

Town Council Zoning Authority Charter Amendment Subcommittee

Minutes of Thursday, August 19, 2021

Membership in Attendance: David Boutin, Timothy Tsantoulis

Absent: Roger Duhaime

Town Staff In attendance: Nick Germain, Project Coordinator

Councilor David Boutin opened the meeting at approximately 6:07PM and clarified there is no chairman for this subcommittee. Nick Germain, Town Project Coordinator, will take the minutes.

D. Boutin: Were you [Councilor Tsantoulis] able to get the informational packet that contained the other Town charters? The proposed language from Cordell Johnson is on the last page.

T. Tsantoulis: I did.

D. Boutin: The information included describes how other towns handle their zoning amendments around the state. What we're looking at seems to be a minor language change in the charter, but if you think about it, it is definitely a big change. Last night at the end of the Planning Board meeting the proposed charter amendment was brought up by Mr. Scarpetti critically. He was concerned about my role getting the study of the subject started and was concerned with potential spot zoning and the Planning Board losing their role under the new process. You should be aware that the Planning Board probably won't support this. As originally conceived, they'd lose part of their current role, so this is a substantial change town council must consider if it goes forward.

T. Tsantoulis: Seems like a big change, so whatever decided it will likely face politicking all around from different parties naturally.

D. Boutin: Purpose of this committee is #1 figure out if this is a worthwhile amendment proposal. Then we'd bring it to Town Council if they'd want to put it forward to the voters.

T. Tsantoulis: That part of things is the most straightforward.

D. Boutin: Politics are a consideration, but we'll likely see the main opposition at town council meetings after we discuss things. Planning Board will come and probably say, "What problem is getting fixed?" and the counterargument is probably that we're looking to simplify and expedite the zoning process to help attract business.

T. Tsantoulis: That process plays out everywhere though, so they [developers] get involved earlier.

D. Boutin: Problem is that there's intense competition with other communities for businesses coming in and the town being able to be more flexible on this could be very helpful. This could be part of a larger package of improvements to the town we're implementing, like the new infrastructure planning, that could make Hooksett much more competitive in certain areas. Under the new process, a developer could save months of time and get a matter considered by Council versus waiting until town meeting.

T. Tsantoulis: That is a point, especially considering how people value infrastructure and other attractive elements of a community. If this is something we find interesting, we'd need to hone a counterargument. Many people just don't like change for change's sake.

N. Germain: Question: Has the Planning Board been explained how the new process would work? Does the Planning Board fundamentally understand the charter amendment?

D. Boutin: Like I said it was brought up negatively, but they do understand. They understand it as them losing power. From my research though the (5 of 7 similar NH) Town's that do it this way really like it and there's no animosity between the Planning Board and the Town Council. Planning Boards even still submit amendments, they just convince the Town Council, so they'd still have a role.

N Germain: Since I'm not the regular staff contact for the Planning Board, what's their role currently in Zoning Amendments? Do they create their own?

D. Boutin: They create their own proposed amendments and hold public hearings on them. Likewise, they also hear proposals for petitioned zoning amendments as well.

N. Germain: You will probably have to contend with their opposition. You folks are still interested in having representatives from the land use boards to come to one of the subcommittee meetings? To me, the plus side of things is the increased speed and flexibility. Not just for developers, but for also members of the public, for example, in a situation where they want to keep out development that they think might negatively affect their neighborhood. In practical terms, there are still multiple ways zoning ordinances can be created, but in the end, inevitably it all goes to the voters currently (at town meeting), and the truly substantive change here would be that amendments wouldn't go directly to the voters anymore.

D. Boutin: I want the Boards to come and talk with us here. Even the town meeting change part of things isn't leaving the voters out of the process. We're just changing up the formula: If voters don't like town zoning amendments, they'd just vote out their councilors for new ones. We'd also still be holding hearings and getting the public's input too – people would be watching and participating as normal.

N Germain: Yeah, it would ultimately just be a change in mechanics. And many of these questions of the choice don't fall to a good or bad thing either way: It's more just a preference choice of what works best for each community. When I hear there's opposition from the Planning Board, I think maybe the best thing to do is get them in a room and see if their support for the change can be negotiated: Maybe there's a way to write the amendment in such a way that stipulates their involvement. To that point, main thing I'd like from this meeting tonight is whether you folks are interested in keeping this going forward so I can approach André and the Town's Legal Counsel. Although there's great advice here from SNHPC, NHMA, and the OSI, maybe there's something missing that he could pick up on.

D. Boutin: I think you're hitting the nail on the head, and I think the amendment could definitely be written in such a way as to involve the Planning Board. For example, it being written that the council must seek the advice of the Planning Board. So Council could still make the decision to get the efficiency/speed advantage ultimately, but the land use board participation is stipulated.

