



Legislative Committee Meeting
Tuesday, May 21, 2019 – 5:30PM
City Hall Council Chambers

Agenda:

- 1) Kratom Citywide Ban - New Ordinance**
- 2) Alcohol on City Property Ordinance Update – add Fire Chief to list of approvers**
- 3) Parking Ordinance update (section 284-12 of code)**
- 4) Lead Action Committee**
- 5) Smoking on City Property Ordinance Update (include Vaping, Juuling, etc.)**
- 6) No-thru Trucking on Babbitt Road**
- 7) Ordinance Change to allow camping on City Property at Mill City Park**
- 8) Ordinance Change for Property Maintenance Code (from edition 2003 to current edition 2018)**
- 9) Consider adopting step by step guidelines for what to do if a recount is requested after an election.**
- 10) Fireworks – Consider creating new Ordinance for permit only. People are not following the rules and enforcement has been minimal at best.**
- 11) Other Business**

Adjournment

The City Council of the City of Franklin reserves the right to enter into non-public session when necessary according to the provisions of RSA 91-A.

This location is accessible to the disabled by stairwell elevator. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)



National Institute
on Drug Abuse

DrugFacts

www.drugabuse.gov

Kratom

What is kratom?

Kratom is a tropical tree (*Mitragyna speciosa*) native to Southeast Asia, with leaves that contain compounds that can have psychotropic (mind-altering) effects.

Kratom is not currently an illegal substance and has been easy to order on the internet. It is sometimes sold as a green powder in packets labeled "not for human consumption." It is also sometimes sold as an extract or gum.



Photo by [DEA](#)

Kratom sometimes goes by the following names:

- Biak
- Ketum
- Kakuam
- Ithang
- Thom

How do people use kratom?

Most people take kratom as a pill, capsule, or extract. Some people chew kratom leaves or brew the dried or powdered leaves as a tea. Sometimes the leaves are smoked or eaten in food.

How does kratom affect the brain?

Kratom can cause effects similar to both opioids and stimulants. Two compounds in kratom leaves, *mitragynine* and *7- α -hydroxymitragynine*, interact with opioid receptors in the brain, producing sedation, pleasure, and decreased pain, especially when users consume large amounts of the plant. Mitragynine also interacts with other receptor systems in the brain to produce stimulant effects. When kratom is taken in small amounts, users report

Withdrawal symptoms include:

- muscle aches
- insomnia
- irritability
- hostility
- aggression
- emotional changes
- runny nose
- jerky movements

How is kratom addiction treated?

There are no specific medical treatments for kratom addiction. Some people seeking treatment have found behavioral therapy to be helpful. Scientists need more research to determine how effective this treatment option is.

Does kratom have value as a medicine?

In recent years, some people have used kratom as an herbal alternative to medical treatment in attempts to control withdrawal symptoms and cravings caused by addiction to opioids or to other addictive substances such as alcohol. There is no scientific evidence that kratom is effective or safe for this purpose; further research is needed.

Points to Remember

- Kratom is a tropical tree native to Southeast Asia, with leaves that can have psychotropic effects.
- Kratom is not currently illegal and has been easy to order on the internet.
- Most people take kratom as a pill or capsule. Some people chew kratom leaves or brew the dried or powdered leaves as a tea. Sometimes the leaves are smoked or eaten in food. Two compounds in kratom leaves, mitragynine and *7- α -hydroxymitragynine*, interact with opioid receptors in the brain, producing sedation, pleasure, and decreased pain.
- Mitragynine can also interact with other receptor systems in the brain to produce stimulant effects.
- Reported health effects of kratom use include nausea, sweating, seizures, and psychotic symptoms.
- Commercial forms of kratom are sometimes laced with other compounds that have caused deaths.
- Some users have reported becoming addicted to kratom.
- Behavioral therapies and medications have not specifically been tested for treatment of kratom addiction.

Learn More

For more information about kratom, visit:

- [Commonly Abused Drug Charts](#)
- [Drug Enforcement Administration \(DEA\)](#)

IN THIS SECTION: Public Health Focus




FDA and Kratom

The U.S. Food and Drug Administration is warning consumers not to use *Mitragyna speciosa*, commonly known as kratom, a plant which grows naturally in Thailand, Malaysia, Indonesia, and Papua New Guinea. FDA is concerned that kratom, which affects the same opioid brain receptors as morphine, appears to have properties that expose users to the risks of addiction, abuse, and dependence.

There are no FDA-approved uses for kratom, and the agency has received concerning reports about the safety of kratom. FDA is actively evaluating all available scientific information on this issue and continues to warn consumers not to use any products labeled as containing the botanical substance kratom or its psychoactive compounds, mitragynine and 7-hydroxymitragynine. FDA encourages more research to better understand kratom's safety profile, including the use of kratom combined with other drugs.

Since identifying kratom on an import alert (https://www.accessdata.fda.gov/cms_ia/importalert_190.html) for unapproved drugs in 2012 and on a second import alert (https://www.accessdata.fda.gov/cms_ia/importalert_1137.html) in February 2014 regarding kratom-containing dietary supplements and bulk dietary ingredients, FDA has taken a number of additional actions, including:

- In September 2014, U.S. Marshals, at the FDA's request, seized (<https://wayback.archive-it.org/7993/20170111064932/http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm416318.htm>)  (<http://www.fda.gov/about-fda/website-policies/website-disclaimer>) more than 25,000 pounds of raw kratom material worth more than \$5 million from Rosefield Management, Inc. in Van Nuys, California.
- In January 2016, U.S. Marshals, at the FDA's request, seized (</news-events/press-announcements/us-marshals-seize-dietary-supplements-containing-kratom>) nearly 90,000 bottles of dietary supplements labeled as containing kratom and worth more than \$400,000. The product, manufactured for and held by Dordoniz Natural Products LLC, located in South Beloit, Illinois, is marketed under the brand name RelaKzpro.
- In August 2016, U.S. Marshals, at the FDA's request, seized (</news-events/press-announcements/kratom-seized-california-us-marshals-service>) more than 100 cases of products labeled as containing kratom and worth more than \$150,000. The products are distributed by Nature Therapeutics LLC, which does business as Kratom Therapy and is located in Grover Beach, California. The seized products are marketed under the brand name Kratom Therapy.

