

**AGENDA
LEBANON CITY COUNCIL
SEPTEMBER 2, 2020**

9. NEW BUSINESS:

**9.D – DISCUSSION & SET PUBLIC HEARING FOR OCTOBER 7, 2020:
ORDINANCE #2020-13 TO AMEND CITY CODE CHAPTER 14**

BACKGROUND

The Lebanon Police Department is responsible for enforcing a number of City Code violations. Presently, the only process to address and enforce these violations is for the officer to issue a paper summons to the offender to appear in court to answer for the violation. Amending Chapter 14 to place specific fines within the penalty section of the chapter would allow for the officer to issue a “ticket.” The ticket could then be paid (much like a parking ticket) which would avoid the need to appear in court.

This change would help reduce unnecessary court appearances and help alleviate an already back-logged court docket, in addition to reducing the amount of cases the Lebanon Police Prosecutor would have to handle on a weekly basis.

The Police Department has designed a City Ordinance ticket to be used in this process. The offender will still have the option to appear in court for a due process hearing, should they choose.

ACTION

Should the Council decide to move forward with amendments as proposed in Ordinance #2020-13, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, October 7, 2020, beginning at 7:00pm, Remote via Microsoft Teams, for the purpose of receiving public input and taking action on proposed Ordinance #2020-13, to amend City Code Chapter 14, Alcoholic Beverages, §14-6 Penalties for Offenses.

Included in this Section:

1. Proposed Ordinance #2020-13
2. August 18, 2020 Legal Opinion by Attorney C. Christine Fillmore re: Ordinance #2020-13, Alcoholic Beverages

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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.

DrummondWoodsum
ATTORNEYS AT LAW

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Admitted in NH

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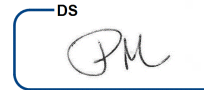
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August 18, 2020

Shaun Mulholland
City Manager
City of Lebanon, NH
51 N. Park Street
Lebanon, NH 03766

RELEASED TO THE PUBLIC
Lebanon City Manager's Office

Date: 9/2/2020

DS


RE: Ordinance #2020-13 Alcoholic Beverages

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2020-13, Alcoholic Beverages, which your office forwarded to me on July 17, 2020, as amended through further correspondence with Chief Mello through August 17, 2020. The goal of the proposed ordinance as I understand it is to amend the penalty provisions of Chapter 14 (Alcoholic Beverages) to provide for more tailored penalties than this chapter currently contains.

I have reviewed the proposed ordinance in detail. In my opinion, it is consistent with New Hampshire law and I discern no legal problems.

Please do not hesitate to contact me with additional questions or comments.

Sincerely,



C. Christine Fillmore