

*****REVISED AGENDA*****

COMMITTEE ON BILLS ON SECOND READING

November 24, 2009
Aldermen Osborne, DeVries,
M. Roy, Pinard, Arnold

5:00 PM
Aldermanic Chambers
City Hall (3rd Floor)

1. Chairman Osborne calls the meeting to order.

2. The Clerk calls the roll.

3. Ordinance Amendment:

“Amending Section 33.60 Standby Duty by adding a new section (D).”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

4. Ordinance Amendment:

“Amending Section 70.78 Penalty of the Code of Ordinances of the City of Manchester by including a new penalty for parking in a permit parking space without displaying a permit and occupying more than one parking stall.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

5. Ordinance Amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester Section 70.57 (B) Parking lot rates by removing metered parking at the Pine Street Lot.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

6. Ordinance Amendment:

“Amending the Code of Ordinances of the City of Manchester by amending Section 118.33 (A) Rates For Fares Established, by increasing the current taxi rates from \$.25 per one-sixth of a mile to \$.40 per one-sixth of a mile.”

If the Committee so desires, a motion is in order that the ordinance amendment ought to pass.

7. A report of the Committee on Administration/Information Systems respectfully recommends, after due and careful consideration, that the proposed amendments to the Peddler’s Ordinance be forwarded to the Committee on Bills on Second Reading.

(Unanimous vote)

Ladies and Gentlemen, what is your pleasure?

8. 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 Section 33.60 Standby Duty by adding a new section (D)

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

NEW SECTION (D)

33.60 STANDBY DUTY

(D) Office of Youth Services. Employees of the Office of Youth Services who are assigned to rotating coverage of the Substance Abuse Hotline shall be compensated at the rate of \$210.00 per week.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety, Health and Traffic respectfully advises, after due and careful consideration, that it has approved ordinance amendment:

“Amending Section 70.78 Penalty of the Code of Ordinances of the City of Manchester by including a new penalty for parking in a permit parking space without displaying a permit and occupying more than one parking stall.”

and that same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

Respectfully submitted,


Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held October 20, 2009 on a motion of Alderman Osborne, duly seconded by Alderman J. Roy, the report of the Committee was accepted and its recommendations adopted.


City Clerk

tabled 8/31/09

CITY OF MANCHESTER PARKING DIVISION



Brandy Stanley
Parking Manager
bstanley@manchesternh.gov

August 21, 2009

Alderman Bill Shea
Chairman, Committee on Public Safety & Traffic
One City Hall Plaza
Manchester, NH 03101

Re: Ordinance 70.78: Penalty - addition of new fines for permit parking and occupying more than one stall.

Dear Chairman Shea:

Attached to this letter please find two proposed changes for 70.78. They are as follows:

Permit Parking Only

There are several parking lots and on-street parking spaces throughout the city that contain spaces restricted to those displaying a valid parking permit. Examples are Commercial Street in the Millyard, the Pearl Street Lot, the Hartnett Lot, etc. The city has always enforced these spaces, however the existing fine is a \$50 violation written as a No Parking Zone.

We are proposing to add a fine specifically addressing this violation with a lower penalty. We believe that a penalty of \$50 for this violation, which does not pose a safety hazard, is excessive and should be lowered as follows:

Original Fine: \$15
After 30 Days: \$30
After 60 Days: \$36

Occupying More Than One Stall

The penalty currently used to write citations to any vehicles occupying more than one parking stall is also the \$50 fine written as a No Parking Zone. A vehicle that

is parked over the designated lines, preventing another vehicle from parking entirely within the adjacent stall, does not pose a safety hazard. As with the violation discussed above, we believe that the current \$50 penalty is excessive and should be lowered as follows:

Original Fine: \$15
After 30 Days: \$30
After 60 Days: \$36

In both cases listed above, we do not anticipate revenue loss to the city. It is the current practice of the Parking Division to use violations written for the above infractions as an educational tool. There are a very high number of appeals for these violations and most of the appeals filed for first time violations are granted. With a more reasonable fine amount, the appeal volume will drop substantially. Additionally, the parking division will be much less likely to grant the appeals that are filed.

