



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE  
MONDAY, January 13, 2025  
11:00 a.m.

Conference Room A  
City Hall Complex, 1 Junkins Avenue  
Portsmouth, NH 03801

*Members of the public also have the option to join the meeting over Zoom.  
(See below for more details)\**

---

1. Welcome and Call to Order
2. Roll Call
3. Review and approval of the Minutes from the December 9, 2024 meeting
4. Administrative Code – Chapter 1
  - a. Review of fee section, response to questions
  - b. Initial review of update to Administrative Organization sections
5. Encumbrance Ordinances and Policies
6. Public Comment
7. Announcements
8. Adjournment

**\*Join Zoom Meeting**

**You are invited to a Zoom meeting.  
When: Jan 13, 2025 11:00 AM Eastern Time (US and Canada)**

**Register in advance for this meeting:**

**<https://us06web.zoom.us/meeting/register/hupV8dLeSgCPzG5YuCKxFA>**

**After registering, you will receive a confirmation email containing information about joining the meeting.**



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
GOVERNANCE COMMITTEE  
MEETING MINUTES

Monday, December 9, 2024  
Conference Room A  
City Hall Complex, 1 Junkins Avenue  
Portsmouth, NH

1. **Welcome and Call to Order:** The meeting was called to order at 11:00 a.m.
2. **Roll Call:**

Assistant Mayor JoAnna Kelley (Assistant Mayor), Councilor Kate Cook (Cook), Councilor Vincent Lombardi (Lombardi), and Councilor John Tabor (Tabor) were present.

Staff: Deputy City Manager / Regulatory Counsel Suzanne Woodland (DCM), City Attorney Susan Morrell (Morrell), and Senior Assistant City Attorney Jane Ferrini (Ferrini)
3. **Review and Approval of the Minutes of the November 12, 2024 meeting:** Lombardi moved to accept the minutes of the November 12, 2024 meeting. Seconded by Tabor. All in favor. The motion was approved.
4. **Volunteer Training Review:**
  - a. **Volunteer Training Manual:** Discussion ensued regarding most recent draft of the manual, along with the timeline to bring before the City Council for their approval, along with the process of rolling out the manual to the boards, orientation for the volunteers and offering on-line and/or hard copies of the manual to the volunteers. Cook requested a motion to approve the Volunteer Training Manual for review by the City Council. Assistant Mayor moved to approve the Volunteer Training Manual. Motion seconded by Lombardi. All in favor. The motion was approved. Cook stated she will arrange to put this on the agenda for introduction at the December 16, 2024 meeting and request for approval at the January 6, 2025 meeting.
  - b. **Volunteer Training and Standards of Conduct and Ethics Policy:** This document was revised to include Section K – Volunteer Orientation and Training. Cook asked for a motion to approve the Volunteer Training and Standards of Conduct and Ethics Policy. Assistant Mayor moved to approve the Volunteer Training and Standards of Conduct and Ethics Policy. Motion seconded by Lombardi. All in favor. The motion was approved.
5. **Administrative Ordinance Review:**
  - a. **Division into Chapters 1 (Administrative Code) and 2 (Finance):** There was a

brief discussion of the proposed new order of sections once other updates are made. The Procurement Procedures and Disposition of Property sections of the Finance section were previously revised.

- b. **Review of Fees (Article XVI):** Tabor asked if the setting of fees is governed by State law and to just cover costs. Tabor also questioned how a “payment in lieu” would be handled. DCM will investigate these topics and draft clarifying language, if appropriate.
6. **Encumbrance Ordinance and Policy:** Discussion regarding end user issues regarding the Outdoor Dining Encumbrance Permit Ordinance and its intersection or overlap with other encumbrances. Ferini gave a general overview of other issues which have been voiced, such as where to find specific encumbrance, license and permit information as it is scattered in various chapters throughout the ordinances. Ferrini suggested including all encumbrance information in one chapter. Cook suggested creating a packet of all the encumbrance information for review, beginning with outdoor dining, sandwich boards and other seasonal matters. This will be put on the next Committee agenda, along with Adoption of Fees.
7. **Public Comment:** There were no public comments.
8. **Announcements:** The next Governance Committee meeting will be on Monday, January 13, 2025 at 11:00 a.m.
9. **Adjournment:** Motion by Lombardi to adjourn the meeting, seconded by Tabor. All in favor. Motion was approved. Meeting adjourned at 12:02 p.m.

DRAFT Meeting Minutes prepared by:  
Barbara Zulkiewicz

Minutes approved: \_\_\_\_\_

**ARTICLE XVI: ADOPTION OF FEES**

**Section 1.1601. PROCEDURE**

Municipal fees not otherwise established by other ordinance or law shall be adopted by the City Council by resolution during the annual budget adoption process or at such other times as the City Council may determine to be in the best interest of the City.

**Section 1.1602. EXCLUSION**

Municipal fees do not include penalties, charges or costs negotiated or imposed pursuant to an administrative order, compliance agreement, or other resolution pertaining to an enforcement activity.

**Section 1.1603. AUTHORITY TO CHARGE FOR PROGRAMMING**

Department heads responsible for programming activities such as classes, trainings and special events may, without the approval of the City Council, but subject to the City Manager's review and oversight, charge for participation in programmed activities.

**Section 1.1604. DEFAULT**

Any municipal fee which is not listed in the fee resolution adopted during the annual budget process, or any municipal fee which is determined to require a process other than adoption by annual budget resolution, shall remain at the level at which it was last validly adopted by the City.

Deleted: ¶

Deleted: BY BUDGET RESOLUTION

Deleted: : PURPOSE¶

¶ This ordinance is adopted for the purpose of creating a more efficient system for the City to adopt and adjust municipal fees.¶

¶

Section1.1602:

Deleted: To the extent permitted by law and notwithstanding any ordinance previously adopted to the contrary, all municipal fees, whether

Deleted: otherwise

Deleted: and may be amended

Deleted: ¶

Deleted: 1603:

Deleted: This ordinance does

Deleted: apply to

Deleted: fines

Deleted: civil forfeitures

Deleted: fees established

Deleted: Chapter 7, Article II -- Taxi Cabs

Deleted: ¶

Deleted: :

Deleted: ¶

¶ It is further ordained that the City Clerk is hereby authorized to replace the fee provision in any appropriate ordinance, with a provision reading "Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. Such ordinances include, but are not limited to the following: (See list attached to ordinance as adopted).¶

¶

(Article XVI adopted in its entirety 3/18/2002)¶

Deleted: City of Portsmouth, NH Ordinances Page 1 Chapter 1

## **ARTICLE XVI: ADOPTION OF FEES**

### **Section 1.1601 PROCEDURE**

Municipal fees not otherwise established by other ordinance or law shall be adopted by the City Council by resolution during the annual budget adoption process or at such other times as the City Council may determine to be in the best interest of the City.

### **Section 1.1602 EXCLUSION**

Municipal fees do not include penalties, charges or costs negotiated or imposed pursuant to an administrative order, compliance agreement, or other resolution pertaining to an enforcement activity.

### **Section 1.1603 AUTHORITY TO CHARGE FOR PROGRAMMING**

Department heads responsible for programming activities such as classes, trainings and special events may, without the approval of the City Council, but subject to the City Manager's review and oversight, charge for participation in programmed activities.

### **Section 1.1604 DEFAULT**

Any municipal fee which is not listed in the fee resolution adopted during the annual budget process, or any municipal fee which is determined to require a process other than adoption by annual budget resolution, shall remain at the level at which it was last validly adopted by the City.

**CITY COUNCIL POLICIES, ORDINANCES, PERMITS AND FEES REGARDING  
ENCUMBRANCES OF CITY PORPERTY**

**I. City Council Policies**

- A. City Council Policy No. 2009-03 - PROJECTING SIGNS
- B. City Council Policy No. 2009-04 - HAWKERS AND PEDDLERS
- C. City Council Policy No. 2010-01 - FLAGS AND A-FRAME SIGNS
- D. City Council Policy No. 2018-02 - LICENSE FEES FOR ENCUMBRANCE

**II. City Ordinances**

- A. Chapter 6 LICENSES, Article I – General Provisions, Sections 6.101 – 6.111
- B. Chapter 6 LICENSES, Article X - Theatrical, Parades, Open Air Meetings, Sections 6.1001-6.1004
- C. Chapter 6 LICENSES, Article XIII - Hawkers and Peddlers, Sections 6.1301- 6.1318, (Street Fairs, Section 6.1314), (Public Celebrations, Section 6.1315)
- D. Chapter 6 LICENSES, Article XVII - Outdoor Dining Encumbrance Permit, Sections 6.1701-6.1707
- E. Chapter 8 INCUMBRANCES AND INJURIOUS PRACTICES IN STREETS, Article I - Incumbrances, Sections 8.101- 8.114
- F. Chapter 9 MISCELLANEOUS PUBLIC WELFARE, Article V – Public Way Obstructions, Placement & Registration, Sections 9.501- 9.511
- G. Chapter 11 SIDEWALK, SEWERS, LAYOUT OF STREETS, SUBDIVISION OF LAND, Article VI – Referrals to Planning Board, Sections 11.601-602

### **III. Permits**

- A. Outdoor Dining Encumbrance Permit- (CAFÉ-25- \_\_\_\_ ) Outdoor dining with food and alcohol service. See opengov/viewpoint.
- B. Encumbrance Permits and Licenses – (ENCM-25-\_\_\_\_) Encumbrances for construction or use of city sidewalks, rights of way, parking spaces and city land. Encumbrances are for 30 days or less, Licenses are for over 30 days and require Council approval. See opengov/viewpoint.
- C. Flagging Permits- (FLAG-25-\_\_\_\_) Temporary encumbrance of roads requiring flaggers. See opengov/viewpoint.
- D. Projecting Signs- (SIGN-25-\_\_\_\_) Projecting Signs over City rights of way. See opengov/viewpoint.
- E. Sidewalk Obstruction License Application – For A-Frame signs and table and chairs without food or alcohol service. Application from City Clerk attached.
- F. Hawkers and Peddlers Application – Application from City Clerk attached.
- G. Special Events Permit- Council Approval, City Manager approval after logistics meeting with staff, City Clerk issues permit. Events application attached.

