



## ORDINANCE

### ADOPTING THE NEWLY REVISED CITY OF NASHUA CODE OF ORDINANCES

### *CITY OF NASHUA*

*In the Year Two Thousand and Eight*

*The City of Nashua ordains* the following:

**Chapter 1**  
**ARTICLE III**  
**Adoption of Code by Board of Aldermen**

**1-14. Adoption of Code.**

The various chapters of the 1987 Nashua Revised Ordinances (Code) and subsequent ordinances and resolutions of the City of Nashua of a general and permanent nature adopted by the Board of Aldermen of the City of Nashua, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 325, are hereby approved, adopted, ordained and enacted as the "Nashua Revised Ordinances," hereinafter referred to as the "Code."

**1-15. Code supersedes prior legislation, repeal.**

This ordinance and the Code shall supersede the 1987 Nashua Municipal Code and all other general and permanent legislation enacted prior to the enactment of this Code, except such legislation as is hereinafter expressly saved from repeal or continued in force. The repeal provided for hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed.

**1-16. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the legislation in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior legislation.

**1-17. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**1-18. Copy of Code on file.**

A. A copy of the Code, in loose-leaf form, has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the City Clerk, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. The City Clerk of the City of Nashua is hereby directed to make copies of the Code of the City of Nashua available at no charge to members of the Board of Aldermen, heads of municipal departments and any public library within the city. Any person may inspect the Code at the office of the City Clerk at no charge. Any person, other than those enumerated as being able to obtain copies of the Code without charge, shall be allowed to purchase copies of the Code from the City Clerk.

**1-19. Amendments to Code.**

Any and all additions, deletions, or amendments to the Code, when adopted in such form as to indicate the intention of the Board of Aldermen to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Nashua Revised Ordinances (NRO)" shall be understood and intended to include such additions, deletions, or amendments. Whenever such additions, deletions, or amendments to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

**1-20. Publication; filing.**

The Clerk of the City of Nashua, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**1-21. Code book to be kept up-to-date.**

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all legislation adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**1-22. Sale of Code book.**

Copies of the Code may be purchased from the Clerk upon the payment of a fee to be set by the City Clerk, and the Board of Aldermen may also arrange for procedures for the periodic supplementation thereof.

**1-23. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Nashua to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$1,000.

**1-24. Savings clause.**

This legislation shall not effect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

**1-25. Changes in previously adopted legislation.**

- A. In compiling and preparing the ordinances and resolutions for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances and resolutions. It is the intention of the Board of Aldermen that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Section 6 (Amendments to Code) Ordinances adopted after July 11, 2007, that amend or refer to ordinances that have been codified in the Revised Ordinances shall be construed as if they amend or refer to like provisions of the Revised Ordinances.
- C. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance:

**i) 1.1 Citation of Code.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the Nashua Revised Ordinances (NRO) and may be so cited or may be cited "the Code."

**ii) 1-7. Severability.**

A. The sections, paragraphs, sentences, clauses and phrases of the Code are severable, and if any phrase, clause, sentence, paragraph or section of the Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, sentences, paragraphs or sections of the Code.

B. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**iii) 1-10. Certain ordinances not affected by repeals.**

- (2) Any appropriation ordinance or ordinance providing for the levy or imposition of taxes, assessments or charges, or for an annual budget.
- (7) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument or the purchase, sale, lease or transfer of property.
- (10) Any ordinance enacted after July 11, 2007.
- (11) Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- (12) Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

- (13) Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.
- (14) Personnel/Administrative Affairs Committee Recommends: Final Passage
- (15) Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacating of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.
- (16) Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the city's indebtedness.
- (17) All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.
- (18) Any legislation relating to or establishing a pension plan or pension fund for municipal employees.

iv) **5-113. Real estate taxes.**

Taxes upon real estate shall be paid in two payments each year. The first payment shall be due on July 1 and shall be equal to  $\frac{1}{2}$  of the previous year's tax rate multiplied by the current assessment. The second payment shall be due in December and shall be equal to the tax assessed against the real estate on April 1 on that year, minus the amount due in the first payment. Interest charged upon taxes under this section shall be in the amount and as prescribed in RSA 76:13 and 76:15-a. The Collector of Taxes shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the Collector sends out the last bill on his list. The Collector shall notify the Tax Commission in writing of the date on which the last tax bill was sent.

