

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

**9. NEW BUSINESS:**

**9.E – DISCUSSION & SET PUBLIC HEARING FOR OCTOBER 7, 2020:  
ORDINANCE #2020-14 TO AMEND CITY CODE CHAPTER 62**

**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 62 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 #2020-14, 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 #2020-14, to amend City Code Chapter 62, Drugs and Drug Paraphernalia, §62-6 Penalties for Offenses.***

**Included in this Section:**

1. Proposed Ordinance #2020-14
2. August 18, 2020 Legal Opinion by Attorney C. Christine Fillmore re: Ordinance #2020-14, Drugs and Drug Paraphernalia

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## 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.

**DrummondWoodsum**  
ATTORNEYS AT LAW

**C. Christine Fillmore**  
Admitted in NH

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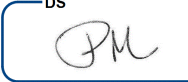
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August 18, 2020

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

<sup>DS</sup>  


**RE: Ordinance #2020-14 Drugs and Drug Paraphernalia**

Mr. Mulholland:

This is a legal opinion as required by § 115-3 of the Lebanon City Code concerning the proposed Ordinance 2020-14, Drugs and Drug Paraphernalia, 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 62 (Drugs and Drug Paraphernalia) 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