While FDA evaluates the available safety information about the effects of kratom, the agency encourages health care professionals and consumers to report any adverse reactions to the FDA's MedWatch (</medwatch-fda-safety-information-and-adverse-event-reporting-program>) program:

- Complete and submit the report online: MedWatch Voluntary Reporting Form (<https://www.accessdata.fda.gov/scripts/medwatch/index.cfm?action=reporting.home>)
- Download and complete the form (</download-forms>), then submit it via fax at 1-800-FDA-0178

Related Information

- FDA releases test results identifying dangerous levels of heavy metals in certain kratom products (</news-events/public-health-focus/laboratory-analysis-kratom-products-heavy-metals>)

K2, SPICE ORDINANCE
PREVIOUSLY ADOPTED
(is in STATE)

City of Franklin, NH
Thursday, May 16, 2019

Chapter 254. Smoking Products

Article I. Sale and Possession of Illegal Smoking Products

[Adopted 1-3-2011 by Ord. No. 03-11]

§ 254-1. Prohibited activities.

- A. It shall be unlawful for any person to use, possess, purchase, attempt to purchase, sell, offer to sell, give away, deliver or publicly display for sale any illegal smoking product (which includes but is not limited to the product known as "K2" or "spice") within the City limits of the City of Franklin, New Hampshire.
- B. For the purpose of this article, the following terms shall be defined as follows:

ILLEGAL SMOKING PRODUCT

Any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, which, when smoked or ingested, mimics the effects of a controlled substance, regardless of whether the substance is marketed for the purpose of being smoked or ingested, which includes any one or more of the following chemicals:

- (1) One cis or trans tetrahydrocannabinol, and its optical isomers;
- (2) Six cis or trans tetrahydrocannabinol, and its optical isomers;
- (3) Three, four cis or trans tetrahydrocannabinol, and its optical isomers;
- (4) CP 47,497 and homologues: 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol;
- (5) HU-210: [(6aR, 10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10, 10a-tetrahydrobenzo[c]chromen-1-ol], also known as 6aR-trans-3-(1, 10 dimethylheptyl)-61, 7, 10, 10a-tetrahydro1hydroxy-6, 6-dimethyl-6H-dibenzo [b,d] pyran-9-methanol;
- (6) JWH-018: 1-pentyl-3-(1-naphthoyl)indole, also known as naphthalen-1-yl-(1-pentylindol-3-yl)methanone, also known as "spice";
- (7) JWH-073: 1-butyl-3-(1-naphthoyl)indole, also known as naphthalen-1-yl-(1-butyindol-3-yl)methanone;
- (8) JWH-200: 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole;

§ 254-4. Forfeiture of illegal substances.

In addition to any penalty provided for in § 254-3, if any of the aforementioned substances listed in § 254-2 are found in the possession of any person, the substances will be forfeited to the city and may be destroyed by law enforcement officials.

§ 254-5. Severability; repealer; when effective.

- A. If any provision of this article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this article, which shall remain in full force and effect.
- B. All ordinances, resolutions, orders or parts thereof or in conflict with this article are hereby voided.
- C. This article shall be in full force and effect immediately upon its passage.

City of Franklin, NH
Thursday, May 16, 2019

Chapter 101. Alcoholic Beverages

[HISTORY: Adopted by the City Council of the City of Franklin 5-5-1986 as Title Four, Ch. XXII of the 1986 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 199.

§ 101-1. Permit required for consumption on public property.

- A. No person shall drink any intoxicating liquor or beverage, as defined by RSA 175, in or on any public highway or sidewalk in the City of Franklin or in or on any municipal building, park, beach, parking lot, land or other facility of the City of Franklin without first obtaining a written permit as hereinafter provided.
- B. Permits to drink any intoxicating liquor or beverage in or on any municipal facility which is under the management and control of the Board of Education of the City of Franklin must be obtained from said Board. All other permits required by this chapter must be obtained from a committee consisting of the City Manager, Chief of Police and the Director of Recreation.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*





CITY OF FRANKLIN, NEW HAMPSHIRE
"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
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ORDINANCE #10-18

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Seventeen;

Be it ordained by the City Council of the City of Franklin to revise existing Chapter 284-12, Parking; prohibited practices, Chapter 284-13, Parking restrictions, Chapter 284-16, Violations and penalties, Chapter 284-18 Penalty payment procedure and Chapter 284-20, Fines of the Municipal Code by removing all language that is struck and adding language that is bold:

§ 284-12_Parking; prohibited practices.

A. Night Parking

No vehicle shall be parked on a public street to remain continuously so parked during the period from 12:00 midnight to sunrise, except in case of emergency, and any vehicle so parked during the period from 12:00 midnight to sunrise shall, at the discretion of the Police Department, be towed away at the expense of the owner of said vehicle.

B. Snow Removal

No vehicle shall be parked on a public street between the hours of 9:00 p.m. and 6:30 a.m. during snowstorms, during snowplowing operations by the city or its agents or during snow removal operations by the city or its agents. In addition to the penalties provided by this article, any vehicle found parked contrary to the provisions of this subsection shall, at the discretion of the Police Department or Municipal Services Department, be towed away at the expense of the owner of said vehicle.

[Amended 9-14-1998 by Ord. No. 98-4]

C. Winter Parking Ban- Streets

No person owning or operating any type of motor vehicle or carriage or having in his or her charge any motor vehicle or carriage shall cause or allow said vehicle to remain standing or parked within the limits of any street in the city in such a manner that said vehicle will interfere with or impede the plowing of snow from the surface of said street, and so-called all-night parking on any street in the city is hereby prohibited during the months of January, February, March, April, November and December.