### **IV. Fees**

Fees from FY 25 Budget for:

- III – 10 Sidewalk Obstructions
- III – 11 Outdoor Dining
- III – 19 Encumbrance Permits
- III - 35 License Fees for Encumbrances

# **CITY COUNCIL POLICIES**





CITY OF PORTSMOUTH

**CITY COUNCIL POLICY No. 2009-03**  
**Projecting Sign Policy**

**WHEREAS**, the City of Portsmouth has an interest in regulating all use of City property at, above and below ground level; and

**WHEREAS**, it is common for individuals in the City to erect projecting signs over streets and sidewalks of the City; and

**WHEREAS**, the City Council desires to adopt a policy which both protects the municipal interest in the air-space above its property and provides persons who wish to erect projecting signs in that air-space a process by which municipal approval for those signs may be secured expeditiously;

**NOW THEN**, the Council of the City of Portsmouth hereby adopts the following projecting sign policy.

1. Requests for the construction of signs over City property shall be submitted in the first instance to the Planning Director;
2. The Planning Director shall then report its recommendation with respect to the sign to the City Council for approval or denial,
3. Upon approval of the City Council a revocable license in the form approved by the City's Legal Department may be issued including, but not limited to, the following terms and conditions:
  - a. All costs related to the construction and/or removal of the sign shall be borne by the applicant.
  - b. The License shall be for an indefinite term.

This policy shall take effect upon the passage of the City Council.

Adopted by the Portsmouth City Council on: **May 4, 2009**.  
Ratified by the Portsmouth City Council on January 19, 2010.  
Amended by the Portsmouth City Council on March 21, 2011.  
Ratified by the Portsmouth City Council on January 17, 2012.  
Ratified by the Portsmouth City Council on January 13, 2014.  
Ratified by the Portsmouth City Council on January 11, 2016.  
Ratified by the Portsmouth City Council on January 16, 2018.  
Ratified by the Portsmouth City Council on January 8, 2020.  
Ratified by the Portsmouth City Council on January 24, 2022.  
Ratified by the Portsmouth City Council on January 16, 2024.



### **CITY COUNCIL POLICY NO. 2009-04**

WHEREAS, the City of Portsmouth currently has a collection of ordinances regulating “hawkers and peddlers” seeking to sell food and non-food items from a location that is not fixed; and

WHEREAS, in order to improve communication with vendors and hawkers and facilitate enforcement, the Vendors’ Committee has proposed that the City Council adopt a policy that both identifies vending locations compliant with the existing ordinances and establishes maximum vending cart sizes.

**NOW THEREFORE there shall be established a policy by the City Council relating to hawkers and peddlers providing as follows:**

The seven locations on public sidewalks within the Central Business Districts A and B that are suitable as vending locations for licensed hawkers and peddlers are identified on the attached Exhibit 1.

All other locations within Central Business Districts A and B are deemed not appropriate under the existing ordinances and vendors and hawkers are prohibited from setting up carts, stands and like at such other unapproved locations.

The size of vending carts shall not exceed 52” wide and 48 inches long not including the tongue of the cart.

Consistent with the existing ordinance, all vending locations, both inside and outside the Central Business District, are available to the first licensed vendor who arrives in the space after any period of vacancy. Vending locations cannot be reserved.

There shall be no vending or hawking from any municipal parking areas including metered parking spaces, public parking lots, or the parking garage.

This policy does not affect or address mobile/canteen trucks that vend on private property.

This policy does not affect or address vending on property under the control of Prescott Park.

Nothing in this policy supersedes or limits any special permission that the City Council may grant to organizers of community events, such as Pro Portsmouth, who may establish additional vending locations during such special events.

This policy shall take effect upon passage of the City Council.

Adopted by the Portsmouth City Council on: **May 18, 2009**.  
Ratified by the Portsmouth City Council on: January 19, 2010.  
Ratified by the Portsmouth City Council on: January 17, 2012.  
Ratified by the Portsmouth City Council on: January 13, 2014.  
Ratified by the Portsmouth City Council on: January 11, 2016.  
Ratified by the Portsmouth City Council on: January 16, 2018.  
Ratified by the Portsmouth City Council on: January 8, 2020.  
Ratified by the Portsmouth City Council on: January 24, 2022.  
Ratified by the Portsmouth City Council on: January 16, 2024.

---

Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

All vending locations are available to the first licensed vendor who arrives in the space after any period of vacancy. Vending locations cannot be reserved.

\*

There shall be no vending or hawking from any municipal parking areas including metered parking spaces, public parking lots, or the parking garage.

\*

No vending is allowed at Prescott Park or other City parks without express written permission from the Park Director.

\*

In addition to the vending cart, one chair, one cooler, and one hand truck are permitted.

\*

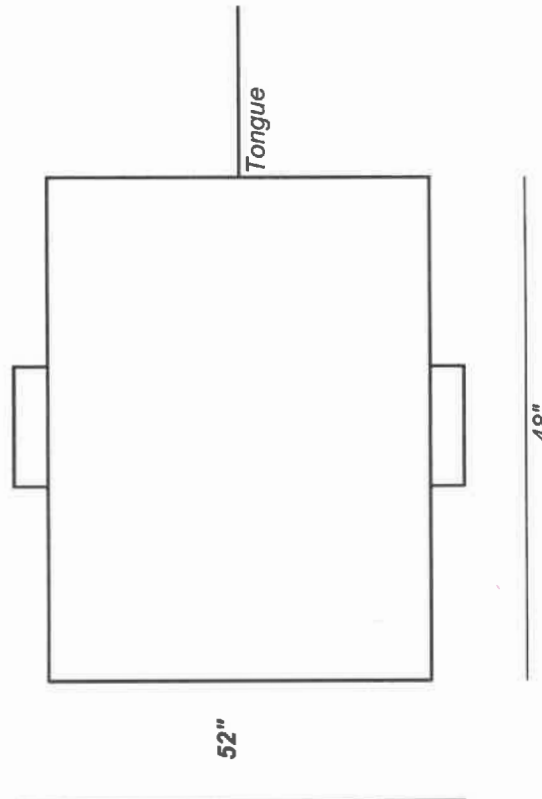
One trash receptacle must be provided.

\*

It is the vendor's responsibility to ensure the area remains clean.

One A-Frame sign, not to exceed 4 feet in height may be used.

This sign can only be placed over the tongue of the cart.



The size of vending carts shall not exceed 52" wide and 48" long, not including the tongue of the cart.

## City of Portsmouth, NH

### Vending Information



#### Food vendors

Must contact the Portsmouth Health Department at 610-7238 for a food license, prior to applying for a Hawkers and Peddlers permit.

#### All vendors

Operating on City Property, must contact the City Clerk's office at 610-7245 for information on applying for a Hawkers and Peddlers permit which is required.

*Revised 04/30/2024*

1



*In front of 8 Market Square*

2



*In front of 1 Pleasant Street*

3



*In front of 15 Pleasant Street*

4



*In front of 55 Congress Street*

5



*Outside the Ladd Street side of the parking garage*

6



*Outside the parking garage on Hanover Street*

7



*Vaughan Mall*

*\*This space can accommodate 2 carts.*

Vendors cannot block the stage during a performance.

There are seven locations on public sidewalks in the Downtown Business District that are suitable as vending locations for licensed hawkers and peddlers as identified in this brochure.

All other locations in the Downtown Business District are deemed not appropriate and vendors and hawkers are prohibited from setting up carts, stands and the like at any other locations.



## CITY OF PORTSMOUTH

### CITY COUNCIL POLICY No. 2010 - 01

#### POLICY REGARDING FLAGS PROJECTING OVER CITY PROPERTY<sup>1</sup>

**WHEREAS**, the City Council recognizes that there are safety and aesthetic concerns attendant to the placement of flags over the City's rights-of-way; and

**WHEREAS**, the City Council recognizes that there is an inherent inter-relationship between such flags and sandwich board signs placed on sidewalks in front of City businesses as well as projecting signs placed over municipal sidewalks by City businesses; and

**WHEREAS**, the City Council also recognizes that the City has the inherent authority to regulate any obstructions on City sidewalks and any intrusions into municipal airspace over streets and sidewalks; and

**WHEREAS**, the City Council desires to balance the signage needs of City businesses with aesthetics and the safety and convenience of the public at large.

