



**LEBANON CITY COUNCIL
NOTICE OF PUBLIC HEARINGS
Wednesday, October 7, 2020 - 7:00pm
REMOTE VIA MICROSOFT TEAMS**

[LebanonNH.gov/LIVE](https://lebanonnh.gov/LIVE)

The Lebanon City Council will hold public hearings on October 7, 2020, beginning at 7:00pm for the following:

- A. ORDINANCE #2020-13** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2020-13 to amend City Code Chapter 14, Alcoholic Beverages
- B. ORDINANCE #2020-14** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2020-14 to amend City Code Chapter 62, Drugs and Drug Paraphernalia
- C. ORDINANCE #2020-15** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2020-15 to amend City Code Chapter 168, Vehicles and Traffic
- D. ORDINANCE #2020-16** - Public hearing for the purpose of receiving public input and taking action on proposed Ordinance #2020-16 to amend City Code to add new Chapter 6, Administrative Enforcement

The October 7, 2020 City Council agenda package will be available on the City's website (www.lebanonnh.gov) beginning October 2, 2020. Documents pertaining to the above described public hearing are attached.

Due to the current situation with the COVID-19 Pandemic, the City of Lebanon is offering its meetings via Microsoft Teams. Members of the public are encouraged to attend by going to [LebanonNH.gov/Live](https://lebanonnh.gov/Live) where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the Microsoft Teams software or by phone. Please visit [LebanonNH.gov/Live](https://lebanonnh.gov/Live) for full details.

ORDINANCE 2020-13

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 14, Alcoholic Beverages, to amend Section 14-6.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

Section 14-6 of Chapter 14, Alcoholic Beverages, is hereby amended as follows:

§ 14-6 ~~Penalties for offenses~~ **Violations and penalties.**

~~Violation of any provision of this article shall be punishable as provided in Chapter 1, General Provisions.~~

Any person who is found to have violated the provision of this chapter shall be subject to a civil penalty in the amount of \$150 for the first offense, and \$300 for the subsequent offenses. In addition to these penalties, persons under the age of 21 may be subject to the provisions of RSA 179:10.

Section 2. Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdictions, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date.

This ordinance shall become effective upon passage.

ORDINANCE 2020-14

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 62, Drugs and Drug Paraphernalia, to amend Section 62-6.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

Section 62-6 of Chapter 62, Drugs and Drug Paraphernalia, is hereby amended as follows:

§ 62-6 ~~Penalties for offenses.~~ **Violations and penalties.**

~~Any person violating this chapter shall be guilty of a violation and shall be subject to the penalties in Chapter 1, General Provisions, no portion of which may be suspended.~~

Any person who is found to have violated the provision of this chapter shall be subject to a civil penalty in the amount of \$200 for the first offense, and \$350 for subsequent offenses.

Section 2. Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdictions, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date.

This ordinance shall become effective upon passage.

ORDINANCE 2020-15

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 168, Vehicles and Traffic, to amend Section 168-13.

Be it ordained by the Council of the City of Lebanon as follows:

Section 1.

Section 168-13 of Chapter 168, Vehicles and Traffic, is hereby amended as follows:

§ 168-13 Enforcement.

A.

Any person who receives written notification of violation of §§ **168-1, 168-2, 168-4, 168-5, 168-6, 168-7** and **168-8**, with the exception of the violations listed below, shall, within 48 hours of receipt of the notice, either pay a fine of \$10 at the Lebanon Police Department or indicate on said notice that he or she contests the allegation of violation. Should a person decide to pay the fine, such payment shall not constitute an admission of guilt, nor a determination of guilt. On receipt of the payment, no further action shall be taken by the Lebanon Police Department or any other law enforcement officer on such violation. Each additional time period violation constitutes a separate offense.

[Amended 12-6-1995; 6-2-1999; 6-1-2005 by Ord. No. 2005-1; 1-18-2006 by Ord. No. 2006-3]

Section	Offense	Fine
168-2A(4)	Crosswalks	\$50
168-2B(2)	Fire hydrants	\$50
168-2B(7)	Fire lanes	\$50
168-8A	Handicapped parking	\$50
168-3	Hanover Street Mall	\$50
168-14	Motorized vehicle noise and sound system	
	First offense	Up to \$250
	Subsequent offense	Up to \$500

B.

The Chief of Police may also designate certain depositories where the above-described payments can be made or may receive payments by mail, or **electronically**, in lieu of payment at the Police Department.

C.

Any person who receives notification of violation of this chapter and who does not pay the

charge described above shall be summoned upon complaint, as provided by RSA 47. The penalty for the violation of this chapter shall be a fine equivalent to 150% of the initial fine amount with a minimum penalty to be not less than \$20.

[Amended 12-6-1995]

D.

No person shall allow, permit or suffer any vehicle registered in his/her name to stop, stand or park in this City in violation of the regulations of this City controlling the stopping, standing or parking of vehicles, and the owner or person in whose name such vehicle is registered shall be held as prima facie responsibility for such violation.

E.