Sincerely,

Brandy Stanley
Parking Manager

CC: Committee Members
Bill Sanders
Board of Mayor & Aldermen

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

“Amending Section 70.78 Penalty of the Code of Ordinances of the City of Manchester by including a new penalty for parking in a permit parking space without displaying a permit and occupying more than one parking stall.”

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
Permit parking only	\$15	\$30	\$36
Occupying more than one parking stall	\$15	\$30	\$36
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

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

- II. This Ordinance shall take effect upon passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Public Safety, Health and Traffic respectfully advises, after due and careful consideration, that it has approved ordinance amendment:

“Amending Chapter 70: Motor Vehicles and Traffic of the Code of Ordinances of the City of Manchester Section 70.57 (B) Parking lot rates by removing metered parking at the Pine Street Lot.”

and that same be referred to the Committee on Bills on Second Reading for technical review.

(Unanimous vote)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held October 20, 2009 on a motion of Alderman J. Roy, duly seconded by Alderman Sullivan, the report of the Committee was accepted and its recommendations adopted.


City Clerk

Tabbed 8/31/09

CITY OF MANCHESTER PARKING DIVISION



Brandy Stanley
Parking Manager
bstanley@manchesternh.gov

August 21, 2009

**Alderman Bill Shea
Chairman, Committee on Public Safety & Traffic
One City Hall Plaza
Manchester, NH 03101**

Re: Ordinance Change to Section 70.57, Removing Meters from the Pine Lot

Dear Chairman Shea:

Attached to this letter, please find revised section 70.57, which removes parking meters from the Pine Street Parking Lot. Currently, there are approximately 20 single space meters in the lot in front of the old entrance to the Norris Cotton Federal Building adjacent to the lot.

Since the remodel of the federal building, the main entrance was moved to the Chestnut Street side of the building and no visitors are allowed to enter through the rear. Since this change was made, there is virtually no demand for the metered spaces from visitors to the building.

Conversely, however, there is great demand for these spaces by the permit holders of the lot, as they are directly in front of the building's employee entrance. Because permits are not valid at metered spaces, we have been issuing parking tickets to monthly permit holders who choose to park at these spaces.

In order to better serve the needs of the permit holders in the lot and eliminate the awkward position enforcement officers are facing when they issue tickets to permit holders, we would like to remove the meters from the lot and allow permit holders to park in the spaces.

I have spoken to the property manager of the Federal Building and the Manchester Police Department and have received written approval of the change from both parties.

Please do not hesitate to contact me if further information is required.

Sincerely,

**Brandy Stanley
Parking Manager**

**CC: Committee Members
Bill Sanders
Board of Mayor & Aldermen**

City of Manchester New Hampshire

In the year Two Thousand and Nine

AN ORDINANCE

“Amending Section 70.57(B) Parking lot rates Motor Vehicles And Traffic of the Code of Ordinances of the City of Manchester by removing metered parking at the Pine Street Lot.”

Page 1 of 3

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.

§ 70.57 PARKING RATES.

Except as otherwise ordered by the Board of Mayor and Aldermen, rates shall be charged for parking in city-owned facilities and on-street as follows:

(B) Parking lot rates:

- (1) Hourly rates - as established by the Committee on Traffic and Public Safety subject to approval of the Board of Mayor and Aldermen and are outlined herein
- (2) By permit as established pursuant to § 70.54
- (3) Event Parking Fees –
 - (a) To be posted Event Parking:

Pine Street Lot	\$6.00 - \$10.00 prepay
Canal Street Lot	\$5.00 - \$10.00 prepay
 - (b) Civic Center Event Decal \$30.00 per month, 5:30 p.m. to 8:00 p.m. Monday through Friday

Permit and metered sections - Pine Street Lot, Pearl Street Lot, Seal Lot, Arms Lot, Bedford Lot, Hartnett Lot; and 10 hour metered spaces Pearl Street Lot, Granite Street Lot, and Arms Outer Lot

5-4

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 Section § 70.57(B) Parking lot rates by removing metered parking at the Pine Street Lot.”