**NOW THEREFORE**, the City Council adopts the following policy:

- A. Neither a sandwich board sign nor a flag which is allowed by the City to project over a City sidewalk or right-of-way should be deemed to be a sign for zoning purposes. (This element of the policy should ultimately be formalized in an amendment to the Zoning Ordinance.)
- B. A business should be allowed the option of either a flag projecting from the building in which the business is located over a City sidewalk or a sandwich board sign placed in front of the business on the City sidewalk, but not both.
- C. Flags should not exceed 12 square feet in area, and should maintain at least 7 feet of clearance above the sidewalk at all times.
- D. Sandwich board signs should not exceed 8 square feet in area on each side.
- E. Sandwich board signs (as well as other sidewalk obstructions) should only be allowed where a continuous path of travel at least four (4) feet wide can be maintained.

- F. The City Manager is requested to adopt procedures to streamline the approval process as much as possible consistent with prudent management in order to reduce waiting times for approvals of projecting signs, flags and sandwich board signs.
- G. Permanent signs projecting over City rights-of-way should be authorized only through a revocable license determined by the City Council with prior administrative review by City staff.
- H. Flags and sandwich board signs should be authorized through an annual permit process, including fees appropriate to represent the administrative cost of reviewing applications and issuing permits.
- I. The City Council hereby delegates the authority to issue an initial license for a flag or sandwich board sign to the City Manager or his designee. Under the delegated authority, City officials should apply the above standards approved by the City Council to the initial license application for a flag or sandwich board sign and send copies of applications and licenses to the City Council. Thereafter, licenses should be presented to the City Council in an omnibus package for annual renewal.
- J. No flag, sandwich board sign or projecting sign should be allowed by the City except in conformance with the foregoing.

---

<sup>1</sup> The Legislative intent was to exempt “Branded Areas” i.e., Deer Street and State Street

This policy shall take effect upon the passage by the City Council.

Adopted by the Portsmouth City Council on **February 1, 2010**.

Ratified by the Portsmouth City Council on January 17, 2012.

Ratified by the Portsmouth City Council on January 13, 2014.

Ratified by the Portsmouth City Council on January 11, 2016.

Ratified by the Portsmouth City Council on January 16, 2018.

Ratified by the Portsmouth City Council on January 8, 2020.

Ratified by the Portsmouth City Council on January 24, 2022.

Ratified by the Portsmouth City Council on January 16, 2024.

---

Kelli L. Barnaby, MMC, CMC, CNHMC  
City Clerk

**CITY COUNCIL POLICY No. 2018-02**

**LICENSE FEE FOR ENCUMBRANCE OF CITY PROPERTY**

Any party temporarily encumbering city property for purposes of construction beyond thirty working days shall apply to the City Council for a license and pay the following fees:

- A. Metered parking spaces consistent with the daily fees determined by the fee schedule.
- B. Any City land that includes unmetered parking spaces, travel ways, loading zones and sidewalks – \$0.05 per square foot per day
- C. Any other City land / right-of-way not included in the above categories shall be charged a flat fee of \$400 per each 400 square feet for the first 30 days. Each additional 30 day period the fee shall be \$200 per each 400 square feet. The aforementioned fee shall be in place until July 1, 2019 when the fee shall be listed on the City of Portsmouth’s annual fee schedule.

The license fees set forth above will be doubled if the encumbrance period extends beyond its terms.

Any encumbrance that extends beyond thirty working days without an approved City Council license shall also be subject to the above fees.

The City Manager may waive the license fees for parking in unmetered spaces if the applicant can provide equivalent public parking in the immediate vicinity of the licensed area.

The Public Works Director shall administer the application of the License fees under this policy.

All applicable license fees shall be paid prior to the start of the term of the license. If the licensee ceases to encumber the property prior to the end of the term, the licensee may request a refund of any license fees for any unused days.

Any party that disputes the application of this policy to its request for a license may appeal to the City Manager.

**Adopted by the Portsmouth City Council on: April 16, 2018**

Amended by the Portsmouth City Council on: November 19, 2019

Ratified by the Portsmouth City Council on: January 8, 2020

Ratified by the Portsmouth City Council on: January 24, 2022.

Ratified by the Portsmouth City Council on: January 16, 2024.



# **CITY ORDINANCES**

## CHAPTER 6

## LICENSES

Article I	General Provisions	6.101 - 6.111
Article II	Billiards and Bowling	6.201 - 6.203
Article III	Model Car Slot Racing	6.301 - 6.305
Article IV	Coin Operated Amusement Devices (adopted 1/17/83)	6.401 - 6.405
Article V	Boxing and Wrestling	6.501 - 6.503
Article VI	<i>Reserved</i>	
Article VII	Dogs and Other Pets	6.701 - 6.715
Article VIII	<i>Reserved</i>	
Article IX	Circus	6.901 - 6.903
Article X	Theatricals/Parades/Open Air Meetings	6.1001- 6.1004
Article XI	<i>Reserved</i>	
Article XII	Hotels, Etc.	6.1201- 6.1202
Article XIII	Hawkers and Peddlers	6.1301- 6.1318
Article XIV	Pawn Brokers	6.1401- 6.1404
Article XV	Rolling Skating Rinks	6.1501- 6.1505
Article XVI	Solicitors/Magazine Subscriptions	6.1601- 6.1608
Article XVII	Outdoor Dining Encumbrance Permit	6.1701-6.1707

**ARTICLE I: GENERAL PROVISIONS****Section 6.101: SHORT TITLE**

This Ordinance shall be known and may be cited as the "General Licensing Ordinance of the City of Portsmouth".

**Section 6.102: SCOPE**

It is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, where this ordinance imposes a greater restriction upon persons, premises, or personal property than is imposed or required by such existing provisions of law, ordinances, contract or deed, the provisions of this Ordinance shall control.

**Section 6.103: DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations all have the meaning given herein. When not inconsistent with the context, words used in the plural number include the singular number, and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.

A. "City" is the City of Portsmouth.

B. "City Council" is the City Council of the City of Portsmouth.

- C. "City License Officer" or "License Officer" is the License Officer of the City of Portsmouth.
- D. "License" or "Licensee" as used generally herein shall include respectfully the words "Permit" or "Permittee" or the holder for any use or period of time of any similar privilege, wherever relevant to any provision of this Ordinance or other law or ordinance.
- E. "Person" is meant to include individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trust or corporations, or any officers, agents, employees, factors, or any kind of person representatives of any thereof, in any capacity acting either for himself or any other person, under personal appointment or pursuant to law.

**Section 6.104: APPLICATION OF REQUIREMENTS**

It shall be unlawful for any person, either directly or indirectly, to conduct any business or non-profit enterprise, or to use in connection therewith any machine or device, in whole or in part, for which a license or permit is required by law or ordinance of this City, without a license or permit therefore being first procured and kept in effect at all times as required by this Ordinance or other law or ordinances of this City.

**Section 6.105: CITY LICENSE OFFICER**

The City License Officer shall be the City Clerk. The City License Officer shall collect all license fees and shall issue licenses in the name of the City to all persons qualified under the provisions of this Ordinances and shall:

- A. Make rules, promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this Ordinance.
- B. Adopt Forms: Adopt all forms and prescribe the information to be given therein as to character and other relevant matters for all necessary papers.
- C. Require Affidavits: Require applicants to submit all oaths and affidavits necessary to the administration of this Ordinance.
- D. Obtain Endorsement: Submit all applications, in a proper case, to interested City Officials for their endorsements thereon as to compliance by the applicant with all City regulations and ordinances which they have a duty of enforcing.
- E. Investigate: Investigate and determine the eligibility of any applicant for a license as prescribed herein.
- F. Examine Records: Examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of this Ordinance.

- G. Give Notice: Notify any applicant of the acceptance or rejection of his applicant and shall upon his refusal of any license or permit, at the applicant's request, state in writing the reasons therefor and deliver them to the applicant.

#### **Section 6.106: QUALIFICATIONS OF APPLICANTS**

The general standards herein set out relative to the qualifications of every applicant for a City license shall be applied by the City License Officer. The applicant shall:

- A. Citizenship: Be a citizen of the United States or a declarant.
- B. Loyalty: Not, either individually, or as a member of any party, group or organization, at the time of such application for a license of permit, advocate or resort to any practices subversive of or designed for the overthrow, destruction, or sabotage of the government of the United States.
- C. Good Moral Character: Be of good moral character. In making such determination, the City License Officer shall consider:
1. Penal History: All convictions, the reasons therefor, and the demeanor of the applicant subsequent thereto.
  2. License History: The license history of the applicant; whether such person, in previously operating under a license has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.
  3. General Personal History: Such other facts relevant to the personal history of the applicant as he shall find necessary to the fair determination of the eligibility of the applicant.
- D. No Obligations to the City: Not to be in default under the provisions of this Ordinances or indebted or obligated in any manner to the City except for current taxes.

#### **Section 6.107: PROCEDURE FOR ISSUANCE OF LICENSE**

- A. Formal Application Required: Every person required to procure a license under the provisions of any Ordinance or law of the City shall submit an application for such license to the City License Officer. The application shall:
1. Form of Application: Be a written statement of forms provided by the licensing authority; such form shall include an affidavit, to be sworn to by the applicant before a Notary Public of this State.
  2. Contents of Application: Require the disclosure of all information required under regulations promulgated by the Licensing Officer pertaining to citizenship, loyalty, good moral character as the Licensing Officer shall find to be reasonably necessary to the fair administration of this Ordinance.

