



COMMITTEE ON BILLS ON SECOND READING

July 31, 2023 at 5:15 PM

Aldermanic Chambers, City Hall (3rd Floor)

Members: Aldermen Gamache, T. Sapienza, Fajardo, E. Sapienza, George-Kelly

AGENDA

The Chairman calls the meeting to order.

The Clerk calls the roll.

1. Ordinance Amendment:

"Amending Chapter 91 Solid Waste & Littering of the Code of Ordinances of the City of Manchester by establishing eligibility requirements for collection, and modifying volume restrictions and various definitions."

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

2. Ordinance Amendment:

"Amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester to change from odd/even to monthly parking on city streets during snow emergencies and to allow for more efficient cleaning of streets following snow storms."

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

3. Ordinance Amendment:

"Inserting Section 36.60 Municipal Economic Development and Revitalization Districts to the Code of Ordinances of the City of Manchester."

If the Committee so desires, a motion would be in order that the Ordinance Amendment ought to pass and be referred to the Committee on Accounts, Enrollment and Revenue Administration.

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

City of Manchester New Hampshire

In the year Two Thousand and Twenty-Three

AN ORDINANCE

“Amending Chapter 91 Solid Waste & Littering of the Code of Ordinances of the City of Manchester by establishing eligibility requirements for collection, and modifying volume restrictions and various definitions.”

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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 stricken (——). Portions of the following sections that remain unchanged appear in regular type.

§ 91.63 DEFINITIONS

COMMERCIAL USE. Of or pertaining to a business operating for profit.

DOWNTOWN COLLECTION ZONE. An area bounded by the west side of Elm Street, north side of ~~West Merrimack~~ **West Auburn** Street, the west side of ~~Chestnut~~ **Pine** Street, and the south side of Orange Street; **in addition to another area bounded by the west side of Willow Street, north side of Hayward Street, east side of Elm Street, and south side of Auburn Street,** and also encompassing properties with frontage along the following public roads and alleys: **Grove Street, between Willow Street and Elm Street; Elm Street East Back; the north side of Monadnock Lane, west of Union Street;** Hampshire Lane, **between West Merrimack Street and Mechanic Street;** Franklin Street, East Back; Harry Theo Lane; Manhattan Lane; Litchfield Lane; Londonderry Lane, west of Union Street; the east side of Chestnut Street, between Hanover Street and Amherst Street; Lowell Street, North Back; ~~the east side of Elm Street, between Orange Street and Harrison Street; Prospect Court;~~ and the southeast corner of Elm Street and ~~Brook~~ **Orange** Street.

DWELLING. A building or portion thereof containing private bath, cooking and kitchen facilities, and sleeping quarters for the use of one or more individuals living as a single housekeeping unit used exclusively for residential occupancy, including single family, or multifamily dwellings, but not including hotels, lodging facilities, or rooming houses. ~~A single living quarter, arranged for the use of one or more individuals, with cooking, living, sanitary, and sleeping facilities.~~

DWELLING, SINGLE FAMILY. A detached building used exclusively for occupancy by one (1) family.

LARGE MULTIFAMILY. A building or portion thereof containing five (5) or more dwelling units, whether in common ownership or owned as a condominium cooperative.

LODGING HOUSE (also Boarding House or Rooming House). A house, building or portion thereof containing one (1) or more rooms that lack cooking facilities and which do not constitute dwelling units, that are provided as living quarters for tenants, with or without provision of meals, on a weekly or monthly basis.

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§ 91.631 ELIGIBILITY REQUIREMENTS FOR MUNICIPAL CURBSIDE COLLECTION

(A) Properties that are eligible for municipal curbside collection include:

(1) Any residential Dwelling, Lodging House, Planned Development or Condominium Complex containing one to four dwelling units or rooms within a Lodging House; except those residential Dwellings, Lodging House, Planned Developments or Condominium Complexes located on a private way;

(2) Commercial Uses within the Downtown Collection Zone that do not produce trash that exceeds allowable volume in accordance with Section 91.68;

(3) Commercial uses outside the Downtown Collection Zone that occupy a detached buildings less than 7,500 square feet that provides financial and professional services such as banking, financial, real estate, insurance, or other professional offices, or provides personal services such as beauty/nail salons and spas, photographic studios, jewelry, watch, clock and small appliance repair and tattoo parlors and that do not produce trash that exceeds allowable volume in accordance with Section 91.68.

(B) Properties that are ineligible for municipal curbside collection include:

(1) Any Large Multifamily Dwellings, Lodging House, Planned Developments or Condominium Complexes with five or more dwelling units.

(2) Commercial Uses, except for those eligible Commercial Uses found in Section 91.64 (A)(3)

§ 91.64 PLACEMENT OF TRASH, RECYCLABLES OR YARD WASTE FOR COLLECTION.