N. Germain: Last meeting we established the process for getting a charter amendment passed. Regardless of the feelings, ultimately the main pass/go factor is whether Town Council votes it forward to the ballot and if the AG's office sees it as legal.

T. Tsantoulis: I think change can be scary, but change can be good, so you should consider it fairly and thoroughly. I'm sure we'll get lobbied by opponents and supporters.

N. Germain: An important thing to note is that people don't necessarily need to like the amendment for it to go to voters. A councilor for example could just vote affirmatively to let the voters decide on the proposed change regardless of their overall thoughts. I know some people don't like to think of it in those terms, but it's happened before.

D. Boutin: Tim, you've been a councilor longer than me. Do you think there'd be a level of support for this?

T. Tsantoulis: You know what? Yeah. We'd have to get past the current unrelated drama. But I think this might be something they'd consider. We ultimately all want the same thing and to do the right thing for the community. This change might be useful, and the first part of the battle would be to convince Council and then present the case to voters if that's where we want to go as a body.

D. Boutin: I honestly think some of the Planning Board members currently would support this too.

N. Germain: So how'd you like things to proceed? Big steps to the process are clear. Ultimately the midway points to get there are up to this subcommittee's preference. André is aware of your interest and wants me to assist you along.

T. Tsantoulis: We want to get his opinion on the subject certainly.

D. Boutin: I think we should have André come in. If he approves, we should also get the proposed language sent to Matt Serge (Town Legal Counsel). Then we'd have his opinion and André's perspectives at the next meeting.

T. Tsantoulis: I like that timeline. His perspective is critically important.

N. Germain: Sounds like a good initial step. I'll engage the Town Administrator about scheduling his time and if it's ok to go to legal counsel. I don't know if he's working on some big town projects, but generally opinions, if approved, come back fast. Furthermore, do you have an idea about the timing for inviting representatives from the various boards?

D. Boutin: Next meeting let's focus on the legal opinion and André. Then let's plan for the one thereafter as when we start inviting the Planning Board and Zoning Board... actually the Heritage Commission should be invited too.

N. Germain: That's very true. Heritage Commission is part of the affected area of the Charter.

D. Boutin: Maybe if there's a disagreement on the historical district question, we can keep that going to the voters. When is the cutoff date for when amendments can get on the warrant?

N. Germain: I'll confirm, but ultimately it must be aligned for when the ballots are ready. Tentatively December is probably a good place to initially target. I'm not concerned about the timeline for getting André and legal counsel potentially involved. Did you have a timeline idea for the appointments with the boards – like combined together in October?

D. Boutin: Getting them all together at once in October sounds good. Then we could have a final meeting of the subcommittee in November maybe and report to Council.

N. Germain: Sounds doable. Christine is back next week – I'll try to confirm the timing as she has to wrestle with many moving things related to the town's warrant.

D. Boutin and T. Tsantoulis closed the meeting at approximately 6:45PM

Submitted with respect,

A handwritten signature in dark ink, appearing to read 'Nick Germain', written over a horizontal line.

Nick Germain, MPA

Project Coordinator



Tim

Southern New Hampshire Planning Commission

438 Dubuque Street Manchester, NH 03102-3546, Telephone (603) 669-4664 Fax (603) 669-4350
www.snhpc.org

July 1, 2021

Mr. David Boutin, Hooksett Town Councilor
Town of Hooskett
35 Main Street
Hooksett, NH 03106

Re: Hooksett Town Council Information Request

Dear Mr. Boutin:

On June 23, 2021, The Southern New Hampshire Planning Commission received an information request to assist the Hooksett Town Council. It is my understanding that the Hooksett Town Council will be forming a Subcommittee to evaluate their Town Charter language. Specifically, one of the things the Subcommittee will assess is whether the Town Council should have the authority to introduce and amend the Town's Zoning Ordinance. Currently, any Zoning Ordinance, Historic District Ordinance or Building Code or amendment to an existing Zoning Ordinance or Building Code proposed by the Hooskett Town Council or the Planning Board shall be submitted to the voters of the Town in accordance with the provisions of RSA 675:3.

This document provides examples of other community town charters, specifically communities with a Town Council form of government with the authority to introduce and amend zoning ordinance. Additionally, town charter sections for each of the pertaining to the town councils and ordinances on this email.

Seven communities in New Hampshire have a Town Council form of government. The towns are Bedford, Derry, Durham, Hooksett, Londonderry, Merrimack, and Newmarket. Of these communities, the Town Councils in Derry, Durham, Londonderry, Merrimack, and Newmarket have the authority to introduce and adopt zoning amendments as defined in their town charters. Each of the mentioned communities town charter sections pertaining to the town councils and ordinances are attached to this correspondence.