Any vehicle parked in violation of this chapter may be ordered towed away by the Police Department at the expense of the owner or custodian of said vehicle.

F.

Any vehicle found parked on any public street, parking lot or any other place for which three (3) or more outstanding (i.e. unpaid) parking violations have been issued or sent, totaling at least \$100, may be subject to towing and storage or immobilization by the Lebanon Police Department provided notice of intent to tow and store or immobilize said vehicle has been placed on the vehicle or sent to the last known address listed with the State Motor Vehicle Department of the state in which the vehicle is registered. Said notice shall contain the following information:

- (1) The date, time and location of the violations leading to the issuance of the notice;
- (2) That the subject vehicle will be towed, stored or immobilized after a specific date of not less than five days after the date of the notice unless all the outstanding violations and late fees are paid;

G.

Any vehicle towed and stored or immobilized in accordance with the preceding may be released in one of the following ways, subject to the additional requirements of section I below:

- (1) By payment of all charges due.
- (2) 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.
- (3) By judicial determination.

H.

When a motor vehicle has been towed and stored or immobilized pursuant to this chapter, the following preconditions to the release of said vehicle shall be satisfied. (1) The party seeking the release of said vehicle shall pay all fees and charges incurred by the city for the towing and storage and immobilization of said vehicle. The fee for immobilization shall be \$100. The fee for towing and storage of a vehicle shall be that set out in the then current towing agreements between the Police Department and the towing companies who are party to towing agreement. (2) The person requesting the release of the vehicle shall present satisfactory evidence of his/her right to possession and sign a receipt upon receiving the vehicle.

I.

When a motor vehicle has been immobilized pursuant to the provisions of this chapter, the Lebanon 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 procedure to have the immobilization device removed.
J.

It shall be unlawful for any person to tamper with or attempt to destroy or remove any Lebanon Police Department immobilization device from a vehicle without authorization by the Lebanon Police Department, and the penalty for such action upon conviction shall be a violation and a fine of \$100, no portion of which may be suspended.

Section 2. Severability.

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdictions, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective Date.

This ordinance shall become effective upon passage.

**CITY OF LEBANON
ORDINANCE #2020-16**

AN ORDINANCE TO AMEND the Code of the City of Lebanon by adding a new Chapter 6, to be entitled ADMINISTRATIVE ENFORCEMENT, which provides for the issuance of citations for any violation of the Code of the City of Lebanon.

Be it ordained by the City Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by adding thereto a new chapter, to be Chapter 6, Administrative Enforcement, to read as follows:

- §6-1. Citation Authority
- §6-2. Citation Defined
- §6-3. Service of Citation
- §6-4. Citation Penalties
- §6-5. Violations

§6-1. CITATION AUTHORITY

City departments or officials charged with the responsibility of enforcing the ordinances and codes of the City are hereby authorized to issue citations for any violation of the ordinance or codes that they are responsible for enforcing. The enforcement authority provided hereby is provided for in RSA 31:39-c and is in addition to the authority for ordinance and code enforcement that currently exists.

§6-2. CITATION DEFINED

A citation is a written and/or printed notice describing a specific violation of a City ordinance or code which is served on the person responsible for the violation. Each day on which a violation exists or occurs is a separate offense, and a citation may be issued for each offense. A citation shall be served in the manner described in this chapter, and shall contain the following information:

- A. A clear and concise description of the violation.
- B. The location of the violation and the date and time on which it was observed.
- C. The name and address of the person responsible for the violation.
- D. The penalty for the violation as provided for in this chapter and any other relevant chapter of the Code of the City of Lebanon.
- E. A statement or table describing the penalties for future occurrences of the same violation.
- F. A statement as to whether the citation is being issued for a first, second, or subsequent offense.
- G. The name and address of the office to which the payment of the penalty may be made.

- H. The time period during which a reduced penalty may be paid in full satisfaction of the citation.
- I. Notification of failure to pay the penalty may result in court action.
- J. The signature and printed name, title and department of the individual issuing the citation.

§6-3. SERVICE OF CITATION

Any citation shall be served by the official issuing it in any one of the following ways:

1. In hand to the person responsible for the violation; or
2. By certified, registered or U.S. Postal Service first-class mail, to the last known address of the person responsible for the violation, or as listed with the NH Division of Motor Vehicles.

The official serving the citation shall maintain a record of the date, time, and manner of service of the citation, including the post office receipt if service was accomplished by registered or certified mail.

§6-4. CITATION PENALTIES

Penalties for offenses shall be as stated in applicable chapters of the Code of the City of Lebanon.

§6-5. VIOLATIONS

Whenever any person fails to pay any penalty imposed pursuant to a citation issued under the authority granted by this chapter, such person shall be guilty of a violation and shall, upon conviction, be punished by a fine not to exceed the maximum allowed by RSA 47:17 or other applicable law for each offense. Each citation which is not paid shall constitute a separate offense. If the administrative enforcement system established in the Code is unsuccessful at resolving alleged violations, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39-d.

Section 2. Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3. Effective date.

This ordinance shall become effective upon passage.