN	$16,571.76
Fire and Rescue	12/11/2019	202005334	ZCO COPRORATION	$5,292.00
Planning	12/18/2019	202005579	JENNIFER L MORIN	$150,000.00
Police	12/30/2019	202005813	ROBERT H. IRWIN MOTORS, INC.	$30,735.00
Recreation	12/16/2019	202005508	A YANKEE LINE, INC.	$10,062.00

BIDS

Department	Bid #	Bid Date	Description
Police	B20030	12/18/2019	Wrecker Towing Service

The City Manager's proposed Capital Improvements Program project list for FY21-26 was reviewed and approved by the City Council December 11, 2019. This six year program contains the City's infrastructure and equipment needs, and ties them to a financial plan for implementation. The Planning Board approved the plan after a public hearing in November.

New furniture and shelving were installed throughout the lower level of the Children's Room after Christmas. All units are mobile and will be moveable in the future. This renovation was made possible by a donation of $50,000 from the Rotary Club of Dover.

The Library received generous donations of $350 from patron Mildred Parks and $1500 from the Liberty Mutual Charitable Gift Fund in December.

The Friends of the Library's annual booksale made $8,044 for the organization.

Waterfront/Shoreland Stabilization/Site Preparation: Planning and Community Development staff continued to assist the Cochecho Waterfront Development Advisory Committee in its pursuit of developing the City's River Street parcel. City Planner Bird organized and attended a CWDAC Site Plan Sub-committee meeting on December 10th to review phase 1 site plans. City Planner Bird attended the December 11th City Council meeting to speak to a resolution to expand the Severino Ticking contract to permit additional bluff removal. City Planner Bird met with the Finance Director on December 16th to discuss the Waterfront TIF financial information. Staff met with Cathartes on December 17th to discuss the site plan review and TRC process. City Planner Bird prepared for and held a CWDAC meeting on December 17th to provide an update on environmental permitting and obtain approval for an amendment to the LDA. Staff met with the City Attorney on December 19th to prepare the LDA amendment.

Community Trail: Work on the third phase of the Community Trail continues as Planning and Community Development staff Planning Department finalized and recorded the four necessary easements for Phase III. The consultant began the shoreland permitting process with NHDES and the City will soon be able to go out to bid for construction. This is all part of the $320,000 federal grant to design, engineer, and construct improvements to the Community Trail south of Fisher Street and north of Fourth Street.

Phase IV: Planning Staff continue to negotiate with an engineering firm and the Council approved the award of bid. City Planner Benton forwarded the agreement and materials for NHDOT's review. The next step would be to begin the Engineering Study. NHDOT is reviewing the resubmittal.

Wayfinding: **City Planner Benton met with the Purchasing Agent, Assistant City Manager and consultant about redesigning and implementing the wayfinding bid for a city wide project rather than Silver Street as a pilot. The consultant is redoing the scope and fees for City staff to review in October. The goal would be to go out to bid in the winter for installation in the spring or early summer 2020. Staff and the consultant remain in negotiations on a revised scope of work.**

Planning and Community Development staff worked with Strafford Regional Planning Commission staff to review Dover's needs within the State's Transportation Improvements Plan. These projects are also reflected in the City's Capital Improvement's Program. Projects include streetscape and pedestrian improvements on Chestnut Street, congestion mitigation on Durham Road and soundwalls on Keating and Birchwood.

Chestnut/Washington Street Reconstruction:

By the end of December, 2019, the additional lane had been opened to traffic use at Washington Street, on Chestnut Street. The lane isn't fully completed as some utility pole work and sidewalk work still needs to be completed. This work is expected to be completed when the weather allows.

City of Dover

Revenues of Major Funds
December 31, 2019
(General Fund Includes Property Taxes and Education Revenues)

	Budget	Range To Date	Year To Date	% Year To Date	Budget Balance	Encumbrance	Budget Available	% Uncollected
REVENUES								
1000 General Fund								
Taxes	$ 91,306,437	$ 41,837,381	$ 45,452,474	50.0%	$ 45,853,963	$ -	$ 45,853,963	(50.2)%
Licenses & Permits	6,648,284	653,605	3,556,559	53.0	3,091,725	-	3,091,725	46.5
Intergovernmental	2,329,725	792	829,347	36.0	1,500,378	-	1,500,378	64.4
Charges for Services	3,822,518	320,411	1,834,081	48.0	1,988,437	(39,050)	2,027,487	53.0
Miscellaneous Revenue	805,604	44,185	581,024	72.0	224,580	(1,740)	226,320	28.1
Education	16,237,275	(48)	5,783,666	36.0	10,453,609	-	10,453,609	64.4
Operating Transfers In	430,754	-	-	0.0	430,754	-	430,754	100.0
Other Financing Sources	119,900	-	-	0.0	119,900	-	119,900	100.0
Sub-total : 1000 General Fund	$ 121,700,497	$ 42,856,327	$ 58,037,150	48.0%	$ 63,663,347	$ (40,789)	$ 63,704,136	52.3%
3213 Parking Activity Fund								
Licenses & Permits	$ 228,000	$ 30,831	$ 155,104	68.0%	72,897	$ -	$ 72,897	32.0%
Parking Income	610,000	76,386	506,229	83.0%	103,771	-	103,771	17.0%
Parking Fines	181,725	16,159	92,954	51.0%	88,771	-	88,771	48.8%
Other Financing Sources	0	-	-	0.0	-	-	0	0.0
Sub-total : 3213 Parking Activity Fund	$ 1,019,725	$ 123,376	$ 754,287	74.0%	$ 265,438	$ -	$ 265,438	26.0%
3320 Residential Solid Waste Fund								
Intergovernmental	$ 11,500	$ -	$ 6,064	53.0%	$ 5,436	$ -	$ 5,436	47.3%
Charges for Services	1,036,082	101,852	557,804	54.0%	478,278	-	478,278	46.2%
Miscellaneous Revenue	0	112	1,295	0.0	(1,295)	-	(1,295)	0.0
Other Financing Sources	0	-	-	0.0	0	-	0	0.0
Sub-total : 3320 Residential Solid Waste	$ 1,047,582	$ 101,964	$ 565,163	54.0%	$ 482,419	$ -	$ 482,419	46.1%
3381 McConnell Center Fund								
Miscellaneous Revenue	$ 753,885	$ 58,966	$ 346,508	46.0%	$ 407,377	$ -	$ 407,377	54.0%
Operating Transfers In	180,044	17,645	120,441	67.0	59,603	-	59,603	33.1
Sub-total : 3381 McConnell Center	$ 933,929	$ 76,611	$ 466,949	50.0%	$ 466,980	$ -	$ 466,980	50.0%
3410 Recreation Special Revenue Fund								
Charges for Services	$ 443,980	$ 14,271	$ 171,512	39.0%	$ 272,468	$ -	$ 272,468	61.4%
Miscellaneous Revenue	15,500	542	1,681	0.1	$ 13,819	-	13,819	89.2
Operating Transfers In	20,000	-	-	0.0	20,000	-	20,000	100.0
Other Financing Sources	-	-	-	0.0	0	-	0	#DIV/0!
Sub-total : 3410 Recreation Special Revenue Fund	$ 479,480	$ 14,812	$ 173,194	36.0%	$ 306,286	$ -	$ 306,286	63.9%
5300 Water Fund								
Intergovernmental	$ 2,500	$ -	$ 870,447	34818.0%	$ (867,947)	$ -	$ (867,947)	-34717.9%
Charges for Services	5,792,263	534,652	2,777,138	0.5	$ 3,015,125	-	3,015,125	52.1
Miscellaneous Revenue	70,500	13,491	89,991	128.0	(19,491)	-	(19,491)	(27.6)
Sub-total : 5300 Water Fund	$ 5,865,263	$ 548,143	$ 3,737,575	64.0%	$ 2,127,688	$ -	$ 2,127,688	36.3%
5320 Sewer Fund								
Intergovernmental	$ 31,974	$ -	$ 14,529	45.0%	$ 17,445	$ -	$ 17,445	54.6%
Charges for Services	7,569,359	683,255	3,686,951	49.0	3,882,408	-	3,882,408	51.3
Miscellaneous Revenue	57,000	3,595	64,600	113.0	(7,600)	-	(7,600)	(13.3)
Other Financing Sources	520,992	-	-	0.0	520,992	-	520,992	100.0
Sub-total : 5320 Sewer Fund	$ 8,179,325	$ 686,850	$ 3,766,080	46.0%	$ 4,413,245	$ -	$ 4,413,245	54.0%
6100 Dovernet Fund								
Charges for Services	$ 1,343,994	$ 75,312	$ 667,386	50.0%	$ 676,608	$ -	$ 676,608	50.3%
Miscellaneous Revenue	25,000	-	25,000	1.0	$ -	-	-	0.0
Operating Transfers In	-	-	-	0.0	0	-	0	0
Other Financing Sources	100,000	-	-	0.0	100,000	-	100,000	100.0
Sub-total : 6100 Dovernet Fund	$ 1,468,994	$ 75,312	$ 692,386	47.0%	$ 776,608	$ -	$ 776,608	52.9%
Total : REVENUES	$ 140,694,795	$ 44,483,395	$ 68,192,785	48.0%	$ 72,502,010	$ (40,789)	$ 72,542,799	51.6%

City of Dover

Expenditures of Major Funds
December 31, 2019
(General Fund Includes County, School and Debt Service)

	Budget	Range To Date	Year To Date	% Year To Date	Budget Balance	Encumbrance	Budget Available	% Available
EXPENDITURES								
1000 General Fund								
City Council	$ 555,051	$ 19,051	$ 206,985	37.0%	$ 348,066	$ 228,088	$ 119,978	21.6%
Executive	1,206,257	90,158	616,188	51.0	590,069	425,187	164,882	13.7
Finance	1,935,480	146,774	991,769	51.0	943,711	659,001	284,710	14.7
Planning	793,802	60,165	394,910	50.0	398,892	267,453	131,439	16.6
Misc General Government	865,586	72,850	240,419	28.0	625,167	80,971	544,196	62.9
Police	9,532,994	814,358	4,695,533	49.0	4,837,461	3,020,187	1,817,274	19.1
Fire & Rescue	9,821,524	1,013,654	4,960,196	51.0	4,861,328	2,568,185	2,293,144	23.3
Community Service Public Works	8,001,097	365,073	2,426,694	30.0	5,574,403	2,341,568	3,232,834	40.4
Recreation	2,361,663	145,835	1,043,051	44.0	1,318,612	552,362	766,250	32.4
Public Library	1,565,776	121,806	778,907	50.0	786,869	512,791	274,078	17.5
Public Welfare	804,876	46,288	262,622	33.0	542,254	106,920	435,333	54.1
Debt Service	12,853,698	5,028	868,345	7.0	11,985,353	22,728	11,962,625	93.1
Other Financing Sources/Uses	3,927,672	131,645	902,370	23.0	3,025,302	-	3,025,302	77.0
School	58,177,215	4,126,949	22,373,331	38.0	35,803,884	34,260,891	1,542,993	2.7
Intergovernmental	9,297,806	9,279,253	9,279,253	100.0	18,553	-	18,553	0.2
Sub-total : 1000 General Fund	$ 121,700,497	$ 16,438,889	$ 50,040,573	41.1%	$ 71,659,924	$ 45,046,333	$ 26,613,592	21.9%
3213 Parking Activity Fund								
Police	$ 1,019,725	$ 47,804	$ 326,784	32.0%	$ 692,941	$ 192,454	$ 500,487	49.1%
Sub-total : 3213 Parking Activity Fund	$ 1,019,725	$ 47,804	$ 326,784	32.0%	$ 692,941	$ 192,454	$ 500,487	49.1%
3320 Residential Solid Waste Fund								
Community Service Public Works	$ 1,155,460	$ 79,116	$ 484,279	42.0%	$ 671,181	$ 543,989	$ 127,192	11.0%
Sub-total : 3320 Residential Solid Waste Fund	$ 1,155,460	$ 79,116	$ 484,279	41.9%	$ 671,181	$ 543,989	$ 127,192	11.0%
3381 McConnell Center Fund								
Recreation	$ 933,929	$ 32,336	$ 200,829	22.0%	$ 733,100	$ 141,926	$ 591,174	63.3%
Sub-total : 3381 McConnell Center Fund	$ 933,929	$ 32,336	$ 200,829	21.5%	$ 733,100	$ 141,926	$ 591,174	63.3%
3410 Recreation Special Revenue Fund								
Recreation	$ 479,480	$ 35,462	$ 232,498	48.0%	$ 246,982	$ 56,782	$ 190,199	39.7%
Sub-total : 3410 Recreation Special Revenue Fund	$ 479,480	$ 35,462	$ 232,498	48.5%	$ 246,982	$ 56,782	$ 190,199	39.7%
5300 Water Fund								
Community Service Public Works	$ 5,901,912	$ 317,002	$ 2,313,247	39.0%	$ 3,588,664	$ 719,953	$ 2,868,711	48.6%
Sub-total : 5300 Water Fund	$ 5,901,912	$ 317,002	$ 2,313,247	39.2%	$ 3,588,664	$ 719,953	$ 2,868,711	48.6%
5320 Sewer Fund								
Community Service Public Works	$ 8,272,046	$ 505,752	$ 3,253,180	39.0%	$ 5,018,867	$ 1,320,400	$ 3,698,466	44.7%
Sub-total : 5320 Sewer Fund	$ 8,272,046	$ 505,752	$ 3,253,180	39.3%	$ 5,018,867	$ 1,320,400	$ 3,698,466	44.7%
6100 Dovernet Fund								
Other Financing Sources/Uses	$ 1,516,176	$ 140,701	$ 563,069	37.0%	$ 953,107	$ 334,969	$ 618,138	40.8%
Sub-total : 6100 Dovernet Fund	$ 1,516,176	$ 140,701	$ 563,069	37.1%	$ 953,107	$ 334,969	$ 618,138	40.8%
Total : EXPENDITURES	$ 140,979,225	$ 17,597,061	$ 57,414,458	40.7%	$ 83,564,767	$ 48,356,807	$ 35,207,960	25.0%

City of Dover

Arena - General Fund
Revenue & Expenditure Report
(Including Arena Debt Service attributed to the General Fund)
December 31, 2019

	Budget	Range To Date	Year To Date	% Year To Date	Budget Balance	Encumbrance	Budget Available	% Available
Revenue	1,217,196	146,273	526,220	43.2	690,976	0	690,976	56.8
Expenditures	1,007,445	68,456	449,198	44.6	558,247	295,736	262,510	26.1
Debt Service								
Principal	205,000	0	0	-	205,000	0	205,000	100.0
Interest	4,751	0	0	-	4,751	0	4,751	100.0
	(0)	**77,817**	**77,022**	**(1)**	**(77,022)**	**(295,736)**	**218,714**	**(169)**

5. Workforce Focused Outcomes

"CONTINUE TO RECRUIT, RETAIN AND SUPPORT TRAINING OF EMPLOYEES AND VOLUNTEERS NECESSARY TO FULFILL SERVICE DELIVERY NEEDS OF COMMUNITY."

Employee Anniversaries – **January 2020**

Employee Name	Division	Years of Service
Bannon, Gary S	Recreation	30
Haas, Paul W	Fire	22
Keefe, Timothy J	Police	20
Plante, Marc A	Fire	19
Carmichael, John R	Police	16
Carlson, Oake D	Police	14
Michaud, Matthew L	Fire	11
Retrosi, Stephanie W	Police	10
Peters, David	Executive	9
Plummer, Christopher R	Police	9
Falconer, Patricia M	Library	4
Glowacki, Nicholas D	Police	4
Lepage, Marcel J	Recreation	3
Abbott, Thomas R	Fire	2
Duffy, Quinn R	Fire	2
Scarponi, Michael R	Library	2
Cartabona, Stephanie E	CSPublic Works	1
Couturier, Christopher L	Fire	1

DECEMBER SEPARATIONS: 08

2 Community Services Department
1 Public Library
2 Police Department
3 Recreation Department

DECEMBER NEW HIRES: 03

1 Public Welfare Department
2 Recreation Department

In November, library staff members attended an NHLA Membership/Continuing Education meeting, a meeting of the Mental Health,

Suicide Prevention & our Community at WDH. Staff also attended three Koha Upgrade webinars, and "Providence Talks Replication: Early Childhood Innovation at the Municipal Level" webinar, and virtually attended the "LibraryCon Live" conference.

In December, library staff members attended the Mental Health Workgroup meeting at WDH. Staff also viewed webinars on "Writing Boxes: The Reading-Writing Connection", "Applying Trauma-Informed Concepts to Reduce Harm", and "Libraries and Homeless Patrons."

The whole staff attended the library's Annual Staff Development Day on December 6.



Lt. David Martinelli

On December 31, 2019, Lieutenant David Martinelli retired after approximately 25 years of service to the City of Dover. Lieutenant Martinelli was a patrol supervisor, oversaw the department's Field Training Program and was a senior member of the Accident Reconstruction Team.

On December 20, 2019, Officer Christopher Gibbons graduated from the 180th session of the NH Police Academy. Officer Gibbons will participate in an additional 16 weeks of field training before beginning solo patrol.



Officer Christopher Gibbons

On November 18, 2019, Lisa St Hilaire began her career with the Dover Police Department as a Public Safety Dispatcher. Lisa is a resident of Farmington, NH and a graduate from the University of Southern Maine with a Bachelor's degree in Criminology. Lisa is a life-long resident of the area, having grown up in South Berwick, Maine.



Dispatcher Lisa St. Hilaire

On November 4 & November 7, 2019, 17 sworn officers attended Intoxilyzer 9000 Recertification. This recertification is

mandatory each year to stay certified to conduct breathalyzer tests.

From November 12-14, 2019, Sergeant Alex Mitrushi attended Supervisor's Academy held by Primex. The three day training has students take an active role in the classroom as they learn about a broad range of immediately useful leadership topics.

On November 4, 2019, Officers Derek O'Neil, Killian Kondrup, David Anderson, and Michael Volpe attended Mental Illness & Legal Process held at Police Standards & Training. This 4 hour course is designed to provide the officer with a comprehensive understanding of specific mental illnesses, medications associated with mental illness, de-escalation, and legal issues surrounding mental illness, including the IEA process.

From November 18-21, 2019, Detective Adam Gaudreault attended Advanced Digital Forensic Analysis. This course covers the identification and extraction of artifacts associated with the Microsoft Windows operating system.

On November 20, 2019, Captain Terlemezian, Officer Cooper, Officer Collis, Vicki Harris, Steve Pappajohn, and Stephanie Retrosi attended the Strafford County Addiction Summit. This annual event incorporates education, networking, and dialogue to set the tone for the next year of work among Strafford County's substance misuse professionals.

All sworn officers completed annual Use of Force classroom training and night firearms qualification during the month of November.

On November 14, 2019, Detective Oake Carlson attended a briefing on the Las Vegas Harvest Festival mass shooting held at the University of New Hampshire in Durham.

On December 2, 2019, Officer Bryon Lynch attended Intoxilyzer 9000 re-certification. This certification is required yearly in order to conduct breathalyzer tests.

From December 2-13, 2019, Officer Juel Cooper attended DARE Officer Training. This intensive two week course prepares officers to teach the DARE curriculum in the classroom. Skills taught include basics of teaching children, public speaking, presentation skills and lesson plan development. Officer Cooper presented to her class multiple times during the course of the two weeks. Additionally, she taught a DARE lesson at a local elementary school.



Lieutenant Dolleman, Officer Collis, and Sergeant Tarmey pose with Officer Cooper (holding the stuffed lion) at her DARE graduation.

From December 4-6, 2019, Members of the Crime Scene Unit (Detective Tim Burt, Officers Paul Levin, Scott Petrin, Molly Martuscello, and Jenna Donais) attended the New England Division of the International Association for Identification (NEDIAI) Conference held in Portland, Maine. This yearly conference holds

various workshops associated with crime scene investigations.

On December 19, several police department employees attended a presentation on Autism/Asperger's Syndrome geared to law enforcement and first responders. Information was presented regarding day-to-day encounters and best practices of working with individuals within the Autism Spectrum Disorder. The program is a collaboration with local resident Megan Miller, who has helped heighten awareness of this issue in the Dover community.

Several sworn and non-sworn employees completed a practical course on CPR, AED, and Stop the Bleed (Tourniquet) application. This practical course, taught by Dover Fire and Rescue, complements the online course that the staff members had already completed.

On December 12, 2019, the police department received the "Community Champion" award from the Community Action Partnership of Strafford County. The award, presented to a partner agency that works frequently with Community Action, was due to the police department's commitment to compassionate community policing. Several members of the department attended the agency's annual meeting during which the award was announced.



Chief William Breault accepts the Community Action Partnership "Community Champion" Award on behalf of the police department.

Some of the members of the police department that attended the Community Action Partnership's annual meeting.



Some of the members of the department that attended the Community Action Partnership's annual meeting.

On November 6th and 7th Assistant Chief Spainhower attended a Texas A&M Engineering Extension service (TEEX) at Wentworth Douglass Hospital on Disaster Management for Public Services. The Disaster Management for Public Services course provides real world training to public service professionals helping to provide both the knowledge and skills necessary to protect their communities and infrastructure from potential or actual threats. During this course, participants work together in multidisciplinary teams to apply the course information with their professional experience in a variety of hands-on, small group activities, and disaster scenarios.

This course brought together emergency management personnel who are expected to identify and mitigate hazards, and who plan and manage disaster response and recovery efforts within their jurisdictions. Representatives from public service agencies, fire services, law enforcement, emergency medical services, emergency planning, public health, and hazardous materials response organizations were in attendance.

On November 6th and 7th Assistant Chief Spainhower attended a Texas A&M Engineering

Extension service (TEEX) at Portsmouth Regional Hospital on Medical Management of Chemical, Biological, Radiological, Nuclear and Explosives, (CBRNE) events. This course is a combination of facilitated discussions, small-group exercises, Human Patient Simulator hands-on scenarios, and traditional classroom discussions. Exercises are conducted in a CBRNE scenario using both adult and pediatric Human Patient Simulators to reinforce classroom lectures and interaction.

This course promotes critical thinking skills while utilizing the RAPID-Care concept. The multi-discipline make-up of the participants helps to strengthen information sharing, communications, and medical surge capabilities.

Dover Fire & Rescue established a firefighter candidate eligibility list. 18 oral boards were conducted over two days. 10 applicants were chosen to move forward and participate in a day-long firefighter candidate assessment center. The oral board interviews and assessment center were conducted with the assistance of approximately 32 off duty personnel and staff officers. The on-duty crew also provided assistance throughout the assessment center. A total of six candidates were chosen to be placed on the firefighter candidate eligibility list.

On November 14th the department hosted Engineer's training provided by Got Big Water Llc, an entity that provides expert training on rural water supply tactics and strategies. The focus of this training was on tanker shuttle and portable water tank evolutions. Tankers shuttles and portable tanks are used in areas of the city without a municipal water supply for fire hydrants, or if there was ever a compromise in the water system supplying the fire hydrants. In short, fire apparatus will shuttle water from a source to the fire scene and off load their water to portable tanks that is then used to supply the hose lines used to fight the fire. Although most of the city falls within the hydrant districts, there are outlying areas outside the hydrant districts that would require a tanker shuttle/ portable tank operation to supply water in the event of a fire.

Incidents involving a rural water supply are typically more involved and laborious due to the increased equipment and personnel that are needed to successfully execute this tactic. Rural water supply operations also require an extremely coordinated effort with all that are involved. Because of these complexities, an invitation was extended to surrounding mutual aid communities to participate in our training as we would rely on their assistance, equipment and personnel on a fire scene in these districts. The City of Rochester, Town of Durham and Town of South Berwick provided a tanker, equipment and personnel to be involved with our personnel during this training.



On December 6th, 2019, several members of the department attended a seminar that reviewed the largest arson investigation in the country that occurred in Boston, MA in the early to mid 1980's. The investigation involved more than 264 fires over the course of two years. Many of these fires grew to multiple alarms and often times, more than one multi alarm fire was set in a night.



Assistant Chief Dale Spainhower, Deputy Chief Craig Chabot and Captain David Hanna coordinated CPR and Stop The Bleed training for the Police Department. Dover Police Department contacted Dover Fire to see if it would be possible to provide training to familiarize uniformed members of the PD with a new style of tourniquet that they were being issued. Because all members of DPD (sworn officers, dispatch, I.T. parking enforcement, administrative and executive staff) required CPR recertification, it was decided that a Stop The Bleed class would be incorporated in addition to the CPR training for everyone. Along with the CPR certification, all members will receive a certificate of attendance for the Stop The Bleed Class.

Minutes count! Someone who is severely bleeding can bleed to death in as little as 2-5 minutes. That's why bleeding control—keeping the blood inside the body—is the purpose of Stop the Bleed training. The "Stop the Bleed" campaign was initiated by a federal interagency workgroup convened by the National Security Council Staff, The White House. The purpose of the campaign is to build national resilience by better preparing the public to save lives by raising awareness of basic actions to stop life threatening bleeding following everyday emergencies and man-made and natural disasters. Advances made by military medicine and research in hemorrhage control during the wars in Afghanistan and Iraq have informed the work of this initiative which exemplifies translation of knowledge back to the homeland to the benefit of the general public.

On November 1st, Sergeant Tarmey, Officer Collis and several other officers organized and conducted the departments "firearms skill builder" training. The training consisted of 40mm familiarization, TASER recertification, introduction to breaching doors, advanced building search techniques and patrol rifle skill building. The training was very well received by all who participated.

6. Sustainability-Focused Outcomes

"DEVELOP STRATEGIES AND IMPLEMENT PROGRAMS THAT ENCOURAGE THE EFFICIENT USE AND PRESERVATION OF NATURAL RESOURCES BY MUNICIPAL SERVICES AND THROUGHOUT THE COMMUNITY."

Planning and Community Development and Community Services staff continued to work with Gaia Energy to study City owned buildings and property to see identify opportunities for solar panels beyond the high school and indoor pool projects.

The Assistant City Manager reviewed changes necessary to a request for proposal for solar panel projects on the Wastewater Treatment Facility, Transportation Center and new Facilities and Grounds building.

City Planner Bird and the Assistant City Manager attended the annual Climate Summit in Greenland on December 4th. Dover's Transfer of Development Rights and innovative financing measures were highlights of the summit.

The Library's retrofit project to replace all fluorescent and incandescent bulbs with LEDs has been completed. The new lights measure 4,000 on the Kelvin scale.

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Organizational Meeting
Meeting Location: Office of the City Manager, City Hall
Meeting Date: **Monday, January 6, 2020**
Meeting Time: **6:00 pm**

Present: Mayor Carrier, Councilor Ciotti, Councilor Cullen, Councilor Manley, Councilor Muffett-Lipinski, Councilor O'Connor, Councilor Shanahan, Councilor Thibodeaux, and Councilor Williams.
Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

City Clerk Mistretta called the meeting to order.

1. OATH OF OFFICE

The City Council was sworn in by City Clerk Mistretta.

2. ELECTION OF DEPUTY MAYOR

Mayor Carrier asked the Council who was interested in the Deputy Mayor position.
Councilor Ciotti and Councilor Shanahan stated they were interested.
Mayor Carrier asked for a verbal vote from the Council.
Councilor O'Connor – Ciotti
Councilor Shanahan – Shanahan
Councilor Williams – Shanahan
Councilor Manley – Ciotti
Councilor Ciotti – Ciotti
Councilor Cullen – Ciotti
Councilor Thibodeaux – Ciotti
Councilor Muffett-Lipinski – Ciotti
Mayor Carrier - Ciotti
Vote: 7 for Councilor Ciotti, and 2 for Councilor Shanahan.
Mayor Carrier moved for a hand vote in support of Councilor Ciotti; seconded by Councilor O'Connor.
Vote: 9/0.

3. COMMITTEE APPOINTMENTS

Mayor Carrier gave an overview of the Council Liaison list.

Mayor Carrier said they will allow Karen Weston to continue serving on the Joint Building Committee for the Garrison Elementary School as a non-voting member.

Mayor Carrier moved to appoint Karen Weston to the Dover 400th Anniversary Committee; seconded by Councilor Shanahan.
Vote: 9/0.

4. ADOPTION OF 2020-2021 COUNCIL PROCEDURAL RULES

Mayor Carrier went over the recommendations for amendments to the Councilor Rules with the Council.
Councilor Shanahan moved to adopt as amended; seconded by Councilor Ciotti.
Vote: 9/0.

5. ADJOURN

Councilor Muffett-Lipinski moved to adjourn; seconded by Councilor Shanahan.
Vote: 9/0.

The Council Liaison list and the amended Council Procedural Rules have been archived with these minutes.

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Workshop Session**
Meeting Location: **City Hall, Councilor Chambers**
Meeting Date: **Wednesday, January 8, 2020**
Meeting Time: **6:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Thibodeaux led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, Councilor Manley, Councilor Muffett-Lipinski, Councilor O'Connor, Councilor Shanahan, Councilor Thibodeaux, and Councilor Williams.
Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. CITIZEN'S FORUM

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

6. DISCUSSIONS

A. SOLID WASTE AND RECYCLING BID

Community Services Director Storer gave a PowerPoint presentation to the Council regarding the Solid Waste and Recycling Bid.

7. ADJOURNMENT

Councilor Muffett-Lipinski moved to adjourn; seconded by Councilor O'Connor.
Vote: 9/0.

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, January 8, 2020**
Meeting Time: **7:00pm**

1. CALL TO ORDER

~~2. MOMENT OF SILENCE~~

~~3. PLEDGE OF ALLEGIANCE~~

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, Councilor Manley, Councilor Muffett-Lipinski, Councilor O'Connor, Councilor Shanahan, Councilor Thibodeaux, and Councilor Williams.
Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

Deputy Mayor Ciotti moved to approve the Agenda; seconded by Councilor Thibodeaux.
Vote: 9/0.

7. PUBLIC HEARINGS

8. CITIZEN'S FORUM

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

Jo Jordan, 9 Deepwood Drive: She spoke about the School Board's budget and her concern about the impact on property taxes. She also thanked whoever was responsible for the greatly appreciated warming centers.

Nathan Downs, 59 Cottonwood Drive: He spoke in favor of the Waste Management contract.

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

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing to the Council. He highlighted two items for the Council:

- The City has received the EPA Draft for the National Pollutant Discharge Elimination System (NPDES) permit, and City staff is evaluating its impact.
- Presentation regarding the Local Economy to be hosted by the Greater Dover Chamber of Commerce on Tuesday, January 28, 2020.

Deputy Mayor Ciotti moved to accept the City Manager's Report; seconded by Councilor Manley.
Vote: 9/0.

10. APPROVAL OF MINUTES

A. December 11, 2019 – Regular Meeting

Deputy Mayor Ciotti moved to approve the Minutes; seconded by Councilor Shanahan.
Vote: 9/0.

11. MAYOR'S REPORT

Mayor Carrier invited Dover Main Street Chairperson Erin Tellez to speak to the Council.
Ms. Tellez addressed the Council about the functions and events hosted by Dover Main Street.

Mayor Carrier listed the events he attended. He also thanked St. George's and St. John's Churches for opening up as Homeless Shelters.

Deputy Mayor Ciotti moved to accept the Mayor's Report; seconded by Councilor Shanahan.
Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. **FISCAL YEAR 2020 CIP APPROPRIATION AND AUTHORIZATION FOR CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN FOR INNOVATIVE ILLICIT DISCHARGE AND ELIMINATION STORMWATER DRY WEATHER TESTING (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)**
   SPONSORED BY MAYOR WESTON BY REQUEST

   Deputy Mayor Ciotti moved for its adoption; seconded by Councilor O'Connor.
   City Manager Joyal gave an overview of the Resolution to the Council.
   Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **RAFFLE – Pope Memorial Humane Society**

2. **B17019 ELECTRICAL CONTRACTOR YEAR FOUR**
   SPONSORED BY MAYOR CARRIER BY REQUEST

3. **B18056 AWARD OF BID TRAFFIC CONTROL/FLAGGING SERVICES YEAR THREE**
   SPONSORED BY MAYOR CARRIER BY REQUEST

4. **FLYGT SUBMERSIBLE PROPELLER PUMP REPLACEMENT FOR WASTE WATER TREATMENT PLANT**
   SPONSORED BY MAYOR CARRIER BY REQUEST

5. **ACCEPTANCE OF NEW HAMPSHIRE PROJECT FIRST PROGRAM GRANT FROM NH DEPARTMENT OF SAFETY**
   SPONSORED BY MAYOR CARRIER BY REQUEST

6. **SETTING VOTING HOURS FOR THE FEBRUARY 11, 2020 PRESIDENTIAL PRIMARY**
   SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

1. School Board
2. **Planning Board**
3. 400th Anniversary Committee
4. Appointments Committee
5. Arena Commission
6. Arts Commission
7. Conservation Commission
8. Downtown TIF Advisory Board
9. Energy Commission
10. Heritage Commission
11. **Legislative Liaison**
12. Library Board of Trustees
13. McConnell Center Advisory Committee
14. Ordinance Committee
15. Parking Commission
16. Pool Advisory Committee
17. Recreation Advisory Board
18. Solid Waste Advisory Commission
19. Transportation Advisory Commission
20. Waterfront TIF Advisory Board
21. Joint Building Committee – Dover High School and Regional Career Technical Center
22. Joint Building Committee Garrison Elementary School
23. COAST
24. Cocheco Waterfront Development Advisory Committee
25. Dover Main Street
26. Strafford Regional Planning Commission
27. Tri-City Homelessness Task Force

Deputy Mayor Ciotti moved for the adoption of the Consent Calendar; seconded by Councilor Williams.
Mayor Carrier asked the Council if they had items they would like pulled for further discussion.
Deputy Mayor Ciotti pulled the Planning Board Report.
Councilor Shanahan pulled the Legislative Liaison Report.
Mayor Carrier asked for a roll call vote on the remaining items on the Consent Calendar.
Roll Call Vote: 9/0.

Deputy Mayor Ciotti gave an overview of the Planning Board Report to the Council.
Deputy Mayor Ciotti moved to accept the Planning Board Report; seconded by Councilor Shanahan.
Vote: 9/0.

Councilor Shanahan gave an overview of the Legislative Liaison Report to the Council.
Deputy Mayor Ciotti moved to accept the Legislative Liaison Report; seconded by Councilor Williams.
Vote: 9/0.

Deputy Mayor Ciotti spoke about the new voting hours for the Presidential Primary as 7:00 am to 7:00 pm.
City Manager Joyal added that Ward 3 Polling Place is Parish of the Assumption - St. Joseph's located at 150 Central Avenue.

B. RESOLUTIONS

1. ADOPTION OF POLICY FOR PRE-APPROVING CONDITIONAL/TEMPORARY EMERGENCY USE SHELTER AS PART OF LOCAL EMERGENCY OPERATIONS PLAN (LEOP)

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Manley.
City Manager Joyal gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

2. B20024 CURBSIDE COLLECTION SERVICES-MUNICIPAL SOLID WASTE AND RECYCLING & B20012 DISPOSAL

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved to table; seconded by Councilor O'Connor.
Vote: 9/0.

3. APPROVAL OF RECOMMENDED MITIGATION MEASURES TO NEW HAMPSHIRE DEPARTMENT OFTRANSPORTATION (NHDOT) FOR THE GENERAL SULLIVAN BRIDGE

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Cullen.
Roll Call Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. ADOPTION OF THE CODE OF THE CITY OF DOVER (TO BE REFERRED TO A PUBLIC HEARING ON JANUARY 22, 2020)

SPONSORED BY COUNCILORS SHANAHAN AND WILLIAMS

Deputy Mayor Carrier moved to referred to a Public Hearing on January 22, 2020; seconded by Councilor Shanahan.
Councilor Shanahan gave an overview of the Ordinance to the Council.
Vote: 9/0.

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

Councilor Williams spoke about the public comment time period for the Piscataqua Region Estuary Partnership at https://prepestuaries.org/.

Councilor Muffett-Lipinski spoke about the School Department budget and thanked the citizens who came out to the School Board meeting. She said it is very important to pay attention to the budget before it comes to the Council.

Councilor O'Connor thanked Ms. Jordan and Mr. Downs for their their comments. He also thank Fire Chief Haas for receiving a $24,000 grant to help people at risk.

Mayor Carrier congratulated Councilor Williams for receiving her Doctorate.

16. ADJOURN

Councilor Muffett-Lipinski moved to adjourn; seconded by Councilor Manley.
Vote: 9/0.

Dover Main Street handout has been archived with these Minutes.

CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2020.01.08 – 001**
Ordinance Title: Adoption of the Code of the City of Dover
Chapters: Chapters 1 through 145
Section:

The City of Dover Ordains:

1. **PURPOSE**

   The purpose of this ordinance is to revise and consolidate, amend, supplement and codify the Ordinances of the City of Dover.

2. **AMENDMENT**

§ 1-10. Adoption of Code.

The ordinances of the City of Dover of a general and permanent nature adopted by the City Council of the City of Dover, as revised, codified and consolidated into chapters and sections in consultation with General Code, and consisting of Chapters 1 through 145 inclusive attached as Schedule A and the Fine Schedule attached as Schedule C hereto as it relates to aforesaid Chapters 1 through 145, each of which are made a part hereof, are hereby approved, adopted, ordained and enacted as the "Code of the City of Dover," hereinafter referred to as the "Code."

§ 1-11. Code supersedes prior ordinances.

This ordinance and the Code shall supersede the City Code adopted November 13, 2013, and all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal or continued in force.

§ 1-12. Continuation of existing provisions.

The provisions of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances.

§ 1-13. Copy of Code on file.

A copy of the Code 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 copy 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 said Code is in effect. Electronic representation of the Code shall be maintained on the City website.

§ 1-14. Amendments to Code.

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the City Council to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the City of Dover" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-15. Publication; filing.

The Clerk of the City of Dover, pursuant to law, shall cause to be published, in the manner required by law, notice of the adoption of this ordinance. 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 publication of this ordinance, 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.

§ 1-16. Code to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-17. Sale of Code.

Copies of the Code, or any chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-18. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Dover to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine as provided in Chapter 1, Article II, of the Code.

§ 1-19. Severability of Code provisions.

Each section of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of this Code or the application thereof to any person or circumstances is held invalid, the remainder of this Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-20. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-21. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions contained in the Code adopted by this ordinance are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the City of Dover which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

§ 1-22. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-21 of this ordinance shall not affect the following ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any ordinance adopted subsequent to November 13, 2019.

B. Any right or liability established, accrued or incurred under any legislative provision 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 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.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance 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 or any portion thereof.

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

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

I. The levy or imposition of taxes, assessments or charges.

J. The annexation or dedication of property or approval of preliminary or final subdivision plats.

K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.

L. All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.

M. Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

N. Any ordinances adopting or amending a zoning map or otherwise rezoning property.

O. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

P. Any ordinance or portion of an ordinance establishing or amending sewer or water rates or charges.

Q. Current Dover Code Chapter 170, Zoning, including its related Sign Diagrams, Private Frontages, Zoning Map, Groundwater Map, and Zoning Tables.

§ 1-23. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for publication as the Code of the City of Dover, no changes in the meaning or intent of such ordinances have been made, except as provided for in Subsection B hereof. Certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances had been previously formally amended to read as such.

B. The amendments and/or additions as set forth in Schedule B attached hereto and made a part hereof, to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

C. The Fine Schedule attached as Schedule C attached hereto and made a part hereof as it relates to aforesaid Chapters 1 through 145 of the Code, to become effective upon the effective date of this ordinance.

§ 1-24. When effective.

This ordinance shall take effect upon passage and publication as required by law.

§ 1-25. Incorporation of provisions into Code.

The provisions of this ordinance are hereby made part of Chapter 1 of the Code of the City of Dover, to be titled "General Provisions, Article III, Adoption of Code."

3. TAKES EFFECT

This ordinance 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	Sponsored by:	Councilor Dennis Shanahan Councilor Lindsey Williams
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

CITY OF DOVER	CITY OF DOVER - ORDINANCE
	Agenda Item#: 12.A.1.
	Ordinance Number: **O – 2020.01.08 – 001**
	Ordinance Title: Adoption of the Code of the City of Dover
	Chapters: Chapters 1 through 145
	Section:

DOCUMENT HISTORY:

First Reading Date:	01/08/2020	Public Hearing Date:	01/22/2020
Approved Date:		Effective Date:	

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At-Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Section C3-10 of the City's Charter requires codification of the City's ordinances. Codification refers to the process of organizing and arranging laws pursuant to a plan or system, such that the resulting "code" is a standard and accessible publication of existing laws.

By statute, there is no requirement that the City recodify its ordinances at any specific time interval. *See* RSA 49-C:14. However, Section C3-10 of the City's Charter provides that the City Council shall, "at least every tenth year [after adopting a codification of ordinances], . . . have prepared a revision or codification of the ordinances of the city which are appropriation for continuation as local laws of the city."

The current Code of the City of Dover was recodified and published by the City in November of 2013. Subsequently, the Code has been supplemented and amended various times. Currently the Code is published as a set of PDF files on the City's website and as serialized paper copies. This format limits the accessibility of the Code and does not facilitate efficient and effective content searches. In 2017, the City undertook a comprehensive review and update of the November 2013 Code to include all legislation of a general and permanent nature. On June 14, 2017 (R-2017.06.14-057), the City Council resolved to enter into an agreement with General Code, a firm that is a member of the International Code Council, an organization with over 50 years of experience in developing and publishing municipal code.

In accordance with the agreement with General Code, the City will receive the following products:

-Interim copies of the Code in formatted, searchable electronic format
-An Editorial and Legal Analysis and recodification of existing materials
-Draft versions of online code in the *eCode360*® format for committee and staff review and15 printed Code books

Beginning in January of 2019, the Ordinance Committee began a review of the documents provided by General Code. These included the Editorial and Legal Analysis and a final draft version of the recodified City Code. Additionally, General Code has prepared a Disposition List, which sets forth the disposition of each item of new legislation reviewed, and a Derivation Table which tabulates the chapter numbers from the City's existing November 2013 Code and the location in the new Code. Chapter numbers have been redistributed to allow for future growth in the Code. The Editorial and Legal Analysis focused on clarity of language, accurate citation of referenced statutes (e.g., State RSAs), and consistency of terminology.

The Ordinance Committee performed the reviews of the updated materials with the following in mind:

-While revisions to the Charter were identified as part of the Editorial and Legal Analysis, any Charter revision, no matter how administrative and minor in nature, will be addressed with the required Charter revision process. This will require the establishment of a Charter Commission and a vote by the public in an upcoming municipal election.

-No substantial changes to the Code are accomplished by the recodification. While there were Code revisions identified by the Ordinance Committee and City staff reviews of submitted documents, these will be acted upon by separate resolution and ordinance changes. The City Attorney has compiled a table of these future resolution and ordinance changes.

The final online version of the Code will have notable usability improvements over the current online Code listing. These include:

-Simplified and flexible searching

-Ability to download content to Microsoft Word documents or PDF documents

-Users may request to be notified of changes to the Code

-Improved table of contents and electronic indexing

-Simple printing directly from the online content

-Ability to bookmark frequently viewed sections of the Code

-Availability of an eCode360 application for mobile devices

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§ 1-1. Citation of Code.
§ 1-2. Rules of construction and definitions.
§ 1-3. Headings, notes and references.
§ 1-4. Amendments.
§ 1-5. Unauthorized alteration or tampering with Code.
§ 1-6. Effect of repeal of ordinances.
§ 1-7. Severability.
§ 1-8. Acts punishable under different sections.

ARTICLE II
General Penalty

§ 1-9. General penalty for violation of ordinances.

ARTICLE III
Adoption of Code

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Provisions Applicable to Entire Code
[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

§ 1-1. Citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated the Dover Code and may be so cited or may be cited "the Code."

§ 1-2. Rules of construction and definitions.

A. In the construction of the Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council. The rules of construction and definitions set out herein shall not be applied to any section of the Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

B. Any reference in the text of the Code to a section, article or chapter shall, unless otherwise indicated, be construed to refer to a section, article or chapter, as amended, of the Code.

C. Generally.

(1) All general provisions, terms, phrases and expressions contained in the Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

(2) In the interpretation and application of any provisions of the Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(3) Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed and understood according to such peculiar and appropriate meaning.

D. Definitions. As used in the Code, the following terms shall have the meanings indicated:

CITY — The City of Dover, New Hampshire

CITY COUNCIL — The City Council of Dover, New Hampshire.

CODE — The Code of the City of Dover.

COUNTY — Strafford County.

PERSON — Any natural individual, firm, trust, partnership, association or corporation in his or her or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by a court.

STATE — The State of New Hampshire.

E. Word usage.

(1) Whenever any words in this Code denote the plural, the singular shall be deemed included, and whenever the singular number shall be used, it shall be deemed to include the plural.

(2) Wherever the masculine gender is used in this Code, females as well as males shall be deemed to be included.

(3) Words in the present tense shall be deemed to include the future.

(4) The word "shall" as used in this Code is mandatory.

§ 1-3. Headings, notes and references.

Part, chapter, article and section headings and notes and references are included in this Code for the convenience of users and are not to be construed as part of the text to which they relate.

§ 1-4. Amendments.

All ordinances passed subsequent to the Code which amend, repeal or in any way affect the Code may be numbered in accordance with the numbering system of the Code and printed for inclusion herein or, in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances as numbered printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the Code and subsequent ordinances numbered or omitted are readopted as a new revision by the City Council.

§ 1-5. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the City to change or amend, by additions or deletions, any part or portions of the Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

§ 1-6. Effect of repeal of ordinances.

A. When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the ordinance repealed.

§ 1-7. Severability.

The sections, paragraphs, sentences, clauses and phrases of the Code are severable, and if any phrase, clause, sentence, paragraph or section of the Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, sentences, paragraphs or sections of the Code.

§ 1-8. Acts punishable under different sections.

In all cases where the same offense is made punishable or is created by different clauses or sections of the Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

ARTICLE II

General Penalty

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

§ 1-9. General penalty for violation of ordinances.

Whenever in the Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of the Code or any ordinance shall be punished by a fine of not more than $1,000 and/or the issuance of a citation. Each day any violation of any provision of the Code or of any ordinance shall continue shall constitute a separate offense.

ARTICLE III

Adoption of Code

[An ordinance adopting the Code of the City of Dover and making certain substantive changes to existing ordinances of the City will be proposed before the City Council. Upon final adoption, it will be included here as Article III of this chapter.]

Chapter 5

ADMINISTRATIVE CODE

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[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 3 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 5-1. Legislative authority.

A. 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.

B. 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.

§ 5-2. Departments.

The administrative service of the City shall consist of the following departments, and the department heads shall be known by the titles shown:

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 and Rescue	Fire and Rescue Chief
Public Library	Director of Public Library
Police	Police Chief
Recreation	Director of Recreation
Public Welfare	Director of Public Welfare

§ 5-3. Powers and duties of department heads.

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.

§ 5-4. 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.

§ 5-5. 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.

§ 5-6. Administrative office hours.

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.

§ 5-7. Authority and functions of the City Manager.

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

A. 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.

B. 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.

C. 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

§ 5-8. Executive Department.

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

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

(1) Human resource functions.

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

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

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

(2) Legal functions.

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

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

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

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

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

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

(3) Economic development functions.

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

(b) 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.

(4) Information systems functions.

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

(b) Establish information technology procedures.

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

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

(e) Prepare and administer the DoverNet budget.

(f) Maintain the technical reference library.

§ 5-9. Finance Department.

A. 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.

B. 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.

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

(1) City Clerk functions.

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

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

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

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

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

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

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

(h) Maintain custody of the official City Seal.

(i) 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.

(j) Keep the official Dover Code book of the City up-to-date, and maintain a record of all amendments thereto.

(2) Accounting, water and sewer billing, and audit services functions. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(a) Preaudit and approve all purchases.

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

(c) Post-audit all receipts and disbursements.

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

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

(3) Treasurer functions.

(a) Have all the statutory powers and perform all the statutory duties of city or town treasurers.

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

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

(d) 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.

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

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

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

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

(i) 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.

(j) Negotiate loans and borrowing moneys upon the authorization of the City Council and City Manager. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(4) Tax collection functions.

(a) Have all the statutory powers, and perform all statutory duties of city or town tax collectors.

(b) Mail out all tax notices.

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

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

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

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

(g) Conduct all tax sales of property and execute Tax Collector's deeds in accordance with applicable law.

(5) Assessment functions.

(a) Have all the statutory powers and perform all statutory duties of city assessors.

(b) 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.

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

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

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

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

(6) Purchasing functions.

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

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

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

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

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

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

(g) Maintain custody of all insurance policies. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 5-10. Fire and Rescue Department.

A. There shall be a Fire and Rescue Department, under the direct supervision of a Fire and Rescue 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 and Rescue Chief shall have all the powers conferred upon fire wardens by law. The Fire and Rescue Chief shall be the Emergency Management Director, with all duties and powers associated with the position pursuant to state law.

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

(1) Fire, emergency medical services and emergency management functions.

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

(b) Provide emergency and nonemergency medical aid and transportation to local hospitals.

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

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

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

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

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

(h) Issue fire permits as necessary and appropriate.

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

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

(2) Inspection functions.

(a) Enforce the building, electrical, plumbing and health codes of the City of Dover (see Chapter 57, Building Construction, Chapter 77, Electrical Standards, Chapter 113, Plumbing, and Chapter 89, Health and Sanitation, respectively).

(b) 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.

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

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

(e) 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.

(f) Investigate complaints regarding matters affecting public health.

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

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

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

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

(k) Issue burial permits.

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

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

§ 5-11. Public Welfare Department.

A. 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.

B. The duties of the Public Welfare Department shall include, but are not limited to:

(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.

§ 5-12. Public Library Department.

A. 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.

B. 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.

C. Depository and reference library.

(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 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.

§ 5-13. Community Services Department.

A. 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.

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

(1) 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.

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

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

(4) 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.

(5) Review plans and specifications of proposed site developments and public utility connections and issue permits when appropriate.

(6) Maintain a file of all applications for permits.

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

(8) Plan, coordinate and operate the City's residential solid waste, recycling and environmental hazard mitigation programs.

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

(10) Maintain and repair City vehicle fleet and mobile equipment.

§ 5-14. Recreation Department.

A. 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.

B. 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.

§ 5-15. Planning and Community Development Department.

A. 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.

B. 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 Master Plan to be used as a guide for the development of the City. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(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.

§ 5-16. Police Department.

A. 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.

B. 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.

ARTICLE III
Purchasing Procedure

§ 5-17. Title.

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

§ 5-18. Definitions.

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

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.

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 or more departmental requisitions in one 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.

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.

PURCHASE AMOUNT — The total cost of goods or services, including all determinable associated costs, e.g., construction, engineering, delivery, setup and training. Where the purchase consists of small, frequent charges, the aggregate twelve-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.

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

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.

§ 5-19. Purpose.

The purpose of this article shall be to standardize the purchasing procedures of the City, thereby increasing savings and protection of the taxpayers' 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.

§ 5-20. Applicability; 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.

§ 5-21. 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.

§ 5-22. Authority of Purchasing Agent.

A. 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.

B. The Purchasing Agent shall maintain a list of approved vendors.

§ 5-23. 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 $1,000 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 its vote.

§ 5-24. Requisitions; forms.

All goods and services in an amount greater than $1,000 shall be requisitioned by department heads to the Purchasing Agent on a prescribed requisition form to be provided by the Finance Department.

§ 5-25. Small purchases.

A. Small purchases of less than $1,000 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 days of the purchase.

C. The Purchasing Division copy of the purchase order shall always be turned in to the Purchasing Division within 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-month total cost of said purchases may exceed $1,000.

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.

§ 5-26. Emergency purchases.

Emergency purchase orders may be executed for emergency purchases not exceeding $5,000. A copy of the emergency purchase order and report shall be sent to the Purchasing Agent within seven days of the emergency purchase. The Purchasing Agent shall report the emergency purchase order to the Finance Director and the City Manager.

§ 5-27. Quote purchases.

A. The Purchasing Agent shall conduct bidding for quote purchases of $1,000 to $9,999.99. Quote bidding shall consist of a minimum of three quotes whenever possible.

B. Verbal or oral quotes shall be required for quote purchases from $1,000 to $4,999.99.

C. Written quotes from vendors are required for quote purchases from $5,000 to $9,999.99.

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

§ 5-28. Competitive bidding purchases; waiver.

A. The Purchasing Agent shall advertise and conduct competitive bidding for purchases of goods and services of $10,000 or more.

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

§ 5-29. 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 its 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. Change 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 $25,000 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 Code.

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 Code.

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.

§ 5-30. Reporting.

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

B. All purchases of goods and services of $5,000 or more shall be reported to the City Council by the City Manager on a monthly basis following said purchases.

§ 5-31. 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.

§ 5-32. Approval of purchases by City Council.

All purchases of goods and services of $25,000 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.

§ 5-33. 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 vendors when available on every purchase requiring competitive bidding unless exempted by the provisions of this article. Bids shall be awarded to the vendor whose bid is the most advantageous to the City of Dover. In the event fewer than three 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 rebidding.

C. Technical specifications for bids shall state information as broadly as practicable, yet shall be specific enough to describe the requirements of the purchase. Nontechnical 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 $35,000.

(1) The elements of a purchase to be secured include, but are not limited to, the following:

(a) A bid bond in the minimum amount of 10% of the bid price from the time of bid opening until signing of the contract to offset the cost of accepting the next lowest qualified bidder, in case of default by the bidder.

(b) A performance bond in the amount of 100% of the contract price to ensure compliance with and completion of the contract.

(c) A labor and materials bond in the amount of 100% of the contract price to ensure payment to suppliers and subcontractors by the contractor.

(2) The form of the security shall be prescribed by the Purchasing Agent and may consist of, 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 $35,000 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.

§ 5-34. Rebidding.

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

§ 5-35. 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 $1,000 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 Code.

§ 5-36. 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.

§ 5-37. 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.

§ 5-38. 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.

§ 5-39. 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 $100,000, 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 which have, in the

Purchasing Agent's sole determination, been prequalified. The prequalification 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, and 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.

§ 5-40. 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.

§ 5-41. 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.

F. Interviews may be a part of the selection process.

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

§ 5-42. 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 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 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.

§ 5-43. Environmental concerns; required language.

Solicitations utilized by the City or any agency thereof for the purpose of soliciting bids, proposals or 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."

§ 5-44. Conflicts of interest.

No employee, officer, or 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.

§ 5-45. 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.

§ 5-46. Public access to procurement information.

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

§ 5-47. 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 article.

Chapter 9

BOARDS, COMMISSIONS AND COMMITTEES

§ 9-1. Establishment; general provisions.
§ 9-2. Board of Health.
§ 9-3. Cemetery Board.
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§ 9-5. Recreation Advisory Board.
§ 9-6. Dover Arena Commission.
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§ 9-8. Planning Board.
§ 9-9. Dover Utilities Commission.
§ 9-10. Zoning Board of Adjustment.
§ 9-11. Trustees of the Trust Funds.
§ 9-12. Solid Waste Advisory Commission.
§ 9-13. Dover Arts Commission.
§ 9-14. Transportation Advisory Commission.
§ 9-15. Joint Fiscal Committee.
§ 9-16. Dover Business and Industrial Development Authority.
§ 9-17. McConnell Center Advisory Committee.
§ 9-18. Parking Commission.
§ 9-19. Conservation Commission.
§ 9-20. Dover Pool Advisory Committee.
§ 9-21. Dover Housing Authority.
§ 9-22. Energy Commission.
§ 9-23. Downtown Dover Tax Increment Finance Advisory Board.
§ 9-24. Waterfront Tax Increment Finance Advisory Board.
§ 9-25. Heritage Commission.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 5, Ch. 14 and Ch. 41 of the 2013 Code; amended 4-9-2014 by Ord. No. 2014.03.13-002. Subsequent amendments noted where applicable.]

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§ 9-1. Establishment; general provisions.

A. There shall be the following boards, commissions and committees in the City of Dover: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(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) Solid Waste Advisory Commission.

(12) Dover Arts Commission.

(13) Transportation Advisory Commission.

(14) Joint Fiscal Committee.

(15) Dover Business and Industrial Development Authority.

(16) McConnell Center Advisory Committee.

(17) Parking Commission.

(18) Conservation Commission.

(19) Dover Pools Advisory Committee.

(20) Dover Housing Authority.

(21) Energy Commission.

(22) Downtown Dover Tax Increment Finance Advisory Board.

(23) Waterfront Tax Increment Finance Advisory Board.

(24) Heritage 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 appointees to boards, commissions and committees shall serve for the term appointed and until a successor shall have been appointed and qualified. **[Amended 10-25-2017 by Ord. No. 2017.10.11; 5-8-2019 by Ord. No. 2019.04.24-008; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) Records of attendance shall be kept by the Chair of any board, commission or committee appointed by the City Council, on a form approved by the City Manager, and be submitted to the City Clerk following any meeting, along with the meeting minutes. A summary of the attendance records of members of boards, commissions and committees shall be provided to the City Council by the City Manager in January of each year for the prior twelve-month period.

(2) A vacancy shall be created when any board, commission, or committee member is absent for four consecutive meetings or four regular meetings in any consecutive twelve-month period. The vacancy shall be filled by the City Council for the remainder of the term. The Chair of any board, commission or committee may, for good cause shown and set forth in the records of attendance and meeting minutes, excuse the absence of any member from a meeting. An excused absence

set forth in the meeting minutes shall not be counted toward the four meetings described herein.

(3) In the case of any member who may be removed from a board, commission, or committee pursuant to the Charter, state statute, or any other reason, the City Council may remove that member by majority vote following a hearing for which the member has been provided with at least 10 days' advanced written notice and an opportunity to be heard.

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.

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 nonvoting 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 nonvoting 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 subsection 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 business days of the meeting. Recordings shall be available for public inspection not more than five business days after the public meeting. Recordings shall be retained permanently or as long as the media used for the recordings permit.

§ 9-2. Board of Health.

A. Membership. The Board of Health shall consist of five members, including a physician, a dentist and the Health Officer.

B. Terms of members. Members shall be appointed to terms of three years.

C. Authority and duties. The Board of Health shall perform the following functions:

(1) The Board of Health shall 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 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 it, 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 by 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.

§ 9-3. Cemetery Board.

A. Membership. The Cemetery Board shall consist of five members and two alternates appointed by the City Council.

B. Terms of members. Members shall be appointed to terms of three 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.

§ 9-4. Library Board of Trustees.

A. Membership. The Library Board of Trustees shall consist of five members.

B. Terms of members. Members shall be appointed to terms of five 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.

§ 9-5. Recreation Advisory Board.

A. Membership. The Recreation Advisory Board shall consist of nine members and three 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 his/her Council term.

B. Terms of members. Members shall be appointed to terms of three 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.

§ 9-6. Dover Arena Commission.

A. Membership. The Dover Arena Commission shall consist of five members and two alternate members, appointed by the City Council.

B. Terms of members. Members shall be appointed to terms of three 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) Make 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.

§ 9-7. Personnel Advisory Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The membership and duties of the Personnel Advisory Board shall be as provided in § C7-6 of the City Charter.

§ 9-8. Planning Board.

Pursuant to the provisions of RSA 673:2, there is hereby created the City Planning Board, with the powers and duties specified in RSA 672 to 677 and this section.

A. Membership. Pursuant to the provisions of RSA 673:2, I-a, and 673:6, the Planning Board shall consist of nine regular members and three alternates, as follows: the City

Manager or designee, one 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 regular members and the three alternate members shall be appointed by the City Council. 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 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 term 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 years.

C. Chair. The Planning Board shall elect a Chair and may create other officers it deems necessary. The term shall be for one year. The Chair is eligible for reelection. An ex officio member shall not serve as Chair.

D. Meetings. The Planning Board shall hold at least one 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 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 21) 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. Bylaws. 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 to 677 and this section.

(1) 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 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

(2) 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.

§ 9-9. Dover Utilities Commission.

A. Membership. The Dover Utilities Commission shall consist of seven members and one alternate.

B. Terms of members. Members shall be appointed to terms of three 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.

C. Authority and duties.

(1) The Dover Utilities Commission shall perform the following functions:

(a) 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.

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

(c) Assist in an advisory capacity in the determination of the Community Services Department policy, rate structure, public relations and matters of general public interest. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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

(2) 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.

(3) 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.

§ 9-10. Zoning Board of Adjustment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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

A. Membership. The Zoning Board of Adjustment shall consist of five members and three 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 years pursuant to RSA 673:6.

C. 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 reelection.

D. Meetings. The Zoning Board of Adjustment shall adopt rules of procedures for governing the conduct of meetings as set forth in 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 and 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.

E. Vacancy. The City Council shall appoint new members when a vacancy occurs for the unexpired term in accordance with RSA 673:12.

F. Disqualification. All members shall comply with the relevant sections of the City Code of Ethics (Chapter 21) concerning conflicts and disqualification rules pursuant to RSA 673:14.

G. 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.

H. Finances. Any Zoning Board expenses shall be paid in accordance with RSA 673:16.

I. Authority and duties. The Zoning Board of Adjustment shall have duties and responsibilities pursuant to RSA 672 to 677. The members shall also perform the duties of a Building Code Board of Appeals pursuant to RSA 674:34.

§ 9-11. Trustees of the Trust Funds.

A. Membership. The Trustees of the Trust Funds shall be comprised of five members, four appointed by the City Council and one 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. Terms 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 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.

§ 9-12. Solid Waste Advisory Commission.

A. Membership. The Solid Waste Advisory Commission shall consist of five members and two alternates, appointed by the City Council. Additionally, there shall also be an ex

officio nonvoting member of the City Council who shall be nominated by the Mayor and appointed by the City Council to serve for the duration of his/her Council term.

B. Terms of members. Members shall be appointed to terms of three years.

C. 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 recommend to the City Council necessary revisions to reflect the actual operation and cost.

§ 9-13. Dover Arts Commission.

A. Membership. The Dover Arts Commission shall consist of nine members and two alternate members, together with one additional ex officio member who will be appointed as the Literary Laureate. **[Amended 7-10-2019 by Ord. No. 2019.06.26-010]**

B. Terms of members. Members shall be appointed to terms of three 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.

D. Duties of the Literary Laureate. The Literary Laureate shall perform the following functions: **[Added 7-10-2019 by Ord. No. 2019.06.26-010]**

(1) Promote literacy and literature among City of Dover residents of all ages throughout the community, as well as in schools and nonprofit organizations.

(2) Encourage appreciation of the language art form and creative expression by a wide range of City residents, including youth.

(3) Perform at least one annual project in the City.

(4) Attend literary and other cultural events in the City as appropriate.

§ 9-14. Transportation Advisory Commission.

A. Membership. The Transportation Advisory Commission shall consist of nine members and two alternates. The membership shall include one member of the City Council, one representative of the Cooperative Alliance for Seacoast Transportation (COAST) Public Transit System, and three staff members assigned by the City Manager. All 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 years.

C. Authority and duties.

(1) The Transportation Advisory Commission shall perform the following functions:

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

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

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

(d) 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.

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

(f) 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.

(g) Establish its own bylaws and appoint a Chair annually.

(2) The Transportation Advisory Commission may hold public hearings for neighborhood transportation-related reconstruction projects.

§ 9-15. Joint Fiscal Committee. [Amended 7-27-2016 by Ord. No. 2016.07.27-011]

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 times 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 April 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.

§ 9-16. Dover Business and Industrial Development Authority.

A. Membership. The Dover Business and Industrial Authority shall consist of not fewer than nine and no more than 15 members, including the City Manager, Economic Development Director and Mayor or other City Councilor designated by the Mayor as ex officio nonvoting members. The majority of Authority members shall reside in Dover. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. Terms of members. Members shall be appointed to terms of three 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 Authority passed on the affirmative votes of at least 2/3 of the Authority members present and voting. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 9-17. McConnell Center Advisory Committee.

A. Membership. The McConnell Center Advisory Committee shall consist of seven members and two alternates. The membership shall include two representatives of McConnell Center tenants. **[Amended 2-13-2019 by Ord. No. 2019.01.23-001]**

B. Terms of members. Members and alternates shall be appointed to terms of three years, consistent with staggered terms. **[Amended 2-13-2019 by Ord. No. 2019.01.23-001]**

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.

§ 9-18. Parking Commission.

A. Membership. The Parking Commission shall consist of seven members with representation as follows:

(1) Five Dover residents; and

(2) Two Dover commercial property or business owners.

B. Terms of members. Members shall be appointed to terms of three 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) Promote communication and the exchange of ideas and concerns between users of public parking, property owners, merchants, and City agencies.

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

§ 9-19. Conservation Commission.

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

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

C. 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.

D. Membership; terms; removal; vacancies. The Commission shall consist of not fewer than three members and not more than seven members, all citizens of Dover and all appointed by the City Council. One of the seven members may be a member of the Dover Planning Board. The City Council shall appoint the original Chair for a term of three years. Appointment of respective successors shall be for three-year terms. The second-term Chair shall be selected by the members from one 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 appointment. In addition to the regular members of the Commission, the City Council shall appoint two alternate members, said members to serve for a term of three 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.

E. Powers and duties. The Conservation Commission shall have the powers and duties established by state law pursuant to RSA 36-A and consistent with this section. The Commission shall have the following duties and perform the following functions:

(1) 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.

(2) 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 Master 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(3) 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.

(4) 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.

(5) 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 section, subject to the review of the City Council.

(6) Any moneys 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.

F. 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.

§ 9-20. Dover Pool Advisory Committee.

A. Membership. The Dover Pool Advisory Committee shall consist of seven members and two alternate members. In addition, there shall be one City Councilor appointed on an ex officio nonvoting basis.

B. Terms of members. Members shall be appointed to terms of three years. Subsequent appointees shall be appointed to three-year terms or less, if necessary, to achieve a membership with staggered terms.

C. 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.

§ 9-21. Dover Housing Authority.

A. Membership. The Dover Housing Authority shall consist of five members appointed by the City Manager pursuant to RSA 203, qualifying as a supplementary public corporation.

B. Terms of members. The Commissioners shall be appointed to five-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.

§ 9-22. Energy Commission.