I was able to get in contact with NH OSI, the Towns of Derry, Newmarket, Londonderry, and Durham who provided some insight into how this authority has worked in their communities.

The Town of Derry changed their form of government back in the mid -1980s from Town Meeting to Town Council, which is when the charter was created, and the wording was put in for the zoning amendments. Since then, there have not been any times when the Town Council introduced zoning amendments and thus bypassing the Planning Board. Over the years it has occasionally come up that the Town Council would possibly do this but never got beyond conceptual discussion. George Sioras, Planning Director for the town noted that town officials involved did not want to see two town boards not on the same page and let the Planning Board do the zoning versus the Town Council. However, the Town Council has recommended the Planning Board work on zoning per a Town Council Goal. Ultimately, the



Southern New Hampshire Planning Commission

438 Dubuque Street, Manchester, NH 03102-3546, Telephone (603) 669-4664 Fax (603) 669-4350
www.snhpc.org

Planning Board and planning staff initiates the zoning amendments and brings them to a Public Hearing and then if approved by the Planning Board forwards them to the Town Council for consideration and recommends approval.

In Newmarket, Town Manager Steve Fournier shared that this authority was given to the Town Council when the Town adopted their charter. From his perspective, the ability for the Town Council to introduce and amend zoning works great. He noted that they can change their ordinance as needed and amend it to fit their community, unlike most towns that must wait once a year for the voters to approve the changes. He also said that they are, for all intent and purposes, a city in their form of government and that they can be much more responsive to the community in this way.

Similarly, in Londonderry, Town Manager Kevin Smith found that in his time as Town Manager over eight years, the ability for the Town Council to introduce and amend the zoning ordinance appears to work quite well and is far more efficient than waiting for Town Meeting to take place. There is ample opportunity for the public to weigh in as most zoning changes go before the Planning Board prior to making their way to the Council, where the public is offered another opportunity to weigh in on the proposed amendment.

Todd I. Selig, Durham Town Manager shared similar insight into how this Town Council authority has worked for the Town of Durham. Like in Newmarket and Londonderry, Mr. Selig believes that the ability for the Town Council to introduce and amend the zoning ordinance has been successful, and even recommended it. Much like in the other Town Council communities mentioned above, Mr. Selig noted that there are abundant opportunities for public input. He also shared that in his opinion, the ability to have a dialogue throughout an amendment process allows amendments to go through various stages and changes before a recommendation by the Planning Board, and a vote by the Town Council, compared to having one version of an amendment go to a 'yes or no' vote.

NH OSI, while they didn't have many comments on how this works for these towns, shared that in most cases, it is likely that Town Councils have some sort of relationship with Planning Boards to keep them involved in this process.

Please feel free to contact me if you have any questions about this correspondence, or if there is any other way we can be of assistance.

Sincerely,

Cameron Prolman
Regional Planner
Southern New Hampshire Planning Commission
438 Dubuque St.
Manchester, NH 03102

ARTICLE 1
Incorporation; Town Form of Government; Power

Sec. 1.1. Incorporation.

The legal residents of the Town of Hooksett shall continue to be a body politic and corporate under the name of the "Town of Hooksett" and as such to enjoy all the rights, immunities, powers and privileges and be subject to all duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this chapter.

Sec. 1.2. Town Form of Government.

The administration of the fiscal, prudential, municipal and other affairs of the Town, with the governance thereof, shall be vested in an executive branch to consist of a Town Administrator and the various departments of the Town as established by this Charter and from time to time by the Town Council. Legislative powers, not otherwise vested in another body as provided by this Charter, shall be vested in the Town Council and the Budgetary Town Meeting. Except as expressly authorized by this Charter, no Councilor shall participate in the conduct of the administrative affairs of the Town.

Sec. 1.3. Construction.

The powers of the municipality under this Charter are to be construed liberally in favor of the Town, and the specific mention of particular powers is not intended to limit in any way the general powers of the municipality as stated in Sec. 1.1.

Sec. 1.4. Intergovernmental Relations.

Subject only to express limitations in the provisions of the New Hampshire Statutes, the Town may exercise any of its powers or perform any of its functions under this Charter and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of New Hampshire, or any political subdivision or agency thereof, or the United States of America or any agency thereof.

Sec. 1.5. Initial Districting.

Upon adoption of this Charter, the Board of Selectmen of Hooksett shall on or before 07/15/88 prepare preliminary district boundaries. After public hearings held thereon, the selectmen shall finalize district boundaries by 10/15/88 and publish and disseminate district maps.

The Town shall be divided into six (6) voting districts; each established to consist of as nearly as possible an equal number of residents. The largest district shall be no

more than 10% greater than the smallest district. Each district shall have well defined boundaries.

Sec. 1.6. Changes in Districting.

