

**CITY OF LEBANON  
ORDINANCE #2020-16**

AN ORDINANCE TO AMEND the Code of the City of Lebanon by adding a new Chapter 6, to be entitled ADMINISTRATIVE ENFORCEMENT, which provides for the issuance of citations for any violation of the Code of the City of Lebanon.

Be it ordained by the City Council of the City of Lebanon as follows:

Section 1.

The Code of the City of Lebanon is hereby amended by adding thereto a new chapter, to be Chapter 6, Administrative Enforcement, to read as follows:

- §6-1. Citation Authority
- §6-2. Citation Defined
- §6-3. Service of Citation
- §6-4. Citation Penalties
- §6-5. Violations

**§6-1. CITATION AUTHORITY**

City departments or officials charged with the responsibility of enforcing the ordinances and codes of the City are hereby authorized to issue citations for any violation of the ordinance or codes that they are responsible for enforcing. The enforcement authority provided hereby is provided for in RSA 31:39-c and is in addition to the authority for ordinance and code enforcement that currently exists.

**§6-2. CITATION DEFINED**

A citation is a written and/or printed notice describing a specific violation of a City ordinance or code which is served on the person responsible for the violation. Each day on which a violation exists or occurs is a separate offense, and a citation may be issued for each offense. A citation shall be served in the manner described in this chapter, and shall contain the following information:

- A. A clear and concise description of the violation.
- B. The location of the violation and the date and time on which it was observed.
- C. The name and address of the person responsible for the violation.
- D. The penalty for the violation as provided for in this chapter and any other relevant chapter of the Code of the City of Lebanon.
- E. A statement or table describing the penalties for future occurrences of the same violation.
- F. A statement as to whether the citation is being issued for a first, second, or subsequent offense.

- G. The name and address of the office to which the payment of the penalty may be made.
- H. The time period during which a reduced penalty may be paid in full satisfaction of the citation.
- I. Notification of failure to pay the penalty may result in court action.
- J. The signature and printed name, title and department of the individual issuing the citation.

### **§6-3. SERVICE OF CITATION**

Any citation shall be served by the official issuing it in any one of the following ways:

1. In hand to the person responsible for the violation; or
2. By certified, registered or U.S. Postal Service first-class mail, to the last known address of the person responsible for the violation, or as listed with the NH Division of Motor Vehicles.

The official serving the citation shall maintain a record of the date, time, and manner of service of the citation, including the post office receipt if service was accomplished by registered or certified mail.

### **§6-4. CITATION PENALTIES**

Penalties for offenses shall be as stated in applicable chapters of the Code of the City of Lebanon.

### **§6-5. VIOLATIONS**

Whenever any person fails to pay any penalty imposed pursuant to a citation issued under the authority granted by this chapter, such person shall be guilty of a violation and shall, upon conviction, be punished by a fine not to exceed the maximum allowed by RSA 47:17 or other applicable law for each offense. Each citation which is not paid shall constitute a separate offense. If the administrative enforcement system established in the Code is unsuccessful at resolving alleged violations, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39-d.

### **Section 2. Severability**

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

**Section 3. Effective Date.**

This Ordinance shall become effective upon passage.  
This Ordinance shall become effective on October 7, 2020

This Ordinance was adopted by the City Council on October 7, 2020 and is hereby authenticated by the undersigned as required by Section C419:22 of the City Charter.

CITY OF LEBANON

By: DocuSigned by:  
*Timothy McNamara*  
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Timothy J. McNamara, Mayor

By: DocuSigned by:  
*Kristin Kenniston*  
73ADF368F5594A7...  
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Kristin M. Kenniston, City Clerk

Effective Date: October 7, 2020  
Date of Publication of Notice of Public Hearing: September 26, 2020  
Date of Public Hearing: October 7, 2020  
Date of Adoption: October 7, 2020  
Date of Notice of Adoption: October 21, 2020  
Date of Recording of the Ordinance by the City Clerk: October 21, 2020