D. Winter Parking Ban- Municipal Lots

No person owning or operating any type of motor vehicle or other vehicle or having in his or her charge any vehicle shall cause or allow said vehicle to remain standing or parked within the limits of any public parking area in the city, excepting a certain area as designated by signs erected from time to time by the Police Department permitting overnight parking in said posted area between the hours of 11:00 p.m. and 8:00 a.m., in such manner that said vehicle will interfere with or impede the plowing of snow from the surface of said parking area between the hours of 11:00 p.m. and 6:00 a.m. during the months of January, February, March, **April**, November and December.^[1]

[Amended 9-14-1998 by Ord. No. 98-4]

[1] Editor's Note: Original Section 5.05, which immediately followed this subsection and provided for two-hour parking on portions of Central Street, Franklin Street and Memorial Street, was deleted 9-14-1998 by Ord. No. 98-4. See now § 284-23.

E. Right to Tow

Any vehicle parked in violation of the provisions of this section may be towed away by the city or its agents to a suitable location and held there until the reasonable cost of said removal shall have been paid to the city, as well as a storage charge, if said vehicle shall not be reclaimed within 24 hours of its removal. These charges shall be in addition to any fine imposed for violation of this Code.

F.

Unless they are inconsistent with the previous regulations, all state statutes with reference to the operation and parking of motor vehicles are hereby deemed in full force in the city. Where appropriate, the doctrine of state preemption shall apply. In cases where two standards are promulgated, the higher shall be deemed to apply.

§284-13. Parking; Prohibited Practices

This section shall control the parking or placement of motor vehicles upon the public ways within the City of Franklin. To the extent that this section is inconsistent with any prior enactment or ordinance by the City of Franklin, this section shall be controlling.

A. Restricted Places

No person shall park an automobile in a way inconsistent with posted parking signs, regulations or other markings adopted by the City of Franklin indicating a restricted parking area.

B. Winter Parking Ban

No person shall park an automobile in violation of the winter parking ban as adopted by the City of Franklin.
Reference 284-12-C and 284-12-D

C. Night Parking Restriction

No person shall park any vehicle overnight on a public way within the City of Franklin in violation of the pertinent ordinance to that effect. **Reference 284-24-D**

D. Wrong Side of Street

No person shall park any vehicle in violation of any posted ban on parking on a specific side of a public way within the City of Franklin. Further, no person shall park any vehicle in a public way in such a manner so that the left side of said vehicle faces the curb or side of the street, except where said public street is a one-way street and said vehicle is headed in the proper direction of traffic movement.

[Amended 9-14-1998 by Ord. No. 98-4]

E. Overtime Parking

No person shall park a vehicle within the City of Franklin so that such vehicle exceeds posted time limitations on parking. **Reference 284-24-A & 284-24-B**

F. Sidewalk, Crosswalk and Intersection Restrictions

No person shall park a motor vehicle within the City of Franklin so that said vehicle is entirely or partially within a marked crosswalk. **No person shall park a motor vehicle within the City of Franklin so that said vehicle is entirely or partially** upon any sidewalk within the city. Further, no vehicle shall be left parked within a street intersection or within 20 feet of the corner of such an intersection within the city.

G. Fire Hydrant

No vehicle within the City of Franklin shall be left standing or parked within 10 feet of any fire hydrant or pedestrian crosswalk located at a traffic intersection or within 10 feet of any stop sign or traffic control device.

H. Yellow Curb/ Yellow line on pavement

No motor vehicle shall be left parked in the City of Franklin adjacent to a curb painted with the color yellow or within any space appropriately marked with yellow paint designating that parking is forbidden.

I. Double Parking

No motor vehicle shall be double-parked or left in any way within the commonly traveled way of the public streets of the City of Franklin.

J. Overtime Parking, Night Parking

No vehicle shall be allowed to be parked or shall stand in a municipal parking lot for a period of time in excess of 24 hours. All motor vehicles must be removed from municipal parking lots at least once in each consecutive twenty-four-hour period. Further, no municipal parking lot shall be used for the storage of any unregistered or uninspected motor vehicle. **Reference**

284-24-D

[Added 4-17-2002 by Ord. No. 01-02]

K. Driveways

No vehicle shall be allowed to be parked or shall stand in front of a public or private driveway. No vehicle shall be allowed to be parked or shall stand within 20 feet of driveway to Fire Station.

§ 284-16 Violations and penalties.

[Amended 8-3-1987]

A person violating any provisions of this article or any other ordinance relating to the parking of motor vehicles within the City of Franklin shall be punished by a fine of not more than \$100 for each offense. ~~except that the optional procedures set forth below may be used in lieu of court proceedings for the designated violations.~~

§284-18 Penalty Payment Procedure

[Amended 7-7-1997 by Ord. No. 97-2]

The aforementioned notice shall indicate that the violator may resolve the matter through payment of an appropriate fine to the Franklin Police Department. The appropriate fines for violations are listed in § 284-20. The appropriate fine for all other violations will be \$10. Failure by the operator or owner to make such payment within 48 hours of the issuance of the notice of violation **will result in a one-time penalty fine of \$5.** Failure by the operator or owner to make such payment within **14 calendar days** of the issuance of the notice of violation may result in the issuance of a summons to the operator or owner to appear in court to answer to the charge of violating the ordinance as previously stated **and an additional penalty fine of \$75.** ~~The Chief of Police may authorize, at any time before a court summons has been issued but after the expiration of the forty-eight hour period, the acceptance of a voluntary payment in the amount of \$20 as penalty in full satisfaction of the violation.~~

§ 284-20 Fines.

[Added 7-7-1997 by Ord. No. 97-2; amended 10-1-2007 by Ord. No. 08-08; 1-5-2015 by Ord. No. 08-15; 5-4-2015 by Ord. No. 13-15; 10-5-2015 by Ord. No. 06-16]

Fines shall be as follows:

01 Winter parking restriction	\$25
02 Night parking restriction	\$10
03 Overtime parking	\$10
04 Restricted place	\$15
05 Wrong side of street	\$10
06 Parked on crosswalk	\$15
07 Parked on sidewalk	\$25

Ordinance #10-18

08 Within 10 feet of corner of intersection	\$10
09 Parked in front of public or private driveway	\$25
10 Within 10 feet of fire hydrant	\$15
11 Within 20 feet of driveway to fire station	\$15
12 At yellow curb/loading zone	\$15
13 Parked in fire lane	\$10
14 Double parking	\$10
15 Jaywalking	\$10
16 Handicapped parking violation	\$50
17 Franklin Street Parking Lot: no parking permit displayed	\$100
18 Dead end streets that are designated as limited or no parking	\$50

If fine(s) are not paid within 48 hours, an additional charge of \$5 per violation will be assessed. Failure to pay this fine within 14 calendar days will result in a summons to court and an additional charge of \$75 per violation will be assessed.