- A. No later than two years after the official publication of the decennial United States of America census, the Supervisors of the Checklist (defined in 2.2 hereof) shall establish new district boundaries so as to establish six (6) equal (population-based) districts. The Supervisors of the Checklist may establish their own rules and procedures to conduct redistricting; however, they shall have at least one public hearing on its proposed new district boundaries.
- B. Upon the written petition signed by at least ten percent (10%) of the registered voters in the Town, the Town election officers shall include on the ballot at the next Town annual election the following question: "Shall the Supervisors of the Checklist be directed to establish new district boundaries for the Town no later than one (1) year from the passage of this question? Yes or No". However, no petition for redistricting shall be accepted within three (3) years of any previous action to redistrict. If a majority at that March election vote "Yes", then the Supervisors of the Checklist shall establish new equal districts for the Town pursuant to its redistricting rules and procedures and based on such population and census data as the Supervisors of the Checklist finds fair and reliable; however they shall have at least one public hearing on their proposed new district boundaries.

ARTICLE 2

Elections: Election Officials; Conduct of Elections

Sec. 2.1. Moderator.

There shall be a Moderator of the Town who shall have all the powers and duties granted to him/her by this Charter and state law. He/She shall be elected on an at large basis to a term of two (2) years at the first Town election following adoption of this Charter. Without limitation to the foregoing, for election purposes, the Moderator shall have the power to appoint all election officials except those, which must be elected or otherwise appointed. The Moderator shall determine whether all ballots from all polling places are to be counted in one or more locations.

Sec. 2.2. Supervisors of the Checklist.

- A. There shall be three (3) Supervisors of the Checklist who shall hold office for six (6) years (and until their successors are elected and qualified) on a staggered basis so that one Supervisor is elected every two years at the Town election.

expenses incurred in the performance of Town business outside the Town limits of Hooksett according to rules of the Council.

Sec. 3.5. Exercise of Powers; Meetings; Rules of Procedure: Appropriations.

- A. Exercise of Powers. Except as otherwise prohibited by law or this Charter, the powers of the Council may be exercised in a manner determined by it.
- B. A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. However a smaller number may adjourn the meeting to another time or date.
- C. Meetings. All meetings of the Council shall be public as required by the State "Right to Know Law" (RSA Ch. 91-A). Regular meetings (minimum one per month) shall be held on such day or days of each month at such time as the Council shall by ordinance or resolution direct. Agendas shall be prepared and posted one week in advance of each regular meeting. Special meetings may be called by the Chair. Special meetings also may be called at the written request of the Town Administrator or at least six (6) Councilors, and upon such request the Chair of the Council shall call such special meeting. Written notice of said special meeting shall be delivered to each Councilor at least twenty-four (24) hours prior to the call of the special meeting. The method of delivery of notice for special meetings shall be established by Council rule.
- D. Rules of Procedure. The Council shall establish rules for its proceedings not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote and all members shall vote "aye", "nay", or abstain and give a reason for abstaining. The results of such voting shall be duly recorded. All votes shall be recorded by roll call except votes on procedural matters.

Sec. 3.6. Ordinances.

- A. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town Clerk or designee shall distribute a copy to each Councilor and to the Town Administrator, file a reasonable number of copies in the office of the Town Clerk, post a copy in such other public places as the Council may designate, and provide for publication in a local newspaper or newspapers of their choice seven (7) days prior to the public hearing on said ordinance. The full text of the proposed amendment or ordinance need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice. Final action on said ordinance shall not be taken by the Town Council until at least seven (7) days after said public hearing.

- B. Every proposed ordinance of the Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Hooksett ordains ...". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.
- C. Every ordinance, including zoning ordinances and building codes, shall take effect upon passage and publication as ordinances required by law or at a later date as specified by the ordinance. No ordinance shall be introduced and adopted during the same meeting, except emergency ordinances.
- D. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Town Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Town Clerk and the Town Seal, and kept on file in the office of the Town Clerk. The Town Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the Town. Copies of any or all ordinances shall be available to the public, and the Town Clerk may charge a reasonable fee to defray the printing costs.
- E. Upon passage, the ordinance shall be published in a newspaper of general circulation in the Town and posted on the official Town website.
- F. Creation of, or amendments to, Zoning ordinances, historic district ordinances or building codes may be petitioned for by no less than two percent (2%) of the voters of the town and shall be established or amended in accordance with the procedures outlined under RSA 675:4. Any Zoning Ordinance, Historic District Ordinance or Building Code or amendment to an existing Zoning Ordinance or Building Code proposed by the Council or the Planning Board shall be submitted to the voters of the Town in accordance with the provisions of RSA 675:3.