A. Membership. The Energy Commission shall consist of seven members and two alternates.

B. Terms of members. Members shall be appointed to terms of three 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.

D. Appropriations. 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.

§ 9-23. Downtown Dover Tax Increment Finance Advisory Board. [Added 4-9-2014 by Ord. No. 2014.03.12-002; amended 2-25-2015 by Ord. No. 2015.02.11-006]

A. Membership. The Downtown Dover Tax Increment Finance (TIF) Advisory Board shall consist of seven voting members, including one City Councilor, two citizen representatives who do not own or occupy real property within or adjacent to the Downtown Dover TIF District, and four citizen representatives who are owners or occupants of real property within or adjacent to the Downtown Dover TIF District, one

of whom may be recommended by the Greater Dover Chamber of Commerce and one of whom may be recommended by Dover Main Street. The City Manager (or designee) shall be an ex officio nonvoting member. All members shall reside in Dover.

B. Terms of members. The first three citizen representatives appointed shall be appointed to terms of two years. The next three citizen representatives appointed shall be appointed to terms of three years. Thereafter, all members shall be appointed to terms of three years. The City Council member will serve for his/her current Council term and shall be appointed by the Mayor with the approval of the City Council. The Board shall sunset upon expiration of the Downtown Dover TIF District.

C. Authority and duties. The duties and functions of the Downtown Dover TIF Advisory Board shall be in accordance with RSA 162-K:14 and as defined herein. All actions of the Advisory Board 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.

(1) The Board shall advise the City Council and the District Administrator on the recommended policies and actions for the administration and operation of the Downtown Dover TIF District.

(2) The Board shall advise the City Council and the District Administrator regarding the planning, construction and implementation of the Development program and the operation and maintenance of the district after the development program is completed.

(3) The Board shall review all community revitalization tax credit applications and provide a recommendation to City Council and the District Administrator on potential impacts to the administration and operation of the Downtown Dover TIF District.

(4) The Board shall submit semiannual reports to the City Council.

§ 9-24. Waterfront Tax Increment Finance Advisory Board. [Added 2-25-2015 by Ord. No. 2015.02.11-007]

A. Membership. The Waterfront Tax Increment Finance (TIF) Advisory Board shall consist of five voting members, including one City Councilor, one citizen representative who does not own or occupy real property within or adjacent to the Waterfront TIF District, and three citizen representatives who are property owners or occupants of real property within or adjacent to the Waterfront TIF District, one of whom may be recommended by the Dover Chamber of Commerce and one of whom may be recommended by the Dover Business and Industrial Development Authority. The City Manager (or designee) shall be an ex officio nonvoting member. All members shall reside in Dover.

B. Terms of members. The first two citizen representatives appointed shall be appointed to terms of two years. The next two citizen representatives appointed shall be appointed to terms of three years. Thereafter, all members shall be appointed to terms of three years. The City Council member will serve for his/her current Council term and shall be appointed by the Mayor with the approval of the City Council. The Board shall sunset upon expiration of the Waterfront TIF District.

C. Authority and duties. The duties and functions of the Waterfront TIF Advisory Board shall be in accordance with RSA 162-K:14 and as defined herein. All actions of the Waterfront TIF Advisory Board 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.

(1) The Board shall advise the City Council and the District Administrator on the recommended policies and actions for the administration and operation of the Waterfront TIF District.

(2) The Board shall advise the City Council and the District Administrator regarding the planning, construction and implementation of the development program and the operation and maintenance of the district after the development program is completed.

(3) The Board shall submit quarterly reports to the City Council.

§ 9-25. Heritage Commission. [Added 10-28-2015 by Ord. No. 2015.10.14-021; amended 6-8-2016 by Ord. No. 2016.05.25-008]

A. Membership. The Heritage Commission shall consist of five voting members, including one City Councilor; one citizen recommended by the Woodman Institute Museum, and three citizens, one of whom may be a Planning Board member and one of whom may be a Downtown Dover Tax Increment Finance Advisory Board member.

B. Terms of members. Members shall be appointed to terms of three years. The City Council member shall serve for his/her current Council term and shall be appointed by the Mayor with the approval of the Council.

C. Authority and duties. The Heritage Commission shall have the following duties and functions consistent with RSA 674:

(1) Survey and inventory all cultural resources.

(2) Conduct research and publish findings.

(3) Assist the Planning Board, as requested, in the development and review of those sections of the Master Plan which address cultural and historic resources.

(4) Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources, including advising the City Council on the historic value of potentially replaced qualifying structures pursuant to RSA 79-E:4.

(5) Coordinate activities with appropriate service organizations and nonprofit groups.

D. Appropriations. Any appropriations established by the City Council for use by the Heritage Commission shall be held in a Heritage Commission fund and disbursed in accordance with RSA 674:44-b, subject to the requirements of the City's purchasing procedures and accounting requirements as administered by the City Manager.

Chapter 13

CITY COUNCIL

ARTICLE I
Orientation Program

§ 13-1. Purpose.
§ 13-2. Preparation and presentation of program.
§ 13-3. Content of program.
§ 13-4. Conduct of program.
§ 13-5. Video and audio recording.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Orientation Program
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 2 of the 2013 Code]

§ 13-1. Purpose.

The purpose of this article 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 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.

§ 13-2. Preparation and presentation of 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.

§ 13-3. Content of 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.

§ 13-4. Conduct of program.

The orientation program shall be conducted prior to the organizational meeting conducted pursuant to § C3-2 of the Dover City Charter.

§ 13-5. Video and audio recording.

City Council orientation segments shall be video recorded and broadcast.

Chapter 17

ELECTIONS

ARTICLE I
Election Procedures

§ 17-1. Definitions.
§ 17-2. Authority.
§ 17-3. Candidates.
§ 17-4. Conduct at polls.
§ 17-5. Election assistants; compensation; vacancies; qualifications.
§ 17-6. Sessions of Board of Supervisors of Elections.
§ 17-7. Violations and penalties.

ARTICLE II
Political Contributions and Expenditures

§ 17-8. Definitions.
§ 17-9. Required disclosure statements.
§ 17-10. Political expenditures; limitations.
§ 17-11. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Election Procedures
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 100 of the 2013 Code]

§ 17-1. Definitions.

As used in this article, 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 — Perform duties such as ballot checker, assisting voters with questions, helping register new voters, assist Selectperson/Ward Clerk on the in/out checklist, count write-in votes and other duties as directed by the Ward Moderator. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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:

A. 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.

B. WARD CLERK – Performs whatever duties deemed necessary by the Moderator, including verifying and recording ballot count information.

C. SELECTPERSON – Responsible for the "in" and "out" checklists at the polling place, including verifying voter information, handing out of ballots, directing voters to booths, and any other duties deemed necessary by the Moderator. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

D. 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.

§ 17-2. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

This article should be read in conjunction with the state law on election procedure, RSA 659 and RSA 664, and City Charter Article II, Elections.

§ 17-3. 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 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 664:17-a) and contributions (Article II, Political Contributions and Expenditures, of this chapter).

C. Candidates are invited to attend a biannual election law class to be held at a date and time announced by the City Clerk.

§ 17-4. 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 and II.

(a) 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 the action of the voter within the building where the election is being held.

(b) 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 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.

E. Elected elections officials and ward workers are invited to attend the biannual election law class.

§ 17-5. Election assistants; compensation; vacancies; qualifications.

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 assistants.

(2) State election: up to six assistants.

(3) Municipal election: up to four assistants.

B. Compensation. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) Elected ward officials may be compensated as follows:

(a) Supervisors of the Checklist: $222 per day.

(b) Moderators: $185 per day.

(c) Selectpersons: $139 per day.

(d) Ward Clerks: $131 per day.

(2) Nonelected election workers may be compensated up to $10 per hour.

(3) Any elected official who chooses to volunteer may do so without compensation.

(4) 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 § 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.

§ 17-6. Sessions of Board of Supervisors of Elections.

Notwithstanding Charter § C2-6, RSA 654:27, 654:28, 654:32, 669:5 and 671:15 allow Supervisors to hold sessions for 1/2 hour, which can be extended at the discretion of the 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.

§ 17-7. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person found in violation of this article may be subject to a fine as provided in the City Fine Schedule.

ARTICLE II
Political Contributions and Expenditures
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 137 of the 2013 Code]

§ 17-8. Definitions.

As used in this article, the following terms mean:

CANDIDATE — Any person for whom votes are sought in an election.

COMMITTEE — Any organization of two or more persons acting in behalf of a candidate for the purpose of promoting the success or defeat of any candidate.

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.

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.

§ 17-9. Required disclosure statements.

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 15 days prior to an election and no later than 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 10 days after an election. All disclosures shall include the full name and address of contributors and recipients of expenditures. Ward Moderators, Supervisors and Selectpersons shall not be required to file disclosure statements. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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.

§ 17-10. Political expenditures; limitations.

No expenditure, contract therefor 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 chair, treasurer and other officers. The statements shall be filed not later than 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 60 days of an election.

§ 17-11. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Failure of any candidate or member of a committee to comply with the provisions of this article 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 article shall constitute a continuing offense resulting in daily violations and daily fines as provided in the City Fine Schedule until the disclosure statement is properly filed.

Chapter 21

ETHICS, CODE OF

ARTICLE I
Ethical Standards

§ 21-1. Definitions.
§ 21-2. Conflicts of interest.
§ 21-3. Representation of private interests before City agencies.
§ 21-4. Required disclosure by Council members; recusal.
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ARTICLE II
Ethics Commission; Complaint Procedure; Remedies

§ 21-11. Ethics Commission established; purposes.
§ 21-12. Scope of duties and authority; training.
§ 21-13. Procedures; initial screening; referrals; hearings.
§ 21-14. Remedies.
§ 21-15. Severability.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 22 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
Ethical Standards

§ 21-1. Definitions.

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

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

COUNCILOR — A member of the Dover City Council.

ELECTED OFFICER — The Mayor, Deputy Mayor and all Councilors and the positions of ward election officials and Charter Commission members.

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 has power of appointment.

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.

§ 21-2. 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 he/she or a member of his/her 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 he/she have any financial or other private interest, directly or indirectly, which is in conflict with the proper discharge of his/her official duties.

§ 21-3. Representation of private interests before City agencies. [Amended 2-27-2019 by Ord. No. 2019.02.13-003]

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

§ 21-4. Required disclosure by Council members; recusal.

A. 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.

B. 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.

§ 21-5. Required disclosure by officers and employees; recusal.

A. 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. In the case of a nonpublic session, the statement shall be read aloud at the next public meeting.

B. 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.

§ 21-6. Gifts.

No Councilor or appointed officer or employee shall accept any gift of $25 or more at one time, or $100 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.

§ 21-7. 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, I(b) or (c), concerning the property, government or affairs of the City.

§ 21-8. 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 his/her official duties.

§ 21-9. 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 his/her official duties.

§ 21-10. 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 he or she is or his or her agency is engaged on behalf of the City in the transaction of business or which is or may be affected by his or her 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; Complaint Procedure; Remedies

§ 21-11. Ethics Commission established; purposes.

A. There is hereby established an Ethics Commission consisting of five 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-year staggered terms. The initial Ethics Commission shall consist of five Commissioners with one Commissioner appointed for a one-year term, two Commissioners appointed for two-year terms, and two Commissioners appointed for three-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 alternate Commissioners for one-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.

§ 21-12. 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 this chapter of the Code of the City of Dover.

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 § 21-13.

§ 21-13. 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 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 21 of the Code of the City of Dover.

C. The City Clerk shall seal each ethics complaint and forward the ethics complaint to the Chair of the Ethics Commission within two 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 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 § 21-13B.

(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 30 calendar days of the date of acceptance of the ethics complaint by the Ethics Commission. One continuance of not more than 30 calendar days may be granted, but no further continuances shall be granted.

F. Fourteen calendar days' notice shall be provided to the parties for all hearings. The Ethics Commission may hold prehearing 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 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 § 21-14 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 article 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 90 days after the adoption of this article. After the adoption of this article 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 30 days after the swearing in of the last Commissioner.

§ 21-14. 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.

§ 21-15. Severability.

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

Chapter 25

FINANCIAL MATTERS

ARTICLE I
Fiscal Year

§ 25-1. Establishment.

ARTICLE II
Budget

§ 25-2. Submission date.

§ 25-3. Adoption date.

§ 25-4. Schedule of fees.

§ 25-5. Limitation on budget increase.

ARTICLE III
Surety Limitations

§ 25-6. Bonding restrictions.

§ 25-7. Conduct of certain City officers.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Fiscal Year
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 26 of the 2013 Code; amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

§ 25-1. Establishment.

The fiscal and budget year of the City of Dover shall run from July 1 to June 30 of the following year.

ARTICLE II
Budget
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 9 of the 2013 Code]

§ 25-2. Submission date.

The City Manager shall submit to the City Council, on or before April 15 of each year, his/her 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 15 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.

§ 25-3. Adoption date.

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

§ 25-4. Schedule of fees.

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 charges 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 15 of each year.

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 article.

D. The omission of any fees currently charged by the City in error from the fee schedule shall not prevent the City from collecting the fees until such time as the omission is corrected. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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

§ 25-5. Limitation on budget increase.

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:

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

B. 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.

C. 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.

ARTICLE III
Surety Limitations
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 53 of the 2013 Code]

§ 25-6. 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.

§ 25-7. 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.

Chapter 29

PROPERTY, CITY

ARTICLE I
General Regulations

§ 29-1. Use of City property and equipment.
§ 29-2. Private work by City employees.
§ 29-3. Naming of City property.
§ 29-4. Disposal of surplus property.
§ 29-5. Storage of sludge on City property prohibited.
§ 29-6. Disposing of City-owned real estate.
§ 29-7. Use of City Hall.
§ 29-8. Violations and penalties.

ARTICLE II
City Motor Vehicles

§ 29-9. Identifying marks.
§ 29-10. Size of lettering.
§ 29-11. Unmarked police vehicles.
§ 29-12. Official use of vehicles.
§ 29-13. Markings not to be covered.
§ 29-14. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
General Regulations
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 79 of the 2013 Code]

§ 29-1. Use of City property and equipment.

A. 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.

B. Street cleaning machinery. Any street sweeper of the City may not be used beyond the City limits.

C. Use by City employees. No equipment may be used by City employees for their own work except as above.

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

E. 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 article.

§ 29-2. Private work by City employees.

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.

§ 29-3. Naming of City property.

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.

§ 29-4. Disposal of surplus property.

A. The Purchasing Agent shall be empowered to take the following measures concerning obsolete and excess property (non-real estate) reported per the Purchasing Code:[1]

(1) Transfer property from one department to another.

(2) Include surplus equipment as trades on replacement equipment.

(3) Sell property by public auction or sealed bid. Said auction or sealed bid to be advertised seven days in advance.

(4) Donate property to other organizations upon approval by the City Manager.

(5) Sell for salvage or dispose of in an appropriate manner any items that are unsalable or unwanted.

B. City of Dover Library material.

(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 days prior to the offering, so that citizens of Dover have advance notice.

1. **Editor's Note: See Ch. 5, Administrative Code, Art. III, Purchasing Procedure.**

§ 29-5. Storage of sludge on City property prohibited. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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, subject to a fine as provided in the City Fine Schedule for each day sludge is stored on City property.

§ 29-6. Disposing of City-owned real estate.

A. The Finance Department shall annually, on or before November 15, 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 not have a present or reasonably foreseeable use shall be recommended to the City Council to be sold.

C. Upon receiving the City Manager's recommendations, the City Council may then 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, he/she or it shall express his/her or its 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 $250 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 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 weeks of receiving a letter of interest that the property either be sold according to the procedure determined herein or retained by the City.

F. Within four 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 30 days prior to the sale.

H. Unless otherwise authorized by the City Council, sealed bids with a minimum bid price of 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 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 include 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 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.

§ 29-7. Use of City Hall.

A. The inside of City Hall may be used as an event venue by elected officials and candidates for elective partisan public office to promote a candidacy or for educational or constituent service as long as members of the general public are invited and admitted without cost or restriction. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. The City Manager shall promulgate policies for the use and rental of City Hall in all other cases.

§ 29-8. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Except where otherwise provided, any person, firm or corporation violating any provisions of this article shall, upon conviction, be guilty of a violation and shall be subject to a fine as provided in the City Fine Schedule.

ARTICLE II
City Motor Vehicles
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 77 of the 2013 Code]

§ 29-9. Identifying marks.

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 37, Seal, of this Code. Motor vehicles assigned to the Police Department and Fire and Rescue Department 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 10 days of the passage of 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.

§ 29-10. Size of lettering.

All lettering on motor vehicles as hereinbefore described shall be at least four inches high for the words "City of Dover" and shall be of contrasting color.

§ 29-11. Unmarked police vehicles.

Any motor vehicle now or hereafter assigned to the Police Department may be exempt from the requirements of this article if, in the opinion of the Chief of Police, such exemption is in the best interest of the Department.

§ 29-12. 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.

§ 29-13. 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.

§ 29-14. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person violating any of the provisions of this article shall be deemed guilty of a violation and shall, upon conviction, be subject to a fine as provided in the City Fine Schedule.

Chapter 33

RECORDS

ARTICLE I
Filing of Rules and Regulations

§ 33-1. Filing of public records.
§ 33-2. Copying of documents.

ARTICLE II
Records Management

§ 33-3. Municipal Records Committee established.
§ 33-4. Definitions.
§ 33-5. Powers and duties of Municipal Records Committee.
§ 33-6. Duties of City Clerk.
§ 33-7. Responsibilities of City departments and agencies.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Filing of Rules and Regulations
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 45 of the 2013 Code]

§ 33-1. 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.

§ 33-2. 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.

ARTICLE II
Records Management
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 127 of the 2013 Code]

§ 33-3. Municipal Records Committee established. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

A. Membership. The membership of the Municipal Records Committee shall consist of the City Manager or his/her designee together with the Clerk, Treasurer, Assessor or his/her

designee and Tax Collector of the City pursuant to RSA 33-A: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 33-A: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.

§ 33-4. Definitions.

As used in this article, 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 Clerk in a manner that ensures the information they contain cannot be recaptured or reconstructed. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

DUPLICATE — Any accurate, unaltered, unabridged copy of a record or series or records which is not original.

NONRECORD MATERIALS — Those extra copies of materials preserved only for convenience or reference, as well as redundant copies of official publications of the City.

ORIGINAL — 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." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

PUBLIC RECORD REQUEST FORM — Form to be used to process requests in accordance with RSA 91-A 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, its 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, and 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 Citywide 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 33-A:3-a or 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.

§ 33-5. Powers and duties of Municipal Records Committee.

A. In keeping with state statute, the Municipal Records Committee is charged with carrying out the rules established by the New Hampshire Municipal Records Board (RSA 33-A:3). The Municipal Records Committee shall:

(1) Establish standards, procedures, and techniques for the effective management of the records of the City;

(2) 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;

(3) 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;

(4) Analyze records management procedures for efficiency, accuracy, and cost effectiveness;

(5) 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;

(6) 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;

(7) Provide appropriate storage facilities and services to ensure the long-term preservation needs of the City's permanent records;

(8) Establish a program for the efficient management of forms and files;

(9) 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

(10) Hire consultants or contractors as needed.

B. In carrying out these duties, the Municipal Records Committee shall:

(1) Approve all records retention and disposition schedules;

(2) Review any request for information that was denied by the City Clerk to determine whether the denial was in keeping with prevailing law and policies; **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(3) Make recommendations to the City Manager for the implementation of these policies;

(4) Render a report annually to the City Council regarding the development and status of the City's Records Management Program; and

(5) 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.

§ 33-6. Duties of City Clerk. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The City Clerk 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 its 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. Implement 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. Supervise 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.

§ 33-7. 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's 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-A 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 noncurrent or inactive records; and

E. Appoint a department member who shall act as liaison between the department or agency and the City Clerk on all matters relating to the records of the department or agency and its recordkeeping practices. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

Chapter 37

SEAL

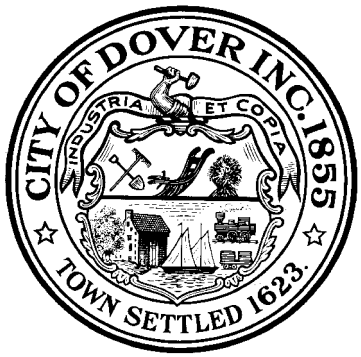
§ 37-1. Design. **§ 37-2. Custody.**

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 50 of the 2013 Code. Amendments noted where applicable.]

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§ 37-1. 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 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.



§ 37-2. Custody.

The City Clerk shall be the ex officio keeper of the Seal.

PART II

GENERAL LEGISLATION

Chapter 41

ADULT-ORIENTED ESTABLISHMENTS

ARTICLE I
Adult Bookstores and Video Stores

§ 41-1. Purpose.
§ 41-2. Definitions.
§ 41-3. Display of merchandise.
§ 41-4. Sales and rentals.
§ 41-5. Compliance required.
§ 41-6. Violations and penalties.
§ 41-7. Severability.

ARTICLE II
Adult Entertainment

§ 41-8. Purpose.
§ 41-9. Prohibited commercial enterprises.
§ 41-10. Definitions.
§ 41-11. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Adult Bookstores and Video Stores
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 56 of the 2013 Code.]

§ 41-1. Purpose. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The purpose of this article is to regulate the display of adult books, magazines and videos for the purpose of sale/rental by placing them out of view of minors.

§ 41-2. Definitions.

The following are definitions of terms as used in this article:

ADULT BOOK, MAGAZINE OR VIDEO — Any book, pamphlet, magazine, video, printed matter or electronic media, 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 and which, taken as a whole, is harmful to minors. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 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.

§ 41-3. Display of merchandise.

Any person, firm or corporation knowingly offering for sale adult books and/or magazines shall display them on shelves, book racks or other display devices at a height of no less than 60 inches from the floor level immediately in front of the display racks or shelves or, in the absence of shelves or book racks, having a minimum shelf height of 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.

§ 41-4. Sales and rentals.

A. Applicability. The following section 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 as provided in the City Fee Schedule. The license application shall be in accordance with § 41-4B. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(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.

(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. License required. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) An application for a 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 article and the premises must be inspected and found to be in compliance with the law by the Building Official.

(3) The Dover Licensing Board shall approve the issuance of a license to an applicant within 30 days after receipt of an application unless it finds one or more of the following to be true:

(a) An applicant is under 21 years of age.

(b) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(c) The premises to be used for the business has not been approved by the Building Official as being in compliance with applicable laws and ordinances.

(d) The license fee required by this article 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 article.

(f) The applicant has been convicted of an offense under RSA 632-a.

(4) Fees. The annual fee for an adult bookstore/video store business license is provided in the City Fee Schedule.

(5) Expiration.

(a) Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in this section. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the license will not be affected.

(b) When the Dover Licensing Board denies renewal of a license, the applicant shall not be issued a 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 license has been corrected or abated, the applicant may be granted a license if at least 90 days have elapsed since the date denial became final.

(6) Suspension. The Dover Licensing Board shall suspend a license for a period not to exceed 30 days if it determines that a licensee or an employee of a licensee has violated or is not in compliance with any section of this article.

(7) Revocation.

(a) The Dover Licensing Board shall revoke a license if a cause of suspension in § 41-4B(6) occurs and the license has been suspended within the preceding 12 months.

(b) The Dover Licensing Board shall revoke a license if it determines that:

[1] A licensee gave false or misleading information in the material submitted to the Licensing Board during the application process.

[2] A licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises.

[3] A licensee or an employee has knowingly allowed minors to access the enclosed area on more than one occasion.

[4] A licensee or an employee has knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended.

[5] A 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 licensed premises.

(c) When the Dover Licensing Board revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one 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 license if at least 90 days have elapsed since the date the revocation became effective.

(d) After denial of an application, or denial of a renewal of an application, or suspension or revocation of a license, the applicant or licensee 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 license. A licensee shall not transfer his license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application.

§ 41-5. Compliance required. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

It shall be unlawful for any person, firm or corporation to knowingly display any adult book, magazine or video in a manner inconsistent with the provisions of § 41-3 of this article. In

any enforcement action in any provision of this article, it shall not be necessary for the City to negate any exception, excuse, proviso, or exemption contained herein, and the burden of proof of any exception, excuse, proviso, or exemption shall be on the defendant. Any section of this article which does not specifically address or permit the display requirements as set forth by §§ 41-1 through 41-4 would require a two-thirds vote of approval by the City Council prior to an issuance of a license.

§ 41-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, firm or corporation violating any of the provisions of this article shall be guilty of a violation and subject to a fine as provided in the City Fine Schedule, no portion of which may be suspended. The store's license shall be subject to suspension for the first offense and revocation for a subsequent conviction.

§ 41-7. Severability.

If any section, subsection, or clause of this article shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

ARTICLE II
Adult Entertainment
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 132 of the 2013 Code.]

§ 41-8. Purpose.

It is declared to be the purpose and intent of this article 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 article 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.

§ 41-9. 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.

§ 41-10. Definitions.

As used in this article, 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:

A. To the average individual applying contemporary community standards, considered as a whole, appeals to the prurient interest;

B. 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

C. Considered as a whole lacks serious literary, artistic, political or scientific value.

PRESENT — To show, reveal, display or expose to any person.

THEATER —

A. 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.

B. An open-air theater designed primarily for showing motion pictures, having a permanent movie screen and permanent devices for broadcasting movie soundtracks in motor vehicles.

C. Any playhouse, hall, or similar structure designed primarily for legitimate artistic expression.

§ 41-11. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, firm or corporation violating any provision of this article shall be fined as provided in the City Fine Schedule. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Chapter 45

ALARMS AND SECURITY

ARTICLE I
Security Requirements

§ 45-1. Purpose.
§ 45-2. Applicability.
§ 45-3. Definitions and word usage.
§ 45-4. Compliance required.
§ 45-5. Enforcement.
§ 45-6. Inspections.
§ 45-7. Responsibility for compliance.
§ 45-8. Degree of protection; burden of proof.
§ 45-9. Life safety factors.
§ 45-10. Exterior doors.
§ 45-11. Windows.
§ 45-12. Roof openings.
§ 45-13. Other points of access.
§ 45-14. Burglar alarm systems.
§ 45-15. Multiple-family dwellings.
§ 45-16. Violations and penalties.
§ 45-17. Street numbers required.

ARTICLE II
Alarm Businesses, Systems and Users

§ 45-18. Purpose.
§ 45-19. Alarm user's permit.
§ 45-20. Application.
§ 45-21. Fees.
§ 45-22. Required inspections.
§ 45-23. Operation without permit; violations and penalties.
§ 45-24. False alarms; civil assessments and revocation of permit.
§ 45-25. Revocation procedure.
§ 45-26. Restoration of revoked permit.
§ 45-27. Service of notice.
§ 45-28. Administrative rules.
§ 45-29. Failure to comply.
§ 45-30. Violations and penalties.

ARTICLE III
Fire Alarm Systems

§ 45-31. Purpose.
§ 45-32. Response to alarm activation.
§ 45-33. Fire alarm malfunction; responsibility of owner.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 58 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
Security Requirements

§ 45-1. Purpose.

The purpose of this article is to provide minimum standards of physical security for business establishments and multifamily dwellings within the jurisdictional boundaries of the City of Dover.

§ 45-2. Applicability.

The provisions of this article shall apply to business establishments and multifamily dwellings contained in new buildings or structures. A building or structure that undergoes additions, alterations or repairs within a one-year period that exceed 50% of the assessed value or are more than $10,000, 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 article.

§ 45-3. Definitions and word usage.

As used in this article, the following terms mean:

ACCESSIBLE — Any access point within 18 feet of the ground or the roof of an adjoining building or structure or within three 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.

ACCESS POINT — Any opening in the exterior of a building or structure which has a clear cross section of 96 inches or more and which has its smallest dimension in excess of six 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.

MULTIFAMILY DWELLING — Any structure containing five or more units designed for occupancy.

PERSON — Any person, firm, partnership, association, corporation, company or organization of any kind.

RATED — Listed by Underwriters' Laboratories.

§ 45-4. 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 article. 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.

§ 45-5. Enforcement.

The Police Department, under the supervision of the office of the Chief of Police, shall administer and enforce the provisions of this article.

§ 45-6. Inspections.

A. The enforcing authority shall cause the access points of all establishments subject to the provisions of this article 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 § 45-2 of this article 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 article 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 article, 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 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 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 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 article during reasonable business hours for the purpose of inspecting the premises to ascertain the degree of compliance with the provisions of this article. 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.

§ 45-7. Responsibility for compliance.

Responsibility for compliance with the provisions of this article 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 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.

§ 45-8. Degree of protection; burden of proof.

A. The provisions of this article 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 article.

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 article have been met or surpassed shall be on the person responsible for compliance.

§ 45-9. Life safety factors.

No portion of this article shall supersede any local, state or federal laws, regulations or codes dealing with life safety factors.

§ 45-10. 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 1 3/8 inches thick and solid metal doors having at least equal strength to a wood door of solid-core construction at least 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 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 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 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 subsections 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 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 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 15 inches in length.

§ 45-11. 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 four inches apart, and having dividers of at least one-fourth-inch flat steel bars spaced not more than 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 § 45-10G(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 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.

§ 45-12. Roof openings.

A. Skylights shall be secured in the same manner as windows as in § 45-11, depending on whether they are operable or nonoperable.

B. Hatchways or roof doors shall be secured in the same manner as provided by § 45-10, except that locking devices used shall consist of a slide bar or slide bolts.

§ 45-13. Other points of access.

All accessible access points not previously dealt with by provisions of this article, including but not limited to air duct or vent openings, shall be secured as in § 45-11A(2) or (3).

§ 45-14. Burglar alarm systems.

A. If the enforcing authority determines that the physical security requirements set forth in this article will not adequately secure the commercial establishment, it may require, in addition to such physical security requirements, the installation and maintenance of an Underwriters' Laboratories-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' Laboratories-approved burglar alarm system or intrusion detection device for the physical security devices required by this article. The enforcing authority shall grant this request subject to the requirements set forth in § 45-8.

C. Nothing contained in this article shall prevent a commercial establishment from voluntarily installing and maintaining a burglar alarm system or intrusion detection device, provided that the requirements of this article are otherwise complied with.

§ 45-15. Multiple-family dwellings.

A. Multiple-family dwellings shall be exempt from the following provisions of this article:

(1) Section 45-11A(1), (2) and (3).

(2) Section 45-11B(1) and (2).

(3) Section 45-14.

B. For the purpose of this article, 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 § 45-10 of this article. In addition, this type of door shall be equipped with an operational viewing device which provides a minimum 180° view of the area immediately adjacent to the door so that there is no requirement to open this door to identify persons seeking access.

§ 45-16. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who violates any provision of this article shall be guilty of a violation and, upon conviction, shall be subject to a fine as provided in the City Fine Schedule. Each day that the violation remains in effect shall constitute a separate violation.

§ 45-17. Street numbers required.

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 number 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

§ 45-18. Purpose.

The purpose of this article is to provide minimum standards of operation and regulations applicable to emergency and burglar alarm systems, alarm businesses and alarm users.

§ 45-19. Alarm user's permit. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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.

§ 45-20. Application.

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 10 days of such change.

B. The alarm user applying for the permit required in § 45-19 of this article 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.

§ 45-21. Fees.

A. Alarm user permit. There will be a permit fee as provided in the City Fee Schedule for the first year for all security and fire alarm systems. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. There shall be an annual renewal fee as provided in the City Fee Schedule for all security and fire alarm systems. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

C. If a residential alarm user is over the age of 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 which operate alarm systems shall be exempt from payment of a fee.

E. An alarm permit application renewal request received after the first 30 days of a new calendar year shall be processed as an original application.

§ 45-22. Required inspections.

A. Every alarm user licensed under this article, connected to the Police Department, may be required to have its alarm system inspected if it exceeds 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.

B. The information contained in the alarm user permit application required by § 45-20 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 article 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 subject to a fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 45-23. Operation without permit; violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

A. Any alarm system user who operates an alarm system without first obtaining a permit as required by this article or who operates an alarm system when such permit has expired shall be guilty of a violation and, upon conviction, shall be subject to a fine as provided in the City Fine Schedule.

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 subject to a fine as provided in the City Fine Schedule.

§ 45-24. False alarms; civil assessments and revocation of permit.

A. For the purposes of this article, 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 as provided in the City Fine Schedule for each false alarm received in excess of three 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 § 45-25 of this article. 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 30 days may be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 as provided in the City Fine Schedule 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

D. In any case where a false alarm is received in excess of six 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 30 days of request shall be punishable as a violation and may be cause for revocation of the alarm user's permit.

§ 45-25. Revocation procedure.

A. If the Police Department has recorded excessive false alarms, as defined in § 45-24, the Chief of Police may notify the permit holder, in writing, and request the permit holder to submit a report within 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 false alarms within a calendar year.

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 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 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 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 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.

§ 45-26. Restoration of revoked permit.

A. An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in § 45-20 of this article. 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 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 as provided in the City Fee Schedule . **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 45-27. Service of notice.

When any City official has the right or is required to act within a prescribed period pursuant to this article, and service is made by mail, one day shall be added to the prescribed period. In lieu of service by mail, delivery may be made by hand by any person 18 years of age or older.

§ 45-28. Administrative rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this article and for determination of grounds for clerical revocation of any permit required by this article.

§ 45-29. Failure to comply.

Failure of any person to comply with the requirements of written notice of a violation of any provision of this article within three days of receipt of such notice, exclusive of Saturdays, Sundays and holidays, shall constitute a violation of this article. 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 24 hours after the three days allowed for compliance shall constitute a separate offense.

§ 45-30. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Unless otherwise provided, any person, firm or corporation within the boundaries of the City of Dover who violates any provision of this article shall be guilty of a violation and, upon conviction, shall be punished by a fine as provided in the City Fine Schedule. Each day during which a violation continues shall be considered a separate offense.

ARTICLE III
Fire Alarm Systems

§ 45-31. Purpose.

The purpose of this article is to establish a fine system for any person, firm or corporation that fails to maintain its fire alarm system, causing the Fire and Rescue Department to respond because of the lack of maintenance.

§ 45-32. Response to alarm activation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

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 Department 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 those premises. 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 as provided in the City Fee Schedule. The officer or member of the Dover Fire and Rescue Department who responded to said premises shall serve the owner or authorized representative a fire alarm activation report.

§ 45-33. Fire alarm malfunction; responsibility of owner. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

In the event of a fire alarm activation deemed by the Fire and Rescue 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 and Rescue 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 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-day period which is satisfactory to the enforcement official will result in the assessment against the owner of a fine as provided in the City Fine Schedule for the fire alarm malfunction.[1]

1. **Editor's Note: Original § 58-34C of the 2013 Code, Tenant's responsibilities, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III). See Ch. 81, Fire Prevention and Life Safety, § 81-17, Tenant's responsibilities.**

Chapter 49

AMUSEMENTS

ARTICLE I
Dances and Entertainment

§ 49-1. License required.
§ 49-2. Approved locations.
§ 49-3. Fees.
§ 49-4. Definitions.
§ 49-5. Denial or revocation of license; appeals process.
§ 49-6. Posting of license.
§ 49-7. Attendance of police officer; reimbursement of costs.
§ 49-8. Illumination required.
§ 49-9. Closing hours.
§ 49-10. Violations and penalties.

ARTICLE II
Professional Fighting Sports Competitions

§ 49-11. Professional fighting sports competitions permitted.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Dances and Entertainment
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 86 of the 2013 Code.]

§ 49-1. License required.

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 12:00 midnight on December 31.

§ 49-2. Approved locations.

The license shall be issued only for entertainment or dances held in halls and restaurants that are approved by the Chief of Police.

§ 49-3. Fees.

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.

§ 49-4. Definitions.

As used in this article, 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.

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.

§ 49-5. Denial or revocation of license; appeals process.

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 article 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 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 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.

§ 49-6. Posting of license. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The license shall be posted in a conspicuous place within the hall in which the dance or entertainment is held.

§ 49-7. 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.

§ 49-8. 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.

§ 49-9. Closing hours.

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.

§ 49-10. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person or organization violating the provisions of this article shall be guilty of a violation and be subject to a fine as provided in the City Fine Schedule.

ARTICLE II

Professional Fighting Sports Competitions

[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 60 of the 2013 Code.]

§ 49-11. Professional fighting sports competitions permitted. [Amended 4-13-2016 by Ord. No. 2016.03.23-005; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The holding of professional fighting sports competitions, as provided in RSA 285, is hereby authorized and permitted, said competitions to be conducted in accordance with the rules and regulations of the State Boxing and Wrestling Commission.

Chapter 53

BICYCLES AND PLAY VEHICLES

§ 53-1. Definitions.
§ 53-2. Bicycle registration required.
§ 53-3. Operation of bicycles.
§ 53-4. Operation of skateboards and scooters.
§ 53-5. Reflective material required.
§ 53-6. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 66 of the 2013 Code. Amendments noted where applicable.]

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§ 53-1. Definitions.

As used in this chapter, the following terms mean:

SCOOTER — A motorized or nonmotorized vehicle consisting of a long footboard between two end wheels, controlled by an upright steering handle attached to the front wheel.

SIDEWALK — That portion of a public highway between the curb and the adjacent property lines.

SKATEBOARD — A short, narrow board having one set of two or more wheels mounted under it.

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.

§ 53-2. Bicycle registration required.

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.

§ 53-3. Operation of bicycles.

All bicycles shall be ridden or operated in accordance with all pertinent chapters of the New Hampshire Revised Statute Annotated

§ 53-4. 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, except for the City-owned skate park area adjacent to River Street between the hours of 7:00 a.m. and 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:

Name of Street/Facility	Location
All City parking lots	
Broadway	From Central Avenue northerly to St. John Street
Central Avenue	From New York Street southerly to Silver Street
Chapel Street	
Chestnut Street	
Cochecho Riverwalk	Entire length
Fayette Street	
Fifth Street	From Central Avenue westerly to Chestnut Street
First Street	
Fourth Street	From Central Avenue westerly to Chestnut Street
Franklin Court	
Green Street	
Hale Street	
Henry Law Avenue	From Washington Street southerly to George Street
Henry Law Park	
Locust Street	From Washington Street southerly to Silver Street
Main Street	
Mechanic Street	
Orchard Street	
Pierce Street	
Portland Avenue	From Main Street to Cochecho Street
Preble Street	
River Street	
St. John Street	
St. Thomas Street	

Name of Street/Facility	Location
School Street	
Second Street	
Sixth Street	From Central Avenue westerly to Chestnut Street
Third Street	From Central Avenue westerly to Chestnut Street
Trombley Street	
Waldron Court	
Washington Street	From Belknap Street easterly to Main Street
William Street	
Young Street	

B. All skateboards and scooters shall be ridden or operated with due care with regard for rules governing pedestrians and pedestrian safety.

§ 53-5. 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 it shall be worn/displayed so that it is visible to vehicle headlights.

§ 53-6. Violations and penalties.

A. Any person 16 years of age or older found violating this chapter shall be guilty of a violation and shall be subject to a fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. Any person under the age of 16 found in violation of this chapter may have his/her bicycle impounded by the Police Department for a period not to exceed 30 days. When a bicycle is impounded by the Police Department pursuant to this section, the owner of said item impounded may, within two 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 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 days.

Chapter 57

BUILDING CONSTRUCTION

§ 57-1. Statutory authority.
§ 57-2. Adoption of standards.
§ 57-3. Building Official.
§ 57-4. Liability for official actions.
§ 57-5. Right of entry.
§ 57-6. Interpretation of provisions.
§ 57-7. Administration and enforcement.
§ 57-8. Building permit procedure.
§ 57-9. Certificate of occupancy.
§ 57-10. Building permit fees.
§ 57-11. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 68 of the 2013 Code. Amendments noted where applicable.]

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§ 57-1. Statutory authority.

This chapter is enacted pursuant to the authority granted by RSA 47:22 and 155-A.

§ 57-2. Adoption of standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

There is hereby adopted by the City of Dover, New Hampshire, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use, occupancy, location and maintenance of buildings and structures, including permits, that certain building code known as the "State Building Code," 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 Inspection Services 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.

§ 57-3. Building Official.

A. Office of Building Official established.

(1) The office of Building Official is hereby created and the executive official in charge shall be known as the "Building Official."

(2) The Building Official shall be appointed by the City Manager.

B. 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.

C. Duties.

(1) 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 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.

(2) 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.

(3) 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.

(4) 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.

§ 57-4. 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 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.

§ 57-5. 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.

§ 57-6. 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.

§ 57-7. Administration and enforcement.

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.

§ 57-8. Building permit procedure.

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

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

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

(1) Plans and specifications. The application for the permit shall be accompanied by not less than two 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 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.

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

E. Statute of limitations. Any work for which a building permit has been issued shall commence within the time period specified in the State Building Code and State Fire Code pursuant to RSA 155-A.

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

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

H. By whom application is made. Applications for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work. If the application is made by a 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 person 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 57-9. Certificate of occupancy.

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

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

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

D. Action of application. The Building Official shall, within 15 working days of receipt of such application, render a decision either granting a certificate of occupancy or 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 Director of Planning and Community Development, Community Services Director, Fire and Rescue Chief and Police Chief and/or their designee, certifying the adequacy of required improvements.

§ 57-10. Building permit fees.

See Fee Schedule.

§ 57-11. Violations and penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Violations of this chapter shall be subject to the penalties provided in RSA 155-A:8.

Chapter 61

BUILDING DEMOLITION

§ 61-1. Permit and fees.

§ 61-2. Removal of debris.

§ 61-3. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 71 of the 2013 Code; amended 4-2-2016 by Ord. No. 2016.04.13-006. Subsequent amendments noted where applicable.]

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§ 61-1. Permit and fees.

A permit from the City of Dover Inspection Services Division shall be required prior to the demolition of any building(s) and/or structure(s) within the City of Dover. The permit application form shall be prepared by the Inspection Services Division and fees for demolition permits shall be established by the City Council in the City's Fee Schedule. In issuing a permit, the Inspection Services Division may impose reasonable conditions for the safety of the general public, the public right-of-way, and/or adjacent property, including, but not limited to, time/day restrictions, the need for a traffic control plan, the presence of a police detail at the applicant's expense, dust/debris mitigation requirements, and/or procurement of insurance coverage by the applicant. Unless an emergency is determined by the Building Official, no permit shall be issued until all outstanding fees owed to the City of Dover by the applicant or property owner have been paid. The City of Dover shall be exempt from the payment of demolition permit fees.

§ 61-2. Removal of debris.

Any person, firm or corporation issued a demolition permit shall clean the lot subject to demolition activities within 30 days of demolition. The cleaning shall include clearing and appropriate disposal of all demolition debris. In issuing a demolition permit, the Inspection Services Division may require a performance bond to ensure all debris is removed pursuant to this section.

§ 61-3. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person, firm or corporation violating any provisions of this chapter shall be subject to a fine as provided in the City Fine Schedule, and each day of such violation or failure to comply shall constitute a separate offense.

Chapter 65

CEMETERIES

§ 65-1. Hours; permitted access.
§ 65-2. Certain vehicles and domestic animals restricted.
§ 65-3. Speed limit.
§ 65-4. Conduct in cemeteries.
§ 65-5. Handling of flowers, monuments and structures.
§ 65-6. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 74 of the 2013 Code. Amendments noted where applicable]

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§ 65-1. Hours; permitted access. [Amended 10-26-2016 by Ord. No. 2016.10.12-012]

All cemeteries in the City of Dover shall be closed between sunset and sunrise. No person, except an employee of the Community Services Department performing official duties, shall enter or remain in any cemetery located in the City of Dover between sunset and sunrise. Children are not permitted on cemetery grounds unless accompanied by an adult. The parking of vehicles in cemeteries is permitted for visitors to the cemetery only. The hours of permissible vehicle parking in City owned/controlled cemeteries are set forth in § 141-49, Schedule J, Limited Time Parking, Subsection G.

§ 65-2. Certain vehicles and domestic animals restricted. [Amended 2-12-2014 by Ord. No. 2013.12.11-14]

A. No off-highway recreational vehicles (OHRV), minibikes, snowmobiles, all-terrain vehicles, or other off-road recreational vehicles are permitted on the grounds of cemeteries.

B. No dogs, horses, cattle or other domestic animals are permitted on the grounds of cemeteries. This subsection shall not apply to service animals as defined in RSA 167-D:1, IV. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 65-3. Speed limit.

The speed limit in any cemetery of the City, public or private, is 15 miles per hour.

§ 65-4. 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.

§ 65-5. Handling of flowers, monuments and structures.

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.

§ 65-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person violating the terms of this chapter shall be subject to a fine as provided in the City Fine Schedule.

Chapter 69

DOGS

ARTICLE I
Licensing and Regulation

§ 69-1. Definitions.
§ 69-2. License required.
§ 69-3. Fees.
§ 69-4. Group license.
§ 69-5. Replacement of lost license tag.
§ 69-6. Penalty for unlicensed dogs.
§ 69-7. Seizure of unlicensed dogs.

ARTICLE II
Nuisance Regulations

§ 69-8. Running at large.
§ 69-9. Impoundment.
§ 69-10. Notice to owner; redemption.
§ 69-11. Barking dogs.
§ 69-12. Removal of excrement.
§ 69-13. Violations and penalties.

ARTICLE III
Miscellaneous Regulations

§ 69-14. Restraint required after dog bites person.
§ 69-15. Examination of dog.
§ 69-16. Dogs prohibited in City parks and school grounds; exemption.
§ 69-17. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 89 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
Licensing and Regulation

§ 69-1. Definitions.

As used in this chapter, the following terms mean:

ACCOMPANIED — 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 — 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 — Male and female dogs not exempted by state statute.

OWNER — Any person keeping, harboring or having charge or control of a dog or permitting any dog to habitually be or remain in or 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 69-2. License required.

Every owner or keeper of a dog four months old or over shall annually, on or before April 30, license his/her 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.

§ 69-3. Fees.

A. The fee for every license for a year or portion of a year shall be as provided in the City Fee Schedule. The owner or keeper of a spayed female dog or neutered male dog shall furnish a certificate from the person performing the operation to the satisfaction of the City Clerk. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. Notwithstanding Subsection A, the fee for every license for a year or a portion of a year shall be as provided in the City Fee Schedule 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 Subsection A. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

C. Fees for dogs licensed in a commercial kennel shall be based on the number of dog licenses, as in RSA 466:6 for group licenses. For purposes of this subsection, "commercial kennel" means the establishment or domicile of any person who sells dogs at wholesale or retail and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year, or who derives 40% or more of his gross annual income from the sale or transfer of dogs.

§ 69-4. Group license.

A. The owner or keeper of five or more dogs shall annually by April 30 pay the required fee, provide proof of rabies inoculation for every dog he or she owns 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/her control. Such owner or keeper shall not be required to obtain a commercial kennel license under § 69-3C 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 as provided in the City Fee Schedule with a late fee as provided in the City Fee Schedule assessed for any group not licensed by June 1. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

D. No fee shall be required for dogs which are under the age of four months.

E. The owner or keeper shall receive numbered license tags for each dog included under his/her group license.

§ 69-5. 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.

§ 69-6. 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 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 days (RSA 466:14).

B. Civil forfeitures may be delivered by certified mail, hand delivery or 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 15 calendar days from the notice of forfeiture to pay the forfeiture and cost of service and to license the dog(s), or a summons to District Court will be issued by the Police Department. The forfeiture shall be as provided in the City Fine Schedule, and the service fee shall be as provided in the City Fee Schedule. Failure to pay the forfeiture and service fee in a timely manner shall result in a summons to the District Court by an authorized law enforcement officer. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

C. A fine as provided in the City Fine Schedule shall be imposed for an offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 69-7. Seizure of unlicensed dogs. [Amended 4-10-2019 by Ord. No. 2019.03.27-006]

A. Any authorized police officer may seize any dog not properly licensed after a written warning and cause it to be transported to the approved boarding facility authorized to accept such dogs by the City in accordance with the City bidding process. The approved boarding facility shall keep said dog at the expense of the City for a period of time not to exceed seven consecutive days. Full title to the dog shall transfer to the approved boarding facility after seven consecutive days.

B. Any owner of a dog so seized may reclaim said dog during the seven-day period provided for herein by furnishing proof of a proper license and payment of the forfeiture and service fee, a daily facility fee, all necessary veterinary fees, and a pickup and transportation service fee (see Fee Schedule) paid to the Police Department. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE II
Nuisance Regulations

§ 69-8. 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 eight feet in length; or

B. The dog is accompanied by the owner or custodian and under voice control.

§ 69-9. Impoundment. [Amended 4-10-2019 by Ord. No. 2019.03.27-006]

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 § 69-8 and may impound such dog at the approved boarding facility authorized by the City in accordance with the City bidding process to accept such dogs.

§ 69-10. 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.

§ 69-11. 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 are 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 § 69-13.

§ 69-12. 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 section.

§ 69-13. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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 as provided in the City Fine Schedule.

ARTICLE III
Miscellaneous Regulations

§ 69-14. Restraint required after dog bites person.

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 10 days and shall, as soon as possible, notify the Animal Control Officer or the Police Department.

§ 69-15. 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.

§ 69-16. Dogs prohibited in City parks and school grounds; exemption.

A. 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.

B. Hearing ear dogs, guide dogs, service dogs and search and rescue dogs pursuant to state law are exempt from the provisions of this section.

§ 69-17. Violations and penalties.

A. Any person convicted of a violation of this Article III shall be fined as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. Each day a dog is not restrained in accordance with § 69-14 shall constitute a separate violation.

Chapter 77

ELECTRICAL STANDARDS

ARTICLE I
General Provisions

§ 77-1. Adoption of standards.
§ 77-2. Purpose.

ARTICLE II
Administration

§ 77-3. Electrical Inspector.
§ 77-4. Applicability.
§ 77-5. Enforcement; appeals.
§ 77-6. Required permits.
§ 77-7. Notice to Electrical Inspector.
§ 77-8. Validity of permit.
§ 77-9. Application to be complete.
§ 77-10. Covering of work to be inspected.
§ 77-11. Inspection of existing installations.
§ 77-12. Certificates of inspection and approval.
§ 77-13. Approval of temporary service.
§ 77-14. Conformity with standards.
§ 77-15. Existing installations.
§ 77-16. Additions to existing installations.
§ 77-17. Disturbance of existing wiring.
§ 77-18. Interpretation of standards.
§ 77-19. Installations not covered by standards.
§ 77-20. Right of entry.
§ 77-21. Failure to correct defects, errors and deficiencies.
§ 77-22. Procedure upon finding installations defective or unsafe.
§ 77-23. Certificate required.
§ 77-24. Violations and penalties.

ARTICLE III
Applications; Permits; Fees

§ 77-25. Filing of applications; information required.
§ 77-26. Time period for commencement of work.
§ 77-27. Fees.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 102 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 77-1. 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.

§ 77-2. 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.

ARTICLE II
Administration

§ 77-3. Electrical Inspector.

An Electrical Inspector appointed by the City Manager shall administer the Electrical Code.

§ 77-4. 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.

§ 77-5. Enforcement; appeals.

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.

§ 77-6. 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 § 77-4 of this chapter, may be installed, altered or repaired.

A. Any person, firm or corporation permanently employing one or more skilled electricians in a place of business may procure a special wiring permit for a period not longer than three months. A record of all work done under this permit is to be filed weekly with the office of the Inspection Services Division and shall be accompanied with the proper fee.

B. All emergency work done shall be reported in the office of the Inspection Services Division within 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 24 volts or less.

§ 77-7. Notice to Electrical 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 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.

§ 77-8. 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.

§ 77-9. 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.

§ 77-10. 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.

§ 77-11. 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 10 days after notification thereof or within such further reasonable time as may, upon request, be prescribed.

§ 77-12. 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 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.

§ 77-13. 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 Subsection 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 90 days, except for a building in the 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.

§ 77-14. 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 100 amperes. Apartment units with six or more two-wire branch circuits shall also have a rating of no less than 100 amperes.

§ 77-15. 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.

§ 77-16. 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.

§ 77-17. 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.

§ 77-18. 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.

§ 77-19. 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 Code.

§ 77-20. 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.

§ 77-21. Failure to correct defects, errors and deficiencies.

Immediately upon notification, in writing, by the Electrical Inspector, any person, persons, firm or corporation who or which shall fail to correct any defect, error or deficiency on any work or indebtedness to the Electrical Inspector within five 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.

§ 77-22. 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 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.

§ 77-23. 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.

§ 77-24. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, firm or corporation violating any provision of this chapter shall be punishable as provided in RSA 155-A:8. Each day of said violation shall be construed as a separate offense.

ARTICLE III
Applications; Permits; Fees

§ 77-25. 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.

§ 77-26. Time period for commencement of work.

If any work authorized by any permit is not commenced within a period of 60 days after the date thereof, such permit shall thereupon become void and of no effect.

§ 77-27. Fees.

Fees shall be established in the Fee Schedule and approved by the Dover City Council. Any legal entity thereof shall be exempt from the payment of said fees.

Chapter 81

FIRE PREVENTION AND LIFE SAFETY

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[HISTORY: Amended in its entirety by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 109 of the 2013 Code. Amendments noted where applicable]

ARTICLE I
Fire Code

§ 81-1. Statutory authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

This article is enacted pursuant to the authority granted by RSA 47:22 and RSA 153.

§ 81-2. Adoption of standards. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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" (Chapter Saf-C 6000), "NFPA 1," 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 fewer than three 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 article shall take effect, the provisions thereof shall be controlling within the limits of the City of Dover, New Hampshire.

§ 81-3. 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 and Rescue Chief.

§ 81-4. 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 and Rescue 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 and Rescue Chief.

§ 81-5. 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 and Rescue Chief.

§ 81-6. 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.

§ 81-7. 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.

§ 81-8. 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 and 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 firefighting 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 150 feet from a public road or exceed 30 feet in height and are set back more than 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 and Rescue Department accessibility as determined by the Chief of the Fire and Rescue Department, or designee, require such lanes for a clear and unobstructed approach to the building. Fire lanes shall be at least 20 feet in width, with the road edge closest to the building at least 10 feet from the building. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. Dead-end roads. Any dead-end road more than 300 feet long shall be provided with a turnaround at the closed end at least 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 20 feet in width and shall be otherwise regarded, for the purposes of this article, 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 section, 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.

§ 81-9. 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 and Rescue 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 days prior to date of the display and approved by the Fire and Rescue Chief and the Police Chief.

B. This section shall be construed consistently with the current NFPA 1, State Fire Code, adopted by the State of New Hampshire, Chapter 31, as adopted in § 81-2 of this article, and is not meant to repeal any section thereof.

§ 81-10. 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 and Rescue Department in the first instance and the City Manager in the second instance.

§ 81-11. New materials, processes and occupancies. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The City Manager of the City of Dover, New Hampshire, the Chief of the Dover Fire and 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 its office and distribute copies thereof to interested persons.

§ 81-12. Violations and penalties.

A. Any person who shall violate any of the provisions of the Code of Dover Chapter 81, Article I, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder 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 and Rescue Department 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 as provided in the City Fine Schedule for each offense. The imposition of one 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE II
Life Safety Code

§ 81-13. Statutory authority.

This article is enacted pursuant to the authority granted by RSA 47:22

§ 81-14. 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 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 and 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.

§ 81-15. 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.

§ 81-16. Smoke detection requirements.

A. In addition to the requirements of NFPA 101, Life Safety Code, current edition, and International Residential Code for one- and two-family homes, current edition, and International Building Code for three-family and above and commercial buildings, current edition, interconnected smoke detectors powered by the house electrical system with accompanied battery backup 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:

(1) One on each floor of the unit; and

(2) One on each level of the common area, including the basement and excluding the attic.

B. Existing residential properties used for rental purposes which meet the requirements of Subsection A(1) and (2) above are considered in compliance with this section.

§ 81-17. 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 is not rendered inoperative by damaging or disconnecting said detector. Any person found to have disconnected a smoke detector, damaged a smoke detector or otherwise caused a smoke detector to be rendered inoperative in a rented or leased residential dwelling or complex shall be guilty of a violation.

§ 81-18. Copies to be kept on file.

The office of the City Clerk shall keep three copies of the National Fire Protection Association Life Safety Code on file and accessible to the public during regular business hours.

§ 81-19. 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.

§ 81-20. Administration and enforcement.

The authority having jurisdiction for the administration and enforcement of this article shall be the Inspection Services Division of the City of Dover Fire and Rescue Department. 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.

§ 81-21. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, persons, firm, corporation or partnership who or which shall violate any provisions of this article shall be guilty of a violation punishable by a fine as provided in the City Fine Schedule. Each day that a violation continues to exist shall constitute a separate offense.

ARTICLE III
Fire Control

§ 81-22. Inspection of certain public places. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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 times by the Fire and Rescue Chief or the Chief of Police, and any and all mandates or orders issued by said officials, or either of them, in the interest of fire protection or for the safety of the public, shall be obeyed forthwith by any owner or lessee of such hall or building upon whom such notice may be served, and any attempt to obstruct either of said officials in the discharge of his duty hereunder or any violation of the order formally issued by either of said officials under the provisions of this section shall subject the offender to a fine as provided in the City Fine Schedule or such other penalty as the court having jurisdiction may impose.

§ 81-23. Barbecue pits.

Within any multifamily dwelling, or within 15 feet of any multifamily dwelling of three units or more, it shall be unlawful to burn barbecues, pits, hibachis, chimineas, gas grills or the like. Within any multifamily dwelling, or within 15 feet of any multifamily dwelling of three 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.

§ 81-24. 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 Fire Control), are hereby adopted to be in effect in the City of Dover.

§ 81-25. 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 be limited to snow, trash, boxes, furniture, debris, etc.

§ 81-26. Violations and penalties

A. Any person, persons, firm, corporation or partnership who or which shall violate any provision of this article shall be guilty of a violation punishable by a fine as provided in the City Fine Schedule. Each day that the violation continues to exist shall constitute a separate offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. Reimbursement costs.

(1) In the event that the cost for Fire and Rescue Department apparatus and/or equipment use is reimbursable under City law or state statute, the current costs as approved by the City Council and outlined in the City of Dover Fee Schedule for the use of apparatus and equipment shall apply. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(2) Personnel costs shall be billed at the minimum of one hour at the employee's actual costs, to include applicable hourly rate, retirement and health care costs. An administration fee of 5% shall be added to all costs that require reimbursement bill procedures.

ARTICLE IV
Fire Suppression Systems

§ 81-27. 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 one- and two-family homes, first edition, and International Building Code for three-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 50% or larger than the most recent structure evaluation or whereby an occupancy changes from one use group to another or from one use group subclassification to another subclassification of the same occupancy.

(1) Assembly occupancies over 5,000 square feet.

(2) Educational occupancies, to include schools only.

(3) Health care occupancies.

(4) Detention and correctional occupancies except those with an occupancy of less than six.

(5) Residential occupancies over four stories in height.

(6) Mercantile occupancies over 5,000 square feet.

(7) Business occupancies over 5,000 square feet.

(8) Industrial occupancies over 12,000 square feet.

(9) Storage occupancies over 12,000 square feet.

B. Sprinkler systems shall be installed in all new residential structures in accordance with NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 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 or more.

(1) Residential occupancies four stories in height or less, regardless of fire wall separation, except one- and two-family occupancies.

§ 81-28. Water main tie-in fees. [Added 2-28-2018 by Ord. No. 2018.02.14]

Notwithstanding any other provision of law to the contrary, in the event that a fire suppression sprinkler system is required by this article, all permit or tie-in fees which are otherwise imposed by law for access to City of Dover water mains shall be waived.

§ 81-29. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, persons, firm, corporation or partnership who or which shall violate any provisions of this article shall be guilty of a violation punishable by a fine as provided in the City Fine Schedule. Each day that a violation continues to exist shall constitute a separate offense.

ARTICLE V
Radio Coverage for Emergency Services

§ 81-30. Purpose.

The purpose of this article is to provide minimum standards to ensure 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.

§ 81-31. Applicability.

The provisions of this article shall apply to:

A. New buildings greater than 50,000 square feet;

B. Existing buildings over 50,000 square feet when modifications, alterations or repairs exceed 50% of the value of the existing building(s) and are made within any twelve-month period or the usable floor area is expanded or enlarged by more than 50%; and

C. All sublevels, regardless of the occupancy, over 10,000 square feet.

§ 81-32. Adequate radio coverage required.

A. Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.

B. The City's Fire and Rescue Department, with consideration of the appropriate police, fire and emergency medical department services, shall determine the frequency range or ranges that must be supported.

C. For the purpose of this article, 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.

§ 81-33. Inbound into building.

A. The minimum average in-building field strength shall be 2.25 microvolts (-100 dBm) for analog and five microvolts (-93 dBm) for digital systems throughout 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.

B. If the field strength outside the building where the receive antenna system for the in-building system is located is less than -100 dBm for analog or -93 dBm for digital systems, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

C. As used in this article, 85% coverage or reliability means the radio will transmit 85% of the time at the field strength and levels as defined in this article.

§ 81-34. Outbound from building.

A. The minimum average signal strength shall be 112 microvolts (-6 dBm) for analog and 250 microvolts (+1 dBm) 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.

B. 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 and Rescue Department.

§ 81-35. Enhanced amplification systems.

A. Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City-approved system(s).

B. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least eight hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

C. Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located also must be free of hazardous materials such as fuels, asbestos, etc. All communications equipment, including amplification systems, cable and antenna systems, shall be grounded with a single point ground system of five ohms or less. The ground system must include an internal tie point within three feet of the amplification equipment. System transient suppression for the telephone circuits, AC power, radio frequency (RF) cabling and grounding protection are required as needed.

D. The following information shall be provided to the Fire and Rescue Department by the builder:

(1) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and

(2) Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment, including panel locations and labeling.

§ 81-36. Testing procedures.

A. Tests shall be made using frequencies close to the frequencies used by the police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire and Rescue Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.

B. Measurements shall be made using the following guidelines:

(1) With a service monitor using a unity gain antenna on a small ground plane;

(2) Measurements shall be made with the antenna held in a vertical position at three to four feet above the floor;

(3) A calibrated service monitor (with a factory calibration dated within 24 months) may be used to do the test;

(4) The telecommunications unit representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of three db between the instruments will be allowed; and

(5) If measurements in one location are varying, then average measurements shall be used. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 81-37. Initial tests.

A. All testing shall be done in the presence of a Fire and Rescue Department representative at no expense to the City or appropriate emergency services department.

B. Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground, including stairwells, basements, penthouse facilities and parking areas, of the structure. The structure shall be divided into fifty-foot grids and the measurements shall be taken at the center of each grid.

§ 81-38. 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 retesting will be done at no expense to the City or the appropriate emergency services department as required in the original testing procedures.

§ 81-39. Field testing; denial of certificate of occupancy.

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.

§ 81-40. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, persons, firm, corporation or partnership who or which shall violate any provision of this article shall be guilty of a violation punishable by a fine as provided in the City Fine Schedule. Each day that the violation continues to exist shall constitute a separate offense.

Chapter 85

FOOD SERVICE ESTABLISHMENTS

§ 85-1. Definitions.
§ 85-2. Licenses.
§ 85-3. Fees.
§ 85-4. Examination of food and drink; condemnation.
§ 85-5. Inspection of restaurants.
§ 85-6. Sanitation requirements.
§ 85-7. Reinstatement of license.
§ 85-8. Control of disease.
§ 85-9. Violations and penalties.
§ 85-10. Service of alcoholic beverages.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 99 of the 2013 Code. Amendments noted where applicable.]

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§ 85-1. Definitions.

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.

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 FOOD SERVICE ESTABLISHMENT — One operating for a temporary period (one day up to six months) in connection with a fair, carnival, circus, public exhibition or other similar gatherings.

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.

§ 85-2. Licenses.

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 food service establishment shall be required to secure a license.

§ 85-3. Fees.

Annual license fees shall be in accordance with the current Fee Schedule as adopted by the City Council.

§ 85-4. 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.

§ 85-5. Inspection of restaurants.

At least once every six 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 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.

§ 85-6. 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 25 or more patrons at one 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 conveniently located toilet shall be deemed adequate for employees.

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 their 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 of the following approved bactericidal processes after each usage:

(1) Immersion for at least two minutes in clean, hot water at a temperature of not less than 170° F. or for at least 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 170° F. for not less than 15 minutes or not less than 200° F. for at least five minutes.

(3) Exposure in a hot-air oven at a temperature of not less than 180° F. for not less than 20 minutes.

(4) Immersion for at least two minutes in a lukewarm chlorine bath containing in excess of 50 parts per million of available chlorine.

(5) Immersion for at least two minutes in a rinse containing a bactericidal agent whose concentration and composition have been approved by the State Department of Health and Human Services. 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 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 Human Services 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 employees' 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.[1]

§ 85-7. 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 reinspect the establishment for compliance to determine whether the establishment may be reinstated. Further reinspections may be conducted by the Health Officer.

§ 85-8. 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 contracted any disease in a communicable form or has become a carrier of such disease, he shall notify the Health Officer immediately.

§ 85-9. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person violating any provision of this chapter shall be guilty of a violation and, upon conviction, shall be fined as provided in the City Fine Schedule, and each day of such violation or failure to comply shall constitute a separate offense.

§ 85-10. Service of alcoholic beverages.

Any restaurant as defined in this chapter which 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 alcoholic beverages on a City sidewalk immediately adjacent to said restaurant in conjunction with the service of bona fide 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.[2]

1. **Editor's Note: Original § 99-7 of the 2013 Code, Reimbursement of license fee, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

2. **Editor's Note: See also Ch. 125, Streets and Sidewalks, § 125-20, Sidewalk seating.**

Chapter 89

HEALTH AND SANITATION

§ 89-1. Refuse in public places.
§ 89-2. Maintenance of nuisances.
§ 89-3. Feeding of wildlife on public property.
§ 89-4. Household drains.
§ 89-5. Required cleaning and repair; notice.
§ 89-6. Installation and use of wells.
§ 89-7. Installation and use of wells related to Tolend Road landfill cleanup.
§ 89-8. Reporting contagious diseases.
§ 89-9. Abatement of nuisances.
§ 89-10. Notices.
§ 89-11. Violations and penalties.
§ 89-12. Infectious waste processing restricted.
§ 89-13. Operation of premises promoting illegal drug activity.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 116 of the 2013 Code. Amendments noted where applicable.]