After five offenses, the automobile is to be towed at the owner's expense.

Appeals

If a violator of any parking meter time or other parking restriction limit fails to respond to a ticket affixed to a vehicle by bringing such ticket with payment and the designated fine to the police station within a period of 48 hours after receipt, the Franklin Police Department shall send to the owner of the motor vehicle to which such ticket is affixed a notice informing said owner of the violation, together with a statement that the fine remains unpaid and that the fine has increased in accordance with the provisions of this section. The Franklin Police Department shall also issue a warning that in the event that the fine is not paid within 48 hours of the date of notice the owner shall be subject to an additional fine not to exceed \$100; and in the event such charge is not paid within 14 days of the date of such notice, said owner shall be summonsed to appear in the Franklin District Court by the Police Department; and if found guilty, said owner shall be fined not more than \$1,000.

(a)

A person who believes that a ticket is not valid or that a ticket was issued incorrectly may, within 72 hours of the time the ticket was issued, appeal to the Police Chief or Patrol Commander at the police station. If the Police Chief or Patrol Commander is not available, the person ticketed shall leave his/her name, address, telephone number and ticket number with the dispatcher to be forwarded to the Police Chief or Patrol Commander. The Police Chief or Patrol Commander will conduct an informal hearing, and if, in his/her opinion, there is justification, he/she may cancel the ticket. Each ticket canceled shall be signed by the Police Chief or Patrol Commander. The Police Chief or Patrol Commander shall state his/her decision prior to the end of the shift, if possible, otherwise not later than 48 hours after receipt of the notice of the appeal. The Police Chief or Patrol Commander shall notify the Patrol Secretary in the event that any ticket has been canceled by him/her.

(b)

Within 24 hours after the Police Chief or Patrol Commander notifies the person ticketed of his/her decision, if the individual still believes that the ticket issued was invalid, the individual may request, in writing, delivered to the Police Department, that he/she be charged with the specific offense alleged to be committed rather than for failure to pay a parking ticket. The minimum penalty provision shall apply in such cases.

(c)

The payment of a fine shall not be deemed an acknowledgment of conviction of the alleged offense; and upon accepting the prescribed payment; the payee shall issue a receipt to the payer acknowledging the payment. The voiding of tickets other than by the procedures set forth in this chapter is strictly prohibited.



A COMMUNITY OF ACTION FOR LEAD SAFETY

BUILDING, MOBILIZING, AND SUPPORTING MUNICIPAL ACTION TO PREVENT CHILDHOOD LEAD POISONING

The health of New Hampshire children is jeopardized by the persistent, but avoidable, threat of lead poisoning. Due to our aging housing stock and water infrastructure, NH has a documented rate of childhood lead poisoning more than twice the national average. Far too few children are being tested for lead, and the situation is worse than current statistics show. Fortunately, there are solutions to this public health crisis.

Progress Tackling Lead: An Important Leveraging Opportunity

In recent years, a broad and active group of stakeholders has worked to identify needed solutions to NH's lead problem, resulting in passage of SB 247 - a law that strengthens the state's lead laws in several important ways, including:

- Establishing NH as a "universal testing" state, requiring all one- and two-year old children to have blood lead tests,
- Phasing in a more protective intervention level, from our current 10 ug/dl blood-lead-level standard, and
- Requiring all schools and childcare centers to test for the presence of lead in drinking water and address any lead hazards found.

The passage of SB 247 provides an important opportunity to better protect our children from the hazards of lead, but municipalities must leverage the available benefits of our stronger state laws. *We hope you will join us in building a Community of Action for Lead Safety.*

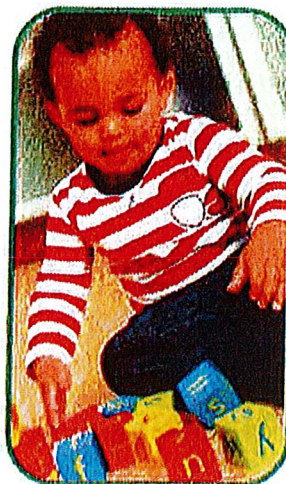
Building, Mobilizing and Supporting Municipal Action

This crisis can't be solved without local community engagement. That's why New Hampshire Listens, Conservation Law Foundation, and New Hampshire Legal Assistance are working to assemble and support a cohort of 6 NH communities committed to tackling the problem of lead poisoning locally. The project we envision includes assembling the cohort, convening community action, and providing community support.

Cohort Assembly

This project is an opportunity for 6 communities committed to protecting their kids from lead to come together to develop, and then implement, local strategies to prevent childhood lead

Educational Interventions for Children Affected by Lead



This paper was developed by an expert panel that included CDC and non-CDC authors.

April 2015

Table 1. Studies on Lead and Educational Outcomes

Blood Lead Levels	Educational Impact	Size of Study	Location of Study
$\leq 3 \mu\text{g/dL}$	Decreased end of grade test scores	More than 57,000 children	North Carolina (Miranda et al. 2009) ¹
4 $\mu\text{g/dL}$ at 3 years of age	Increased likelihood learning disabled classification in elementary school	More than 57,000 children	North Carolina (Miranda et al. 2009) ¹
	Poorer performance on tests	35,000 children	Connecticut (Miranda et al. 2011)
5 $\mu\text{g/dL}$	30% more likely to fail third grade reading and math tests	More than 48,000 children	Chicago (Evens et al. unpublished data)
	More likely to be non-proficient in math, science, and reading	21,000 children	Detroit (Zhang et al. 2013)
5-9 $\mu\text{g/dL}$	Scored 4.5 points lower on reading readiness tests	3,406 children	Rhode Island (McLaine et al. 2013)
$\geq 10 \mu\text{g/dL}$	Scored 10.1 points lower on reading readiness tests	3,406 children	Rhode Island (McLaine et al. 2013)
10 and 19 $\mu\text{g/dL}$	Significantly lower academic performance test scores in 4th grade	More than 3,000 children	Milwaukee (Amato et al. 2012)
$\geq 25 \mu\text{g/dL}$	\$0.5 million in excess annual special education and juvenile justice costs	279 children	Mahoning County, Ohio (Stefanak et al. 2005)

References

All City Facilities?