3. **Payment of Fees:** Be accompanied by the full amount of the fee as chargeable for such license.
- B. **Renewal License Procedure:** The applicant for the renewal of a license shall submit an application for such license to the License Officer. The application shall:
1. **Form of Application:** Be a written statement upon forms provided by the License Officer; such form shall include an affidavit, to be sworn to by the applicant before a Notary Public of this State.
  2. **Contents:** Require the disclosure of such information concerning the applicant's demeanor and the conduct affecting the purpose for which the license was originally issued and such other information relating to the preceding licensing period as is reasonably necessary to the determination by the Licensing Officer of the applicant's eligibility for a renewal license.
- C. **Non-Approval of License:** The License Officer shall, upon disapproving any application submitted under the provisions of this Ordinance, refund all fees paid in advance to the applicant, provided the applicant is not otherwise indebted to the City.

**Section 6.108: CONTENTS OF LICENSE**

- A. **Information Required:** Each license issued hereunder shall state upon its face the following:
1. The name of the Licensee and any other name under which such business is to be conducted.
  2. The kind and address of each business so licensed.
  3. The amount of license fee therefor.
  4. The dates of issuance and expiration thereof.
  5. Such other information as the License Officer shall determine.

**Section 6.109: DUTIES OF LICENSEE**

- A. **General Standards of Conduct:** Every licensee under this Ordinance shall:
1. **Permit Inspection:** Permit all reasonable inspections of his business and examinations of his books by public authorities as authorized by law.
  2. **Comply with governing law:** Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
  3. **Operate Properly:** Avoid all forbidden, improper, or unnecessary practices or conditions which do or may affect the public health, morals or welfare.

4. Cease Business: Refrain from operating the licensed business on premises after expiration of his license and during the period his license is revoked or suspended.
- B. Display of License: Every license under this Ordinance shall:
1. Post and maintain such license upon the licensed premises in a place where it may be seen at all times.
- C. New Location Desired: A licensee shall have the right to change the location of the licensed business provided he shall:
1. Approval of License Officer: Obtain written permission from the License Officer for such change of location.
  2. Fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).
- D. Keep Records: Keep all records and books necessary to the computation of his license fee and to the enforcement of this Ordinance.
1. Where Applicant Fails to Record: The License Officer shall make his own determination as to the financial statement for any business where the licensee has failed to keep books and records as required herein.

**Section 6.110: TRANSFER OF LICENSE**

- A. When Authorized: A license hereunder shall have the right to transfer his license to another person provided he shall:
1. Approval of the License Officer: Obtain written permission from the License Officer for such transfer.
  2. Method of Transfer: Execute the transfer in the form and under the conditions required by law and as prescribed by the License Officer.
  3. Notification: Promptly report the completed act of transfer to the License Officer.
  4. Surrender of License: Promptly surrender any license certificate.
- B. New License Issued: Upon the completion of a transfer of license in compliance with Subsection A. above, the License Officer shall issue a new license to the transferee for the unexpired term of the old license.
1. Effect of New License: The new license issued hereunder shall authorize the transferee to engage in the same business at the same location or at such other place as shall be approved by the License Officer and named in the new license.
  2. Transfer Fee: The License Officer shall collect a transfer fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).

## Section 6.111: ENFORCEMENT

### A. Inspections

1. **Persons Authorized:** The following persons are authorized to conduct inspections in the manner prescribed herein:
  - a. **License Officer:** The License Officer shall make all investigations reasonably necessary to the enforcement of this Ordinance.
  - b. **Officials Having Duties:** The License Officer shall have the authority to order the inspection of licensees, their businesses and premises by all City Officials having duties to perform with reference to such licensees or businesses.
  - c. **Police Officers:** All police officers shall inspect and examine businesses located within their respective jurisdictions or beats to enforce compliance with this Ordinance.
2. **Authority of Inspectors:** All persons authorized herein to inspect licenses and businesses shall have the authority to enter, with or without a search warrant, at all reasonable times, the following premises:
  - a. Those for which a license is required;
  - b. Those for which a license is issued and which, at the time of inspection, are operating under such a license;
  - c. Those for which the license has been revoked or suspended.
3. **Reports by Inspectors:** Persons inspecting licensees, their businesses, or premises as herein authorized shall report all violations of this Ordinance or of either laws or ordinances to the License Officer and shall submit such other reports as the License Officer shall order.

**ARTICLE X.: THEATRICALS, PARADES, OPEN AIR MEETINGS****Section 6.1001: LICENSE REQUIRED**

No theatrical or dramatic presentation shall be performed or exhibited and no parade or procession upon any public street or way and no open air public meeting upon any ground abutting thereon shall be permitted unless a license therefor shall first be obtained from the City License Officer and endorsed by the Chief of Police.

**Section 6.1002: LICENSE FORM**

Every such license shall be in writing and shall specify the day and hour of the permit to perform or exhibit such parade, procession or open air public meeting.

**Section 6.1003: FEE**

Fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).

**Section 6.1004: PENALTY FOR FAILURE TO LICENSE**

Any person who violates Section 6.1001 of this Ordinance shall be fined not exceeding \$100.00.



**ARTICLE XIII: HAWKERS AND PEDDLERS****Section 6.1301: LICENSE REQUIRED**

A person shall not engage in the business of peddler, as defined in RSA 320:1, within the corporate limits of the City of Portsmouth without first obtaining a license therefore as provided herein.

**Section 6.1302: DEFINITIONS**

For purposes of this Ordinance, the following definitions shall apply:

**Motor Vehicle:** Any vehicle used for the displaying, storing, or transporting of articles offered for sale by a vendor which is required to be licensed and registered by the Department of Motor Vehicles.

**Peddler:** As used herein shall be as defined in RSA 320:1 and shall include any person, whether a resident of the City of Portsmouth or not, traveling by foot, wagon, automotive vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, stand, automotive vehicle, railroad car, or other vehicle or conveyance and includes one who solicits orders and as a separate transaction makes deliveries to purchasers. The word "peddler" shall include "hawker", "vendor" and "huckster". The definition of the term, "peddler" shall include each horse drawn carriage for hire which operates within the City limits. (Amended 9/18/95)

**Public Assembly Buildings:** As used herein shall be as defined in the BOCA Basic/National Building Code/1984, Article III, Sections 302.1 - 302.6.

**Public Property:** Any city owned or controlled property including but not limited to streets and sidewalks.

**Sell:** Shall include any offer to sell or attempt to sell.

**Stand:** Any push-cart, wagon, or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered by the Department of Motor Vehicles, used for the displaying, storing or transporting of articles offered for sale by a vendor. (Amended 6/21/99).

**Vendor:** A peddler who on public property sells food, beverages or merchandise from a stand, motor vehicle or his person.

### **Section 6.1303: APPLICATION**

The license required by this Article shall be issued in accordance with the General Licensing Ordinance, Article 6.107.

The application for a peddler's license shall include, in addition to the information required by the General Licensing Ordinance:

- A. The name, home and business address of the applicant, and the name and address of the owner, if other than the applicant, of the business and of any stand or motor vehicle to be used in the operation of the business.
- B. A description of the type of food, beverage or merchandise to be sold, and in the case of products of farm or orchard, whether produced or grown by the applicant.
- C. A description and photograph of any stand or motor vehicle to be used in the operation of the business, including the license and registration number of any motor vehicle used in the operation of the business.
- D. A certificate of insurance or other proof acceptable to the Licensing Officer that the applicant has been issued an insurance policy by an insurance company licensed to do business in the State of New Hampshire, protecting the licensee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. The insurance policy shall provide that the policy shall not be terminated or cancelled prior to the expiration date except with thirty (30) days advance written notice to the City. The policy shall provide combined single limit coverage in the amount of \$1,000,000 for personal injury and property damage. The City of Portsmouth shall be named as additional insured thereunder. (Amended 6/21/99)

### **Section 6.1304: ISSUANCE**

Not later than thirty (30) days after the filing of a completed application for a vendor's license, the applicant shall be notified by the Licensing Officer of the decision on the issuance or denial of the license. The Licensing Officer shall consider the standards set forth in this Article and the Ordinances of the City of Portsmouth in determining whether to grant a license.

If the issuance of the license is approved, the Licensing Officer shall issue the license. If the license is denied, the applicant shall be provided with a statement of the reasons for the denial. The reasons shall be entered in writing on the application. The applicant shall be entitled to a hearing pursuant to Section 6.1316. All licenses issued under the provisions of this chapter shall expire on June 30 annually.

All licenses issued hereunder shall be displayed by the vendor on the vending cart in a place visible to the public.