Page 2 of 3

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

(4) Parking Lots (rates and time limits).

(a)	Lot	Maximum Hours	Rate	Per Hour
	Pine Street Lot	2-Hours N/A – Permit Only Mon-Fri 8am-5:30pm		\$.50 See Permits
	Hartnett Lot	10 hours Mon-Fri 8am-5:30pm		\$.50
	Arms Lot	10 hours Mon-Fri 8am-5:30pm		\$.50
	Bedford Lot	10 hours Mon-Fri 8am-5:30pm		\$.50
	Seal Lot	N/A – Permit Only Mon-Fri 8am-5:30pm		See Permits
	Middle Street Lot	2 Hours Mon-Fri 8am-8pm		\$.75
	Arms, Extension	10 hours Mon-Fri 8am-5:30pm		\$.50
	Arms Outer Lot	10 hours Mon-Fri 8am-5:30pm		\$.50
	Pearl Street lot	2 Hours/10 Hours Mon-Fri 8am-5:30pm		\$.50
	1155 Elm Street	10 Hours Mon-Fri 8am-8pm		\$.75
	Canal Street Lot	10 Hours Mon-Fri 8am-8pm		\$.75

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 Section § 70.57(B) Parking lot rates by removing metered parking at the Pine Street Lot.”

Page 3 of 3

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

(b) Myma Lot	Hours	Rate Per Hour
	0-1	\$.75
	1-2	\$1.50
	2-3	\$2.25
	3-4	\$5.25
	4-5	\$8.25
	5-6	\$11.25
	6-7	\$14.25
	Daily Maximum 7-12	\$17.00

II. This Ordinance shall take effect upon passage.

City of Manchester New Hampshire

In the year Two Thousand and^{Nine}

AN ORDINANCE

“Amending the Code of Ordinances of the City of Manchester by amending §118.33 (A) Rates For Fares Established, by increasing the current taxi rates from \$.25 per one-sixth of a mile to \$.40 per one-sixth of a mile.”

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.

§ 118.33 RATES FOR FARES ESTABLISHED.

No owner or driver of a taxicab shall charge any passenger or passengers any rate for service within the limits of the city other than is provided for in this section or as allowed by § 118.34 of this subchapter.

(A) Metered fares. For the first one-sixth mile or fraction thereof for one passenger, \$3; and for each one-sixth mile or fraction thereof thereafter, ~~\$.25~~ **\$.40** and for each additional passenger, \$.25.

- II. This ordinance shall take effect upon passage.

To the Board of Mayor and Aldermen of the City of Manchester:

The Committee on Administration/Information Systems respectfully recommend, after due and careful consideration, that the proposed amendments to the peddler's ordinance be forwarded to the Committee on Bills on Second Reading.

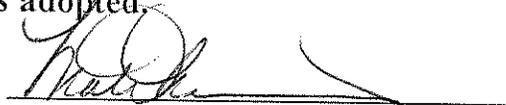
(Unanimous vote)

Respectfully submitted,



Clerk of Committee

At a meeting of the Board of Mayor and Aldermen held August 18, 2009 on a motion of Alderman O'Neil, duly seconded by Alderman Pinard, the report of the Committee was accepted and its recommendations adopted.


City Clerk



*Matthew Normand
City Clerk*

CITY OF MANCHESTER
Office of the City Clerk

MEMORANDUM

TO: Committee on Administration/Information Systems
Ald. O'Neil, Garrity, Osborne, Pinard, Lopez

FROM: Matthew Normand
City Clerk

DATE: June 29, 2009

RE: Amendments to the Peddler's Ordinance

Recently, I was asked that I look into revising the current ordinances that regulate City peddlers. As requested, I have submitted some suggested changes to Chapter 115: Solicitations, Sales, Peddlers, and Fairs of the Code of Ordinances of the City of Manchester. While the majority of the proposed amendments are general "house-keeping" changes, the amendment to Section 115:45(B) in the attached document attempts to address a recurring problem of licensed peddlers that bid on locations within the City for the sole purpose of preventing others from obtaining a license for the same location. These peddlers typically have no intention to ever operate at the location and the City has little recourse in trying to promote a level "playing field" for all vendors.