City of Franklin, NH
Thursday, May 16, 2019

Chapter 222. Parks and Beaches

§ 222-7. Use of tobacco.

Juuling
E-CIG
Vaping

[Added 7-12-2010 by Ord. No. 11-10]

- A. Purpose. The purpose of this section is to protect the safety, health and welfare of the general public and to regulate the behavior in and protect the property interests of and the facilities owned and/or operated by the City of Franklin.
- B. City recreation areas or facilities. The use of tobacco products is prohibited in the following City recreation areas or facilities as more fully described below:
- (1) Griffin and Legace Beach, including the beach and restrooms.
 - (2) Proulx Community Center, including all buildings and entryways.
 - (3) Odell Park, including the playground, basketball courts, tennis courts, ball fields, gazebo, walking trail, restrooms, cottage, dugout and concession stands.
 - (4) Daniell Park, including all fields, playgrounds, dugout and restrooms.
 - (5) Stone Park, including playgrounds and basketball court.
 - (6) Forest Hills, including basketball court and tennis court.
 - (7) Scott Marceau Park, including information booth.
 - (8) Rivers Edge Park, including fenced-in skate area.
 - (9) Trestle View Park.
 - (10) Bessie Rowell Community Center.
- [Added 9-10-2012 by Ord. No. 03-13]

+ MILLCITY PARK

- C. Signage. Signs shall be installed and maintained to alert the public of tobacco prohibition in the City recreation areas. Signs alerting all park patrons ("No Smoking or Use of Other Tobacco Products") shall be placed prominently at every entrance to all City recreation areas.
- D. Violations and penalties. Any person who violates the provisions of this section shall be subject to a civil penalty in the amount of \$50 for each offense. In addition, violators may be removed from the recreation area or facility. In addition to these penalties, persons under the age of 18 years old shall be subject to the provisions of New Hampshire Revised Statutes Annotated 126-K:1.

*City of Franklin, NH
Thursday, May 16, 2019*

Chapter 284. Vehicles and Traffic

Article II. Traffic Signs and Controls

§ 284-25. One-way streets and no thru-trucking.

No vehicle shall travel in contravention of the direction designated at Subsection A below for one-way streets within the City of Franklin. The Municipal Services Department is authorized to post appropriate traffic directional signs in accordance with that subsection. Additionally, no truck-style vehicle, other than standard body pickup-style trucks, shall use any of the streets designated as no thru-trucking routes at Subsection B below for purposes of completely traveling any streets or roads so listed.

A. Location of one-way street signs. One-way streets are designated as follows:

Street	Section	Direction
Canal Street [Repealed 5-7-2012 by Ord. No. 09-12]		
Church Street	Central Street to Franklin Street	Easterly toward Franklin Street
Gerrish Street	North Main Street to Pemigewasset Street	Easterly toward Pemigewasset Street
Memorial Street [Added 5-7-2012 by Ord. No. 09-12]	Central Street to Canal Street	North/West
Pemigewasset Street	Gerrish Street to drive entrance of Insulfab Inc.	Northerly toward North Main Street
Rowell Drive [Repealed 5-4-2015 by Ord. No. 11-15]		
Smith Street	Central Street to Canal Street	Northerly toward Smith Street
Spring Street	Prospect Street to School Street	Southerly toward School Street
Webster Avenue (seasonal, Memorial Day to Labor Day)	New Hampshire Route 11 to Lake Avenue	Northerly
Victory Drive [Repealed 5-7-2012 by Ord. No. 09-12]		

City of Franklin, NH
Thursday, May 16, 2019

Chapter 232. Property, City-Owned

§ 232-4. Overnight use of property.

No camping or any overnight use of any City property is allowed unless it meets the following requirements:

- A. The proposed use is being carried out by an organization which must have a recognized goal of community assistance, education, or other recognizable focus of community support. Eligible organizations may seek approval on a yearly or a use-by-use basis.
- B. Prior to approval by the appropriate City department (Parks and Recreation, Conservation, Municipal Services, etc.), the organization shall outline the proposed use and duration and the number of individuals involved.
- C. Any City property used for any camping or overnight activities shall be cleaned after the activity and shall be left in its original condition. All trash or debris shall be removed from the property and disposed of properly.
- D. The appropriate department head, or the City Manager, retains the right to deny any camping or overnight use if a determination is made that the request did not adequately describe the planning or management of the activity or that the proposed use will not protect and provide for the general health, safety and welfare of the City.

E. CAMPING IN DESIGNATED CAMPING AREA IN MILL CITY
PARK ALLOWED.



CITY OF FRANKLIN, NEW HAMPSHIRE
Fire Department
"The Three Rivers City"

59 West Bow Street • 03235

Tel : (603) 934-2205
FAX: (603) 934-7408

Michael Foss, Fire Chief

David Hall, Deputy Chief

May 1, 2019

Reference: 2003 International Property Maintenance Code

Dear Chief Foss,

I am writing to you in regards to the International Property Maintenance Code, adopted as Edition 2003. I would like to request that the City of Franklin update the International Property Maintenance Code to the most current Edition 2018. At the conclusion of this letter I have written a specific proposal and recommendations.

History

On August 2, 2004, the City of Franklin adopted the 2003 International Property Maintenance Code as a tool to assist Code Enforcement. The adoption of the International Property Maintenance Code can be found in City Municipal Code § 233-1. It outlines the intention of this adoption in an effort to ensure the safety and well-being of Franklin's citizens and its visitors. Attached is a copy of § 233-1, for your reference.

At the time of the adoption, several additions, insertions and changes were documented in §233-2. These alterations provided clarification, and a tailoring of the adopted code sections to the City of Franklin. Attached is a copy of §233-2 for your reference. It is my recommendation that these same additions, insertions and changes with only modifications to the location and reference within the 2018 International Property. I have outlined these within the conclusion.

