

AGENDA

COMMITTEE ON ACCOUNTS, ENROLLMENT AND REVENUE ADMINISTRATION

May 19, 2009
Aldermen Sullivan, Lopez,
DeVries, M. Roy, Ouellette

Upon Recess of BMA
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Sullivan calls the meeting to order.
2. The Clerk calls the roll.
3. Chairman Sullivan advised that ordinances are to be considered for consistency with the rules of the Board and requested the Clerk to make a presentation.

Ordinances for consideration:

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.36 Stopping, Standing and Parking by establishing a fine for the fraudulent use of walking disability placards or plates.”

“Amending Section 97.34 Encumbrances Prohibited of the Code of Ordinances of the City of Manchester by extending the dates of operation for downtown sidewalk encumbrances and allowing the City Clerk to permit portable signage placed within the public right-of-way.”

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by repealing section 70.81 Penalty For Other Violations and replacing in its entirety a new section 70.81 Penalty For Other Violations and Judicial Review.”

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending section 70.78 Penalty and establishing a new increased penalty schedule.”

“Amending Chapter 71 Snow Emergency Regulations of the Code of Ordinances of the City of Manchester by amending Section 71.99 Penalty and establishing an increased penalty schedule.”

4. Chairman Sullivan advises that if all is in order, a motion is in order to advise that the Ordinances are properly enrolled.

5. If there is no further business, a motion is in order to adjourn.

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

"Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending Section 70.36 Stopping, Standing and Parking by establishing a fine for the fraudulent use of walking disability placards or plates."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as ~~struckthrough~~. Portions of the following sections that remain unchanged appear in regular type.

§ 70.36 STOPPING, STANDING, OR PARKING PROHIBITED.

(D) Fraudulent Use of Walking Disability Placards / Plates.

1. Any person using a walking disability placard/plate not issued to them and the walking disabled person with a walking disability to whom the placard/plate is issued is not being transported to and from the parking space shall be guilty of "Fraudulent Use of Walking Disability Placards/Plates."

(a) If a vehicle is parked in a space which is not designated for walking disability parking, it will be prima facie evidence of Fraudulent Use of Walking Disability Placards/Plates if the Parking Meter is expired and/or no Pay and Display Receipt is showing and the Walking Disability Placard/Plate is clearly visible.

(b) If the vehicle is parked in a legal walking disability space.

2. Altered or Fabricated (Facsimile) Walking Disability placards.

(a) Any person who displays/uses an altered Walking Disability Placard shall be guilty of a violation of this section.

(b) Any person who displays/uses a facsimile of an official looking Walking Disability Placard shall be guilty of a violation of this section.

(c) For this section, Walking Disability and Handicapped shall have the same meaning.

3. *Penalty.* The minimum fine for this violation is \$500.

- II. These ordinances shall take effect upon their passage.

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

"Amending Section 97.34 Encumbrances Prohibited of the Code of Ordinances of the City of Manchester by extending the dates of operation for downtown sidewalk encumbrances and allowing the City Clerk to permit portable signage placed within the public right-of-way."

Page 1 of 2

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as ~~struckthrough~~. Portions of the following sections that remain unchanged appear in regular type.

§ 97.34 ENCUMBRANCES PROHIBITED.

(A) No person shall encumber the street or sidewalk before his place of business, or elsewhere in the city, with any boxes, shelves, stands, merchandise, or other things, excepting that the Board of Mayor and Aldermen may grant a license to any person or persons to use and occupy a portion of the street or sidewalk for the purpose of conducting thereon street fairs or other community events. Each such license shall contain the following provisions:

(1) Each license shall be valid for not in excess of three consecutive business days.

(2) Each license shall allow the encumbering of no more than half of the sidewalk area immediately adjacent to the building so that a minimum of half of the sidewalk is maintained free and clear for pedestrian traffic unless otherwise ordered by the Board of Mayor and Aldermen.

(3) Each license shall also be subject to such rules and regulations as are deemed appropriate by the Board of Mayor and Aldermen.

(B) The City Clerk, with the review and approval of the Building Commissioner and the Risk Manager may, in accordance with Chapter 110 of this code, license businesses located in the downtown area bounded by Auburn Street to Salmon Street and the easterly side of the Merrimack River to Chestnut Street to encumber no more than half of the sidewalk area immediately adjacent to the building in which the business is located so that a minimum of half of the sidewalk is maintained free and clear for pedestrian traffic. Each such license shall contain the following provisions:

(1) Each license shall be valid from ~~May 1~~ **April 1** through October 15 and the hours of operation shall be from 9:00 a.m. to 11:00 p.m. **The City Clerk, upon application by a licensee, shall have the discretion to extend the dates of operation.**

By - J

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

"Amending Section 97.34 Encumbrances Prohibited of the Code of Ordinances of the City of Manchester by extending the dates of operation for downtown sidewalk encumbrances and allowing the City Clerk to permit portable signage placed within the public right-of-way."

Page 2 of 2

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(2) Each license shall be subject to the insurance provisions contained in § 115.60 of this code and shall be subject to the restrictions contained in § 115.44 of this code with the exception of times of operation.

(3) Each license shall also be subject to such rules and regulations as are deemed appropriate by the Board of Mayor and Aldermen.

(4) Each license shall be issued only to establishments as identified in division (B) of this section.

(5) Application fee. Each application for a permit under this section shall be submitted with a fee of \$50.

(6) Any establishment licensed pursuant to this subsection and serving alcoholic beverages to its patrons, must be a restaurant as defined in R.S.A. 175:1 and must provide the City Clerk with a copy of a current liquor license issued by the New Hampshire State Liquor Commission.