Sec. 3.7. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except as provided in Sec. 3.8 of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at

Derry

ARTICLE 6
ORDINANCES

SECTION 6.1 Municipal Legislation

Municipal legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The enacting clause of each ordinance shall be "The Town of Derry Ordains," and the effective date of each ordinance shall be specified in it. All ordinances shall be recorded at length uniformly and permanently by the clerk of the Town Council, and each ordinance so recorded shall be authenticated by the signature of the Chairman of the Town Council and the Clerk of the Town Council.

SECTION 6.2 Ordinances

(A) An ordinance may be introduced by any Councilor at any regular or special meeting of the Town Council. Upon introduction of any ordinance, the Clerk of the Town Council shall distribute a copy to each Councilor and to the Town Administrator, shall file a reasonable number of copies in the office of the Town Clerk and shall post a copy in such other public places as the Council may designate. The full text of the proposed measure or ordinance need not be included in the notice if an adequate statement is included, describing the proposal and designating the place where the proposal is on file for public inspection.

(B) Every proposed ordinance shall be introduced in writing in the form required for final adoption. Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.

(C) After the ordinance's first reading, it shall be published on the Town website and a notice placed in a newspaper of general circulation in the Town at least once, publicizing the time and place when and where it will be given a public hearing and be considered for final passage. The newspaper notice shall also contain a statement describing the proposal, and designating the

THE
SOCIETY

The Society was organized in 1850, and has since that time been engaged in the work of promoting the education of the colored people of the South. It has been successful in its efforts, and has now a large number of members, who are all devoted to the cause of the colored people.

The Society has a large number of members, who are all devoted to the cause of the colored people. It has been successful in its efforts, and has now a large number of members, who are all devoted to the cause of the colored people.

The Society has a large number of members, who are all devoted to the cause of the colored people. It has been successful in its efforts, and has now a large number of members, who are all devoted to the cause of the colored people.

The Society has a large number of members, who are all devoted to the cause of the colored people. It has been successful in its efforts, and has now a large number of members, who are all devoted to the cause of the colored people.

place where the proposal is on file for public inspection.
(amended 9-11-2012)

(D) No ordinance shall be passed finally on the date on which it is introduced, except in cases of emergency involving the health or safety of the people or their property. Every adopted ordinance, except as otherwise provided by this Charter, shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

No ordinance shall be amended or repealed except by another ordinance adopted in accordance with this Charter, or as provided in the initiative and referendum procedures of this Charter.

SECTION 6.3 Emergency Ordinances

An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall contain statements after the enacting clause declaring that an emergency exists, and describing the scope and nature of the emergency in clear and specific terms. A preamble which declares and defines the emergency shall be separately voted on and shall require the affirmative vote of two-thirds of all the members of Town Council.

Action on an emergency ordinance shall be taken without amendment at the meeting at which the ordinance is introduced. No ordinance making a grant, renewal or extension, whatever its kind or nature, of any franchise or special privilege shall be passed as an emergency ordinance and except as provided by law relating to utility lines, no such grant, renewal or extension shall be made otherwise than by the regular procedure established for ordinances. After its adoption, an emergency ordinance shall be published as prescribed for other adopted ordinances. It shall become effective upon adoption or at such time as it may specify.

SECTION 6.4 Codification of Ordinances

Not later than 18 months after taking office under this Charter and at least every fifth year thereafter, the Town Council shall have prepared a revision or codification of the ordinances of the Town which are appropriate for continuation as local laws of the Town.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES

REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO
FOR THE YEAR 1900

CHICAGO: THE UNIVERSITY OF CHICAGO PRESS
1901

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO
FOR THE YEAR 1900
CHICAGO: THE UNIVERSITY OF CHICAGO PRESS
1901

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO
FOR THE YEAR 1900
CHICAGO: THE UNIVERSITY OF CHICAGO PRESS
1901

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
REPORT OF THE
COMMISSIONERS OF THE
UNIVERSITY OF CHICAGO
FOR THE YEAR 1900
CHICAGO: THE UNIVERSITY OF CHICAGO PRESS
1901

Durham Town Charter

Article 03: Town Council

Sec. 3.8. Ordinances.

- A. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town Clerk shall distribute a copy to each Councilor and to the Town Administrator, shall file a reasonable number of copies in the office of the Town Clerk and shall post a copy in such other public places as the Council may designate.
- B. Every proposed ordinance, except land use ordinances, of the Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Durham ordains...." Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended and shall indicate matter to be omitted by enclosing it in brackets or by ~~strikeout~~ type and shall indicate new matter by underscoring or by italics.
- C. After passage of the ordinance's first reading, it shall be published at least once, together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least five (5) days. "Publication," for purposes of this section, shall mean the publication of a notice in any newspaper distributed in the Town of Durham, stating the number and title of the ordinance and either the text of the ordinance in full or, if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.
- D. Every ordinance, including zoning ordinances, shall take effect upon passage and publication as ordinances required by law or at a later date as specified in the ordinance. No ordinance shall be introduced and adopted during the same meeting.
- E. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Town Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chairman and the Town Clerk and the Town Seal and kept on file in the office of the Town Clerk. The Town Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the town. Copies of all ordinances shall be available to the public, and the Town Clerk may charge a fee to defray the printing costs.