International Property Maintenance Code – Executive Summary

The International Property Maintenance Code (IPMC) is published by the International Code Council (ICC). ICC is a member focused association that develops model codes used in the design, build/construction and compliance process to construct safe, sustainable, affordable and resilient structures. Other examples of model codes and standards developed by ICC would be:

- International Building Code – State of NH currently adopted 2009
- International Residential Code- State of NH currently adopted 2009

When adopted in 2004 the following was written in Franklin Municipal Code §233-1 as explanation of purpose and definition of adoption. *"The IPMC provides a standard for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied structures and facilities and other physical*

*things and condition essential to ensure that structures are safe, sanitary and fit for occupancy and use, and the condemnation of buildings and structures unfit for human and use, and the demolition of such **existing** (sp) structures as herein provided for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, and conditions of said property maintenance code on file in the inspector's office are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes, if any, prescribed in §233-2 of this chapter".*

The 2003 International property maintenance code provides a standard for establishing minimum standards for all properties with chapters with clarifications to address:

- Administration of the code
 - o Duties and Authority
 - o Violation process
 - o Unsafe Structures
 - o Emergency Measures
 - o Demolition
 - o Means of Appeal
- Definitions of terms used and word interchangeability
- General Requirements
 - o Property exterior
 - o Pools, spas and hot tubs
 - o Exterior structure
 - o Interior Structure
 - o Handrails and guard rails
 - o Rubbish and Garbage
 - o Extermination
- Light, Ventilation and Occupancy limitations
- Plumbing, facilities, and fixture requirements
- Mechanical and electrical requirements
 - o Heating
 - o Mechanical Equipment and maintenance
 - o Electrical Facilities, and equipment
 - o Elevators, escalators and dumbwaiters
 - o Duct Systems
- Fire Safety Requirements
- Referenced Standards

International Property Maintenance Revision Comparison

The adoption and application of the 2003 International Property Maintenance Code has provided the City of Franklin with a code that covers an easy to understand standards and expectations for residency.

However, since the adoption in 2004 this code has been revised five times. Codes published by the International Code Council are subject to public critique and recommendation. Review committees are established and all recommendations properly submitted are reviewed. As a result of the committee's review, the code may be revised. These revisions may include significant change due to technology, tragedy, wording changes, and provide clarification.

In an effort to understand the changes made within the International Property Maintenance Code throughout the five revisions, I made direct contact with the ICC Code Administration Division. My goal was to compare the five updates and provide a summary. However, I was informed by ICC that the 2003, 2006 and 2009 revisions of the International Property Maintenance Code (IPMC) are no longer supported, printed, or available. The ICC Staff advised that changes throughout the five revisions would mostly be clarifications, added definitions, and explanations. Their advice was to purchase the 2018 edition and compare; which I have done. I found that the materials have been rearranged and repackaged; with the largest difference in the amount of additional commentary. The table of contents has been reorganized, and additional information that provides a better definition and understanding of the code's outlined.

The largest area of change is found in Chapter 7: Fire Safety Requirements. This section has been revised, and it more accurately reflects the State of NH Fire Code Saf-C 6000 with regards to requirements and interconnectivity previously omitted from the 2003 Edition.

In Summary - The overall code book has increased from 40 pages to 117 pages. As previously mentioned, the biggest area of change reflective of Fire Safety Requirements that are more in alignment with the NH State Fire Code. Further page increase is not due to any added codes; but rather added definitions, explanation of applicability of codes, expanded details of codes and illustrations for the Code Administrators.

Conclusion and proposal

In consideration that the 2003 IPMC is no longer supported or available, I would like to recommend that the City of Franklin amend the adoption to reflect the 2018 Edition of the International Property Maintenance Code with the following additions, insertions, and/or changes:

Previously applied additions, insertions, and/or changes:

- 1) § 233-1 to be updated to reflect the proper Edition of 2018.
 - a. Make spelling correction (Exiting to Existing)
- 2) § 233-1 to be updated to reflect previously amended:
 - a. 101.1 Remains – Insert City of Franklin
 - b. 103.five Remains – Reserved
 - c. 304.14 Remains – April 1 to December 1
 - d. 602.3 Remains – October 1 to May 1 five
 - e. 602.3 Remains – October 1 to May 1 five
 - f. 308.2 – Needs to be changed to reflect the code intended which is and has been 302.8 (Clerical Error 2004)
 - i. Insertion needs to be applied to 302.8 as follows: “Exception” On owner-occupied detached single family dwelling properties not more than one currently unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled”.
 - g. Section 111 Addition :
 - i. Consultant: The board Appeals may, by majority vote, hire independent consultants to advise the Board with regards to matters in which particular expertise may be required. The Cost of any such consultant shall be borne by the applicant prior to the incurring of any such expense. The refusal of the application or appeal.

Additional Recommended changes and alterations/action to be taken:

- 1) I recommend that the commentary within the 2018 International Property Maintenance Code be adopted as reference and clarification for the intent of the code. If this is not adopted; it cannot be used as formal interpretation or the appeals process.
- 2) Develop and implementation of An Appeals Board as outlined in Section 111 (111.1 – 111.8). I have included a copy of this section for your review.
- 3) Scheduled review and consideration for update of the International Property Maintenance Code to be conducted every 5 years. My recommendation is that the department responsible for administration and enforcement of the IPMC conduct a complete review of the newest edition and provide the City of Franklin Fire Chief [in writing] with a recommendation to either update to the newest edition or continue to use and maintain the edition under adoption.

Respectfully Submitted,



Steve Reale
Captain - Fire Prevention
City of Franklin Fire Department

Attachments:

#1 - Chapter 233: Property Maintenance Reference only to:

- a) § 233-1 Adoption of Property Maintenance Code.
- b) § 233-2 Additions, Insertions and changes

#2 - Letter (2006) written/signed by City Clerk for reference to Property Maintenance adoption and Roll Call Vote.

#3 – 2018 International Property Maintenance Code Section 111 (111.1 – 111.8) Means of Appeals.

