



ORDINANCE

AMENDING NASHUA REVISED ORDINANCE SECTION 1-11 REGARDING LIMITS ON ACCEPTABLE CITY CONTRACTORS

CITY OF NASHUA

In the Year Two Thousand and Nine

The City of Nashua ordains that Part I “Administrative Legislation”, Chapter 1 “General Provisions”, Section 1-11 “Denial of permits approvals and licenses” of the Nashua Revised Ordinances, as amended, be hereby further amended by removing the striken language and adding the new underlined language as follows:

§ 1-11. ~~Denial of permits, approvals and licenses.~~ Contracts with the City Prohibited.

- A. Full payment of outstanding taxes and fees required. The city shall not enter into any contract or agreement with any ~~No~~ person, partnership, corporation or other business entity, ~~while such person, partnership, corporation or other business entity, or while any partnership, corporation or other business entity in which such person is an officer or holds 50% or more of the beneficial interest,~~ who owes any sum of money to the city, ~~whether in the nature of taxes, fees, or otherwise,~~ or is engaged in any course of conduct which violates any of the laws of the state, or any of the ordinances of the city, or any condition, requirement or decision of any officer, board, agency or department of the city, or any contract or agreement with any such officer, board, agency or department, ~~shall be entitled to any license, permit, approval or other action by any officer, board, agency or department of the City unless and until such time as such sum of money is fully paid, including all interest thereon, and unless and until such course of conduct has ceased for a period of 30 consecutive days.~~
- B. **Exemption for certain real estate transactions.** However, in situations where a seller has transferred property after April first of that year and can substantiate that he has paid his share of taxes to the buyer, either by proration at time of closing or upon receipt of the tax bill after the time of closing, and the buyer has not paid said tax bill in a timely manner, the above provisions shall not apply against the seller by reason of nonpayment of taxes due on such property.

- C. **Waiver authorized.** The requirements of this section may be waived by the responsible officer, board, agency or department head of the city if it has been determined that such waiver is in the best interest of the city.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall take effect following its passage.

LEGISLATIVE YEAR 2009

ORDINANCE: O-09-75

PURPOSE: Amending Nashua Revised Ordinance §1-11 regarding limits on acceptable City contractors

ENDORSER(S): Alderman-at-Large Fred Teeboom

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None.

ANALYSIS

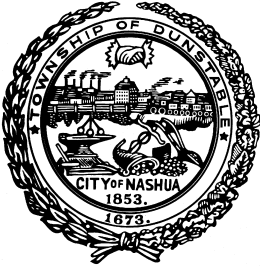
This ordinance amends NRO Sec. 1-11 to eliminate its very broad prohibition on issuing “any license, permit, approval or other action” by the city to any person who owes the city any sum or is engaged in any conduct that violates any state law or city ordinance. This is so broad that it is of questionable legality in some cases and is also counterproductive in situations where City action would help collect the debt or cure the violation. In the absence of statutory authority, it is not lawful to deny, for example, a building permit because the applicant has unpaid parking tickets, or to refuse a dog license because of unpaid real estate taxes or to deny a zoning variance because the applicant has not paid property taxes.

However, the city does have the authority to enter contracts. RSA §31-3. It may take into account things like character, integrity, reputation, judgment and previous performance in deciding whether to enter a contract.

Approved as to form: Office of Corporation Counsel

By: 

Date: September 3, 2009



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§ 1-11. ~~Denial of permits, approvals and licenses.~~ Contracts with the City Prohibited.

- A. Full payment of outstanding taxes and fees required. The city may reject or not enter into any contract or agreement with any ~~No~~ person, partnership, corporation or other business entity, ~~while such person, partnership, corporation or other business entity, or while any partnership, corporation or other business entity in which such person is an officer or holds 50% or more of the beneficial interest, who~~ owes any sum of money to the city; ~~whether in the nature of taxes, fees, or otherwise, or is engaged in any course of conduct which violates any of the laws of the state, or any of the ordinances of the city, or any condition, requirement or decision of any officer, board, agency or department of the city, or any contract or agreement with any such officer, board, agency or department,~~ ~~shall be entitled to any license, permit, approval or other action by any officer, board, agency or department of the City unless and until such time as such sum of money is fully paid, including all interest thereon, and unless and until such course of conduct has ceased for a period of 30 consecutive days.~~
- B. **Exemption for certain real estate transactions.** However, in situations where a seller has transferred property after April first of that year and can substantiate that he has paid his share of taxes to the buyer, either by proration at time of closing or upon receipt of the tax bill after the time of closing, and the buyer has not paid said tax bill in a timely manner, the above provisions shall not apply against the seller by reason of nonpayment of taxes due on such property.

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§ 1-11. Denial of permits, approvals and licenses. Certain Contracts with the City Prohibited or Restricted.

- A. Full payment of outstanding taxes and fees required. The city may reject or terminate any contract or agreement with any No person, partnership, corporation or other business entity, while such person, partnership, corporation or other business entity, or while any partnership, corporation or other business entity in which such person is an officer or holds 50% or more of the beneficial interest, who owes any sum of money to the city, whether in the nature of taxes, fees, or otherwise, or is engaged in any course of conduct which violates any of the laws of the state, or any of the ordinances of the city, or any condition, requirement or decision of any officer, board, agency or department of the city, or any contract or agreement with any such officer, board, agency or department, shall be entitled to any license, permit, approval or other action by any officer, board, agency or department of the City unless and until such time as such sum of money is fully paid, including all interest thereon, and unless and until such course of conduct has ceased for a period of 30 consecutive days.
- B. **Exemption for certain real estate transactions.** However, in situations where a seller has transferred property after April first of that year and can substantiate that he has paid his share of taxes to the buyer, either by proration at time of closing or upon receipt of the tax bill after the time of closing, and the buyer has not paid said tax bill in a timely manner, the above provisions shall not apply against the seller by reason of nonpayment of taxes due on such property.

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ORDINANCE

0-09-75

Amending Nashua Revised

**Ordinance §1-11 regarding limits
on acceptable City contractors**

Endorsed by

TEEBOOM

[Handwritten signature]

IN THE BOARD OF ALDERMEN

1ST READING **SEPTEMBER 8, 2009**

Referred to:

PERSONNEL/ADMINISTRATIVE AFFAIRS

COMMITTEE

2nd Reading **OCTOBER 13, 2009**

3rd Reading **DECEMBER 22, 2009**

4th Reading _____

**RE-REFER TO PERSONNEL &
ADMINISTRATIVE AFFAIRS COMMITTEE**

Other Action

Passed **DECEMBER 22, 2009**

Indefinitely Postponed _____

Defeated _____

Attest:

[Signature]
City Clerk
[Signature]
President

Approved

[Signature]
Mayor's Signature

12/29/09
Date

Vetoed: _____

Veto Sustained: _____

Veto Overridden: _____

Attest:

City Clerk

President