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§ 89-1. 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, shreds, 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.

§ 89-2. Maintenance of nuisances.

No person or persons shall erect, maintain or use any vault, cesspool or sink within 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.

§ 89-3. Feeding of wildlife on public property.

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 as provided in § 89-11. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 89-4. 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.

§ 89-5. 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 of 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.

§ 89-6. Installation and use of wells.

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 1,500 feet of the Hazardous Waste Landfill District I which is established and described in Chapter 170, Zoning, § 170-28.5B, as consisting of those City-owned lots shown on the City of Dover Assessor's Map C, Lots 16, 18 and 24.

§ 89-7. Installation and use of wells related to Tolend Road landfill cleanup.

The installation and use of wells within the area described in this chapter shall be permitted for any purpose reasonably related to the cleanup, testing and reclamation of the Tolend Road Landfill.

§ 89-8. 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, diphtheria, 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 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 it deems expedient to prevent the spread of such disease.

§ 89-9. Abatement of nuisances.

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 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 § 89-11. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 89-10. 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.

§ 89-11. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person or persons, company or corporation who or which 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 or which shall fail or neglect to comply with any or either of the requirements thereof, by agent or otherwise, shall, upon conviction thereof before the District Court or other court of competent jurisdiction, be subject to a fine as provided in the City Fine Schedule, 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.

§ 89-12. Infectious waste processing restricted.

No facility processing infectious waste not generated on site may operate within the City limits of the City of Dover, New Hampshire.

§ 89-13. Operation of premises promoting illegal drug activity.

A. Unlawful acts:

(1) Knowingly maintaining any place for the purpose of distributing, consuming or selling controlled substances or drug paraphernalia designed to consume controlled substances. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(2) Managing or controlling 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.

Chapter 93

HOUSING STANDARDS

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[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 119 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 93-1. Title and statutory authority.

This chapter shall be known as the "Dover Housing Code." This chapter is adopted pursuant to the authority of RSA 48-A.

§ 93-2. Definitions.

As used in this chapter, the following terms mean:

BASEMENT — A portion of any dwelling located partly underground, but having less than 40% of its clear floor-to-ceiling height below the average grade of the adjoining ground.

CELLAR — A portion of any dwelling having 60% or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

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, alone, 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 or more rooming units, in which space is let to three 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.

§ 93-3. Purpose.

This chapter is adopted for the purposes set forth in the above-noted RSA 48-A: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.

§ 93-4. Conflict with other provisions.

Wherever the provisions of this chapter differ from those prescribed by any other ordinance or regulation, the more restrictive shall apply.

§ 93-5. 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.

§ 93-6. 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.

§ 93-7. 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.

§ 93-8. Administration.

A. This chapter shall be administered as provided in RSA 48-A. The Housing Standards Board shall consist of three members, namely the Health Officer, Fire and Rescue Chief and Director of Planning and Community Development. The terms of these members shall correspond with their respective official tenure.

B. A Chair shall be elected from among the members to preside over all meetings. The Board shall meet on the call of the Chair.

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 Occupants

§ 93-9. Responsibilities of owners.

A. Every owner of a dwelling containing two 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 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 or more of the dwelling units in any dwelling or in the shared or public parts of any dwelling containing two or more dwelling units, extermination shall be the responsibility of the owner.

§ 93-10. 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

§ 93-11. Basic equipment and facilities.

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 approved 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 approved 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 approved by the Housing Standards Board.

D. Sharing of water closet, lavatory basin, bathtub or shower. The occupants of not more than two dwelling units may share a single lavatory basin and a single bathtub or shower, provided that:

(1) Neither of the two dwelling units contains more than two rooms. For the purposes of this subsection, a kitchenette or an efficiency kitchen with not more than 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 approved 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 approved 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 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 it shall be maintained in sound working condition, and portable cooking equipment employing flame shall be prohibited.

§ 93-12. 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 window which faces directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be 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 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 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 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 45% of the minimum window size as required by this chapter,

except where there is supplied some other device affording adequate ventilation and approved 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 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 approved by the Housing Standards Board as affording adequate ventilation.

(6) Laundry rooms. Every laundry room shall have a minimum openable area of at least three square feet except where there is supplied some other device approved 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 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 separate floor or wall-type electric convenience outlets or one such convenience outlet and one supplied ceiling-type electric light fixture. Rooms used for sleeping purposes shall contain at least one such convenience outlet or one ceiling-type electric light fixture.

(2) Public halls. Every public hall in a dwelling unit shall contain at least one 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 77, 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 65° F. with an outside temperature of 10° F. below 0° F. The owners shall maintain a minimum average room temperature of 65° F. in all habitable rooms, including bathrooms and toilet rooms when rented, at all times on the basis of 10° F. below 0° F. outside. The temperatures shall be existent at a level of three feet above the floor level and three 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.

§ 93-13. 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 150 square feet for the first occupant and 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 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 occupant shall have a minimum gross floor area of at least 70 square feet. Every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof. For purposes of this subsection, a child under the age of two 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 400 cubic feet of air to each adult and 200 cubic feet of air to each child under 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 feet, except that in attics or top half-stories, the ceiling height shall not be less than seven feet over not less than 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 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 approved by the Housing Standards Board.

§ 93-14. 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.

§ 93-15. Windows, exterior doors and basement hatchways.

Every window, exterior door and basement hatchway shall be reasonably weathertight, watertight, and rodentproof and shall be kept in sound working condition and good repair.

ARTICLE IV
Inspections

§ 93-16. Inspection by Housing Standards Board. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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.

§ 93-17. 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.

§ 93-18. 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

§ 93-19. 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, or 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 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.

§ 93-20. 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, or demolished or removed according to the following by the method prescribed in this chapter.

§ 93-21. 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.

ARTICLE VI
Enforcement

§ 93-22. Causes of action.

Whenever a petition is filed with the Housing Standards Board by at least 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.

§ 93-23. 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 10 days before the date set for the hearing.

§ 93-24. 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 10 days nor more than 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.

§ 93-25. Decisions of Board.

If, after such notice and hearing, the Housing Standards Board determines according to the standards of this chapter 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.

§ 93-26. 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.

§ 93-27. 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

§ 93-28. 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.

§ 93-29. 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 § 93-23, 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 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 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.

§ 93-30. 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.

§ 93-31. 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 register 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, it 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.

§ 93-32. Exceptions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Pursuant to the authority specified in RSA 48-A:12, any dwelling, building or structure within an historical district that is established under RSA 674:46 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 approved 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
Offenses

§ 93-33. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who shall violate any provision of this chapter or any provision of any rule or regulation adopted by the Housing Standards Board pursuant to authority granted by this chapter shall, upon conviction, be punished by a fine as provided in the City Fine Schedule. Each day's failure to comply with any such provision shall constitute a separate violation.

Chapter 97

LICENSING

§ 97-1. Board established.
§ 97-2. Licensing of theatrical performances, parades and outdoor meetings.
§ 97-3. Fees.
§ 97-4. Blanket licenses.
§ 97-5. Authority to regulate taxicab and valet parking operations.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 35 of the 2013 Code. Amendments noted where applicable.]

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§ 97-1. Board established. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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 person as shall be appointed by the City Council, and all licenses issued by said Board shall be in accordance with the provisions of RSA 286.

§ 97-2. 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 therefor shall have first been obtained from said Licensing Board.

§ 97-3. Fees. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Every licensee shall pay in advance for such license, for the use of the City, such sum or sums as the City Council may determine, but in no case shall such license fee be in excess of the maximum sum fixed in RSA 286.

§ 97-4. 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 or vagrant companies, to theaters and to undertakers without the imposition of the fee herein imposed.

§ 97-5. Authority to regulate taxicab and valet parking operations.[1]

The Licensing Board established in § 97-1 above shall have the power and authority to regulate the operation of taxicabs and valet parking operations within the City of Dover.

1. **Editor's Note: See also Ch. 129, Taxicabs.**

Chapter 101

MANUFACTURED HOME PARKS

§ 101-1. Definitions.
§ 101-2. Standards; trailers excluded.
§ 101-3. Park locations.
§ 101-4. Permits.
§ 101-5. Site requirements.
§ 101-6. Streets, walks and parking.
§ 101-7. Utilities.
§ 101-8. Standards for development.
§ 101-9. Responsibilities of permittee.
§ 101-10. Notice and order.
§ 101-11. Violations and penalties.
§ 101-12. Appeals.
§ 101-13. Conflict with other provisions.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 126 of the 2013 Code. Amendments noted where applicable.]

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§ 101-1. Definitions. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

As used in this chapter, the following terms mean:

MANUFACTURED HOME — Any structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width and 40 feet or more in length, or when erected on site, is 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 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 10 acres under single ownership which has been planned and improved for the placement of manufactured homes for nontransient use and which is designed to accommodate 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, permittees 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 a body width not exceeding eight feet, and its body length does not exceed 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.

§ 101-2. Standards; trailers excluded.

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 § 101-1 of this chapter.

§ 101-3. Park locations.

Refer to the applicable provisions of Chapter 170, Zoning, for districts permitting manufactured home parks.

§ 101-4. 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.

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 therefor shall be as provided in the City Fee Schedule. The fee for renewal shall be as provided in the City Fee Schedule, payable before the first day of January of the year for which the application is made. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 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, and sewer lines, storm sewers and inlets, fire hydrants, etc.

§ 101-5. Site requirements.

Manufactured home parks shall conform to the following minimum requirements:

A. Manufactured home parks shall comply with the provisions of Chapter 170, Zoning.

B. The area of a manufactured home park shall be a contiguous parcel of land having a minimum area of 10 acres.

C. All manufactured home units shall be located at least 100 feet from any park property boundary line abutting a public street and at least 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 mobile homes per acre.

F. Each manufactured home lot shall not be less than 10,000 square feet in area. The manufactured home shall be not less than 20 feet from the front of the lot line, not less than 15 feet from the rear of the lot line and not less than 12 feet from the side lot lines. Each mobile home lot shall contain at least 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 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 feet in width and six feet in height at the time of occupancy of such park. Individual shrubs or trees shall be planted not more than five feet on center and shall thereafter be maintained by the permittee so as to establish a dense screen year round. At least 50% of the plantings shall consist of evergreens. A solid wall or fence, at least six 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.

§ 101-6. Streets, walks and parking.

A. All streets, stormwater drainage systems and utilities in a manufactured home park shall be constructed in accordance with the standards and criteria established in Chapter 157, Land 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 feet in width on at least one side of selected streets within the manufactured home park.

C. Paved walkways not less than three 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 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.

§ 101-7. Utilities.

A. Water supply. The water system shall comply with the provisions of Chapter 157, Land Subdivision Regulations, § 157-42.

B. Sewerage. The manufactured home park sewage system shall be connected to the municipal sewage disposal system.

C. Electricity. Electric service shall comply with the provisions of Chapter 157, Land Subdivision Regulations, § 157-44.

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 and Rescue Chief.

(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 and Rescue 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 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 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 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.

§ 101-8. 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 project may be developed in stages if so approved by the Planning Board. However, 1/4 of all potential sites in any stage shall be fully developed before any occupancy of a manufactured home park is permitted.

§ 101-9. Responsibilities of permittee.

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.

§ 101-10. Notice and order.

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.

§ 101-11. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any permittee who violates any requirement of this chapter shall, upon conviction, be subject to a fine as provided in the City Fine Schedule 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.

§ 101-12. 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 per 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 677:4.

C. Appeals concerning a decision of the Dover Planning Board shall be heard by the New Hampshire Superior Court as per RSA 677:15.

§ 101-13. Conflict with other provisions.

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.

Chapter 105

PEACE AND GOOD ORDER

ARTICLE I
Terminology and Enforcement

§ 105-1. Definitions.
§ 105-2. Violations and penalties.

ARTICLE II
General Regulations

§ 105-3. Public peace.
§ 105-4. Alcoholic beverages.
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§ 105-6. Motor vehicles on school property and park grounds.
§ 105-7. Park hours.
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§ 105-10. Benches.
§ 105-11. Private property rights.
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ARTICLE III
Firearms, Weapons and Hunting

§ 105-14. Prohibited weapons.
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ARTICLE IV
Smoking and Use of Tobacco Products and Nicotine

§ 105-17. Rolling papers.
§ 105-18. Henry Law Park, school grounds and athletic fields.
§ 105-19. McConnell Center and Dover Public Library.
§ 105-20. Use of electronic nicotine delivery systems restricted.
§ 105-21. Purchase, use and possession of tobacco products.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 131 of the 2013 Code.[1] Amendments noted where applicable.]

ARTICLE I
Terminology and Enforcement

§ 105-1. Definitions.

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.

1. **Editor's Note: Original § 131-18 of the 2013 Code, School truancy, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

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.

ELECTRONIC NICOTINE DELIVERY SYSTEM or ELECTRONIC CIGARETTE — An electronic or other device that contains liquid nicotine, or another substance, that when used as intended simulates smoking, including but not limited to any of the following:

A. Any device or product composed of any combination of heating element, battery, and/or electronic circuit which is capable of and/or designed to heat a substance for the purpose of oral ingestion of the vapors.

B. Any device or product which is manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or e-pen.

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 BB guns.

METALLIC KNUCKLES — Any handheld 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 18.

PREMISES — 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.

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:

A. Keeping the firearm in a securely locked box or container;

B. Securing the firearm with a trigger lock; or

C. Keeping the firearm in a location or manner which a reasonable person would believe to be secure and reasonably likely to prevent access by a minor child.

SCHOOL/DAY CARE — Any public or private educational facility that provides services to children in grades K through 12 or licensed day-care facility that is clearly marked.

SLUNG SHOT — A small mass of metal or stone fixed on a flexible handle, strap or the like and used as a weapon.

§ 105-2. Violations and penalties.

Any person violating the provisions of this chapter, for which specific penalties are not otherwise provided, shall be guilty of a violation.

ARTICLE II
General Regulations

§ 105-3. Public peace.

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: urinating or defecating in a public place.

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, if such noises would disturb a person of average sensibility. For the purposes of this subsection, "person" 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.

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 16 into a motor vehicle for other than a lawful purpose without the consent of the parent or legal guardian of the child.

§ 105-4. Alcoholic beverages.

A. No person shall consume or possess in an open can, bottle or other container any alcoholic liquor or beverage as defined by RSA 175:

(1) While upon or in a motor vehicle upon any public way, as defined by RSA 259:125, or any public sidewalk or municipal parking lot except as provided in Chapter 85, Food Service Establishments, of this Code.

(2) In any park, recreation or rest area except upon the written consent of the City Manager.

B. No person shall consume or possess in an open can, bottle or other container any alcoholic liquor or beverage in Hilton Park except when upon the written consent of the New Hampshire Commissioner of the Department of Transportation, or authorized representative. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

C. No person shall consume, sell or dispense any alcoholic beverages in any City-owned building unless waived by the City Manager, in writing.

§ 105-5. Facilitation of drug or underage alcohol party.

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 possess or consume 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 three 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 taken to determine that they had been consuming an alcoholic beverage shall be sufficient.

F. Any person who violates Subsection A above shall be guilty of a violation and shall be subject to a fine as provided in the City Fine Schedule. No portion of these mandatory minimum fines shall be waived, continued for sentencing, or suspended by the court. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

G. 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 his or her control.

§ 105-6. Motor vehicles on school property and park grounds.

A. 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.

B. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule. 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 at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 105-7. Park hours. [Amended 4-19-2017 by Ord. No. 2017.03.22-003]

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. **[Amended 7-12-2017 by Ord. No. 2017.06.28-005**

Months	Hours
April 1 to September 30	9:30 p.m. to 7:00 a.m.
October 1 to March 31	7:00 p.m. to 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 and during the hours of 7:00 p.m. to 7:00 a.m. during the period of October 1 through March 31.

(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 the Department of Transportation, or authorized representative. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(3) Henry Law Park. No person shall remain in or enter Henry Law Park during the hours of 11:00 p.m. to 5:00 a.m. No person shall remain in or enter the Dover Adventure Playground at Henry Law Park or the Skate Park at Henry Law Park during the hours of 9:30 p.m. to 7:00 a.m. **[Amended 7-12-2017 by Ord. No. 2017.06.28-005]**

C. Special exceptions to any park hours of operation for special events or activities may be granted, in writing, by the City Manager or designee. **[Added 7-12-2017 by Ord. No. 2017.06.28-005]**

§ 105-8. Operation of boats and vehicles on Willand Pond restricted. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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 as provided in the City Fine Schedule.

§ 105-9. Fireworks.

No person, firm, partnership or corporation shall offer for sale, expose for sale, sell at retail, purchase, possess, transport, use or explode any fireworks without a permit. No permits shall be granted pursuant to Chapter 81, Fire Prevention and Life Safety, except for programs and displays approved by the Fire and Rescue 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 New Hampshire certificate of competency.

§ 105-10. Benches.

No person shall sit or stand upon the back or stand upon the seat of any municipally owned bench.

§ 105-11. Private property rights.

No person shall enter upon private or public property and look, by means of an overt act which serves no legitimate purpose, into the window of a private home, apartment or other domicile for the purpose of watching the occupant(s) therein without permission of said occupant(s), thereby causing affront or alarm to said occupant(s).

§ 105-12. 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 a clearly visible and suitable badge or other distinctive mark indicating his/her employment or authority.

§ 105-13. Interference with law enforcement officers.

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.

ARTICLE III
Firearms, Weapons and Hunting

§ 105-14. Prohibited weapons.

A. It shall be unlawful for any person, persons, firm or corporation to sell or possess any slung shot, 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 are 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.

§ 105-15. Safe storage of firearms.

A. Safe storage required.

(1) Any person leaving or storing a loaded firearm on a premises knowing, or where he/she 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 section 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 subsection 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 as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

(2) All firearms seized by the Police Department pursuant to a violation of this section shall, upon conviction, be ordered forfeited by the court and turned over to the Police Department for destruction.

§ 105-16. Hunting on City property. [Added 10-8-2014 by Ord. No. 2014.09.10-17]

A. No person shall hunt wildlife in or on the following properties:

(1) All Dover public school facilities and adjacent parks.

(2) Willand Pond Recreation Area.

(3) Dover Community Trail.

(4) Tolend Landfill within a posted 300-foot safety zone surrounding City facilities on the property.

(5) Pine Hill Cemetery.

(6) Guppey Park.

(7) Dover Community Services facilities on Mast Road.

(8) Wastewater Treatment Plant.

(9) Bellamy Park.

(10) Maglaras Park.

(11) Garrison Hill Park.

B. The City Manager may provide for the posting of these City-owned properties against hunting pursuant to RSA 635:4.

C. Penalties. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule per offense. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE IV
Smoking and Use of Tobacco Products and Nicotine

§ 105-17. Rolling papers. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

A. Sale and possession.

(1) No person or place of business shall sell, give or furnish rolling papers to a person under the age of 21.

(2) It shall be unlawful for any person under the age of 21 to possess or attempt to purchase rolling papers.

B. Penalties. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule.

§ 105-18. Henry Law Park, school grounds and athletic fields.

A. No person shall smoke or use a tobacco product within Henry Law Skate Park, the Henry Law Park 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 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. Descriptions of restricted areas.

(1) 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, and all contiguous paved areas, and shall include a twenty-five-foot buffer zone immediately surrounding the recreational area and rink.

(2) 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 New Hampshire Children's Museum. The sidewalks running parallel to and immediately adjacent to Washington Street and Henry Law Avenue are not restricted.

(3) The "playground areas 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 continuing 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 this section shall be subject to a fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 105-19. McConnell Center and Dover Public Library.

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. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 105-20. Use of electronic nicotine delivery systems restricted. [Added 2-17-2016 by Ord. No. 2016.01.27-002]

A. No person shall use an electronic cigarette or electronic nicotine delivery system:

(1) In any location where use of a tobacco product is restricted by Dover City ordinance; or

(2) While on any school grounds, which includes any adjacent or associated athletic fields and facilities maintained by the Dover School Department or owned by the City of Dover.

B. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 105-21. Purchase, use and possession of tobacco products. [Added 6-27-2018 by Ord. No. 2018.06.13-005]

A. No person under the age of 21 shall:

(1) Purchase a tobacco product or electronic cigarette.

(2) Use or possess a tobacco product or electronic cigarette.

B. No person or business shall sell or provide a tobacco product or electronic cigarette to a person under the age of 21.

C. For the purposes of this section, the term "tobacco product" shall include any product defined as a tobacco product in RSA 126-K and defined as an electronic cigarette in § 105-1 of this chapter.

D. Any person violating the provisions of this section shall be subject to a fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

Chapter 109

PEDDLERS AND VENDORS

§ 109-1. Purpose.
§ 109-2. License required; display of license.
§ 109-3. Definitions.
§ 109-4. Application for license.
§ 109-5. Inspection.
§ 109-6. Fees.
§ 109-7. Exemptions.
§ 109-8. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 133 of the 2013 Code. Amendments noted where applicable.]

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§ 109-1. Purpose.

Pursuant to the terms of RSA 31:102-a and 31:102-b, the purpose of this chapter is to enact provisions for the licensure and regulation of peddlers and vendors.

§ 109-2. License required; display of license.

It shall be unlawful for a peddler or vendor, as defined in § 109-3 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 85, Food Service Establishments, and also §§ 109-4 and 109-5 of this chapter.

§ 109-3. 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 Division of Motor Vehicles. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 48 inches of pedestrian travel width consistent with

the provisions of Chapter 125, Streets and Sidewalks. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 Division of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a peddler. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

VENDOR — A peddler who on public property sells food, beverage or merchandise from a stand, motor vehicle or his person.

§ 109-4. Application for license.

A. The application for a peddler's or vendor's license shall include the following information:

(1) The name, home and business address of the applicant, and the business name and business address of the peddler or vendor business, if other than the applicant, and any stand and motor vehicle to be used in the operation of the business. **[Amended 2-27-2019 by Ord. No. 2019.02.13-004]**

(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 § 109-5 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.

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.

§ 109-5. Inspection.

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in Chapter 85, Food Service Establishments, 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.

§ 109-6. Fees.

License fees shall be in accordance with the Fee Schedule.

§ 109-7. Exemptions.

A. Noncommercial vendors such as religious, charity, political and other social nonprofit organizations are exempt from these provisions and are not required to apply for an exemption.

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 § 109-6 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 subsection shall be completed and placed on file in the office of the City Clerk on or before the first day of the street fair.

§ 109-8. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, firm or corporation violating any provisions of this chapter shall be guilty of a violation and be subject to a fine as provided in the City Fine Schedule.

Chapter 113

PLUMBING

ARTICLE I
Title and Scope

§ 113-1. Adoption and enforcement.
§ 113-2. Applicability.
§ 113-3. Minimum standards.

ARTICLE II
Plumbing Standards

§ 113-4. Compliance with standards.
§ 113-5. Copies to be kept on file.
§ 113-6. Issuance of permits.
§ 113-7. Exception.
§ 113-8. Application; fees.
§ 113-9. Plans and specifications.
§ 113-10. Repairs not requiring a permit.

ARTICLE III
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§ 113-11. Protection of water supply system.
§ 113-12. Inspections and testing.
§ 113-13. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 135 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
Title and Scope

§ 113-1. Adoption and 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.

§ 113-2. 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 its connection with any point of public disposal or other terminal.

§ 113-3. Minimum standards.

The provisions of the State Plumbing Code are accepted as minimum standards. Additional regulations may be promulgated by the Plumbing Inspector pursuant to § 113-11 of this chapter.

ARTICLE II
Plumbing Standards

§ 113-4. Compliance with standards.

All installations, repairs, and alterations of plumbing shall be performed in accordance with the State Plumbing Code.

§ 113-5. Copies to be kept on file.

Three copies of the State Plumbing Code shall be kept on file by the Inspection Services Division for inspection by and use of the public and shall be marked with the words "City of Dover, New Hampshire Official Copy."

§ 113-6. Issuance of permits.

No plumbing work, except as provided in § 113-10, 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 § 113-7 of this chapter.

§ 113-7. Exception.

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.

§ 113-8. 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.

B. 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.

§ 113-9. 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.

§ 113-10. Repairs not requiring 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 III
Administration

§ 113-11. 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.

§ 113-12. Inspections and testing. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

It shall be the duty of the Plumbing Inspector to enforce the provisions of this code and to perform all inspections and tests. The Plumbing Inspector is hereby authorized to enter property, examine and survey, at all reasonable times and in an emergency at any time, all buildings in the City to inspect for compliance with this code. The Plumbing Inspector shall display proper and satisfactory identification prior to any demand for entry. Upon refusal of a property owner and/or tenant to allow inspection of his property, the Plumbing Inspector shall seek a search warrant from proper authorities, if an inspection of said property is required to carry out the provisions of this code.

§ 113-13. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person violating any provision of this chapter shall be punishable as provided in RSA 155-A:8. Each day of said violation shall be construed as a separate offense.

Chapter 117

SCENIC ROADS

§ 117-1. Designation.
§ 117-2. Effect of designation.
§ 117-3. Protection of stone walls.
§ 117-4. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 143 of the 2013 Code. Amendments noted where applicable.]

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§ 117-1. 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 and 231:158.

§ 117-2. 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 times in a newspaper of general circulation in the area, the last publication to occur at least seven days prior to such hearing as provided and set forth in RSA 231:158.

§ 117-3. Protection of stone walls.

Stone walls 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 stone wall, the stones taken from the original wall shall be reused on the property to rebuild deteriorated portions of the stone wall or to construct a stone wall at the driveway entrance.

§ 117-4. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be subject to a fine as provided in the City Fine Schedule. Each day of said violation shall be construed as a separate offense. Said violator shall be held responsible for the restoration of the stone wall or tree.

Chapter 121

SEWERS AND WATER

ARTICLE I
Sewer Use

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§ 121-2. Prohibited acts; connection to public sewer required.
§ 121-3. Private wastewater disposal.
§ 121-4. Building sewers and connections.
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§ 121-24. Petition for construction.
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§ 121-49. Purpose.
§ 121-50. Authority.
§ 121-51. Emergency water shortage.
§ 121-52. Violations and penalties.

ARTICLE VI
Outdoor Lawn Watering Restrictions

§ 121-53. Purpose.
§ 121-54. Authority.
§ 121-55. Applicability.
§ 121-56. Definitions.
§ 121-57. Restrictions under drought conditions.
§ 121-58. Public notification of water use restrictions.
§ 121-59. Termination of water use restrictions.
§ 121-60. Violations and penalties.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Sewer Use
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 147, Art. I, of the 2013 Code.]

§ 121-1. Definitions and word usage.

Unless the context specifically indicates otherwise, the meanings of terms used in this article shall be as follows. "Shall" is mandatory; "may" is permissive.

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). Best management practices 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 days at 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 feet outside the inner face of the building wall.

BUILDING SEWER — The extension beyond five 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.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD or PRETREATMENT STANDARD — Any requirement or any regulation containing pollutant discharge limitations promulgated by the United States Environmental Protection Agency 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.)

DILUTE — To reduce in concentration, or thin down, or weaken by mixing with water or other liquids.

DIVISION — The New Hampshire Water Division. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

DOMESTIC WASTEWATER or SANITARY SEWAGE — Normal water-carried household and toilet wastes or waste from sanitary conveniences, excluding groundwater, surface water or stormwater.

DOVER UTILITIES COMMISSION — As set forth in Chapter 9, Boards, Commissions and Committees.

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:

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 than 15 minutes at a particular time and place which represents the composition of the waste stream.

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 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.

INDUSTRIAL WASTE — The liquid wastes from industrial manufacturing processes, trade or business as distinct from domestic wastewater.

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.

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 Clean Water Act, as amended;[1] the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act (RCRA)";[2] any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste

1. **Editor's Note: See 33 U.S.C. § 1251 et seq.**

2. **Editor's Note: See 42 U.S.C. § 6901 et seq.**

Disposal Act; the Clean Air Act;[3] the Toxic Substances Control Act;[4] the Marine Protection, Research, and Sanctuaries Act; 40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge; and RSA 485-A:4, XVI-a. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 water or groundwater.

NEW SOURCE —

A. 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 Clean Water Act,[5] as amended, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

   (1) The building, structure, facility or installation is constructed at a site at which no other source is located;

   (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

   (3) The production or wastewater generating processes 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.

B. 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 Subsection A(2) or (3) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a new source as defined under this subsection has commenced if the owner or operator has:

   (1) Begun, or caused to begin, as part of a continuous on-site construction program:

      (a) Any placement, assembly or installation of facilities or equipment; or

      (b) Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the

3. **Editor's Note: See 42 U.S.C. § 7401 et seq.**

4. **Editor's Note: See 15 U.S.C. § 2601 et seq.**

5. **Editor's Note: See 33 U.S.C. § 1317(c).**

placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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 subsection.

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.

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 § 121-5 of this article and Article II, § 121-12.

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.

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.

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 1/2 inch (1.27 centimeters) in any dimension.

PUBLIC SEWER — A sewer in which all owners of abutting properties have equal rights and which is controlled by a municipality.

RECEIVING WATERS — Any watercourse, river, pond, ditch, lake, aquifer or other body of surface water or groundwater receiving discharge of wastewater.

SANITARY SEWER — A sewer which carries sewage and to which stormwater, surface water and groundwater 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.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwater, surface water and stormwater as may be present.

SEWER — A pipe or conduit for carrying sewage.

SIGNIFICANT INDUSTRIAL USER (SIU) — A user of the sewer system which:

A. Discharges 10,000 gallons per day or more of process wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater;

B. Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic (BOD, total suspended solids, etc.) capacity of the treatment plants;

C. Has a reasonable potential, in the opinion of the City Manager or his authorized representative, to adversely affect the operation of the POTW;

D. Violates any pretreatment standard or requirement in accordance with 40 CFR 403.8(f)(6);

E. Is subject to categorical pretreatment standards as outlined in 40 CFR 403.6 and 403.8 and 40 CFR Chapter I, Subchapter N; or

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 effect on the POTW.

SIGNIFICANT NONCOMPLIANCE or SNC —

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric categorical pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-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(l), multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease and 1.2 for all other pollutants except pH);

C. Any other violation of a categorical pretreatment standard or requirement as defined by 40 CFR 403.3(l) (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);

D. 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's exercise of the emergency authority under 40 CFR 403.8(f)(1)(vi)(B) "imminent endangerment" to halt or prevent such a discharge;

E. Failure to meet, within 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;

F. Failure to provide, within 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;

G. Failure to accurately report noncompliance; or

H. 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.

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 15 minutes, more than five times the average twenty-four-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 stormwater and surface water and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — The Community Services Director, or designee.

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.

TOTAL TOXIC ORGANICS (TTOs) — 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.

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.[6]

§ 121-2. 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 article.

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 owners 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 article within 90 days after date of official notice to do so, provided that said public sewer is within 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.

§ 121-3. Private wastewater disposal.

A. Where a public sanitary sewer is not available under the provisions of § 121-2D, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of Chapter 113, Plumbing, as amended, and the Division rules and regulations.

(1) Before commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain design approval from the Division and a written

6. Editor's Note: The definition of WSPCD of the 2013 Code, which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III). See the definition of "Division" in this section.

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 at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(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 for the permit shall notify the City Engineer when the work portions are uncovered. This inspection shall be made within 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 Division. No septic tank or cesspool shall be permitted to discharge to any natural outlet. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(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. Fees for dumping septage will be established as part of the user charge system. The Director of Community Services, 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, and disposal shall be accomplished under his supervision unless specifically permitted otherwise (RSA 147).

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 article within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet of the building.

C. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§ 121-4. 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 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, and except that 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 an adjoining alley, court, yard or driveway, the front building sewer may be extended to the rear building and the whole considered as one 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 article.

F. The size, slope, alignment and 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 24 hours prior to commencement of the work proposed and again for inspection purposes at least 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 so 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, the Division will approve plans for new systems, extensions, or replacement sewers only when designed upon the separate plan, in which rainwater from roofs, streets, and other areas and groundwater from foundation drains are excluded. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 121-5. 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.

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.

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 an NPDES permit prior to discharge to a storm sewer or natural outlet.

D. Prohibitions. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(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° 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 causes pass through or interference.

(2) Any water containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by 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, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(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, antifreeze, transmission and brake fluids, motor oil, and battery acid.

(11) Any hazardous waste listed or designated by the New Hampshire Department of Environmental Services (NHDES) under Chapter Env-Hw 400 of the Administrative Rules. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 cannot 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:

(1) Waters or waste containing animal or vegetable type oil and 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 32° F. and 104° F. (0° C. and 40° C.).

(2) Garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor 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 $CaCO_3$(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 established by the Community Services Director, or designee. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(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 6.0 or in excess of 11.0.

(9) Any water or wastes which, by interaction with other water or wastes in the public sewer system, release 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 at 40 CFR 403.15. Local limits are uniform concentration limits expressed as "total" limit of each parameter in mg/l.

Cadmium (Cd)	0.020	Zinc (Zn)	4.33
Chromium (Cr)	4.03	Silver (Ag)	0.713
Copper (Cu)	3.46	Nickel (Ni)	1.07
Cyanide (CN)	0.363	Mercury (Hg)	0.004
Lead (Pb)	0.806	Arsenic (As)	0.400
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 the 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 dilution present. Specific list of screening levels:

Ammonia	90.000	Bromomethan	0.002
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	0.280	Ethylene dichloride	1.050
Sulfide	1.000	Heptachlor	0.003
Sulfite	2.000	Hexachloro-1,3 butadiene	0.0002
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 wastewater treatment plant and visibly color effluent. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(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.

(12) Waters or wastes containing substances which are not amenable to treatment or reduction by the processes employed or 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, in 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:

(1) Reject the wastes.

(2) Require pretreatment to an acceptable condition for discharge to the public sewers.

(3) Require control over the quantities and rates of discharge.

(4) Require payment to cover the added cost of handling and treating the wastes.

(5) Impose additional discharge limits on a user.

G. 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.

H. 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 article. Plans and specifications for a proposed pretreatment facility shall be the result of the design of a professional engineer registered in New Hampshire in the field of sanitary or chemical engineering.

I. 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.

J. 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, 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 and 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. 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 the 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

K. 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.

L. All industrial wastes shall be pretreated in accordance with federal and state regulations and this article 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.

M. The Community Services Director, or designee, may require a user of sewer services to provide information needed to determine compliance with this article. 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 affecting 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.

N. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article 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.

(1) Except as indicated in Subsection N(2) and (3) below, the user must collect wastewater samples using twenty-four-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 twenty-four-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 ninety-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four 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 does not exist; for facilities for which historical sampling data is available, the Community Services Director, or designee, may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

O. 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 industrial discharge permit (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.

P. 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.

Q. Each significant industrial user shall be required to submit a semiannual 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 nonsignificant industrial user will be required to submit the above information, but on an annual basis, on the first of July each year. A nonsignificant industrial user will be required to submit the above information, after evaluation, at the discretion of the City's authorized agent.

R. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis as specified in the industrial permit.

S. All users shall notify the Community Services Director, or designee, at least 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 60 days before any discharge begins. Any user whose discharges would be subject to Section 301 of Public Law 92-500[7] shall notify the Community Services Director, or designee, at least 60 days prior to any discharge of pollutants.

T. 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 article.

U. The Community Services Director, or designee, the Division, 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

V. 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.

W. 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 that the industrial user is not required to resample if:

(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.

X. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharges shall be provided and maintained at the industrial user's expense.

7. Editor's Note: See 33 U.S.C. § 1251 et seq.

Y. 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.

§ 121-6. 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.

§ 121-7. Restricted acts. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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 Community Services Director, or designee, shall constitute a violation of this article. The powers and authority of the Manager and his duly authorized agents are set forth in § 121-8.

§ 121-8. Right of entry. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

A. The Community Services Director, or designee, 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 this article. The Community Services Director, or designee, 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 Community Services Director, or designee, shall have access to and permission to copy all records and inspect all equipment installed as required by § 121-5G of this article.

B. The Community Services Director, or designee, 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.

§ 121-9. 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.

B. The Dover Utilities Commission, upon receipt of a request for a variance from this article, shall within 30 days act on such request and promptly notify the applicant, in writing, of its decision to grant or deny the variance.

§ 121-10. Permit applications. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

The required application forms to carry out the provisions of this article are hereby incorporated by reference and made a part of this article. The application forms can be obtained from the Community Services Department.

§ 121-11. Violations and penalties.

A. After reasonable testing in accordance with the requirements of § 121-5N, any person found by the Community Services Director, or designee, to be violating any discharge limitation or any other provision of this article or Article II of this chapter shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

B. Any person who shall continue any violation beyond the time limit provided for in Subsection A of this section shall be fined in the amount provided in the City Fine Schedule 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 at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

C. Any person failing to obtain permits as required by § 121-3A(1) to (4) or B shall be in violation of this article.

D. 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.

E. Any person in noncompliance with this article 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.

ARTICLE II

Industrial Pretreatment

[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 147, Art. II, of the 2013 Code.]

§ 121-12. 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 to 471 (as amended).

§ 121-13. Industrial discharge permit (IDP).

A. Permit required. Effective 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. Permit application. Within 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). 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) and (p).

(7) Information showing the measured average daily and maximum daily flow, in gallons per day, to the public sewer from regulated process streams and from other streams.

(8) A schedule of actions to be taken to comply with discharge limitations.

(9) Additional information as determined by the Community Services Director, or designee, or his representative may also be required. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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:

(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 waste stream 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 years from the date it is issued. The user shall apply to the POTW for permit renewal a minimum of 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.

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 significant industrial user 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 user's 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 nonroutine 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 § 121-18 of this article; 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 their facility affecting the potential for a slug discharge.

§ 121-14. Industrial user reporting.

A. All significant industrial users are required to submit periodic compliance reports. All significant industrial users 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 and 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, on the pretreatment standard necessary to determine the compliance status of the user. Sampling for all significant industrial users for periodic reports must be performed during the period covered by the report. Extra sampling data from categorical significant industrial users 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 is necessary. Additional requirements for such reports may be imposed by the Community Services Director, or designee, or his representative.

B. Reports submitted under this section shall be signed by an authorized representative and shall contain the certification statement of 40 CFR 403.6(a)(2)(ii); an authorized representative may be as specified in Subsection C.

C. Signature for reports. The reports required by Subsections A and B shall include the certification as set forth in Subsection D and shall be signed as follows:

(1) By a responsible corporate officer, if the industrial user submitting the reports required this article is a corporation. For the purpose of this subsection, 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 policymaking or decisionmaking functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided that 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 manager in accordance with corporate procedures.

(2) By a general partner or proprietor if the industrial user submitting the reports required by this article is a partnership or sole proprietorship, respectively.

(3) By a duly authorized representative of the individual designated in Subsection C(1) or (2) if:

(a) The authorization is made, in writing, by the individual in Subsection C(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, superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(c) The written authorization is submitted to the City.

(4) If an authorization under Subsection C(3) 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 Subsection C(3) 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 Subsection 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."

§ 121-15. Monitoring records.

Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article, 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 § 121-13C(3) to implement discharge limits and requirements of Article I, § 121-5. 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 may be required. These records shall remain available for a period of at least five 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.

§ 121-16. Additional conditions.

A. The IDP will contain a statement of duration, but in no case shall the duration be for more than five years.

B. The IDP is nontransferable and may be revoked for noncompliance, 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 the Division. The industry and the City will enter into a new or amended IDP in accordance with the procedure outlined in this article. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 article, the local or federal pretreatment programs, as amended, shall meet the requirement of 40 CFR 403.8(f)(1)(iv).

§ 121-17. Categorical pretreatment standards.

A. Notification. The Community Services Director, or designee, 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).

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 Community Services Director, or designee.

D. Application for IDP amendment. Within 180 days after the effective date of a categorical pretreatment standard, an industry subject to such standards shall submit an application for an IDP amendment. The application shall contain the information noted under Subsection G(2) of this section.

E. Categorical compliance schedule reports. Each user subject to a compliance schedule as required under 40 CFR 403.8(f)(1)(iv) or § 121-13B(8) shall report on progress, to include 40 CFR 403.12(c), toward meeting compliance with these regulations as follows:

(1) Not later than 14 days following each date in the schedule, and the final date for compliance, the industrial user shall submit a progress report to the Community Services Director, or designee, indicating 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 Subsection E(1), shall not exceed nine 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 article and 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 the Community Services Director, or designee, 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 § 121-14C) and certified by a qualified professional engineer.

G. Baseline monitoring reports. Reporting requirements for industrial users upon the effective date of a categorical pretreatment standard baseline report shall be in accordance with 40 CFR 403.12(b).

(1) Within either 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 Subsection G(2) below. At least 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 Subsection G(2) 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 [40 CFR 403.12(b)(4) and (5)].

(2) 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 waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of pollutants.

[1] The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

[2] The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Community Services Director, or designee, of regulated pollutants in the discharge from each regulated process. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

[3] Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

[4] 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.

[5] The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection.

[6] 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 waste stream 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 Community Services Director, or designee. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

[7] Sampling and analysis shall be performed in accordance with, and as outlined in, the user's control mechanism (permit).

[8] 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.

[9] The baseline report shall indicate the time, date and place of sampling and methods of analysis and shall certify that such sampling and analysis are 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, what additional operation and maintenance practices and pretreatment are necessary. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(g) Compliance schedule. If additional pretreatment and/or operation and maintenance will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or operation and maintenance 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 subsection must meet these requirements as set forth:

[1] 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);

[2] No increment referred to above shall exceed nine months;

[3] The user shall submit a progress report to the Community Services Director, or designee, no later than 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

[4] In no event shall more than nine months elapse between such progress reports to the City's authorized agent.

(3) Signature and report certification. All baseline monitoring reports must be certified in accordance with 40 CFR 403.6(a)(2)(ii) and signed by an authorized representative.

H. For the POTW developing a pretreatment program pursuant to 40 CFR 403.8, specific discharge limits on pollutant(s) shall be developed and continue to be developed as necessary and effectively enforced by the City.

I. Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with Subsection H above, such limits shall be deemed pretreatment standards for the purposes of Section 307(d) of the Clean Water Act.[8]

J. By the legal authority obtained through Article I, Sewer Use, of this chapter, compliance with applicable pretreatment standards and requirements by industrial users shall be enforced.

§ 121-18. Slug or spill discharge notification.

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 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 article and costs for repair, replacement or other associated costs shall be recoverable.

B. The Community Services Director, or designee, 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 nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge. The results of such activities shall be available to the Community Services Director, or designee, upon request. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) Description of discharge practices, including nonroutine 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.

8. **Editor's Note: See 33 U.S.C. § 1317(d).**

(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 runoff, 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.

§ 121-19. 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 persons, 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.

§ 121-20. Monitoring and surveillance.

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 noncompliance with industrial pretreatment standards. Additionally, the City will sample the effluent from each significant industrial user and inspect it 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.

§ 121-21. Investigations.

The City shall investigate instances of noncompliance with industrial pretreatment standards and requirements.

§ 121-22. Public information.

Information and data submitted to the City under its industrial pretreatment program and this article 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.

§ 121-23. Public participation. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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 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 violate Subsection C, D or H of the definition of "significant noncompliance" in Article I, § 121-1.

ARTICLE III

Sewer and Water Mains

[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 147, Art. III, of the 2013 Code.]

§ 121-24. Petition for construction. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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 Chair and Secretary of the Planning Board; provided, however, that in the case of water main extension or sewer lines, the petition shall also bear the approval of the Utilities Commission.

§ 121-25. 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.

§ 121-26. Supervision of construction.

All construction shall be under the supervision of the Community Services Director, or designee.

§ 121-27. 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 with any such construction, and the City of Dover shall be the grantee, insured or payee of any such instrument.

§ 121-28. Construction cost; title.

The petitioner shall pay full costs for any such construction of sewer or water mains and installation, and full title to the same shall, upon acceptance by the City Council, be in the City of Dover.

§ 121-29. Control of construction.

All construction of water mains and sewers shall be under the direct control of the City Council and 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.

§ 121-30. Special assessments.

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 C(1) 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 establish the cost of the proposed improvement, identify the boundaries of a betterment district, establish the percentage of the cost of the proposed improvement that is to be borne by the City, establish the pro rata share assigned to each property owner within the betterment district, and identify 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 a 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 $1,000, a public hearing shall be held by the City Council, and action by the Council shall not be taken earlier than seven 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, interest 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.

§ 121-31. 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 § 121-30C.

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 Dover Utilities Commission.

§ 121-32. 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 this article. 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.

§ 121-33. Conflict with other provisions.

If a provision of this article is found to be in conflict with any provision of any zoning, building, safety or health or other ordinance of the City of Dover, that ordinance 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.

§ 121-34. Severability.

The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

§ 121-35. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person, firm or corporation violating any provisions of this article shall, upon conviction, be subject to a fine as provided in the City Fine Schedule for each violation. Each day in which any such violation shall continue beyond the time limit shall be deemed a separate violation.

ARTICLE IV
Cross-Connections and Backflow Prevention
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 148, Art. I, of the 2013 Code]

§ 121-36. Findings and purpose.

A. Cross-connections between water supplies and nonpotable sources of contamination are significant threats to health in the water supply industry. This article 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.

B. 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 backsiphon 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.

§ 121-37. Authority. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

This article is adopted pursuant to the following:

A. New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, or subsequent rules.

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 backflow and cross-contamination of dangerous substances which would endanger the public health or physically damage the public water system.

§ 121-38. Definitions.

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

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 backsiphonage by creating an atmospheric vent when there is either a negative pressure or subatmospheric pressure in a water system.

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 backsiphonage.

BACKPRESSURE — A condition in which the owner's system pressure is greater than the supplier's system pressure.

BACKSIPHONAGE — 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 backsiphonage.

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.

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.

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 shutoff 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 shutoff 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.

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 article.

WATER SUPPLIER — The public water supply system.

§ 121-39. Protection requirements.

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 backsiphonage 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 the 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.

§ 121-40. 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 the New Hampshire Department of Environmental Services' 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 this article and the rules of the Dover Utilities Commission. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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.

§ 121-41. 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 premises and determine if it poses a cross-connection risk.

(b) If a risk is present, assess the risk as high-hazard or low-hazard.

(c) 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 reinspection 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 reinspection, 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 the New Hampshire Department of Environmental Services (NHDES). Initial focus will be on high-hazard water use.

(8) Certified backflow prevention device inspectors must be certified through the New England Water Works Association (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, of 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 which have not been found by the Community Services Department.

(5) The owner shall not install a bypass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. 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 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 semiannual device inspections, retesting in the case that the device fails to operate correctly, and reinspections for noncompliance with the Community Services Department or NHDES requirements.

§ 121-42. 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 nontoxic to humans.

B. High degree of hazard.

(1) 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.

(2) 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:

(a) High hazard.

[1] Air gap (AG).

[2] Reduced pressure principal backflow preventer (RPZ).

[3] Combination of the above.

(b) 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.

§ 121-43. 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 nontransferable. Permits are subject to revocation and become immediately revoked: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) If the owner should change the type of cross-connection or degree of hazard associated with the service type of device;

(2) Upon replacement of the device with a new device; or

(3) Upon change of ownership.

C. A permit is not required when fixture isolation is achieved with the utilization of a nontestable backflow preventer in the case of residential dual checks.

§ 121-44. 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.

§ 121-45. Periodic testing.

A. Backflow prevention devices shall be inspected and tested at least semiannually 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 10 days of the actual test.

F. Backflow prevention devices may be inspected more frequently than specified in Subsection 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.

§ 121-46. 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.

§ 121-47. Fees and charges.

The Community Services Department will publish a list of fees or charges. See Fee Schedule.

§ 121-48. Violations and penalties. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Violation of this article shall be subject to a fine as provided in the City Fine Schedule.

ARTICLE V
Water System Use
[Adopted 7-25-2018 by Ord. No. 2018.07.11 (Ch. 148, Art. II, of the 2013 Code)]

§ 121-49. Purpose.

The purpose of this article is to protect public health, welfare and safety, as well as the City's water system during an emergency water shortage.

§ 121-50. Authority.

The provisions of this regulation are adopted pursuant to RSA 38:26 and 47:17, XV.

§ 121-51. Emergency water shortage.

Whenever an emergency exists by reason of a shortage of water due to drought conditions, inadequate supply, limited treatment or distribution capacity, or failure of equipment, material or infrastructure, the City Manager is authorized to restrict or prohibit the use of water from the City water system. Such restriction and/or prohibition of the use of water from the City water system shall be implemented in the following manner:

A. Declaration of emergency. A water emergency exists whenever the City Manager makes a written determination that the City's water system is unable to or will, within 60 days of such written determination, become unable to supply the full commercial,

domestic and residential needs of the users of the City's water system, including needs for adequate fire protection, based on average water system usage over the prior twenty-four-month period, or whenever drought conditions exist as defined in § 121-56.

B. Issuance of notice of emergency. Upon the declaration of a water emergency, the City Manager shall issue a written emergency notice declaring the emergency and setting forth with particularity an order restricting the use of water from the City's water system.

(1) Such order may:

(a) Restrict water system usage during certain periods during the day or week or according to any orderly and nondiscriminatory scheme; and

(b) Prohibit water system usage not essential to public health and safety.

(2) The order, as issued, may be revised from time to time as the City Manager deems necessary.

C. Public notification of emergency.

(1) Publication and/or posting of notice. The written emergency notice provided for in Subsection B above shall be published in a newspaper of general circulation within 72 hours after the issuance of such notice. In addition to publication as provided for in the previous sentence, the written emergency notice shall be posted in two places within the City, one of which may be the City website. The water emergency and the emergency restriction and/or prohibition of water usage shall be in full force and effect upon the earlier of the compliance with the publication or posting requirements set forth in this subsection. Substantial compliance with this subsection shall be sufficient to implement the effect of the emergency notice.

(2) Immediate threat to public health or safety. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety, the emergency notice provided for in the preceding subsection may be given by any reasonable means, including electronic means. The water emergency and any restrictions and/or prohibition of water usage promulgated therewith shall be in full force and effect upon the giving of such notice, provided that, if any such means is other than that required in Subsection C(1), the emergency notice shall be promulgated in accordance with the provisions of Subsection C(1) within 72 hours of the first emergency notice.

D. Length of emergency. A duly proclaimed water emergency shall continue and the terms of the restriction and/or prohibition of water uses as set forth in the written emergency notice shall be in force until such time as the City Manager shall cause to be published a notice that the emergency has ended consistent with Subsection C above, unless the City Council, by resolution, extends the emergency notice.

E. Appeals of water emergency declaration. Any person aggrieved by a declaration of water emergency by the City Manager shall have the right to present the matter, in writing, to the next regular or special meeting of the City Council or any emergency

session of the Council called to discuss the water emergency. The City Council may exempt such aggrieved person, in whole or in part, from the compliance with such order upon a showing that compliance with such order creates an immediate threat to such person's health or safety. A ruling by a majority vote of the City Council with regard to such appeal shall be final and binding. Until and unless the action of the City Manager is modified or revoked by action of the City Council, all water system usage shall be bound by the terms of the emergency notice issued by the City Manager.

§ 121-52. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued written emergency notice shall be guilty of a violation. Each separate day of water use in violation of such emergency notice shall constitute a separate offense, and each separate prohibited water use in excess of one on the same day shall constitute a separate offense. Violation of this article shall be punishable by a fine as provided in the City Fine Schedule.

ARTICLE VI
Outdoor Lawn Watering Restrictions
[Adopted 7-25-2018 by Ord. No. 2018.07.11 (Ch. 148, Art. III, of the 2013 Code)]

§ 121-53. Purpose.

The purpose of this article is to protect public health, welfare, and safety by restricting the use of water from the City water system and private water wells during a state or federally declared drought.

§ 121-54. Authority.

The provisions of this article are adopted pursuant to RSA 41:11-d.

§ 121-55. Applicability.

The requirements of this article shall apply immediately after the public notice period described in § 121-58 to all described uses of water within the City of Dover from the City water system and from private water wells when administrative agencies of the state or federal government have designated the City or region as being under a declared state or condition of drought.

§ 121-56. Definitions.

As used in this article, the following terms mean:

DROUGHT — A sustained and regionally extensive occurrence of appreciably below average natural water availability in the form of precipitation, stream flow or groundwater.

One or more of the following resources are used by the City of Dover to determine the declaration of a drought condition:

A. The New Hampshire Drought Management Team, as designated by the New Hampshire Drought Management Plan.

B. State of emergency declaration by the Governor's office.

C. United States Drought Monitor.

RESIDENTIAL LAWN WATERING — The application of water to decorative grass at property that's primary use is to provide living accommodations for people.

§ 121-57. Restrictions under drought conditions.

The following limits to residential lawn watering will apply under drought conditions. The specified levels (Level 1 through 3) will be determined by the City Council, upon the recommendation of the Dover Utilities Commission or City staff, and will be included in the public notice required under § 121-58 of this article.

A. If the City issues a Level 1 restriction, then:

(1) Residential lawn watering by odd-numbered addresses is permitted only on Mondays, Wednesdays, and Fridays.

(2) Residential lawn watering by even-numbered addresses is permitted only on Tuesdays, Thursdays, and Saturdays.

(3) Residential lawn watering shall not occur between the hours of 8:00 a.m. and 7:00 p.m.

B. If the City issues a Level 2 restriction, then:

(1) Residential lawn watering by odd-numbered addresses is permitted only on Mondays and Thursdays.

(2) Residential lawn watering by even-numbered addresses is permitted only on Tuesdays and Fridays.

(3) Residential lawn watering shall not occur between the hours of 8:00 a.m. and 7:00 p.m.

C. If the City issues a Level 3 restriction, then residential lawn watering is prohibited.

§ 121-58. Public notification of water use restrictions.

Notification of any intention to restrict water use and the requirements associated with § 121-57 shall be given at least three calendar days before implementation. Notice of the restrictions shall be posted in a newspaper of general circulation and in at least two public places, one of which may be the City website.

§ 121-59. Termination of water use restrictions.

The City Council shall terminate the water use restriction when it determines conditions warrant. Public notification of termination of a water use restriction shall be given consistent with the notice requirements of § 121-58.

§ 121-60. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Any person who, in any manner, directly or indirectly, violates or permits others under his/her custody or control to violate any terms of a duly issued outdoor water use restriction notice shall be guilty of a violation. Each separate day of water use in violation of such outdoor water use restriction notice shall constitute a separate offense, and each separate prohibited water use in excess of one on the same day shall constitute a separate offense. Violation of this article shall be punishable by a written warning for the first offense and a fine as provided in the City Fine Schedule for the second and each subsequent offense.

Chapter 125

STREETS AND SIDEWALKS

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[HISTORY: Adopted by the City Council of the City of Dover 10-25-2017 by Ord. No. 2017.09.13 as Ch. 152 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I

Purpose and Terminology

§ 125-1. Purpose.

The purpose of this chapter is the regulation of the use and occupancy of public roads, private roads, sidewalks, and City property in the interest of public safety and convenience, and the operation and protection of public infrastructure and investment. Excavation and restoration standards are required to preserve the integrity, operational safety, and functionality of public roads and sidewalks.

§ 125-2. Definitions.

The following are definitions of terms as used in this chapter.

CITY — Dover, New Hampshire.

CITY MANAGER — The Dover City Manager, or designee.

DIG SAFE — The Underground Facility Damage Prevention System, also commonly known as the "Dig Safe Law," found at RSA 374:48.

DIRECTOR — The Director of the Community Services Department, or designee.

EMERGENCY — Any event which threatens public health, safety, or infrastructure.

EXCAVATE — To dig into or in any way physically disturb, penetrate, and/or remove any part of or within a public road, sidewalk, or City property.

OBSTRUCT — To place any tangible object in a public road or sidewalk so as to hinder free and open passage over any part of the public road or sidewalk for more than a momentary period of time.

OBSTRUCTION — Any tangible object in a public road or sidewalk that hinders free and open passage over any part of the public road or sidewalk for more than a momentary period of time.

PERSON — An individual or entity subject to the laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

PRIVATE ROAD — 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 road and which may service three or four adjacent parcels of land constructed in accordance with the provisions of Chapter 157, Land Division Regulations, of the Code of the City of Dover.

PUBLIC ROAD — Any City highway, as defined in RSA 229:1.

SIDEWALK — The paved section of the City highway, as defined in RSA 229:1, that is reserved by custom and use for primarily pedestrian activity.

STREET — Any street, as defined in RSA 672:13, within the City.

UTILITY — A public or private utility, as defined in RSA 362:2.

ARTICLE II
New Streets; Street Names and Numbers

§ 125-3. Requests for new streets; City acceptance of streets.

A. All requests for new streets within the City shall be referred to the Planning Board for a report and recommendation.

B. The City Council may, at its discretion, accept any street dedicated for City ownership that has been constructed to City standards consistent with Articles VII and VIII of Chapter 157, Land Division Regulations, of the Code of the City of Dover. The City Council may refuse to accept any dedicated street for any reason, including but not limited to a street in which easements, utility or otherwise, have been granted to third parties prior to City acceptance, a street which has not been constructed to City standards, or a street which has not been constructed consistent with Planning Board conditions of approval.

C. The Director is authorized to establish and publish rules, regulations, and procedures, including general construction requirements related to the standards for construction of public roads and sidewalks, including but not limited to the placement of utilities in the public road or sidewalk. These rules, regulations, and procedures shall be subject to review and approval by the City Manager, and a copy shall be filed with the City Clerk.

§ 125-4. Street names.

A. Any new public road or private road with four or more lots fronted on the public road or private road shall be assigned a street name pursuant to Subsection B.

B. Any new street name, public or private, shall be approved and assigned, in writing, by the Building Official, following consultation with the Police Chief and Fire and Rescue Chief.

C. Any new public road or private road assigned a street name pursuant to Subsections A and B shall have a street name sign at any entrance to the street which conforms to the City street name sign guidelines as prepared by the Community Services Department. The owner(s) of any private road shall be responsible for maintaining all street name signs on such road.

§ 125-5. Unauthorized street names and signs.

A. No person shall erect, post, or display any sign within 20 feet of a public road or private road which purports to be, or may be mistaken to be, a street name sign unless the street name has been reviewed and approved pursuant to § 125-4. The cost and responsibility of erecting such a sign shall be that of the party applying to the Building Official for approval. The approved sign shall conform to the City street name sign guidelines as prepared by the Community Services Department. Any private road sign shall clearly denote its status as a private road.

B. No public road or private road shall be named with a name that is the same as or similar to that of an existing public road or private road within Dover. If a public road or private road is so named, the City Manager may petition the City Council to order the name to be changed. Upon receipt of the City Manager's petition, the City Council shall hold a public hearing to determine if there are public safety reasons to order the name of the public road or private road to be changed. The City Clerk shall give notice of the public hearing to the owners of all property abutting the public road or private road that is the subject of the hearing. Notice shall be given by certified mail, mailed to the owners at least 10 days prior to the hearing. If after the hearing the City Council determines that it is in the interest of public safety that the name be changed, it shall declare the name to be a public nuisance and order it changed. The City Attorney is authorized to initiate any court proceedings necessary to enforce the order.

§ 125-6. Street numbers.

The Building Official may order the buildings on any public road or private road to be numbered or may order any such buildings to be renumbered and shall then require the number designated for each building to be affixed thereto or inscribed thereon. The Building Official 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/her judgment, such action is necessary. Prior to finalizing the Building Official's designation, the Planning Board shall hold a public hearing with at least 10 days' notice, posted in at least two public places within the City, by publication in a newspaper in circulation in the City, and by first-class mail to all owners of property being numbered or renumbered, as indicated by City records. No public hearing shall be required where said property owner(s) voluntarily consent(s) to the numbering or renumbering by the Building Official.

A. The numbers shall be designated in such a manner so that a number will be assigned or reassigned to every 50 feet of street frontage.

B. The 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 public road or private road. Furthermore, such numbers shall be placed in a location so that they can be seen from the public road or private road, 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 property the building is on and the public road or private road, and the number shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.

ARTICLE III
General Regulations

§ 125-7. Construction of sidewalks.

A. All sidewalks shall be of the width and slope, and laid upon the grade, established by the Director, shall be true to the required cross sections, even, free from hollows, tears, gouges, corrugations, or other irregularities, and constructed under the supervision of the City Engineer.

B. The Director is authorized to establish and publish rules, regulations, and procedures, including general construction requirements, related to the standards for construction of sidewalks. These rules, regulations, and procedures shall be subject to review and approval by the City Manager, and a copy shall be filed with the City Clerk.

§ 125-8. Permit required to work in public roads and sidewalks.

A. No person shall grade, fill, disturb, excavate, or open the ground or pavement in any public road, sidewalk, or on City property, without first obtaining a written permit of authorization. Such permit shall be issued by the Community Services Department on an application form provided by the Department.

B. All applications for a permit pursuant to Subsection A shall include, for each permit applied for, the application fee(s) and street/sidewalk pavement damage fee(s) listed in the City's annual Schedule of Fees adopted by the City Council. The Director, at his/her discretion, may waive the damage fee(s) if the City has scheduled the public road or sidewalk to be reconstructed within one year of the permit application date, or if the roadway pavement condition index (PCI) is below 25. The Dover Utilities Commission shall establish a process for waiver of the street/sidewalk pavement damage fee(s) in the case of a demonstrated financial hardship.

C. Protection of public roads and sidewalks.

(1) In an effort to protect the City's investment in its infrastructure, excavations in newly constructed, reconstructed, rehabilitated, or overlaid pavements within public roads, sidewalks, or on City property are prohibited for five years after the effective date of notice of completion or acceptance of the new, reconstructed, rehabilitated, or overlaid improvements except as follows:

(a) Excavations to remedy a public emergency or a situation that creates an imminent threat to the public safety, health, or welfare.

(b) Repair or modification to prevent interruption of essential utility services where no reasonable alternatives are available to avoid excavation in new pavements.

(c) Relocation work that is mandated by state or federal legislation.

(d) Utility services for new buildings or parcels without existing utility services where no other reasonable means of providing service exists, as determined by the City Engineer.

(e) Excavations within protected public roads where the City has scheduled the reconstruction within one year due to the failure of the original pavement.

(f) Other situations deemed by the City Manager to be in the best interest of the general public.

(2) In all of the above exceptions, although a permit will not be denied, the applicant will be responsible for paying a pavement life reduction factor. The pavement life reduction factor may be waived by the Director, at his/her discretion, if the applicant agrees to perform a full roadway width repavement (edge of pavement to edge of pavement) of the impacted area, consistent with the rules, regulations, and procedures established by the Director. The pavement life reduction factor will be assessed to the street damage fee(s) as follows:

(a) Public road pavement less than two years old: three times the street damage fee.

(b) Public road pavement from two years to five years old: two times the street damage fee.

D. Within six months of the completion of the excavation, the permittee shall provide the Director with electronic copies of the as-built plans for the work performed, in a form compatible with the City's GIS system. The Director may waive this requirement, in writing, at his/her discretion.

E. Whenever a person is granted a permit to excavate in any public street, sidewalk, or City property, prior to any work commencing, the Director shall require the requesting party to furnish a two-year surety to the City, or a bond in favor of the City, in an amount sufficient to complete the project and ensure its viability for the surety period.

F. The Director is authorized to establish and publish rules, regulations, and procedures, including general construction and paving requirements and general permit instructions related to excavation permits, including but not limited to a review by Dig Safe of the proposed work, and to prescribe the forms necessary for the management and operation of the excavation permit program under this section. These rules, regulations, and procedures shall be subject to review and approval by the City Manager, and a copy shall be filed with the City Clerk.

§ 125-9. Permit required to obstruct public road or sidewalk.

No person shall obstruct a public road or sidewalk without a permit from the Community Services Department. All applications for a permit to obstruct a public road or sidewalk shall include, for each application, the fee listed in the annual Schedule of Fees adopted by the City Council. Notwithstanding the foregoing, block parties, parades, and road toll permits may be issued by the City Council, upon the recommendation of the Police Department, subject to Chapter 97, Licensing, of the Code of the City of Dover.

§ 125-10. Railings, fences and traffic/pedestrian controls.

Wherever any public road, sidewalk, or City property shall, under any permit granted as provided in § 125-8 or 125-9, be disturbed, dug up, obstructed, or encumbered, and thereby rendered unsafe or inconvenient for travelers, the person performing such work shall put, and at all times maintain, a suitable railing, fence, or traffic/pedestrian controls around the section or parts of the public road, sidewalk, or other City property so disturbed, dug up, obstructed, or encumbered, so long as the same shall be or remain unsafe or inconvenient. Said person shall also, within such reasonable time as the Director shall direct, repair such public road, sidewalk, or City property to the acceptance of the City Engineer.

§ 125-11. Permit for driveways. [Amended 12-12-2018 by Ord. No. 2018.11.28-012]

All applications for a permit to repair, widen, reconstruct, or construct a driveway from a residential or commercial property onto a public road shall comply with the relevant provisions of Chapter 157, Land Subdivision Regulations, of the Code of the City of Dover.

§ 125-12. Permission to erect structure entrances.

No person shall construct, erect, or maintain any stepping stone, doorstep, portico, porch, entrance, or passageway to any cellar or basement or any other structure in or upon any public road or sidewalk without a written license approved by the City Council. No person shall suffer the platform or grate of the entrance passageway to his/her cellar or basement in any public road or sidewalk to rise above the even surface of such public road or sidewalk, and every such entrance or passageway shall be kept at all times covered by a suitable and substantial platform or grate, or in case it shall be kept open, it shall be guarded and protected by a sufficient railing on both sides thereof, at least 3 1/2 feet high, or higher if required by applicable building or safety code, and be well-lighted at night.

§ 125-13. Uncovered cellars, drains and other cavities.

If any person shall dig or sink, or cause to be dug or sunk, or have uncovered, or cause to be left uncovered, any cellar, drain, or other cavity in the ground adjoining any public road or sidewalk, he/she shall at all times erect and maintain, so long as it may be necessary for the purpose, a railing or fence on or near the line of such public road or sidewalk, sufficient to guard and protect travelers and passengers from falling into such cellar, drain, or other cavity in the ground or being injured thereby. No person shall permit or suffer his/her drain in any public road or sidewalk to be or remain open or uncovered unless it shall be enclosed by a strong and safe curb, guard, or fence.