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is a summary of the work done and a statement of the results achieved. It is a statement of the work done and a statement of the results achieved.

2. The second part of the report deals with the work done during the year. It is a statement of the work done and a statement of the results achieved. It is a statement of the work done and a statement of the results achieved.

3. The third part of the report deals with the work done during the year. It is a statement of the work done and a statement of the results achieved. It is a statement of the work done and a statement of the results achieved.

4. The fourth part of the report deals with the work done during the year. It is a statement of the work done and a statement of the results achieved. It is a statement of the work done and a statement of the results achieved.

5. The fifth part of the report deals with the work done during the year. It is a statement of the work done and a statement of the results achieved. It is a statement of the work done and a statement of the results achieved.

Chapter I - Town Charter (Cont'd)

ARTICLE 3 - Town Council (Cont'd)

Section 3.7. Ordinances

- A. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Clerk shall distribute a copy to each Councilor and to the Manager, shall file a reasonable number of copies in the office of the Clerk and shall post a copy in such other public places as the Council may designate.
- B. Every proposed ordinance of the Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Londonderry ordains.....". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.
- C. After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least five (5) working days. Publication for purposes of this section shall mean the publication of a notice in any paper distributed in the Town of Londonderry, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.
- D. Every ordinance, including zoning ordinances, adopted by referendum, shall take effect upon passage and publication as ordinances required by law, or at a later date as specified in the ordinance. No ordinance shall be introduced and adopted during the same meeting.
- E. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Clerk and the Town Seal, and kept on file in the office of the Clerk. The Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the Town. Copies of all ordinances shall be available to the public, and the Clerk may charge a fee to defray the printing costs.

Merrimack

ARTICLE V ORDINANCES

5-1 INTRODUCTION

An ordinance may be introduced by any Town Councilor at any regular or special meeting of the Town Council. Upon introduction of any ordinance, the Town Manager shall distribute a copy to each Town Councilor and the Town Clerk, shall file a reasonable number of copies in the office of the Town Manager, and shall post a copy in at least two (2) other public venues as the Town Council may designate.

5-2 FORM

Every proposed ordinance of the Town Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one (1) subject. Each ordinance shall be identified by a number and a title. The enacting clause shall be "The Town of Merrimack ordains..."

Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections, or subsections to be repealed or amended, and shall indicate matter to be omitted by strikethrough type, and shall indicate new matter by enclosing it in brackets and using bold type.

(Amended 04/10/07 Town Meeting, #4)

5-3 PUBLIC NOTICE

After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least seven (7) calendar days.

Publication for purposes of this Section shall mean the publication of a notice in any paper distributed in the Town of Merrimack as well as the posting of the notice in at least two (2) other public venues as the Town Council may designate, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance.

Final action on said ordinance shall not be taken by the Town Council until at least seven (7) calendar days after the public hearing on it.

5-4 ADOPTION

No ordinance shall be passed finally on the date on which it is introduced, except in cases of emergency involving the health or safety of the people or their property. Every adopted ordinance, except as otherwise provided by this Charter, shall become effective upon passage or at any later date specified therein.

No ordinance shall be amended or repealed except by another ordinance adopted in accordance with this Charter, or as provided in the initiative and referendum procedures of this Charter.

1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

2. The second part of the report deals with the work done during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

3. The third part of the report deals with the work done during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

4. The fourth part of the report deals with the work done during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

5. The fifth part of the report deals with the work done during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

6. The sixth part of the report deals with the work done during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

7. The seventh part of the report deals with the work done during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

8. The eighth part of the report deals with the work done during the year. It is a summary of the work done and the results obtained. It is a general statement of the work done and the results obtained.

Section 3.7. Exercise of Powers; Meetings; Rules of Procedure.


- A. **Exercise of Powers.** Except as otherwise prohibited by law or this Charter, the powers of the Council may be exercised in a manner determined by it.
- B. **A quorum** of the Council for the transaction of any business shall be four (4) of the members currently in office. However, a smaller number may adjourn the meeting to another time or date.
- C. **Meetings.** All meetings of the Council shall be public as required by RSA ch. 91-A. Regular meetings shall be held on such day or days of each month at such time as the Council shall by ordinance or resolution direct. Special meetings may be called by the Chair. Special meetings also may be called at the written request of the Town Administrator or at least four (4) Councilors, and upon such request the Chair of the Council shall call such special meeting. Written notice of said meeting shall be delivered to each Councilor at least twenty-four (24) hours prior to the call of the meeting. The method of delivery of notice for special meetings shall be established by Council rule.
- D. **Rules of Procedure.** The Council shall establish rules for its proceedings not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote and all members shall vote "aye", "nay", or abstain and give reason for abstaining. The results of such voting shall be duly recorded. All votes shall be recorded by roll call except votes on procedural matters.