As the Clerk's Office deliberated on how to best address this issue, I believe we have come up with an alternative that may correct the problem without the need of an ordinance change. Since the problem originates from locations that are put out to bid by the Clerk's Office (i.e. City Hall Plaza), I believe that added language in the Bid Instructions would solve the problem without mandating the changes for all peddlers which may have unintended consequences later on. I have also attached a copy of the most recent bid documents used earlier this season which includes the proposed language (Item 7 bolded on page 3 of the bid documents) we would use next year if the Committee agrees to the alternative.

If you have any questions before the meeting, you may reach me at (603) 624-6473. Thank you.

PROPOSED ORDINANCE CHANGES

§ 115.01 DEFINITIONS.

DISQUALIFYING CRIMINAL CONVICTION. Any felony convictions, any conviction involving harassment, violence, theft, fraud, loitering, prowling, or endangering the welfare of a child or incompetent **or any criminal conviction involving a child or incompetent.**

§ 115.43 TRAFFIC REGULATIONS.

Peddling from a motor vehicle is subject to any and all restrictions contained in the traffic regulations of the city except that peddling from a motor vehicle is prohibited where parking is controlled by parking meters **or Pay & Display meters.**

§ 115.44 PROHIBITED CONDUCT.

A peddler shall not:

(A) Operate his business on any street, sidewalk, park, parkway or in any other public place unless his peddler's license specifies that peddling in such public place is permitted thereunder.

(B) Vend within **600** feet of the grounds of any elementary or secondary school between one-half hour prior to the start of the school and one-half hour after dismissal at the end of the school day.

(D) Vend within 1,000 feet of the same street of any public assembly building ~~while such building is in use~~ unless his peddler's license specifies that peddling in such place is permitted thereunder.

§ 115.45 FRAUD; REVOCATION OF LICENSE.

(A) Any licensed peddler who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as peddler in the city, or who shall sell any goods, merchandise, service, or wares other than those specified in the application for a license shall be deemed guilty of a violation of this subchapter.

(B) **Annual licenses issued pursuant to Section 115.40 shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period.**

(C) Any person violating any provisions of this subchapter shall have his license revoked. Upon request of the City Clerk the licensee shall surrender his license. Upon conviction of violations under this section, no license shall be issued to such person for a period of three years unless permission is granted by the Committee on Administration.

(D) Any peddler having his license revoked may request ~~in writing~~ reconsideration by the Committee on Administration. **The request must be made in writing within ten days of the date of notice. The Committee on Administration shall set a hearing date, notifying the applicant or licensee of said hearing date. The hearing will be held at the earliest possible date and the matter shall be decided within a reasonable time. The applicant or licensee will be notified of the decision of the Committee, and the decision by the Committee to deny, restrict, suspend, or revoke a business license shall be final.**

OFFICE OF THE CITY CLERK

MANCHESTER, NH

STANDARD INSTRUCTIONS TO BIDDERS – VENDING LOCATION

These instructions are standard for all proposals issued by the City of Manchester, Office of the City Clerk, for the issuance of vending locations. The City of Manchester may delete, supersede, or modify any of these standard instructions for a particular proposal by indicating such change in the section headed (“**Special Instructions to Bidders**”).

1. The attached proposal is signed by the bidder with full knowledge of, and agreement with, the general specifications, conditions and requirements of this bid.
2. Return copy of proposal on the enclosed form. Only Bid Proposal forms obtained and signed for at the Office of the City Clerk will be accepted.
3. Submit proposal in an envelope marked with the bidder’s name and address on the upper left hand corner.
4. Bids to be addressed to Office of the City Clerk, One City Hall Plaza, Manchester, NH 03101, c/o Matt Normand, Acting City Clerk. Clearly mark envelope with the title of the bid and the date and time of opening as shown in the “Invitation to Bid.”
5. Bids received later than the time and date specified will not be considered. Amendment to or withdrawal of bids received later than the time and date set for the bid opening will not be considered.
6. Bidders may be present at opening of bids.