§ 125-14. Marquees, signs, awnings and other intrusions.

No person shall establish or maintain any marquee, sign, awning, or other structure on, or attached to, his/her place of business, house, or structure over any part of any public road or sidewalk unless the same is safely fixed and supported so as in no way to impede, hinder or endanger pedestrians or impact the free passage over or across the public road or sidewalk. The lowest part of such sign, awning, marquee, or other structure shall be at least 15 feet above the public road and at least 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. Any and all signs shall otherwise comply with the provisions of Chapter 170, Zoning, of the Code of the City of Dover.

§ 125-15. Permit required to move buildings through public roads.

No person shall move, or assist in moving, any building, not including garden sheds, or modular and manufactured housing as defined under state law, through or over any public road without first having obtained a permit issued by the Director, following consultation with the Building Official and Police Chief. Said person shall comply in all respects with the conditions of the permit. Such permit shall be issued by the Community Services Department on an application provided by the Department. All applications for a permit to move a building through or over any public road shall include for each application the fee listed in the annual Schedule of Fees adopted by the City Council.

§ 125-16. Snow, ice and liquids on streets and sidewalks.

A. No person shall put or place, or cause to be put or placed, any snow or ice upon the surface of the traveled portion of any public road, private road, or sidewalk, nor shall such snow or ice be put or placed on a public road or private road so as to block access to sidewalks or hydrants.

B. No person shall push snow or ice across the traveled surface of public road or sidewalk for the purpose of snow removal from land adjoining said public road or sidewalk.

C. 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 public road, sidewalk, or City property in such a manner so as to cause a condition hazardous to pedestrian movements and/or to the normal and reasonable flow of vehicle traffic.

§ 125-17. Public road and sidewalk protection.

A. The roofs of all buildings located on or near the edge line of any public road or sidewalk shall be protected by railings or guards of sufficient height and strength to prevent the falling of ice and snow from such roofs onto the public road or sidewalk. The owner of such a building shall be responsible for the adequacy of such railings or guards.

B. All trees or shrubs planted on private property that stand along any public road or sidewalk, the branches of which extend over any part of the public road or sidewalk, shall be maintained by the owner of such private property so that such branches do not impede the safe and orderly passage of persons and vehicles over the public road or

sidewalk, failing which the City may perform such maintenance consistent with the provisions of RSA Chapter 231.[1]

C. No fences, walls, or other structures shall be placed or constructed within a public road without a license for such structure provided by the City Council.

D. No person shall put, or place, or cause to be put or placed, any trash in or on any public road, private road, sidewalk, or City property, except as is permitted pursuant to the provisions of Chapter 145, Waste Management, Article I, Trash and Recycling Collection, of the Code of the City of Dover.

E. No person shall put, or place, or cause to be put or placed, in or on any public road, private road, sidewalk, or City property any article or material which would be liable to cause damage to the tires or wheels of automobiles, bicycles, or any other vehicles traveling lawfully thereon.

§ 125-18. Selling merchandise on public roads or sidewalks.

No person shall use any public road, sidewalk, or City property for the sale of merchandise without first obtaining a written license for each day of such use pursuant to Chapter 109, Peddlers and Vendors, of the Code of the City of Dover.

§ 125-19. Vehicles selling consumable merchandise.

No cart, wagon, or other vehicle loaded with any consumable article to be exposed for sale shall be permitted to stand for a market on any public road, sidewalk, or City property without first obtaining a written license for each day of such use pursuant to Chapter 109, Peddlers and Vendors, of the Code of the City of Dover.

§ 125-20. Sidewalk seating.

A business that regularly and customarily sells food or drink may obtain a permit from the Director to operate an outdoor seating area on a sidewalk, for service and consumption of food or drink prepared on premises, on the terms and conditions set out below. The permit shall specify the area to be used for outdoor seating, the furniture to be used within the outdoor seating area, and the proposed arrangement of the furniture. Permits may only permit outdoor seating between May 15 and November 15 and shall only be valid for the calendar year in which issued. Businesses wishing to serve alcohol in an outdoor seating area shall also comply with the provisions of Chapter 85, Food Service Establishments, § 85-11, of the Code of the City of Dover. Such permit shall be issued by the Community Services Department on an application provided by the Department. All applications for a permit for sidewalk seating shall include, for each application, the fee listed in the annual Schedule of Fees adopted by the City Council. An outdoor seating area shall meet all of the following requirements:

A. The building in which the licensed business operates must share a common boundary line with a sidewalk.

1. **Editor's Note: See also Ch. 133, Trees and Vegetation, § 133-6.**

B. The outdoor seating area shall not extend beyond the boundaries fronting the licensed business and shall be open and available to all individuals, not solely customers of the permittee.

C. The outdoor seating area shall allow a minimum four-foot-wide unobstructed pedestrian corridor at all times. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances. Furniture in an outdoor seating area may be located next to the curb, with two-foot clearance, and/or adjacent to the building, so long as clearances are maintained. Where existing obstructions are present (such as fire hydrants), the corridor can be measured to go around these obstructions.

D. The outdoor seating area must not block access to public amenities like street furniture, trash receptacles, and way-finding or directional signs.

E. Furniture must be made of durable material. No plastic or unfinished or pressure-treated wood furniture is permitted.

F. Planters or pots may be used to define the outdoor dining space but are not required.

G. Lighting must not cause glare to pedestrians or vehicular traffic and must not be affixed to City trees.

H. The outdoor seating area must be kept clean and neat, and all trash shall be properly disposed.

§ 125-21. Installation of groundwater monitoring wells.

A. A person shall not disturb or excavate within a public road, sidewalk, or City property for the purpose of installing a groundwater monitoring well without first obtaining a written permit of authorization from the Community Services Department. Such permit shall be issued by the Community Services Department on an application provided by the Department. All applications for a permit to install monitoring wells within a public road, sidewalk, or City property shall include for each application the fee listed in the annual Schedule of Fees adopted by the City Council.

B. The Director is authorized to establish and publish rules, regulations, and procedures, including general permit instructions and construction requirements, related to groundwater monitoring well permits and to prescribe the forms necessary for the management and operation of the monitoring well permit programs under this section. These rules, regulations, and procedures shall be subject to review and approval by the City Manager, and a copy shall be filed with the City Clerk.

ARTICLE IV
Poles and Wires

§ 125-22. Poles, wires and water and gas lines subject to City license.

A. No person shall hereinafter erect, construct, put up, or maintain any pole, wire(s), terminal, underground conduits and cables, structures, or other electrical appurtenances

for television, telephonic, telegraphic, electric power or electric lighting, or any water or gas lines, along, across, under or over any public road, sidewalk, or City property without a license having first been obtained from the City consistent with RSA 231:159 to 231:189, or successor statute, and no such license shall be granted except upon written application to the City Clerk stating for what purpose or purposes said pole or wire(s) is to be used. Any person granted such license shall not permit other persons to attach wires to such licensed poles unless such other persons also obtain a license from the City pursuant to this section. All licenses issued under this section shall forever thereafter be subject to such alterations and requirements as the City may from time to time impose, and be further subject to revocation when, in the judgment of the City, the public interests will be best served thereby, and all poles, wires, terminal or other electrical appliances now in use shall be subject to the same conditions.

B. Authority to issue the license under this section is delegated to the City Manager pursuant to RSA 231:161, I(b).

C. The Director is authorized to establish and publish rules, regulations and procedures related to the standards for installation pursuant to licenses issued under this section. These rules, regulations and procedures shall be subject to the review and approval by the City Manager, and a copy shall be filed with the City Clerk.

D. Within six months of the completion of the installation pursuant to licenses issued under this section, the licensee shall provide the Director with electronic copies of the as-built plans, compatible with the City's GIS system, for all of the items placed/ installed within the public road, sidewalk, or City property pursuant to the license granted. Failure to provide such plans within six months of placement/installation shall be cause to revoke the license.

§ 125-23. Quality of materials used and construction performed.

All construction work performed pursuant to a license granted under § 125-22 shall be thoroughly performed in accordance with all applicable codes, and all kinds of material used shall be of the best quality obtainable and subject to the approval of the Director. The poles shall be sound, smooth, and straight, firmly set in the ground, and of such height and erected at such points and in such a manner and the wires secured with such insulators, or other fixtures or fastenings, as shall preclude all danger from fire or other injury to persons or property; all poles from which are suspended a wire or wires carrying more than 500 volts shall be plainly so marked. All pavements removed in the erection or removal of poles shall be properly replaced, and all removal of each for the same purpose shall be properly restored and the street left in a condition which shall fully satisfy the Director.

§ 125-24. Posting bills.

No person shall use said poles for which a license has been granted pursuant to § 125-22 for the posting of bills or other advertising purposes or any other purpose except that for which the license was granted.

§ 125-25. Wires attached to trees.

No person to whom a license has been granted pursuant to § 125-22 shall attach any electric wires, insulator, or any device for the holding of any wire to any tree growing or planted upon any public road, sidewalk, or City property without a written permit of the Community Services Department.

§ 125-26. Fastening of wires.

Every person or corporation having any wire or wires running through a public road, sidewalk, or City property pursuant to a license issued pursuant to § 125-22 shall securely fasten such wire or wires to such pole(s) so that they shall not come loose and come into contact with any person.

§ 125-27. Removal of wires by Fire and Rescue Department.

Whenever in the event of a fire it may be deemed necessary by the officers of the Fire and Rescue Department to cut, break, pull down, or remove any of said wires installed pursuant to a license issued pursuant to § 125-22, in order to extinguish or prevent the spread of a fire, or protect the safety of persons or property, such action may be taken without any liability therefor on their part or the part of the City, and such wires so damaged or destroyed shall be repaired and restored by the owners thereof, at their expense, without expense or cost to the City.

§ 125-28. Wires, conduits and poles passing out of use.

Whenever any wires, conduits, or poles, installed pursuant to a license issued pursuant to § 125-22, now in use or hereafter constructed shall pass out of use or become useless or "dead wires," so-called, the owners thereof shall within 60 days take down and remove the same, together with all the other fixtures belonging to said wires, conduits, or poles, and in case of any refusal or neglect to comply with this provision, the City may forthwith revoke the license by which such wires, conduits, or poles were installed.

§ 125-29. Inspection by City.

A. The City shall have the right, but not the obligation, to examine and inspect all wires, poles, conduits, and all fixtures and appliances pertaining thereto, erected upon, over, under, or along any public road, sidewalk, or City property pursuant to a license issued pursuant to § 125-22, and the City shall have full power and authority to order any and all needed repairs of such wires, poles, conduits, and other fixtures, and to further require of the owners of such wires, poles, conduits, or other fixtures to use safety and protective devices in accordance with generally accepted standards of construction for the protection of property and the general public. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. The City shall also have the right, but not the obligation, from time to time, to make such inspections as may be reasonably necessary in its discretion to ascertain that said poles, wires, conduits, and other fixtures and appliances are in a safe and suitable

condition, and in cases of defective or dangerous wires, poles, conduits, and other fixtures, it shall be authorized to take such immediate action with reference thereto as may be necessary for the public safety.

C. The City may also require the use of guard wires wherever needed, and all construction of additional poles and wires provided for under this section shall be under the City's supervision and direction.

D. Nothing in this section shall be construed as exempting the owners of said wires from frequent and careful inspection of the same by their own agents. Any inspection by a municipal officer is in addition to such inspections and is intended as supplemental to the owners' required inspection.

§ 125-30. Removal of wires, poles and fixtures.

At any time when the owners of wires, poles, or fixtures installed pursuant to a license issued pursuant to § 125-22 shall neglect to repair and keep them in a safe condition to the satisfaction of the City, upon 15 days' notice to said owners, or any agent, and a hearing if requested, the City may order the removal forthwith of said wires, poles and fixtures, and any license previously obtained shall thereby be revoked.

§ 125-31. Licensed structures to be identified and numbered.

All corporations, firms, and individuals owning or having the care or control of structures erected in or on a public road, sidewalk, or City property pursuant to a license issued pursuant to § 125-22 shall cause the same to be numbered in numerical order, with the initials of the corporation, firm or individual owning or having care or control of said structure.

ARTICLE V
Enforcement

§ 125-32. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

Any person who violates any provision of this chapter shall be subject to the fines set forth in the Fine Schedule adopted by the City Council.

§ 125-33. 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 by a court of competent jurisdiction, such invalidity shall not affect the other provisions or applications of this chapter which can be given effect without the invalid provisions or application.

Chapter 129

TAXICABS

§ 129-1. Definitions.

§ 129-2. Compliance with rules, regulations and procedures

§ 129-3. Violations and penalties

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 161 of the 2013 Code. Amendments noted where applicable.]

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§ 129-1. 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 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, XI.)

§ 129-2. Compliance with rules, regulations and procedures [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

All drivers and operators of taxicabs and valet parking operators are required to obtain a license from the Dover Licensing Board as defined in Chapter 97, Licensing. 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.

§ 129-3. Violations and penalties

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.

Chapter 133

TREES AND VEGETATION

§ 133-1. Purpose.
§ 133-2. Definitions.
§ 133-3. Authority of City Arborist.
§ 133-4. Permits required.
§ 133-5. Standards for issuance of permits; notice of completion.
§ 133-6. Pruning of trees and plants bordering streets.
§ 133-7. Abuse of public trees.
§ 133-8. Improper planting.
§ 133-9. Necessary removal.
§ 133-10. Protection of trees.
§ 133-11. Violations and penalties.

[HISTORY: Added by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 163 of the 2013 Code. Amendments noted where applicable.]

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§ 133-1. 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.

§ 133-2. 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.

SPRAYING — The application of pesticides, herbicides or any material used in plant care; also to include any granular material for such uses.

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.

§ 133-3. Authority of 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.

§ 133-4. 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 or herbicides on a for-hire basis without first filling an application and procuring a permit from the City Arborist.

§ 133-5. 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 days thereof to the City Arborist for his or her inspection. Notice of completion may be waived at 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 applicator's license.

§ 133-6. Pruning of trees and plants bordering streets.

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 streetlights, obstruct the passage of pedestrians on 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 10 feet over sidewalks and 12 feet over all streets except truck thoroughfares, which shall be 16 feet.

B. Notice to prune or remove. Should any property owner whose property is bordering on any street fail to prune trees or plants as hereinabove provided, the City Arborist shall

order such person, within 10 days after receipt of written notice, to prune or remove such trees or plants. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 or plants, and all costs thereof shall be charged to the property owner thereof. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 133-7. 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 to 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.

§ 133-8. 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.

§ 133-9. 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 § 133-4 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.

§ 133-10. 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 a 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 or trenches or lay any drive within a radius of 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.

§ 133-11. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

Violations of any provision of this chapter shall be subject to a fine as provided in the City Fine Schedule. 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 30 days of receiving written notification from the City Arborist, the restoration shall be accomplished by the City and charged to the violator.

Chapter 137

VEHICLE REGISTRATION EXEMPTION FOR PRISONERS OF WAR

§ 137-1. Purpose. **§ 137-2. Exemption granted.**

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 165 of the 2013 Code. Amendments noted where applicable.]

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§ 137-1. Purpose.

The purpose of this chapter is to adopt the provisions of RSA 261:157-a, Exemption for Prisoners of Wars.

§ 137-2. Exemption granted. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

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, V, 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.

Chapter 141

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 166 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I

General Provisions

[Amended 8-24-2015 by Ord. No. 2015.07.08-013]

§ 141-1. 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, or garage, deck or structure 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 on a public highway, except those operated on rails or permanent tracks.

§ 141-2. 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.

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 appear to justify such suspension.

§ 141-3. 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 Code 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 section shall be as prescribed in § 141-12 of this chapter.

§ 141-4. Schedules and tables; adoption of orders, rules and/or regulations.

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 Articles 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

§ 141-5. Travel restrictions.

A. Emergency vehicles only. The streets or parts of streets indicated in Schedule E (§ 141-44) shall be restricted to be used only by emergency vehicles as defined in RSA 259:28.

B. Commercial vehicle travel restricted.

(1) General.

(a) 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.

(b) No vehicle with a United States Federal Highway Administration (FHWA) Classification 8 through 13 shall be permitted on the streets listed in § 141-45, Schedule F, unless the vehicle is making a delivery or pickup on that particular street.

(2) Designated commercial vehicle routes.

(a) All state numbered routes and nonnumbered, 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. These include: **[Amended 4-25-2018 by Ord. No. 2018.04.11-003]**

[1] Spaulding Turnpike (NH Route 16) and associated interchanges.

[2] Boston Harbor Road (US Route 4) from NH 16 to Durham town line.

[3] Durham Road (NH Route 108).

[4] Central Avenue (NH Route 108).

[5] Main Street (NH Route 108).

[6] Washington Street (NH Route 108) from Central Avenue to Main Street.

[7] New Rochester Road (NH Route 108).

[8] Knox Marsh Road (NH Route 155).

[9] Littleworth Road (NH Route 9).

[10] Silver Street (NH Route 9).

[11] Portland Avenue (NH Route 4).

[12] Dover Point Road.

[13] Gulf Road.

(b) In addition to all state numbered routes and nonnumbered, state-maintained roadways, certain City streets shall be designated as commercial vehicle routes. These streets include: **[Amended 4-25-2018 by Ord. No. 2018.04.11-003]**

Name of Street	Location
Broadway	From Oak Street to Pierce Street
Indian Brook Drive	Entire length
Jenness Street	Entire length
Oak Street	From Atlantic Avenue to Portland Avenue
Oak Street	From Central Avenue to Broadway
Old Rochester Road	From Long Hill Road to Somersworth City line
Pierce Street	From Central Avenue to Broadway
Sixth Street	From Central Avenue to Rochester City line
Stark Avenue	Entire length

(c) 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.

(d) Temporary revisions to the designated commercial vehicle routes may 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. The Transportation Advisory Commission shall provide a recommendation to the City Manager or his designee. The City Manager or designee may post a current list of designated commercial vehicle routes in the office of the City Clerk, Community Services Department, and the Police Department. **[Amended 4-25-2018 by Ord. No. 2018.04.11-003]**

(e) The City Manager, upon the recommendation of the Community Services Director, may designate temporary, specific construction/haul routes over noncommercial vehicle routes for specific projects with appropriate time limitations on the temporary designation.

(3) Exceptions. Section 141-5B shall not apply to any police, fire, ambulance or other public safety vehicle or to vehicles owned or operated by the City. Additionally, § 141-5B shall not apply to any heating system delivery vehicle, school bus, or public transit bus.

(4) Enforcement. Section 141-5B shall be enforced by the Police Chief, his designees or other sworn law enforcement officers.

(5) Violations and penalties. Violations of § 141-5B shall be punishable by the imposition of a fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

C. No person shall operate a motor vehicle, off-highway recreational vehicle (OHRV), or 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.

§ 141-6. One-way roadways designated.

The streets or parts of streets described in Schedule A (§ 141-40) are hereby designated as one-way streets, and vehicles shall proceed along those streets or parts of streets only in the direction indicated.

§ 141-7. Turning restrictions.

A. No person shall make a turn of the kind designated (left, right, all) at any of the locations described in Schedule B (§ 141-41). 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 (§ 141-47).

§ 141-8. Stop intersections.

The intersections described in Schedule C (§ 141-42) 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 crosswalk 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.

§ 141-9. Yield intersections.

The intersections described in Schedule D (§ 141-43) 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.

§ 141-10. Misuse of vehicle.

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, or gear selector, when the motor vehicle is either in motion or stationary.

§ 141-11. Unlawful deposit of snow and ice.

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.

§ 141-12. Violations and penalties. [Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

A violation of any provision in this chapter shall be punishable by a fine as set forth in the Fine Schedule as adopted by City Council.

ARTICLE III
Parking; Stopping; Standing

§ 141-13. General parking restrictions.

A. Truck parking. Vehicles over 19 feet in overall length, with permission of the Chief of Police or his/her 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 the 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 or unloading with the vehicle's hazard lights activated. **[Amended 8-22-2018 by Ord. No. 2018.08.08-008]**

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 (§ 141-50). This subsection 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. **[Amended 3-11-2015 by Ord. No. 2015.02.25-009; 5-25-2016 by Ord. No. 2016.05.11-007; 4-12-2017 by Ord. No. 2017.03.22-004]**

(1) Henry Law Park — River Street parking area. No person shall park a vehicle in designated parking in the River Street parking area at the Henry Law Park and Recreation Facility unless he/she is a City employee on City business or is 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 § 141-23 as set forth in the Fine Schedule adopted by City Council. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(2) Summer Street. No person, except for visitors to the Woodman Institute, shall be allowed to park on the northerly side of Summer Street from the intersection with Central Avenue westerly for 120 feet, during operating hours when the Woodman Institute is open for the season. Signage shall be posted that indicates the hours, days and/or months of the restricted parking, based on the Woodman Institute's operating hours. Violators shall be subject to Table A fines under § 141-23.

(3) Orchard Street. No person, except for visitors to the Dover Police Station, shall be allowed to park in the two posted police station visitor spaces in front of 40 Chestnut Street (Cochecho Park Apartments) and the three posted police station visitor spaces on the first floor of the parking garage. Violators shall be subject to Table A fines under § 141-23.

(4) Orchard Street Parking Garage. Between the hours of 2:00 a.m. and 6:00 a.m., no person shall park a vehicle in the Orchard Street Parking Garage unless it is properly displaying a valid permit or has obtained an overnight parking receipt for a designated space from a parking meter. **[Added 10-11-2017 by Ord. No. 2017.09.27; amended 11-8-2017 by Ord. No. 2017.10.25]**

(5) Orchard Street Parking Garage. No person shall park a non-plug-in electric vehicle in a designated electric vehicle charging station space. Plug-in electric vehicles shall not remain in a designated electric charging station space in excess of four hours. **[Added 5-23-2018 by Ord. No. 2018.05.09-004]**

(6) Orchard Street Parking Garage. The Chief of Police shall have the authority to designate certain spaces within the parking garage for vehicles properly displaying a permit that is valid for use in the parking garage. Violations of this

subsection shall be a Table B violation,[1] and the vehicle may be towed at the vehicle owner's expense. **[Added 10-10-2018 by Ord. No. 2018.09.26-010]**

F. Parking for primary purpose of advertising prohibited. No person shall park a vehicle upon any public way for the primary purpose of advertising goods or services, except as provided in Chapter 109, Peddlers and Vendors. Violators shall be subject to Table B fines under § 141-23 as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 141-14. General parking provisions. [Amended 4-12-2017 by Ord. No. 2017.03.22-004]

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 or over a sidewalk except for bicycles. **[Amended 10-11-2017 by Ord. No. 2017.09.27]**

(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 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. Violators will be subject to Table B fines under § 141-23 as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(10) At any place where official signs prohibit parking.

(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

1. **Editor's Note: See § 141-23, First notice of violation; payment tables.**

special number plate, decal, or a card issued pursuant to RSA 261:86, 261:87 or 261:88, 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.

(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. Violators will be subject to Table B fines under § 141-23 as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 feet of the edge of a public or private driveway.

(2) Within 10 feet of a fire hydrant.

(3) Within 20 feet of a crosswalk at an intersection.

(4) Within 20 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.

(5) Within 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 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 20 feet of the entrance to any multifamily complex consisting of five or more units.

C. Stand or park a vehicle in a roadway, other than parallel to the edge of the roadway, headed in the direction of traffic, and with the right side of the vehicle within 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 such space and the vehicle is not extending into any restricted area or travel lane. **[Amended 10-11-2017 by Ord. No. 2017.09.27]**

(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 a person 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.[2]

D. 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. Violators will be subject to Table B fines under § 141-23 as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

E. Display a disability placard issued pursuant to RSA 261:86, 261:87 or 261:88 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.

§ 141-15. Parking lots. [Amended 5-25-2016 by Ord. No. 2016.05.11-007; 4-12-2017 by Ord. No. 2017.03.22-004]

A. Parking in the City Hall parking lots shall be restricted to one-hour parking, and only while the driver or passenger is conducting business at City Hall, Monday through Friday, from 8:30 a.m. to 5:30 p.m., except for City-owned vehicles.

B. 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. **[Amended 8-22-2018 by Ord. No. 2018.08.08-008]**

C. 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 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 subsection 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 RSA 262:40-a and shall be responsible for maintenance and snow removal in the lot.

§ 141-16. Winter parking. [Amended 2-11-2015 by Ord. No. 2015.01.28-002; 12-9-2015 by Ord. No. 2015.10.28-022; 10-11-2017 by Ord. No. 2017.09.27; 8-22-2018 by Ord. No. 2018.08.08-008]

A. The Community Services Director shall have the authority, after consultation with the Chief of Police, to declare a parking ban affecting some or all City streets, adjacent

2. **Editor's Note: Original § 166-17D of the 2013 Code, regarding standing or parking of vehicles on roadways between 10:00 p.m. and 6:00 a.m., which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. III).**

parking areas, sidewalks and parking lots to facilitate municipal snow removal operations. Public notification requirements approved by City Council shall be posted on the City of Dover website and available at the Parking Bureau and Community Services offices. No person shall, during the declared parking ban hours, park or allow to be parked any vehicle on any street or sidewalk within the City of Dover or declared areas thereof. Any vehicle which is parked on a public way during a parking ban time period and which is interfering with municipal snow removal operations may be towed from its place and stored. 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 to post specific areas within City-controlled parking lots as no parking during a parking ban set forth in Subsection A or other time period. Any vehicle parked in any City-controlled parking lot contrary to the provisions of this section may 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.

§ 141-17. No parking at any time.

The parking of vehicles is prohibited at all times in those streets or parts of streets described in Schedule I (§ 141-48).

§ 141-18. Resident parking permit. [Amended 4-15-2015 by Ord. No. 2015.03.25-010; 12-9-2015 by Ord. No. 2015.10.28-023; 5-25-2016 by Ord. No. 2016.05.11-007; 12-26-2016 by Ord. No. 2016.10.12-013; 10-11-2017 by Ord. No. 2017.09.27; 8-22-2018 by Ord. No. 2018.08.08-008]

A. The Police Department is authorized to sell and distribute parking permits for residents of downtown who reside within 200 feet of an authorized residential parking area. Permits shall be valid for such periods of time, location and under such conditions as provided by the Police Department on or with such permits.

B. A maximum of one residential parking permit may be issued per legal residential unit upon certification that on-site parking is unavailable. Permits shall be assigned to specific vehicles owned by occupants of such residential unit. Permits are only valid for the nearest parking area designated by the Police Department for a particular residential unit. **[Amended 10-10-2018 by Ord. No. 2018.09.26-010]**

C. Authorized residential parking areas include designated spaces in the metered parking garage and City-controlled parking lots that are not leased or deeded to a third party, excluding the Orchard Street Parking Lot. In addition, the following streets qualify for residential permit parking: First Street (northerly side spaces not subject to third party license), Second Street (both sides, from the driveway between 20 and 22 Second Street westerly to Chestnut Street), Main Street, St. John Street and School Street (angled parking spaces only). **[Amended 10-10-2018 by Ord. No. 2018.09.26-010; 5-22-2019 by Ord. No. 2019.05.08-009]**

D. Residential parking permits are not intended for long-term storage of vehicles, and any vehicle remaining in the same space for more than five consecutive days without

notification to and the approval of the Police Department shall have its permit revoked, and the vehicle may be towed at the owner's expense. Notice of this requirement shall be provided with each residential parking permit issued.

E. The Police Department, on a yearly basis, shall verify the residential status of each permit holder and require a signed statement from the applicant as to his/her qualifications to obtain a residential parking permit.

F. Accepted documentation to qualify for a residential permit is a lease or utility bill in the applicant's name demonstrating a qualified address, and absent either of those two, a vehicle registered to a qualified address and verification by the property owner.

G. Any misrepresentation regarding the application for or use of a residential parking permit, any unauthorized transfer of the permit, or any other misuse of the permit shall be cause for its revocation by the Police Department.

H. This section does not authorize resident parking permits for residential developments that have insufficient on-site parking and were approved as "commercial ventures" by the Planning Board.

I. The rate for the permits shall be set and/or adjusted by the City Council during the annual Fee Schedule adoption.

§ 141-19. Limited-time parking.

The parking of vehicles is hereby prohibited in the locations described in Schedule J (§ 141-49) for a longer period of time than that designated, during the hours indicated.

§ 141-20. Business parking permit program. [Added 5-25-2016 by Ord. No. 2016.05.11-007]

A. The Police Department is authorized to sell and distribute monthly parking permits for the parking of vehicles in any business parking permit zone listed in § 141-52, Schedule M.

B. Permits shall be valid for such periods of time, location and under such conditions as provided by the Police Department on or with such permits. **[Amended 10-11-2017 by Ord. No. 2017.09.27]**

C. Parking permits are not intended for long-term storage of vehicles, and any vehicle remaining in the same space for more than five consecutive days without notification to and the approval of the Police Department shall have its permit revoked, and the vehicle may be towed at the owner's expense.

D. The rate for the permits shall be set and/or adjusted by the City Council during the annual Fee Schedule adoption.

E. Business parking permit zones in the City of Dover shall be set forth in § 141-52, Schedule M, Business Parking Permit Zones, unless otherwise posted.

§ 141-21. 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.

§ 141-22. Police officer's report.

Any police officer observing a violation of §§ 141-13 through 141-19 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 chapter.

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.

§ 141-23. First notice of violation; payment tables. [Amended 2-11-2015 by Ord. No. 2015.01.28-003; 3-11-2015 by Ord. No. 2015.02.25-009; 4-12-2017 by Ord. No. 2017.03.22-004]

A. Late notice. If the fine indicated for the initial violation is not paid within 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 he/she may avoid further prosecution and fine by paying the City of Dover the amount in the applicable payment schedule for that violation.

B. All parking violations enumerated in §§ 141-13 through 141-38 shall be Table A violations as set forth in the Fine Schedule as adopted by City Council, except as follows: **[Amended 8-22-2018 by Ord. No. 2018.08.08-008; 10-10-2018 by Ord. No. 2018.09.26-010; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) Violations of §§ 141-13E(1), 141-13E(6) and F, 141-14A(9) and (12) and E, 141-16A and 141-31C(4) shall be Table B violations as set forth in the Fine Schedule as adopted by City Council.

(2) Violations of §§ 141-14A(11) and F shall be Table C violations as set forth in the Fine Schedule as adopted by City Council.

(3) Violations of § 141-16D shall be subject to the provisions of that section.

C. Parking violation Tables A, B, and C fines shall be as set forth in the Fine Schedule adopted by City Council. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 141-24. Final notice of violation.

A. Final notice. If the fine indicated for the initial violation is not paid within 10 days, the Chief of Police shall send a final notice of 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 he/she 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.

§ 141-25. Payment not an admission of guilt.

Such payment as outlined in §§ 141-23 and 141-24 of this chapter shall not constitute an admission of guilt nor a determination of guilt.

§ 141-26. Summons to court; towing or immobilization of motor vehicle for nonpayment of parking fines.

A. Any person to whom is sent or issued notification of a violation or violations of the preceding sections 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 § 141-23, 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 Subsection B below.

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 or more outstanding parking violation final notices for violations of this article, 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

(1) Said notice shall contain the following information:

(a) The date, time and location of the violations leading to the issuance of this notice.

(b) That the subject vehicle shall be subject to towing and storage or immobilization after a specific date of not less than five days subsequent to the date of the notice unless the matter is resolved.

(c) That the recipient of the notice may contact the Police Department and request a hearing on the subject of the violations.

(2) Hearing.

(a) 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.

(b) 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, as set forth in the Fee Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27]**

(2) By order of the Chief of Police or the person designated to conduct hearings in accordance with Subsection B(2)(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 as set forth in the Fine Schedule as adopted by City Council, no portion of which may be suspended. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE IV
Metered Parking

§ 141-27. Definitions.[3] [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

As used in this article the following terms mean:

IN-VEHICLE PARKING METER — An electronic device that displays the City and zone for which parking fees are being paid for through the device.

METERED ON-STREET PARKING SPACE — A portion of a public highway consisting of a section of a public right-of-way in which the parking of a vehicle is controlled by a parking meter.

METERED PARKING GARAGE — A portion of a public highway consisting of a parking garage, deck or structure in which the parking of a vehicle is controlled by a parking meter.

METERED PARKING LOT — A portion of a public highway consisting of a parking lot in which the parking of a vehicle is controlled by a parking meter.

MULTI-SPACE PARKING METER — A parking meter that controls vehicle parking for more than one space in a parking meter zone.

PARKING METER — A mechanical device located upon a public highway or sidewalk in a place regularly designated as a parking meter zone, as hereinafter defined, which 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 that produces a ticket upon which the amount of time parking privileges are extended may be printed.

PARKING METER ZONE — Any designated section of the public highway within which a vehicle may be temporarily parked and allowed to remain for such period of time as indicated upon the parking meter or multi-space parking meter attached therein.

§ 141-28. Applicability.

A. The rules and regulations herein contained pertaining to the control of vehicle traffic and parking areas shall apply to any person.

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.

3. Editor's Note: For additional definitions, see § 141-1.

§ 141-29. Installation of meters.

The City of Dover shall provide for the installation, regulation and operation of parking meters and provide curb- and street-marking lines therefor. Parking meters shall be placed upon the curb in relation to the individual parking spaces or, in the case of a so-called "multi-space" parking meter, shall be placed at a designated location to be controlled by said multi-space 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.

§ 141-30. Hours of operation and rates. [Amended 4-12-2017 by Ord. No. 2017.03.22-004; 11-8-2017 by Ord. No. 2017.10.25]

A. Paid parking shall be required daily between the hours of 9:00 a.m. and 8:00 p.m., except on Sundays, with the exception of: **[Amended 2-14-2018 by Ord. No. 2018.01.10; 10-10-2018 by Ord. No. 2018.09.26-010; 7-24-2019 by Ord. No. 2019.07.10-11]**

(1) The Orchard Street Parking Garage where paid parking shall also be required daily in designated metered spaces between the hours of 2:00 a.m. and 6:00 a.m.

(2) The following holidays: January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day, or on a date to coincide with the federal observance if it is held on a different day; July 4; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; November 11, known as Veterans Day; Thanksgiving Day; the Friday after Thanksgiving; and Christmas Day. When one of the listed holidays falls on a Sunday, the Monday after shall be observed as a holiday.

B. Parking meter rates shall be set forth in the annual Fee Schedule adopted by the City Council.

§ 141-31. Unlawful acts; separate violations. [Amended 8-24-2015 by Ord. No. 2015.07.08-014; 11-11-2015 by Ord. No. 2015.10.28-024; 4-12-2017 by Ord. No. 2017.03.22-004]

A. The following shall be considered violations of this article:

(1) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to be parked in a parking meter zone so that the vehicle is not entirely within the area designated or delineated by lines or markings.

(2) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to be parked in excess of 19 feet in overall length in a multi-space parking meter zone except as provided in § 141-32.

(3) Multi-space parking meters.

(a) It shall be unlawful for any person to park or allow any vehicle registered in his/her name to be parked or left standing in any area where parking is controlled by a multi-space parking meter:

[1] Without purchasing a receipt from said multi-space parking meter for such parking or standing time.

[2] Without displaying any receipt so purchased from a multi-space parking meter in a position on the dashboard of the vehicle in order that the time printed on said receipt is clearly visible from outside the vehicle, except in a metered parking garage when the proper space number is entered into the pay-by-space parking meter, wherein such receipt display is not required.

[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 multi-space parking meter controlling the parking space in which the vehicle displaying the receipt is parked. Violators will be subject to Table B fines under § 141-23 as set forth in the Fine Schedule as adopted by City Council. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

[5] In excess of the posted time limits.

(b) Exception. No multi-space parking meter receipt is required for a vehicle parked in a parking meter zone for less than 15 minutes; this exception does not apply to metered parking lots or a metered parking garage.

(c) Each violation of the acts described in Subsection A(3)(a)[1] to [5] shall constitute a separate violation and additional violation.

(4) It shall be unlawful for any person to park or allow any vehicle registered in his/her 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 § 141-30.

(5) It shall be unlawful for any person to park or allow any vehicle registered in his/her 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.

(6) It shall be unlawful for any person to park in a metered on-street parking space with a receipt from a multi-space parking meter in a metered parking lot or a metered parking garage.

B. Where a violation of this article is found, each additional one hour that a vehicle is so parked in violation shall constitute a separate additional violation.

C. The previous provisions of this article shall not apply to City-owned vehicles or to persons who are disabled and have obtained permission to park from the Chief of Police.

D. Chronic offenders. Any person with five violations of any subsection of § 141-31A(3), (4) and (6) or § 141-37 in a calendar year for any metered on-street parking space shall be fined as set forth in the Fine Schedule as adopted by City Council for each subsequent offense. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

§ 141-32. Truck parking. [Amended 10-11-2017 by Ord. No. 2017.09.27]

Vehicles over 19 feet in overall length, with permission of the Chief of Police, or designee, may stop and unload merchandise in a multi-space parking meter zone, but under no circumstances shall any vehicle obstruct or impede the free flow of traffic.

§ 141-33. Contractor parking.

The Chief of Police, or designee, may permit plumbers, electricians or other contractors to park in any area, without regard to time restrictions, provided that it is essential to work being done in the immediate area.

§ 141-34. Time limits. [Added 4-22-2015 by Ord. No. 2015.04.22-011; amended 12-26-2016 by Ord. No. 2016.10.12-013; 5-22-2019 by Ord. No. 2019.05.08-009]

No person shall park a vehicle in a metered on-street parking space or in a surface parking space in the Orchard Street or Belknap Parking Lots in excess of three consecutive hours. This section shall not apply to metered on-street parking spaces on the following public highways:

A. Henry Law Avenue.

B. River Street.

§ 141-35. Violations and penalties.

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, §§ 141-22, 141-23, 141-24, 141-25 and 141-26.

§ 141-36. Notification of unpaid fines; effect of fines on vehicle registration.

The provisions of RSA 231:130-a, Notification of Unpaid Fines, are hereby adopted by the City of Dover, New Hampshire.

A. Pursuant to the adoption of RSA 231:130-a, the Tax Collector shall:

(1) 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.

(2) 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.

(3) 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 10 days of the payment of the outstanding violation.

B. The Tax Collector shall update and keep readily available the records required by RSA 231:30-a, I(a), in order that such records may be consulted at such time as residents of such municipalities apply for permits for the registration of vehicles pursuant to RSA 261:148.

C. Furthermore, no resident in the City of Dover shall be allowed to register a 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.

§ 141-37. In-vehicle parking meters.

A. The use of in-vehicle parking meters (IVPM) to pay for parking is permitted notwithstanding the provisions of § 141-31A(3)(a)[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.

§ 141-38. Parking meter zones. [Added 4-22-2015 by Ord. No. 2015.04.22-011]

Parking meter zones in the City of Dover shall be set forth in § 141-51, Schedule L, unless otherwise posted.

ARTICLE V
Weight Limits

§ 141-39. Weight limits established. [Amended 2-25-2015 by Ord. No. 2015.02.11-008]

A. No vehicle with a gross vehicle weight rating of 26,000 pounds (26 K GVWR) or higher shall be permitted to travel on the roadway(s) listed below, except upon written

permission from the Community Services Director in accordance with RSA 231:191, III and V. **[Amended 9-23-2015 by Ord. No. 2015.09.09-020]**

Street	Location
(Reserved)	

B. This section shall not apply to any heating system delivery vehicle, school bus, police, fire, ambulance or other public safety vehicle, or to any vehicle engaged in curbside waste collection or snow removal for the City of Dover.

C. In providing written permission pursuant to Subsection A above, the Community Services Director may impose reasonable conditions on use of the road and may establish reasonable requirements for bonding and restoration of the road.

D. Violations of this section shall be punishable by the imposition of a fine as set forth in the Fine Schedule as adopted by City Council for the first offense. Repeat offenders may be punished by the imposition of citations as set forth in the Fine Schedule as adopted by City Council for each subsequent offense. **[Amended 10-11-2017 by Ord. No. 2017.09.27; at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

ARTICLE VI
Schedules

§ 141-40. Schedule A: One-Way Roadways.

In accordance with the provisions of § 141-6, 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 forth:

Street	Direction of Travel	Limits
Angle Street	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
Cochecho Street	Easterly	From the intersection with Portland Avenue to the intersection with Rogers Street

Street	Direction of Travel	Limits
Fayette Street	Northerly	From the intersection with Washington Street to the intersection with Green Street
First Street	Westerly	From the intersection with Central Avenue to the westernmost entrance to the First Street parking lot
Fourth Street	Easterly	From the intersection with Chestnut Street to the intersection with Central Avenue
Green Street	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
Henry Law Avenue	Easterly	From the intersection of Washington Street to the intersection of George Street
Lincoln Street	Westerly	From the intersection with Chestnut Street to the intersection with Grove Street
Locust Street	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	Northerly	From the intersection with School Street to the entrance to the School/Mechanic Street parking lot
Mineral Park Drive	Northerly	From the intersection with Whittier Street to the intersection with Pleasant View Circle
Nelson Street	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	Northerly	From its intersection with Orchard Street to its exit into the north end of the Orchard Street Lot
Pleasant View Circle	Easterly	From the intersection of Washington Street to the intersection with Whittier Street
Portland Avenue Connector	Easterly	From the intersection with Chapel Street to the intersection with Portland Avenue

Street	Direction of Travel	Limits
St. Thomas Street	Westerly	From the intersection with Central Avenue to the intersection with Locust Street
St. Thomas Street	Westerly	From the intersection with Chestnut Street to the intersection with Belknap Street
School Street	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	Easterly	Back River Road from the intersection with Back River Road and the so-called "Slip Lane"
Spruce Lane	Westerly	Back River Road from the intersection with Back River Road in 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

§ 141-41. Schedule B: Prohibited Turns at Intersections.

In accordance with § 141-7, 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	When emerging from Angle Street onto Central Avenue between the hours of 7:00 a.m. and 7:00 p.m.
Boston Harbor Road	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	North at the intersection with Washington Street
Chestnut Street	South at the intersection with Third Street
Church Street	When emerging from Church Street onto Central Avenue between the hours of 7:00 a.m. and 7:00 p.m.
Third Street	East at the intersection with Central Avenue

§ 141-42. Schedule C: Stop Intersections.

In accordance with § 141-8, 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	Church Street
Adelle Drive	Durham Road
Alder Lane	Wilbrod Avenue
Allan Street	Old Rochester Road
Alumni Drive	Bellamy Road
Alumni Drive	Durham Road
Amy Lane	Sixth Street
Angle Street	Central Avenue
Apache Street	Old Rochester Road
Applevale Drive	Middlebrook Road
Arch Street	Washington Street
Ash Street	Central Avenue
Ash Street	Grove Street
Ash Street	Horne Street
Ash Street	Mt. Vernon Street
Ash Street (4-way)	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	Middle Road
Austin Drive	Garrison Road
Ayers Lane	Royer Lane
Back Road	Henry Law Avenue

Stop Sign on	At Intersection of:
Baker Street	East Concord Street
Beech Road	Longmeadow Road
Beech Road	Stark Avenue
Belanger Drive	Dover Point Road
Belknap Street	Fisher Street
Belknap Street	Silver Street
Belknap Street	Washington Street
Bellamy Road	Durham Road
Benjamin Way	Danielle Lane
Beverly Lane	Bellamy Road
Birchwood Place **[Added 4-25-2018 by Ord. No. 2018.04.11-003]**	Central Avenue
Boxwood Lane	Cottonwood Drive
Brickyard Drive	Isaac Lucas Drive
Browning Drive	Tennyson Avenue
Cailey Anna Lane	Corbin Drive
Canney Lane	Overlook Drive
Canney Lane	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	Sixth Street
Chestnut Street	Central Avenue
Chestnut Street (4-way)	Sixth Street
Church Street	Central Avenue
Church Street	Locust Street
Clearwater Drive	Spur Road
Clifford Street	Rutland Street

Stop Sign on	At Intersection of:
Clifford Street **[Added 1-28-2015 by Ord. No. 2015.01.14-001]**	Towle Avenue
Cobble Hill Drive	Elmview Circle
Cochecho Street	Rogers Street
Columbus Avenue	Littleworth Road
Columbus Avenue	Tolend Road
Conifer Commons	Glenwood Avenue
Constitution Way	Dover Point Road
Corbin Drive	Mast Road
Cordeiro Drive	Varney Road
Cornerstone Drive	County Farm Cross Road
Cottonwood Drive	Wildewood Drive
Country Club Drive	Gulf Road
County Farm Cross Road	County Farm Road
County Farm Cross Road	Sixth Street
County Farm Road	County Farm Cross Road
County Farm Road	Sixth Street
Court Street	Central Avenue
Crescent Avenue	Horne Street
Crestview Drive **[Added 12-26-2016 by Ord. No. 2016.10.12-013]**	Glenwood Avenue
Crosby Road	Littleworth Road
Cushing Street	Silver Street
Cushing Street	Washington Street
Danielle Lane	Mathes Hill Drive
Danielle Lane	Spruce Lane
Dean Drive	Tolend Road
Deborah Lane	Spur Road
Digby Lane	Back River Road
Dover Neck Road	Middle Road
Dover Point Road (northbound)	Route 4

Stop Sign on	At Intersection of:
Drew Road	Back River Road
Dover Street	East Street
Dover Street	Park Street
Dunn's Bridge Lane	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	Silver Street
Elm Street	Summer Street
Elmview Circle	Court Street
Emerald Lane **[Added 12-9-2015 by Ord. No. 2015.10.28-02]**	Susannah's Crossing
Essex Street	Forest Street
Essex Street	Portland Avenue
Everett Street	Ham Street
Evergreen Valley Drive	Sullivan Drive
Ezras Way	Littleworth Road
Fairway Drive	Gulf Road
Fayette Street	Green Street
Fieldstone Drive	Long Hill Road
Fifth Street	Central Avenue
Fifth Street	Chestnut Street
Fifth Street **[Added 8-27-2014 by Ord. No. 2014.08.13-16]**	Grove Street
Fisher Street	Locust Street
Fisher Street	Rutland Street

Stop Sign on	At Intersection of:
Florence Street **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Broadway
Florence Street **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Oak Street
Florence Street	Pearl Street
Fourth Street	Central Avenue
Fourth Street	Chestnut Street
Fourth Street **[Added 12-9-2015 by Ord. No. 2015.10.28-025]**	Grove Street
Fourth Street	Washington Street
Foxtail Ridge	Sixth Street
Franklin Plaza	Central Avenue
French Cross Road	Tolend Road
Garrison Road	Back River Road
George Street	Henry Law Avenue
Gerrish Road	Old Dover Point Road
Glen Hill Road **[Added 4-23-2014 by Ord. No. 2014.04.09-006]**	Tolend Road
Glencrest Avenue	Horne Street
Glenwood Avenue	Sixth Street
Governor Sawyer Lane	Stark Avenue
Grady's Lane	Mast Road
Grandview Drive	Littleworth Road
Green Street	Washington Street
Grove Street	Ash Street
Grove Street	Fifth Street
Grove Street	Fourth Street
Grove Street	Hough Street
Grove Street (northerly and southerly)	Sixth Street
Hale Street	Central Avenue
Hale Street	Locust Street

Stop Sign on	At Intersection of:
Ham Street	Broadway
Ham Street	Central Avenue
Ham Street	Park Street
Hampshire Circle	Whittier Street
Hancock Street	Forest Street
Hancock Street	Portland Avenue
Hanson Street **[Added 4-25-2018 by Ord. No. 2018.04.11-003]**	Central Avenue
Hanson Street	Henry Law Avenue
Harlans Way	Mast Road
Hawthorne Road	Stark Avenue
Henry Law Avenue	George Street
Hill Street	Broadway
Hill Street	Central Avenue
Homestead Lane	Dover Point Road
Horne Street	Glenwood Avenue
Horne Street	Hough Street
Horne Street	Sixth Street
Hough Street	Central Avenue
Hough Street	Grove Street
Hough Street	Horne Street
Hough Street	Maple Street
Hough Street	Mt. Vernon Street
Hubbard Road	Hawthorne Road
Hubbard Road	Middle Road
Industrial Park Drive	Littleworth Road
Ironwood Lane	Cherrywood Drive
Ironwood Lane	Cottonwood Drive
Isaac Lucas Circle	Middle Road
Ivans Lane	Dover Point Road
Karens Way	Cordeiro Drive

Stop Sign on	At Intersection of:
Kirkland Street	Central Avenue
Kirkland Street	Locust Street
Landing Way	Dover Point Road
Leathers Lane	Back River 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
Lowell Avenue	Central Avenue
Maple Street	Ash Street
Maple Street	Hough Street
Maple Street	Sixth Street
Martin Lane	Henry Law Avenue
Mast Road	Back River Road
Mast Road	Spruce Lane
Mathes Hill Drive	Danielle Lane (south)
Mathes Hill Drive	Mast Road
Mechanic Street	Chapel Street
Merry Street **[Added 12-26-2016 by Ord. No. 2016.10.12-013]**	Central Avenue
Merry Street	Ridge Street
Middle Road	Back Road
Middle Road	Dover Point Road
Middlebrook Road	Stark Avenue
Milk Street	Central Avenue
Mineral Park Drive	Pleasant View Circle
Mohawk Drive	Shawnee Lane
Morningside Drive (southerly)	River Dale Avenue

Stop Sign on	At Intersection of:
Mt. Vernon Street	Hough Street
Mt. Vernon Street	Lowell Avenue
Mt. Vernon Street	Sixth Street
Mt. Vernon Street (4-way)	Ash Street
Mulligan Drive	Back Road
Mulligan Drive	Samuel Hanson Avenue
Nelson Street	Atkinson Street
Newport Road	Middlebrook Road
Newton Street	New Rochester Road
New Bellamy Lane	Dover Point Road
New Bellamy Lane	Spur Road
New York Street	Broadway
Niles Street	Henry Law Avenue
Northam Drive	Glenwood Avenue
Northway Circle	Plaza Drive
Oak Street	Atlantic Avenue
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	Long Hill Road
Old Stage Road	Littleworth Road
Orchard Street	Central Avenue
Overlook Drive	Tuttle Lane
Park Street	Ham Street
Park Street **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Hill Street
Park Street	New York Street
Park Street	Oak Street
Parker Street	Rutland Street
Parker Street	Woodman Park Drive

Stop Sign on	At Intersection of:
Pearson Drive	Dover Point Road
Penny Lane	Henry Law Avenue
Philip Street	Long Hill Road
Philip Street	Old Rochester Road
Pierce Street	Broadway
Pierce Street	Central Avenue
Pinecrest Lane	Weeks Lane
Pineview Drive	Dover Point Road
Plaza Drive	Glenwood Avenue
Pleasant View Circle	Whittier Street
Pointe Place **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Julia Drive and Teresa Drive
Pondview Drive	Mast Road
Portland Avenue	Main Street
Production Drive	Sixth Street
Progress Drive	Knox Marsh Road
Quail Drive	Sixth Street
Quaker Lane	Tuttle Lane
Redden Street	Horne Street
Reservoir Street	Mt. Vernon Street
Reyner's Brook Drive	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	Dover Point Road
Roberts Road	Dover Point Road
Rogers Street	Portland Avenue
Roosevelt Avenue	Horne Street
Roosevelt Avenue	Mt. Vernon Street
Rutland Street	Central Avenue

Stop Sign on	At Intersection of:
Rutland Street	Silver Street
St. John Street	Broadway
St. John Street	Chapel Street
St. Thomas Street (westerly)	Atkinson Street
St. Thomas Street (westerly)	Belknap Street
St. Thomas Street (westerly)	Locust Street
Samuel Hanson Avenue	Back Road
Sandpiper Drive	Watson Road
School Street	Main Street
Seaborne Drive	Garrison Road
Second Street	Chestnut Street
Shawnee Lane	Old Rochester Road
Shaw's Lane	Garrison Road
Sixth Street	Central Avenue
Sixth Street (4-way)	Chestnut Street
South Pine Street	Central Avenue
South Watson Lane	East Watson Street
South Watson Lane	Stark Avenue
Southwood Drive	Mast Road
Spring Street	Central Avenue
Spring Street	Locust Street
Spruce Lane (easterly and westerly)	Back River Road
Spur Road **[Added 4-1-1992 by Ord. No. 04-92]**	Gerrish Road
Station Drive	Sixth Street
Strafford Road	Old Rochester Road
Sullivan Drive	Old Rochester Road
Summer Street	Central Avenue
Summer Street **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Elm Street
Summer Street	Locust Street

Stop Sign on	At Intersection of:
Sumner Drive	Knox Marsh Road
Sunnybrooke Drive	Mast Road
Sunset Drive	Bellamy Road
Susannah's Crossing **[Added 12-9-2015 by Ord. No. 2015.10.28-026]**	Emerald Lane
Sylvan Drive	Durham Road
Tennyson Avenue	Court Street
Tennyson Avenue	Henry Law Avenue
Third Street	Chestnut Street
Third Street	Grove Street
Third Street (westerly)	Chestnut Street
Thornwood Drive **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Julia Drive and Teresa Drive
Three Rivers Farm Road	Gulf Road
Towle Avenue	Clifford Street
Towne Drive	Henry Law Avenue
Trakey Street	Central Avenue
Trakey Street	Locust Street
Tuttle Lane	Dover Point Road
Tuttle Lane	Middle Road
Union Street	Court Street
Upper Factory Road **[Added 4-23-2014 by Ord. No. 2014.04.09-007]**	Tolend Road
Wallace Drive	Columbus Avenue
Washington Street **[Added 12-26-2016 by Ord. No. 2016.10.12-013]**	Arch Street
Watson Road	County Farm Road
Watson Road	Tolend Road
Wentworth Douglass Hospital Driveway	Old Rollinsford Road
Wentworth Douglass Hospital ER Entrance	Central Avenue

Stop Sign on	At Intersection of:
Wentworth Terrace	Hilton Park Drive
Westgate Drive	Knox Marsh Road
Westwood Circle	Littleworth Road
Whittier Street	Glenwood Avenue
Whittier Street	Tolend Road
Wilbrod Avenue	Glenwood Avenue
Wildewood Drive	Cottonwood Drive
Wildewood Drive	Sixth Street
Willand Avenue	New Rochester Road
Willand Avenue	Old Rochester Road
Williams Street	Henry Law Avenue
Willow Street	Tolend Road
Wingate Lane	Back River Road
Woodland Road	Stark Avenue
Woodman Park Drive	Clifford Street
Young Street	Main Street

§ 141-43. Schedule D: Yield Intersections.

In accordance with § 141-9, the following streets are designated as full yield street intersections:

Intersection	Direction of Travel	Yield Sign On:
Back Road and Court Street	West	Back Road
Cochecho Street and Atlantic Avenue	East	Cochecho Street
Jenness Street and Central Avenue	East	Jenness Street
Long Hill Road and Varney Road	East	Long Hill Road
Merry Street and Ridge Street	East	Ridge Street
Washington Street and Main Street	West	Washington Street

§ 141-44. Schedule E: Travel Restricted to Emergency Vehicles. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]

In accordance with § 141-5, the following streets shall be restricted to be used by emergency vehicles, as defined in RSA 259:28, only.

Street	Location
(Reserved)	

§ 141-45. Schedule F: Certain Commercial Vehicle Travel Restricted. [Amended 4-25-2018 by Ord. No. 2018.04.11-003]

In accordance with § 141-5B, 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
Arch Street	From Silver Street to Washington Street
Columbus Avenue	From Tolend Road to Littleworth Road
Glenhill Road	From Tolend Road to Rochester City line
Sixth Street	From Central Avenue to Indian Brook Drive
Tolend Road	From Glenhill Road to Washington Street
Washington Street	From Tolend Road to Chestnut Street
Watson Road	From County Farm Road to Tolend Road
Whittier Street	From Sixth Street to Washington Street

§ 141-46. Schedule G: Truck Travel Restricted.

(Reserved)

§ 141-47. Schedule H: Right Turn Required.

In accordance with the provisions of § 141-7, 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
(Reserved)	

§ 141-48. Schedule I: No Parking at Any Time.

In accordance with the provisions of § 141-17, it shall be unlawful for the owner of any vehicle or any persons having custody or control of any vehicle to park it or permit it 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 borne by the owner of the vehicle:

Street	Side	Location
Abbey Lane	Southerly	From the intersection with Rutland Street easterly to the end of said Abbey Lane
Abbott Street	Southerly	From the intersection with Central Avenue westerly to the intersection with Mount Vernon Street
Academy Street	Both	Northerly for a distance of 100 feet starting at the intersection of Church Street
Alumni Drive	Both	From the intersection with Bellamy Road easterly to the intersection of Durham Road
Angle Street	Northerly	From Academy Street to Central Avenue
Arch Street	Both	From the intersection with Silver Street northerly to the intersection of West Concord Street
Ash Street	Southerly	From intersection with Central Avenue westerly to the parking lot entrance in the rear of No. 678 Central Avenue
Atkinson Street	Easterly	From the intersection with Washington Street southerly to the intersection with Silver Street
Ayers Lane	Both	Entire length
Baker Street	Southerly	From the intersection of East Concord Street easterly for a distance of 300 feet
Belknap Street	Easterly	From the intersection with Washington Street to the intersection with St. Thomas Street

Street	Side	Location
Belknap Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Westerly	From the intersection with Silver Street northerly to the intersection with Washington Street, between December 1 and April 1
Bellamy Road	Easterly	From Alumni Drive southerly for a distance of 440 feet
Bellamy Road	Easterly	From the intersection with Cataract Avenue southerly to Alumni Drive
Bellamy Road	Westerly	From the Bellamy River Bridge southerly to 200 feet beyond Lisa Beth Drive
Boyle Street	Northerly	From Court street Easterly for a distance of 200 feet
Brick Road **[Added 12-9-2015 by Ord. No. 2015.10.28-027]**	Northerly	From the intersection of Central Avenue easterly for a distance of 100 feet
Broadway	Easterly	From the PSNH Pole No. 114/25 (a point across from Florence Street) northerly to the intersection with Oak Street
Canney Lane	Northerly	Entire length
Central Avenue	Both	From the intersection with Back River Road easterly to the intersection with Stark Avenue
Central Avenue	Easterly	From the intersection with Ham Street northerly for a distance of 35 feet
Central Avenue	Easterly	From the intersection with Pierce Street northerly to the driveway of 547 Central Avenue (formerly Seacoast Savings Bank)
Central Avenue	Easterly	From the intersection with Indian Brook Drive southerly to the PSNH pole number 1/71
Central Avenue	Easterly	From the intersection with South Pine Street Southerly to the PSNH pole number 1/147
Central Avenue	Easterly	From the PS Pole No. 1/1305 to the island of PS Pole No. 1/130A

Street	Side	Location
Central Avenue	Easterly	From the south property line of 633 Central Avenue to the driveway of 655 Central Avenue
Central Avenue	Easterly	From the southerly driveway of 189 Central Avenue northerly to the intersection with George Street
Central Avenue	Easterly	From Washington Street north for a distance of 320 feet.
Central Avenue	Westerly	From Church Street to Silver Street, except during Sunday Religious Services at the First Parish Church
Central Avenue	Westerly	From the driveway to 146 Central Avenue southerly to a point 30 feet south of intersection with Trakey Street
Central Avenue	Westerly	From the intersection with Indian Brook Drive southerly to the intersection with Reservoir Street
Chapel Street	Both	From the intersection with Portland Avenue westerly to St. John Street
Chapel Street	Northerly	From the intersection with Main Street easterly to St. John Street
Charles Street **[Added 4-23-2014 by Ord. No. 2014.04.09-005]**	Northerly	From Central Avenue easterly for a distance of 150 feet
Charles Street **[Added 4-23-2014 by Ord. No. 2014.04.09-005]**	Southerly	From Central Avenue easterly for a distance of 240 feet
Chestnut Street	Both	From the intersection with Washington Street northerly to the intersection with Third Street
Chestnut Street	Both	From the intersection with Washington Street southerly to the intersection with St. Thomas Street
Chestnut Street	Westerly	From the intersection with Fourth Street northerly for 50 feet

Street	Side	Location
Church Street	Northerly	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
Clifford Street	Northerly	From the intersection with Towle Avenue easterly for a distance of 30 feet
Court Street	Northerly	From Central Avenue to Boyle Street
Court Street	Northerly	From the intersection with Union Street easterly for a distance of 110 feet
Court Street	Southerly	From the intersection with Central Avenue to the intersection with Union Street
Court Street	Southerly	From South Pine Street westerly for a distance of 100 feet
Cushing Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Easterly	The entire length, between December 1 and April 1
Dover Street	Northerly	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	Both	From the intersection of Back River Road to the intersection of Mast Road
Durrell Street	Northerly and westerly	The entire length from St. John's Street to Winter Street
East Watson Street	Both	From the intersection with Central Avenue easterly to the intersection with South Watson Lane
Essex Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southwesterly	From the intersection with Portland Avenue northwesterly to the dead end, between December 1 and April 1

Street	Side	Location
Ezra's Way	Easterly	Entire length
Fern Court	Westerly	From the intersection with Folsom Street, northerly, and then westerly to the dead end
Fifth Street	Northerly	From the intersection with Central Avenue westerly to Chestnut Street,
Fifth Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Grove Street, between December 1 and April 1
First Street **[Amended 9-3-2014 by Ord. No. 2014.08.13-014]**	Northerly	From the westerly driveway of 1 First Street easterly to the intersection with Central Avenue
Folsom Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southerly	The entire length, between December 1 and April 1
Forest Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northwesterly	The entire length, between December 1 and April 1
Fourth Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Grove Street, between December 1 and April 1
Fourth Street	Southerly	From the intersection with Chestnut Street westerly for a distance of 100 feet
Fourth Street	Southerly	From the intersection with Chestnut Street easterly to Public Service Pole No. 53/1A
Fourth Street	Southerly	From the Cochecho River bridge easterly to the intersection of Frances Drive, a distance of 250 feet
Garrison Road	Southerly	From the intersection with Shadow Drive easterly to the intersection with Meridian Drive
George Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013]**	Northwesterly	From the intersection with Sonnett Street to the intersection with Henry Law Avenue, except where individual parking spaces are marked by the City

Street	Side	Location
George Street	Southeasterly	From the northeast corner of the property line of 233 Central Avenue northeasterly to the intersection with Sonnett Street
Greenfield Drive	Northerly	From the intersection with Garrison Road easterly to the northwest corner of Greenfield Drive traffic circle
Ham Street **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**	Northerly	From Central Avenue to Park Street
Hampshire Circle	Northerly	From the southerly intersection with Whittier Street continuing around on that side of Hampshire Circle to the northerly intersection with Whittier Street
Hancock Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southwesterly	The entire length, between December 1 and April 1
Hanson Street **[Added 4-25-2018 by Ord. No. 2018.04.11-003[4]]**	Both	Entire length
Henry Law Avenue	Easterly	From the Maglaras Park entrance road to Browning Drive
Henry Law Avenue	Westerly	From the intersection of Browning Drive northerly for a distance of 75 feet
Henry Law Avenue	Westerly	From the intersection of George Street southerly to a point directly across from Towne Drive
Henry Law Avenue	Westerly	From the intersection with Williams Street southerly to the intersection with George Street
Horne Street	Westerly	From the intersection with Glencrest Avenue southerly to the driveway of 68 Horne Street

4. Editor's Note: This ordinance also repealed the three existing entries for Hanson Street which appeared in this schedule.