Section 3.8. Ordinances and Resolutions.

- A. An ordinance or resolution may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance or resolution, the Town Administrator or his designee shall distribute a copy to each Councilor and to the Town Administrator, shall file a reasonable number of copies in the office of the Town Clerk and post a copy in such other public places as the Council may designate.
- B. Every proposed ordinance of the Council shall be introduced in writing and in the form required for adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The

enacting clause shall be "The Town of Newmarket ordains . . .". Any ordinance which or amends an existing ordinance shall set out in full the ordinance, sections, or subsection repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or ~~strikeout type~~, and shall indicate new matter by underscoring or by italics.

C. After passage of the ordinance's first reading, it shall be published at least once together with a notice of the time and place when and where it will be given a public hearing and be considered for final passage. The first such publication shall precede the date of said hearing by at least seven (7) calendar days. Publication for purposes of this Section shall mean the publication of a notice in any paper distributed in the Town of Newmarket as well as the posting of the notice in at least two (2) other public venues as the Town Council may designate, one of which may be the Town's website, stating the number and title of the ordinance and either the text of the ordinance in full or if the full text is not published, then a brief explanation of the purpose of the ordinance and information as to where and when any interested person may obtain a copy of the complete ordinance. Final action on said ordinance shall not be taken by the Town Council until at least seven (7) calendar days after the public hearing on it.

D. Every ordinance, including zoning ordinances, adopted by the Council, shall take effect upon passage and publication as ordinances required by law, or at a later date as specified in the ordinance. No ordinance shall be introduced and adopted during the same meeting. 

E. All ordinances, including any amendments thereto, shall be recorded in full, uniformly, and permanently, by the Town Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Town Clerk and the Town Seal, and kept on file in the office of the Town Clerk. The Town Clerk shall be responsible for the systematic indexing, printing, publication, and maintenance of the ordinances of the Town. Copies of any or all ordinances shall be available to the public, and the Town Clerk may charge a fee to defray the printing costs.

F. Every proposed resolution of the Council shall be introduced in writing and in the form required for adoption. No resolution shall contain more than one subject, which shall be clearly expressed in its title. Each resolution shall be identified by a number and short title. The resolution shall have a clause or clauses that explain the reason for the action, followed by the

substance of the resolution. Notice, reading, and adoption requirements shall be as specified in rules adopted by the Council.

(Amended March 11, 2014 to include Resolutions)

Section 3.9. Emergency Ordinances.

Notwithstanding other provisions of this Charter, to meet a public emergency affecting life, health, property, or the public peace, the Council may adopt one (1) or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services, or authorize the borrowing the money except as provided in Section 3.10 of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but an affirmative vote of four (4) Councilors shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption. Every emergency ordinance, except one made pursuant to Section 3.10 of this Charter, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency still exists. An emergency ordinance may also be repealed by a repealing ordinance adopted in the same manner specified in this Section for adoption of emergency ordinances.

Section 3.10. Emergency Appropriations.

To meet a public emergency affecting life, health, property, the public peace, or to satisfy a court judgment, casualty loss, or other valid mandated expense, the Council, in accordance with RSA 32:11, and with prior approval of the Budget Committee, may make emergency appropriations as part of an emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may, by such emergency ordinance, authorize the issuance of emergency notes, which may be renewed from time to

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 3, 1862.

3. The third part is a report from the Secretary of the Interior, dated January 3, 1862.

4. The fourth part is a report from the Secretary of the Navy, dated January 3, 1862.

5. The fifth part is a report from the Secretary of the War, dated January 3, 1862.

6. The sixth part is a report from the Secretary of the State, dated January 3, 1862.

7. The seventh part is a report from the Secretary of the War, dated January 3, 1862.

8. The eighth part is a report from the Secretary of the Navy, dated January 3, 1862.

9. The ninth part is a report from the Secretary of the War, dated January 3, 1862.

10. The tenth part is a report from the Secretary of the Navy, dated January 3, 1862.

11. The eleventh part is a report from the Secretary of the War, dated January 3, 1862.

12. The twelfth part is a report from the Secretary of the Navy, dated January 3, 1862.

From: Cordell Johnston cjohnston@nhmunicipal.org
Subject: Zoning authority
Date: July 1, 2021 at 3:24 PM
To: dboutin1465@comcast.net

David—

As we discussed, I've done a preliminary review of other town charters to see how they deal with adopting zoning ordinances and amendments. I've looked at the charters for Bedford, Derry, Durham, Londonderry, Merrimack, and Newmarket. These are all of the towns that have charters, other than Peterborough, whose charter is very different and not useful. I haven't looked at any city charters yet. I will, but I think the town charters are the most useful.