## Section 6.1305: PROHIBITED CONDUCT - VENDOR

A vendor shall not:

- A. Vend within one thousand (1,000) feet of the grounds of any elementary or secondary school between one hour prior to the start of the school day and one hour after dismissal at the end of the school day;
- B. Vend within one thousand (1,000) feet of any hospital;
- C. Vend within fifty (50) feet on the same street of any public assembly building while such building is in use;
- D. Vend on any street or sidewalk where vending is otherwise prohibited;
- E. Leave any stand or motor vehicle unattended;
- F. Store, park, or leave any stand overnight on any street or sidewalk, park any motor vehicle other than in a lawful parking place, in conformance with City and state parking regulations;
- G. Sell food or beverages for immediate consumption unless he has available for public use his own litter receptacle which is available for his patrons' use;
- H. Leave any location without first picking up, removing and disposing all trash or refuse remaining from sales made by him;
- I. Allow any items relating to the operation of the vending business to be placed anywhere other than in, on or under the stand or motor vehicle, except as expressly indicated in the application for a license;
- J. Set up, maintain or permit the use of any table, crate, carton, rack, sign, or any other device to increase the selling or display capacity of his stand or motor vehicle, where such items have not been described in his application;
- K. Solicit or conduct business with persons in motor vehicles;
- L. Sell anything other than that which he is licensed to vend;
- M. Sound or permit the sounding of any device which produces a loud and raucous noise, or use or operate any loud speaker, public address system, radio sound amplifier or similar device to attract the attention of the public;
- N. Vend without the insurance coverage specified in Section 6.1303(d);
- O. Vend without a fire extinguisher of a type approved by the Fire Chief or his designee if the vendor utilizes heat generation equipment.

### **Section 6.1306: PROHIBITED CONDUCT - SIDEWALK VENDORS**

In addition to the conduct prohibited by Section 6.1305, a vendor selling from a stand on the sidewalk shall not:

- A. Vend at any location where the unobstructed sidewalk area after deducting the area occupied by the stand is less than three (3) feet in width;
- B. Vend within thirty (30) feet of any driveway entrance to a police or fire station, or within ten (10) feet of any other driveway;
- C. Allow the stand or any other item relating to the operation of the vending business to lean against or hang from any building or other structure lawfully placed on public property, without the owner's written permission.

### **Section 6.1307: PROHIBITED CONDUCT - VENDOR FROM MOTOR VEHICLE**

In addition to the conduct prohibited by Section 6.1305 a vendor selling from a motor vehicle shall not:

- A. Conduct his motorized business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant, or create or become a public nuisance, increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles;
- B. Stop, stand, or park his vehicle upon any street, or permit it to remain there except on the roadway at the curb for the purpose of vending therefrom;
- C. Stop, stand, or park his vehicle upon any street for the purpose of selling or sell on any street under any circumstances during the hours when parking, or stopping or standing has been prohibited or is prohibited by statute by signs or curb markings or Ordinance;
- D. Vend from a municipal parking space except from those locations, not to exceed more than three (3) locations, identified for vending by the Parking Committee and ratified by the City Council through the acceptance of the Parking Committee's minutes and subject to the following limitations: (Amended 02/16/2010)

The vending spaces shall be available from April 15 – November 15 of each year.

In order to utilize such spaces, vendor must be the highest qualified bidder for use of such vending space, agreeing to all terms and conditions of the bid.

The Parking Committee shall be responsible for preparing annually a bid document in coordination with other municipal departments, including the purchasing and legal departments.

There shall be a minimum bid price of \$5,000.00 or such minimum bid price as may be established in accord with Chapter 1, Article XVI relative to the adoption of fees by City Council budget resolution.

**Section 6.1308: PROHIBITED LOCATIONS**

Vending or Peddling is specifically prohibited at the following locations:

- A. On the sidewalk area in front of the North Church bounded by Pleasant Street, Church Street, Congress Street and the front façade of the Church. (Adopted 12/02/02)

**Section 6.1309: HEALTH AND SANITATION REQUIREMENTS FOR FOOD AND BEVERAGE VENDING**

A vendor of food and beverages shall comply with the inspection provisions and standards for restaurants contained in the Ordinances of the City of Portsmouth.

- A. The equipment used in vending food and beverages shall not be used until the vendor receives a certificate of inspection indicating compliance with this section.
- B. Each food and beverage vending business shall be inspected at least quarterly by the Health Officer.

**Section 6.1310: ADVERTISING**

A peddler shall not permit advertising on any stand or motor vehicle, except to identify the name of the product or the name of the vendor and the posting of prices.

**Section 6.1311: MOTORIZED FOOD VENDORS IDENTIFICATION**

All motorized food vendors operating in the City of Portsmouth are required to have lettering on both sides and rear of their vehicle(s), identifying the name of the business. The letters shall be at least four inches (4") in height and of such color and design as to be clearly visible at a distance of at least fifty (50) feet. The letters shall be of a material and affixed in a manner approved by the Licensing Officer.

**Section 6.1312: RENEWAL**

An application to renew a license shall be made not later than thirty (30) days before the expiration of the current license in accordance with Section 6.1304.

**Section 6.1313: TEMPORARY SUSPENSION FOR STREET CLOSINGS**

An official temporary encumbrance or closure of a street or sidewalk by the City for purposes of maintenance or reconstruction shall cause the suspension of all licenses to operate thereon.

**Section 6.1314: STREET FAIRS**

Any person or persons wishing to use or occupy a portion of any street or sidewalk for the purposes of conducting thereon street fairs or other community events, including but not limited to the sale of merchandise by commercial retailers, or by community associations conducting street fairs or other promotions must, pursuant to the provisions of RSA 31:100, obtain a license from City Council.

**Section 6.1315: PUBLIC CELEBRATIONS**

The Licensing Officer may, under conditions deemed appropriate by him, grant a temporary vendor's license to operate during public celebrations.

**Section 6:1316: LICENSE FEES**

The license required by this Article shall be issued upon approval by the Licensing Officer. Fee to be determined in accordance Chapter 1, Article XVI or similar wording. The fee is for one (1) year or any part thereof. (Amended 6/21/99) (Amended 3/18/2002).

**Section 6:1317: LICENSE SUSPENSION OR REVOCATION AND HEARING**

Upon written notice to the licensee, the license issued hereunder may be suspended for the remainder of its term, or any portion thereof, by the City Manager upon a finding that any of the terms and conditions of this Article have been knowingly violated by the licensee. At the request of any licensee receiving notice of suspension or revocation pursuant to this section, the Chairperson of the Vendor's Committee shall arrange a hearing of the Vendor's Committee. Such hearing shall be scheduled during normal business hours of City Hall within seven (7) calendar days of the receipt by the Chairperson of the request for such hearing, Saturdays, Sundays and holidays excluded. The Chairperson of the Vendor's Committee shall conduct and preside over all hearings scheduled under this section. The hearings shall be informal and the rules of evidence shall not apply. At such hearings the licensee may present any defense of law or fact which is relevant to the issue of whether or not the license should be suspended or revoked. The decision of the Vendor's Committee shall be final, subject only to judicial review. No licensee whose license has been suspended or revoked shall be granted another license during the period of suspension or revocation. (Amended 12/02/02)

**Section 6.1318: PENALTIES**

Any person, firm, or corporation who violates any provision of this Article shall be subject upon conviction of a fine of up to Five Hundred (\$500.00) Dollars per violation.

**ARTICLE XVII- OUTDOOR DINING ENCUMBRANCE PERMIT****Section 6.1701: STATEMENT OF PURPOSE**

The City Council determines that it is a lawful purpose to temporarily encumber sidewalks, loading zones and parking spaces for outdoor dining through the City's issuance of an Outdoor Dining Encumbrance Permit, which will balance the shared use of the public realm by city residents, visitors, restaurant owners and other downtown businesses. The Council encourages outdoor dining under the conditions set forth in this ordinance because it enhances the economic vitality of the City, will ensure Americans with Disabilities Act ("ADA") accessibility and preserve access to downtown businesses while maintaining the safe flow of vehicular and pedestrian traffic. This permit does not limit or impact the availability of other permits and licenses.

**Section 6.1702: TERM**

Outdoor Dining Encumbrance Permits will be issued annually for a term beginning May 1<sup>st</sup> through the day after Indigenous Peoples' Day.

**Section 6.1703: FEE**

The Fee Schedule Study Committee shall establish the annual fee for Outdoor Dining Encumbrance Permits based on the Economic Development Commission's fee considerations for the first year of the effective date of the ordinance. For each successive year, the Outdoor Dining Encumbrance Permit fee shall be established in accordance with Chapter 1, Article XVI, relative to the adoption of fees by City Council budget resolution.

**Section 6.1704: AUTHORIZED LOCATIONS FOR OUTDOOR DINING**

Outdoor dining is permitted on city sidewalk(s), parking spaces and loading zones. Outdoor Dining is prohibited on all city streets, except on streets if traffic is less than 1,000 vehicles a day, and the design and location is approved by City Staff, including the Fire Department, for public safety.

**Section 6.1705: PERMIT APPLICATION PROCESS**

The City Manager or their designee will create online forms for the Outdoor Dining Encumbrance Permit. The Content of the Application shall include, but not be limited to, the following:

**A. Applicant, Owner and Abutter Information, which shall include:**

1. The name and contact information for the representative of the Applicant (food establishment entity ("Entity"));
2. City Tax Map and Lot and name of Owner of building where Entity is located; and
3. If any portion of the outdoor dining area is in front of an abutter's property, the City Tax Map and Lot of the abutting building(s), name of Owner and a statement of permission from first floor occupants of abutting building(s).

B. Plan: Every Application will include a Plan, created by Applicant with assistance from City Staff, with sufficient detail that shall include the following:

1. Location:

The Plan will show that the outdoor dining area is in a permitted location.