Street	Side	Location
Industrial Park Drive **[Added 5-23-2018 by Ord. No. 2018.05.09-004; amended 3-27-2019 by Ord. No. 2019.03.13-005]**	Easterly then southerly (inside of curve)	From the westernmost driveway from 89 Industrial Park Drive (Eversource Pole No. 305/12B) northerly, then easterly to the driveway of 115 Industrial Park Drive (Eversource Pole No. 305/15BS), from November 1 to April 1
Ivan's Lane	North	Entire length
Kirkland Street	Southerly	
Lexington Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Easterly	The entire length, between December 1 and April 1
Lincoln Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	The entire length, between December 1 and April 1
Lisa Beth Drive		
Locust Street	Easterly	From the intersection with Silver Street southerly to the intersection with Central Avenue
Locust Street	Easterly	From the intersection with St. Thomas Street southerly to the intersection with Silver Street
Long Hill Road	Both	From the intersection with New Rochester Road (Route 108) westerly to the intersection with Old Rochester Road (Route 16B)
Main Street	Easterly	From the intersection with Washington Street northerly to the intersection with Chapel Street
Mechanic Street	Both	From intersection of School Street northerly to the intersection of Chapel Street
Mill Street	Both	From a point 370 feet from Central Avenue easterly for a distance of 700 feet
Mineral Park Drive	Northerly	From the intersection with Washington Street to the intersection with Pleasant View Circle

Street	Side	Location
Morin Street	Both	From the intersection with Central Avenue, westerly to PSNH Pole No. 1/18B
Nelson Street	Southerly	From the intersection with Atkinson Street westerly to the intersection with Belknap Street
Nelson Street	Southerly	From the intersection with Locust Street westerly to the intersection with Atkinson Street, between December 1 and April 1
New York Street	Both	From the intersection with Broadway to the intersection with East Street
New York Street	Southerly	From the intersection with Central Avenue easterly to the Public Service Pole 111/12
Old English Village Road	Southerly	From the intersection with Central Avenue easterly to the Rollinsford Town Line
Old Garrison Road	Both	Along the entire 510 foot frontage of Tax Map J, Lot 10-6, owned by State of New Hampshire Fish and Game Department
Old Rollinsford Road	Both	From the intersection with Central Avenue to the Wentworth Douglass Hospital
Orchard Street	Both	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Orchard Street Lot service road	Both	Entire length from its intersection with Orchard Street northerly, then westerly to its exit to Orchard Street Lot
Overlook Drive	Westerly	Entire length
Park Street Park Parking Lot **[Added 4-12-2017 by Ord. No. 2017.03.22-004]**		No parking during the hours of 8:30 p.m. to 7:00 a.m. during the period of April 1 through September 30 and during the hours of 7:00 p.m. to 7:00 a.m. during the period of October 1 through March 31

Street	Side	Location
Paul Street	Easterly	From the intersection with Henry Law Avenue, to the intersection with Wallingford Street
Pierce Street	Both	Entire length
Plaza Drive	Easterly	From the intersection with Glenwood Avenue northerly to the intersection with Northway Circle
Pleasant View Circle	Westerly	From the intersection with Washington Street northerly to the intersection with Whittier Street
Portland Avenue	Easterly	From the north boundary of 161 Portland Avenue southerly to the north boundary of 149 Portland Avenue
Portland Avenue	Northerly	From PSNH pole 119/3A to the entrance of the Portland Avenue Parking Lot
Portland Avenue	Northerly	From the intersection with Chapel Street to the entrance with Portland Avenue parking lot
Portland Avenue	Southerly	The intersection with Chapel Street easterly and westerly for a distance of 100 feet
Portland Avenue **[Amended 12-9-2015 by Ord. No. 2015.10.28-028]**	Westerly	From the intersection of Oak Street southerly for a distance of 600 feet
Preble Street	Southerly	From the intersection with Central Avenue easterly then southerly along the westerly side to the intersection with Pierce Street
Quaker Lane	Westerly	Entire length
River Street	Easterly	From the intersection with Henry Law Avenue northerly for a distance of 130 feet
River Street	Westerly	From the intersection with Henry Law northerly to Washington Street
Rogers Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southwesterly	The entire length, between December 1 and April 1

Street	Side	Location
Rogers Street	Westerly	From the intersection with Cochecho Street northerly for a distance of 400 feet
Royer Lane	Both	Entire length
Sandpiper Drive	Southerly	From the intersection with Watson Road to the cul-de-sac
School Street	Southerly	From the westerly entrance to the School Street Parking Lot easterly to the intersection with Mechanic Street
Shaw's Lane	Easterly	Entire length from Garrison Road to Tideview Drive
Silver Street **[Amended 12-26-2016 by Ord. No. 2016.10.12-013]**	North	From the intersection with Central Avenue westerly to the intersection with Knox Marsh Road
Silver Street **[Amended 12-26-2016 by Ord. No. 2016.10.12-013]**	South	From the intersection with Central Avenue westerly to the intersection with Knox Marsh Road
Smith Well Road	Westerly	From Glenwood Avenue to Barry Street
Sonnet Street	Both	From the intersection with George Street easterly to the intersection with Hanson Street
South Pine Street	North	From the intersection with Central Avenue easterly and northerly to the intersection with Court Street
South Pine Street	Southerly	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	Northerly	From Central Avenue to Locust Street
St. John Street	Easterly	From the intersection with Broadway southerly to the intersection with Chapel Street
Summer Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Southerly	From the intersection with Central Avenue westerly to the intersection with Belknap Street, between December 1 and April 1

Street	Side	Location
Susannah's Crossing	Southerly	Entire length of publicly accepted portion of the street
Third Street	Northerly	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Third Street **[Added 11-13-2019 by Ord. No. 2019.10.23-013]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Grove Street, between December 1 and April 1
Third Street	Northerly	From the driveway of 33 Third Street westerly for 15 feet
Towle Avenue	Easterly	From the intersection with Clifford Street northerly for a distance of 30 feet
Towle Avenue	Westerly	From the intersection with Clifford Street northerly for a distance of 30 feet
Twombly Street	Northerly and easterly	From the intersection with Preble Street easterly and southerly to the intersection with Pierce Street
Union Street	Westerly	From the intersection with Court Street northerly to the intersection with Federal Street
Washington Street	Easterly	Between the intersection with Pleasant View Circle northerly to the intersection with Mineral Park Drive
Washington Street	Southerly	From the intersection with Locust Street westerly for a distance of 56 feet
Washington Street	Southerly	From the easterly most driveway of 150 Washington Street to Atkinson Street
Washington Street	Westerly	From the intersection of Morrison Lane northerly for a distance of 150 feet
Whittier Street	Both	From the intersection with Mineral Park Drive northerly to the Whittier Street Bridge

Street	Side	Location
Wildewood Lane	Both	From the intersection of Cottonwood Drive to the beginning of the cul-de-sac
Wildewood Lane	Northeasterly	From Sixth Street to Cottonwood Drive
Williams Street	Both	From the intersection with Central Avenue easterly to the intersection with Henry Law Avenue
Winter Street	Both	From the intersection with St. John Street easterly to the intersection with Durrell Street
Winter Street (formerly Cedar Street)	Northerly	From the intersection with Durrell Street easterly to the dead end
Young Street	Northerly	From the intersection with Main Street and Portland Avenue easterly to the Cochecho River
Young Street	Southerly	From the intersection of Main Street easterly to the Cochecho River, between December 1 and April 1

§ 141-49. Schedule J: Limited-Time Parking.

A. Three-hour parking. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park for more than three hours per day in the following described locations: **[Amended 5-23-2018 by Ord. No. 2018.05.09-004]**

Street	Side	Location
Central Avenue	Westerly	From the driveway between 642 and 648 Central Avenue northerly to the driveway between 652 and 660 Central Avenue

B. Two-hour parking. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park for more than two hours in the following described locations:

Street	Side	Location
Adelle Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15

Street	Side	Location
Bellamy Road **[Added 4-10-2019 by Ord. No. 2019.03.27-007]**	Both	From the intersection with Hartswood Road, southerly to the Bellamy Road split, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Broadway **[Added 2-14-2018 by Ord. No. 2018.01.10]**	Easterly	From the intersection with Florence Street northerly to the intersection with Oak Street, except as otherwise posted
Broadway	Northerly	From the intersection with St. John Street westerly to the PSNH Pole No. 114/A1
Broadway **[Amended 10-26-2016 by Ord. No. 2016.10.12-013]**	Southerly	From the driveway between 3 and 7 Broadway easterly to the intersection with St. John Street
Central Avenue **[Amended 2-11-2015 by Ord. No. 2015.01.28-005]**	Easterly	From the intersection of New York Street, southerly to the intersection with Fifth Street
Central Avenue **[Added 2-11-2015 by Ord. No. 2015.01.28-005]**	Westerly	From the driveway between 572 and 574 Central Avenue, southerly to the intersection with Fifth Street
Chestnut Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013; amended 4-12-2017 by Ord. No. 2017.03.22-004]**	Easterly	From the intersection with Fifth Street northerly to the intersection with Sixth Street
Chestnut Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013; amended 4-12-2017 by Ord. No. 2017.03.22-004]**	Westerly	From the intersection with Third Street northerly to the intersection with Sixth Street
Chestnut Street Lot **[Added 10-11-2017 by Ord. No. 2017.09.27]**		3 spaces in the northeast corner
Fairfield Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15

Street	Side	Location
Fourth Street	Both	From the intersection with Chestnut Street westerly to the intersection with Grove Street except as otherwise posted
Green Street **[Added 10-26-2016 by Ord. No. 2016.10.12-013; amended 4-12-2017 by Ord. No. 2017.03.22-004]**	Northerly	From the intersection with Chestnut Street westerly to the intersection with Washington Street except as otherwise posted
Hartswood Road	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Kirkland Street **[Amended 10-11-2017 by Ord. No. 2017.09.27]**	Northerly	From the intersection with Locust Street easterly to the intersection with Academy Street
Lisa Beth Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Locust Street	Westerly	From the intersection with Hale Street, southerly to the intersection with Kirkland Street, unless otherwise posted
Plaza Drive	Westerly	Between exit and entrance to No. 307 Plaza Drive
Sunset Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Sylvan Drive	Both	For the entire length, between the hours of 8:00 a.m. and 2:00 p.m., Monday through Friday, between September 1 and June 15
Third Street	Both	From the intersection with Chestnut Street westerly to the intersection with Grove Street except as otherwise posted

C. One-hour parking. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park for more than one hour in the following described locations: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015]**

Street	Location
(Reserved)	

D. Thirty-minute parking. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park for more than 30 minutes in the following described locations: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015]**

Street	Side	Location
Church Street	Southerly	From the intersection with Locust Street, 2 spaces in an easterly direction
George Street	Easterly	2 spaces nearest Henry Law Avenue
Henry Law Avenue	Northerly	From George Street to River Street
Locust Street **[Added 12-26-2016 by Ord. No. 2016.10.12-013; amended 10-10-2018 by Ord. No. 2018.09.26-010]**		All spaces adjacent to the traffic circle between the McConnell Center and Public Library, unless otherwise posted

E. Fifteen-minute parking. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park for more than 15 minutes in the following described locations: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015; 12-9-2015 by Ord. No. 2015.10.28-029]**

Street	Location
Green Street	2 spaces on northerly side in front of Waldron Towers
Orchard Street	2 posted spaces in front of 40 Chestnut Street (Cochecho Park Apartments)
Orchard Street	2 posted spaces in the northeast corner of the lot
Transportation Center Lot 33 Chestnut Street **[Added 11-14-2018 by Ord. No. 2018.10.24-011]**	6 spaces westerly from terminal building in the row closest to the railroad tracks

F. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park in the following described locations between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday, between September 1 and June 30: **[Amended 8-24-2015 by Ord. No. 2015.07.08-015]**

Street	Side	Location
Clifford Street	Northerly	From the intersection with Towle Avenue easterly to the intersection with Woodman Park Drive
Shaws Lane	Westerly	From the intersection of Garrison Road northerly for a distance of 180 feet
Towle Avenue	Easterly	From the intersection with Silver Street southerly to the intersection with Clifford Street
Towle Avenue	Westerly	From the northerly property line of No. 5 Towle Avenue southerly to the intersection with Clifford Street

G. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park from 9:00 p.m. to 6:00 a.m. between April 1 and October 31 and from 5:00 p.m. to 7:00 a.m. between November 1 and March 31 in the following described locations: **[Added 10-26-2016 by Ord. No. 2016.10.12-013]**

Cemeteries	Location
Austin-Tuttle Cemetery	Old Dover Point Road and Gerrish Road
First Settler's Cemetery	Dover Point Road
Pine Hill Cemetery	Central Avenue
Pinkham Cemetery	Dover Point Road and Ayers Lane

H. In accordance with the provisions of § 141-19, it shall be unlawful for the owner or operator of any vehicle to park 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 8-24-2015 by Ord. No. 2015.07.08-015]**

Street	Location
(Reserved)	

§ 141-50. Schedule K: Parking of Commercial Vehicles.

In accordance with the provisions of § 141-13D, 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

§ 141-51. Schedule L: Parking Meter Zones. [Added 4-22-2015 by Ord. No. 2015.04.22-012]

Metered Parking Garage	Location
Orchard Street Parking Garage **[Amended 12-26-2016 by Ord. No. 2016.10.12-013; 11-14-2018 by Ord. No. 2018.10.24-011; 5-22-2019 by Ord. No. 2019.05.08-009]**	Parking spaces on levels 1 and 2 within the parking structure which is south of Orchard Street, between Chestnut Street and Central Avenue, not including the 3 posted Police Station visitor spaces on the first floor of the parking garage unless otherwise posted

Metered Parking Lot	Location
Belknap Lot	320 Central Avenue and 18 Locust Street; southerly of Washington Street between Central Avenue and Locust Street
Chestnut Street Parking Lot **[Added 4-12-2017 by Ord. No. 2017.03.22-004]**	East of Chestnut Street, south of Fourth Street and west of the railroad tracks. All spaces except as otherwise posted
Henry Law Avenue Recreation Parking Lot - Henry Law Avenue **[Added 4-12-2017 by Ord. No. 2017.03.22-004]**	6 Henry Law Avenue, easterly and then northerly of Henry Law Avenue

Metered Parking Lot	Location
Locust Street Lot **[Added 12-9-2015 by Ord. No. 2015.10.28-029; repealed 5-23-2018 by Ord. No. 2018.05.09-004]**	
Orchard Street Lot **[Amended 8-24-2015 by Ord. No. 2015.07.08-016; 12-9-2015 by Ord. No. 2015.10.28-029; 5-25-2016 by Ord. No. 2016.05.11-007]**	North of Orchard Street southerly of the Cochecho River between Central Avenue and Chestnut Street not including 2 posted spaces in the northeast corner of the lot, 2 posted spaces in front of 40 Chestnut Street (Cochecho Park Apartments) that are free 15 minute limit spaces, and 2 posted Police Station visitor spaces in front of 40 Chestnut Street (Cochecho Park Apartments)
River Street Lot	31 River Street easterly of the Cochecho River and north of Henry Law Avenue
Third Street Lot **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	North of Third Street southerly of the railroad tracks between Chestnut Street and Central Avenue
Transportation Center Lot **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	33 Chestnut Street westerly of Chestnut Street between First Street and Third Street

Metered On-Street Parking Spaces	Side	Location
Broadway **[Added 12-26-2016 by Ord. No. 2016.10.12-013; amended 5-22-2019 by Ord. No. 2019.05.08-009]**	Southerly	From the intersection with Central Avenue easterly to the intersection of St. John Street
Central Avenue **[Amended 10-11-2017 by Ord. No. 2017.09.27]**	Easterly	From the intersection with Fourth Street southerly to the intersection with Kirkland Street
Central Avenue **[Added 10-11-2017 by Ord. No. 2017.09.27]**	Westerly	From the intersection with Fourth Street southerly to the driveway between 236 and 240 Central Avenue
Chapel Street **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	Southerly	From the intersection with Central Avenue easterly to the driveway on the west side of 15 Chapel Street
Chestnut Street **[Amended 8-24-2015 by Ord. No. 2015.07.08-016]**	Easterly	From the intersection with Fourth Street northerly to the intersection with Fifth Street

Metered On-Street Parking Spaces	Side	Location
First Street	Northerly	From the westerly edge of 1 First Street westerly to the intersection with Chestnut Street
First Street	Southerly	From the intersection with Central Avenue westerly to the end of public parking at the rear of 432 Central Avenue
Fourth Street	Both	From the intersection with Central Avenue westerly to the intersection with Chestnut Street
Hale Street	Both	From the intersection with Central Avenue westerly to the intersection with Locust Street
Henry Law Avenue	Easterly	From the intersection with Washington Street southerly to George Street
Kirkland Street **[Added 10-11-2017 by Ord. No. 2017.09.27]**	Northerly	From the intersection with Central Avenue westerly to the intersection with Academy Street
Locust Street **[Amended 10-11-2017 by Ord. No. 2017.09.27]**	Both	From the intersection with Hale Street northerly to the intersection with Washington Street, unless otherwise posted
Main Street	Westerly	From the intersection with Washington Street northerly to the intersection with School Street
River Street	Easterly	From the intersection with Henry Law Avenue northerly to the intersection with Washington Street
St. John Street **[Added 5-22-2019 by Ord. No. 2019.05.08-009]**	Westerly	From the intersection of Broadway southerly to the intersection with Chapel Street

§ 141-52. Schedule M: Business Parking Permit Zones. [Added 5-25-2016 by Ord. No. 2016.05.11-007; amended 5-23-2018 by Ord. No. 2018.05.09-004; 8-22-2018 by Ord. No. 2018.08.08-008]

The following parking lots/areas are authorized for permit parking as authorized by § 141-20, Business parking permit program, unless otherwise restricted:

Parking Lots	
Belknap Lot **[Repealed 11-14-2018 by Ord. No. 2018.10.24-011]**	

Parking Lots	
Chestnut Street Lot	
Orchard Street Lot	
Orchard Street Parking Garage	Spaces designated by the Chief of Police
Portland Avenue (Grimes) Lot	
River Street Lot	
Third Street Lot	
Transportation Center Lot	

Parking Areas	Side	Location
Chapel Street	Southerly	From the intersection of Main Street easterly to the intersection with Mechanic Street
First Street	Northerly	City-controlled areas
Green Street	Both	From the intersection with Fayette Street westerly, then southerly to the intersection with Washington Street
Henry Law Avenue	Easterly	From Washington Street southerly to River Street
Kirkland Street	Northerly	From the intersection with Central Avenue westerly to the intersection with Locust Street
Main Street	Westerly	From the intersection with Washington Street northerly to the intersection with School Street
Second Street	Both	From the driveway between 20 and 22 Second Street westerly to Chestnut Street

Chapter 145

WASTE MANAGEMENT

ARTICLE I
Trash and Recycling Collection

§ 145-1. Definitions.
§ 145-2. Collection schedule; restrictions; recycling list.
§ 145-3. Commercial collections.
§ 145-4. Storage of containers and dumpsters.
§ 145-5. Removal of residential containers.
§ 145-6. Property owner responsible for removal.
§ 145-7. Prohibited items for collection.
§ 145-8. Unauthorized placement on private property.
§ 145-9. Disposal by incineration prohibited.
§ 145-10. Construction and demolition debris.
§ 145-11. Multifamily recycling.
§ 145-12. Collection on private roads.
§ 145-13. Scavenging prohibited.
§ 145-14. Covering required during transport.
§ 145-15. Enforcement; violations and penalties.
§ 145-16. Composting facilities.
§ 145-17. Severability.

[HISTORY: Adopted by the City Council of the City of Dover as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Trash and Recycling Collection
[Adopted 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 97 of the 2013 Code.]

§ 145-1. Definitions.

As used in this article, 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 or special, universal or hazardous waste and marked with a Dover tag, but not exceeding 50 pounds in weight.

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.

CONTAINER — Dover bag or residential container.

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 its pathological, explosive, radiological or toxic characteristics.

MULTIFAMILY RECYCLING BIN — A ninety-five-gallon bin distributed by the City and identified as acceptable multifamily recycling bins by the Solid Waste Coordinator.

RECYCLING BIN — Any reusable residential container labeled for recycling.

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 or fewer units, not including hotels and motels. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

RESIDENTIAL CONTAINER — A trash can or any other receptacle made of plastic, metal or fiberglass with a capacity not to exceed 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 nonorganic 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 — Waste meeting the definition of hazardous waste in the New Hampshire Hazardous Waste Rules but which during accumulation and transport poses a low risk compared to other hazardous wastes; examples are nonalkaline 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 article.

§ 145-2. Collection schedule; restrictions; recycling list.

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 pickup 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 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 4:00 p.m. 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 or recycling bin or bulky waste with an approved Dover tag and placed along the curbside no later than 7:00 a.m. on the scheduled collection day will be collected by the City contractor. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

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 four feet by four feet in size and no more than 50 pounds 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 24 hours.

§ 145-3. Commercial collections.

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.

§ 145-4. Storage of containers and dumpsters.

Except on the day prior to collection as provided for in § 145-2, no person shall place or store any trash, Dover bag or bulky waste unless said material is placed in residential containers/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.

§ 145-5. Removal of residential containers.

Residential containers and recycling bins shall be removed from the curbside within 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 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.

§ 145-6. 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 article 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 24 hours after notice is posted by City staff to avoid a continuing offense and additional administrative fines pursuant to the provisions of § 145-15D.

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 and demolition debris, special waste, universal waste and hazardous waste if said items remain 24 hours after notice is posted. Property owners of properties next to the area where materials are removed pursuant to this subsection 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.

§ 145-7. 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 woody wastes upon or near a City street or highway for collection by the City of Dover or the City contractor.

§ 145-8. 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 woody wastes on private property unless authorized by the owner of the property and except in accordance with any applicable state law or this article.

§ 145-9. 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 is commonly used for the purpose of starting fires in fireplaces, wood stoves, or in wood or coal furnaces.

§ 145-10. Construction and demolition debris.

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.

§ 145-11. Multifamily recycling.

Multifamily dwellings of five units or more may be provided with ninety-five-gallon bins for acceptable recyclable material. Multifamily recycling bins will be collected weekly following established collection routes. Unacceptable material placed in the multifamily recycling bins will not be collected.

§ 145-12. 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 homeowners' association shall be on file in the office of the Community Services Director. The release shall be updated six 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 90 days' written notice of termination sent by certified mail to the owners of record of residences on the private road. Multifamily dwellings, as defined in § 170-6, shall not be eligible for trash and recycling materials collection services.

B. There shall be a ninety-day waiting period for the start of trash and recycling collection services after a complete application is received.

§ 145-13. Scavenging prohibited.

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.

§ 145-14. 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.

§ 145-15. Enforcement; violations and penalties.

A. Except where otherwise provided, any person, firm or corporation found to be in violation of any provision of this article shall be assessed an administrative fine as provided in the City Fine Schedule. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

B. The staff of the Community Services Department and/or Police Department are authorized to issue citations to persons, firms or corporations violating this article.

C. Recipients of citations shall have 24 hours to correct the violation(s) to avoid additional administrative fines (see § 145-6A). Payment of administrative fines shall occur within seven calendar days.

D. Continued violation of this article 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 article or any rules adopted hereunder or when there is a failure to pay administrative fines. This authority may involve refusing an individual pickup 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 fines involving violations of this article. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

H. City staff, upon the approval of the City Manager, are authorized to file appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of, or provide for enforcement of, this article. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

I. City staff may inspect materials placed at curbside for municipal pickup 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.

§ 145-16. Composting facilities.

A. Definitions. As used in this section, the following terms mean:

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; and approved bulking agents in accordance with New Hampshire State Administrative Environmental Rules.

COMPOSTING — The mixture of decomposable refuse at an outdoor, open-air facility for the purpose of producing material for fertilization and conditioning of soil.

COMPOSTING FACILITY — A site where composting occurs as part of a private business. Sites of less than one acre in size are not defined by this section 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 section.

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 section 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 Resources Conservation Service, "Composting Facilities," Code No. 317. The site shall ensure a process to maintain setback 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. 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.

(1) 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.

(2) 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.

(3) 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.

(4) 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 section 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 or which fails to comply with any of the provisions of this section or any of the regulations in pursuance thereof shall be guilty of a violation and, upon conviction thereof, may be fined as provided in the City Fine Schedule. Every act of 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. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. III)]**

G. Construction; nonapplicability; appeals. This section shall be liberally construed in such manner as to best effectuate its purpose. The provisions of this section 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 section, 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.

§ 145-17. Severability.

Should any provision or section of this article be held invalid for any reason, such holding shall not be constructed as affecting the validity of the remaining provisions or sections.

DIVISION 2

PLANNING BOARD REGULATIONS

Chapter 153

SITE REVIEW REGULATIONS

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[HISTORY: Adopted by the Planning Board of the City of Dover 5-24-1988 as Ch. 149 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
Purpose and Scope

§ 153-1. Title.

This chapter shall be known and may be cited as the "Site Review Regulations of the City of Dover."

§ 153-2. Legislative authority.

These regulations are adopted by the Dover Planning Board pursuant to the authority granted by New Hampshire RSA 674:43, as amended, and by Chapter 9, Boards, Commissions and Committees, § 9-8, Planning Board, of the Code of the City of Dover.

§ 153-3. 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.

§ 153-4. Applicability. [Amended 4-23-1991; 8-26-2008; 3-23-2010; 1-24-2012; 12-18-2012; 5-24-2016]

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 development or redevelopment. Site review and Planning Board approval will be required for:

   (1) Nonresidential uses;

   (2) Multifamily dwellings of five or more units;

   (3) Construction of impervious surfaces/parking areas larger than 4,000 continuous square feet. A single-family home or two- or three- to four-family dwelling unit shall not be regulated by this provision; and **[Amended 6-12-2018]**

   (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.

B. Expansions and/or additions. Technical Review Committee review will be required for the following expansions and/or additions to existing development:

(1) Any increase of nonresidential development resulting in an expansion of gross floor area exceeding 2,500 square feet.

(2) Any addition to a residential structure resulting in the creation of five or more additional units.

(3) Any accessory structures with floor areas exceeding 1,500 square feet.

(4) Any expansion of an impervious surface/parking area larger than 1,000 square feet. A single-family home or two- or three- to four-family dwelling unit shall not be regulated by this provision. **[Amended 6-12-2018]**

(5) Any construction activities that result in a contiguous land disturbance of greater than or equal to 20,000 square feet.

(6) Any construction activities that result in a contiguous land disturbance of greater than or equal to 1,000 square feet if the activity is located in or within 50 feet of a wetland or conservation district.

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 constitute a change in use:

(1) Development which causes a residential structure to be converted, resulting in an increase of five or more units.

(2) Proposals that would change the use of an existing structure containing 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 multifloor 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.

D. Any proposal which, in the judgment of the Director of Planning and Community Development, has the potential for having a significant impact on the health, safety and welfare of the community shall be reviewed by the Technical Review Committee.

E. Notwithstanding the above criteria, the Technical Review Committee by majority vote may require any project that the Committee has determined has a significant projected impact on traffic, health, welfare, environmental quality, and safety issues to appear before the Planning Board for site review.

§ 153-5. 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; Chapter 157, Land Subdivision Regulations; Chapter 170, Zoning; 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

§ 153-6. Application requirements; Technical Review Committee. [Amended 8-26-2008; 3-23-2010; 1-24-2012]

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 herein. The Technical Review Committee shall be comprised of the Planning Board Chair, the Conservation Commission Chair, City Engineer, Fire and Rescue 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.

B. 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) Fifteen copies of the site development plan as more fully described in Article IV of this chapter. Transmit a pdf of the site development plan via e-mail to dover-planning@dover.nh.gov. (Note: Only six copies of the preliminary plan need to be submitted initially for review by the Technical Review Committee. However, 15 copies will be required for submission of the complete application to the Planning Board.) **[Amended 5-24-2016]**

(6) A list of abutting property owners that lie within 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 verified mailings.[1]

(7) A fee of an amount to be determined in accordance with the fee schedule contained in § 153-18 of this chapter.

1. **Editor's Note: Amendment pending.**

C. The applicant shall file the application with the Planning Board office at least 21 days prior to the Planning Board meeting, at which time the application will be accepted and a public hearing held.[2]

(1) The applicant and abutters shall be notified of said public hearing by verified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least 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 10 days prior to the said meeting.

§ 153-7. Planning Board action. [Amended 8-26-2008]

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 65 days after formal acceptance of the application.

C. The Planning Board may petition the City Council for an extension not to exceed an additional 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.

D. 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.

E. 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 § 153-11 of this chapter.

F. 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 § 153-5 of these regulations.

G. 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 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 years.

2. **Editor's Note: Amendment pending.**

§ 153-8. Certification. [Amended 9-11-1990; 9-28-1993; 4-22-2003; 8-26-2008; 12-18-2012]

A. The applicant shall submit to the Planning and Community Development Department an electronic copy and five copies of the final site development plan for the Planning Board Chair's signature within 90 days of receipt of final site plan approval by the Planning Board. The Director of Planning and Community Development may grant one ninety-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 City Attorney.

§ 153-9. Expiration of Planning Board approval. [Amended 11-15-1991; 6-13-1995; 8-26-2008; 12-18-2012]

A. Planning Board approval shall be valid for five 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 year each.

(1) The applicant shall appear before the Planning Board and document that the following criteria are met:

(a) The proposed project is consistent with the City Master Plan.

(b) Surrounding conditions (i.e., traffic flow, school capacity, water/sewer demand) have not changed to the point of requiring reanalyzing of the proposed project.

(c) The proposed project complies with current City, state and federal regulations, ordinances and statutes.

(2) 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 deemed to have occurred when a certificate of occupancy for all buildings shown on the approved site plan has been issued by the Building Official, any parking lot improvements have been completed, and off-site improvements specified in the site plan approval have been completed or a surety has been provided to the City to ensure completion of all unfinished off-site improvements. **[Amended 5-24-2016]**

ARTICLE III
Required Agreements

§ 153-10. Construction of improvements; certificate of occupancy. [Amended 3-23-2010; 1-24-2012]

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 and Rescue 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 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 on-site and off-site improvements required by the approved site plan 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 preconstruction 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 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 backfilling.

E. These inspections shall be completed during normal working hours within a twenty-four-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 preblast survey of all structures within 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 Department. Upon recommendation of the Fire and Rescue Chief, the Planning Board may require a preblast survey of all structures within 1,000 feet.

(2) The applicant shall hold a neighborhood meeting to review the blasting plan and preblast survey, with representatives of the Fire and Rescue Department and the blasting company in attendance, prior to any on-site blasting. Abutters within 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 10 days and no more than 15 days prior to the meeting. The notice shall state the time and date of the blasting and contain a map showing the blast area, the 1,000-foot-radius area, and the 500-foot-radius area. **[Amended 5-24-2016]**

(3) Permit holders shall be in compliance with NFPA 495, Explosive Materials Code, in addition to all other ordinances and codes set forth in the City of Dover Code, § 153-14A, Stormwater management, erosion control and flood hazards, of this chapter and the City of Dover Fire Prevention Code, 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 day's operation, for easy inspection by City Officials. **[Amended 5-24-2016[3]]**

(4) Blasting permits may be obtained by calling the Dover Fire and Rescue Department 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 a.m. and no later than 6:00 p.m. Monday through Friday, excluding federal holidays.

G. All site improvements in or within 600 feet of any subdistrict of the Central Business District, or as deemed necessary by the Technical Review Committee, shall meet the following requirements prior to any earth disturbance or construction activity occurring: **[Added 9-11-2018]**

(1) A licensed pest control specialist shall provide an Integrated Pest Management Plan documenting need or lack thereof for pest control.

3. Editor's Note: Amendment pending.

(2) Where pest control is required:

(a) Said plan shall be in place with a detailed schedule of management strategies prior to final approval of plans.

(b) A note shall be added to the demolition sheet of the plan indicating the plan and schedule.

(c) Said plan shall include preconstruction and during-construction activities.

(d) Activity reports shall be provided to Planning/Inspection Services as determined by the Integrated Pest Management Plan.

§ 153-11. Performance guaranties. [Amended 1-24-2012]

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. For a period of two years after the certificate of occupancy has been issued, the City will retain 2% of the performance bond or escrow agreement for any public infrastructure. **[Amended 2-26-2019]**

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.

C. A separate performance bond for landscaping shall be submitted to the City Engineer to be used in the event landscaping installed is removed, dies or is otherwise damaged during the three years following the issuance of the certificate of occupancy. **[Added 6-12-2018]**

§ 153-12. Inspections. [Amended 3-23-2010]

All required site improvements shall be subject to investigation by and approval of the Community Services Director and the City Engineer, as appropriate, who shall be notified by the developer at least 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

§ 153-13. Site development plan. [Amended 5-25-1999; 8-26-2008; 3-23-2010; 1-24-2012]

A. A site development plan shall be drawn to an appropriate scale, not less than one inch equals 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 at an appropriate scale. **[Amended 5-24-2016]**

(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. Any details on detail sheets shall be numbered or lettered. **[Amended 5-24-2016]**

(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 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 New Hampshire. The licensed landscape architect shall sign the plan. The landscape plan shall be certified by the licensed landscape architect and include his/her State of New Hampshire license number.

(13) Where multifamily development is proposed, those areas supporting slopes in excess of 20%, the federal floodway and floodplain, and the surface areas of water bodies 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 § 153-14L.

(16) A neighborhood plan on an aerial photograph, 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. **[Amended 5-24-2016]**

(17) A colored rendering of the streetscape that will be created along the existing public right-of-way. 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.[4]

(18) A stormwater management and erosion control plan shall be developed in accordance with the requirements of § 153-14A if it is determined to be necessary by the Technical Review Committee during its review process, as outlined in § 153-6A. Site plans shall provide for the proper management of stormwater and erosion and sedimentation control.

(19) 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 157, Land Subdivision Regulations, § 157-10D, as amended.

(20) A detailed landscape operations and maintenance plan, developed in accordance with the requirements of § 153-14G. Site plans shall provide for the proper management of landscaping, ensuring that landscaping is not unintentionally damaged as a result of snow removal or general traffic flow, pedestrian or otherwise. **[Added 6-12-2018]**

B. The information required by Subsection A(1) through (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.

4. Editor's Note: Original § 149-13A(18) of the 2013 Code, which immediately followed this subsection, was repealed 6-12-2018.

(1) A preapplication meeting with staff shall be held to determine what elements of Subsection A may be modified. All modifications will be noted by staff, in writing. **[Amended 6-12-2018]**

§ 153-14. Site development design criteria. [Amended 5-25-1999; 1-14-2003; 8-26-2008; 3-23-2010; 1-24-2012; 12-18-2012; 11-17-2015; 5-24-2016]

A. Stormwater management, erosion control and flood hazards.

(1) Purpose and objective. These regulations establish standards to manage the discharge of runoff to the City of Dover's municipal storm sewer system and water bodies, in a manner compliant with the requirements of state and federal law, including provisions of the federal stormwater management legislation for municipal separate storm sewer systems (MS4), as amended. These provisions and standards are implemented for the purpose of:

(a) Managing stormwater runoff to protect water quality and quantity.

(b) Minimizing the contribution of a pollutant for which a water body is impaired to the maximum extent practicable (MEP).

(c) Causing no discharge of runoff to an adjacent property in excess of runoff discharge in the existing developed or undeveloped condition.

(d) Encouraging the use of low-impact development (LID) strategies.

(2) Applicability of the stormwater standards.

(a) All projects requiring site plan or major subdivision approval shall be subject to the following set of stormwater standards according to the amount and type of disturbance. Applicability is as follows:

[1] The minimum protections and management standards shall apply to all projects.

[2] The stormwater management for new development standards shall apply to any project that results in a contiguous land disturbance of more than 20,000 square feet or creates more than 4,000 square feet of new impervious area.

[3] The stormwater management for redevelopment standards shall apply to any project that results in a contiguous land disturbance of more than 20,000 square feet or creates more than 4,000 square feet of new impervious area where the existing land use has been previously developed as commercial, industrial, institutional, governmental, recreational, or multifamily.

(b) All projects of such magnitude as to require a permit from the National Pollutant Discharge Elimination System (NPDES) Program or the New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AoT) Program shall also comply with the standards of the

Environmental Protection Agency (EPA) and/or NHDES permits and this section, whereas the stricter standards shall apply.

(3) Design standards.

(a) Minimum protections and management standards.

[1] Where applicable, all development must comply with the EPA Phase II Stormwater Rules and the City's MS4 permit, as amended.

[2] Existing surface waters, including ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools), shall be protected by the minimum buffer setback as specified in Chapter 170, Zoning, § 170-27.1. Stormwater and erosion and sediment control best management practices (BMPs) shall be located outside the specified buffer zone unless otherwise approved by the Planning Board.

[3] Low-impact development (LID) site planning and design strategies shall be used to the MEP in order to reduce the generation of the stormwater runoff volume for both new and redevelopment projects. An owner/applicant must document why LID strategies are not appropriate if not used to manage stormwater.

[4] All proposed stormwater practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications outlined in the New Hampshire Stormwater Management Manual Volume 2 (December 2008 or current revision) a copy of which can be found on the NHDES website.

[5] All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the NHDES, including but not limited to those involving underground storage tanks, aboveground storage tanks, hazardous waste and best management practices for groundwater protection (Part Env-Wq 401).

[6] Salt and other deicing materials shall be stored under cover or located such that no direct discharges to receiving waters are possible. Snow storage areas shall be located such that no direct discharges to receiving waters are possible. See the NHDES guidance fact sheet on road salt and snow disposal.

[7] The use of sodium-chloride-based materials for winter maintenance shall be the minimum necessary for safety. The use of sodium-chloride-based materials is discouraged within the groundwater protection districts.

[8] Impervious surfaces for parking areas and roads shall be minimized to the extent possible.

[9] Stormwater runoff from new impervious surfaces shall be directed to a best management practice for flow mitigation, treatment and/or infiltration.

(b) Stormwater management for new development.

[1] Runoff of impervious surfaces shall be treated to provide 80% removal of total suspended solids (TSS) and 50% removal of both total nitrogen and phosphorus. Removal rates shall be determined using approved manufacturer's pollutant removal efficiency analysis or the pollutant removal efficiencies outlined in the New Hampshire Stormwater Management Manual Volume 1, Appendix E (December 2008 or current revision), a copy of which is available from the NHDES website.

[2] Rainfall amount shall be based on current extreme precipitation estimates obtained from the Northeast Regional Climate Center.

[3] Measures shall be taken to control the post-development peak rate runoff so that it does not exceed predevelopment runoff for the two-, ten-, twenty-five- and fifty-year, twenty-four-hour storm events.

[4] Measures shall be taken to control the post-development surface water runoff volume so that it does not exceed predevelopment runoff for the two-, ten-, twenty-five- and fifty-year, twenty-four-hour storm events. For sites where infiltration/recharge is limited or not practicable, the owner/applicant must demonstrate that the project will not cause or contribute to flooding or functional impairments to streets, adjacent properties, and downstream properties.

[5] Infiltration rates for designing groundwater recharge practices shall be determined in accordance with Section Env-Wq 1504.14.

[6] Stormwater conveyance practices shall be sized appropriately to convey the ten-year, twenty-four-hour storm event without overtopping or causing flooding on the property.

[7] For large projects adding greater than or equal to 10 acres of impervious cover, or projects located in known areas of flooding concern, or specifically within areas with a 1% chance of being inundated by water in any given year, the owner/applicant shall submit a supplementary report that describes how the project will not increase the future flooding potential and complies with the AoT requirements pertaining to floodplain impacts as described in Section Env-Wq 1503.09, regardless of whether an AoT permit is required.

[8] The design of the stormwater management systems shall take into account upstream and upgradient runoff that flows onto, over, or through the site to be developed or redeveloped and provide for this contribution of runoff.

[9] Seasonal high-water table elevations must be accounted for in all BMP design criteria.

[10] Access for maintenance of stormwater facilities must be included as part of the design, where necessary. Access easements may be required.

[11] Plantings in treatment areas shall be native grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve water-quality treatment.

(c) Stormwater management for redevelopment. In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious areas must be calculated. Stormwater requirements for redevelopment will vary based upon the amount of site surface area that is covered by existing impervious surfaces.

[1] For sites meeting the definition of a redevelopment project and having less than 40% existing impervious surface coverage, the stormwater management requirements will be the same as new development projects, with the important distinction that the applicant can meet those requirements either on site or at an approved off-site location (i.e., off-site mitigation). The applicant must satisfactorily demonstrate that impervious area reduction, LID strategies and BMPs have been implemented on site to the MEP.

[2] For sites meeting the definition of a redevelopment project and having more than 40% existing impervious surface coverage, stormwater shall be managed in accordance with one or more of the following techniques, listed in order of preference:

[a] Implement measures on site that result in mitigation and treatment of at least 30% of the existing impervious cover as well as 50% of the additional proposed impervious surfaces and pavement areas through the application of LID; or

[b] Implement other LID techniques on site to the MEP to provide mitigation and treatment for at least 50% of the entire site area.

[3] The owner/applicant may utilize off-site mitigation to meet the redevelopment requirements when the following standards have been met:

[a] The owner/applicant shall demonstrate, to the satisfaction of the Planning Board, that on-site treatment has been implemented to the MEP.

[b] The owner/applicant shall find an approved, off-site location within the same watershed as the project site or within the drainage area of the same receiving water body.

[c] Off-site mitigation shall be equivalent to no less than the total area of impervious cover not treated on site.

[d] The owner/applicant shall submit a full design of the proposed off-site measures for review and approval.

[e] The owner/applicant must also demonstrate that there is no downstream drainage or flooding impact as a result of not providing on-site management.

(d) Erosion control standards during construction. The following standards shall be applied in project planning and shall be implemented prior to and during construction activity:

[1] All proposed measures shall meet, at a minimum, the design standards for best management practices set forth in the New Hampshire Stormwater Management Manual Volume 3 (December 2008 or current revision), a copy of which is available from the NHDES website.

[2] When a project requires a stormwater permit from the EPA Construction General Permit (CGP) Program, copies of the stormwater pollution prevention plan (SWPPP) inspections shall be provided to the Community Services Department.

[3] Stripping of vegetation shall be done in a manner that minimizes soil erosion. Whenever practical, natural vegetation shall be retained, protected, or supplemented.

[4] The area of land disturbance shall be kept to a minimum and be limited to an area only large enough to accommodate construction activities for a particular construction phase.

[5] Off-site surface water and runoff from undisturbed areas shall be diverted away from disturbed areas where feasible, or measures to convey stormwater through the project area without causing erosion of sediment must be included. Integrity of downstream drainage systems shall be maintained.

[6] Appropriate erosion and sediment control measures shall be installed prior to any soil land disturbance and must be reviewed and approved by the Community Services Department.

[7] Perimeter site controls shall not be placed within wetland areas, stream channels or wetland buffers.

[8] Disturbed soil areas shall be either temporarily or permanently stabilized. In areas where final grading has not occurred, temporary stabilization measures should be in place within seven calendar days for exposed soil areas that are within 100 feet of a surface water body or a wetland and no more than 14 calendar days for all other areas. Permanent stabilization should be in place within three calendar days following completion of final grading of exposed soil areas.

[9] All temporary erosion and sediment control measures shall be maintained in functioning condition until final site stabilization is

accomplished. A proposed BMP inspection schedule shall be included in the submittal.

[10] Additional temporary stabilization for the winter season consistent with NHDES guidelines shall be in place for disturbed areas that are not permanently stabilized by October 1, or at the discretion of the Community Services Department.

[11] Special stabilization details shall be provided with the submission for any land disturbance on slopes equal to or steeper than 3:1.

[12] 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 calendar days unless conditions dictate otherwise.

[13] For projects proposing to disturb and expose soils in areas of 10 acres or more at one time, a temporary (or permanent) sediment basin must be provided with storage for a calculated volume of runoff from a drainage area from a two-year, twenty-four-hour storm, or equivalent control measures, where attainable, until final stabilization of the site. Alternatively, the sediment basin can be sized to provide 3,600 cubic feet of storage per acre of drainage area until final stabilization of the site. In determining appropriate locations and number of sediment basins needed, the operators may consider such factors as erodibility of site soils, slope lengths, available area on site, construction period and other unique site considerations.

[14] Use of temporary sediment basins should avoid any additional vegetation clearing or site land disturbance not otherwise needed for post-construction. Sediment basin locations must be reviewed by the Community Services Department prior to construction and must consider the potential for off-site impacts, including public safety, especially as it relates to sediment movement and/or sediment basin failure, and alternative sediment controls must be used where site limitations preclude a safe design.

(e) Installation and construction inspections. The owner/applicant shall be responsible for inspection requirements as follow:

[1] The Community Services Department or its designated agent shall have access to the site to complete routine inspections.

[2] The Community Services Department shall be notified 24 hours prior to installation of a stormwater BMP in order to schedule an inspection. These inspections shall be completed during normal working hours.

[3] The Planning Board or Community Services Department may require the design engineer and/or an independent third party to provide inspection and oversight of the construction of the stormwater

management facilities and erosion and sediment control measures at its discretion. Such oversight may be especially important for implementing techniques such as porous pavement or subsurface stormwater infiltration systems. The owner/applicant shall be responsible for all fees associated with third-party inspections. **[Amended 2-26-2019]**

[4] All SWPPP inspections must be conducted by a qualified professional such as a professional engineer (PE), a certified professional in erosion and sediment control (CPESC), a certified erosion sediment and stormwater inspector (CESSWI), or a certified professional in stormwater quality (CPSWQ). Inspection reports shall be submitted to the Community Services Department.

[5] The owner is ultimately responsible for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the provisions of these regulations.

(f) Stormwater management plan (SWMP) submittal requirements. At the discretion of the Planning Board or Community Services Department, a technical review by an independent third party may be required of any SWMP prepared under these regulations. Such a review shall be performed by a qualified professional consultant and the expense of which shall be the full responsibility of the owner/applicant.

[1] For projects requiring minimum protection standards, a plan including the following information shall be submitted:

[a] Description of erosion and sediment control measures as well as sequence for final stabilization of the project site.

[b] Proposed changes in impervious cover areas and any changes in pre- and post-development drainage patterns.

[c] Description of LID proposed measures.

[2] For projects requiring new development or redevelopment standards, a drainage report that contains the following items shall be submitted:

[a] Description of construction period and earth movement schedule, including anticipated project start and completion dates, sequence and duration of grading and construction activities, sequence and timing of installation and/or application of soil erosion and sediment control measures as well as sequence for final stabilization of the project site.

[b] Description of the on-site and adjacent wetlands, streams and other water resources, including methods used to identify these resources, and a description of any buffer setbacks that may apply, steep slopes, critical habitat, existing vegetation, areas with a 1% chance of being inundated by water in any given

year, and whether any downstream water bodies are listed as impaired according to NHDES's most recent 303(d) list.

[c] Soils information for proposed disturbed areas shall be delineated by a certified soil scientist. For all other areas that contribute runoff to the project site, soil types may be identified in accordance with Natural Resources Conservation Service (NRCS) countywide soil survey.

[d] Description of existing drainage patterns, receiving water bodies or drainage infrastructure and soil types for recharge potential.

[e] Watershed area limits, including any off-site and upstream areas contributing flow to shared drainage channels and/or infrastructure.

[f] Description of proposed changes in impervious cover areas and any changes in pre- and post-development drainage patterns.

[g] Methods and assumptions used to calculate pre- and post-development runoff volume, peak discharge, and discharge velocity for the specified design storm events.

[h] Methods and assumptions used to calculate the pollutant load removal.

[i] Description of LID measures that are proposed to limit the development footprint, preserve existing vegetation and mimic existing hydrology to the extent feasible.

[j] If not used, provide rationale why LID measures are not practical for the site.

[k] Describe measures and calculations for proposed practices used to achieve no net increase in runoff volumes leaving the site.

[l] Provide calculations for the infiltration or exfiltration system.

[m] If an increase in post-development runoff volume is anticipated due to limited applicability for LID measures and site constraints, provide an assessment and supporting calculations to demonstrate no adverse impacts to downstream infrastructure, adjacent properties or aquatic habitat.

[n] Descriptions, details, and design criteria and calculations for all structural, nonstructural, permanent, and temporary erosion and sedimentation control measures and BMPs. This information should include seeding mixtures and rates, types of sod, methods of seedbed preparation, expected seeding dates (or limitations on seeding time frames), type and rate of lime and fertilizer application, and type and quantity of mulching for temporary and permanent control facilities.

[o] Where proposed changes are anticipated within mapped limits of the areas with a 1% chance of being inundated by water in any given year, provide hydrologic and hydraulic analysis to show no net increase in flood elevations.

[p] Proposed schedule for the inspection and maintenance of all erosion control measures on site prior to achieving final site stabilization.

[q] Describe procedures for removing temporary erosion control measures and removal of accumulated sediment captured by such measures.

[r] Any other specific study, calculation, or investigation as requested by the City.

[s] Describe procedures to limit and/or optimize the use of deicing materials and minimize off-site increases in chloride levels in adjacent surface water and groundwater.

[t] Provide a maintenance and inspection plan for post-construction monitoring of stormwater BMPs to ensure long-term performance and functionality, including details of who will be responsible for inspections and maintenance, proposed schedule, documentation, submittal procedures and contingency plans if future maintenance is required.

[u] Provide copies of pertinent state and federal permits.

(g) Long-term operation and maintenance. The owner shall be responsible for continued inspection and maintenance requirements.

[1] An operation and maintenance manual shall be created with the following information:

[a] The names of the responsible qualified professionals who will implement the required reporting, inspections, and maintenance activities.

[b] An inspection checklist, identifying item or BMP, inspection frequency, and components to be inspected. The list shall clearly outline performance thresholds and triggers for maintenance.

[c] Snow and ice removal shall be performed by a contractor certified by the "Green SnoPro" Program, or approved equivalent, following best management practices for the application of deicing materials.

[d] Deicing log to track amount and type of deicing material applied.

[e] A site plan clearly identifying the locations of all stormwater practices to be inspected and maintained.

[f] Inspection and maintenance log to be submitted to the City of Dover Community Services Department on an annual basis. Documents shall be submitted no later than December 15 of each year.

[2] The owner of record shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements and responsibilities described in the approved stormwater management plan. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length, so long as it is sufficient to provide notice to prospective purchasers of the requirements for maintenance and reporting.

B. Utilities.

(1) Water.

(a) Extensions to public water mains shall be at least 12 inches in diameter. When projected development or the City's Master Plan or Capital Improvements Plan indicates 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 waterlines 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 121, Sewers and Water, of the Code of the City of Dover.

(e) Where an extension to the municipal water system is proposed, the following items must be specified:

[1] Rated normal capacity in gallons per minute at prime use time.

[2] Rated maximum capacity in gallons per minute at prime use time.

[3] 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 121, Sewers and Water, of the Code of the City of Dover.

(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 121, Sewers and Water.

(3) Electric, cable television and telephone. 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, and 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 to 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. If a roundabout is proposed for inclusion, a professional engineer with traffic engineering certifications must design the roundabout in conformance with "Roundabouts: An Informational Guide" as adopted and amended by the Federal Highway Administration. **[Amended 6-12-2018]**

(4) When a nonresidential zoned parcel straddles or abuts a residential zone, nonresidential 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 the closest improved sidewalk.

(5) For access to a proposed nonresidential or to a multifamily dwelling containing more than four dwelling units, driveway entrances and exits shall be as follows: **[Added 6-12-2018]**

(a) Where one entrance/exit is designed to service a parcel, the width shall not exceed 32 feet.

(b) Where two entrances/exits are designed to service a parcel, the width of each shall not exceed 24 feet.

D. Parking. **[Amended 2-26-2019[5]]**

(1) Paved on-site parking shall be provided in accordance with the Parking Regulation Table.

(a) A parking plan shall be submitted that delineates the number of striped parking spaces and the parking arrangement. Where appropriate, utilization of and construction of on-street parking is encouraged. Whenever a use existing on the effective date of this chapter is changed to a new use, parking facilities and access shall be provided as required herein for such new uses. The following parking standards represent maximum requirements and may be increased as part of the approval of a site development plan. During plan review, the Director of Planning and Community Development shall note a minimum number of spaces required.

(b) In Dover, parking is based less on the direct land use and more on the intensity and turnover rate of the use. Efforts are made to understand that not all businesses are alike and that one commercial use may differ widely from a neighboring one, even if considered the same use. Turnover rate and intensity of use are more important to the provision of parking spaces. High turnover and high-intensity use, such as retail, require fewer spaces than a use which has a low turnover and a low intensity, such as an assembly hall or gathering place. This concept and the table below will guide the Director of Planning and Community Development in determining the minimum and maximum number of spaces required for a project. Applicants shall meet with staff and review plans prior to submission to determine parking needs.

(c) Uses located in the Central Business District–General have access to more publicly available parking, whether on street or in a dedicated facility, as well as mass transit. The intent of off-street parking downtown is to provide parking for employees of a business and not for customers. With this in mind, parking calculations for nonresidential uses in the Central Business District–General may be solely for employees, upon the discretion of the Director of Planning and Community Development.

5. Editor's Note: Amendment pending.

Parking Regulation Table					
Columns are cumulative, not exclusive.[1]					
	Maximum Number of Vehicle Parking Spaces				
Use*	Per Unit	Per Seats	Per Employee on Maximum Shift	Per Square Footage (GLA)[2]	Notes
Residential[3] (non-CBD-G)	1.4				+ 0.5 visitor space/unit
Residential[3] (CBD-G)	1.25				+ 0.4 visitor space/unit
Educational[4]		0.3	1		
Gathering place[5]		0.5	1		
Industrial/ manufacturing[6]				800	
Lodging[7]	1		1		+ 1/500 of common area
Medical[8]	0.5		1		Unit = bed or exam room
Office[9]				300	
Retail/service[10]				275	

* = The Director of Planning and Community Development shall determine the category of a use, if unclear.

Where commercial and residential uses are co-located, only the residential parking shall be provided.

1 Round numbers up, if over a whole number.

2 GLA = gross leasable area.

3 Dwelling units designed for extended occupancy.

4 Facility that provides opportunity for learning and education; may include day care.

5 Facility that has a large grouping of customers for a longer duration activity.

6 Facility that has employees but not a high volume of customers, located in 10,000 square feet or more.

7 Facility with overnight units designed for short-term occupancy.

8 Facility that provides medical services with overnight accommodations.

9 Facility that has employees but not a high volume of customers or clients.

10 Facility that has employees and a high volume of customers or clients.

(2) In addition to parking spaces for automobiles, any proposed use that is required to obtain site review approval per § 153-4 shall be required to provide parking for bicycles on bicycle racks. The number of spaces for bicycles shall be equal to 5% of the number of parking spaces calculated by the Parking Regulation Table in Subsection D(1).

(3) Electric vehicle charging station.

(a) If 2% or more of the number of parking spaces provided contain an electric vehicle charging station, the applicant shall be eligible for a fifty-percent reduction in the paved area application fee.

(b) For parking spaces containing an electric vehicle charging station, the following minimum criteria shall apply:

[1] Electric vehicle charging station equipment shall be maintained by the property owner. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.

[2] The placement of electric vehicle charging station equipment shall not interfere with adjacent pedestrian circulation areas, such as sidewalks or accessible routes to the building entrance.

[3] Directional signs shall be installed at the parking lot entrance and at other appropriate points to effectively guide motorists to the electric vehicle charging stations.

[4] Each electric vehicle charging station is required to include the following:

[a] An EV charging unit that meets recognized standards.

[b] Signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow-away provisions are to be enforced.

[c] Adequate site lighting, unless charging is for daytime purposes only.

[d] Information identifying voltage and amperage levels and any time of use, fees, or safety information.

(4) Notwithstanding the calculations established in Subsection D(1) above, parking spaces in residential districts shall be upon or adjacent to the lot which they are designed to serve. In all nonresidential districts, such parking spaces shall be provided within a 500-foot radius of the primary structure. Parking spaces for the Central Business (CBD) - General 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 calculated in Subsection D(1) above.

(b) Conversions or changes of use that result in an increase in residential units shall provide a number of parking spaces in accordance with Subsection D(1) above.

(c) Parking spaces in CBD-G and CWD Zoning Districts may be located off site anywhere within the CBD-G District in a municipal parking facility and leased from the City, or leased from a private landowner.

(5) Conditional use permit for increase 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 § 153-14D, Parking Regulation Table, provided that the proposed project complies with the following standards:

[1] The applicant shall submit an analysis justifying a request for increased parking requirements.

[2] The conditional use permit application shall describe why increased parking is essential to each use.

[3] The applicant must show that the use(s) cannot be adequately served by a combination of on- and off-street parking.

[4] The applicant shall design and construct the additional vehicle storage areas, for additional parking requested, 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.

[5] The applicant shall provide one electric vehicle charging station for every 10 parking spaces requested over the required cap. Electric vehicle charging station spaces shall comply with § 153-14D(3) unless determined otherwise by the Planning Board.

[6] 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 an increase in the off-street parking requirements for a building or buildings 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 in operation. Calculations for parking increase shall be consistent with nationally accepted parking publications such as Shared Parking (Urban Land Institute, Washington, DC, 1990). The location of all parking spaces shall conform to the provisions outlined in § 153-14D(4) 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.

(6) Parking lot design standards.

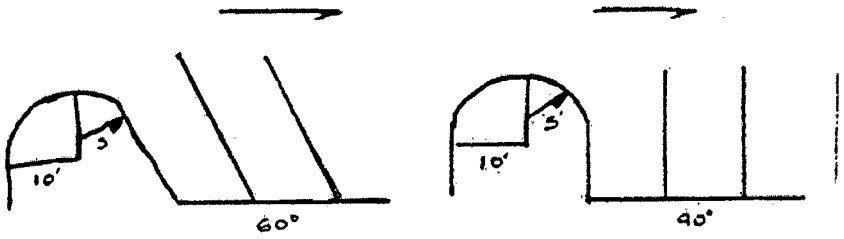
(a) Parking spaces shall comply with the following dimensions:

Angle	Stall Width (feet)	Curb Length (feet)	Length of Space (feet)	Aisle 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 24 feet.

(b) One-way accessways (internal aisle) shall be a minimum of 12 feet wide, and two-way accessways shall be a minimum of 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 nonresidential 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.

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:

[1] A site plan, drawn to scale, showing buildings, landscaping, parking areas, and all proposed outdoor lighting fixtures.

[2] A photometric report that includes a numerical grid of lighting levels the fixtures will produce on the ground, measured in footcandles.

[3] Specifications for all proposed light fixtures, including the type of lamp and the wattage of each lamp.

[4] Proposed mounting height of all outdoor lighting fixtures.

[5] 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. In the Central Business District–General and Transit-Oriented Development (TOD) Subdistricts, light may overflow onto streets, but not adjacent property.

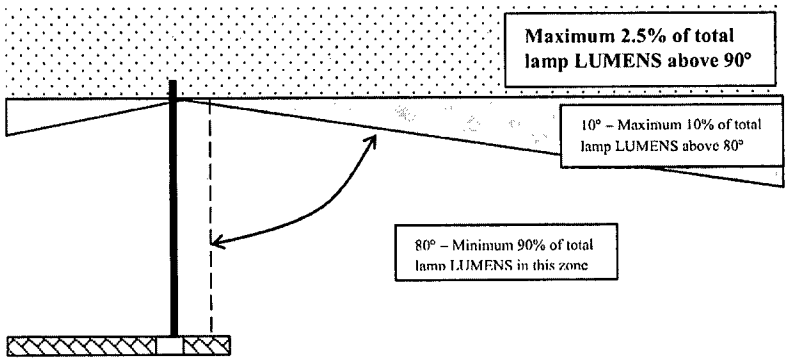
(f) Holiday lighting during the months of November, December, and January shall be exempt from the provisions of this regulation, provided that such lighting does not create dangerous glare on adjacent streets or properties.

(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 to not cause glare or direct illumination onto adjacent properties or streets. **[Amended 5-24-2016]**

(a) All lighting fixtures serving parking lots shall be cutoff fixtures as defined by the Illuminating Engineering Society of North America (IESNA) and illustrated below.

Cutoff 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, H, CWD and RCM	Zoning Districts RM-SU, RM-U, LBW and HR
Mounting height (maximum)*	25 feet	20 feet	20 feet
Minimum illumination level (at darkest spot of the parking lot)	No less than 0.3 footcandle; no more than 0.5 footcandle	No less than 0.2 footcandle; no more than 0.4 footcandle	No less than 0.2 footcandle; no more than 0.3 footcandle
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 cutoff fixtures required above if a lighting fixture of a particular period or architectural style would be more compatible with the design of the area. Such alternative fixtures shall have a mounting height of not more than 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 footcandles. 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 footcandles.

(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 85° 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 Subsection E(2) above. If no gasoline pumps are provided, the entire apron shall be treated as a parking area.

F. Fire hazards. The designation of fire lanes and the storage of explosives, flammable liquids, liquefied petroleum gas or similar materials shall be in accordance with Chapter 81, Fire Prevention and Life 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, to provide general beautification of parking facilities, and to reduce stormwater impacts, the following landscaping standards are required for nonresidential development: **[Amended 6-12-2018]**

(1) General requirements.

(a) Existing vegetation shall be preserved wherever possible. Existing natural features of special interest, such as those having historic relevance, shall be delineated and located on the landscaping plan. A note should be added to the site plan indicating that the identified feature(s) shall be protected during site clearing and construction through the use of construction fencing or other adequate protective barriers. Maximum effort should be made to preserve small stands of trees, rather than individual trees, to minimize the potential for serious damage due to wind, grade changes and soil compaction. No construction materials, equipment, vehicles, or temporary soil deposits shall be located within the dripline of existing trees. Before commencement of work, protective barriers shall be installed and

maintained around each plant and/or groups of plants that are to remain on site until completion. Snow fence installed around the dripline of the tree canopy is an example of an acceptable barrier.

(b) All invasive plant species identified in Chapter Agr 3800, pursuant to RSA 430:55, and all nonnative plant species identified in the New Hampshire Restricted Invasive Plants Species/Watch List are prohibited.

(c) Shrubs and hedges shall be a minimum of 24 inches in height when measured immediately after planting. Ground covers and perennials may be less.

(d) Effective use and preservation of natural berms, existing topography and existing vegetation is encouraged.

(e) Plants, or a combination of plants and a solid visual barrier such as wooden fencing, or berms shall be used to screen loading, waste disposal, material storage and other areas that are likely to generate noise, dust, or other potentially disruptive conditions.

(f) Landscaping shall be used to establish and/or maintain an attractive streetscape adjacent to roadways. A minimum of one tree per 35 linear feet, not more than six feet apart for individual shrubs, and not more than three feet between individual perennials and ground covers or portion thereof shall be provided. **[Amended 2-26-2019]**

(g) The type and location of vegetation shall not interfere with utilities or the safe and efficient flow of street traffic. All trees located under utility wires shall be low-growing species.

(h) A maintenance plan shall be provided with the site plan application. All landscaped areas shall receive regular maintenance and upkeep. Severely injured, diseased, or dead plant material shall be replaced in kind in perpetuity (avoid replacing landscape materials in the period from November to March). Best practices to minimize environmental impacts, such as the use of low-phosphorus fertilizer and slow-release nitrogen, shall be included in the management plan. If ownership of a site is conveyed to a new property owner, the new owner shall be responsible for maintaining all landscaping in accordance with the approved final landscaping plan.

(i) Snow storage may be permitted on any grassed or nonliving landscape area.

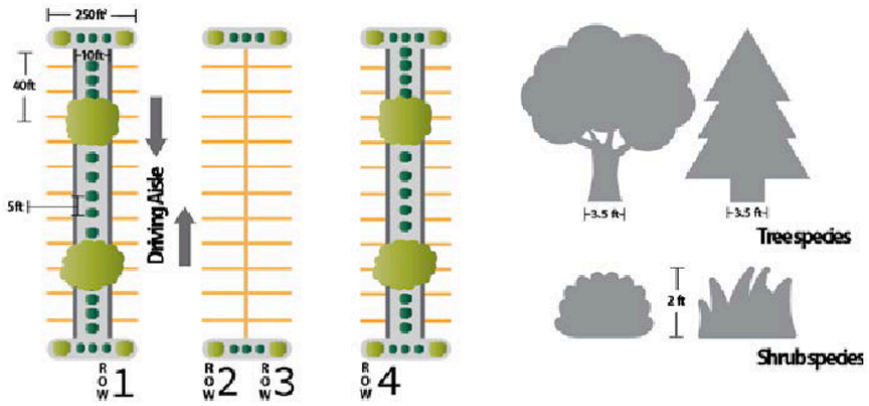
(2) Interior landscaping.

(a) In addition to the perimeter landscaping required in § 153-17C, 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**
0 to 20 spaces	Not required

Minimum Interior Parking Lot Landscaping Requirements	
Number of Parking Spaces in Lot	**Minimum Percent of Interior Landscaping**
21 to 50 spaces	5%
51 to 200 spaces	8%
Greater than 200 spaces	10%

(b) Parking lots which have more than two aisles which are approximately parallel shall be required to have continuous landscaped planting strips separating every four rows of parking. The landscaped planting strips shall be a minimum of 10 feet in width and shall be separated from the parking area by adequate curbing. Within the landscaped planting strips, deciduous and/or evergreen shade trees shall be planted at 40 feet on center. Trees shall be species tolerant to the climatic conditions of Dover and shall be a minimum caliper of 3.5 inches (measured at four feet above grade level). Within the landscaped planting strips, shrubs shall be planted between the deciduous trees at five 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 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.

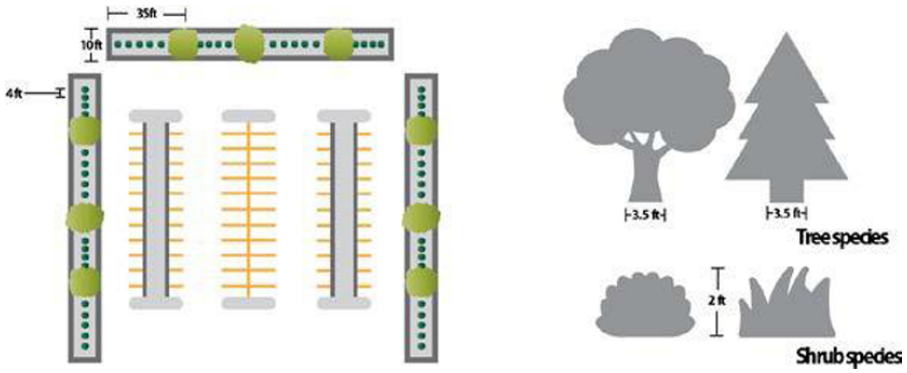


(c) Islands at the end of a row of parking spaces are encouraged to protect parked vehicles, increase safety in parking lots, and provide space for landscaping. The minimum size for landscaped islands shall be 250 square feet in total area and should include trees with shrubs, perennials, and ground covers planted en masse among the trees.

(d) Bare soil is not acceptable. The introduction of ground covers and/or perennials planted en masse and the use of mulch as a soil covering is acceptable. However, no more than 20% of the minimum landscaped area may be covered with nonliving landscaping material, such as bark mulch, wood chips, or leaf litter.

(3) Perimeter landscaping.

(a) Along the perimeter of parking lots with 10 or more spaces, deciduous and/or evergreen shade trees shall be planted at 35 feet on center within the buffer area required by § 153-17C. Trees shall be species tolerant to the climatic conditions of Dover and shall be a minimum caliper of 3.5 inches (measured at four feet above grade level). Within the perimeter buffer, shrubs shall be planted between the trees at five 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 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.

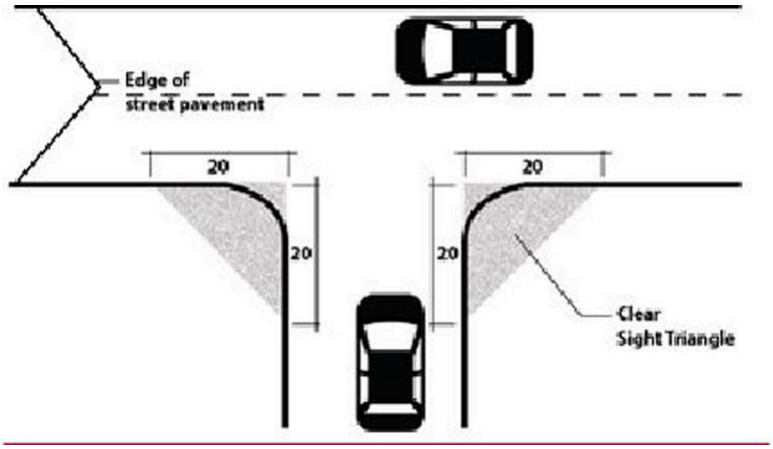


(b) Trees shall be salt- and drought-tolerant, native or noninvasive species, and have a structure and growth form which prevents them from obstructing sidewalks and walkways. Flood-tolerant plants shall be used in drainage swales.