v) **5-120. Compensation.**

Each member of the Board of Assessors shall serve on a part-time basis and shall be paid for his or her services as determined and approved by the board of aldermen through the annual budget process. All salaries shall be paid monthly.

vi) **23-6. Examination of returns.**

The Board of Aldermen shall meet the Tuesday next following each municipal election at 8:00 p.m. The City Clerk shall enter upon the records the number of votes given in each ward for each person voted for as Mayor or persons voted for as members of the Board of Education, Board of Public Works, Board of Fire Commissioners, Board of Aldermen, and Aldermen at Large and shall lay before the meeting his records of such returns. The Board of Aldermen shall examine the same and declare the result and shall cause those elected to be notified of their election.

vii) **190-14. General Industrial (GI).**

The General Industrial (GI) Districts are the older, traditional industrial areas of the inner City. They are often in close proximity to the Nashua or Merrimack Rivers and are generally accessible by railroad and/or local roads. Most of Nashua's heavy industries are located in the GI Districts. This district implements the Master Plan recommendation to provide a reasonable amount of space for heavy industrial uses, provided they are environmentally sound and do not detract from neighboring land uses.

viii) The following nomenclature changes were made throughout the Code:

<i>Change</i>	<i>To</i>
City Solicitor	City Solicitor/Corporation Counsel
Purchasing Agent	Purchasing Manager
Comptroller	Chief Financial Officer
Personnel Department	Human Resources Department
Personnel Officer	Human Resources Manager
Data Processing Department	Information Technology Division
Data Processing Manager	Information Technology Division Director
Personnel Department	Human Resources Department
Code Department	Code Enforcement Department
Nashua Revised Ordinances	Nashua Revised Ordinances or Code

ix) **Chapter 5, Administration of Government**

- Section 5-33B is amended by deleting original Subsection (b)(5) [original Sec. 2-72] reading as follows:  
Safety and Enforcement Division, consisting of the Probation Department, the Fire Department and the Police Department.
- Section 5-61 is amended by deleting obsolete salary provisions and providing that the section now read as follows:  
On July 1 of each following year, the Mayor’s salary shall change by a factor equal to the average of the changes in the Consumer Price Index – Urban (CPI-U) of the preceding three calendar years as published by the U.S. Bureau of Labor Statistics.
- Section 5-115 is amended as follows:  
The City of Nashua hereby adopts the provisions of New Hampshire Revised Statutes Annotated 80:58 through 80:86, RSA 80:58 et seq., as it may be amended from time to time, relative to real estate tax liens and municipal tax sale practices, effective January 1, 1988. The Collector of Taxes should be responsible for carrying out the requirements of said provisions of state law.

x) **Chapter 78, Alarm Systems**

- Section 78-4A is amended as follows:  
A residential permit shall include all private dwellings, individual apartments or condominium units occupied primarily by the applicant, for which the applicant will pay to the City a permit fee of \$5 as a one-time fee. The effective date will be March 1, 1982. Such effective date does not exempt the payment of a fee on already installed systems.
- Original Section 17-42, Records, reading as follows, is deleted: “The records kept pursuant to this article shall not be public records.”

xi) **Chapter 93, Animals**

- Section 93-8C is amended as follows:  
C. Enforcement/fines for violation. This section shall be enforced by the Nashua Police Department. Violation of this regulation shall be punished by a fine of \$25 as provided in §93-14 for each occurrence.

- Section 93-12 is amended as follows:  
A copy of the Nashua Dog Ordinances shall be given with each dog license issued in 1999 and all new licenses issued thereafter.
  
- xii) **Chapter 128, Construction and Demolition Work**
  - Section 128-1 is amended by deleting the definition of “residential property” because the term is not used in the ordinance.
  - Section 128-3 is amended to add “as defined in Chapter 190, Land Use Code” after the words “in any residential zone.”
  - Section 128-8 is added to read as follows:  
128-8. Violations and penalties.  
Violations of this article shall be punishable as provided in §1-12 of the City Code.
  