I will review this more thoroughly after I return from vacation on July 13, but briefly, here is what I've found:

Other than Hooksett, none of the town charters explicitly address how zoning ordinances and amendments are adopted. Each of them simply describes the process for the council to adopt ordinances generally, without any specific reference to zoning matters. Since the charters in those towns give the power to adopt ordinances solely to the council, and no separate provision is made for adopting or amending zoning ordinances, the zoning ordinance authority belongs to the council by default. (A couple of the charters do refer to adopting zoning changes "by referendum," but that is a separate process and a very unusual one. The ordinary process is for the council to adopt zoning amendments just as it adopts other ordinances.)

So I don't think Hooksett would necessarily need to add anything to its charter to move the zoning authority from the town meeting to the council. Instead, all you really need to do is remove the existing language that gives that authority to the town meeting. The relevant section of your charter is section 3.6.F., which states as follows:

F. Creation of, or amendments to, Zoning ordinances, historic district ordinances or building codes may be petitioned for by no less than two percent (2%) of the voters of the town and shall be established or amended in accordance with the procedures outlined under RSA 675:4. Any Zoning Ordinance, Historic District Ordinance or Building Code or amendment to an existing Zoning Ordinance or Building Code proposed by the Council or the Planning Board shall be submitted to the voters of the Town in accordance with the provisions of RSA 675:3.

The first sentence allows for petitioned zoning amendments, as opposed to amendments recommended by the council or planning board. The second sentence deals with those recommended by the council or planning board, but requires that they be voted on by the town meeting. You will want to remove the second sentence, but I assume you still want to keep the option of allowing for petitioned zoning amendments, so you would keep the first sentence.

If the council is going to have authority to adopt zoning changes, it still has to comply with RSA 675:2, paragraph II, which requires that a public hearing be held using the process in RSA 675:7. It would be good to note that in the charter as a reminder. So my preliminary suggestion is that section 3.6.F be amended to read approximately as

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
LIBRARY
1207 EAST 58TH STREET
CHICAGO, ILL. 60637
TEL. 773-936-5000

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY
1207 EAST 58TH STREET
CHICAGO, ILL. 60637
TEL. 773-936-5000

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY
1207 EAST 58TH STREET
CHICAGO, ILL. 60637
TEL. 773-936-5000

THE UNIVERSITY OF CHICAGO
LIBRARY

THE UNIVERSITY OF CHICAGO
LIBRARY

FOLLOWS:

F. The Council may adopt or amend zoning ordinances, historic district ordinances, or building codes after holding a hearing in accordance with RSA 675:2, II, and 675:7. In addition, creation of, or amendments to, Zoning ordinances, historic district ordinances or building codes may be petitioned for by no less than two percent (2%) of the voters of the town and shall be established or amended in accordance with the procedures outlined under RSA 675:4. Any Zoning Ordinance, Historic District Ordinance or Building Code or amendment to an existing Zoning Ordinance or Building Code proposed by the Council or the Planning Board shall be submitted to the voters of the Town in accordance with the provisions of RSA 675:3.

But again, these are just preliminary thoughts, and of course your town's legal counsel should review and approve any proposed charter amendments.

As we discussed, I'll look at this a little more when I get back, and then we can have a further discussion. I hope this helps in the meantime.

Cordell

Cordell Johnston
Government Affairs Counsel
New Hampshire Municipal Association
25 Triangle Park Drive
Concord, NH 03301
603-230-3323

The first part of the paper discusses the importance of the study and the objectives of the research. It also mentions the scope of the study and the limitations. The second part of the paper discusses the methodology used in the study. It mentions the data sources and the statistical methods used. The third part of the paper discusses the results of the study. It mentions the findings and the conclusions. The fourth part of the paper discusses the implications of the study. It mentions the policy implications and the future research.

The study has several limitations. First, the sample size is small. Second, the study is cross-sectional. Third, the study is based on self-reported data. Fourth, the study is limited to a specific population. Fifth, the study is limited to a specific time period. Sixth, the study is limited to a specific location. Seventh, the study is limited to a specific topic. Eighth, the study is limited to a specific method. Ninth, the study is limited to a specific data source. Tenth, the study is limited to a specific statistical method.

The study has several implications. First, it provides a basis for policy-making. Second, it provides a basis for future research. Third, it provides a basis for practice. Fourth, it provides a basis for theory. Fifth, it provides a basis for evaluation. Sixth, it provides a basis for development. Seventh, it provides a basis for improvement. Eighth, it provides a basis for innovation. Ninth, it provides a basis for progress. Tenth, it provides a basis for success.