(c) To foster biological diversity, trees planted along a given street shall use the 10-20-30 rule (no more than 10% of the trees shall be of the same species, no more than 20% in the same genus, and no more than 30% in the same family).

(d) To ensure that landscape materials do not constitute a driving hazard, a clear sight triangle shall be observed at all street and access drive intersections. Ground cover and trees with at least eight feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a city street intersection, the sight triangle shall consist of the area between points 20 feet along both intersecting streets from their respective edges of pavement.

(e) A wall or fence of uniform appearance, six feet high, of brick, stone or finished concrete (cannot be concrete block) may be used in conjunction with plant materials with a minimum ten-foot buffer between the fence and the street. A minimum of one tree per 35 linear feet or portion thereof shall be provided with a combination of shrubs, perennials, vines, and ground covers planted en masse per 35 linear feet, excluding curb cuts. A combination of both deciduous plants and evergreens is encouraged. **[Amended 2-26-2019]**



(4) Stormwater management. The following provisions are intended to support the site design criteria set forth in § 153-14A. In the event of any conflict or inconsistency, the more stringent provision shall prevail.

(a) Where possible, interior landscaping islands and perimeter landscaping areas shall provide for stormwater treatment and bioretention as well as act as a visual buffer.

(b) To promote on-site water retention and filtration, landscaped areas shall be designed in a manner that guides stormwater from on-site impervious streets, parking areas, sidewalks and walkways to vegetated areas or approved retention areas.

(c) When irrigation systems are proposed, a temporary watering plan/schedule or low-volume (drip) irrigation system shall be required. Permanent irrigation systems are prohibited, except as noted below. Temporary irrigation systems shall be designed and installed for efficient and effective water use to the landscaped area for a limited period of time determined by the plant material and site conditions. For those exceptions when permanent irrigation is considered necessary, such as an athletic field, permanent irrigation shall utilize water-saving technologies, including rain sensors, flow meters, and management systems that monitor current weather conditions and/or soil moisture.

(d) All newly planted trees, shrubs and other vegetation shall have a watering plan during the establishment period (for trees, one year per inch in caliper at planting; shrubs and other vegetation generally establish within one growing season). Mulching trees, shrubs, and plants helps retain soil moisture, moderates temperature fluctuations, provides protection from mechanical damage by mowers and trimmers, and serves as temporary covering of exposed soil until understory plants and ground covers fill in. However, thick applications of mulch (such as "volcano mulching") will kill trees and other vegetation. Mulch shall be no greater than three inches in depth and shall not be in contact with the bark or stems of plants.

(5) Other landscaping.

(a) Each existing healthy and native or noninvasive tree, with a caliper of three inches or greater, preserved using proper protection methods within the interior parking lot area may be substituted for one tree required for every 10 parking spaces.

(b) Where an applicant proposes leaving a significant portion of healthy, noninvasive trees and other vegetation within the proposed construction area, the Planning Board will consider alternative landscaping designs.

(c) 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.

(d) If the area abutting the street is existing woodland, a twenty-five-foot woodland buffer may be left in lieu of landscaping if approved by the Planning Board.

H. Driveway location and spacing standards for nonresidential 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 nonresidential 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	—	1 driveway per 400 feet of road frontage or fraction thereof	1 driveway per 200 feet of road frontage or fraction thereof	1 driveway per 125 feet of road frontage or fraction thereof
	Posted Speed Limit (mph)			
Minimum driveway spacing from public street intersections	35 40 45 50	310 feet 380 feet 470 feet 560 feet	230 feet 280 feet 350 feet 420 feet	155 feet 190 feet 230 feet 275 feet
	Posted Speed Limit (mph)			

	Variables	Arterial Roads	Collector Roads	Local Roads
Minimum spacing between driveways	35 40 45 50	230 feet 280 feet 350 feet 420 feet	185 feet 220 feet 260 feet 300 feet	155 feet 190 feet 230 feet 275 feet

(2) Spacing between public street intersections and driveways is 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 is 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 nonresidential zoned parcel straddles a residential zone, nonresidential traffic shall be prohibited from exiting into or entering from the residential zone, unless there is no other viable option.

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 § 153-14H. 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, Zoning, 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 a 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 ensure 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 50%, or reduce the number of driveways to one driveway of not more than 32 feet in width.

(c) Reduce the total number of driveways permitted, or increase the spacing between driveways by 25% over the standards set in § 153-14H(1) herein, or increase the spacing between driveways and public street intersections by 25% over the standards set in § 153-14H(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 5% of lot coverage (building footprint) above the maximum permitted in the Table of Dimensional Regulations referenced in Chapter 170, Zoning [e.g., the maximum lot coverage (building footprint) in the I-4 District could be increased from 33% to 38% 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 ensure 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, a minimum percentage of the parking spaces

required by these regulations or of the number of parking spaces proposed (whichever is greater) shall be located to the side or rear of the building (i.e., no closer to the front lot line than the building) according to the following:

Number of Spaces	Percent of Spaces to Side or Rear
50 to 75	50%
76 to 100	60%
More than 100	70%

(b) For parcels in all other nonresidential districts (other than B-4) and for parcels in the B-4 District where the parking requirement is fewer than 50 spaces, the requirements for parking lot location in Subsection K(1)(a) are optional. However, if an applicant voluntarily complies with the standards of Subsection K(1)(a), the applicant shall be entitled to a 25% reduction in the amount of landscaping for the interior of the parking lot required in Subsection G(2)(a) or a 50% reduction in the paved area application fee.

(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 standards.

(1) Findings. The City of Dover Planning Board finds that:

(a) Our City contains an 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.

(a) The purpose of the architectural design standards is to:

[1] 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.

[2] Protect and enhance the positive visual qualities of Dover's downtown, residential neighborhoods, commercial corridors, industrial parks, and scenic and rural landscapes.

[3] Encourage design which is compatible with the traditional character of Dover and New England.

[4] Enhance property values and foster civic pride.

[5] Minimize potential aesthetic conflicts between residential and nonresidential uses and between single-family and multifamily uses.

(b) 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 RSA 674:21 (Innovative Land Use Controls) and 674:44 (Site Plan Review Regulations).

(4) Applicability.

(a) Architectural design review is required as part of the 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.

(b) 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 § 153-4, Applicability.

(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 Central Business District. 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 Cochecho Waterfront District. 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 Neighborhood Business District and O Office District. 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 nonresidential 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 Thoroughfare Business District, B-4 Hotel/Retail District and B-5 Highway Business District. 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.[6]

(e) I-1 Restricted Industrial District, I-2 Rural Restricted Industrial District and I-4 Assembly and Office District. We seek to enhance the quality of our industrial parks (such as Venture Drive and Industrial Park Road).

6. Editor's Note: Amendment pending.

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 standards. An application is considered to meet the design requirements of the architectural design standards if the Planning Board, in its judgment, determines that the application overall demonstrates reasonable conformity with the purpose above, the general standards 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, belt courses, 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 is strongly encouraged.[7]

(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 § 170-32O, Mill motif design criteria, of Chapter 170, Zoning.

(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.

[1] 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.

[2] 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.

[1] Every effort should be made to provide an appropriate scale to new buildings both in their overall size and in their details.

[2] 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.

7. Editor's Note: Amendment pending.

(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 generally be avoided (though their use is of less concern in industrial parks). Blocky multifamily structures within predominantly single- and two-family neighborhoods are highly inappropriate.

(e) Roof.

[1] 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.

[2] 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.

[1] 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:

[a] The horizontal base where the building meets the ground (such as a different treatment for the foundation).

[b] The horizontal top where the building meets the sky (such as a projecting cornice with brackets).

[c] A horizontal section in between (such as a belt course between stories).

[d] The vertical corners on the left and right sides (such as corner boards or quoins).

[e] Vertical articulation in the middle (such as pilasters).

[f] The area around the door/entry (such as a portico).

[g] The areas around the windows (such as window surrounds).

[2] In addition, depth may be created for the facade through use of porches, projecting or recessed sections, bay windows, or arcades.

(g) Fenestration.

[1] 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.

[2] 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.

[3] 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.

[4] Shutters, where appropriate, should be sized properly for the window opening (approximately 1/2 the width of the opening.)

(h) Entrance.

[1] 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.

[2] 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.

[1] 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.

[2] 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 is 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.

[1] 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.

[2] 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) Vehicle recharging and refueling 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) Mini-warehouses/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. Aboveground 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.

(a) 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 manufacturer's name and color designation, should also be submitted. Applicants should also submit a material sample, if appropriate, such as the type of brick proposed.

(b) Any proposed building illumination must be submitted and approved. No such lighting may be installed without approval.

(c) 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.

(d) While applicants are required to meet the standards herein, it is not necessary to submit waiver requests from any specific design standards herein. It shall be up to the Planning Board to determine if the overall proposal meets the intent of this subsection.

(e) 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.

(f) As part of the overall site review process, the Technical Review Committee will review plans for compliance with these standards and report to the Planning Board as to adherence.

§ 153-15. Design standards for 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 nonresidential uses.

B. Building siting and design. The general character of the ETP District is intended to be a campus or parklike 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, facade 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, masonry, 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 and ventilating fans are to be either 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 parklike 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-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 is 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.

§ 153-16. Design standards for Residential-Commercial Mixed-Use (RCM) Overlay District. [Amended 4-11-2006]

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 piecemeal, 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. Nonresidential 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, setback and building height. Multistory 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 multibuilding 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 § 153-14G, Landscaping, for specific landscaping requirements of parking lots.

(5) Outdoor display areas. 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 facade. 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 nonliving ornamental materials.

(g) A minimum of two trees and four shrubs for each 1,000 square feet of landscaped area shall be provided. (One additional tree may be substituted in lieu of each four shrubs required.)

(h) Deciduous trees shall be at least two-inch caliper measured four feet above the ground, except ornamental and flowering trees shall be at least one-and-one-half-inch caliper measured four feet above the ground; multi-trunk trees shall have at least three canes and shall be six inches measured four feet above the ground, with a minimum height of five feet. **[Amended 5-24-2016]**

(i) Coniferous trees shall be at least six 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:

[1] Variation in the rooflines and form.

[2] Use of ground level arcades and covered areas.

[3] Use of protected and recessed entries.

[4] Use of vertical elements on or in front of expansive blank walls.

[5] Use of pronounced wall plane offsets and projections.

[6] Use of focal points and vertical accents.

[7] Inclusion of windows on elevations facing streets and pedestrian areas.

[8] 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 multibuilding 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 and ventilating fans are to be either 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:

[1] Color change. Recognizable, but not strongly contrasting.

[2] Texture change.

[3] Material change.

[4] Architectural variety and interest through a change in plane, such as offsets, reveals, archways or projecting ribs.

[5] 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 nonresidential 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, masonry, stone, brick, clapboard, finishing wood, stucco or glass.

(j) The exterior walls of buildings should not predominantly utilize the following materials, except as accents:

[1] Prefabricated steel panels.

[2] Corrugated metal.

[3] Asphalt shingle roofs, except for period architecture.

[4] 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. 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. 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. Adequate off-street parking shall be provided for residents and guests. If possible, guest parking shall be available near the common facilities (i.e., clubhouse).

(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. **[Amended 5-24-2016]**

(a) For single-family home developments:

[1] At least one tree in the front yard setback.

[2] Deciduous trees shall be at least two-inch caliper measured four feet above the ground, except ornamental and flowering trees shall be at least one-and-one-half-inch caliper measured four feet above the ground.

[3] Coniferous trees shall be at least six feet tall.

[4] Multi-trunk trees shall have three or more canes and be six inches measured four feet above the ground, with a minimum height of five feet.

(b) For all other residential structures:

[1] Two trees and four shrubs for each 1,000 square feet of landscape area. One additional tree may be substituted in lieu of four shrubs.

[2] Deciduous trees shall be at least two-inch caliper measured four feet above the ground, except ornamental and flowering trees shall be at least one-and-one-half-inch caliper measured four feet above the ground; multitrunk trees shall have three or more canes starting from the ground, six inches measured four feet above the ground, with a minimum height of five feet.

[3] Coniferous trees shall be at least six feet tall.

(6) Lighting. 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. All manufactured housing shall be constructed to include a peaked roof, 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).

§ 153-17. Physical arrangements. [Amended 1-14-2003; 8-26-2008]

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 feet of any side or rear property line, except for a shared driveway or parking lot that straddles a common property line, and no parking or paving, except for entrances/exits, shall be permitted within 10 feet of any front property line. These spaces shall be maintained as landscaped area. This subsection shall not apply within the Central Business District–General and TOD Subdistricts. **[Amended 5-24-2016; 6-12-2018]**

D. Pedestrian walkways, entrances and exits designed for use by the handicapped shall be required upon request.

E. Nonresidential uses that regularly receive or send out shipments of goods shall provide off-street loading spaces or loading docks on the same lot as the use they are intended to serve. Loading facilities shall be designed to the rear or side of all proposed buildings. No loading space or dock shall be located within 100 feet of a residential district boundary, unless sufficient screening is provided to the satisfaction of the Planning Board. **[Amended 5-24-2016]**

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: nonaudible 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.

H. 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

§ 153-18. Schedule of Fees. [Amended 4-23-1991; 11-15-1991; 2-26-1996; 1-14-2003; 8-26-2008; 3-23-2010; 5-24-2016]

A. The Planning Board shall levy a fee as set forth in the City of Dover adopted 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 nonresidential 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 nonresidential 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 § 153-9B, to approved site plans to cover staff time.

F. In addition to the application fees outlined in Subsection A through E, the Planning Board shall require that 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.

§ 153-19. Inspection fees. [Amended 1-24-2012]

The fee levied shall be the actual cost per hour of the individual(s) making the inspection of improvements as required in § 153-12. 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

§ 153-20. Enforcement; violations and penalties. [Amended 8-26-2008[8]]

If, after a certificate of occupancy, 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 conformity with the provisions of such approval. Such order shall be complied with within a period of time extending not more than 30 days from the original notice. Where the owner fails to comply with the notice of the Planning Board, a fine as provided in the City Fine Schedule may be levied against said owner, and the certificate of occupancy shall be revoked as per RSA 676:4-a.

§ 153-21. Waivers. [Amended 3-23-2010]

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 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

8. **Editor's Note: Amendment pending.**

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
Terminology

§ 153-22. 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.

§ 153-23. Definitions. [Amended 5-25-1999; 4-22-2004; 8-26-2008; 3-23-2010; 12-18-2012; 5-24-2016]

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

ABUTTER —

A. The owner of record of a parcel of land located in New Hampshire and that adjoins or is directly within 200 feet (including land across the street or stream) of the proposed site under consideration by the Board.

B. 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.

C. 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, for projects meeting the criteria of § 153-4A, the individual owners of units within the association which are located within 200 feet of the common property line shall be notified only by first-class mail.

D. 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 Board.

E. For purposes of notification, abutter ownership information for lots located in Dover shall be obtained through the City's Tax Assessment Office.

ACCESSWAY — The roadway configuration within a site.

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 principal use.

APPLICANT — 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 — A series of arches supported by columns, sometimes forming a covered walkway.

ARCH — A curved form spanning an opening; it may take various rounded forms, including a pointed shape.

AXIS — A line established by two points in space and about which forms and spaces can be arranged.

BALUSTER — An upright, often vase-shaped, support for a rail.

BALUSTRADE — A series of balusters with a rail.

BAY WINDOW — A window element projecting from a building facade.

BEST MANAGEMENT PRACTICE (BMP) — For stormwater 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.

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 — 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.[9]

CERTIFICATE OF OCCUPANCY — See Chapter 57, Building Construction, of the Code of the City of Dover, § 57-9.

CHANGE IN USE — A change in use shall consist of replacing a conforming or legal nonconforming 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 — Narrow, horizontal, overlapping wooden boards that form the outer skin of an exterior building wall.

COLONIAL — The style of architecture in the American colonies in the 17th and 18th centuries (prior to the American Revolution), derived mainly from English traditions.

COLUMN — A freestanding upright support element usually round in cross section. In classical architecture, consists of a base, shaft, and capital.

CONTIGUOUS — Any actual or proposed terrain land disturbance within five years before the terrain alteration activity for which a permit is sought begins or within five years after the terrain alteration activity ends shall be deemed part of the total project and included in the calculation of the amount of contiguous area disturbed.

CORNER BOARD — A decorative vertical board placed at the corner of a wood frame building.

9. Editor's Note: The definition of "build to line" which immediately followed this definition was repealed 12-18-2012.

CORNICE — Projecting top portion of an entablature or any linear element placed along the top of a building's facade or atop a section of the facade to divide the facade into sections.

COURSE — A horizontal decorative band extending across a facade. "Stringcourse" refers to a narrow course while "beltcourse" refers to a wide course.

CROSS GABLE — A gable form attached to and placed perpendicular to a larger gable roof.

CUPOLA — Small enclosed or partially enclosed structure crowning a roof or tower.

DEVELOPED — All new structures as well as additions, including the conversion of structures to multifamily (five units or more) residential dwellings.

DEVELOPMENT — Any construction or land disturbance or grading activities other than for agricultural and silvicultural practices.

DISCHARGE — Water or effluent released to a receiving water body.

DISTURBED AREA or LAND DISTURBANCE — An area where the natural vegetation or existing cover been removed, exposing the underlying soil and, therefore, is susceptible to erosion.

DORMER — Window rising vertically atop a roof.

EAVE — The horizontal or downward projecting overhang at the lower edge of a roof.

ELECTRIC VEHICLE CHARGING STATION — A battery-charging-station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy-storage device in an electric vehicle. An electric vehicle charging station is permitted outright as an accessory use to any principal use.

ELEVATION — 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).

ENTABLATURE — 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 — The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

ESCROW AGREEMENT — 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.

FACADE — The front or principal exterior face of a building; may refer to other prominent exterior faces as well.

FASCIA — 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 — Arrangement of windows on a facade, including number, size, proportion, spacing, and composition.

FOOTCANDLE — A measure of light falling on a given surface. One footcandle is equal to the amount of light generated by one candle shining on a square-foot surface one foot away.

FRIEZE — A decorative, horizontal band set just below the cornice.

GABLE — A simple, pitched-roof form with two opposite sloping sides; the triangular part of a wall formed by a gable roof.

GROSS LEASABLE AREA — The gross floor area available for leasing to a tenant.

ILLUMINANCE — The amount of light falling on a surface, measured in footcandles.

IMPAIRED — Those water bodies not meeting water quality standards as identified by NHDES and listed as impaired and as Category 5 waters on its most current 303(d) list.

IMPERVIOUS — Those surfaces that cannot effectively infiltrate rainfall, consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, recreational areas and compacted gravel. **[Amended 6-12-2018]**

INFILTRATION — The process of runoff percolating into the ground (subsurface materials). Infiltration practices are stormwater treatment practices designed to capture stormwater runoff and infiltrate it into the ground.

LINTEL — A horizontal structural member that bridges an opening.

LOW-IMPACT DEVELOPMENT (LID) — A site planning and design strategy intended to maintain or replicate predevelopment hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate and manage runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

LUMEN — A unit of measurement for the amount of light cast by a lamp. One footcandle is one lumen per square foot.

MANSARD — 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.

MASSING — The shapes, sizes, and arrangement of the three-dimensional forms that compose a building.

MAXIMUM EXTENT PRACTICABLE (MEP) — The following:

A. All reasonable efforts have been made to meet the standard;

B. A complete evaluation of all possible management measures has been performed; and

C. If full compliance cannot be achieved, the highest practicable level of management is being implemented.

MULLION — Vertical element separating windows or doors set in a series.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) — The EPA's small municipal separate storm sewer system (MS4) general permit developed under the Clean Water Act.[10] MS4 applies to municipalities that contain any portion of an urbanized area as defined by the

10. Editor's Note: See 33 U.S.C. § 1251 et seq.

census. It applies to stormwater conveyances owned by a state, city, town, or other public entity that discharges to waters of the United States. The MS4 permit requires operators of small MS4s to develop a stormwater management program that uses appropriate best management practices (BMPs) for six minimum control measures included in the MS4 permit.

MUNTIN — Dividers between panes of glass within an individual window.

NHDES ALTERATION OF TERRAIN (AOT) — The state permitting program applying to earthmoving operations.

NONRESIDENTIAL — Includes land uses of a commercial and industrial nature as well as commercial residential uses; exempting, however, the construction or conversion of single-family and multifamily (up to four units per parcel) residential dwellings.

PANEL — A decorative, recessed rectangular portion of a wall.

PARAPET — A protective wall or railing along the edge of a raised structure such as a roof or balcony.

PECKY SHINGLES — 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").

PERFORMANCE BOND — Any security which may be accepted in lieu of a requirement that certain improvements be made as a condition of Planning Board site approval.

PIER — A freestanding, upright support element, usually rectangular in cross section, and wider and more squat than a column.

PILASTER — A column or pier affixed to a wall surface (rectangular in cross section).

PLAN — The layout of a building drawn in the horizontal plane.

POLLUTANT — Includes but is not limited to sediment, total suspended solids (TSS), phosphorus, nitrogen, metals, pathogens, floatable debris, thermal impacts, and oil and other petroleum products.

POLLUTANT LOAD — An amount of a pollutant that is introduced into a receiving water body measured in units of concentration or mass per time [i.e., concentration (mg/l) or mass (lbs/day)].

PORTICO — A covered space usually supported by columns surrounding an entrance and forming the centerpiece of the facade.

PROJECT AREA — The area within the subdivision or site plan boundaries, plus any areas with associated off-site improvements.

PROPORTION — 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 — Cornerstones, or other material made to resemble stones, at a corner or edge of a building.

REDEVELOPMENT — Any construction, alteration, or improvement that disturbs area where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Building demolition is included as an activity defined as "redevelopment," but building renovation is not, provided the footprint of the building or structure to be renovated is not altered or expanded and does not exceed 50% of the current assessed value. Similarly, removal of roadway materials down to the erodible soil surface is an activity defined as "redevelopment," but simply resurfacing of a roadway surface is not. Any creation of new impervious area over currently pervious portions of the site will need to comply with new development requirements.

RHYTHM — The use of recurring patterns to organize a series of like forms or spaces.

RIDGE — The linear intersection of two sloping roof planes.

RUNOFF — Precipitation, snowmelt, or irrigation that flows over the land, eventually making its way to surface water (such as a stream, river or pond).

SASH — A single window section within its frame that opens in some manner.

SCALE — 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 — Eroded soil and rock material and plant debris, transported and deposited by runoff.

SENSE OF ENCLOSURE — 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.

SITE DEVELOPMENT PLAN — A professionally rendered drawing which delineates the proposed development of a site, prepared as required under the provisions of § 153-13.

SKIN — The outer clothing or membrane of a building, clapboard, brick, steel, etc.

STABILIZED — When the soil erosion rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass, or a good covering of straw mulch or other equivalent (weed-free) mulch at a minimum rate of two tons per acre with higher rates required for dormant periods. Mulch is only a temporary measure; ultimately, the site needs vegetation.

STORMWATER — Runoff from a storm event, snowmelt runoff, and surface runoff and drainage.

STORMWATER MANAGEMENT PLAN (SWMP) — A plan that outlines project features, proposed temporary and permanent erosion control features, maintenance schedules and practices, and design basis used to establish temporary and permanent stormwater design features.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — A plan required by the Environmental Protection Agency (EPA) that clearly describes appropriate pollution control measures that include a description of all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in stormwater discharges and describes the interim and permanent stabilization practices for the site.

SURROUND — An ornamental device used to enframe all or part of a window or door.

TEXTURE — The quality of finish on a wall or roof surface, being smooth, rough, bumpy, etc.

TOTAL SUSPENDED SOLIDS (TSS) — The total amount of a soil's particulate matter which is suspended in the water column.

TOWER — A distinctly vertical structure, which may be freestanding or attached to another structure.

TRADITIONAL — 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.

UNIVERSAL DESIGN PRINCIPLES — Rules and guidelines that are generally recognized and respected among design professionals.

USE — The manner in which a parcel of land or the structures on that parcel is or are employed. Uses are categorized by Chapter 170, Zoning, as follows: residential low density (fewer than five dwelling units); residential multifamily (more than four dwelling units); agricultural/silvicultural; office; business; industrial; and community/public use.

WATERSHED — All land and water area from which runoff may run to a common (design) discharge point.

Chapter 157

LAND SUBDIVISION REGULATIONS

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[HISTORY: Adopted by the Planning Board of the City of Dover 8-26-1986 as Ch. 155 of the 2013 Code. Amendments noted where applicable.]

ARTICLE I
General Provisions

§ 157-1. Title.

This chapter shall be known and may be cited as the "Land Subdivision Regulations of the City of Dover."

§ 157-2. Legislative authority. [Amended 5-8-2018]

This chapter is adopted by the Dover Planning Board pursuant to the authority granted by RSA 674:35 and 236:13 and by § 9-8, Planning Board, of the City of Dover Code.

§ 157-3. Purpose. [Amended 5-8-2018]

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. Furthermore, it establishes 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 Community Services Director.

§ 157-4. 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.

§ 157-5. 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.

§ 157-6. Scattered or premature development. [Added 1-14-2003]

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.

§ 157-7. Nonresidential uses and multifamily dwellings.

Anyone who desires to subdivide parcels for nonresidential use or for multifamily dwellings of more than two 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 multifamily dwelling development of a site, all provisions pursuant to the City of Dover Site Review Regulations shall be met.

ARTICLE II

Application Procedures for Major Subdivisions

§ 157-8. Applicability. [Amended 9-8-1987; 2-10-2003; 2-10-2004]

A. Major subdivision. The following rules and regulations shall pertain to the subdivision of land into four or more separate parcels. In addition, a subdivision of fewer lots shall be considered major if, in the judgment of the Director of Planning and Community Development, 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 Director of Planning and Community Development'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, Open Space Subdivisions, § 157-21, for said proposed development.

(2) Any proposed development in an R-20 or R-12 District that meets the minimum lot size requirement for an open space subdivision shall be required to follow the procedures outlined in Article IV, Open Space Subdivisions, § 157-21, for said proposed development.

B. Minor subdivision. In the case where a proposed subdivision or resubdivision of a parcel would create three or fewer lots in a four-year time period, the Planning Board may implement an expedited review of the application procedure. See Article III, § 157-14, 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, Open Space Subdivisions, § 157-21.

§ 157-9. Preliminary consultation.

It is suggested that all subdivision applicants meet with the Director of Planning and Community Development 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.

§ 157-10. Application submittal and review. [Amended 8-26-2008; 3-23-2010]

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.

A. To be considered complete an application shall:

(1) Be made on forms available at the Planning Board office.

(2) Include one electronic copy and 15 copies of the preliminary plat layout and the plat construction detail sheets as more fully described in §§ 157-27 and 157-29, respectively, in this chapter. Transmit a pdf of the subdivision plat via e-mail to dover-planning@dover.nh.gov. (Note: Only eight copies of the preliminary plat need to be submitted initially for review by the Technical Review Committee. However, 15 copies are required for submission of the complete application to the Planning Board.) **[Amended 5-24-2016; 2-26-2019]**

(3) Include a fee in an amount to be determined in accordance with the fee schedule outlined in § 157-53 of this chapter.

(4) Comply in all respects with Article VIII of this chapter, except where a waiver may be specifically authorized by the Planning Board.

(5) Be filed with the Director of Planning and Community Development at least 21 calendar days prior to a regularly scheduled meeting of the Board.[1]

(6) 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 Director of Planning and Community Development, such a review is not warranted. The Director shall provide a written explanation to the Planning Board for said elimination of this review.

(7) 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)].

B. 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 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 verified mailings.[2]

C. The Director of Planning and Community Development shall include a written memorandum indicating whether or not the application has sufficient information for

1. **Editor's Note: Amendment pending.**

2. **Editor's Note: Amendment pending.**

the Board to begin formal consideration. The memorandum shall inform the Board of the findings of the Director of Planning and Community Development and/or the Technical Review Committee's review indicating areas of particular concern.

D. 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 (7:00 a.m. to 9:00 a.m.);

(b) PM peak hour (4:00 p.m. to 6:00 p.m.);

(c) Saturday midday peak hour (11:00 a.m. to 1:00 p.m.); 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 Department of Planning and Community Development may require an advanced analysis because of special circumstances. The requirements for a standard or an advanced analysis are contained in the Department of Planning and Community Development document titled "City of Dover Traffic Impact Assessment and Analysis Standards." This document is available in the Department of Planning and Community Development and can be found on the City website. Applicants are strongly encouraged to consult with the staff of the Department of Planning and Community Development 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.

§ 157-11. Actions by Planning Board; public hearings. [Amended 3-23-2010]

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 § 157-10. Notice of said public meeting shall be provided to the applicant, abutters and the public in accordance with § 157-12 [RSA 676:4, I(d)].

B. The Board shall begin formal consideration of the application within 30 days after submission and acceptance of the completed application. The Board shall act to approve, conditionally approve or disapprove within 65 days after accepting the application subject to extension or waiver as set forth in Subsection 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 90 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)].[3]

D. No application shall be approved or disapproved without a public hearing on said application except as noted in Subsection F below. Notice of the public hearing shall be provided in accordance with § 157-12.

E. Following a public hearing on a subdivision application, the Board shall approve, conditionally approve, disapprove or table the proposed subdivision application. If the Board denies the preliminary plans, the applicant shall be notified, in writing, as to the reasons for denial.[4]

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 abutter 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)].

§ 157-12. Public notice requirements.

No subdivision application shall be accepted or acted on by the Planning Board without giving due notice to the public.

A. Such notice will be given in the following manner:

(1) The applicant and all abutters shall be notified by verified 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.[5]

(2) Notice shall be mailed at least 10 calendar days prior to submission.

(3) 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.

3. **Editor's Note: Amendment pending.**

4. **Editor's Note: Amendment pending.**

5. **Editor's Note: Amendment pending.**

B. 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.[6]

§ 157-13. Final plat certification and recording; letter of credit or escrow agreement. [Amended 9-11-1990; 9-28-1993; 1-14-2003; 4-22-2003; 8-26-2008; 3-23-2010; 1-24-2012; 12-18-2012]

A. The applicant shall submit to the Department of Planning and Community Development an electronic copy, a digital CAD file and five copies of the final plat layout for the Planning Board Chair's signature within 90 days of receipt of final plat approval by the Planning Board. The Director of Planning and Community Development may grant one ninety-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. The Department of Planning and Community Development shall file a signed, unfolded paper copy of the final plat with the office of the Registry of Deeds of Strafford County within 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 conform to the specifications detailed in § 157-28.

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 § 157-24, 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 § 157-24, 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

§ 157-14. Applicability. [Amended 10-8-1987]

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 or fewer lots within a four-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

6. **Editor's Note: Original §§ 155-12 and 155-13, which immediately followed this subsection, were repealed 3-23-2010.**

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; and

(6) Would not conflict with any portion of the Master Plan, Zoning Ordinance or this chapter.

B. The determination of whether a proposed subdivision is major or minor shall be made by the Director of Planning and Community Development 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.

§ 157-15. Preliminary consultation.

Prior to formal submission of an application, a subdivider may discuss his/her proposal with the Director of Planning and Community Development, Technical Review Committee or Planning Board as per § 157-9.

§ 157-16. Application submittal and review. [Amended 8-26-2008]

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 § 157-17 below. Only complete applications will be reviewed by the Board.

A. To be considered complete, an application shall:

(1) Be made on forms available at the Planning Board office.

(2) Include 15 copies and an electronic copy of a final plat layout as described in § 157-28 of this chapter. Additional information/data may be requested by the Planning Board for the proper review of said minor subdivision.

(3) Include 15 copies of the plat construction detail sheets, if appropriate, as described in § 157-36 of this chapter.

(4) Include a fee in an amount to be determined in accordance with the fee schedule contained in § 157-53 of this chapter.

(5) Be filed with the Director of Planning and Community Development at least 21 calendar days prior to a regularly scheduled meeting of the Board.[7]

B. 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 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 verified mailings.[8]

C. 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 § 157-41.

D. Preliminary plats are required for minor subdivisions.

§ 157-17. Application submittal and review for minor lot line adjustments and boundary agreements. [Amended 8-26-2008; 3-23-2010]

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.

A. To be considered complete, an application shall:

(1) Be made on forms available at the Planning Board office.

(2) Include 15 copies and an electronic copy of a surveyed plat layout that contains the following information:

(a) Date, approximate true North point and scale.

(b) Name, address and signature of owner and stamp of registered New Hampshire surveyor.

(c) Names of owners of record of abutting properties or developments.

(d) Square footage within newly adjusted lot lines.

(e) Lot lines with accurate dimensions and bearings of a sufficient scale to determine readily the location, bearing and length of all lines.

(f) Zoning information and building setback lines for the zone.

(g) Location map.

(h) Existing structures.

7. **Editor's Note: Amendment pending.**

8. **Editor's Note: Amendment pending.**

(3) Be filed with the Director of Planning and Community Development at least 21 calendar days prior to a regularly scheduled meeting of the Board.[9]

(4) Include a fee in an amount to be determined in accordance with the fee schedule contained in § 157-53 of this chapter.

B. 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 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 verified mailings.[10]

C. Lots created under the cluster subdivision with lot lines method of open space subdivisions 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.[11]

§ 157-18. Actions by Planning 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 § 157-16.

B. After accepting a complete application, the Board may, at the same meeting, proceed with a public hearing on the application provided that the applicant, abutters and public have been notified of the hearing in accordance with § 157-12.

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 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(e)(1)].[12]

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 § 157-13.

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

9. Editor's Note: Amendment pending.

10. Editor's Note: Amendment pending.

11. Editor's Note: Amendment pending.

12. Editor's Note: Amendment pending.

public hearings, in accordance with § 157-12, 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 Director of Planning and Community Development 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;

(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 § 157-12.

ARTICLE IV
Open Space Subdivisions

§ 157-19. Concept and purpose. [Amended 7-5-1988; 4-25-2000]

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 usable 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 article is to promote a development pattern that creates areas of usable 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; protects 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.

§ 157-20. Approval procedure. [Amended 7-5-1988; 2-10-2004]

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 subdivision 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 § 157-19 above.

§ 157-21. General requirements. [Amended 7-5-1988; 3-19-1991; 4-25-2000; 2-11-2003; 2-10-2004; 8-26-2008; 3-23-2010]

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-12 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:

	Contiguous Acres Required	
Zoning District	**Residential Only (acres)**	**With Commercial (acres)**
R-40	No minimum	50
R-20	15	50
R-12	5	20

(1) 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 his/her plan warrant consideration for development as an open space subdivision.

[1] The disposition of the public hearing shall be executed as per the procedure established in § 157-12.

[2] Within 30 calendar days of 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:

[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.

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.

(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-12 Zone and is more than 20 acres, a nonresidential component shall be allowed, meeting the following the criteria:

[1] No more than 50% of the development site, including open space, shall be devoted to parking, streets, buildings, and accessory structures.

[2] Nonresidential 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 10,000 square feet.

[a] Neighborhood scale personal service establishments, such as convenience stores, craft store, drugstores, beauty shops, tailors, laundromats, and 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 20,000 square feet.

[3] 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 nonconforming uses: commercial telecommunication towers/wireless communications facilities as a primary use, gravel pits, hospitals, or wholesaling.

[4] 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.

[5] No building shall exceed four 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 20%; areas within conservation districts; all flood hazard areas, unless floodproofing 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 (square feet)	Minimum Frontage for Subdivision Lots (feet)	Minimum Buffer Along Frontage[1] (feet)
R-40	20,000	40	100
R-20	12,000	30	100
R-12	8,000	20	100

[1] Does not apply to an existing house on the lot, if part of the total lot yield. **[Amended 5-24-2016]**

	Minimum Distance Around Individual Units in Clusters		Minimum Building Setbacks for Subdivision Lots	
Zoning District	Street Sides of Units (feet)	Between Units (feet)	Abutting a Street (feet)	Abutting a Lot Line (feet)
R-40	20	30	20	20
R-20	15	25	15	15
R-12	10	20	10	10

(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-12 Zoning Districts, and more than 50% 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 153, Site Review Regulations, 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 or Dwelling Units (feet)	Minimum Distance from External Boundaries (feet)
R-40	100	50
R-20	75	40
R-12	50	30

(a) For the purposes of the external boundary buffers required above, the buffer areas shall be considered an undisturbed natural area for the purpose of shielding the development from abutting properties. The external boundary buffer shall be preserved or established to comply with the perimeter landscaping standards in § 157-35F. **[Amended 12-18-2012]**

G. Project ownership. The subject land may be owned, leased or controlled either by a single person, a 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 §§ 157-27 and 157-28), 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 § 157-22).

(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 shall meet the design requirements of the State of New Hampshire Department of Environmental Services and this chapter.[13]

(a) Each structure shall have its own septic tank sized according to the requirements of the New Hampshire Department of Environmental Services. 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 Subsection I(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 New Hampshire Department of Environmental Services 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 § 157-41. 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 this chapter.

(d) The developer and homeowners' association are required to provide each new resident in the development a copy of the New Hampshire 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 bylaws of such an entity shall be established in accordance with state law governing such organizations (RSA 479-A:1 to 479-A:23, inclusive, as amended) and shall include the provisions of Article IV, § 157-22E, Requirements of a homeowners' 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:

13. Editor's Note: Amendment pending.

(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 year's experience and the forthcoming 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-year period and not more frequently than every two years.

(d) No structure shall be built on a leach field lot.

§ 157-22. Common open space. [Amended 7-5-1988; 4-25-2000]

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 nonprofit organization. Generally, the open space shall be usable 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 100 feet shall be provided along the perimeter of the subject tract that fronts existing public roadways, and a buffer zone equal to the external boundaries required by § 157-21F(4) shall be provided along the perimeter of the subject tract that abuts all adjacent parcels. 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. **[Amended 12-18-2012]**

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; stormwater collection ponds; land area dedicated to septic systems; and easements and rights-of-way for stormwater drainage ways, streets or 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 stormwater drainage systems, streets or utilities; and stormwater 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 or deeded to a nonprofit 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 nonprofit 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 homeowners' association, established by the applicant for the benefit and enjoyment of the residents of the subdivision and over which said residents have control.

(6) No privately owned recreation structures shall be built in the open common space without the approval of the Planning Board.

(7) 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 owned by a cooperative legal entity, all common open space shall be governed in accordance with the requirements of the RSA 479-A:1 to 479-A:23, inclusive, as amended. **[Amended 2-26-2019]**

E. Requirements of a homeowners' 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 homeowners' 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 30 days of receipt of said notice. In addition, a trustee shall be designated by the homeowners' association to ensure 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 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 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

§ 157-23. Performance requirements. [Amended 11-15-1991; 6-13-1995; 8-26-2008; 3-23-2010; 1-24-2012]

A. All site improvements in the approved subdivision or part thereof shall be constructed and/or installed within five 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. **[Amended 12-18-2012]**

B. The Planning Board may grant time extensions, not to exceed one 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. 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 co-signed by the Director of Planning and Community Development, the Community Services Director or the City Engineer and the Fire and Rescue 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 has been delayed due to factors, such as the weather, beyond the control of the developer. The developer must demonstrate to the Director of Planning and Community Development, the Community Services Director or the City Engineer and the Fire and Rescue 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 § 157-24. 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 preconstruction 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 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 deemed to have occurred when certificates of occupancy for at least 75% of the houses within the subdivision have been issued by the Building Official, the top coat of the roadway and sidewalk have been completed and off-site improvements specified in the subdivision approval have been completed or a surety has been provided to the City to ensure completion of all unfinished off-site improvements. **[Amended 5-24-2016]**

F. All subdivision improvements which require blasting of land shall meet the requirements of § 153-10F, prior to any blasting occurring.

§ 157-24. Performance guaranty.

A. An irrevocable letter of credit 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 § 157-13 of this chapter.

B. Such performance guaranty shall be in an amount up to 120% 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 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.

§ 157-25. Maintenance guaranty. [Amended 8-26-2008; 1-24-2012; 5-8-2018]

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 2% of the estimated project cost prepared by the City Engineer, plus the full cost of replacement for all street trees and other landscaping required for three years after a certificate of completion is issued. 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.

§ 157-26. Inspection of improvements. [Amended 3-23-2010]

All site improvements shall be subject to inspection by and approval of the Community Services Director, City Engineer and the Director of Planning and Community Development, as appropriate, who shall be notified by the developer at least 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 Fee Schedule, as amended annually.

ARTICLE VI
Layout Specifications and Construction Details.

§ 157-27. Preliminary plat layout. [Amended 8-26-2008; 3-23-2010; 1-24-2012; 5-24-2016; 5-8-2018]

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 inch equals 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 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 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 stormwater 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 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 Floodway Maps and Flood Insurance Rate Maps for the City of Dover, dated May 17, 2005, or later.

O. A detailed landscape operations and maintenance plan, developed in accordance with the requirements of § 157-35E and F. Plans shall provide for the proper management of landscaping, ensuring that landscaping is not unintentionally damaged as a result of snow removal or general traffic, pedestrian or otherwise, flow.

P. A neighborhood plan on an aerial photograph, 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 layout of the subdivision.

§ 157-28. Final plat layout. [Amended 1-14-2003; 8-26-2008; 3-23-2010; 1-24-2012]

A. Final plat layouts shall be drawn to a scale of not less than one inch equals 50 feet, provided that the resulting drawing shall not exceed 34 inches in the longest dimension. A scale of up to 100 feet to one inch may be used for such larger subdivisions. Five

black or blue line prints of the final plat layout shall be submitted per requirements specified in § 157-13.

B. Information to be shown on final plat layout shall include all of the information on the preliminary plat, as required by § 157-27, 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 bench marks exist within 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 stormwater management and erosion control plan prepared in accordance with the design standards in § 157-34, if it is determined to be necessary by the Technical Review Committee during its review process, as outlined in § 157-10F or 157-15.

(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 index of sheets on the cover sheet with an asterisk (*) next to sheets that are to be recorded at the Strafford County Registry of Deeds. **[Amended 5-24-2016]**

C. 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 United States Government. Specifically, before construction, City and/or state approval of the design of any leach field, septic system or sewer

system connection well and City approval of driveway access and building codes must be obtained.[14]

§ 157-29. Construction detail sheets. [Amended 1-24-2012]

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 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, streetlighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, stormwater 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 100-year floodplain, where applicable.

ARTICLE VII
General Requirements and Design Standards

§ 157-30. Minimum standards; waiver.

In considering applications 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 § 157-51 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.

§ 157-31. Street layout. [Amended 1-24-2012]

A. Width, location and construction. Streets shall be of sufficient width (see Section 2, pages 3 and 4 of the City of Dover Construction Guidelines[15]), suitably located and adequately constructed to conform to 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

14. **Editor's Note: Amendment pending.**

15. **Editor's Note: The Construction Guidelines are on file in the City offices.**

convenient system. In the event a subdivision adjoins or includes an existing street which does not conform to widths as required by this chapter 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 side of any such street or highway shall be required to dedicate 1/2 of the required extra width. **[Amended 2-26-2019]**

B. Arrangement. The arrangement of streets and/or rights-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 in Subsection 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 (culs-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-foot-wide easement to provide for continuation of pedestrian traffic and utilities to the next street.

F. Block size. Blocks in general shall not be less than 500 feet nor more than 1,200 feet in length. In general, no block width shall be less than twice the normal lot depth. In blocks which exceed 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 400 feet apart. Intersections of more than two streets at any one point shall not be allowed without Planning Board approval.

H. Street jogs. Street jogs with center-line offsets of less than 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 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 60°.

J. Reverse curves. A minimum tangent of 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 as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

§ 157-32. Street design. [Amended 8-11-1992; 11-28-1995; 1-14-2003; 8-26-2008; 12-18-2012; 5-8-2018]

A. Widths of rights-of-way. Streets shall be the following widths:

		Minimum Pavement (feet)	
Type of Street	**Minimum Right-of-Way (feet)**	**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 24 feet if the subdivision is designed to provide a 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. All streetlights, street trees, mailboxes, newspaper bins, trash receptacles, or any other type of obstruction shall be placed in the grass between the sidewalk and the curb. 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 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-foot radius for local residential streets and at least thirty-five-foot radius for all other streets, unless otherwise specified by the Planning Board.

G. Grades. No local street grade shall be in excess of 8% and no collector street grade shall be in excess of 4%, 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 0.5%. No street shall support a grade in excess of 3% within 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 feet higher than the center line of the street. If necessary, ground shall be excavated to achieve visibility.

J. Dead-end streets (culs-de-sac). Unless topography indicates a need for an alternative length, streets shall not be less than 500 feet nor exceed 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. Hammerhead 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 stormwater easement or drainage right-of-way. In no case shall it be less than 30 feet in width.

M. If a roundabout is proposed for inclusion, a professional engineer with traffic engineering certifications must design the roundabout in conformance with "Roundabouts: An Informational Guide," as adopted and amended by the Federal Highway Administration.

§ 157-33. Street names. [Amended 1-24-2012]

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."

§ 157-34. Stormwater management, erosion control and flood hazards. [Amended 8-26-2008; 3-23-2010; 1-24-2012; 5-24-2016]

A. Purpose. Shall comply with the standards contained in § 153-14A(1), as amended.

B. Stormwater management. Stormwater management shall comply with the standards contained in § 153-14A(2) and (3)(a) through (c), as amended.

C. Stormwater management system operation and maintenance plans. Stormwater management system operation and maintenance plans shall comply with the standards contained in § 153-14A(3)(f), as amended.

D. Erosion and sedimentation control. Erosion and sedimentation control shall comply with the standards contained in § 153-14A(3)(d), as amended.

E. Flood hazards. 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:

(1) 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.

(2) 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:

(a) All such proposals are consistent with the need to minimize flood damage;

(b) All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;

(c) Adequate drainage is provided so as to reduce exposure to flood hazards; and

(d) New and replacement water and sewer systems (including on-site systems) are located, designed, and constructed to minimize infiltration and avoid impairment.

(3) Elevation and floodproofing records. The subdivider shall obtain and maintain records of elevations and floodproofing levels for all new or substantially improved structures, whether or not such structures contain a basement.

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least 50 lots or five acres, whichever is less.

§ 157-35. Parks, open space and natural features. [Amended 1-14-2003; 3-23-2010]

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 15% 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 Recreation prior to the reservation of such land.[16]

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 trees 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. **[Amended 2-26-2019]**

(1) Trees shall be salt- and drought-tolerant, native or noninvasive species, and have a structure and growth form which prevents them from obstructing sidewalks and walkways.

(2) Trees shall have a caliper of no less than 3 1/2 inches when planted.

(3) Trees located under utility wires should be a low-growing species.

(4) To foster biological diversity, trees planted along a given street shall use the "10-20-30 Rule." (No more than 10% of the trees shall be of the same species, no more than 20% in the same genus, and no more than 30% in the same family.)

(5) Trees shall be located no more than 35 feet apart.

(6) All newly planted trees, shrubs and other vegetation shall have a watering plan during the establishment period (for trees, one year per inch in caliper at planting; shrubs and other vegetation generally establish within one growing season). Mulching trees, shrubs, and plants helps retain soil moisture, moderates temperature fluctuations, provides protection from mechanical damage by mowers and trimmers, and serves as temporary covering of exposed soil until understory plants and ground covers fill in. However, thick applications of mulch (such as "volcano mulching") will kill trees and other vegetation. Mulch shall be no greater than three inches in depth and shall not be in contact with the bark or stems of plants.

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

16. Editor's Note: Amendment pending.

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.

G. Where culs-de-sac are proposed, the island or center area of the cul-de-sac shall remain in a natural vegetated state, with any invasive species removed. If it will be used as a biofilter for stormwater treatment, the area shall be vegetated with a combination of living plant material, including trees, shrubs, and ground covers. Nonliving landscape material may cover up to 20% of the island or center area. When planting of vegetation is required, cul-de-sac landscaping shall be installed after construction of the street is complete. **[Added 2-26-2019]**

ARTICLE VIII
Design Specifications

§ 157-36. 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. The details on each sheet shall be numbered or lettered. Once approved by the City Engineer, the developer shall not alter or vary the construction documents without prior consultation with the City Engineer. **[Amended 5-24-2016]**

B. As a minimum, the plat construction detail sheets and specifications shall incorporate the requirements of this chapter.

§ 157-37. Utility construction standards. [Amended 1-24-2012]

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 72 hours prior to the start of any construction. All subsurface work shall be visually inspected by the City Engineer or designee prior to backfilling.

B. These inspections shall be completed during normal working hours within a twenty-four-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 § 153-10F.

§ 157-38. 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 inches by six inches by 54 inches, with a drill hole 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, 1/2 inch in diameter or larger and a minimum of 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 1 1/2 inches.

§ 157-39. Street improvements. [Amended 9-8-1987; 1-24-2012]

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 cross-sectional design standards. Side slopes shall not exceed one foot vertical rise per every two feet of horizontal length without retaining structure or other special considerations. If the depth of fill is over five 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 95% 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 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 inches of the base course shall not contain stones over three 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 inches in two 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 40° F. and the mixture delivered to the spreader has a temperature above 250° F. 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 New Hampshire Department of Transportation Standard Specifications for Road 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 Director of Planning and Community Development.

(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-inch bituminous concrete surface and a sixteen-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.

§ 157-40. Storm sewers and drainage appurtenances. [Amended 8-26-2008; 1-24-2012]

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 § 157-46, 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 stormwater 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 stormwater 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. **[Amended 5-24-2016]**

(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 and culverts: 100-year storm or flood of record.

(b) Minor brook culverts: fifty-year storm.

(c) Storm sewers: ten-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 the American Association of State Highway and 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-foot sumps or four-foot sumps with hoods, if required by the City Engineer.

(3) Minimum size pipe shall be 12 inches in diameter for storm drains. Minimum size culvert shall be 15 inches in diameter.

(4) All pipes shall be one of the following: **[Amended 5-24-2016]**

Typical Use	RCP	HDPE	PVC
Culverts	X	X	—
Storm drains	X	X	X
Drive culverts	X	X	—
Underdrain (6-inch)	—	X	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-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 stormwater pipe, catch basin, drainage inlet or other pipes (floor drains) used to drain surface water shall be connected to any sanitary sewer system.

§ 157-41. Sanitary sewers. [Amended 1-24-2012]

A. Each lot in the subdivision shall be provided at the property line with a connection to the public sanitary sewer system. This connection shall 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 are required. The system must be designed in accordance with New Hampshire Department of Environmental Services requirements and must be approved and inspected by the City and state. Backfilling 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 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 nonrepaired failure of such sewage system shall be grounds for eviction of residents, whether owners or tenants, unless and until the system is rendered functional.[17]

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 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.

17. Editor's Note: Amendment pending.

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-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 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 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 and approved as required under by § 157-37. 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.

§ 157-42. Water mains and fire hydrants. [Amended 9-8-1987; 1-24-2012]

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 Community Services Department.[18]

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

18. Editor's Note: Amendment pending.

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 feet of cover. The minimum size of a water main shall be eight 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 American-made, meet American Waterworks Association 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 counterclockwise.

(2) Hydrants. All hydrants shall be Eddy manufacture and subject to the following additional details. All hydrants shall be of 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 5 1/4 inches, hose nozzles conforming to the national standard of nozzles and 2 1/2 inches and steamer nozzle 4 1/4 inches. Hydrants shall be long enough to accommodate a minimum bury of 5 1/2 feet and equipped with six-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 foot nor more than three feet from the curb and so installed that the center of the hydrant steamer nozzle shall be at least 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 Director of Community Services shall be notified at least 48 hours prior to any construction involving water mains. All new pipes shall be inspected as provided by § 157-37. Tests to be performed shall include but not be limited to water sampling and testing for contamination.[19]

19. Editor's Note: Amendment pending.

§ 157-43. Street markers and traffic signs. [Amended 1-24-2012]

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.

§ 157-44. Telephone and electric service lines; streetlights. [Amended 1-24-2012; 12-18-2012]

For subdivisions that include the construction of a new road, 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 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 streetlighting fixtures and poles shall be approved by the Community Services Director or designee. The most energy-efficient streetlighting shall be installed.

§ 157-45. Sidewalks. [Amended 8-11-1992; 11-28-1995; 12-18-2012]

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 2 1/2 inches in thickness and placed over a six-inch gravel base. Portland cement concrete sidewalks shall not be less than four inches in thickness, reinforced by eight-by-eight, six-by-six wire mesh and placed on a suitable base not less than 12 inches thick. Portland cement concrete sidewalks that cross driveways shall be not less than six inches thick and meet all the standards listed above. All sidewalks shall be five feet in width and constructed adjacent to the property line within the street right-of-way. Sidewalks shall be designed to be free from obstruction; all streetlights, street trees, mailboxes, newspaper bins, trash receptacles, or any other type of obstruction shall be placed in the grass area between the sidewalk and the curb.

§ 157-46. Curbs. [Amended 8-11-1992; 11-28-1995]

A. All new and improved streets within the urban core shall be provided with granite curbs. When the curb forms one edge of a sidewalk, the granite curbing shall be vertical and five inches by 17 inches. Curbs used to define driveway entrances shall be tapered as per standard road cross section graphic.

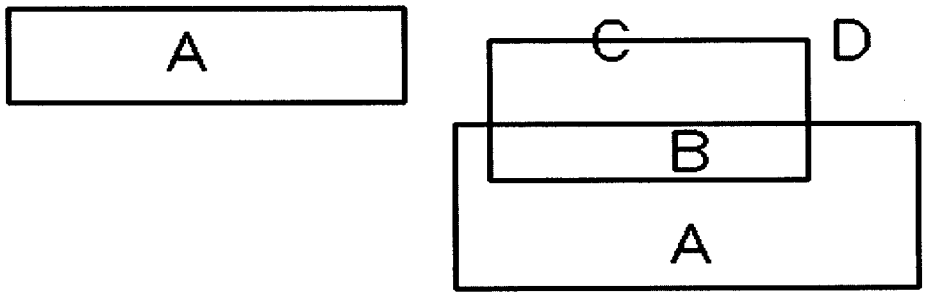
B. Granite slope edge curb shall be installed as specified in Section 609 of the State of New Hampshire Standard Specifications for Road and Bridge Construction, minimum cross section of stone to be four inches by 12 inches.

§ 157-47. Private roads. [Amended 3-23-2010]

A. Private roads shall be designed and constructed pursuant to the following criteria:

	3 and 4 Parcels	5 or More Parcels in R-12, R-20, R-40, RM-SU, RM-U or Nonresidential Districts
Right-of-way width (feet)	30	50
Road width (feet)	16	24 to 32*
Base course	12 inches bank-run gravel (A)	12 inches bank-run gravel (A) 6 inches crushed gravel (B) 1 1/2 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

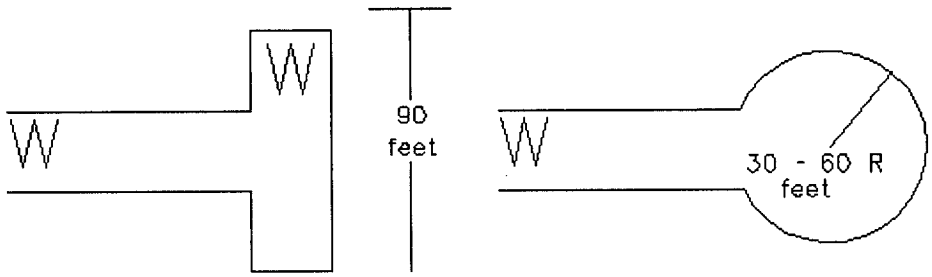


NOTES:

* 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. Culs-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.

§ 157-48. 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, Director of Planning and Community Development and the Community Services Director.

§ 157-49. As-built plans. [Amended 1-14-2003; 8-26-2008]

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 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.

§ 157-50. Driveways. [Added 5-8-2018]

A. The provisions of this section 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 125-8 of the City Code, referring to permit 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.[20]

B. 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 Community Services Director 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.

(1) Pursuant to this section, a written construction permit application must be obtained from and filed with the Community Services Department by any landowner or by his/her paving contractor, if he/she is employing one, affected by the provisions of this section.

(2) Before any construction or alteration work is commenced, said permit application shall have been reviewed and approved and a construction permit issued by the Community Services Director. Said permit shall:

(a) Describe the location, area and width of the driveway, as well as the entrance, exit or approach. The location shall be selected to most adequately protect the safety of the traveling public.

(b) Describe any drainage structures, traffic control devices and channelization islands to be installed by the applicant.

(c) 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.

(d) Include any other terms and specifications necessary for the safety of the traveling public.

C. The following construction standards must be adhered to for driveways:

(1) Unless an all-season sight distance of 400 feet in both directions along the street can be obtained, the Community Services Director shall not permit more than one access to a single parcel of land, and this access shall be at that location determined to be safest. The Community Services Director shall not give final approval for use of any additional access until it has been demonstrated that the 400-foot, all-season sight distance has been approved.

(2) Within 20 feet of the point where the driveway intersects the public right-of-way, the maximum slope of a driveway to four or fewer dwelling units shall not exceed 12% and the maximum slope for other driveways shall not exceed 8%.

(3) With the exception of shared driveways, no driveway, including any flare, shall be within five feet of a side property line.

20. Editor's Note: Amendment pending.

(4) The angle of the driveway with respect to the pavement edge shall not be less than 60° to 90°, except that a smaller angle may be used for entrance driveways along a divided street, permitting only one-way operation of the driveway.

(5) 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 100 feet. At urban intersections, this minimum distance may be reduced to 25 feet. Driveways to be located on the opposite side of T-intersections shall generally conform to the urban intersection standard. The Community Services Director shall have the authority to increase these distances if, in his/her opinion, such action is necessary for the protection of traffic. The distances may also be modified if justifiable on the basis of specific site conditions, including lot size.

(6) 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 Community Services Director. 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.

(7) 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.

(8) No construction permit shall allow a residential driveway entrance, exit or approach to be constructed more than 22 feet in width.

D. Where the Community Services Director finds that an unnecessary hardship may result from the strict compliance with these regulations, he/she may modify the above 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.[21]

ARTICLE IX
Administration and Enforcement

§ 157-51. Waivers. [Amended 3-23-2010]

A. The Planning Board may waive specific provisions of this chapter. 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

21. Editor's Note: Amendment pending.

(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 this chapter.

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.

§ 157-52. Enforcement.

The enforcement of this chapter shall be in the manner enacted by the Dover City Council as authorized by RSA 676:17.

§ 157-53. Fees; violations and penalties. [Amended 11-15-1991; 1-14-2003; 8-26-2008; 3-23-2010; 1-24-2012; 5-8-2018]

A. Application fees. Any application for approval of a subdivision shall be accompanied by a nonrefundable fee per new lot as set forth in the City of Dover adopted Fee Schedule, 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 by a nonrefundable fee as set forth in the City of Dover Fee Schedule, 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 Subsection 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 Fee Schedule, as amended annually, shall be charged the applicant for staff time spent reviewing requests for time extensions to approved subdivisions, per § 157-23.

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 a certificate of occupancy be awarded until full payment has been made.

D. Driveway violation/penalties/cost of restoration. Any action taken which violates provisions of § 157-50 shall be fined as per the City Fine Schedule. 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 Community

Services Director. If a landowner fails to ensure that the above said conformance is accomplished within 30 days of receiving written notification from the Community Services Director, the restoration shall be accomplished by the City and charged to the landowner.[22]

§ 157-54. When effective; filing. [Amended 3-23-2010[23]]

In accordance with RSA 675:6, this chapter 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 Strategic Initiatives as required by RSA 675:9.

§ 157-55. Interpretation; conflict with other provisions.

In matters of judgment or interpretation of the requirements of this chapter, the opinion and decision of the Board shall prevail. In any place where this chapter is in conflict with any other regulations, ordinances or law in effect in the City, the more restrictive regulations or provisions shall prevail.

§ 157-56. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase of this chapter 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 this chapter.

§ 157-57. Amendments.[24]

In accordance with RSA 675:6, this chapter may be amended or rescinded by the Board following a public hearing as specified in RSA 675:7 on the proposed change. The Chair 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 Strategic Initiatives.

§ 157-58. Appeals. [Amended 5-8-2018]

A. Any person aggrieved by a decision of the Community Services Director regarding driveways may request a hearing before the Planning Board on the merits of his or her case. After a properly noticed public hearing, the Planning Board shall hear the facts in the case and vote to confirm, reject or modify the decision of the Community Services Director. The decision of the Planning Board shall be final.

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22. Editor's Note: Amendment pending.

23. Editor's Note: Amendment pending.

24. Editor's Note: Amendment pending.

B. 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 30 days after the filing of the decision in the office of the Planning Board.

ARTICLE X
Terminology

§ 157-59. 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.

§ 157-60. Definitions. [Amended 9-8-1987; 8-11-1992; 4-22-2003; 2-10-2004; 8-26-2008; 3-23-2010; 1-24-2012; 12-8-2012; 5-24-2016; 5-8-2018]

The following definitions shall apply to this chapter:

ABUTTER —

A. The owner of record of a parcel of land located in New Hampshire and that adjoins or is within 200 feet (including land across the street or stream) of the proposed site under consideration by the Board.

B. 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.

C. 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, for major and/or open space subdivisions, the individual owners of units within the association which are located within 200 feet of the common property line shall be notified only by first-class mail.

D. 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 Board.

E. For purposes of notification, abutter ownership information for lots located in Dover shall be obtained through the City's Tax Assessment Office.

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 principal use.

ALL-SEASON SIGHT DISTANCE — A line which encounters no visual obstruction between two points, each at a height of three feet nine 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.

APPLICANT — 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 — 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 § 157-10 for a major subdivision and § 157-16 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."

AS-BUILT DRAWINGS — Drawings which delineate the specific location of site utilities.

BEST MANAGEMENT PRACTICES — For stormwater 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 — 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.

BUFFER ZONE — 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 — The smallest lot area established by Chapter 170, Zoning, on which a use or structure may be located in a particular district.

BUILDING — 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, manufactured house or any other like product.

BUILDING OFFICIAL — The individual designated by the City of Dover to enforce building codes and development regulations.

BUILDING PERMIT — Written permission issued by the proper City official authorizing the construction, repair, alteration or addition to a structure.

CERTIFICATE OF COMPLETION — 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) — See Chapter 57, Building Construction, of the Code of the City of Dover, § 57-9.

COMMON LEACHING SYSTEM — A system for the collection and processing, via leach fields, of 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 — A condition of approval that shall be satisfied before the submission of a final subdivision plat.

CONDITIONS SUBSEQUENT — A condition of approval that shall be satisfied after approval of a final subdivision plat.

CONSTRUCTION PLAN — 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 — 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 — The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owners of the property.

DISCHARGE — Water or effluent released to a receiving water body.

DRIVEWAY — A private, paved or unpaved road which is intended to provide vehicular access from a public or private way to a single primary building which is located on a single lot. This includes accessory uses off the main driveway used for parking/storage of motor vehicles. A driveway may service up to four lots only if it complies with the terms and conditions of § 157-50.

DWELLING — A structure or portion thereof which is used exclusively for human habitation.

DWELLING, MULTIFAMILY — A dwelling containing more than four dwelling units.

DWELLING, SINGLE-FAMILY — A detached building containing one dwelling unit only.

DWELLING UNIT — 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 — 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 — Weathering of soil by running water, wind, or ice.

ESCROW — 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.

FLOOD HAZARD AREA — 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 100 years, i.e., that has a 1% chance of flood occurrence in any given year.

FRONTAGE — The linear distance measured along the front lot line between the points of intersection with the side lot lines. Frontage along culs-de-sac shall be the linear distance at the appropriate front yard building setback 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 — 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 — Site grading, street work and utilities, including water, sewer, electric, gas and stormwater, 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 — A lot containing only leach fields and the equipment necessary to operate such. Found only in open space subdivisions.

LETTER OF CREDIT, IRREVOCABLE — 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 — 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 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. More than one principal building may be placed on a lot located in the Central Business District. More than one principal building may also be placed on a lot in all other districts with Planning Board approval for nonresidential developments, multifamily dwelling developments, and open space subdivisions.

LOT, CORNER — A lot abutting upon two or more streets at their intersection.

LOT LINE — 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 LINE ADJUSTMENT, MINOR — A change in the lot line that does not create a buildable lot.

MAINTENANCE GUARANTY — An irrevocable letter of credit accepted by the City to assure that necessary improvements will function as required for a specific period of time.

MANUFACTURED HOUSE PARK or TRAILER PARK — Any plot of ground upon which two or more manufactured houses, occupied for dwelling or sleeping purposes, are located.

MANUFACTURED HOUSE SUBDIVISION — Any subdivision involving a division of land into two or more lots, designed to accommodate one or more individual manufactured houses.

MANUFACTURED HOUSING — Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length or, when erected on site, is 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.

MASTER PLAN — 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.

OFFICIAL MAP — A map adopted in conformance with RSA 674:9 to 674:14, 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 — An application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate application procedure and the receipt of a written memorandum from the Director of Planning and Community Development certifying said application's technical review.

OPEN SPACE, COMMON — 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 — 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 — 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 — 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 this chapter.

PARCEL — A lot or tract of land.

PERFORMANCE GUARANTY — 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 — The Planning Board of the City of Dover. Also referred to as the "Board."

PLAT — 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 Chapter 170, Zoning, Chapter 153, Site Review Regulations, and this chapter of the Code of the City of Dover.

PLAT CONSTRUCTION DETAIL SHEETS — Drawings which delineate the proposed locations, profiles and specifications of all existing and proposed site utilities.

PLAT, FINAL — 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 — 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 — 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 or four adjacent parcels of land and shall be constructed in accordance with the specifications of this chapter.

PUBLIC HEARING — A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC MEETING — Any scheduled meeting of the Planning Board.

REGISTERED ENGINEER — An engineer properly licensed and registered in the State of New Hampshire.

REGISTERED LAND SURVEYOR — A land surveyor properly licensed and registered in the State of New Hampshire.