- xiii) **Chapter 160, Fireworks**
  - Sections 160-1 and 160-4 are amended to change the statutory reference from RSA 160-A to RSA 160-B and 160-C.
  - Section 160-3 is amended as follows:  
This section shall be construed consistently with the BOCA Basic Fire Prevention Code/1975, Section F-2800 et seq. [1987 Section 2700 et seq.], Fire Prevention Code adopted in §156-1 of the City Code, and is not meant to repeal any section thereof.
  
- xiv) **Chapter 170, Food-Service Establishments**
  - Section 170-1 is amended by deleting the definition of “Director” reading as follows:  
“DIRECTOR -- The Director of the Health Department.” The section is further amended by adding the following definition of “Health Officer.” (References throughout the chapter to the “Director” are changed to “Health Officer.”)  
HEALTH OFFICER -- The Health Officer of the City of Nashua.
  
- xv) **Chapter 190, Land Use**
  - Section 190-11 is amended by designating the PRD District in Table 11-1 as an Overlay District rather than a Special District.
  - Section 190-25J is amended to read as follows:  
Repealing conflicting provisions of Ord. No. O-88-05. Adoption of this Ord. No. 97-151 hereby repeals and fully supersedes Ord. No. O-88-05 in its entirety, along with all of its conditions and stipulations, except for the Hall’s Corner Sewer Agreement, which will be addressed separately. The mayor of Nashua is authorized to execute such documents as Corporation Counsel deems necessary to extinguish or remove any agreements of record which were executed as part of ordinance O-88-05. Ordinance No. O-88-05, Rezoning a parcel of land on Conant Road to GB; rezoning a second parcel on Buckmeadow Road to R-C; and approving a planned residential development known as “Hall’s Corner,” is hereby repealed in its entirety, along with all of its conditions and stipulations, except for the Hall’s Corner Sewer Agreement, which will be addressed separately. The Mayor of Nashua is authorized to execute such documents as the City Solicitor/Corporation Counsel deems necessary to extinguish or remove any agreements of record which were executed as part of Ordinance No. O-88-05.
  - The purpose paragraphs of §§190-136 and 190-137, reading as follows, are hereby deleted:  
**§190-136:** Purpose: This section include the rules of procedure adopted by the Zoning Board of Adjustment for appeals from the provisions of Articles III (zoning), (floodplain

management), (impact fees), (signs), and (nonconformities) (RSA 675:1, 674:33, 676:5 – 676:7). This section becomes effective when adopted by the Board of Adjustment.

**§190-137:** Purpose: This section establishes the procedure for seeking a variance from the Zoning Board of Adjustment from the provisions of Article III (zoning) (RSA 675:1, 674:33, 676:5 – 676:7). This section becomes effective when adopted by the Zoning Board of Adjustment.

- Section 190-262B, the last sentence, is amended as follows, eliminating the reference to a nonexistent Subsection (g):  
“...The Commission shall review the physical, social and cultural assets of the City and recommend the establishment of areas in the City for designation as Historic Districts to the Mayor and Board of Aldermen in accordance with subsection (g) of this section.”

xvi) **Chapter 215, Parks and Recreation Areas**

- Section 215-11A is amended as follows:  
A. The Conservation Commission shall, within six months of the adoption of this ordinance [Ord. No. O-03-152], adopt a base stewardship plan for the care of conservation lands which shall be consistent with the provisions and the purpose and intent of this article. This plan shall include written findings relating the allowed and prohibited uses and other regulations to the protection of the resources.

xvii) **Chapter 231, Peddling, Soliciting and Vending**

Section 231-20 is amended by adding the following sentence as a lead-in sentence to the section: “The following are exempt from the provisions of this article:”

xviii) **Chapter 255, Sewage Disposal**

- Section 255-1, Definitions, the definition of MEDICAL WASTE and pH, are amended as follows:  
MEDICAL WASTE – Isolation waste, infectious agents, human blood or blood products, pathological waste, sharps, needles, body parts, contaminated bedding, garments or gloves, surgical waste, potentially contaminated laboratory waste, dialysis waste, or other similar waste.  
pH – The reciprocal of the logarithm of the hydrogen ion concentration in grams per liter of solution.
- Section 255-63C is amended as follows:  
Flow charge. In addition to the monthly or quarterly demand charge, each user shall pay a flow charge for each 100 cubic feet of use measured by water meter readings or wastewater flow meter readings. The flow charger per 100 cubic feet will be \$1.67 through June 30, 2003. Effective July 1, 2003, the flow charge per 100 cubic feet will be \$1.22.