2. Existing Conditions:

The Plan shall include the existing conditions of the public infrastructure in the encumbered area, which includes but is not limited to, curb lines, light poles, signpost, bike racks, street trees, tree grates, manhole covers, meters, sidewalk curb cuts, fire hydrants, Fire Department connections and proximity in feet to crosswalks and intersections, if applicable. City Staff will work with Applicant to identify existing conditions on the Plan.

3. Layout and Compliance with Design Standards:

The Plan shall also show ingress and egress to the encumbered area and the layout of all objects in the encumbered area, including the dimensions and materials of tables and chairs, lighting and power sources, heaters, stands, A-frame signs, parklets, barriers and planters. The layout will comply with Design Standards recommended by the Economic Development Commission, which will be reviewed and approved along with this ordinance, and as further amended by the City Council.

C. Compliance:

Prior to issuance of permit, Applicant will acknowledge receipt of and compliance with the Design Standards. Applicant shall also provide confirmation that it has the permission from the New Hampshire State Liquor Commission to serve alcohol in the outdoor dining encumbrance area, if applicable, and will comply with all state statutes, rules and regulations of the New Hampshire State Liquor Commission and all other City ordinances, rules and regulations.

Section 6.1706 DUTIES OF APPLICANT UPON ISSUANCE OF PERMIT

Every Applicant that is issued an Outdoor Dining Encumbrance Permit shall:

- A. Agree to permit the City to conduct all reasonable inspections of the outdoor dining encumbrance area;
- B. Comply with all applicable governing laws, Codes, City ordinances, state statutes, Design Standards and City rules, regulations and policies;
- C. Maintain and install all infrastructure in the encumbered area in a safe, clean and appropriate manner and take all action necessary to protect the public safety;



- D. Refrain from damaging the encumbered area and to restore it to its original condition upon termination of the permit;
- E. Refrain from operating outdoor dining after expiration of the permit or at any time during periods of revocation or suspension;
- F. Remove all Applicant's property from the encumbered area by the day after Indigenous Peoples' Day or within 24 hours after the encumbered area is no longer used for outdoor dining. If Applicant fails to remove its property from the encumbered area, the City will remove and store the property for 48 hours. The Applicant will be assessed a \$250 removal and storage fee. If the removal and storage fee is not paid or the property is not retrieved by the Applicant before the expiration of the 48-hour storage period, the Applicant will forfeit ownership of the property to the City; and
- G. Comply with all terms, conditions and other additional requirements set forth in the permit, including but not limited to an agreement to indemnify the City and to name the City as an additional insured in an amount prescribed in the permit and payment of permit fee.

**Section 6.1707 DENIAL, SUSPENSION, REVOCATION AND PENALTIES**

**A. Denial and Temporary Suspension:**

The City may deny or temporarily suspend the Outdoor Dining Encumbrance Permit if it would interfere with special events or for any maintenance or construction which requires closure of streets, sidewalks, loading zones or parking spaces.

**B. Suspension and Revocation:**

The Outdoor Dining Encumbrance Permit will be suspended or revoked for breach of the terms and conditions of the permit and for failure to comply with this ordinance. The permit will be suspended 48 hours after receipt of written notice from the City. No 48 hours is required if it is an emergency.

**C. Penalties:**

If the Applicant violates the provisions of this ordinance, it shall be subject to all penalties set forth in City Ordinance, Chapter 1, Article XIII and all other additional remedies permitted by law.

**INCUMBRANCES AND INJURIOUS PRACTICES IN STREETS**

Article I	Incumbrances	8.101 - 8.130
Article II	Parks	8.201 - 8.210
Article III	Portsmouth Urban Forestry Ordinance	8.301 - 8.310
Article IV	Harbor Ordinance	8.401 - 8.422
Article V	Conservation Ordinance	8.501 - 8.505
Article VI	Construction Work Requiring Certified Flag Personnel	8.601 - 8.605

**Article I: INCUMBRANCES**

**Section 8.101: INCUMBRANCES, GENERAL**

No person shall, without necessity, or license from the City Council, place or leave or cause to be placed or left, any team, carriage, cart, dray, automobile, truck or other like vehicle or thing in any street, lane, alley or public place that shall in any way encumber or impede the free passage thereon or therein.

**Section 8.102: PEDDLING PILLS, ETC.**

No person shall distribute any headache powders, pills or any drug or substance of a poisonous nature, from house to house, or from store to store, or in any public street, playground or park.

**Section 8.103: DEPOSITING SNOW**

No person shall deposit, or cause to be deposited, any ice or snow, which has been removed from private property, in or upon any street, sidewalk or public place in the City.

**Section 8.104: HAULING PAPERS, ETC.**

No person shall carry, haul or in any other way take old papers, rags, or other similar material through any street in said City without having such materials so secured and covered as to prevent their being scattered about or in any way deposited in any street or other public place in the City.

**Section 8.105: DIGGING UP A STREET**

No person shall break or dig up the ground or stones in any street, lane or alley or any sidewalk or common in the City, or erect any staging for building, or place or deposit any stone, bricks, timber, or other materials thereon, or remove any building through any street or other public place without first having obtained a written license from the City Council, and complying in all respects with the conditions of said license.

**Section 8.106: LICENSE TO OBSTRUCT STREET**

The City Council may grant a license in writing to any person for the purpose of building or removing any building or for any other lawful purpose, to dig up, obstruct, or encumber so much and such parts of any street, lane, alley, sidewalk, or other public place in the City, as may be necessary for such purpose, and on such terms and conditions as they shall deem safe and proper.

- A. Fee to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).

**Section 8.107: RAILINGS, LIGHTS, ETC.**

Whenever any street, lane, alley, sidewalk or other public place in the City shall under license granted as provided in the preceding section, be dug up, obstructed, encumbered, or otherwise rendered thereby unsafe or inconvenient for travelers, the person so licensed shall put, and at all times keep up, a suitable railing or fence around the sections or parts of any street, lane, alley, or other public place so dug up, and shall also keep two or more lighted lanterns fixed to such fence, or in some proper manner, every night from twilight in the evening to daylight in the morning, and within such reasonable time as the City Manager or the Superintendent of Public Works shall direct, he shall amend and repair such street, lane, alley, sidewalk or other public place, to the acceptance of said City Manager or Superintendent.

**Section 8.108: PROJECTIONS FORBIDDEN**

No person shall make, erect, maintain or continue any doorstep, portico, entrance or passageway to any cellar or basement, or any fence or other structure, in or upon any street, lane, alley or sidewalk within the City.

**Section 8.109: GRATINGS**

No person shall suffer the platform, or grate of the entrance or passageway to his cellar or basement, heretofore constructed in any street, lane, alley, or sidewalk, to rise above the even surface of such street, lane, alley or sidewalk; and every such entrance or passageway shall at all times be kept covered, when not in immediate use, by a suitable platform or grate; or in case it shall be kept open, it shall be guarded and protected by a sufficient railing on both sides thereof, at least two and a half feet high, and well lighted at night.

**Section 8.110: DITCHES, ETC. MUST BE RAILED**

If any person shall dig or sink, or cause to be dug or sunk, any well, cistern, cellar, drain, or other cavity in the ground, near to or adjoining any street, lane or alley in the City, or shall suffer any such cavity or well to remain open on his premises, he shall put up, so long as it shall be necessary for the purpose, a railing or fence, on or near the line of such street, lane or alley or otherwise secure said opening or cavity in such manner as sufficiently to guard and protect travelers and passengers from falling into or being injured thereby.

### **Section 8.111: DISTURBANCES FORBIDDEN**

No person shall remain upon any sidewalk, or upon any doorstep, portico, or other projection, from any house or other building to the annoyance or disturbance of any person, nor shall any person, by any noise, gesture or other means, wantonly and designedly frighten any horse in any street or public place in the City.

### **Section 8.112: GROUPS IN STREET FORBIDDEN**

Three or more persons shall not stand or remain in a group, or near each other, on any sidewalk or crosswalk, or in any street or public way, in such a manner as to obstruct a free passage thereon or therein, for a longer time than five minutes after a request made by any person to move on, and three or more persons standing or remaining in a group, or near each other, on any sidewalk or crosswalk, or in any public street or public way, in such a manner as to obstruct a free passage thereon or therein, shall move on immediately after requested to do so by the City Manager, Chief of Police, or any constable or police officer.

### **Section 8.113: LOITERING**

#### **A. Definitions used in this Ordinance:**

1. "Loitering" shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing or walking about aimlessly, and shall also include the colloquial expression "hanging around".
2. "Public Place" shall mean any place to which the public has access and shall include any street, highway, road, alley or sidewalk. It shall also include the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, and public grounds, areas, parks, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this Ordinance or in the case of a minor, not owned or under the control of his parent or guardian.
3. "Parent or Guardian" shall mean and include any adult person having care or custody of a minor whether by reason of blood relationship, the order or any court or otherwise.

#### **B. Certain types of loitering prohibited:**

No person shall loiter in a public place in such a manner as to:

1. Create or cause to be created a danger of a breach of peace;
2. Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
3. Obstruct the free passage of pedestrians or vehicles;

4. Obstruct, molest, or interfere with any person lawfully in any public place as defined in Section A.2. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to, or in whose hearing, they are made.

C. Discretion of the Police Officer:

Whenever any police officer shall, in exercise of reasonable judgment, decide that the presence of any person in any public place is causing any of the conditions enumerated in Section B., he may, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this Ordinance.