(A) The Department of Public Works will not collect garbage, trash, recyclables, or yard waste **from eligible properties, identified in Section 91.631**, unless they have been properly prepared and placed in the right-of-way (at the curb or back street) as required by departmental regulations.

(B) No trash, recyclables, or yard waste shall be placed for collection prior to 4:00 p.m. of the day preceding the collection day that has been designated by the Department of Public Works for that area of the city. Empty containers shall be removed from the right-of- way, and stored on the property to which they belong, no later than 6:00 p.m. on the day of collection. Trash, recyclables, or yard waste that have not been collected because they have not been properly prepared or placed shall be removed from the right-of-way, and properly stored or otherwise dis-posed of, no later than 6:00 p.m. on the day they were to have been collected.

(C) All materials placed for municipal collection must be placed along the public frontage of the property at which they were generated, unless an alternative placement has been agreed to by the Department of Public Works.

(D) No trash, recycling, or yard waste ~~receptacles~~ **containers** shall be stored between collections in the front yard of a property, or forward of the building line, if there is other available outdoor space on the property.

(E) Christmas trees may be placed for municipal collection only on days designated by the Department of Public Works.

(F) It is mandatory that properties within the Downtown Collection Zone properly sort and separate recyclables from their trash.

(G) Yard waste must be separated from trash and recyclables.

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§ 91.66 CONTAINERS.

(A) ~~Municipal carts are mandatory containers for all properties and persons utilizing municipal collection service for trash or recyclables~~ Dwellings and Commercial Use buildings that are eligible for municipal curbside collection.

(B) Prior to placement of materials in a municipal trash cart, the following additional requirements apply:

(1) Pet waste, diapers, feminine hygiene products, saw dust, and ashes must be placed within a securely-tied plastic bag;

(2) Fats, oils, and greases must be placed within a secured container and allowed to cool and coagulate;

(3) Syringes and other sharps must be enclosed within a rigid, secured, and labeled container.

(C) All properties and persons utilizing private collection service for trash or recyclables must contain said materials in a fully-covered **dumpster, receptacle container, or containers** that ~~are~~ is constructed of metal, plastic or other durable material resistant to breakage. **All dumpsters shall be subject to the requirements of the Manchester Zoning Ordinance, including but not limited to, restrictions on the location of the accessory structures.**

(D) The owner(s) of any rental property, whether utilizing municipal or private collection service, shall supply to the tenants of the property a **dumpster**, container, or containers, of sufficient capacity to provide for the safe, secure, and sanitary storage of all trash and recyclables generated within the property.

(E) All properties and persons placing yard waste for municipal collection shall contain said material in accordance with regulations promulgated by the Department of Public Works.

(F) The weight, including contents, of any single container of trash, recyclables, or yard waste shall not exceed 75 pounds.

(G) The foregoing provisions of this section notwithstanding, the Public Works Director shall have the authority to establish programs for special municipal collection of bulky items, overflow materials, and emergency debris that allow for the use of alternative containers or methods of placement.

§ 91.67 VOLUME.

(A) **For eligible Dwellings and Commercial Use properties pursuant to Section 91.631, the maximum volume of trash and recyclables placed for municipal curbside collection shall be limited to 190 gallons of trash and 190 gallons of recyclables per dwelling or operating business per collection event, contained within no more than two (2) municipal trash carts and two (2) municipal recycling carts per dwelling or operating business.**

~~For single family, two family, and three family residential properties, and for commercial, non-profit, and mixed use properties with a combined total of three or fewer operating businesses and dwellings, the maximum volume of trash and recyclables placed for municipal collection shall be limited to 190 gallons of trash and 190 gallons of recyclables, per dwelling or operating business per collection event, contained within no more than two municipal trash carts and two municipal recycling carts per dwelling or operating business.~~

~~(B) For residential properties with four or more dwellings, including apartment buildings, condominium complexes, and manufactured home parks, and for commercial, non-profit, and mixed use properties of four or more units, the maximum total volume of trash and recyclables placed for municipal collection shall be limited to 760 gallons of trash and 760 gallons of recyclables, per property per collection event, contained within no more than eight municipal trash carts and eight municipal recycling carts, respectively.~~

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(B€) There are no statutory limits on the volume of yard waste that may be placed for municipal collection at any property.

(CĐ) The foregoing provisions of this section notwithstanding, the Public Works Director shall have the authority to:

(1) Grant a waiver to the volume limitations delineated in this section when, in his or her sole determination, there is:

(a) A reasonable and demonstrated need for additional capacity; and

(b) Sufficient property frontage for placement of additional carts such that street parking, traffic flow, and pedestrian safety are not adversely affected; and

(2) Impose additional limitations on the volume of any material that may be placed for municipal collection at a property when such limitations are necessary to ensure sufficient street parking, traffic flow, or pedestrian safety.