xix) **Chapter 270, Solid Waste**

- Section 270-20A, the first sentence, is amended as follows:  
Permits will be issued each year to approved applicants for a period of one year commencing January 1, 1987.
- Section 270-41, the lead-in sentence, is amended as follows:  
All materials prohibited under other ordinances, and are also prohibited under this Article. In addition, the following materials are prohibited:

xx) **Chapter 285, Streets and Sidewalks**

- Section 285-24, the lead-in paragraph, is amended as follows:  
When the requirements of §285-23A and B have been met, the Board of Aldermen shall proceed as follows (pursuant to RSA 36-18 and Chapter 238):

xxi) **Chapter 295, Taxation**

Section 295-4 is amended to change “must have been a New Hampshire resident for at least five years” to “must have been a New Hampshire resident for at least three consecutive years.”

- Section 295-7 is amended as follows:  
The annual deadline for filing for an elderly exemption is August 1<sup>st</sup> April 15 prior to setting the tax rate.
- Section 295-11 is amended by adding the word “Economic” in the phrase:  
Municipal Economic Development and Revitalization Districts
- Section 295-13 is amended as follows:  
The City of Nashua hereby adopts the provisions of New Hampshire Revised Statutes Annotated 72:28, as it may be amended from time to time, relative to a veterans’ tax credit. Effective April 1, 2004, the veterans’ tax credit shall be \$200. Effective April 1, 2005, the veterans’ tax credit shall be \$300. Effective April 1, 2006, the veterans’ tax credit shall be \$400. Effective April 1, 2007, the veterans’ tax credit shall be \$500. This stated veterans’ tax credit shall replace the standard veterans’ tax credit in its entirety and shall not be in addition thereto.
- Article VII, Service-Connected Total Disability Tax Credit  
The following is deleted: The \$2,000 credit shall become effective on April 1, 2004.
- Article VIII, Surviving Spouse Tax Credit  
The following is deleted: The \$2,000 credit shall become effective on April 1, 2004.

xxii) **Chapter 325, Vehicles, Off-Highway**

Section 325-1 is amended by changing the statutory reference from RSA chapter 269-C to RSA 215-A.

xxiii) **Chapter 12, Article IV**

- Amend title of “Mines Park” to “Mine Falls Park Advisory Committee” here and in Table of Contents.
- Amend Section 12-11 and 12-12 by deleting the word “Mines” and inserting in place thereof the word “Mine”; and in Section 12-12 by deleting the words “Water Shed” and inserting in place thereof the word, “Watershed”.

xxiv) **190-9. Summary.**

Amend the following sentence, “The Land Use Code is available online at the Planning Department’s Web site: <http://www.gonashua.com/planning>” to read “The Land Use Code is available online at the Planning Department’s Web site: <http://www.nashuanh.gov/planning>.”

xxv) **190-39. Commercial retrofit or “Greyfield” redevelopment.**

Amend formatting to display illustrations and cutlines side-by-side, not consecutively.

xxvi) **190-40. Conservation subdivisions.**

- Amend formatting to display illustrations and cutlines side-by-side, not consecutively.
- Amend formatting in Tables 103-10 and 105-13 so that columns are properly justified.

xxvii) **190-198. Number of off-street parking spaces.**

Amend formatting so that subsection B immediately follows subsection A and precedes Table 198-1, Parking Matrix.

xxviii) **A400-6. Application process.**

Delete the first word, “that,” from subsection 7 so that it reads:

The Welfare official will conduct an investigation to verify and substantiate facts and statements presented by the applicant; that investigation may take place prior to, during or subsequent to the applicant’s receipt of assistance. This may include home visits in the least intrusive manner as scheduled with the Welfare Officers and the applicant.

xxix) **320-70. No parking certain hours and days.**

[NRO 13-288(m) reads: “No parking whatsoever shall be permitted on the following streets on Saturdays and Sundays between the hours of 6:00 a.m. to 6:00 p.m., except Saturdays, Sundays and holidays: Lake Street, south side, from Bridal Path to Fulton Street; Nashua Drive, east end at exit, both sides, from Canal Street to the railroad tracks.”]