D. Loitering by Minors:

No parent or guardian of a minor under the age of 18 years shall knowingly permit that minor to loiter in violation of this Ordinance.

E. Notice of Violation:

Whenever any minor under the age of 18 years is charged with a violation of this Ordinance, his parent or guardian shall be notified of this fact by the Chief of Police or any other person designated by him to give such notice.

**Section 8.114: AWNING AND SIGNS**

No person shall place or establish any sign, awning or shade before his usual place of business or dwelling house, over any part of any street or sidewalk, unless the same be safety fixed and supported so as in no way in inconvenience pedestrians, and so that the lowest part of such sign, awning or shade shall be at least 7 feet in height above the sidewalk.

**Section 8.115: ANIMALS IN STREETS**

No person shall suffer or allow any horses, mules, asses, meat cattle, sheep or swine, owned by him or being in his care, to go at large without a keeper, in any street, highway, common or public place, or being in charge of such keeper to pass along and travel over any sidewalk in any compact part of the City.

**Section 8.116: SALE OF ANIMALS**

No person shall expose for sale or suffer to remain, any herds of horses, mules, asses, meat cattle, swine or sheep, within the compact part of the City, in any street, highway, common or public place, except in such places as shall be approved by the City Manager.

**Section 8.117: POSTING FORBIDDEN**

**ARTICLE V: PUBLIC WAY OBSTRUCTIONS, PLACEMENT & REGISTRATION****Section 9.501: DEFINITIONS**

As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- A. "City": The City of Portsmouth.
- B. "Newspaper or new periodical": a daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.
- C. "Newsrack": Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.
- D. "Public Way Obstruction": Any object which in any way obstructs the free passage of pedestrians, wheelchairs or vehicles on the streets, sidewalks or roadways.

**Section 9.502: CERTAIN PUBLIC WAY OBSTRUCTIONS PROHIBITED**

- A. No person shall install, use, attach or maintain any public way obstruction which projects onto, into or over any part of the roadway of any public street.
- B. No person shall install, use attach or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, when such installation, use or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such public way obstruction unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.

**Section 9.503: LICENSING OF LOCATION – NEWSRACK LIMITED EXCEPTION**

- A. No person shall install or maintain any public way obstruction which in whole or in part rests upon, in or over any public sidewalk, except newsracks, without first applying for an being granted a license from the City Council. The license application shall include the following:
  - 1. The physical dimensions of the public way obstruction.
  - 2. The name, address and telephone number of the person or company responsible for the obstruction.
  - 3. A diagram showing the location of the obstruction and the dimensions of the sidewalk upon which it is to be located.

Newsracks shall require the submission of license application, but the license shall be granted by the City Clerk on a ministerial basis without the requirement of City Council approval. Newsracks must comply with the remaining provisions of this ordinance.

**Section 9.504: STANDARDS FOR INSTALLATION, MAINTENANCE & OPERATION**

Any public way obstruction which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

- A. Public way obstructions must be licensed individually by location.
- B. The City shall issue a proof of license in the form of a sticker or decal which must be attached to the obstruction at all times.
- C. Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002).
- D. All licenses must be renewed annually prior to March 1<sup>st</sup>.
- E. Unlicensed newsracks or public way obstructions will be considered abandoned and subject to removal without notice.
- F. All licenses are non-transferable.

**Section 9.506: HOLD HARMLESS AND INSURANCE**

Every person or other entity which places or maintains a public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the City Clerk satisfactory to the City Attorney, whereby he/she, or it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City. A Certificate of Insurance in a form approved by the City Attorney indicating no less than one million dollars (\$1,000,000) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the City Clerk by each such person or entity.

**Section 9.507: REMOVAL OF NEWSRACK OR PUBLIC WAY OBSTRUCTION**

The City Manager or his/her designee shall remove any public way obstruction placed on any street, sidewalk, parkway or roadway in violation of this ordinance.

**Section 9.508: SEVERABILITY**

The provisions of this ordinance are severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application.

**Section 9.509: INJUNCTION**

Any violation of this ordinance is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City Attorney may apply to a Court of competent jurisdiction of an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.

**Section 9.510: DAMAGE TO PUBLIC WAY OBSTRUCTIONS**

Any damage to public way obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, will be at the sole expense of the owner.

**Section 9.511: PENALTY**

Any person, firm or corporation violating any provision of this ordinance shall be fined \$100.00 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Adopted Ordinance by deleting in it's entirety and replaced with new text 12/4/2000)



**ARTICLE VI: REFERRALS TO PLANNING BOARD (Added 12/21/2009)****Section 11.601: INTENT**

The intent of this Article is to ensure that proposed municipal actions relating to land acquisition, disposition or use, and to the laying out, construction or discontinuance of public streets, are considered in the context of the City's comprehensive planning.

**Section 11.602: REFERRAL AND REPORT**

- A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:
- (1) Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;
  - (2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way.
- B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report.
- C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.

Not an official copy

# PERMITS

**CITY OF PORTSMOUTH – SIDEWALK OBSTRUCTION LICENSE APPLICATION**

**TO PLACE TABLES, CHAIRS, BENCHES AND/OR A-FRAME SIGNS  
ON A CITY-OWNED SIDEWALK IN PORTSMOUTH**

Please print clearly.

APPLICANT'S NAME \_\_\_\_\_

BUSINESS NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

TELEPHONE NUMBER \_\_\_\_\_

Insurance Form Expiration Date: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ cash/check

**The fee for the permit is \$75.00\* per restaurant table/bench/planter/A-frame sign;  
\$10.00\* per restaurant chair.**

**The fee will be collected upon approval of application.**

Diagram must include dimension of the obstruction and of the area from building to curbside and what portion of the area will be for placement of: *(Indicate number)*

\_\_\_\_\_ tables / \_\_\_\_\_ chairs / \_\_\_\_\_ benches / \_\_\_\_\_ A-frame sign

**NOTE: If additional space is needed for diagram please attach an 8 1/2 X 11 Sheet with drawing.**

**With the signing of this license, as Licensee, I understand and will adhere to all aspects of this license.**

Signature of Applicant \_\_\_\_\_ Date submitted: \_\_\_\_\_

(Do not write below this line)

-----  
\_\_\_\_\_ Recommended \_\_\_\_\_ Not Recommended Date: \_\_\_\_\_

**REASON:** \_\_\_\_\_

\_\_\_\_\_  
Signature of Zoning Officer

\_\_\_\_\_  
City Manager authorization

*\*New Fees effective 07/01/2017*

## **CITY OF PORTSMOUTH – SIDEWALK OBSTRUCTION LICENSE APPLICATION**

### **SIDEWALK OBSTRUCTION INSTRUCTIONS**

**STEP ONE:**      **READ THIS APPLICATION IN ITS ENTIRETY, COMPLETE AND SUBMIT TO THE CITY CLERK WITH ALL REQUIRED PAPERWORK AND INSURANCE. THE FEE WILL BE COLLECTED UPON APPROVAL.**

**STEP TWO:**      **APPLICANT SUBMITS INSURANCE TO THE CITY CLERK**

- 1) The Licensee agrees to keep on file at all times during the term of this license, a CURRENT CERTIFICATE OF INSURANCE in a form suitable to the City Attorney indicating **ONE MILLION (\$1,000,000) DOLLARS GENERAL LIABILITY COVERAGE** and **LISTING THE CITY AS ADDITIONAL INSURED UNDER THE POLICY.** Facsimile copies are not acceptable.
- 2) The licensee agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, or for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City.
- 3) All public way obstructions on the streets of the City shall have his/her, or its name, address and telephone number affixed thereto in a place where such information may be easily seen.

**STEP THREE:**      **APPLICANTS FOR TABLES, CHAIRS AND/OR BENCHES**

- 1) The Licensee agrees to place tables and chairs and/or a bench(s) in front of the licensee's place of business and not in front of any other properties.
- 2) The Licensee agrees to place trash and cigarette butt receptacles and daily maintain proper clean up of debris on the sidewalk in their immediate area.
- 3) The Licensee agrees to place signage in accordance with specifications obtained by the Office of the City Manager indicating to patrons the following: "Please Do Not Feed the Pigeons Per Order of the Health Department".

**STEP FOUR:**      **REVIEW AND RECOMMENDATION BY CITY ADMINISTRATION**

Once completed application is reviewed by City Administration, and a recommendation made for approval, a permit shall be issued by the City Clerk in the form of a sticker or decal which must be attached to the obstruction at all times.

In the event that the obstruction is not recommended for approval, the fee will be returned to the applicant.

**(Application Attached)**



CITY OF PORTSMOUTH, NEW HAMPSHIRE  
OFFICE OF THE CITY CLERK

**HAWKERS & PEDDLERS APPLICATION**

**INSTRUCTIONS:** Please print or type all information clearly and please note that all required documentation and payment must be submitted together or it will not be accepted.