II. This ordinance shall take effect upon passage.

City of Manchester New Hampshire

In the year Two Thousand and Twenty-Three

AN ORDINANCE

“Amending Chapter 71: Snow Emergency Regulations of the Code of Ordinances of the City of Manchester to change from odd/even to monthly parking on city streets during snow emergencies and to allow for more efficient cleaning of streets following snow storms.”

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 stricken (——). Portions of the following sections that remain unchanged appear in regular type.

§ 71.04 PARKING ON CITY STREETS

(A) Whenever the Director finds, on the basis of falling snow, sleet, or freezing rain, or on the basis of a forecast by the U.S. Weather Bureau or other weather service, of snow, sleet, or freezing rain, that weather conditions will make it necessary that motor vehicle traffic be expedited and that parking on city streets be prohibited or restricted for snow plowing and other purposes, the Director shall declare a snow emergency. Such declaration shall be effective to prohibit the parking of any vehicle on all or some city streets, parking facilities and schoolyards as described in the declaration, in a manner prescribed by this chapter.

~~(B) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Director in accordance with this chapter. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a city street to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.~~

(B) Immediately after a snow emergency declaration has ended, the Director may declare a snow maintenance emergency to facilitate expeditious snow removal operations. The declaration of a snow maintenance emergency shall be effective to prohibit the parking of any vehicle on all or some city streets, parking facilities and schoolyards as described in the declaration, in a manner prescribed by this chapter.

(C) Once in effect, a prohibition under this section shall remain in effect until terminated by announcement of the Director in accordance with this chapter. While the prohibition is in effect, no person shall park or allow to remain parked any vehicle on any portion of a city street to which it applies. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law.

~~§ 71.10 CITATION ON VEHICLE LEFT PARKED IN VIOLATION OF THIS CHAPTER~~

~~Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this chapter, and is not removed and impounded as provided for in this chapter, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Police Department, for the driver to answer to the charge against him within 24 hours during the hours and at a place specified in the citation.~~

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~~§ 71.11 FAILURE TO COMPLY WITH TRAFFIC CITATION~~

~~—If a violator of this chapter does not appear in response to a traffic citation affixed to such motor vehicle in accordance with this chapter within a period of 24 hours, the clerk of the traffic court or other appropriate person shall issue a warrant of arrest.~~

§ 71.13 OVERNIGHT WINTER PARKING

(A) It shall be unlawful for any person having custody or control of any vehicle to park or cause to be parked said vehicle on any public street or highway between the hours of 1:00 a.m. and 6:00 a.m. during the period of December 1 and April 15 except as noted in divisions (B), (C) and (D) of this section.

(B) No person shall park or leave a vehicle parked on streets between the hours of 1:00 a.m. and 6:00 a.m. of any day except that persons may park or leave vehicles parked on even house numbered sides of such streets on even-numbered ~~days~~ **months** of each calendar month, and on odd-numbered sides of such streets on odd-numbered ~~days~~ **months** of each calendar month.

(C) On streets where one side only of an entire block is so posted against parking that the effect is to prohibit parking during the hours of 1:00 a.m. and 6:00 a.m. every day; the provisions of division (B) shall not apply to the side of the street directly opposite the side where parking is so prohibited, and parking shall be permitted on such opposite sides of the street unless such parking is otherwise specifically prohibited.

~~(D) Nothing in this section shall be construed so as to permit any vehicle to be parked or to be left parked on any street or way so as to interfere with or hinder the removal or plowing of snow or the sanding/salting of streets by the city, nor to permit the parking or leaving of a vehicle parked in violation of any other section of this chapter including declarations of snow emergencies by the Public Works Director.~~

(D) Whenever any motor vehicle without a driver is found parked or left in violation of any provision of this chapter, and is not removed and impounded as provided for in this chapter, the officer finding such vehicle shall take its registration number and any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic ticket, on a form provided by the Police Department.

(E) No signage shall be required for overnight winter parking.

(F) The area bounded on the south side by and including Pleasant Street; on the north by and including Mechanic Street; on the west by and including Canal Street; and on the east by and including Franklin Street is hereby exempted from the provisions of odd and even parking as provided in subsections (A), (B), and (C) above.

II. This ordinance shall take effect immediately upon its passage.

City of Manchester *New Hampshire*

In the year Two Thousand and Twenty-Three

AN ORDINANCE

“Inserting Section 36.60 Municipal Economic Development and Revitalization Districts to the Code of Ordinances of the City of Manchester.”

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 in **bold**.

§ 36.60 R.S.A. 162-K MUNICIPAL ECONOMIC DEVELOPMENT AND REVITALIZATION DISTRICTS.

The provisions of R.S.A. Chapter 162-K Municipal Economic Development and Revitalization Districts are hereby adopted.

II. This ordinance shall take effect upon its passage.