Delete “Lake Street”, south side, from Bridal Path to Fulton Street and Nashua Drive, east end at exit, both sides, from Canal Street to the railroad tracks” from 320-70 and add to 320-69, No parking on certain streets: “Lake Street, south side, from Bridal Path to Fulton Street and Nashua Drive, east end at exit, both sides, from Canal Street to the railroad tracks”.

xxx) **190-10. Interpretation.**

Replace the first use of the words “the article” with the words “Part 2” so that the section reads: “The words, terms and phrases used in Part 2 shall be as defined and described in Article XLII, which is hereby incorporated by reference.”

xxxii) **190-12. Zoning Map.**

Amend the first sentence of subsection “A” by striking out the words “this article” and replacing them with the words, “of Part 2,” so that it reads: “The location and boundaries of the zoning districts are hereby established as shown on a map titled “Zoning Map of the City of Nashua, New Hampshire,” dated November 9, 2005, and as amended, which is hereby declared to be a part of Part 2.”

Amend subsection “B” by striking out the words “this article” and replacing them with the words, “Part 2,” so that it reads: “Any change in the location of boundaries of a zoning district hereafter made through amendments of this Part 2 shall be indicated by the alteration of the Zoning Map, and the map, as altered, is declared to be a part of Part 2.”

xxxiii) **190-24. F (5). Water Supply Protection District.**

Amend subsection “b” by striking out the words “this article” and replacing it with the words “Part 2,” so that it reads: “The proposed expansion cannot be reasonably accomplished within the constraints of Part 2.”

xxxiii) **320-4 (d) Stop intersections.**

Delete the first entry of the table:

?	Both corners	East Dunstable Rd and Lamb Road
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and insert, and alphabetize, two new entries as follows:

East Dunstable Rd.	Both corners	Lamb Road
Lamb Road	Both corners	East Dunstable Road

xxxiv) **320-8. City-maintained flashing beacons.**

Delete the location entry of “Spring Street at the Spring Street Junior High School.”

xxxv) **320-23. Speed limit signs.**

Insert the language from Municode NRO 13-121 (a)(8) into 320-23 as follows:

East Dunstable Road	30	Between Spit Brook Road and Lamb Road
Tinker Road	30	Entire length

xxxvi) **320-75. Parking limited in certain City parking lots.**

Capitalize “park” in “Lincoln Park.”

xxxvii) **Chapter 12, Article VII, Title.**

Delete the title of Article VII “Government Channel Programming Committee” here and in Table of Contents. Re-insert references where applicable.

xxxviii) **Chapter 12, Articles VIII - IX**

Re-number as Articles VII – VIII here and in Table of Contents.

xxxix) **5-18. Reconsideration of votes.**

Add a semi-colon [;] to subsection B, line 3, after the word “committee” so that it reads: “When a vote is successfully reconsidered, that vote is cancelled as though it had never been taken, and opens a reconsidered measure to a vote to pass, or amend followed by a vote to pass or table or refer to committee; or reject, or indefinitely postpone, or table, or refer to committee.”

xl) **5-74. Availability of funds and multiyear contracts.**

Amend subsection A by adding the following sentence:  
If the contractual agreement extends through one fiscal year of the city into the next year, the city’s obligations thereunder shall be specifically limited to and shall be conditioned upon the appropriations for such following year.

xli) **5-90. Authority of Finance Committee.**

Amend by incorporating O-06-48. [Subsections “c” and “d” are re-numbered “d” and “e,” respectively; new subsection “c” is inserted.]

xlii) **5-122. Composition; duties.**

Amend subsection B by inserting changes ordered by O-06-46.

xliii) **12-19. Funding.**

Include reference: *Added 8-8-2006 by Ord. No. O-06-23*