STANDARD INSTRUCTIONS TO BIDDERS

7. Bidders shall submit proposed payment amount in spaces provided on the bid proposal form.
8. The City reserves the right to reject any and all bids, to waive technical defects, and to make awards by item or total as may be in the best interest of the City. If a bidder desires to bid on an “all or nothing” basis, he shall so indicate on the bid schedule. When an “all or nothing” bid is submitted the bidder must bid on every item on the bid schedule.
9. The City of Manchester may withhold acceptance of or reject any merchandise that is found, upon examination, not to meet the specification requirements if indicated. When rejected, it shall be removed by the contractor (vendor) within ten (10) days after notification of rejection.
10. Bidder shall post the full amount of his bid as a bid bond, which will be retained by the City should a contract not be executed within ten (10) days after notification of bid award. Bidder(s) not awarded a contract will have their bond returned within ten (10) days of bid award.

CITY OF MANCHESTER
OFFICE OF THE CITY CLERK
ONE CITY HALL PLAZA
MANCHESTER, NH

CONTRACT PROPOSAL

for

CITY HALL PLAZA VENDING

Date of Bid Opening: **Wednesday, April 28, 2009**

Time: **1:30 P.M.**

INVITATION TO BID

Sealed bids will be received in the Office of the City Clerk no later than the date and time set forth above, for the issuance of the vending location listed herein.

Matt Normand, Acting City Clerk
Office of the City Clerk

STANDARD INSTRUCTIONS

See "Standard Instructions to Bidders" attached to the Contract Proposal.

SPECIAL INSTRUCTIONS TO BIDDERS

1. Questions on specifications may be referred to Kevin M. Kincaid, Business Licensing, Business Licensing & Enforcement Division, Office of the City Clerk.
2. Delivery to be made to Office of the City Clerk, One City Hall Plaza, Manchester, New Hampshire.

SPECIAL INSTRUCTIONS
City Hall Plaza Vending

Vendor has exclusive rights to vend their products at the assigned facility commencing May 1, 2009 through April 30, 2010.

Dates vary according to type of facility assigned.

Vendor must agree to the following:

1. Vendor must have in their possession all licenses and permits necessary as prescribed by the City Clerk and City Health Department.
2. Vendor must possess liability insurance in accordance to regulations set by City Risk Manager.
3. Vendor agrees to maintain all areas affected by his operations in a clean and responsible manner.
4. Vendor must operate from an area, at their designated facility, as specified by the Department.
5. Vendor will not create a safety hazard at any time during their operations.
6. Vendor must pay full amount stated in bid proposal prior to operating at awarded facility.
7. **The privilege to operate at a location that has been awarded in conjunction with this bid process shall be revoked if the licensee has failed to conduct normal business activities for five consecutive days, twice in a three month period at that location. A licensee (hereinafter referred to as the "awardee") may submit notification in writing to the City Clerk that they wish to suspend their activities at this location (i.e. during the winter season) thirty (30) days prior to ceasing operations. The City Clerk reserves the right to issue a temporary license to another peddler during that period. Should the awardee wish to resume activities at the location, a notification of intent must be submitted in writing to the City Clerk fourteen (14) days prior to reinstatement of the privileges at the location.**
8. All necessary permits, payments and certificates must be presented to the Office of the City Clerk no later than April 30, 2009.
9. Vendor agrees to sell only items specified in contract so as not to conflict with wares of other designated vendors.
10. Vendor agrees to follow all applicable municipal rules, regulations and ordinances and applicable rules, regulations and statutes of the State of New Hampshire.
11. Failure to abide by any of the above preset conditions may result in loss of vending privilege.

PROPOSAL

SEALED PROPOSALS WILL BE RECEIVED AT THE OFFICE OF THE CITY CLERK,
ONE CITY HALL PLAZA, MANCHESTER, NH 03101 UNTIL
1:30 P.M. ON WEDNESDAY, APRIL 28, 2009.

Vendor Name _____

Street Address _____

City _____ State _____ Zip Code _____

Phone # _____ Cell # _____

Product(s) _____

Vending Location

Proposed Bid Amount

City Hall Plaza
