

**LEGISLATIVE COMMITTEE MEETING
FEBRUARY 15, 2011 – 5:30 P.M.**

Call to Order

Councilor and Chair Feener called the meeting to order in the Council Chamber, Franklin City Hall.

In Attendance

Councilor Feener, Chair; Councilor Audet, Member; Councilor Sharon; Councilor Starkweather; Mayor Merrifield; City Manager Dragon, and Planner Dick Lewis.

Absent

Councilor Boyd, Member

Disorderly Residence Ordinance/Property Maintenance Code

Manager Dragon advised that Planner Lewis has completed revisions to the ordinance and advised that in attempts to use the Disorderly Residence and maintenance code, one of the issues with the Property Maintenance code has been the boarding up buildings on Central Street and the concern as to whether or not there was enough language in the code to be able to do the things that were needed. The Disorderly Residence Ordinance, we are attempting to tighten up the language and Durham this year adopted a new Disorderly Residence Ordinance and a lot of what is in their ordinance is relevant to Franklin so some of those pieces have been used in the update as well as input from the department heads.

Planner Lewis commented in the ordinance there are some conflicting statements such as in one area it states 3 disorderly issues and in another area it states 5 which is cause for enforcement problems and confusion. It is hoped with some changes and additions to the orders a better job can be done bringing tenants and landlords in line concerning disorderly issues.

It is proposed that this ordinance would be removed from the Zoning Section and given its own ordinance chapter. Planner Lewis stated he does not know why it ever got in the Zoning Section as it does not belong there and it creates difficulty in the administration of it. Councilor Feener commented that he does not know how got into the Zoning Section but it makes sense that it would have its own chapter and not be under Zoning.

Councilor Audet asked if the number of violations was to be changed to two and Planner Lewis stated that is correct and referred to D. 1. Where it states whenever a residence has been visited by the police two (2) times, in any thirty (30) day period. Mayor Merrifield suggested that in the last sentence in D.1. that where it reads shall be waived, that it be changed to may be waived. Everyone agreed with that suggestion. Councilor Feener commented it will tighten things up, and be more forceful. Councilor Starkweather stated he supports this ordinance and that some landlords who have heard we have an ordinance have cracked down on their tenants.

Motion made by Councilor/Chair Feener that the ordinance be forwarded to Attorney Fitzgerald for review and then brought to the Council at the March 7th meeting for the scheduling of a public hearing to be held in April. Motion seconded by Councilor Audet. Motion passes.

Planner Lewis advised that several complaints had been brought to his office concerning the boarding up of buildings in the downtown area and was a topic discussed at a Choose Franklin Meeting. A mechanism is needed to be able to properly enforce and deal with some of these properties. Planner Lewis stated that the Property Maintenance Code is a somewhat generic document that was adopted by the City in 2003 or 2004. The Maintenance Code is developed by the International Code Council which is the national company that generates most of the building codes that state and local municipalities use. The City did do a revision to the code concerning the number of junk cars and the keeping of junk cars on properties and putting a threshold on the number of cars that could be on a given property.

Planner Lewis stated the proposal is to add a new section 301.3.1 and this section would provide the regulations as to when people can board up buildings, and make sure they have communication with both the Code Enforcement Officer and the Planner. This addition to the code would keep boarded up buildings from having forever before doing something and if the period of time is an extended time the code would make sure there is a building permit process in place so it does not create an eyesore or influence the economic vitality of the downtown area. Councilor Audet commented the boarding up of buildings also has a large impact on the salability of property. Councilor Feener commented what he likes about this section is it establishes a time table to follow for dealing with the issues and something to work with for enforcement. Planner Lewis commented that there would be a little bit of flexibility and the goal is to bring properties into compliance. Planner Lewis advised that he worked with Code Enforcement Officer Bodien on the language in this section. Planner Lewis said he would also have Attorney Fitzgerald review this section.

There was a discussion on junk cars and what would be a definition of a junk car. Mayor Merrifield commented he believes there is some language concerning that and concerning the number of cars allowed on a property that are not registered/inspected. Planner Lewis stated there is some information on that in the City ordinances and or reference to a State Statute but he does not have that with him.

Planner Lewis recommended that the City might want to Adopt the amendment to RSA 31 A which gives a municipality the ability to establish a citation and plea-by-mail process for local ordinances. Planner Lewis stated he will review with Attorney Fitzgerald this amendment to get his input on the pros and cons.

Motion made by Councilor Audet that the new section to be added to the Property Maintenance Code be reviewed by Attorney Fitzgerald. Motion seconded by Councilor Feener. Motion passes.

Legislative Committee Meeting
February 15, 2011
Page 4

City Manager Dragon commented that she would be in favor of adopting the amendment to RSA 31 A.

Planner Lewis commented that back in 2007-2008 the Planning Board modified the Subdivision Regulations and the Site Plan Regulations. These are adopted by the Board and do not go to the City Council for adoption. The revised regulations did not get into the E-Code on Line so it has been confusing.

***Motion to adjourn made by Councilor Audet, seconded by Councilor Feener.
Motion passes.***

Respectfully submitted,

Sue E. May