



# CITY OF CONCORD

*New Hampshire's Main Street™*

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Carlos P. Baía, Deputy City Manager-Development

**DATE:** August 25, 2017

**SUBJECT:** Amendments to Streamline City Ordinances

### **Recommendation**

Accept this report and set the attached ordinance amendments for public hearing.

### **Background**

At its July 10, 2017 meeting, City Council accepted the report from the Ad-hoc Events Committee recommending a series of changes to the licensing practices and policies of the City to streamline the process and improve customer service. As noted in that report, some modifications would require amendments to the City's Licensing ordinance (Chapter 15).

The following is a summary of the proposed amendments. The complete amendments are attached for your review. A fiscal impact note has also been included with each item to provide Council with an understanding of the potential loss of fee revenue from the changes.

#### **Convalescent Homes: Article 15-1**

*Fiscal Impact of Proposed Change: \$1,400*

This section is recommended for removal in its entirety.

Convalescent or nursing homes are heavily regulated by the State of New Hampshire and the Fire Service. Code Administration staff offered little added value under this provision.

#### **Entertainment and Exhibitions: Article 15-3**

*Fiscal Impact of Proposed Change: None*

Article 15-3-1 requires the issuance of a City license for street performances, parades, demonstrations, etc. Language is being suggested to clarify that this authority is for public property (the previous language had been ambiguous). Language concerning "street fairs"

and “community events” that was originally in Article 15-8-16 is proposed to be included here to make it more evident to users.

Another change stems from the Ad-Hoc Events Committee finding that, in Concord, where the Council typically only meets once a month, obtaining authorization for an event-related street closure was viewed as a significant delay for event promoters. The Committee suggested that the Council delegate this authority to the City Manager who can make a decision regarding an application in a much more expedited fashion. This amendment would provide the Manager with that authority yet allow him to defer any application to the Council should it be necessary.

### **Dances: Articles 15-3-4 through 15-3-12**

*Fiscal Impact of Proposed Change: None*

These sections are being recommended for removal in their entirety.

These chapters were enacted in 1981 and all deal with the regulation of dances and dance halls. This ordinance requires, for example, that anyone holding a dance where admission of any type is charged be required to obtain a license from the City. It also requires that a police officer be in attendance at any licensed dance. It further requires restaurants, bars, cocktail lounges apply to the City for a license if they opt to allow dancing.

The City has not issued certain dance license in years.

Chapter 15-3-10 required the same dance license requirements be applied to roller skating events/areas.

Chapter 15-3-11 through 15-3-12 also date back to 1981 and regulate seating capacity at public venues such as theaters or roller skating rinks where events such as dances might be held. Seating capacity is now a responsibility of the Fire Department through its Public Assembly Permit.

### **Amusement Centers and Devices: Article 15-4**

*Fiscal Impact of Proposed Change: \$5,800*

This section is recommended for removal in its entirety.

“Amusement Centers” are typically arcade-type facilities with eight or more “amusement devices.” “Amusement Devices” refer to the games included in those settings. Facilities with less than 8 devices would not be considered “centers” but would need to pay a fee for each device. This ordinance dates back originally to 1992. In addition to the fees collected, the current ordinance requires “Amusement Centers” to provide a detailed management plan including actual hours of operation, names and addresses of the owners, employee qualifications, rules governing the facility’s customers such as dress code, etc. With today’s proliferation of home-based video games, the amount of arcades and public amusement devices has shrunk considerably. Today there is only one Amusement Center left (Walmart). Over the last several years, the City has not experienced any nuisance issues concerning this “center” or the “devices” that would warrant continued enforcement of this regulation.

This section also regulates and assesses a fee on bowling alleys.

**Billiard Parlors: Articles 15-6-1 through 15-6-8**

*Fiscal Impact of Proposed Change: None*

These sections are recommended to be removed in their entirety.

These sections regulate billiard parlors and compel operators to provide the City with detailed information about the ownership, the number of billiard tables, hours of operation, number, ages and qualifications of the employees, rules governing minors, etc. This particular set of ordinances appears to have originated in 1990.

Concord no longer has any billiard parlors.

**Peddlers: Articles 15-8-4 & 15-8-6**

*Fiscal Impact of Proposed Change: None*

The existing ordinance requires any vendor seeking to use Eagle Square to obtain the approval of the Parks and Recreation Director, yet was silent on Bicentennial Square. Recent policy recommendations accepted by City Council (per the Ad-Hoc Committee report) would place that responsibility with the Code Administration office. This proposed amendment would implement that recommendation as well as add Bicentennial Square to the licensing jurisdiction of the Code office.

**Street Fairs (aka Street Closures): Article 15-8-16**

*Fiscal Impact of Proposed Change: None*

This section is no longer needed due to aforementioned revisions in Section 15-3-1.

**Duplicate License: Article 15-10-5**

*Fiscal Impact of Proposed Change: None*

This change removes the fee for a duplicate license. Requests for duplicate licenses are very infrequent. When this ordinance was originally drafted the process to secure a duplicate license was cumbersome and required staff to manually type and laminate the new document. Today, a license can quickly and easily be printed via computer taking less staff time than it would to process the fee.

**Licensing of Alcohol Use on City Property: Article 15-12-1**

*Fiscal Impact of Proposed Change: None*

This chapter was added in 2012. It originally authorized the Council to be the final approval authority for use of alcohol on city streets; the Manager for city buildings; and the Parks and Recreation Director for city parks. Since 2012, multiple alcohol use licenses have been issued without any problem. One of the most significant delays in the approval

process for these types of special events is the wait to be reviewed at a Council meeting. The Ad-Hoc Committee supported delegating the authority for alcohol consumption licenses on city streets to the City Manager. This amendment would implement that change.

**Chapter 15-13 Police Escort Service Charges: Articles 15-13-1 & 15-13-2**

*Fiscal Impact of Proposed Change: None*

This chapter dates back, at least, to 1982 and is an ordinance that the PD leadership cannot recall having last used. It provided for a uniformed, on-duty officer to accompany any person to or from a destination where cash would be deposited or picked up. The fee for this service was \$20. This fee and service were a product of a time before the widespread business practice of electronic deposits and regular armored car service pick-ups.