RESTRICTED COVENANT — A restriction on the use of land usually set forth in the deed.

RESUBDIVIDE — 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) — 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.

RUNOFF — 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 — Eroded soil and rock material and plant debris, transported and deposited by runoff.

SETBACK — The distance between the street right-of-way lines and the front line of a building.

SETBACK LINE — 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.

SITE — Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN REVIEW — 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 and any other information that reasonably may be required in order that an informed decision can be made by the Planning Board.

SKETCH MAP — 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 this chapter (see § 157-9).

SLOPE — The degree of natural inclination of the existing ground.

STORMWATER — Runoff from a storm event, snowmelt runoff, and surface runoff and drainage.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP) — 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 stormwater runoff.

STREET — A public or private way which is intended to provide vehicular access to two or more lots and/or to two 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) — 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 — 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 — A street used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as "minor" or "secondary" streets.

SUBDIVIDER — 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 — The division of the lot, tract, or parcel of land into two 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 — A division of a lot, tract or parcel of land into four 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 — A division or redivision of a lot, tract or parcel of land into three or fewer parcels within a four-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 Chair, the Conservation Commission Chair, City Engineer, Fire and Rescue 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 — 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 — 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 — A specifically delineated district within the City where regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

ZONING ORDINANCE

Chapter 170

ZONING

[The recodification of the Zoning Ordinance is in process. At this time Chapter 170, Zoning, of the 2013 City Code, as amended, remains in effect.]

APPENDIX

DERIVATION TABLE

Chapter DT

DERIVATION TABLE

§ DT-1. Derivation Table of 2013 Code to 2020 Code

In order to assist Code users in the transition to the new Code's organization, the Derivation Table indicates where chapters and articles of the 2013 Code have been included in the 2020 Code, or the reason for exclusion.

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§ DT-1. Derivation Table of 2013 Code to 2020 Code

NCM	=	Not Code material (legislation is not general or permanent in nature).
REP	=	Repealed effective with adoption of Code; see Ch. 1, Art. III.
NI	=	Not included in Code but saved from repeal.
NLP	=	New legislation is pending.

Chapter/Title From 2013 Code	Location in 2020 Code
Ch. 1, General Provisions	NLP; see Ch. 1, Art. III
Ch. 2, City Council Orientation	Ch. 13, Art. I
Ch. 3, Administrative Code	Ch. 5
Ch. 5, Boards, Commissions and Committees	Ch. 9
Ch. 9, Budget	Ch. 25, Art. II
Ch. 14, Conservation Commission	Ch. 9
Ch. 22, Code of Ethics	Ch. 21
Ch. 26, Fiscal Year	Ch. 25, Art. I
Ch. 30 (Reserved, formerly Historic Districts)	Omitted
Ch. 35, Licensing Board	Ch. 97
Ch. 41, Planning Board	Ch. 9
Ch. 45, Rules and Regulations, Filing of	Ch. 33, Art. I
Ch. 50, Seal	Ch. 37
Ch. 53, Surety Limitations	Ch. 25, Art. III
Ch. 56, Adult Bookstores	Ch. 41, Art. I
Ch. 58, Alarms and Security	Ch. 45
Ch. 60, Amusements	Ch. 49, Art. II

Chapter/Title From 2013 Code	Location in 2020 Code
Ch. 63 (Reserved, formerly Auto Courts and Trailer Camps)	Omitted
Ch. 66, Bicycles, Skateboards and Scooters	Ch. 53
Ch. 68, Building Construction	Ch. 57
Ch. 71, Building Wrecking and Demolition	Ch. 61
Ch. 74, Cemeteries	Ch. 65
Ch. 77, City Motor Vehicles	Ch. 29, Art. II
Ch. 79, City Property	Ch. 29, Art. I
Ch. 82 (Reserved, formerly Curfew)	Omitted
Ch. 86, Dances and Dance Halls	Ch. 49, Art. I
Ch. 89, Dogs	Ch. 69
Ch. 92, Driveways	Repealed 8-8-2019 by Ord. No. 2019.07.25
Ch. 94 (Reserved, formerly Drug Paraphernalia)	Omitted
Ch. 97, Trash and Recycling Collection	Ch. 145, Art. I
Ch. 99, Eating and Drinking Establishments	Ch. 85
Ch. 100, Elections	Ch. 17, Art. I
Ch. 102, Electrical Standards	Ch. 77
Ch. 109, Fire Prevention and Life Safety	Ch. 81
Ch. 113 (Reserved, formerly Floodplain Development)	Omitted; see now Ch. 170
Ch. 116, Health, Public	Ch. 89
Ch. 119, Housing Standards	Ch. 93
Ch. 126, Manufactured Home Parks	Ch. 101
Ch. 127, Municipal Records	Ch. 33, Art. II
Ch. 131, Offenses	Ch. 105
Ch. 132, Adult Entertainment Prohibitions	Ch. 41, Art. II
Ch. 133, Peddlers and Vendors	Ch. 109
Ch. 135, Plumbing	Ch. 113
Ch. 137, Political Contributions and Expenditures	Ch. 17, Art. II
Ch. 140 (Reserved, formerly Refuse)	Omitted
Ch. 143, Scenic Roads	Ch. 117

Chapter/Title From 2013 Code	Location in 2020 Code
Ch. 147, Sewers	
Art. I, Sewer Use and Regulation	Ch. 121, Art. I
Art. II, Industrial Pretreatment Standards	Ch. 121, Art. II
Art. III, Sewer and Water Mains	Ch. 121, Art. III
Ch. 148, Water System	
Art. I, Control of Backflow and Cross-Connections	Ch. 121, Art. IV
Art. II, Water System Use	Ch. 121, Art. V
Art. III, Outdoor Lawn Watering Restrictions	Ch. 121, Art. VI
Ch. 149, Site Review Regulations	Ch. 153
Ch. 152, Sidewalks and Highways	Ch. 125
Ch. 155, Subdivision of Land	Ch. 157
Ch. 161, Taxicabs	Ch. 129
Ch. 163, Trees and Vegetation	Ch. 133
Ch. 165, Vehicles	Ch. 137
Ch. 166, Vehicles and Traffic	Ch. 141
Ch. 170, Zoning	Ch. 170

DISPOSITION LIST

Chapter DL

DISPOSITION LIST

§ DL-1. Disposition of legislation.

The following is a chronological listing of legislation of the City of Dover adopted since July 2017, indicating its inclusion in the Code or the reason for its exclusion. [Enabling legislation which is not general and permanent in nature is considered to be non-Code material (NCM).]

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§ DL-1. Disposition of legislation.

Ord. No.	Adoption Date	Subject	Disposition
2017.06.28-005	7-12-2017	Peace and Good Order Amendment	Ch. 105
2017.09.13	10-25-2017	Streets and Sidewalks	Ch. 125
2017.09.27	10-11-2017	Vehicles and Traffic Amendment	Ch. 141
2017.10.11	10-25-2017	Boards, Commissions and Committees Amendment	Ch. 9
2017.10.25	11-8-2017	Vehicles and Traffic Amendment	Ch. 141
2018.01.10	2-14-2018	Vehicles and Traffic Amendment	Ch. 141
2018.02.14	2-28-2018	Fire Prevention and Life Safety Amendment	Ch. 81
2018.04.11-003	4-25-2018	Vehicles and Traffic Amendment	Ch. 141
	5-8-2018 (Planning Board)	Land Subdivision Regulations Amendment	Ch. 157
2018.05.09-004	5-23-2018	Vehicles and Traffic Amendment	Ch. 141
	6-12-2018 (Planning Board)	Site Review Regulations Amendment	Ch. 153

Ord. No.	Adoption Date	Subject	Disposition
2018.06.13-005	6-27-2018	Peace and Good Order Amendment	Ch. 105
2018.07.11	7-25-2018	Sewers and Water: Water System Use; Outdoor Lawn Watering Restrictions	Ch. 121, Art. V; Ch. 121, Art. VI
2018.07.25	8-8-2018	Repeal Ch. 92, Driveways, of the 2013 Code	Repealer only
2018.08.08-008	8-22-2018	Vehicles and Traffic Amendment	Ch. 141
2018.08.08-009	8-22-2018	Zoning Amendment	Ch. 170
	9-11-2018 (Planning Board)	Site Review Regulations Amendment	Ch. 153
2018.09.26-010	10-10-2018	Vehicles and Traffic Amendment	Ch. 141
2018.10.24-011	11-14-2018	Vehicles and Traffic Amendment	Ch. 141
2018.11.28-012	12-12-2018	Streets and Sidewalks Amendment	Ch. 125
2019.01.23-001	2-13-2019	Boards, Commissions and Committees Amendment	Ch. 9
	2-26-2019 (Planning Board)	Site Review Regulations Amendment	Ch. 153
	2-26-2019 (Planning Board)	Land Subdivision Regulations Amendment	Ch. 157
2019.02.13-003	2-27-2019	Code of Ethics Amendment	Ch. 21
2019.02.13-004	2-27-2019	Peddlers and Vendors Amendment	Ch. 109
2019.03.13-005	3-27-2019	Vehicles and Traffic Amendment	Ch. 141
2019.03.27-006	4-10-2019	Dogs Amendment	Ch. 69

Ord. No.	Adoption Date	Subject	Disposition
2019.03.27-007	4-10-2019	Vehicles and Traffic Amendment	Ch. 141
2019.04.24-008	5-8-2019	Boards, Commissions and Committees Amendment	Ch. 9
2019.05.08-009	5-22-2019	Vehicles and Traffic Amendment	Ch. 141
2019.06.26-010	7-10-2019	Boards, Commissions and Committees Amendment	Ch. 9
2019.07.10-011	7-24-2019	Vehicles and Traffic Amendment	Ch. 141
2019.08.28-012	9-11-2019	Zoning Amendment	Ch. 170
2019.10.23-013	11-13-2019	Vehicles and Traffic Amendment	Ch. 141

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City of Dover
Code Adoption Ordinance – Schedule B
(As Referenced in § 1-23B)

Nomenclature. The following changes are made throughout the Code:

"Planning Department" is amended to "Planning and Community Development Department."

"Planning Director" and "Director of Planning" are amended to "Director of Planning and Community Development."

"Inspection Services," "Inspection Services Office," "Office of Inspection Services" and "Inspections Division" are amended to "Inspection Services Division."

"Fire and Rescue Service" and "Fire Department" are amended to "Fire and Rescue Department."

"Fire Chief" is amended to "Fire and Rescue Chief."

"Chairman" and "Chairperson" are amended to "Chair."

Chapter 1, General Provisions.

Article I and Article II are adopted to read as set forth at the end of this schedule.

Chapter 5, Administrative Code.

Section 5-9C(2) is amended to delete "purchasing" from the first line: "Accounting, ~~purchasing,~~ water and sewer billing, and audit services functions" and to delete "Negotiate loans and borrowing moneys upon the authorization of the City Council and City Manager"; "Maintain custody of all insurance policies"; "Countersign all checks and drafts of the City"; and "Maintain employee personnel action records and sick leave records."

Section 5-9C(3)(j) is added to read "Negotiate loans and borrowing moneys upon the authorization of the City Council and City Manager."

Section 5-9C(6)(g) is added to read "Maintain custody of all insurance policies."

Section 5-15B(4) is amended to change "Comprehensive Plan" to "Master Plan."

Chapter 9, Boards, Commissions and Committees.

Section 9-1A is amended to delete "Building Code Board of Appeals" and add "Heritage Commission."

Section 9-1C is amended as follows: "All ~~appointments~~ appointees to boards, commissions and committees shall serve for the term~~s~~ appointed and until a successor shall have been appointed and qualified."

Section 9-7, Personnel Advisory Board, is amended to read as follows: "The membership and duties of the Personnel Advisory Board shall be as provided in § C7-6 of the City Charter."

Section 9-9C(1)(c) is amended to change "Water Department" to "Community Services Department."

Section 9-10 is amended to delete the following wording (duplicates wording in § 9-10I): "All other duties and procedures shall be in accordance with RSA 672 to 677. The members shall also perform the duties of a Building Code Board of Appeals pursuant to RSA 674:34."

Section 9-16A and C are amended to change "Board" to "Authority" (references are to the Dover Business and Industrial Development Authority).

Section 9-19E(2) is amended to change "Comprehensive Plan" to "Master Plan."

Chapter 17, Elections.

The definition of "election assistants" and Subsection C of the definition of "election officials" in § 17-1 are amended to change "Selectman" to "Selectperson."

Section 17-2 is amended as follows: "This article should be read in conjunction with the state law on election procedure, RSA 659 and RSA 664, and City Charter ~~§ C2-13~~ Article II, Elections."

Section 17-5B is amended to read as follows:

B. Compensation.

(1) Elected ward officials may be compensated as follows:

(a) Supervisors of the Checklist: $222 per day.

(b) Moderators: $185 per day.

(c) Selectpersons: $139 per day.

(d) Ward Clerks: $131 per day.

(2) Nonelected election workers may be compensated up to $10 per hour.

(3) Any elected official who chooses to volunteer may do so without compensation.

(4) 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.

Section 17-7 is amended to change "a fine of up to $1,000" to "a fine as provided in the City Fine Schedule."

Section 17-9A is amended to change "Selectmen" to "Selectpersons."

Section 17-11 is amended, in part, as follows: "Failure of the candidate to file on a continuing basis after notice of a violation of this article shall constitute a continuing offense resulting in daily violations and daily fines as provided in the City Fine Schedule until the disclosure statement is properly filed."

Chapter 25, Financial Matters

Article I, Fiscal Year, is amended to delete original § 26-1 of the 2013 Code, Transitional accounting period, and to amend § 25-1 as follows: "~~At the end of the transitional eighteen-month accounting period referenced in 26-1 above, the~~ The fiscal and budget year of the City of Dover shall run from July 1 to June 30 of the following year."

Section 25-4D is amended as follows: "~~Any fee~~ The omission of any fees 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.

Chapter 29, Property, City.

Section 29-5 is amended to change "fined not less than $500 nor more than $1,000" to "subject to a fine as provided in the City Fine Schedule."

Section 29-7A is amended as follows: "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 or for educational or constituent service as long as members of the general public are invited and admitted without cost or restriction."

Section 29-8 is amended as follows: "~~Any~~ Except where otherwise provided, any person, firm or corporation violating any provisions of this article shall, upon conviction, be guilty of a violation and shall be subject to a fine ~~of up to $500~~ as provided in the City Fine Schedule."

Section 29-14 is amended to change "a fine of up to $100" to "a fine as provided in the City Fine Schedule."

Chapter 33, Records.

Section 33-3 is amended to change "Assessors" in Subsection A to "Assessor or his/her designee" and to delete the following sentence in Subsection B: "The City Council may decide upon the term of its liaison member."

The definition of "disposal" in § 33-4 is amended to change "Records Manager" to "City Clerk."

The definition of "permanent records" in § 33-4 is amended to delete the reference to "[Mur 302.01]" (Chapter MUR 300 of the Administrative Rules has expired).

Sections 33-5B(2) and 33-7E are amended to change "Records Management Officer" to "City Clerk."

The lead-in paragraph of § 33-6 is amended as follows: "~~This individual~~ The City Clerk 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:"

Chapter 41, Adult-Oriented Establishments.

Section 41-1 is amended to change "videotapes" to "videos."

The definition of "adult book, magazine or videotape" in § 41-2 is amended as follows:

ADULT BOOK, MAGAZINE OR VIDEO~~TAPE~~ — Any book, pamphlet, magazine, ~~videotape or~~ video, printed matter or electronic media, 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 and which, taken as a whole, is harmful to minors.

Section 41-4A(1) is amended to replace the fee of $300 with "as provided in the City Fee Schedule."

Section 41-4B is amended to change "permit and/or license" to "license"; to change "permittee and/or licensee" to "licensee"; to delete the references to the Health Department and Fire Department in Subsection B(2) and (3)(c); to update the reference to RSA 632 in Subsection B(3)(f) to RSA 632-a; and to replace the fee of $300 in Subsection B(4) with "provided in the City Fee Schedule."

Section 41-5 is amended to change "adult book or magazine or videotape" to "adult book, magazine or video."

Section 41-6 is amended to change "a fine of up to $1,000" to "a fine as provided in the City Fine Schedule."

Section 41-11 is amended, in part, as follows: "Any person, firm or corporation violating any provision of this article shall be fined ~~not less than $500 nor more than $1,000 for each offense~~ as provided in the City Fine Schedule."

Chapter 45, Alarms and Security.

Section 45-16 is amended, in part, as follows: "Any person who violates any provision of this article shall be guilty of a violation and, upon conviction, shall be ~~fined not less than $50 nor more than $100~~ subject to a fine as provided in the City Fine Schedule."

Section 45-19 is amended to delete "Within 60 days after the effective date of this article" from the beginning of the section.

Section 45-21A and B are amended to replace the permit fee of $25 and renewal fee of $10 with "as provided in the City Fee Schedule."

Section 45-22B is amended to change "shall be fined $100" to "shall be subject to a fine as provided in the City Fine Schedule."

Section 45-23 is amended to change "shall be fined not less than $50 nor more than $100" in Subsection A and "shall be fined $100" in Subsection B to "shall be subject to a fine as provided in the City Fine Schedule."

Section 45-24B is amended to change "a service charge of $75" to "a service charge as provided in the City Fine Schedule."

Section 45-24C is amended to change "a service charge of $30" to "a service charge as provided in the City Fine Schedule."

Section 45-26C is amended to replace the fee of $50 with "as provided in the City Fee Schedule."

Section 45-30 is amended to change "a fine of $100" to "a fine as provided in the City Fine Schedule."

Section 45-32 is amended to replace the fee of $75 with "as provided in the City Fee Schedule."

Section 45-33 is amended, in part, as follows:

Failure to return an affidavit of service/repair within said fifteen-day period which is satisfactory to the enforcement official will result in the assessment against the owner of a fine ~~of $250, 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,~~ as provided in the City Fine Schedule for the fire alarm malfunction.

Original § 58-34C of the 2013 Code, Tenant's responsibilities, is repealed (duplicate of § 81-17).

Chapter 49, Amusements.

Section 49-6 is amended as follows: "The license shall be posted in a conspicuous place within the hall in which the dance or entertainment is held."

Section 49-10 is amended to change "a fine of up to $500" to "a fine as provided in the City Fine Schedule."

Section 49-11 is amended to update the reference to the State Athletic Commission to the State Boxing and Wrestling Commission.

Chapter 53, Bicycles and Play Vehicles.

Section 53-6A is amended as follows: "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 $50 for a first offense and no more than $100 for subsequent offenses~~ subject to a fine as provided in the City Fine Schedule."

Chapter 57, Building Construction.

Section 57-2 is amended, in part, as follows: "that certain building code known as the 'State Building Code,' ~~and 'State Fire Code,'~~ pursuant to RSA 155-A." (The Fire Code is adopted in § 81-2.)

Section 57-8H is amended, in part, as follows: "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~~ person is authorized to make such application."

Section 57-11 is added to read as follows: "Violations of this chapter shall be subject to the penalties provided in RSA 155-A:8."

Chapter 61, Building Demolition.

Section 61-3 is amended as follows: "Any person, firm or corporation violating any provisions of this chapter shall be ~~fined not less than $500 per offense~~ subject to a fine as provided in the City Fine Schedule, and each day of such violation or failure to comply shall constitute a separate offense."

Chapter 65, Cemeteries.

Section 65-2B is amended as follows: "No dogs, horses, cattle or other domestic animals are permitted on the grounds of cemeteries. This subsection shall not apply to service animals as defined in RSA 167-D:1, IV."

Section 65-6 is amended as follows: "Any person violating the terms of this chapter shall ~~constitute a violation~~ be subject to ~~the penalties of state law~~ a fine as provided in the City Fine Schedule."

Chapter 69, Dogs.

The definition of "owner" in § 69-1 is amended, in part, as follows: "Any person keeping, harboring or having charge or control of[,] a dog or permitting any dog to habitually be or remain in or on, or be lodged or fed within, such person's house, yard or premises within the City of Dover."

Section 69-3A is amended to read as follows: "The fee for every license for a year or portion of a year shall be as provided in the City Fee Schedule. The owner or keeper of a spayed female dog or neutered male dog shall furnish a certificate from the person performing the operation to the satisfaction of the City Clerk." (Fees removed: $10 for any unneutered male or unspayed female dog; $7.50 for dogs at least four months old but less than seven months old which are not spayed or neutered and $7.50 for a neutered male or spayed female dog.)

Section 69-3B is amended as follows: "Notwithstanding Subsection A, the fee for every license for a year or a portion of a year shall be ~~$3~~ as provided in the City Fee Schedule 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 Subsection A."

Section 69-4C is amended as follows: "The fee shall be ~~$20 per year~~ as provided in the City Fee Schedule with a late fee ~~of $1 per month~~ as provided in the City Fee Schedule assessed for any group not licensed by June 1."

Section 69-6B is amended, in part, as follows:

> The forfeiture notice shall indicate that the owner of the dog has 15 calendar days from the notice of forfeiture to pay the forfeiture ~~fee~~ and 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 $25~~ shall be as provided in the City Fine Schedule, and the service fee ~~is $5~~ shall be as provided in the City Fee Schedule. Failure to pay the forfeiture and service fee~~s~~ in a timely manner shall result in a summons to the District Court by an authorized law enforcement officer.

Section 69-6C is amended as follows: "A fine ~~not to exceed $50~~ as provided in the City Fine Schedule shall be imposed for an offense."

Section 69-7B is amended as follows: "Any owner of a dog so seized may reclaim said dog during the seven-day period provided for herein by furnishing proof of a proper license[,] and payment of the forfeiture ~~fee~~ and service fee, a daily facility fee, all necessary veterinary fees, and a pickup and transportation ~~service charge of $25~~ fee (see Fee Schedule) paid to the Police Department."

Section 69-13 is amended as follows: "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 $25 for a first offense and, upon a second or subsequent conviction within 12 months of a violation of this article, a fine of not less than $50~~ as provided in the City Fine Schedule."

Section 69-17A is amended as follows: "Any person convicted of a violation of this Article III shall be fined ~~not more than $50~~ as provided in the City Fine Schedule."

Chapter 77, Electrical Standards.

Section 77-24 is amended to change "by a fine of up to $100" to "as provided in RSA 155-A:8."

Chapter 81, Fire Prevention and Life Safety.

Section 81-1 is amended to change the reference to RSA 155-A (New Hampshire Building Code) to RSA 153 (State Board of Fire Control).

Section 81-2 is amended to delete the reference to NFPA 101 (adopted in § 81-14).

Section 81-8A is amended as follows:

> Fire lanes shall be provided for all buildings, with the exception of one- and two-family dwellings which are set back more than 150 feet from a public road or exceed 30 feet in height and are set back more than 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 and Rescue Department accessibility as determined by the Chief of the Fire and Rescue Department, or designee, require such lanes for a clear and unobstructed

approach to the building. Fire lanes shall be at least 20 feet in width, with the road edge closest to the building at least 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 and Rescue Department, require such lanes for a clear and unobstructed approach to the building~~.

Section 81-11 is amended to change "Chief Executive Officer" to "City Manager."

Sections 81-12A, 81-21, 81-26A, 81-29 and 81-40 are amended to change "a fine of not less than $100 nor more than $500" to "a fine as provided in the City Fine Schedule."

Section 81-22 is amended as follows:

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 times by the Fire and Rescue Chief or the Chief of Police, and any and all mandates or orders issued by said officials, or either of them, in the interest of fire protection or for the safety of the public, shall be obeyed forthwith by any owner or lessee of such hall or building upon whom such notice may be served, and any attempt to obstruct either of said officials in the discharge of his duty hereunder or any violation of the order formally issued by either of said officials under the provisions of this section shall subject the offender to a fine as provided in the City Fine Schedule or such other penalty as the court having jurisdiction may impose.

Section 81-26B(1) is amended as follows: "In the event that the cost for Fire and Rescue Department apparatus and/or equipment use is reimbursable under City law or state statute, the current costs as approved by the City Council and outlined in the City of Dover Fee Schedule for the use of apparatus and equipment shall apply."

Section 81-36B(5) is amended as follows: "If measurements in one location are varying, then average measurements shall be used."

Chapter 85, Food Service Establishments.

Section 86-6J(5) and N are amended to update the reference to the State Department of Health to the State Department of Health and Human Services.

Original § 99-7 of the 2013 Code, Reimbursement of license fee, is repealed.

Section 85-9 is amended to change "shall be fined up to $200" to "shall be fined as provided in the City Fine Schedule."

Chapter 89, Health and Sanitation.

Section 89-3C is amended to change "a fine up to $1,000" to "a fine as provided in § 89-11."

Sections 89-9B and 89-13A(1) are amended to delete "as defined by City Code Chapter 94."

Section 89-11 is amended to change "Municipal Court" to "District Court" and to change "a fine of up to $1,000" to "a fine as provided in the City Fine Schedule."

Chapter 93, Housing Standards.

Section 93-16 is amended to delete the following sentence: "The position of Housing Standards Board shall be according to the City of Dover's Administrative Code." (The Board is provided for in § 93-8A.)

Section 93-32 is amended to update the reference to RSA 31:89-B to RSA 674:46.

Section 93-33 is amended, in part, as follows: "Any person who shall violate any provision of this chapter or any provision of any rule or regulation adopted by the ~~Health Officer~~ Housing Standards Board pursuant to authority granted by this chapter shall, upon conviction, be punished by a fine ~~not to exceed $100~~ as provided in the City Fine Schedule."

Chapter 97, Licensing.

Sections 97-1 and 97-3 are amended to change "said chapter" to "RSA 286." Section 97-3 is further amended to change "said Licensing Board" to "the City Council."

Chapter 101, Manufactured Home Parks.

Section 101-1 is amended to delete the definition of "licensing authority" and to change "licensees" to "permittees" in the definition of "person."

Section 101-4C is amended, in part, as follows: "The initial fee therefor shall be ~~$250~~ as provided in the City Fee Schedule. The fee for renewal shall be ~~$75~~ as provided in the City Fee Schedule payable before the first day of January of the year for which the application is made."

Section 101-11 is amended to change "be fined a sum of $25" to "be subject to a fine as provided in the City Fine Schedule."

Chapter 105, Peace and Good Order.

Original § 131-18 of the 2013 Code, School truancy, is repealed.

Sections 105-4B and 105-7B(2) are amended to update the reference to the Department of Public Works and Highways to the Department of Transportation.

Section 105-5F is amended, in part, as follows: "Any person who violates Subsection A above shall be guilty of a violation and shall be ~~fined a minimum of $300 for a first offense and $500 for a second or subsequent violation~~ subject to a fine as provided in the City Fine Schedule."

Section 105-6B is amended, in part, as follows: "Any person violating the provisions of this section shall be subject to a ~~minimum fine of up to $250~~ fine as provided in the City Fine Schedule."

Sections 105-8, 105-15B(1) and 105-16C are amended to change "a fine of up to $1,000" to "a fine as provided in the City Fine Schedule."

Section 105-17 is amended to change "minor" to "person under the age of 21" and to change "a fine of up to $100" to "a fine as provided in the City Fine Schedule."

Sections 105-18C, 105-19C, 105-20B and 105-21D are amended to change "a fine of up to $50 for a first offense and up to $100 for a second or subsequent offense" to "a fine as provided in the City Fine Schedule."

Chapter 109, Peddlers and Vendors.

The definitions of "motor vehicle" and "stand" in § 109-3 are amended to change "Department of Motor Vehicles" to "Division of Motor Vehicles."

The definition of "peddler" in § 109-3 is amended, in part, as follows:

> 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 ~~60~~ 48 inches of pedestrian travel width consistent with the provisions of Chapter 125, Streets and Sidewalks.

Section 109-8 is amended to change "a fine of up to $100" to "a fine as provided in the City Fine Schedule."

Chapter 113, Plumbing.

Section 113-12 is amended, in part, as follows: "The ~~Building~~ Plumbing Inspector shall display proper and satisfactory identification prior to any demand for entry."

Section 113-13 is amended, in part, as follows: "Any person violating any provision of this chapter shall be punishable ~~by a fine of up to $200~~ as provided in RSA 155-A:8."

Chapter 117, Scenic Roads.

Section 117-4 is amended to change " a fine of up to $100" to "a fine as provided in the City Fine Schedule."

Chapter 121, Sewers and Water.

The definition of "Division" in § 121-1 is amended to change "Water Supply and Pollution Control Division" to "Water Division."

The definition of "interference" and Subsection A of the definition of "new source" in § 121-1 are amended to change "the Act" to "the Clean Water Act, as amended."

In § 121-1, the original definition of "WSPCD" of the 2013 Code is repealed.

Sections 121-3A(1), 121-4M, 121-5U and 121-16C are amended to change "WSPCD" to "the Division."

Section 121-3A(3) is amended to change "Water Supply and Pollution Control Division" to "Water Division."

Section 121-5D(11) is amended to update the reference to Chapter Env-Wm 400 of the Administrative Rules to Chapter Env-Hw 400.

Section 121-5E(6) is amended as follows: "Any waters or wastes containing odor-producing substance exceeding limits[.] established by the Community Services Director, or designee."

Section 121-5E(11)(b) is amended to change "WWTP" to "wastewater treatment plant."

Section 121-5J is amended as follows:

> 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,~~ and 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 of 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 the 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.

Sections 121-7 and 121-8 are amended to change the references to the City Manager or his representatives to the Community Services Director, or designee.

Section 121-10 is amended as follows: "The required application form<u>s</u> to carry out the provisions of this article ~~as shown in Attachments A, B and C is~~ <u>are</u> hereby incorporated by reference and made a part of this article. <u>The application forms can be obtained from the Community Services Department.</u>"

Section 121-11B is amended, in part, as follows: "Any person who shall continue any violation beyond the time limit provided for in Subsection A of this section shall be fined in the amount ~~not exceeding $10,000~~ <u>provided in the City Fine Schedule</u> for each violation."

Section 121-13B(9) is amended as follows: "Additional information as determined by the ~~WWTP~~ Community Services Director, or designee, or his representative may also be required."

Section 121-14C(3)(b) is amended as follows:

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, <u>superintendent,</u> ~~Community Services Director, or designee,~~ or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company.

Section 121-17G(2)(e)[2] is amended as follows: "The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by ~~[the Superintendent]~~ <u>the Community Services Director, or designee</u>, of regulated pollutants in the discharge from each regulated process."

Sections 121-17G(2)(e)[6] and 121-18B are amended to change "control authority" and "approval authority" to "Community Services Director, or designee."

Section 121-17G(2)(f) is amended as follows: "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~~ what additional operation and maintenance practices and pretreatment are necessary."

Section 121-23 is amended to delete the following: "Application of public notice, reference, modification to Dover's Industrial Pretreatment Program (IPP) - Policy for placing IPP information on public notice."

Section 121-24 is amended, in part, as follows: " … 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~~ or sewer lines, the petition shall also bear the approval of the ~~Sewer Commissioners~~ Utilities Commission."

Section 121-35 is amended, in part, as follows: "Any person, firm or corporation violating any provisions of this article shall, upon conviction, be subject to a fine ~~of up to $10,000~~ as provided in the City Fine Schedule for each violation."

Section 121-37 is amended to add "This article is adopted pursuant to the following" at the beginning of the section and to update the reference in Subsection A from "New Hampshire Administrative Rule Env-Ws 364, or subsequent rules, Backflow Prevention" to "New Hampshire Administrative Rules Part Env-Dw 505, Backflow Prevention, or subsequent rules."

Section 121-40B is amended as follows: "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 its rules~~ this article and the rules of the Dover Utilities Commission."

Section 121-43B is amended as follows: "Permits are subject to revocation and become immediately revoked: (1) If the owner should ~~so~~ change the type of cross-connection or degree of hazard associated with the service type of device; (2) Upon replacement of the device with a new device; or (3) Upon change of ownership."

Section 121-48 is added to read as follows: "Violation of this article shall be subject to a fine as provided in the City Fine Schedule."

Section 121-52 is amended, in part, as follows: "Violation of this article shall be punishable by a fine ~~of $100 for the first offense and a fine of $250 for each subsequent offense~~ as provided in the City Fine Schedule."

Section 121-60 is amended, in part, as follows: "Violation of this article shall be punishable by a written warning for the first offense~~, a fine of $100 for the second offense,~~ and a fine ~~of $250 for~~ as provided in the City Fine Schedule for the second and each subsequent offense."

Chapter 125, Streets and Sidewalks.

Section 125-29A is amended, in part, as follows: "… and to further require of the owners of such wires, poles, conduits, or other fixtures to use safety and protective devices in accordance with generally accepted standards of construction for the protection of property ~~to the~~ and the general public."

Section 125-32 is amended as follows: "Any person who violates any provision of this chapter shall be subject to the fines set forth in the ~~Schedule of Fees~~ Fine Schedule adopted by the City Council."

Chapter 129, Taxicabs.

Section 129-2 is amended, in part, as follows: "All drivers[,] and operators[,] of taxicabs and valet parking operators are required to obtain a ~~permit~~ license from the Dover Licensing Board as defined in Chapter 97, Licensing."

Chapter 133, Trees and Vegetation.

Section 133-6B is amended as follows: "Should any property owner whose property is bordering on any street fail to prune trees or plants as hereinabove ~~mentioned~~ provided, the City Arborist shall order such person, within 10 days after receipt of written notice, to prune or remove such trees or plants."

Section 133-6D is amended as follows: "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 or plants, and all costs thereof shall be charged to the property owner thereof."

Section 133-11 is amended, in part, as follows: "Violations of any provision of this chapter shall be subject to a fine ~~of not more than $100~~ as provided in the City Fine Schedule."

Chapter 137, Vehicle Registration Exemption for Prisoners of War.

Section 137-2 is amended to correct the reference to RSA 72:28, IV, to RSA 72:28, V.

Chapter 141, Vehicles and Traffic.

Section 141-5B(5) is amended as follows: "Violations of § 141-5B shall be punishable by the imposition of a ~~citation of $150 for the first offense. Repeat offenders may be punished by the imposition of citations up to $250 for each offense~~ fine as provided in the City Fine Schedule."

The following sections are amended to change "Schedule of Fees" to "Fine Schedule": §§ 141-12, 141-13E(1) and F, 141-14A(9) and (12) and D, 141-26E, 141-31A(3)(a)[4] and D and 141-39D.

Original § 166-17D is repealed. This subsection provided: "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."

Section 141-23B and C are amended to change "Fee Schedule" to "Fine Schedule."

Section 141-26B is amended as follows: "Any vehicle found parked on any public street, parking lot or any other place, registered in the name of an owner who has three or more outstanding parking violation final notices for violations ~~or preceding section have been sent~~ of this article, may be subject to towing and storage or immobilization by the Police Department."

Section 141-27 is amended to delete the definitions of "person," "public highway," "sidewalk" and "vehicle." (These terms are defined in § 141-1.)

Section 141-44 is amended to update the reference to RSA 259:1, VII-a, to RSA 259:28.

Chapter 145, Waste Management.

The definition of "residence" in § 145-1 is amended as follows: "A dwelling unit such as a home, trailer, or multifamily dwelling of four ~~or less~~ fewer units, not including hotels and motels."

Section 145-2D is amended to change "recycling container" to "recycling bin."

Section 145-15A is amended as follows: "Except where otherwise provided, any person, firm or corporation found to be in violation of any provision of this article shall be assessed an administrative fine ~~not less than $25~~ as provided in the City Fine Schedule."

Section 145-15G is amended to change "citation fees" to "citation fines."

Section 145-15H is amended as follows: "City staff, upon the approval of the City Manager, are authorized to file appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of, or provide for enforcement of, this article."

Section 145-16F is amended, in part, as follows: "Any person, corporation, partnership or any other legal entity who or which fails to comply with any of the provisions of this section or any of the regulations in pursuance thereof shall be guilty of a violation and, upon conviction thereof, may be fined ~~not more than $1,000~~ as provided in the City Fine Schedule."

Chapter 1

GENERAL PROVISIONS

ARTICLE I
Provisions Applicable to Entire Code

§ 1-1. Citation of Code.

The ordinances embraced in the following chapters and sections shall constitute and be designated the Dover Code and may be so cited or may be cited "the Code."

§ 1-2. Rules of construction and definitions.

A. In the construction of the Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council. The rules of construction and definitions set out herein shall not be applied to any section of the Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

B. Any reference in the text of the Code to a section, article or chapter shall, unless otherwise indicated, be construed to refer to a section, article or chapter, as amended, of the Code.

C. Generally.

(1) All general provisions, terms, phrases and expressions contained in the Code shall be liberally construed in order that the true intent and meaning of the City Council may be fully carried out.

(2) In the interpretation and application of any provisions of the Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Code imposes greater restrictions upon the subject matter than the general provisions imposed by the Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(3) Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases, and such others as may have acquired a peculiar and appropriate meaning in law, shall be construed and understood according to such peculiar and appropriate meaning.

D. Definitions. As used in the Code, the following terms shall have the meanings indicated:

CITY — The City of Dover, New Hampshire

CITY COUNCIL — The City Council of Dover, New Hampshire.

CODE — The Code of the City of Dover.

COUNTY — Strafford County.

PERSON — Any natural individual, firm, trust, partnership, association or corporation in his or her or its own capacity as administrator, conservator, executor, trustee, receiver or other representative appointed by a court.

STATE — The State of New Hampshire.

E. Word usage.

(1) Whenever any words in this Code denote the plural, the singular shall be deemed included, and whenever the singular number shall be used, it shall be deemed to include the plural.

(2) Wherever the masculine gender is used in this Code, females as well as males shall be deemed to be included.

(3) Words in the present tense shall be deemed to include the future.

(4) The word "shall" as used in this Code is mandatory.

§ 1-3. Headings, notes and references.

Part, chapter, article and section headings and notes and references are included in this Code for the convenience of users and are not to be construed as part of the text to which they relate.

§ 1-4. Amendments.

All ordinances passed subsequent to the Code which amend, repeal or in any way affect the Code may be numbered in accordance with the numbering system of the Code and printed for inclusion herein or, in the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby, and the subsequent ordinances as numbered printed or omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as the Code and subsequent ordinances numbered or omitted are readopted as a new revision by the City Council.

§ 1-5. Unauthorized alteration or tampering with Code.

It shall be unlawful for any person in the City to change or amend, by additions or deletions, any part or portions of the Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

§ 1-6. Effect of repeal of ordinances.

A. When any ordinance repealing a former ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision unless it shall be therein so expressly provided.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the

ordinance repealed.

§ 1-7. Severability.

The sections, paragraphs, sentences, clauses and phrases of the Code are severable, and if any phrase, clause, sentence, paragraph or section of the Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, sentences, paragraphs or sections of the Code.

§ 1-8. Acts punishable under different sections.

In all cases where the same offense is made punishable or is created by different clauses or sections of the Code, the prosecuting officer may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense, provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

ARTICLE II
General Penalty

§ 1-9. General penalty for violation of ordinances.

Whenever in the Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of the Code or any ordinance shall be punished by a fine of not more than $1,000 and/or the issuance of a citation. Each day any violation of any provision of the Code or of any ordinance shall continue shall constitute a separate offense.

FINE SCHEDULE	FY20 ADOPTED FINE
CITY CODE	
CHAPTER 17 - Election Procedures	
SECTION 7. Violations and penalties.	
Any person found in violation of this article may be subject to a fine of up to $1,000.	Up to $1000.00
SECTION 11. Violations and penalties.	
Failure of any candidate or member of a committee to comply with the provisions of this article 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 article shall constitute a continuing offense resulting in daily violations and daily fines until the disclosure statement is properly filed.	Up to $1000.00
CHAPTER 29 - Property, City	
SECTION 5 - Storage of sludge on City property prohibited.	
Any person, firm or corporation violating this provision shall be guilty of a violation and, upon conviction, fined not less than $500 nor more than $1,000 for each day sludge is stored on City property.	Not less than $500.00 nor more than $1,000.00
SECTION 8. Violations and penalties.	
Any person, firm or corporation violating any provisions of this article shall be deemed guilty of a violation and shall, upon conviction, be subject to a fine of up to $500.	Up to $500.00
SECTION 14. Violations and penalties.	
Any person violating any of the provisions of this article shall be deemed guilty of a violation and shall, upon conviction, be subject to a fine of up to $100.	Up to $100.00
CHAPTER 41 - Adult-Oriented Establishments	
SECTION 6. Violations and penalties.	
Any person, firm or corporation violating any of the provisions of this article shall be guilty of a violation and subject to a fine of up to $1,000, no portion of which may be suspended. The store's license shall be subject to suspension for the first offense and revocation for a subsequent conviction.	Up to $1000.00
SECTION 11. Violations and penalties.	
Any person, firm or corporation violating any provision of this article shall be fined not less than $500 nor more than $1,000 for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.	Not less than $500.00 nor more than $1,000.00
CHAPTER 45 - Alarms and Security	
SECTION 16- Violations and penalties.	
Any person who violates any provision of this article shall be guilty of a violation and, upon conviction shall be fined not less than $50 nor more than $100. Each day that the violation remains in effect shall constitute a separate violation.	Not less than $50.00 nor more than $100.00
SECTION 22. (B) Required Inspections.	
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 article 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 $100.	$100.00

FINE SCHEDULE	FY20 ADOPTED FINE
SECTION 23. (A) Operation without permit; violations and penalties.	
Any alarm system user who operates an alarm system without first obtaining a permit as required by this article 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 $50 nor more than $100.	Not less than $50.00 nor more than $100.00
SECTION 23. (B) Operation without permit; violations and penalties.	
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 $100.	$100.00
SECTION 24. (B) False alarms; violations and penalties.	
Except during the first thirty-day period following the installation of an alarm system, there shall be a service charge of $75 for each false alarm received in excess of three in a calendar year.	$75.00
SECTION 24. (C) False alarms; violations and penalties.	
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 systems, as designed 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 shall be a service charge of $30 shall be paid to the City of Dover by the alarm user.	$30.00
SECTION 30. 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 article shall be guilty of a violation and, upon conviction, shall be punished by a fine of $100. Each day during which a violation continues shall be considered a separate offense.	$100.00
SECTION 33. Fire alarm malfunction; responsibility of owner.	
Failure to return an affidavit of service/repair within said fifteen-day period which is satisfactory to the enforcement official will result in the assessment against the owner of a fine of $275, 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.	$275.00
CHAPTER 49 - Amusements	
SECTION 10. Violations and penalties.	
Any person or organization violating the provisions of this article shall be guilty of a violation and be subject to a fine of up to $500.	Up to $500.00
CHAPTER 53 - Bicycles and Play Vehicles	
SECTION 6.(A) Violations and penalties.	
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 $50 for a first offense and no more than $100 for subsequent offenses.	$50.00/1st offense no more than $100.00/subsequent offenses
CHAPTER 61 - Building Demolition	
SECTION 3. Violations and penalties.	
Any person, firm or corporation violating any provisions of this chapter shall be fined not less than $500 per offense, and each day of such violation or failure to comply shall constitute a separate offense.	Not less than $500/per offense
CHAPTER 65 - Cemeteries	
SECTION 6. Violations and penalties.	
Any person violating the terms of this chapter shall constitute a violation subject to the penalties of state law.	No less than $100/ per Violation per RSA 289

FINE SCHEDULE	FY20 ADOPTED FINE
CHAPTER 69 - Dogs	
SECTION 6.(C) Penalty for unlicensed dogs.	
A fine not to exceed $25 shall be imposed for an offense.	$25.00
SECTION 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 $25 for a first offense and, upon a second or subsequent conviction within 12 months of a violation of this article, a fine of not less than $50.	$25.00 for first offense/$50.00 for second or subsequent offenses
sewe	
Any person convicted of a violation of this Article III shall be fined not more than $50.	$50.00
CHAPTER 81 - Fire Prevention and Life Safety	
SECTION 12.(A) Violations and penalties.	
Any person who shall violate any of the provisions of Dover Code Chapter 81, Article I, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder 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 and 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 $275 nor more than $500 for each offense. The imposition of one 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.	Not less than $275.00 nor more than $500.00 for each offense
SECTION 21. Violations and penalties	
Any person, persons, firm, corporation or partnership who or which shall violate any provisions of this article shall be guilty of a violation punishable by a fine of not less than $275.00 or not more than $500. Each day that a violation continues to exist shall constitute a separate offense	Not less than $275.00 or not more than $500.00
SECTION 22. Inspection of certain public spaces.	
All public halls or other rooms or buildings used, wholly or in part, for theatrical or other entertainmen 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 times by the Fire Chief or the Chie of Police, and any and all mandates or orders issued by said officials, or either of them, in the interest of fire protection or for the safety of the public, shall be obeyed forthwith by any owner or lessee of such hall or building upon whom such notice may be served, and any attempt to obstruct either of said officials in the discharge of his duty hereunder or any violation of the order formally issue by either of said officials under the provisions of this section shall subject the offender to a fine of not less than $275 or such other penalty as the court having jurisdiction may impose.	Not less than $275

FINE SCHEDULE	FY20 ADOPTED FINE
SECTION 26.(A) Violations and penalties.	
Any person, persons, firm, corporation or partnership who or which shall violate any provision of this article shall be guilty of a violation punishable by a fine of not less than $275 or not more than $500. Each day that the violation continues to exist shall constitute a separate offense.	
SECTION 29. Violations and penalties.	
Any person, persons, firm, corporation or partnership who or which shall violate any provisions of this article shall be guilty of a violation punishable by a fine of not less than $275 nor more than $500. Each day that a violation continues to exist shall constitute a separate offense.	Not less than $275.00 or not more than $500.00
SECTION 40. Violations and penalties.	
Any person, persons, firm, corporation or partnership who or which shall violate any provision of this article shall be guilty of a violation punishable by a fine of not less than $275 or not more than $500. Each day that the violation continues to exist shall constitute a separate offense.	Not less than $275.00 or not more than $500.00
CHAPTER 85 - Food Service Establishments	
SECTION 9. 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 $275, and each day of such violation or failure to comply shall constitute a separate offense.	Up to $275.00
CHAPTER 89 - Health and Sanitation	
SECTION 11. Violations and penalties.	
Any person or persons, company or corporation who or which 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 or which 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 $1,000, 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.	Up to $1,000.00
CHAPTER 93 - Housing Standards	
SECTION 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 $275. Each day's failure to comply with any such provision shall constitute a separate violation.	Not to exceed $275
CHAPTER 101 - Manufactured Home Parks	
SECTION 11. Violations and penalties.	
Any permittee who violates any requirement of this chapter shall, upon conviction, be fined a sum of at least $275 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense under this section.	At least $275 for each offense

FINE SCHEDULE	FY20 ADOPTED FINE
CHAPTER 105 - Peace and Good Order	
SECTION 5.(F) Facilitation of drug or underage alcohol party.	
Any person who violates Subsection A shall be guilty of a violation and shall be fined a minimum of $300 for a first offense and $500 for a second or subsequent violation.	Minimum of $300 for first offense and $500 for second or subsequent
SECTION 6.(B) Motor vehicles on school property and park grounds.	
Any person violating the provisions of this section shall be subject to a maximum fine of up to $250.	Up to $250.00
SECTION 8. Operation of boats and vehicles on Willand Pond restricted.	
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 $1,000.	Up to $1,000.00
SECTION 15.(B) Safe storage of firearms.	
Any person violating the provisions of this section shall be subject to a fine of up to $1,000.	Up to $1,000.00
SECTION 16.(C) Hunting on City property.	
Any person violating the provisions of this section shall be subject to a fine of up to $1,000 per offense.	Up to $1,000.00
SECTION 17.(B) Rolling papers.	
Any person violating the provisions of this section shall be subject to a fine of up to $100.	Up to $100.00
SECTION 18.(C) Henry Law Park, school grounds and athletic fields.	
Any person violating the provisions of this section shall be subject to a fine of up to $50 for a first offense and up to $100 for a second or subsequent offense.	Up to $50 for first offense and up to $100 for second or subsequent offense
SECTION 19.(C) McConnell Center and Dover Public Library.	
Any person violating the provisions of this section shall be subject to a fine of up to $50 for a first offense and up to $100 for a second or subsequent offense.	Up to $50 for first offense and up to $100 for second or subsequent offense
SECTION 20.(B) Use of electronic nicotine delivery systems restricted.	
Any person violating the provisions of this section shall be subject to a fine of up to $50 for a first offense and up to $100 for a second or subsequent offense.	Up to $50 for first offense and up to $100 for second or subsequent offense
SECTION 21.(D) Purchase, use and possession of tobacco products.	
Any person violating the provisions of this section shall be subject to a fine of up to $50 for a first offense and up to $100 for a second or subsequent offense.	Up to $50 for first offense and up to $100 for second or subsequent offense

FINE SCHEDULE	FY20 ADOPTED FINE
CHAPTER 109 - Peddlers and Vendors	
SECTION 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 at least $275.	$275.00
CHAPTER 117 - Scenic Roads	
SECTION 4. Violations and penalties.	
Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be subject to a maximum fine of $1,000. Each day of said violation shall be construed as a separate offense. Said violator shall be held responsible for the restoration of the stone wall or tree.	$1,000.00
CHAPTER 121 - Sewers and Water	
SECTION 11.(B) Violation and penalties.	
Any person who shall continue any violation beyond the time limit provided for in Subsection A of this section shall be fined in the amount not exceeding $10,000 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.	$10,000.00
SECTION 35. Violations and penalties.	
Any person, firm or corporation violating any provisions of this article shall, upon conviction, be subject to a fine of up to $10,000 for each violation. Each day in which any such violation shall continue beyond the time limit shall be deemed a separate violation.	$10,000.00
SECTION 48. Violations and penalties.	
Violation of this article shall be punishable by a fine of $250 for each violation.	$250.00
SECTION 52. Violations and penalties.	
Violation of this article shall be punishable by a fine of $100 for the first offense and a fine of $250 for each subsequent offense.	$100 for first offense and $250 for each subsequent offense
SECTION 60. Violations and penalties.	
Violation of this article shall be punishable by a written warning for the first offense, a fine of $100 for the second offense, and a fine of $250 for each subsequent offense	$100 second offense/$250 for each subsequent offense
CHAPTER 125 - Streets and Sidewalks	
SECTION 32. Violations and penalties.	
Violations, of any provision of this Chapter shall be subject to a fine.	$250.00 1st Violation $500.00 2nd Violation $1,000.00 each successive violation (each day to be a separate offense)
CHAPTER 133 - Trees and Vegetation	
SECTION 11. Violations and penalties.	
Violations of any provision of this chapter shall be subject to a maximum fine of $250.	$250.00

FINE SCHEDULE	FY20 ADOPTED FINE
CHAPTER 141 - Vehicles and Traffic	
SECTION 5.(B)(5) Travel restrictions.	
Violations of this section shall be punishable by the imposition of a citation of $150 for the first offense. Repeat offenders may be punished by the imposition of citations to $250 for each offense.	$150.00 first offense/$250 for each repeat offense
SECTION 23. First notice of violation; payment tables.	
All parking(B) violations enumerated in §§ 141-13 through 141-38 shall be Table A violations as set forth herein. (1) Violations of §§ 141-13E(1) and F, 141-14A(9) and (12) and E, 141-16A and 141-31C(4) shall be Table B violations as set forth herein. (2) Violations of §§ 141-14A(11) and F shall be Table C violations as set forth herein. (3) Violations of § 141-16D shall be subject to the provisions of that section.	
POLICE DEPARTMENT	
PARKING TICKET FINES/PENALTIES	
Table A Violations:	
First Notice * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$20.00
Late Notice (10 days after violation) * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$30.00
14 days after Late Notice * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$50.00
After notification to a collections agency * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$60.00
Minimum Court Fine * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$100.00
Table B Violations:	
First Notice * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$50.00
Late Notice (10 days after violation) * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$70.00
14 days after Late Notice * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$100.00
After notification to a collections agency * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$120.00
Minimum Court Fine * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$150.00

FINE SCHEDULE	FY20 ADOPTED FINE
Table C Violations:	
First Notice * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$250.00
Late Notice (10 days after violation) * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$250.00
14 days after Late Notice * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$250.00
After notification to a collections agency * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$300.00
Minimum Court Fine * Per City Ordinance #166-30 ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$300.00
OTHER:	
Code 03 - Winter Parking Multiple Violator 5+ * Per City Ordinance #166-19D ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$100.00
Online Violation payment * Per Budget Resolution ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$2.00/Violation
Chronic Meter Offense - 5+ on street meter violations * Per Budget Resolution ** Adopted by City Council *** Administrative penalty for violation of Dover City Code	$100.00
CHAPTER 145 - Waste Management	
SECTION 15.(A) Enforcement; violations and penalties.	
Any person, firm or corporation found to be in violation of any provision of this article shall be assessed an administrative fine of $100, except where otherwise provided.	$100.00
SECTION 16.(F) Composting facilities.	
Penalties. Any person, corporation, partnership or any other legal entity who or which fails to comply with any of the provisions of this section or any of the regulations in pursuance thereof shall be guilty of a violation and, upon conviction thereof, may be fined not more than $1,000. Every act of 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.	Not more than $1,000
CHAPTER 153 - Site Review Regulations	
SECTION 20. Enforcement; violations and penalties.	
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 conformity with the provisions of such approval. Such order shall be complied with within a period of time extending not more than 30 days from the original notice. Where the owner fails to comply with the notice of the Planning Board, a fine not to exceed $100 per day may be levied against said owner, and the certificate of occupancy shall be revoked as per RSA 676:4-a.	$100.00 per day

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(√) the type of application:

RAFFLE* ✓ **, TAG*** _____ **, BLOCK PARTY**** _____ **,**

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

Organization Name: Pope Memorial Humane Society - Cocheco Valley
Federal Tax ID number for Organization: 22-2561784

Check (√) Nature of Organization:

Religious___, **Educational**___, **Charitable** ✓, **Civic**___, **Sports**___, **Veterans**___, **Fraternal or Political**___, **Other**__
(Describe) Humane Society for dogs, cats and small animals
Contact Person: Deborah Shelton **Day Time Telephone:** 603-749-5322 ext. 106
Address: 221 County Farm Rd, Dover **Email** dshelton@popememorialcvhs.org
Purpose of Permit: 50/50 Raffle
Date of Event: March 27, 2020 **Specific Time:** 8:30 pm
Location of Event: The Dover Elks Lodge

***********RAFFLE / TAG PERMITS***********

Prize (s) To Be Awarded: 50% of the cash collected
Cost of Ticket: #1 for 1 #5 for 6 **Date of Drawing:** March 27, 2020
Place of Drawing: The Dover Elks Lodge

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

http://www.doj.nh.gov/charitable-trusts/faq.htm

***********BLOCK PARTY PERMITS***********

****NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT**

Block Party Location (attach map if more than one street is affected): _____
Police Department Block Party Approval Signature: _____
Printed Name: _____

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

SIGNATURE OF APPLICANT: Deborah H. Shelton **DATE:** 1/9/2020
(duly authorized)

PRINTED NAME: Deborah H. Shelton

Licensing Board Approval _____ **Date:** 1/10/2020

COI attached ok.
MES

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(√) the type of application:

(ROAD RACE)
PARADE** ✓, **ROAD TOLL***** _____,

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

Organization Name: Community Partners
Federal Tax ID number for Organization: _____

Check(√) Nature of Organization:

Religious___, Educational___, Charitable ✓, Civic___, Sports___, Veterans___, Fraternal or Political___, Other___

Name/Description of Event (if applicable): Reds Race for a Better Community
Contact Person: Stacey Kearns **Day Time Telephone:** 749-6692
Address: 40 Hampshire Cir Dover **Email** skearns@doverhousingauthority.org
Date of Event: April 5, 2020 **Specific Time:** set up 8:00 start 10:00 end 12:00
Location of Event (if parade, attach course description or map): Central Ave to Henry Law, see attached

*********PARADE PERMITS*********

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

Police Department Parade Route Approval Signature: _____
Printed Name: Sgt. Marn Speidel **Check Here If Parade Route Is Attached:** ✓

*********ROAD TOLL PERMITS*********

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

Road Toll Location: _____
Police Department Road Toll Approval Signature: _____
Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

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

SIGNATURE OF APPLICANT: Stacey Kearns **DATE:** 12/10/19
(duly authorized)

PRINTED NAME: Stacey Kearns

Licensing Board Approval _____ **Date:** 1/3/20

http://www.dover.nh.gov/Assets/government/city-operations/1form/finance/city-clerk-tax-collection/Application%20parade.pdf

5 Mile Road Race course

Walking Route
CEMETERY AVENUE
CEMETERY AVENUE
CEMETERY AVENUE
660'
398'
350'
180'
GATE #4
GATE #3
GATE #2
GATE #1
FENCE
FENCE
FENCE
FENCE
FIELD
Mausoleum
FLAGS
ELK
Columbar
EAST WATSON ST.
GATE #5
Ave M
South Pine St
Ave D
Main Ave
TOMB
Chapel
#131 Central Ave
CENTRAL AVE SOUTH
Hanson St
3rd St
Henry
N
S
3
*Finish Line
NEW SECTION
PINE HILL CEMETERY
MAY 1989
CITY HALL
*Start

COI required.
MES

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

(ROAD RACE)

Check(√) the type of application:

PARADE** X, ROAD TOLL***_____,

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

Organization Name: Pope Memorial Humane Society

Federal Tax ID number for Organization: 22-2516784

Check(√) Nature of Organization:

Religious___, Educational___, Charitable X, Civic___, Sports___, Veterans___, Fraternal or Political___, Other___

Name/Description of Event (if applicable): Tails to Trails 5k

Contact Person: Melanie Bourger Day Time Telephone: 603 749 5322 x113

Address: 221 County Farm Rd, Dover Email: mbourger@popememorialcvhs.org

Date of Event: June 7, 2020 Specific Time: 10am

Location of Event (if parade, attach course description or map): Map attached

**********PARADE PERMITS**********

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

Police Department Parade Route Approval Signature: _____

Printed Name: Sgt. Marn Speidel Check Here If Parade Route Is Attached: ✓

**********ROAD TOLL PERMITS**********

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

Road Toll Location: _____

Police Department Road Toll Approval Signature: _____

Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

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

SIGNATURE OF APPLICANT: _____ DATE: 9/20/2019
(duly authorized)

PRINTED NAME: Melanie Bourger

Licensing Board Approval _____ Date: 1/20/20

1/2015

http://www.dover.nh.gov/Assets/government/city-operations/1form/finance/city-clerk-tax-collection/Application%20parade.pdf

Rachel's Race 5K
Dover, New Hampshire

RACHEL'S RACE 5K
USATF CERTIFICATE NH14018TY
EFFECTIVE 6-25-14 TO 12-31-24

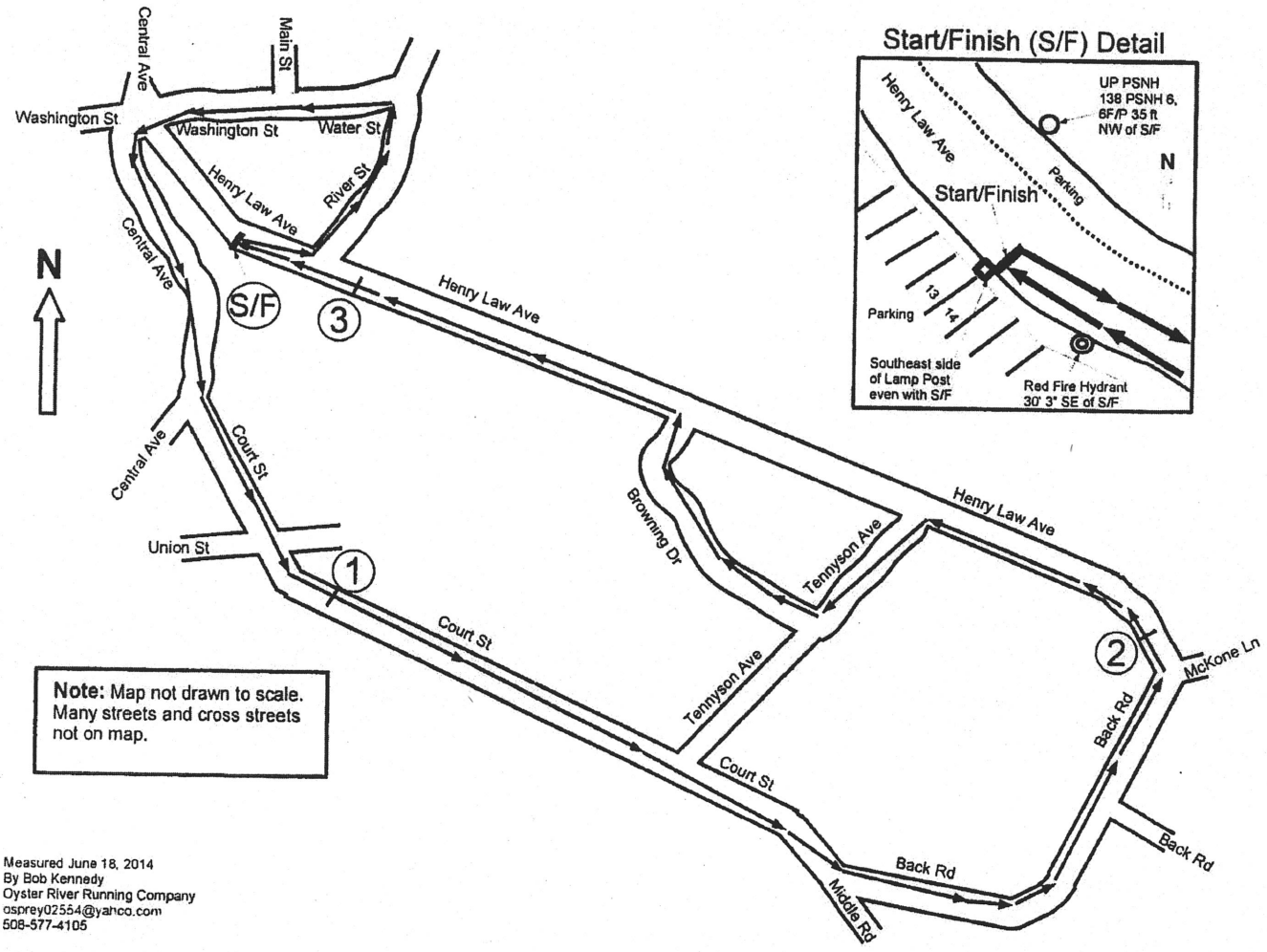
Start and Finish, and all mile markers are marked with White paint and P-K Nails (UP = Utility Pole).

Start/Finish: On southwest side of Henry Law Ave even with the southeast side of light post between parking spots 13 & 14 in adjacent parking lot, 30 ft 3 inches NW of red Fire Hydrant with two red protective posts, and 35 ft SE of UP 138 PSNH 6, 6 F/P on opposite side.

Mile 1: On north side of Court St even with the west edge of driveway for 60 Court, and 20 ft W of large Storm Drain on same side.

Mile 2: On northwest side of Henry Law Ave in front of 199 Henry Law, and 72 ft SE of UP 138 44, Verizon 43 with "Blind Drive" sign on it.

Mile 3: On south side of Henry Law Ave 43 ft 10 inches E of UP PSNH 12S, 12S V/Z on same side.



Note: Map not drawn to scale. Many streets and cross streets not on map.

Measured June 18, 2014
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

COI required. MES

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(√) the type of application:

PARADE** ✓, **ROAD TOLL***** ____, Race ✓

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

Organization Name: Saint Mary Academy

Federal Tax ID number for Organization: #02-0342967

Check(√) Nature of Organization:

Religious___, Educational ✓, Charitable___, Civic___, Sports___, Veterans___, Fraternal or Political___, Other___

Name/Description of Event (if applicable): SMA 5K

Contact Person: Beth Evans **Day Time Telephone:** 603-742-3299

Address: 222 Central Ave **Email** bevans@stmaryacademy.org

Date of Event: 4/4/20 **Specific Time:** 9:00 AM.

