

COMMITTEE ON INFRASTRUCTURE

AUGUST 22, 2018

7:00 PM

Aldermanic Chamber

ROLL CALL

PUBLIC COMMENT

COMMUNICATIONS

From: Steven A. Bolton, Corporation Counsel
Re: Ordinance O-18-007

UNFINISHED BUSINESS – RESOLUTIONS - None

UNFINISHED BUSINESS – ORDINANCES

O-18-007

Endorsers: Alderwoman Mary Ann Melizzi-Golja
Alderman Patricia Klee
Alderman Tom Lopez
Alderman-at-Large Michael B. O'Brien, Sr.

PROHIBITING PLACING OR BLOWING YARD DEBRIS IN THE STREET

- Re-Referred to Committee – 8/14/18

NEW BUSINESS – RESOLUTIONS

R-18-067

Endorsers: Mayor Jim Donchess
Alderman Ken Gidge
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman-at-Large Michael B. O'Brien, Sr.

DESIGNATING RAIL TRAIL AS CLASS B TRAIL UNDER NH RSA 231-A

R-18-070

Endorsers: Mayor Jim Donchess
Alderman-at-Large Lori Wilshire
Alderman Ken Gidge
Alderman Linda Harriott-Gathright
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman Tom Lopez
Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Brian S. McCarthy

AUTHORIZING THE ACCEPTANCE OF A LICENSE FROM BAE OVER LAND LOCATED ON THE CORNER OF CANAL STREET AND NASHUA DRIVE FOR A BUS SHELTER

NEW BUSINESS – ORDINANCES

O-18-020

Endorsers: Alderman Tom Lopez
Alderman Ken Gidge

PROHIBITING PARKING ON A PORTION OF THE SOUTH SIDE OF EAST PEARL STREET

O-18-021

Endorsers: Mayor Jim Donchess
Alderman Ken Gidge
Alderman Richard A. Dowd
Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderman Linda Harriott-Gathright
Alderman-at-Large Brian S. McCarthy

AUTHORIZING THE CITY TO LEASE PARKING SPACES LOCATED AT THE CROWN STREET PARK AND RIDE

TABLED IN COMMITTEE

Petition for Street Discontinuance – Portion of Conant Road

- Also assigned to NCPB; Tabled 7/12/18
- Tabled in Committee - 7/25/2018

GENERAL DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

POSSIBLE NON-PUBLIC SESSION

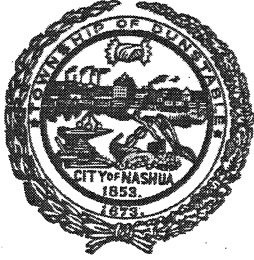
ADJOURNMENT

Members of the Board:

I have reviewed the amendments to the above captioned proposed ordinance which the Committee on Infrastructure voted to recommend at its meeting of June 27, 2018. I am concerned by the sentence reading: "This section shall be enforced in accordance with the provisions of §74-1 through §74-5." The civil enforcement procedures contained in the cited sections were developed for use by the Code Enforcement Officers, Building Inspectors, and Health Inspectors in seeking compliance with the codes and ordinance provisions with which they are concerned. It is a procedure with which the Nashua Police Department, which would be the city agency enforcing this prohibition, is unfamiliar, had no role in developing, and no training. Furthermore these provisions where they are currently applied are supplementary to other enforcement mechanisms. See NRO §74-1. The proposed amendment would make this the exclusive enforcement mechanism with regard to putting snow or yard debris in the street. Please remember that the essential change here is adding yard debris to a prohibition against putting snow in the street which has existed for decades. The concerns about over charging or discrimination in enforcement have not occurred.

In sum, I do not recommend this proposed amendment.

Steven A. Bolton
Corporation Counsel
City of Nashua



ORDINANCE

PROHIBITING PLACING OR BLOWING YARD DEBRIS IN THE STREET

CITY OF NASHUA

In the Year Two Thousand and Eighteen

The City of Nashua ordains that Part II "General Legislation", Chapter 285 "Streets and Sidewalks", Article IV "General Street and Sidewalk Regulation", Section 285-28 "Placing snow in street" of the Nashua Revised Ordinances, as amended, be hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

"§ 285-28. Placing snow or yard debris in street.

No person shall by himself ~~or~~ or by his agent or agents throw, push, ~~blow~~ or put any snow, ~~or ice,~~ or yard debris, including but not limited to leaves and grass clippings, into or across the right-of-way of any way, street, lane or alley. For the purpose of this section, "right-of-way" means street and sidewalk. Any person who shall violate this section shall upon conviction be subject to punishment as provided in § 1-12."



ORDINANCE

PROHIBITING PLACING OR BLOWING YARD DEBRIS IN THE STREET

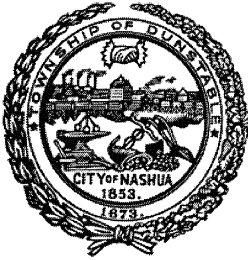
CITY OF NASHUA

In the Year Two Thousand and Eighteen

The City of Nashua ordains that Part II “General Legislation”, Chapter 285 “Streets and Sidewalks”, Article IV “General Street and Sidewalk Regulation”, Section 285-28 “Placing snow in street” of the Nashua Revised Ordinances, as amended, be hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

“§ 285-28. Placing snow or yard debris in street.

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ORDINANCE

PROHIBITING PLACING OR BLOWING YARD DEBRIS IN THE STREET

CITY OF NASHUA

In the Year Two Thousand and Eighteen

The City of Nashua ordains that Part II “General Legislation”, Chapter 285 “Streets and Sidewalks”, Article IV “General Street and Sidewalk Regulation”, Section 285-28 “Placing snow in street” of the Nashua Revised Ordinances, as amended, be hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

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No person shall by himself ~~or~~ or by his agent or agents throw, push, blow or put any snow, ~~or ice,~~ or yard debris, including but not limited to leaves, branches, and grass clippings, into ~~or across~~ the right-of-way of any way, street, lane, ~~or alley,~~ or sidewalk. ~~For the purpose of this section, “right of way” means street and sidewalk. This section shall not apply to the following situations: (i) placement has been directed or requested by the Division of Public Works; or (ii) clean-up or collection of material is simultaneously occurring. This section shall be enforced in accordance with the provisions of § 74-1 through § 74-5.” Any person who shall violate this section shall upon conviction be subject to punishment as provided in § 1-12.”~~