**APPLICANT INFORMATION: (Primary Vendor)**

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name of Business: \_\_\_\_\_ Name of Owner \_\_\_\_\_  
(If different)

Type of Business: \_\_\_\_\_

Specify Food/Beverage/Merchandise Sold \_\_\_\_\_

Specify Farm/Orchard Products: \_\_\_\_\_ Grown by Applicant (circle): YES  NO

**STAND INFORMATION: (See Vendor Informational Pamphlet for cart dimensions)**

Stand/Motor Vehicle Name and Description: \_\_\_\_\_  
(attach a photograph for reference)

Vehicle Plate Number: \_\_\_\_\_ Registration Number: \_\_\_\_\_ State: \_\_\_\_\_

**LICENSING INFORMATION**

State License Number: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Food Permit Number\* \_\_\_\_\_ Expiration Date: \_\_\_\_\_

***\*PLEASE NOTE: Health Food Permits for sidewalk food carts are issued for the period of April 15<sup>th</sup> through October 15<sup>th</sup> only.***

**OTHER EMPLOYEES:**

List any other people who may be collecting money at your vending location (***Please note: each of these people must also have a State Hawker and Peddler license which must be provided with this application***)

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

# HAWKERS & PEDDLERS APPLICATION

Page 2 of 2

Documentation submitted:

- Certificate of Insurance – Issued by an insurance company with the policy length based on the length of the permit or if policy requires renewal prior to the expiration date of the permit, the applicant is required to provide an updated policy prior to expiration date. Coverage minimums are \$1,000,000 for Personal Injury and Property Damage and the City of Portsmouth must be listed as Certificate Holder and Additionally Insured with vending as the specified activity in the Description of Operations section. **(See attached example policy)**
- Photograph of Stand/Motor Vehicle (**prior year photographs will not be removed from the files**)
- State Hawkers and Peddlers License issued in the applicants name
- State Hawkers and Peddlers License issued in the names of any employees listed
- Health Permit (if applicable)
- Valid Picture Identification
- Permit Fee - \$250.00** Cash \_\_\_\_\_ Check# \_\_\_\_\_

**NOTE: Please see attached document for the seven (7) allowed locations which are available on a first-come first-served basis and cannot be reserved.**

I, the undersigned, agree to abide by all local ordinances including without limitation those ordinances relating to food safety as well as City Council Policy #2009-04 and applicable State laws. I further understand and acknowledge that there may be additional obligations under State law regarding the licensing of employees and agents. **Failure to comply is grounds for revocation of your license.**

I represent that my statements in this application and the documents submitted with this application are true to the best of my knowledge and belief. **Misrepresentation is grounds for revocation of your license.**

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_ I.D. Presented: \_\_\_\_\_

City Clerk Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Permit # \_\_\_\_\_

**City of Portsmouth Community Event Application**

Application Date:

Event Title:	Event Date:	Event Time:
Organization Hosting Event:	Event Organizer Contact Information:	Website:
Event Location (must include map):		
Anticipated Number of Participants:		
Describe your event in detail (road race, community gathering, etc.):		
Requests for the City/ Additional Information:		

**\*Please indicate if you will require the following at your event:**

- |   |   |
|---|---|
| <input type="checkbox"/> Amplification  | <input type="checkbox"/> Food vendors                 |
| <input type="checkbox"/> Street Closure | <input type="checkbox"/> Liquor / Alcohol of any sort |

# FEES



**City of Portsmouth  
Fee Schedule  
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2023 Schedule</u>	<u>FY 2024 Schedule</u>	<u>Suggested FY 2025 Schedule</u>
* (Indicates change from current fee)				
<b><u>Chapter 6: Article XIV Section 1402</u></b>				
<b>Pawn Brokers</b>				
<b>License</b>	<b>FY 14</b>	<b>\$50.00</b>	<b>\$50.00 Per Year</b>	<b>\$50.00</b>
<b><u>Chapter 6: Article XV Section 1502</u></b>				
<b>Roller Skating Rinks</b>				
<b>License</b>	<b>Pre FY 02</b>	<b>\$50.00</b>	<b>\$50.00 Per Year</b>	<b>\$50.00</b>
<b><u>Chapter 6: Article XVI Section 1608</u></b>				
<b>Magazine Subscription Solicitors</b>				
<b>License</b>	<b>FY 06</b>	<b>\$50.00</b>	<b>\$50.00 Per Year</b>	<b>\$50.00</b>
<b><u>Chapter 9: Article V Section 504 C</u></b>				
<b>Sidewalk Obstructions</b>				
<b>Obstruction (including Restaurant Table)</b>	<b>FY 18</b>	<b>\$75.00</b>	<b>\$75.00 Each Obstruction (including Restaurant Table)</b>	<b>\$75.00</b>
<b><u>Chapter 9: Article V Section 504 C</u></b>				
<b>Sidewalk Obstructions</b>				
<b>Restaurant Chairs</b>	<b>FY 18</b>	<b>\$10.00</b>	<b>\$10.00 Each Restaurant Chair</b>	<b>\$10.00</b>

**City of Portsmouth  
Fee Schedule  
City Clerk**

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2023 Schedule</u>	<u>FY 2024 Schedule</u>		<u>Suggested FY 2025 Schedule</u>
<i>* (Indicates change from current fee)</i>					
<u>Non-ordinance-City Council Policy No. 2012-02</u> <u>Suspended for 2022 per Council vote 02/22/22</u>					
<u>Area Service Agreements-use of City Property for Sidewalk Café's providing Alcohol Services</u>					
	FY 12	N/A	N/A	per square foot-6 month season-no proratio	* Delete
	FY 12	N/A	N/A	minimum fee	* Delete
<u>Non-ordinance-City Council Policy No. 2012-02</u> <u>Amended for 2023 per Council vote 02/21/23 "readopt the 2022 outdoor dining"</u>					
<u>Area Service Agreements-use of City Property (including roadway) for Sidewalk Café's providing Alcohol Services</u>					
	FY 22	\$5.00	\$5.00	per square foot-6 month season-no proratio	* Delete
	FY 22	\$1,000.00	\$1,000.00	minimum fee	* Delete
<u>Use of Parking Space</u>	FY 22	\$1,500.00	\$1,500.00	per space	* Delete
<u>Waiver for food service establishment on City property that abide by the Composting requirements of the Distribution of Single-Use Disposables On City Property Ordinance Chapter 3 Article IX (City Council adopted 03/07/22)</u>					
	FY 22	(\$200.00)	(\$200.00)	Waiver Amount	* Delete
<u>Chapter 6: Article XVII Section 6.1703</u> (Ordinance up for adoption at the February 20, 2024 City Council Meeting)					
<u>Outdoor Dining Encumbrance Permit</u>					
	FY 24	N/A	\$5.00	per square foot-6 month season-no proratio	* \$5.00
	FY 24	N/A	\$750.00	minimum fee	* \$750.00
<u>Ward checklist</u>	FY 18	\$75.00	\$75.00	per set	\$75.00
<u>Ward checklist for individual wards</u>	FY 18	\$25.00	\$25.00		\$25.00
<u>Event permit (fairs, parades etc. not governed by ordinance)</u>	FY 18	\$50.00	\$50.00		\$50.00

**City of Portsmouth  
Fee Schedule  
Inspection Department**

\* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2023 Schedule</u>	<u>FY 2024 Schedule</u>	<u>Suggested FY 2025 Schedule</u>
<b>Chapter 8: Article I Section 106 A</b>				
<b>Street Obstructions (thirty working days or less)</b>				
Please see Public Works for more than 30 working days fee				
<b>Initial</b>	<b>FY 11</b>	<b>\$50.00</b>	<b>\$50.00</b>	<b>\$50.00</b>

**BUILDING PERMIT FEES:**

**Chapter 12: Part I Section 108.2**  
International Building Code-  
and  
**Chapter 12: Part II Section R108.2**  
International Residential Code-

**Note: All Construction Permit Fees rounded up to the nearest \$5.00**

<b>Minimum Fee-Residential</b>	<b>FY 24</b>	<b>\$50.00</b>	<b>\$75.00</b>	<b>\$75.00</b>
<b>Special Inspection Fee</b>	<b>FY 07</b>	<b>\$60.00</b>	<b>\$60.00 Per Hour</b>	<b>\$60.00</b>
<b>Emergency Inspection Fee</b>	<b>FY 07</b>	<b>\$60.00</b>	<b>\$60.00 Per Hour</b>	<b>\$60.00</b>
<b>Minimum Fee-Commercial</b>	<b>FY 24</b>	<b>\$100.00</b>	<b>\$150.00</b>	<b>\$150.00</b>

**City of Portsmouth  
Fee Schedule  
Public Works**

\* (Indicates change from current fee)

<u>Description</u>	<u>Fiscal Year Last Adjusted</u>	<u>FY 2023 Schedule</u>	<u>FY 2024 Schedule</u>	<u>Suggested FY 2025 Schedule</u>
Memorial Bridge Lighting Request (Available to Non-Profits only)	FY 23	\$75.00	\$75.00	Application/Permit Fee \$75.00
City Council Policy 2018-02 Encumbrance of City Property (31 working days or more) Any City land that includes unmetered parking spaces, travel ways, loading zones and sidewalks	FY 19	\$0.05	\$0.05	per square foot per day \$0.05
(Above Fee will be doubled if the encumbrance period extends beyond its term) (Metered parking spaces having their own fee- please see Parking Fees-Temporary Meter Parking Space Permit)				
Any other City land/right of way not included above	FY 19	\$400.00	\$400.00	per each 400 square feet for 1st 30 days \$400.00
	FY 19	\$200.00	\$200.00	each additional 30 day period \$200.00
Blasting Permit	FY 18	\$100.00	\$100.00	* \$370.00
New Driveway Permit	FY 18	\$50.00	\$50.00	* \$75.00