Attachment #1

Chapter 233: Property Maintenance Reference only to:

- c) § 233-1 Adoption of Property Maintenance Code.
- d) § 233-2 Additions, Insertions and changes.

Chapter 233: PROPERTY MAINTENANCE Editor's Note: For the policy of the City Council pertaining to inspection of single- and two-family dwellings, see Ch. 326, Inspections.

[HISTORY: Adopted by the City Council of the City of Franklin 8-2-2004 by Ord. No. 18-04. Editor's Note: This ordinance also repealed former Ch. 233, Property Maintenance, adopted 9-8-1997 by Ord. No. 97-5. Amendments noted where applicable.]

GENERAL REFERENCES

Hazardous buildings — See Ch. 121.
Chimneys and solid-fuel-burning appliances — See Ch. 134.
Fire prevention — See Ch. 166.
Hazardous substances — See Ch. 181.
Junkyards — See Ch. 188.
Lead paint — See Ch. 195.
Littering and public cleanliness — See Ch. 203.
Nuisances — See Ch. 219.
Solid waste — See Ch. 257.
Inspections — See Ch. 326.

§ 233-1. Adoption of Property Maintenance Code.

A certain document, a copy of which is on file in the office of the City Clerk, being marked and designated as the International Property Maintenance Code, 2003 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Franklin, in the State of New Hampshire, for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the Inspector's office are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 233-2 of this chapter.

§ 233-2. Additions, insertions and changes.

- A. Section 101.1. Insert "City of Franklin."
- B. Section 103.5. Insert "(Reserved)."
- C. Section 304.14. Insert "April 1 to December 1."
- D. Section 602.3. Insert "October 1 to May 15."
- E. Section 602.4. Insert "October 1 to May 15."
- F. Section 308.2 Insert "Exception: On owner-occupied detached single family dwelling properties not more than one currently unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled."
- G. Insert the following:

"Consultant: The Board of Appeals may, by majority vote, hire independent consultants to advise the Board with regard to matters in which particular expertise may be required. The cost of any such consultant shall be borne by the applicant prior to the incurring of any such expense. The refusal of the applicant to accept responsibility for such costs shall be grounds for the dismissal of any application or appeal." Editor's Note: For appeals procedures, see Section 111, Means of Appeal, in the International Property Maintenance Code.

Attachment #2

Letter (2006) written/signed by City Clerk for reference to
Property Maintenance adoption and Roll Call Vote.



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax (603) 934-7413
cityhall@franklin.nh.us

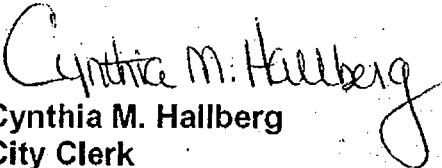
January 19, 2006

RE: Chapter 233 of the Code of the City of Franklin

As the City Clerk for Franklin, I, Cynthia M. Hallberg, certify that the Property Maintenance Code as amended has been adopted (see copy of code attached) and is being enforced by the City.

If I can be of further assistance, please do not hesitate to contact me at anytime.

Sincerely,


Cynthia M. Hallberg
City Clerk

cmh/

Enclosure (2)



CITY OF FRANKLIN, NEW HAMPSHIRE

"The Three Rivers City"

316 Central Street
Franklin, NH 03235

(603) 934-3900
fax (603) 934-7413
cityhall@franklin.nh.us

ORDINANCE #05-06

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Six.

Be it ordained by the City Council of the City of Franklin that the Franklin Municipal Code, Chapter 233, Property Maintenance, 233-2 Additions, Insertions, and Changes.

Insert the following:

H. Section 202 insert "Unlicensed – Not currently registered or inspected".

Roll Call Vote:

Councilor Avard Yes

Councilor Starkweather Yes

Councilor LaFever Yes

Councilor Bowers Yes

Councilor Gassett Absent

Councilor Boyd Yes

Councilor Feener Yes

Councilor Merrifield Yes

Councilor Andreozzi Yes

A True Copy Attested

Cynthia M. Hauberg
City Clerk

Passed: March 6, 2006
Date

Approved:

[Signature]
Mayor

Attachment #3

2018 International Property Maintenance Code Section 111
(111.1 – 111.8) Means of Appeals.

authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* or *owner's* authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

❖ This section describes conditions where the code official has the authority to order the owner to remove the structure. Conditions where the code official may give the owner the option of repairing the structure or boarding the structure for future repair are also in this section. The code official should carefully document the condition of the structure prior to issuing a demolition order to provide an adequate basis for ordering the owner to remove the structure. Note that Appendix A contains boarding provisions, but must be specifically referenced in the adopting ordinance of the jurisdiction to be mandatory.

110.2 Notices and orders. Notices and orders shall comply with Section 107.

❖ Before the code official can pursue action to demolish a building in accordance with Section 110.1 or 110.3, it is imperative that all owners and any other persons with a recorded encumbrance on the property be given proper notice of the demolition plans (see Section 107 for notice and order requirements).

110.3 Failure to comply. If the *owner* of a *premises* or *owner's* authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

❖ Where the owner fails to comply with a demolition order, the code official is authorized to take action to have the building razed and removed. The costs are to be charged as a lien against the real estate. To reduce complaints regarding the validity of demolition costs, the code official will obtain competitive bids from several demolition contractors before authorizing any contractor to raze the structure.

110.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including

the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

❖ The governing body may sell any valuables or salvageable materials for the highest price obtainable. The costs of demolition are then to be deducted from any proceeds from the sale of salvage. If a surplus of funds remains, it is to be remitted to the owner with an itemized expense and income account; however, if no surplus remains, this must also be reported.

SECTION 111 MEANS OF APPEAL

[A] 111.1 Application for appeal. Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

❖ This section allows a person with a material or definitive interest in the decision of the code official to appeal that decision. The aggrieved party may not appeal a code requirement. The appeal process is not intended to waive or set aside a code requirement, but to provide a means of reviewing a code official's decision on an interpretation or application of the code or to approve or reject the equivalency of protection to the code requirement.