(C) Letter or package collection boxes may be erected upon a street or sidewalk, at sites chosen by, and under the direction and supervision of the Public Works Director and the Building Commissioner. Letter or package collection boxes shall be subject to such insurance and indemnification agreements as the Risk Manager may require.

(D) Newspaper distribution boxes may be erected upon a street or sidewalk under the direction and supervision of the Public Works Director who may impose such reasonable time, place and manner requirements as are necessary to protect the public safety and convenience. Newspaper distribution boxes shall be subject to such reasonable insurance and indemnification agreements as the Risk Manager may require.

(E) Notwithstanding the requirements in division (B) of this section **and Article 9.07 D of the Zoning Ordinance, under the direction and supervision of the City Clerk portable signage may be erected upon a public right-of-way adjacent to a place of business for the purposes of advertising. The City Clerk may issue permits for such portable signage only after review by the Planning and Community Development Department and the Public Works under the direction and supervision of the Public Works Director, who may impose such reasonable time, place, and manner, and dimensional requirements as are necessary to protect the public safety and convenience. Each application for a permit under this section shall be accompanied with a fee of \$25. Portable signage authorized under this section shall be subject to such insurance and indemnification agreements as the Risk Manager may require.**

II. These ordinances shall take effect upon passage.

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by repealing section 70.81 Penalty For Other Violations and replacing in its entirety a new section 70.81 Penalty For Other Violations and Judicial Review.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting new language not included in the previous section 70.81 as bolded (**bold**) and deleting existing language as ~~struck through~~. Portions of the following sections that remain unchanged appear in regular type.

§ 70.81 PENALTY FOR OTHER VIOLATIONS AND JUDICIAL REVIEW.

(A) Any person responsible for any violation of any ordinance, rule or regulation pertaining to motor vehicles or traffic for which a penalty is not specifically provided shall be guilty of a violation and shall, upon conviction, be punished by a fine as prescribed by § 130.99 of this Code. Each such violation shall constitute a separate offense.

(B) A person shall be deemed to have committed a separate offense for the violation of any provision of this chapter for each 120-minute period that he permits or causes a vehicle to remain parked in violation of any of the provisions of this chapter, except when parked in violation of the provisions of §§ 70.36(B)(4) and/or §§ 70.61 through 70.65.

(C) A Person may request a Judicial Review (Manchester District Court) by posting cash bond with the Ordinance Violations Bureau 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.

- II. These ordinances shall take effect upon passage.

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

"Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending section 70.78 Penalty and establishing a new increased penalty schedule."

Page 1 of 2

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by deleting language as stricken (-----) and inserting new as bolded (**bold**). Sections of the following chapters that remain unchanged appear in regular type.

§ 70.78 PENALTY.

(A) Each owner or operator of a vehicle found in violation of any provision of Chapter 70 may pay in person or by mail to the Ordinance Violations Bureau the penalty for each violation pursuant to the following table:

VIOLATION	BASIC PENALTY	INCREASED PENALTY (After 30 days from the notice of violation)	INCREASED PENALTY (After 60 days from the notice of violation)
Expired parking meter	\$10	\$20	\$24
Overtime parking meter	\$15	\$30	\$36
Night parking	\$25	\$50	
Overtime parking - no meter	\$30	\$60	\$72
No parking zone	\$50	\$75	\$90
No parking tow zone	\$50	\$75	\$90
Fire lane	\$50	\$75	\$90
Parking within 15 feet of fire hydrant	\$50	\$75	\$90
Parking within 5 feet of private driveway	\$50	\$75	\$90
Handicapped parking space - access aisle	\$100	\$200	\$240
Handicapped zone	\$250	\$300	\$360
Failure to display pay & display receipt	\$10	\$20	\$24
Commercial Vehicle Prohibited Overnight Parking	\$50	\$100	\$120

City of Manchester
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AN ORDINANCE

“Amending Chapter 70 Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester by amending section 70.78 Penalty and establishing a new increased penalty schedule.”

Page 2 of 2

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

(B) Any violation of Chapter 70 not identified elsewhere in the code shall be issued pursuant to § 38.06(B) of this code.

II. These ordinances shall take effect upon this passage.

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

“Amending Chapter 71 Snow Emergency Regulations of the Code of Ordinances of the City of Manchester by amending Section 71.99 Penalty and establishing an increased penalty schedule.”

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester, as follows:

- I. Amend the Code of Ordinances by inserting new language as bolded (**bold**) and deleting existing language as ~~struck through~~. Portions of the following sections that remain unchanged appear in regular type.

§ 71.99 PENALTY.

(A) Each such owner or operator of a vehicle who violates any provision of this chapter or Chapter 73, Parking Schedules, may, within seven days of the time when such notice was attached to such vehicle pay to the Parking Violations Bureau ~~in person or by mail, for and in full satisfaction of such violation, the sum of \$25, except that the fine for violation of § 71.03 shall be \$75~~ **the penalty for each violation pursuant to the following table:**

VIOLATION	BASIC PENALTY	INCREASED PENALTY (After 30 days from the notice of violation)	INCREASED PENALTY (After 60 days from the notice of violation)
Odd/Even	\$25	\$50	\$60
Parking Prohibition	\$25	\$50	\$60
Snow Emergency	\$75	\$150	\$180

(B) Failure to make such payment within **60 days following a seven days following a violation shall result in a minimum fine of \$50, except for violation of §71.03 §71.04, which shall result in a minimum fine of \$150, and** may subject the owner or operator of the motor vehicle to an appearance in district court and a fine of not more than \$1,000 upon conviction thereof.

- II. These ordinances shall take effect upon this passage.