Location of Event (if parade, attach course description or map): Start/finish Church Street

*********PARADE PERMITS*********

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

Police Department Parade Route Approval Signature: _____

Printed Name: Sgt. Marn Speidel **Check Here If Parade Route Is Attached:** ✓

*********ROAD TOLL PERMITS*********

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

Road Toll Location: _____

Police Department Road Toll Approval Signature: _____

Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

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

SIGNATURE OF APPLICANT: Beth A. D. Evans **DATE:** 12/20/19

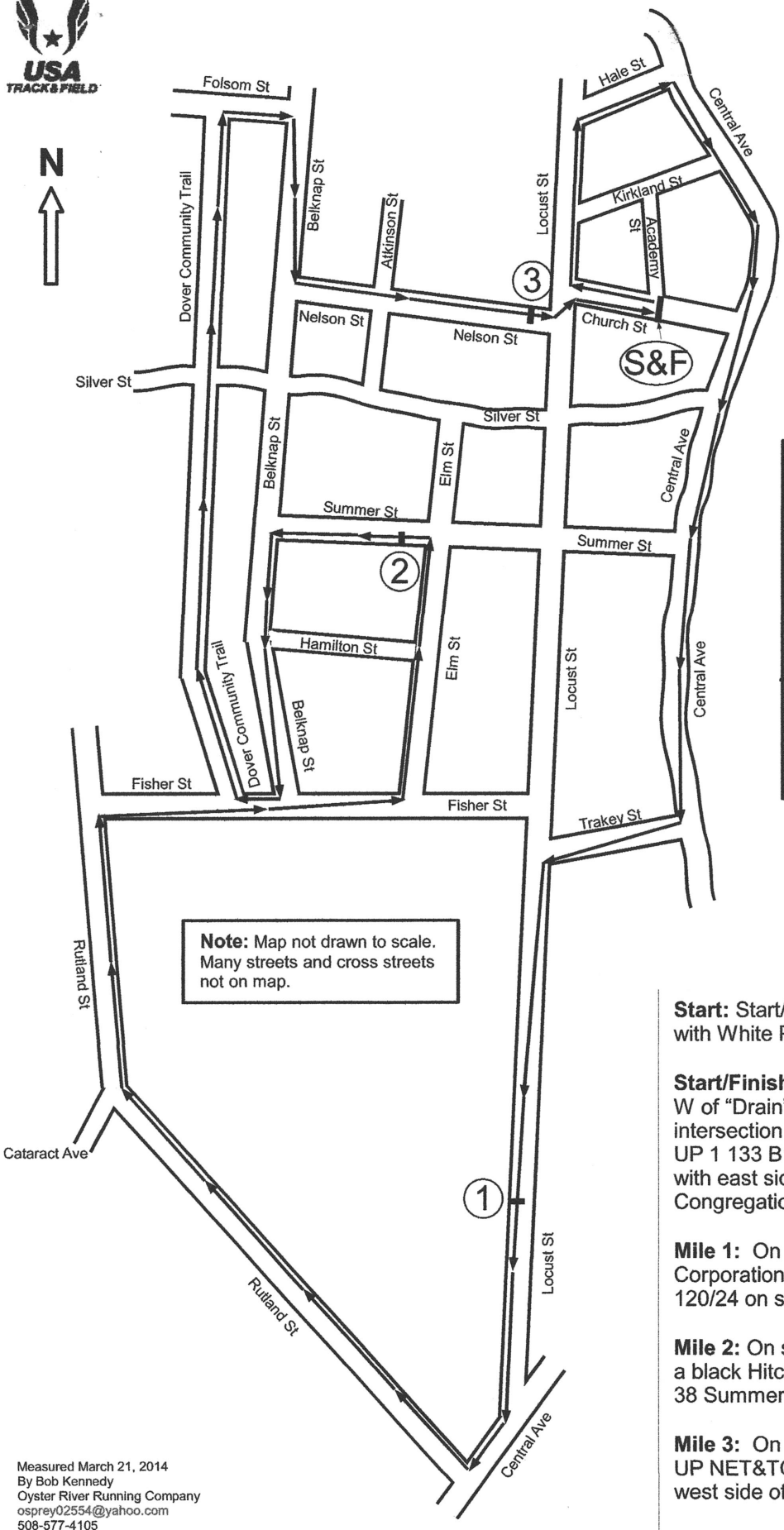
(duly authorized)

PRINTED NAME: Beth Evans

Licensing Board Approval _____ **Date:** 1/3/20

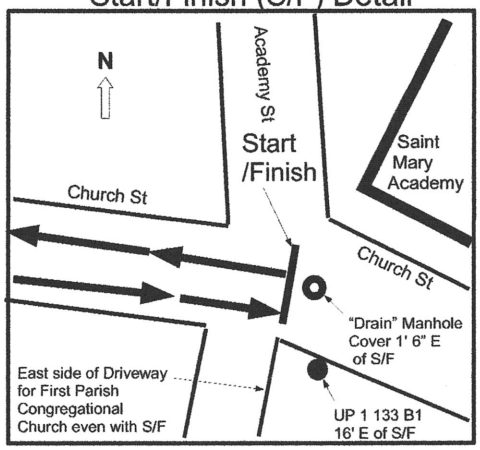
http://www.dover.nh.gov/Assets/government/city-operations/1form/finance/city-clerk-tax-collection/Application%20parade.pdf

SMA 5K
Dover, New Hampshire



Note: Map not drawn to scale. Many streets and cross streets not on map.

Start/Finish (S/F) Detail



Start: Start/Finish, and all mile markers are marked with White Paint (UP = Utility Pole).

Start/Finish: In center of Church St 1 ft 6 inches W of "Drain" Manhole Cover in east side of intersection of Academy and Church Sts, 16 ft W of UP 1 133 B1 on south side of Church St, and even with east side of driveway for the First Parish Congregational Church.

Mile 1: On west side of Locust St in front of VXI Corporation at 271 Locust, and 54 ft S of UP FP 120/24 on same side.

Mile 2: On south side of Summer St even with a black Hitching Post and the west side of 38 Summer St.

Mile 3: On north side of Nelson St 5 ft 3 inches E of UP NET&TCo 6 PSC 49 2, and about even with west side of 5 Nelson St.

Measured March 21, 2014
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

COI required
(MES)

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

(ROAD RACE)

Check(√) the type of application:

PARADE__√__, ROAD TOLL***_____,**

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

Spirit of Recovery 5K

Organization Name: The Triangle Club

Federal Tax ID number for Organization: 22-2533853

Check(√) Nature of Organization:

Religious___, Educational___, Charitable_X, Civic___, Sports___, Veterans___, Fraternal or Political___, Other___

Name/Description of Event (if applicable): The Triangle Club Spirit of Recovery 5K

Contact Person: Bob Dawber **Day Time Telephone:** 603-742-9803

Address: 120 Broadway, Dover, NH. **Email** RmDawber@gmail.com

Date of Event: May 17, 2020 **Specific Time:** 0900

Location of Event (if parade, attach course description or map): See attached

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*********PARADE PERMITS*********

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

Police Department Parade Route Approval Signature: _____

Printed Name: Sgt. Marn Speidel **Check Here If Parade Route Is Attached:** ✓

*********ROAD TOLL PERMITS*********

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

Road Toll Location: _____

Police Department Road Toll Approval Signature: _____

Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

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

SIGNATURE OF APPLICANT: _____ **DATE:** 1.8.2020

(duly authorized)

PRINTED NAME: Robert Dawber Exec. Dir. Triangle Club

Licensing Board Approval _____ **Date:** 1-13-2020

Spirit of Recovery 5k

Dover, NH

Certified Course

USA TRACK&FIELD™

NH11013RF

Certificate Effective:
5/14/2011 - 12/31/2021

Start: The race starts on Liberty Way heading east. The Start Line is located on the south side of the road directly across from a light pole and 22 feet 6 inches west of the stop sign and 40 feet 1 inch west of a perpendicular line drawn from fire hydrant 86 located in entryway to parking lot; it is also 140 feet 1 inch east of storm drain on Liberty Way. The start is marked with a dark red "S" and arrow pointing toward line; 3 p-k nails are embedded in the painted start line.

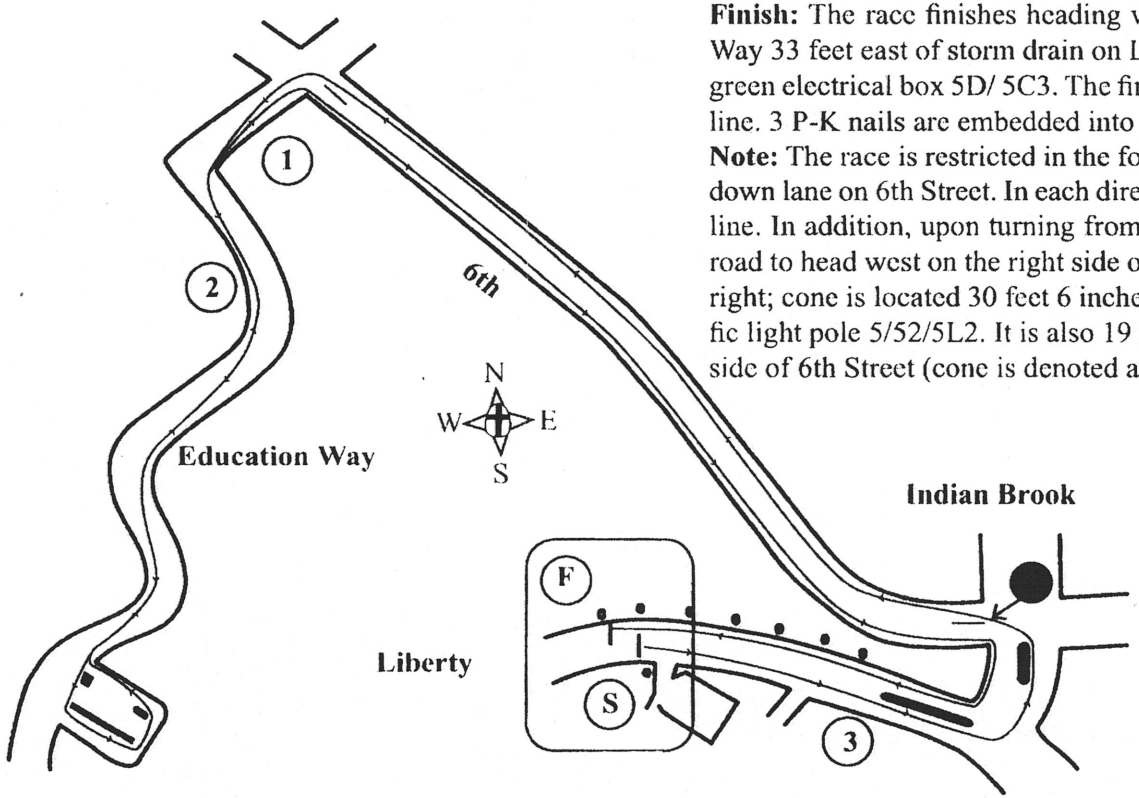
Mile 1: is located on Education Way on the left side of the road heading southwest. It is marked with a white painted M1. The mile marker is located 26 ft. 7 in. northeast of light pole #3 and 36 ft. 6 in. southwest of south corner of storm grate and 91 ft. 5 in. southwest of light pole #4.

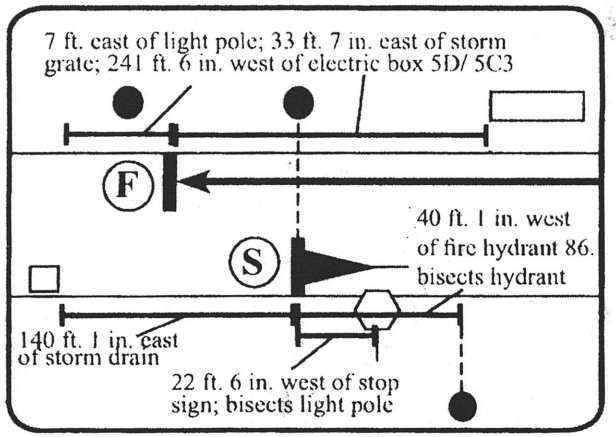
Mile 2: is located on Education Way on the right side of the road heading northwest. It is marked with a white painted M2. The mile marker is located 65 ft. 4 in. southeast of light pole #8, 50 ft. 10 in. northwest of light pole #6 and 126 ft. 6 in. northwest of fire hydrant 2846.

Mile 3: is located on the right side of Liberty Way heading west. It is marked with a dark red painted M3. The mile marker is located 15 ft. 3 in. east of the fifth light pole beginning with the light pole 7 feet east of finish line. It is also 111 ft. 5 in. west of the next light pole (sixth from starting light pole 7 ft. west of the finish).

Finish: The race finishes heading west on Liberty Way. The Finish Line is located on Liberty Way 33 feet east of storm drain on Liberty Way and 241 feet 6 inches west of the corner of large green electrical box 5D/ 5C3. The finish is marked with a dark red "F" and arrow pointing toward line. 3 P-K nails are embedded into the painted start line.

Note: The race is restricted in the following manner-the runners are required to run in the breakdown lane on 6th Street. In each direction they must travel remaining right of the breakdown lane line. In addition, upon turning from Indian Brook Drive left onto 6th Street runners must cross road to head west on the right side of the road. A cone will be placed where runners must remain right; cone is located 30 feet 6 inches south of north side walk and 41 feet 8 inches south of traffic light pole 5/52/5L2. It is also 19 feet 9 inches east of telephone pole 50T located on the north side of 6th Street (cone is denoted as a "C" in a circle on the map.





Measured by Dave Abbett, Sub5 Race Management on Saturday May 14, 2011[dave.abbett@gmail.com]

COI required.
MES

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

(ROAD RACE)

Check(√) the type of application:

PARADE** X , **ROAD TOLL***** ,

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

Organization Name: Wentworth-Douglass Foundation
Federal Tax ID number for Organization: 510491062

Check(√) Nature of Organization:

Religious___, Educational___, Charitable X, Civic___, Sports___, Veterans___, Fraternal or Political___, Other___

Name/Description of Event (if applicable): seacoast cancer 5K
Contact Person: Elizabeth Victor **Day Time Telephone:** 603-609-6801
Address: 789 central Ave. Dover **Email** Elizabeth.victor@wdhospital org
Date of Event: 9/20/2020 **Specific Time:** 9 am - 12 pm
Location of Event (if parade, attach course description or map): Dover (see map)

*********PARADE PERMITS*********

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

Police Department Parade Route Approval Signature: _____
Printed Name: Sgt. Marn Speidel **Check Here If Parade Route Is Attached:** ✓

*********ROAD TOLL PERMITS*********

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

Road Toll Location: _____
Police Department Road Toll Approval Signature: _____
Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

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

SIGNATURE OF APPLICANT: Elizabeth Victor **DATE:** 12/9/2019
(duly authorized)

PRINTED NAME: Elizabeth Victor

Licensing Board Approval _____ **Date:** 1/3/20

1/2015

http://www.dover.nh.gov/Assets/government/city-operations/1form/finance/city-clerk-tax-collection/Application%20parade.pdf


Old Rollinsford Rd
Central Ave
Oak St
Park St
Hill St
Broadway
Saint John St
Main St
Chapel St

COI required
MES

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(√) the type of application:

* Road Race

PARADE___√___, ROAD TOLL***_____,**

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

Organization Name: ZEBRA CROSSINGS

Federal Tax ID number for Organization: 80-0456257

Check(√) Nature of Organization:

Religious___, Educational___, Charitable___, Civic___, Sports___, Veterans___, Fraternal or Political___, Other √

Name/Description of Event (if applicable): MOMS ON THE RUN 5K

Contact Person: ASTRID WIELENS **Day Time Telephone:** 603-312-2052 x1

Address: 61 LOCUST STREET **Email** astrid@zebra-crossings.org

Date of Event: 5/10/20 **Specific Time:** 9:00 am

Location of Event (if parade, attach course description or map): see attached

***********PARADE PERMITS***********

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

Police Department Parade Route Approval Signature: _____

Printed Name: Sgt. Marn Speidel **Check Here If Parade Route Is Attached:** ✓

***********ROAD TOLL PERMITS***********

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

Road Toll Location: _____

Police Department Road Toll Approval Signature: _____

Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

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

SIGNATURE OF APPLICANT: _____ **DATE:** 12/10/19

(duly authorized)

PRINTED NAME: Astrid Wielens

Licensing Board Approval _____ **Date:** 1/13/2020

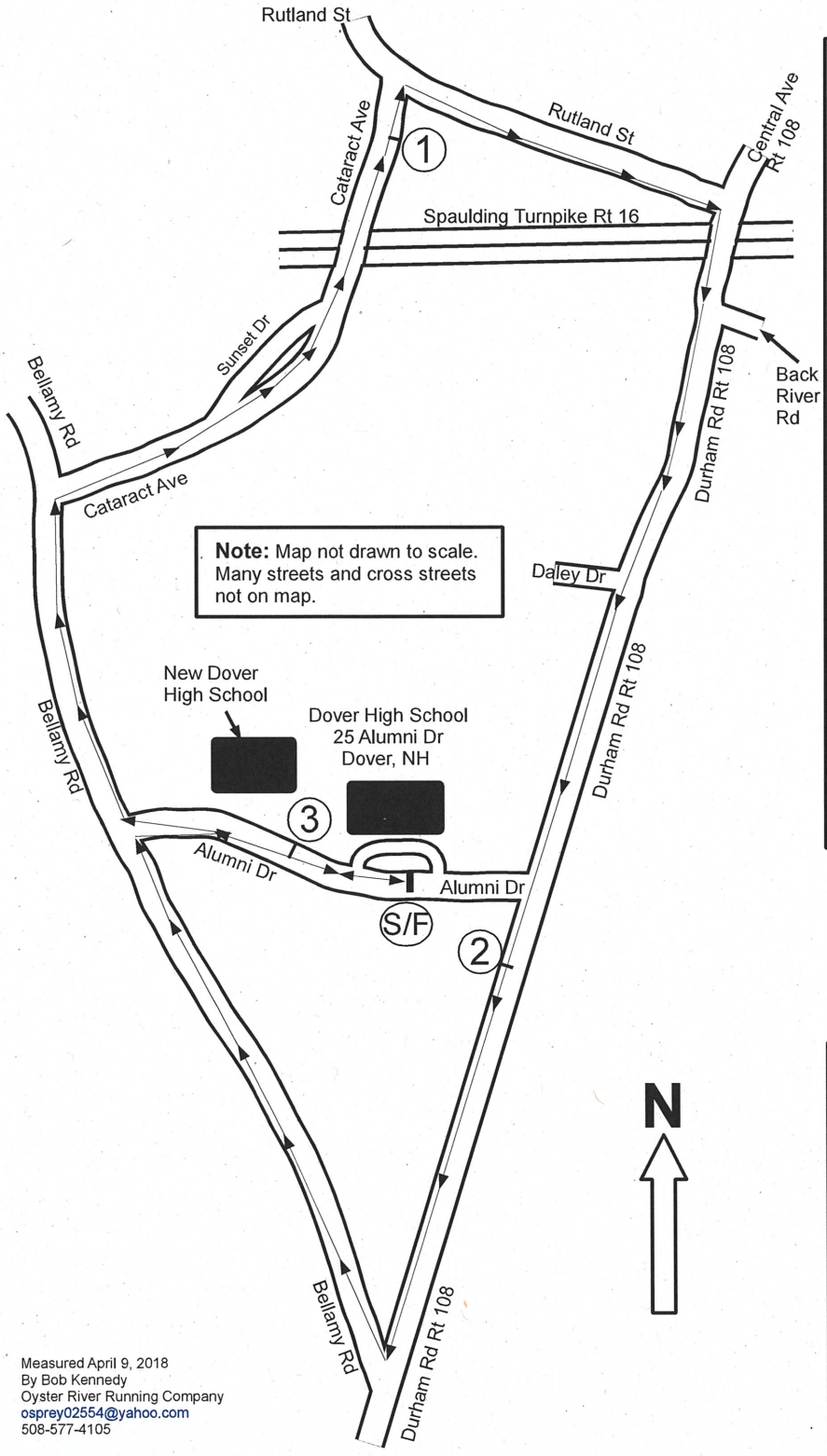
1/2015

http://www.dover.nh.gov/Assets/government/city-operations/1form/finance/city-clerk-tax-collection/Application%20parade.pdf

Moms on the Run 5K

Dover, New Hampshire

USATF Certificate NH18002BK
Effective April 11, 2018 to December 31, 2028



Start/Finish & Miles 1 to 3 are marked with a single P-K Nail and White Paint.

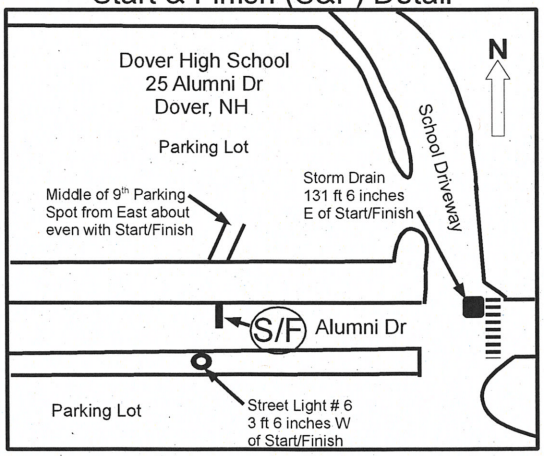
Start/Finish: On north side of Alumni Dr 131 ft 6 inches W of a Storm Drain at east side of the School Bus Driveway to Dover High School, 25 Alumni Dr, Dover, 3 ft 6 inches E of a Street Light (#6) on opposite side, & about even with the middle of the 9th Parking Spot from the east in the school parking lot on north side of Alumni Dr.

Mile 1: On east side of Cataract Ave 53 ft S of the entrance to McIntosh Commons (23 Cataract Ave) on opposite side, & 38 ft N of a Storm Drain on same side.

Mile 2: On west side of Durham Rd 28 ft N of a house driveway (house not visibly numbered), & 71 ft S of the Sign for "Garrison City Family Childhood Center" located at 105 Durham Rd.

Mile 3: On north side of Alumni Dr 7 ft E of a new Light Pole on same side & about 85 ft E of the exit driveway for 50 Alumni Dr on opposite side.

Start & Finish (S&F) Detail



Measured April 9, 2018
By Bob Kennedy
Oyster River Running Company
osprey02554@yahoo.com
508-577-4105

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

CITY OF DOVER

Resolution Number: **R – 2020.01.22 – 009**
Resolution Re: B14074 Phase II - Professional Engineering Services for Water Systems Facility Upgrades Change Order #6 & #7

WHEREAS: A sealed Request for Qualifications (RFQ) B14074 was issued and received for Professional Engineering Services for Water Systems Facility Upgrades on July 9, 2014 at 11:00 am. Four firms replied and interviews were conducted on August 3, 2014 with representatives from all four firms. The evaluating committee recommended award to Underwood Engineers of Portsmouth as the top ranked firm for this project; and

WHEREAS: In October 2016, City Council awarded Phase II for the design services with costs totaling $350,300.00 from Underwood Engineers for work at the Willand Pond Wells, Smith / Cummins Well, Isinglass Recharge and Garrison Hill Reservoir via Resolution R-2016.10.26-142. The City Council approved (3) three change orders totaling $305,000.00 for services at Old Rochester Rd, New Rochester Rd, Bellamy and Isinglass as well as interconnect design with Somersworth via resolution R-2017.08.09-093. Change order #4 in the amount of $94,948.00 for design services for improvements to the water main along Washington and Main starting at Central Ave and ending at Broadway was approved via council resolution R-2017.11.08-158; and

WHEREAS: In January 2019 the City received change order #5 in the amount of $894,000.00 for Phase II Contract I water transmission main and Contract III Willand Pond, Smith/Cummins Wells and Somersworth Interconnection approved via resolution R-2019.01.09-006 ; and

WHEREAS: In May 2019 the City received change order #6 in the amount of $18,400.00; the City of Dover share of the interconnection with Portsmouth. In January 2020 the city received change order #7 in the amount of $9,400.00 for additional engineering services for the Main and Washington Street Transmission Main Improvements. The sum of the two change orders requires council approval.

WHEREAS: To be eligible for State of NH funding through the Drinking Water State Revolving Fund, the City followed the RFQ guidelines set by the state for professional engineering services.

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

The Purchasing Agent is hereby authorized to issue a purchase order revision #6 & #7 to Underwood Engineers of Portsmouth, NH for Phase II construction services in the amount not to exceed $18,400.00 and $9,400.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5300.1.300.43320.4757.03550.17	Water System Facility Upgrades	7,381,871	3,764,613
5300.1.300.43320.4757.03588.17	Water Main Replacement Main & Washington	1,100,000	1,004,489

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2020.01.22 – 009**
Resolution Re: B14074 Phase II - Professional Engineering Services for Water Systems Facility Upgrades Change Order #6 & #7

AUTHORIZATION

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

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta, City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

CITY OF DOVER

Resolution Number: **R – 2020.01.22 – 009**
Resolution Re: B14074 Phase II - Professional Engineering Services for Water Systems Facility Upgrades Change Order #6 & #7

RESOLUTION BACKGROUND MATERIAL:
Underwood Engineers was selected via council approval for Phase I on November 12, 2014 and awarded Phase II in the amount of $350,300.00 on October 26, 2016.

C/O 1 to Phase II for $4,700.00 Temporary PFSA Treatment and $7,300.00 conceptual permanent treatment considerations C/O 1 total $12,000.00. New total contract $362,300.00

C/O 2 adding $210,900.00 additional services at Rochester Road and Bellamy. New contract price $573,200.00

C/O 3 adding $82,100.00 additional services for Somersworth Interconnection. New total Contract $655,300.00

C/O 4 adding $94,948.00 additional services for Washington and Main. New total contract $750,248.00

C/O 5 adding $894,000.00 for construction services for Contract I water transmission main and Contract III Willand Pond, Smith/Cummins Wells and Somersworth Interconnection. New contract total contract $1,644,248.00

C/O 6 in the amount of $18,400.00 the City of Dover share of the interconnection with Portsmouth. New contract total contract $1,662,648.00

C/O 7 in the amount of $9,400.00 for additional engineering services for the Main and Washington Street Transmission Main Improvements. New contract total contract $1,672,048.00

Award Information:
A purchase order revision will be issued to the vendor selected to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	206	**Number of Responses:**	4
Warranty:	n/a	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	Until Completed	**Estimated Delivery:**	2020
Recommended Award to:	Underwood Engineers	**Fund:**	CIP Water
Other Approvals Required:	State NH if using DWSRF	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

B14074 Bid Documents and Vendor List

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

CITY OF DOVER

Resolution Number: **R – 2020.01.22 – 10**
Resolution Re: B19019 Traffic Signal Repairs and Maintenance

WHEREAS: A sealed request for bid B19019 was issued and received for Traffic Signal Repairs on November 7, 2018 at 2:00 PM for a one year agreement with option to renew an additional three subsequent years contingent upon funding appropriation and vendor satisfaction; and

WHEREAS: One response was received and reviewed for necessary experience, skills, project understanding, approach and ability to comply with proposed scope of services. An hourly rate was offered by Electric Light Company Inc of $140.00 for technician per hour as well as other rates for miscellaneous rate that include bucket truck for $195.00 per hour and was approved by council via R-2018.11.14-147; and

WHEREAS: The city is currently in its second year with this vendor and has received a change in billing process for Loop installation at intersections. Maintenance and repairs will still be billed at per hour rates already approved but any loop work will be submitted as lump sum pricing of $1,400 each with a minimum of two loops per call out. It is the recommendation to award to current vendor Electric Light Company Inc at the rates listed above and in conjunction with B19019.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Electric Light Company Inc of Cape Neddick, ME for traffic signal repairs and maintenance services at rates provided in conjunction with Bid B19019 and rates listed above for Loop Work, as needed. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000.1.300.43121.4432.00000	CS Street Maint Charges	146,697.00	112,632.00

AUTHORIZATION

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

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua Wyatt, City Attorney

Recorded by: Susan Mistretta, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

Resolution Number: **R – 2020.01.22 – 10**
Resolution Re: B19019 Traffic Signal Repairs and Maintenance

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

CITY OF DOVER

Resolution Number: **R – 2020.01.22 – 10**
Resolution Re: B19019 Traffic Signal Repairs and Maintenance

RESOLUTION BACKGROUND MATERIAL:
The City has approximately Thirty Five (35) signalized traffic control intersections that have occasional need for professional repair/maintenance services due to various malfunctions of one type or another. More often than not, repairs are required due to damage incurred as the result of a motor vehicle accident of some type. Due to the nature and function of the equipment needing repairs, timely responsiveness and corrective action are critical to alleviate potential vehicle traffic jams and to insure for safe vehicular and/or pedestrian flow. Services are mostly of an "as needed" nature but there are occasions when scheduled work will be requested.

The city is currently in its second year with this vendor and has received a change in billing process for Loop installation at intersections. Maintenance and repairs will still be billed at per hour rates already approved but any loop work will be submitted as lump sum pricing of $1,400 each with a minimum of two loops per call out for total of $2,800.00.

Bid Information:
A sealed request for bid B19019 was issued and received for Traffic Signal Repairs on November 7, 2018 at 2:00 PM

Award Information:
A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Emailed:	69	**Number of Responses:**	1
Warranty:	Per manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	One year	**Estimated Delivery:**	As needed
Recommended Award to:	Electric Light Company Inc	**Fund:**	Various
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

Vendor Solicitation and Bid Results

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.10.

Resolution Number: **R – 2020.01.22 – 011**
Resolution Re: Approval of Zebra Crossings Lease Agreement

WHEREAS: Zebra Crossings is an existing, non-profit tenant in Room 321 at the McConnell Center and desires to exchange spaces with space leased and occupied by Strafford County and its Integrated Delivery Network, who currently occupies Room 302A; and

WHEREAS: That by mutual agreement the parties wish to terminate the current Lease Agreement and enter into a new lease superseding the parties' existing Lease Agreement; and

WHEREAS: The new, proposed lease between Zebra Crossings and the City would be for Room 302A (approximately 345 square feet +/-) and have a term of five (5) years.

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

The City Manager is authorized to (i) terminate the existing Lease Agreement by mutual agreement, and (ii) negotiate, finalize, and sign a replacement five-year Lease Agreement for Room 302A in the McConnell Center on terms acceptable to both parties.

AUTHORIZATION

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

Approved as to Legal Form and Compliance: Joshua M. Wyatt, City Attorney

Recorded by: Susan M. Mistretta, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.10.

Resolution Number: **R – 2020.01.22 – 011**
Resolution Re: Approval of Zebra Crossings Lease Agreement

DOCUMENT HISTORY:

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

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City of Dover leases space at the McConnell Center primarily to non-profit organizations and state agencies. See attached draft of the Zebra Crossings' Lease Agreement, which the parties are still discussing.

CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

LEASE AGREEMENT

THIS LEASE AGREEMENT made this _____ day of 2020, by and between **ZEBRA CROSSINGS,** of 61 Locust St., Suite 302A Dover, New Hampshire 03820 (hereinafter referred to as "LESSEE"), and the **CITY OF DOVER**, New Hampshire of 288 Central Avenue, Dover, County of Strafford and State of New Hampshire (hereinafter referred to as "LESSOR").

W I T N E S S E T H :

That IN CONSIDERATION of the mutual promises contained herein, and FOR OTHER GOOD AND VALUABLE CONSIDERATION contained herein, the parties agree as follows:

1. **Description and Term**.

LESSEE is party to an existing lease with the LESSOR dated July 15, 2015 (and amended on or about October 30, 2017, and on or about March 1, 2018, and on or about September 28, 2018) for, as amended, space in the McConnell Center identified therein (Room 246 was sub-leased and later directly leased to the sublessee, and is not currently leased by LESSEE). LESSEE has agreed to exchange spaces with another tenant at the McConnell Center and, in doing so, memorialize same by way of this new lease.

That the LESSOR does hereby demise and lease to the LESSEE the space within the City's McConnell Center located at 61 Locust Street, Dover, New Hampshire, which space is intended to contain 345 square feet and more particularly identified as McConnell Center room 302A (the "Space").

By signing this lease, the parties mutually agree to terminate the existing lease dated July 15, 2015 and any amendment or change thereto in its/their entirety, and for this lease to supersede and replace the aforesaid July 15, 2015 as amended on the terms set forth herein as of the date this lease is executed by all parties.

In conjunction with the use of the Space, LESSEE shall have the right to use parking spaces for its employees in the adjacent City Parking lot to the rear of the Public Library during LESSEE's normal operations. Additionally, parking spaces may be available on streets adjacent to the McConnell Center. It is agreed the parking spaces will not be reserved and used on a first come first served basis with no signage designating parking spaces to the LESSEE. The parking spaces may be subject to relocation within the entire parking lot at the sole discretion of the City of Dover.

The term of LESSEE's Lease Agreement shall be for five (5) years beginning on February 1, 2020 and ending on January 31, 2025.

Monthly rent shall be paid the first of each month to the City of Dover. If a term commences on a day other than the 1st of a month, that month's rent shall be prorated based on the number of days in the month. The first year's rent charges are based upon space allocation of 345 square feet and calculated using the following components:

ZEBRA CROSSINGS 345 Sq. Ft. February 1 to June 30, 2020

Component	Rate	Annual	Monthly
Fixed Rent	**$6.50**	**$2,242.50**	**$186.88**
Capital Reserve	**$0.40**	**$138.00**	**$11.50**
Utilities (*)	**$7.45**	**$2,570.25**	**$214.19**
Other as agreed	**0**	**0**	**0**
Total Rent Assessment	**$14.35**	**$4,950.75**	**$412.56**

(*) Operations and Maintenance costs are variable based upon actual costs as outlined in section 2.

2. **Operations and Maintenance**.

The LESSEE shall be responsible for payment of all Operations and Maintenance costs associated with the Space, including utilities (electricity, water, gas, heat) and shared custodial, snow removal and associated supplies. Operations and Maintenance costs of this Lease Agreement shall be paid as part of the monthly total rent invoice. The Operation and Maintenance cost component is currently set at $7.45/sf. However, effective as of July 1st of each year during which this lease is in effect, the Operations and Maintenance cost component shall be updated as follows.

Step 1, Determine Amount A: Amount A is the sum of the City's previous fiscal year actual costs for the McConnell Center less capital outlay and debt service expenditures, plus

Step 2, Determine Amount B: Amount B is the adopted, most current McConnell Center Budget (Current Fiscal Year, e.g., the first of which will be City's Fiscal Year 2021 running July 1, 2020 through June 30, 2021) less amount budgeted for capital outlay and debt service.

Step 3, Sum of Amount A and Amount B is divided by two: Take the amount resulting from adding Amount A and Amount B and divide by 2 to arrive at an Operating Expense Amount.

Step 4, Operating Expense Amount divided by rentable square footage: The Operating Expense Amount will then be divided by the amount of rentable square footage in the McConnell Center to arrive at an Annual Per Square Foot Fee. The total square footage of rentable space in the McConnell Center is 53,899 square feet. The Annual Per Square Foot Fee is then applied as the Operations and Maintenance cost component, which shall apply effective as of July 1st through the end of that City fiscal year, after which it shall thereafter be updated annually effective July 1st of each year this lease is in effect.

3. **Condition of Premises**.

The LESSOR leases the Space "as is". LESSEE shall be solely responsible for all associated costs for desired original and future build-out of the Space; and plans for such build-out must be reviewed for potential approval by LESSOR. LESSEE shall be solely responsible for insuring all improvements and contents of the Space and shall name LESSOR as an additional insured.

LESSOR shall, at its own expense, maintain and keep the building in good structural order and repair including, but not limited to, all partitions, doors, windows, fixtures and equipment. In addition, LESSOR shall, at its own expense, make normal repairs and maintain performance of the leased Space, as needed, including, without limitation, the replacement of broken glass, interior repainting, the repair of floors, and the keeping of windows and doors watertight. LESSOR shall also, at its expense, maintain in good operating condition all plumbing, electrical, heating, sprinkling, air conditioning and other utility systems. All items herein mentioned shall be maintained in as good order and repair as they were at the date of the commencement of the term of this Lease Agreement, reasonable wear and damage by accident, fire or other insured against casualty excepted. LESSEE and LESSOR will perform a walk through to evaluate condition of the Space prior to occupancy.

LESSOR agrees to maintain the Space in condition fit for its intended use and to make all necessary repairs of which LESSOR is aware, including adequate heat and water, and a sound physical structure. Furthermore, LESSOR will maintain the grounds and remove the common area rubbish and maintain and keep reasonably free from snow and ice the parking areas, sidewalks and entrances/exits to building.

4. **Access to Premises**.

The LESSOR shall also have the right to enter upon the Space at all reasonable times to inspect same and to expel the LESSEE if the LESSEE shall fail to comply with or breach

in any way this Lease Agreement. The LESSOR shall provide the LESSEE with reasonable notice of any inspections of or visits to the Space.

5. **Unavoidable Casualty and Eminent Domain**.

In the event of an unavoidable casualty, including fire, not arising as a result of the negligence or intentional conduct of the LESSEE whereby the Space or any portion of it is destroyed or damaged so as to be unfit for use or occupancy, the LESSOR specifically reserves the option of terminating this Lease Agreement. However, that in the event of total destruction or damage which is the equivalent of total destruction, this Lease Agreement shall automatically terminate.

In the event the Space shall be taken either under threat of eminent domain or by eminent domain proceedings in whole, then this Lease Agreement shall be terminated and the rent shall be pro-rated and returned to the LESSEE as of the date of such taking. A condemnation award shall belong exclusively to the LESSOR.

6. **Use**.

The LESSEE shall only use the Space in compliance with the City's ordinances, rules and regulations. Additionally, the Space shall be used for charitable non-profit purposes only. No residential use shall be permitted.

7. **Subletting and Assignment**.

LESSEE shall neither sublet nor assign the Space or the associated parking spaces under any circumstances without prior written consent by the LESSOR.

8. **Personal Property**.

In the event that at the end of the term or upon any earlier termination of this Lease Agreement including, but not limited to, termination for failure of the LESSEE to perform as required hereunder, there remains personal property of the LESSEE in the Space, the LESSOR is authorized to dispose of said property after giving written notice of its intent to do so to the LESSEE at the last known address of the LESSEE.

9. **Default/Early Termination**.

In the event the LESSEE fails to perform its obligations under this Lease Agreement, this Lease Agreement is defaulted; and the LESSOR is entitled to immediate occupation and possession of the Space and the associated parking spaces. If the LESSEE shall default in the observance or performance of any conditions or covenants on LESSEE's part to be

observed or performed, under or by virtue of any provisions of this Lease Agreement, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default at the expense of the LESSEE. If the LESSOR makes any expenditure or incurs any obligations for payment in connection therewith including, but not limited to, attorney's fees, such sums paid or obligations incurred shall be paid to the LESSOR as additional rent. In the event that there is damage to the Space due to the LESSEE's actions or inactions, or the LESSEE fails to make any utility payments when due, the Lease Agreement may be immediately terminated at the option of the LESSOR.

Both the LESSEE and the LESSOR shall have the right to terminate this Lease Agreement for any reason upon giving at least three (3) months written notice to the other party.

10. **Indemnification**.

LESSEE agrees to pay, and to protect, defend (with counsel acceptable to the LESSOR), indemnify and save harmless LESSOR from and against any and all liabilities, losses, damages, costs, expenses (including all reasonable attorney's fees and expenses), causes of action, allegations, suits, claims, demands or judgments of any nature whatsoever arising from:

(i) any injury to, or the death of, any person(s);

(ii) any damage to property or to the Space;

(iii) any act or omission of LESSEE or its agents, officers or employees;

(iv) violation by LESSEE of any agreement or condition of this Lease Agreement; or

(v) violation by LESSEE of any law, ordinance or regulation affecting the Space or any part thereof or the ownership and occupancy thereof.

11. **Insurance.**

Casualty and property insurance shall continue to be maintained on the subject property by the LESSOR. LESSEE shall procure and maintain in force, at its expense, during the term of this Lease Agreement, and any extensions of such term, liability and property damage insurance for the LESSEE's leased Space to be considered primary and non-contributory coverage. Said insurance to be in limits of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. LESSOR has no obligation for any loss to LESSEE's personal property. Proof of LESSEE's insurance shall be supplied to the LESSOR at the time of occupancy and

LESSEE shall provide certificates for any renewal no later than ten (10) business days prior to the expiration of said policy. The LESSOR shall be listed as "Additional Insured" on the policy and proof of insurance certificate. The insurance coverage procured by LESSEE shall cover the LESSOR with the same scope of coverage provided to the LESSEE without subjecting the LESSOR to any different or additional terms, conditions, limitations or exclusions. A condition of the insurance coverage shall be thirty (30) days' notice to the LESSOR upon cancellation of the policy.

12. **Liens and Encumbrances**.

LESSEE will not create or allow any lien, encumbrance or charge on the LESSEE's Space or on the McConnell Center or on the rents or income therefrom which may be superior to the LESSOR's rights hereunder.

13. **Parties Bound**.

This Lease Agreement and its addendums is binding upon the heirs, executors, administrators and assigns of the parties hereto and constitutes the entire agreement between the parties.

14. **Notice**.

All notices by either party to be given with respect to this Lease Agreement shall be in writing and shall be given by first class mail to the addresses stated above.

15. **Modification of Lease Agreement**.

This Lease Agreement contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the both parties.

16. **Section Headings**.

The section headings throughout this instrument are for convenience and reference only, and the words contained herein shall in no way be held to explain, modify or amplify, or aid in the interpretation, construction or meaning of the provisions of the Lease Agreement.

17. **Severability**.

Any determination that any provision of this Lease Agreement or any application thereof is invalid, illegal or unenforceable in any respect in any instance shall not effect the

validity, legality or enforceability of such provision in any other instance or the validity, legality or enforceability of any other provision of this Lease Agreement.

18. **Laws Governing**.

The parties agree that the laws of the State of New Hampshire will govern all disputes under this Lease Agreement and determine all rights hereunder.

19. **Security Deposit**.

Upon execution of this Lease Agreement, LESSEE deposits with LESSOR_$0_, as security for the performance by LESSEE of the terms of this Lease Agreement to be returned to LESSEE, with interest, following the full and faithful performance by LESSEE of this Lease Agreement. In the event of damage to the Space caused by LESSEE or LESSEE's agents or visitors, LESSOR may use funds from the deposit to repair, but is not limited to this fund and LESSEE remains liable.

20. **Taxes.**

Pursuant to RSA 72:23, I, LESSEE agrees to pay all properly assessed current and potential real and personal property taxes no later than the due date. LESSEE is obligated by the foregoing to pay real and personal property taxes on structures or improvements added by the LESSEE. Failure of the LESSEE to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said Lease by the LESSOR.

21. **Merger**.

This Lease Agreement contains all terms and conditions agreed upon by the parties hereto and no other agreements or representations, oral or otherwise, regarding the subject matter of this Lease Agreement shall be deemed to exist, provided, however, that any subsequent modifications or agreements affecting this Lease Agreement shall be in writing and signed by the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this Lease agreement this _____ day of _____, 2020.

LESSEE, ZEBRA CROSSINGS
By:
Duly Authorized

_____ _____
Witness
Date

LESSOR, THE CITY OF DOVER,
By: J. Michael Joyal, Jr., City Manager
Duly Authorized

_____ _____
Witness
Date

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.11.

Resolution Number: **R – 2020.01.22 – 012**
Resolution Re: Approval of Strafford County Lease Agreement

WHEREAS: Strafford County administers the Integrated Delivery Network as an existing tenant in 302A at the McConnell Center;

WHEREAS: Strafford County desires to exchange spaces with another tenant at the McConnell Center who currently occupies Room 321; and

WHEREAS: That by mutual agreement the parties wish to terminate the current Lease Agreement and enter into a new lease superseding the parties' existing Lease Agreement; and

WHEREAS: The new, proposed lease between Strafford County and the City would be for Room 321 (approximately 683 square feet +/-) and extend for a term of five (5) years.

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

The City Manager is authorized to (i) terminate the existing Lease Agreement by mutual agreement, and (ii) negotiate, finalize, and sign a replacement five-year Lease Agreement for Room 321 in the McConnell Center on terms acceptable to both parties.

AUTHORIZATION

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

Approved as to Legal Form and Compliance: Joshua M. Wyatt, City Attorney

Recorded by: Susan M. Mistretta, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.11.

Resolution Number: **R – 2020.01.22 – 012**
Resolution Re: Approval of Strafford County Lease Agreement

DOCUMENT HISTORY:

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

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City of Dover leases space at the McConnell Center primarily to non-profit organizations and state agencies. See attached draft of the Strafford County Lease Agreement, which the parties are still discussing.

CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

LEASE AGREEMENT

THIS LEASE AGREEMENT made this _____ day of _____, 2020, by and between **STRAFFORD COUNTY**, a governmental entity established by RSA chapters 22 and 23 with an address of 259 County Farm Road, Suite 204, Dover, New Hampshire 03820 (hereinafter referred to as "LESSEE"), and the **CITY OF DOVER**, New Hampshire, of 288 Central Avenue, Dover, County of Strafford and State of New Hampshire (hereinafter referred to as "LESSOR").

W I T N E S S E T H :

That IN CONSIDERATION of the mutual promises contained herein, and FOR OTHER GOOD AND VALUABLE CONSIDERATION contained herein, the parties agree as follows:

1. Description and Term.

LESSEE is the grant recipient and administrator for the Integrated Delivery Network of Strafford County Commissioners, and in that capacity is party to an existing lease with the LESSOR dated June 29, 2018 for 345 square feet in the McConnell Center identified more particularly on the McConnell Center Plans dated February 6, 2006 as Room 302A. LESEE has agreed to exchange spaces with another tenant at the McConnell Center and, in doing so, memorialize same by way of this new lease.

That the LESSOR does hereby demise and lease to the LESSEE the Space within the City's McConnell Center located at 61 Locust Street, Dover, New Hampshire, which Space is intended to contain 683 square feet and more particularly identified as McConnell Center room 321 (the "Space").

By signing this lease, the parties mutually agree to terminate the aforesaid existing lease dated June 29, 2018 in its entirety, and for this lease to supersede and replace the aforesaid prior lease on the terms set forth herein as of the date this lease is executed by all parties.

In conjunction with the use of the Space, LESSEE shall have the right to use parking spaces for its employees in the adjacent City Parking lot to the rear of the Public Library during LESSEE's normal operations. Additionally, parking spaces may be available on streets adjacent to the McConnell Center. It is agreed the parking spaces will not be reserved and are available on a first come first served basis with no signage designating parking spaces to the LESSEE. The LESSOR does not guarantee the availability of parking spaces. The parking spaces may be subject to relocation within the entire parking lot at the sole discretion of the City of Dover.

The term of LESSEE's Lease Agreement shall be for five (5) years beginning on February 1, 2020 and ending on January 31, 2025.

Monthly rent shall be paid the first of each month to the City of Dover. If a term commences on a day other than the 1st of a month, that month's rent shall be prorated based on the number of days in the month. The first year's rent charges are based upon space allocation of 683 square feet and calculated using the following components:

INTEGRATED DELIVERY NETWORK 683 Sq ft February 1, to June 30, 2020

Component	Rate	Annual	Monthly
Fixed Rent	**$6.50**	**$ 4,439.50**	**$ 369.96**
Capital Reserve	**$0.40**	**$ 273.20**	**$ 22.77**
Utilities (*)	**$7.45**	**$ 5,088.35**	**$ 424.03**
Other as agreed	**0**	**0**	**0**
Total Rent Assessment	**$14.35**	**$ 9,801.05**	**$ 816.76**

(*) Operations and Maintenance costs are variable, and will be updated as of July 1st of each year this lease is in effect, as outlined in Section 2.

2. **Operations and Maintenance**.

The LESSEE shall be responsible for payment of all Operations and Maintenance costs associated with the Space, including utilities (electricity, water, gas, heat) and shared custodial, snow removal and associated supplies. Operations and Maintenance costs of this Lease Agreement shall be paid as part of the monthly total rent invoice. The Operation and Maintenance cost component is currently set at $7.45/sf. However, effective as of July 1st of each year during which this lease is in effect, the Operations and Maintenance cost component shall be updated as follows.

Step 1, Determine Amount A: Amount A is the sum of the City's previous fiscal year actual costs for the McConnell Center less capital outlay and debt service expenditures, plus

Step 2, Determine Amount B: Amount B is the adopted, most current McConnell Center Budget (Current Fiscal Year, e.g., the first of which will be City's Fiscal Year 2021 running July 1, 2020 through June 30, 2021) less amount budgeted for capital outlay and debt service.

Step 3, Sum of Amount A and Amount B is divided by two: Take the amount resulting from adding Amount A and Amount B and divide by 2 to arrive at an Operating Expense Amount.

Step 4, Operating Expense Amount divided by rentable square footage: The Operating Expense Amount will then be divided by the amount of rentable square footage in the McConnell Center to arrive at an Annual Per Square Foot Fee. The total square footage of rentable space in the McConnell Center is 53,899 square feet. The Annual Per Square Foot Fee is then applied as the Operations and Maintenance cost component, which shall apply effective as of July 1st through the end of that City fiscal year, after which it shall thereafter be updated annually effective July 1st of each year this lease is in effect.

3. Condition of Premises.

The LESSOR leases the Space "as is". LESSEE shall be solely responsible for all associated costs for desired original and future build-out of the Space; and plans for such build-out must be reviewed for potential approval by LESSOR. LESSEE shall be solely responsible for insuring all improvements and contents of the Space and shall name LESSOR as an additional insured.

LESSOR shall, at its own expense, maintain and keep the building in good structural order and repair including, but not limited to, all partitions, doors, windows, fixtures and equipment. In addition, LESSOR shall, at its own expense, make normal repairs and maintain performance of the leased Space, as needed, including, without limitation, the replacement of broken glass, interior repainting, the repair of floors, and the keeping of windows and doors watertight. LESSOR shall also, at its expense, maintain in good operating condition all plumbing, electrical, heating, sprinkling, air conditioning and other utility systems. All items herein mentioned shall be maintained in as good order and repair as they were at the date of the commencement of the term of this Lease Agreement, reasonable wear and damage by accident, fire or other insured against casualty excepted. LESSEE and LESSOR will perform a walk through to evaluate condition of the Space prior to occupancy.

LESSOR agrees to maintain the Space in condition fit for its intended use and to make all necessary repairs of which LESSOR is aware, including adequate heat and water, and a sound physical structure. Furthermore, LESSOR will maintain the grounds and remove the common area rubbish and maintain and keep reasonably free from snow and ice the parking areas, sidewalks and entrances/exits to building.

4. Access to Premises.

The LESSOR shall also have the right to enter upon the Space at all reasonable times to inspect same and to expel the LESSEE if the LESSEE shall fail to comply with or breach

in any way this Lease Agreement. The LESSOR shall provide the LESSEE with reasonable notice of any inspections of or visits to the Space.

5. Unavoidable Casualty and Eminent Domain.

In the event of an unavoidable casualty, including fire, not arising as a result of the negligence or intentional conduct of the LESSEE whereby the Space or any portion of it is destroyed or damaged so as to be unfit for use or occupancy, the LESSOR specifically reserves the option of terminating this Lease Agreement. However, that in the event of total destruction or damage which is the equivalent of total destruction, this Lease Agreement shall automatically terminate.

In the event the Space shall be taken either under threat of eminent domain or by eminent domain proceedings in whole, then this Lease Agreement shall be terminated and the rent shall be pro-rated and returned to the LESSEE as of the date of such taking. A condemnation award shall belong exclusively to the LESSOR.

6. Use.

The LESSEE shall only use the Space in compliance with the City's ordinances, rules and regulations. Additionally, the Space shall be used for charitable non-profit purposes only. No residential use shall be permitted.

7. Subletting and Assignment.

LESSEE shall neither sublet nor assign the Space or the associated parking spaces under any circumstances without prior written consent by the LESSOR. In the event of any sublet or assignment, the LESSOR may require, among other things, inclusion of the tax-shifting language set forth in RSA 72:23.

8. Personal Property.

In the event that at the end of the term or upon any earlier termination of this Lease Agreement including, but not limited to, termination for failure of the LESSEE to perform as required hereunder, there remains personal property of the LESSEE in the Space, the LESSOR is authorized to dispose of said property after giving written notice of its intent to do so to the LESSEE at the last known address of the LESSEE.

9. Default/Early Termination.

In the event the LESSEE fails to perform its obligations under this Lease Agreement, this Lease Agreement is defaulted, and the LESSOR is entitled to immediate occupation and

possession of the Space and the associated parking spaces. If the LESSEE shall default in the observance or performance of any conditions or covenants on LESSEE's part to be observed or performed, under or by virtue of any provisions of this Lease Agreement, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default at the expense of the LESSEE. If the LESSOR makes any expenditure or incurs any obligations for payment in connection therewith including, but not limited to, attorney's fees, such sums paid or obligations incurred shall be paid to the LESSOR as additional rent. In the event that there is damage to the Space due to the LESSEE's actions or inactions, or the LESSEE fails to make any utility payments when due, the Lease Agreement may be immediately terminated at the option of the LESSOR.

Both the LESSEE and the LESSOR shall have the right to terminate this Lease Agreement for any reason upon giving at least three (3) months written notice to the other party.

10. Indemnification.

LESSEE agrees to pay, and to protect, defend (with counsel acceptable to the LESSOR), indemnify and save harmless LESSOR from and against any and all liabilities, losses, damages, costs, expenses (including all reasonable attorney's fees and expenses), causes of action, allegations, suits, claims, demands or judgments of any nature whatsoever arising from:

(i) any injury to, or the death of, any person(s);

(ii) any damage to property or to the Space;

(iii) any act or omission of LESSEE or its agents, officers or employees;

(iv) violation by LESSEE of any agreement or condition of this Lease Agreement; or

(v) violation by LESSEE of any law, ordinance or regulation affecting the Space or any part thereof or the ownership and occupancy thereof.

11. Insurance.

Casualty and property insurance shall continue to be maintained on the subject property by the LESSOR. LESSEE shall procure and maintain in force, at its expense, during the term of this Lease Agreement, and any extensions of such term, liability and property damage insurance for the LESSEE's leased Space to be considered primary and non-contributory coverage. Said insurance to be in limits of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the

aggregate. LESSOR has no obligation for any loss to LESSEE's personal property. Proof of LESSEE's insurance shall be supplied to the LESSOR at the time of occupancy and LESSEE shall provide certificates for any renewal no later than ten (10) business days prior to the expiration of said policy. The City of Dover shall be listed as "Additional Insured" on the policy and proof of insurance certificate. The insurance coverage procured by LESSEE shall cover the LESSOR with the same scope of coverage provided to the LESSEE without subjecting the LESSOR to any different or additional terms, conditions, limitations or exclusions. A condition of the insurance coverage shall be thirty (30) days' notice to the LESSOR upon cancellation of the policy.

12. Liens and Encumbrances.

LESSEE will not create or allow any lien, encumbrance or charge on the LESSEE's Space or on the McConnell Center or on the rents or income therefrom which may be superior to the LESSOR's rights hereunder.

13. Parties Bound.

This Lease Agreement and its addendums is binding upon the heirs, executors, administrators and assigns of the parties hereto and constitutes the entire agreement between the parties. By signing this lease, the signatory and party represents and warrants that it has authority to enter into and bind all terms set forth within this lease.

14. Notice.

All notices by either party to be given with respect to this Lease Agreement shall be in writing and shall be given by first class mail to the addresses stated above.

17. Modification of Lease Agreement.

This Lease Agreement contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the both parties.

18. Section Headings.

The section headings throughout this instrument are for convenience and reference only, and the words contained herein shall in no way be held to explain, modify or amplify, or aid in the interpretation, construction or meaning of the provisions of the Lease Agreement.

19. Severability.

Any determination that any provision of this Lease Agreement or any application thereof is invalid, illegal or unenforceable in any respect in any instance shall not effect the validity, legality or enforceability of such provision in any other instance or the validity, legality or enforceability of any other provision of this Lease Agreement.

19. Laws Governing.

The parties agree that the laws of the State of New Hampshire will govern all disputes under this Lease Agreement and determine all rights hereunder.

21. Security Deposit.

Upon execution of this Lease Agreement, LESSEE deposits with LESSOR_$0_, as security for the performance by LESSEE of the terms of this Lease Agreement to be returned to LESSEE, with interest, following the full and faithful performance by LESSEE of this Lease Agreement. In the event of damage to the Space caused by LESSEE or LESSEE 's agents or visitors, LESSOR may use funds from the deposit to repair, but is not limited to this fund and LESSEE remains liable.

22. Taxes.

Pursuant to RSA 72:23, I, LESSEE agrees to pay all properly assessed current and potential real and personal property taxes no later than the due date. LESSEE is obligated by the foregoing to pay real and personal property taxes on structures or improvements added by the LESSEE. Failure of the LESSEE to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said Lease by the LESSOR. Notwithstanding the foregoing, the LESSEE is recognized as tax-exempt pursuant to RSA 72:23, II, provided the SPACE is used solely by LESSEE for governmental purposes.

23. Merger.

This Lease Agreement contains all terms and conditions agreed upon by the parties hereto and no other agreements or representations, oral or otherwise, regarding the subject matter of this Lease Agreement shall be deemed to exist, provided, however, that any subsequent modifications or agreements affecting this Lease Agreement shall be in writing and signed by the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto executed this Lease Agreement this _____ day of _____, 2020.

LESSEE, STRAFFORD COUNTY,
By:
Duly Authorized

_____ _____
Witness
Date

LESSOR, THE CITY OF DOVER,
By J. Michael Joyal, Jr., City Manager
Duly Authorized

_____ _____
Witness
Date

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2020.01.22 – 013**
Resolution Re: FY2020 Transfer Additional Funds to School Facilities Capital Reserve and School Curriculum Capital Reserve

WHEREAS: The Dover School Board has identified an amount up to Three Hundred Seventy-Nine Thousand, Ninety-Seven dollars ($379,097.00) in additional IDEA 2018-2019 grant allocation made available during the 2019-2020 fiscal year; and

WHEREAS: The additional IDEA allocation has been approved by the NH Department of Education to offset wages and associated benefits in the 2019-2020 fiscal year, thereby making General Fund appropriations available for transfer into capital reserves; and

WHEREAS: The Dover School Board approved a resolution on January 7, 2020 (copy attached to this resolution) requesting the Dover City Council approve the transfer of additional funds into the School Facilities Capital Reserve and School Curriculum Capital Reserve; and

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

The amount of Three Hundred Seventy-Nine Thousand, Ninety-Seven dollars ($379,097.00) is appropriated for transfer into the respective School Capital Reserve Funds from the Dover School District's FY2020 General Fund adopted appropriations as follows:

		Adopted	Budget	Revised
Account	Description	Budget	Amendment	Budget
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Curriculum Capital Reserve	$0.00	$200,000.00	$200,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Facilities Capital Reserve	$0.00	$179,097.00	$179,097.00
		$0.00	$379,097.00	$379,097.00
1000.2.630.01210.4110.00000.00.000.120.100	Salaries SPED Dover High School	$566,946.00	($235,746.00)	$331,200.00
1000.2.630.01210.4211.00000.00.000.120.100	Medical Insurance SPED Teachers	$143,416.00	($79,686.00)	$63,730.00
1000.2.630.01210.4212.00000.00.000.120.100	Dental Insurance SPED Teachers	$5,907.00	($2,741.00)	$3,166.00
1000.2.630.01210.4220.00000.00.000.120.100	FICA SPED Dover High School	$41,973.00	($18,034.00)	$23,939.00
1000.2.630.01210.4230.00000.00.000.120.100	Retirement SPED Dover High School	$100,416.00	($41,963.00)	$58,453.00
1000.2.600.01100.4213.00000.00.000.140.100	Life Insurance	$47,826.00	($432.00)	$47,394.00
1000.2.600.01100.4214.00000.00.000.140.100	Disability Insurance	$59,379.00	($495.00)	$58,884.00
		$965,863.00	($379,097.00)	$586,766.00
	TOTALS	$965,863.00	$0.00	$965,863.00

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

AUTHORIZATION

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

Sponsored by: Mayor Robert Carrier, By Request

Approved as to Legal Form and Compliance: Joshua M. Wyatt, City Attorney

Recorded by: Susan M. Mistretta, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2020.01.22 – 013**
Resolution Re: FY2020 Transfer Additional Funds to School Facilities Capital Reserve and School Curriculum Capital Reserve

DOCUMENT HISTORY:

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

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2020.01.22 – 013**
Resolution Re: FY2020 Transfer Additional Funds to School Facilities Capital Reserve and School Curriculum Capital Reserve

RESOLUTION BACKGROUND MATERIAL:

In accordance with City Charter C6-8 Transfers, the School Department's School Board approved a resolution on January 7, 2020 identifying that up to $379,097.00 of the department's General Fund available appropriations be transferred into the School Capital Reserve Funds.

The School department's available General Fund appropriations is the result of the Dover School District receiving additional IDEA grant allocation as approved by New Hampshire Department of Education.

In accordance with NH RSA Chapter 34 *Capital Reserve Funds for Cities*, the City Council must approve any transfer into a city capital reserve fund.

This resolution does not increase any appropriations.

A copy of the adopted School Board resolution is attached to this City Council resolution.

RESOLUTION

RE: TRANSFER FUNDS TO THE SCHOOL CURRICULUM AND FACILITIES CAPITAL RESERVE FUNDS

WHEREAS: The Dover City Council established two capital reserve funds titled Curriculum and School Facilities; and

WHEREAS: The Dover School Board has recognized an amount up to three hundred seventy-nine thousand, ninety-seven ($379,097) dollars in an additional IDEA 2018-2019 grant allocation made available during the 2019-2020 fiscal year; and

WHEREAS: The additional IDEA allocation has been approved by the NHDOE to offset wages and associated benefits in the 2019-2020 fiscal year, thereby making General Fund appropriations available for transfer into capital reserves; and

NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

The City Council adopt a General Fund budget amendment to transfer an amount up to $379,097 into the School Department Capital Reserve accounts as noted below and reduce appropriations from General Fund-Education as noted below:

Account	Description	Budget Adjustment
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Curriculum Capital Reserve	$200,000.00
1000.2.600.05251.4918.00000.00.000.000.910	Transfer to School Facilities Capital Reserve	$179,097.00
		$379,097.00
1000.2.630.01210.4110.00000.00.000.120.100	SALARIES SPED DHS	-($235,746.00)
1000.2.630.01210.4211.00000.00.000.120.100	MEDICAL INS SPED TEACHERS	-($79,686.00)
1000.2.630.01210.4212.00000.00.000.120.100	DENTAL INS SPED TEACHERS	-($2,741.00)
1000.2.600.01100.4213.00000.00.000.140.100	Life Insurance	-($432.00)
1000.2.600.01100.4214.00000.00.000.140.100	Disability Insurance	-($495.00)
1000.2.630.01210.4220.00000.00.000.120.100	FICA SPED DHS	-($18,034.00)
1000.2.630.01210.4230.00000.00.000.120.100	RETIREMENT SPED DHS	-($41,963.00)
		-($379,097.00)

SUBMITTED BY:

Amanda L. Russell, Chairperson

Keith Holt, Vice Chairperson

Kathleen Morrison, Secretary

Rachel Burdin

Carolyn Mebert

Zachary Koehler

Jessica Rozzo

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

January 10, 2020

Dear City Councilors and Town Selectboard members,

48 hours ago, I was informed that a public hearing would be held in front of the NH House Ways & Means Committee on a bill that I am prime sponsor, CACR-17. The hearing is scheduled for January 15 at 10:00 am in the LOB bldg. in room 202.

I sent to the SAU office of which your town/city is a member, a packet of material to be shared with the school board and community members of the reason for CACR-17. I hope that this material was communicated or shared between the SAU office, school board and the city or town elected officials.

CACR-17 is a property tax reduction bill because property taxes in this State are out of control! The State legislative bodies and the Governor's office have been trying for over 20 years to put a "WHALE" (adequate funding for public schools) into a "tub of water." It has affected the security of property for our residents and businesses. It is time to change the framework of taxation and tone of how this state approaches property tax relief.

To sum up all the info that I and Bob Hemenway put together and sent to your SAU, the CACR-17 is proposing a change in the State Constitution by adding Article 6-c which is for the purpose of reducing property taxes mandated by the State/County by the same amount of revenue raised by such a tax and put in a "LOCK BOX". GIVE THE VOTERS A VOICE – not just their State Rep or Senator. The present framework results are thwarting your community's financial well-being.

If CACR-17 passes at the ballot box, the legislature knows that they have the backing of the voters to move forward and establish a tax, hopefully a discretionary one, in which the revenue from the Tax would only be to reduce Property Taxes.

Any of you that can make the hearing on January 15th at 10:00 am in the LOB, Room 202 and express your view on reducing your constituents' property taxes would be appreciated.

NH St Rep Tom Schamberg – House Ways & Means Tom Schamberg

January 10, 2020

Re: Property tax relief- CACR 17

Dear Town Selectboard members and City Councilors,

It's time for a change on how this state takes on the challenge of the ever- rising property tax increases. In 2009, the average property tax bill in NH was $18.49. In 2019, the average property tax increased to $22.98, a $4.49 (24.25%) increase. At this rate in 2049, the average property tax will have increased 100%.

NH SelectBoard members & City Councilors have done an admirable job of controlling their Municipal tax rate but the other 3 components of the overall tax rate scheme have steadily influenced the tax rate in your community because of the state's inability to find discretionary revenue.

The largest denominator that has victimized your residents is the State Education tax and the Local Education tax requirements. For 20 years the storm clouds have been gathering on whose DUTY it is to adequately fund public education. The NH Supreme Court has stated "encouragement of the literature clause of the State Constitution imposes duty on the State to provide constitutionally adequate education to every educable child in public schools in the state and to guarantee adequate funding." The court goes on to state " The State's constitutional duty to provide constitutionally adequate education and guarantee adequate funding extends beyond mere reading, writing, and arithmetic, but also includes broad educational opportunities needed in present society to prepare citizens for their role as participants and potential competitors in the marketplace of ideas." In 2018/2019, the average cost was $16,346.45 per student while the State only paid $3439.20 per student. The result is thwarting your community's financial well-being and security of property.

How do we set a "tone" for security of property for your residents? The legislature must seek a legislative discretionary replacement tax for the state/county mandated property tax requirements and put any discretionary tax in a "LOCK BOX". We do this by changing the State Constitution and add Article 6c which states " Any broad-based tax enacted by the State shall only be for the

purpose of reducing property taxes by the same amount of revenue as raised by such tax."

There have been 2 bills introduced for session 2020 that would like to tax ski lift tickets and electronics. Where will this money go? Into the General Fund where it can be used for legislative wishes vs property tax relief?

The proposed CACR-17 is asking the legislature to give your property tax paying community residents a chance to express through the ballot box if they wish to see the legislature put future discretionary tax monies into a "LOCK BOX" only for reduction of state mandated Property taxes. If the measure passes, it says to the legislature that they have the backing of the voters to move forward.

The CACR- 17 is a replacement tax for property taxes and would not raise new money. It would not be a violation of the Meldrim Thompson pledge. If the voters don't pass this change to the Constitution, there will be no change to our present property taxes and a continuation of mandatory state taxes will see tax rates continue to rise. CACR-17 will be presented to the NH House Ways & Means Committee on Wednesday – JANUARY 15th, at 10:00 AM, LOB – Rm. 202.

Our NH communities, residents, businesses, SAU's and NH's future must see change coming forth or we will continue to see our families and community infrastructure move away. We must find the willingness to compromise. We urge you to let your legislators know your opinion regarding this change to our Constitution. COME AND SPEAK AT THE HEARING ON JANUARY 15, 2020.

Respectfully yours in service to the public and NH,

NH St. Rep Tom Schamberg – NH House Ways & Means Cmt – Towns of Wilmot & Sutton plus Selectboard member of Wilmot and Municipal Budget Committee member for the Kearsarge Regional School District. Email: tom.schamberg@leg.state.nh.us

Robert Hemenway – Retired County Manager/Nursing Home Administrator of Sullivan County and member of Kearsarge Regional School District Municipal Budget Committee. Email: rah5316@msn.com