[A] 111.2 Membership of board. The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall not vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

❖ The concept of the board is to provide an objective group of persons who review the matters brought to them and make a collective decision. The members of the board are not to be employees of the jurisdiction and are to have sufficient knowledge and experience to act on the concerns that are heard. A minimum of three board members is specified for a fair and impartial hearing process. Staggered terms are appropriate for uniform changeover such that a minimum number of board members are new each year. The number of members is to be determined by the chief appointing authority.

[A] 111.2.1 Alternate members. The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate

members shall possess the qualifications required for board membership.

- ❖ This section authorizes the chief appointing authority to appoint two alternate members who are to be available if the principal members of the board are absent or disqualified. Alternate members must possess the same qualifications as the principal members.

[A] **111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.

- ❖ It is customary to determine chairmanship annually so that a regular opportunity is available to evaluate and either reappoint the current chairman or appoint a new one.

[A] **111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

- ❖ All members must disqualify themselves regarding any appeal in which they have a personal, professional or financial interest.

[A] **111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

- ❖ The chief administrative officer is to designate a qualified clerk to serve as secretary to the board. The secretary is required to file a detailed record of all proceedings in the office of the chief administrative officer.

[A] **111.2.5 Compensation of members.** Compensation of members shall be determined by law.

- ❖ Members of the board of appeals are not required to be compensated unless required by the local municipality or jurisdiction.

[A] **111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

- ❖ The board must meet within 20 days of the filing of an appeal or at regularly scheduled meetings. This provides adequate time to coordinate the board members' schedules, and also requires that the board consider the appeal in a timely manner.

[A] **111.4 Open hearing.** Hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

- ❖ All hearings before the board must be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected must be heard.

The quorum of two-thirds of the board is to be present for the board to take any official action.

[A] **111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

- ❖ The board is required to establish and make available to the public written procedures detailing how hearings are to be conducted. Additionally, this section provides that, although strict rules of evidence are not applicable, the information presented must be deemed relevant.

[A] **111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

- ❖ When all members of the board are not present, either the appellant or the appellant's representative may request a postponement of the hearing. This request may be made even though a quorum is present.

[A] **111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

- ❖ A concurring vote of a majority of the members present is needed to modify or reverse the decision of the *code official*.

[A] **111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

- ❖ A formal decision is required to provide an official record. Copies are to be furnished to both the appellant and the *code official*. The *code official* is bound by the action of the board of appeals, unless it is the opinion of him or her that the board of appeals has acted improperly. In such cases, relief through the court having jurisdiction may be sought by corporate counsel.

[A] **111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

- ❖ To avoid any undue hindrance in the progress of construction, the *code official* is required to act without delay based on the board's decision. This action may be to enforce the decision or to seek judicial relief if the board's action can be demonstrated to be inappropriate.

[A] **111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

- ❖ This section allows any person to request a review by the court of jurisdiction with regard to perceived errors of law. Application for such review must be

made after the decision of the board is filed with the chief administrative officer. This helps all those concerned to observe due process.

[A] 111.8 Stays of enforcement. Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

❖ The purpose of this section is to specify that if an appeal is made, the jurisdiction is not to enforce its notice or order until such appeal has been heard by the board of appeals. This does not apply, of course, to imminent danger notices.

fine of not less than **[AMOUNT]** dollars or more than **[AMOUNT]** dollars.

❖ The local jurisdiction is to designate the fine that is to apply to any person who continues work that is at issue, other than abatement work. The dollar amounts for the minimum and maximum fines are to be specified in the adopting ordinance.

SECTION 112 STOP WORK ORDER

[A] 112.1 Authority. Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

❖ This section provides for the suspension of work for which a permit was issued, pending the removal or correction of a severe violation or unsafe condition identified by the code official.

Normally, correction notices are used to inform the permit holder of code violations. Stop work orders are issued when enforcement can be accomplished no other way or when a dangerous condition exists.

[A] 112.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

❖ Upon receipt of a violation notice from the code official, all construction activities identified in the notice must immediately cease, except as expressly permitted to correct the violation.

[A] 112.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

❖ This section gives the code official the authority to stop the work in dispute immediately when, in his or her opinion, there is an unsafe emergency condition that has been created by the work. The need for the written notice is suspended for this situation so that the work can be stopped immediately. After the work is stopped, immediate measures should be taken to correct the work at issue.

[A] 112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a

*City of Franklin, NH
Thursday, May 16, 2019*

Chapter C. Charter

§ C-16. Canvass of votes; contested elections; tie votes.

[Added by Ch. 153 of the Laws of 1979; amended 11-26-1979]

Within seven days after a municipal election the Council shall canvass the votes cast, and the candidates receiving the highest number of votes for the offices to be filled shall be declared elected. Within seven days thereafter the Council shall, subject to such rules and regulations as it may prescribe, upon request of any candidate, recount the ballots cast in the election and hear and determine any contest on the grounds of fraud or misconduct therein. Decisions of the Council in cases of contested elections shall be final. Tie votes for any elective office shall be resolved by lot in the manner that the Council may determine. In cases arising under this section, the Council shall have the power to subpoena witnesses and compel the production of all pertinent books, records and papers.

Chapter 215. Noise

§ 215-4.1. Fireworks.

[Added 9-4-2007 by Ord. No. 05-08; amended 9-5-2017 by Ord. No. 07-18]

- A. Statement. It is the intent of the City of Franklin to allow the safe and authorized use of Class B fireworks and legal Class C "permissible fireworks" as described by the New Hampshire State Fire Marshal's Office pursuant to all regulatory guidelines under NH RSA 160-B and NH RSA 160-C. Furthermore, it is intended to protect the health and welfare of the citizens of the City of Franklin and preserve the quality of life in this community, without unduly prohibiting, limiting or otherwise regulating the legal sale and display of fireworks defined in NH RSA 160-C. The purpose of this section is to establish standards for the control of fireworks in the City by prohibiting specific activities during designated times.
- B. Without limitation of the prohibition contained in § **215-2**, it shall be unlawful for any person within any residential, commercial, retail or industrial zone of the City to ignite fireworks past the hour of 9:30 p.m. until 12:00 noon the following day.
- C. It shall be unlawful for any person to violate any of the provisions or regulations as set forth by this section.