



## ORDINANCE

### ADOPTING THE NEWLY REVISED CITY OF NASHUA CODE OF ORDINANCES

### *CITY OF NASHUA*

*In the Year Two Thousand and Seven*

*The City of Nashua ordains* the following:

**1. Adoption of Code.**

The various chapters of the 1987 Nashua Revised Ordinances (Code) and subsequent ordinances and resolutions of the City of Nashua of a general and permanent nature adopted by the Board of Aldermen of the City of Nashua, as revised, codified and consolidated into chapters and sections by General Code Publishers Corp., and consisting of Chapters 1 through 325, are hereby approved, adopted, ordained and enacted as the "Nashua Revised Ordinances," hereinafter referred to as the "Code."

**2. Code supersedes prior legislation, repeal.**

This ordinance and the Code shall supersede the 1987 Nashua Municipal Code and all other general and permanent legislation enacted prior to the enactment of this Code, except such legislation as is hereinafter expressly saved from repeal or continued in force. The repeal provided for hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed.

**3. Continuation of existing provisions.**

The provisions of the Code, insofar as they are substantively the same as those of the legislation in force immediately prior to the enactment of the Code by this ordinance, are intended as a continuation of such legislation and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior legislation.

**4. When effective.**

This ordinance shall take effect immediately upon passage and publication according to law.

**5. Copy of Code on file.**

A. A copy of the Code, in loose-leaf form, has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and, if this ordinance shall be adopted, such copy shall be certified to by the City Clerk, and such certified copy shall remain on file in the office of said City Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. The City Clerk of the City of Nashua is hereby directed to make copies of the Code of the City of Nashua available at no charge to members of the Board of Aldermen, heads of municipal departments and any public library within the city. Any person may inspect the Code at the office of the City Clerk at no charge. Any person, other than those enumerated as being able to obtain copies of the Code without charge, shall be allowed to purchase copies of the Code from the City Clerk.

**6. Amendments to Code.**

Any and all additions, deletions, amendments or supplements to the Code, when adopted in such form as to indicate the intention of the Board of Aldermen to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Nashua Revised Ordinances (NRO)" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the loose-leaf book containing said Code as amendments and supplements thereto.

**7. Publication; filing.**

The Clerk of the City of Nashua, pursuant to law, shall cause to be published, in the manner required by law, a copy of this Adoption Ordinance. Sufficient copies of the Code shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**8. Code book to be kept up-to-date.**

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the book containing the Code required to be filed in the Clerk's office for use by the public. All changes in said Code and all legislation adopted subsequent to the effective date of this codification which shall be adopted specifically as part of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are printed as supplements to said Code book, at which time such supplements shall be inserted therein.

**9. Sale of Code book.**

Copies of the Code may be purchased from the Clerk upon the payment of a fee to be set by the City Clerk, and the Board of Aldermen may also arrange for procedures for the periodic supplementation thereof.

**10. Altering or tampering with Code; penalties for violation.**

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Nashua to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine of not more than \$1,000.

**11. Savings clause.**

This legislation shall not effect violations of any other ordinance, code or regulation of the municipality existing prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

**12. Changes in previously adopted legislation.**

- A. In compiling and preparing the ordinances and resolutions for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one or more of said ordinances and resolutions. It is the intention of the Board of Aldermen that all such changes be adopted as part of the Code as if the ordinances and resolutions so changed had been previously formally amended to read as such.
- B. Additions or amendments to the Code, when passed in the form as to indicate the intention of the board of aldermen to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.
- C. Section 6 (Amendments to Code) Ordinances adopted after July 11, 2008, that amend or refer to ordinances that have been codified in the Revised Ordinances shall be construed as if they amend or refer to like provisions of the Revised Ordinances.
- D. In addition, the following changes, amendments or revisions are made herewith, to become effective upon the effective date of this ordinance:<sup>1</sup>

**1-1. Citation of Code.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the “~~Code of the City of Nashua~~” *Nashua Revised Ordinances (NRO)* and may be so cited or may be cited “the Code.”

**1-7. Severability.**

A. The sections, paragraphs, sentences, clauses and phrases of the Code are severable, and if any phrase, clause, sentence, paragraph or section of the Code shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, sentences, paragraphs or sections of the Code.

*B. Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.*

**1-10. Certain ordinances not affected by repeals.**

- (2) Any appropriation ordinance or ordinance providing for the levy *or imposition* of taxes, *assessments or charges*, or for an annual budget.
- (7) Any ordinance approving, authorizing or otherwise relating to any contract, agreement, lease, deed or other instrument *or the purchase, sale, lease or transfer of property.*
- (10) Any ordinance enacted after ~~September 10, 1986~~ *July 11, 2007.*
- (11) *Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.*
  
- (12) *Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.*

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<sup>1</sup> Chapter and section number references are to the ordinances and resolutions as they have been renumbered and appear in the Code. Language to be deleted is struck through. New language appears in **bold italics**.

- (13) *Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.*
- (14) *Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacating of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.*
- (15) *Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the city's indebtedness.*
- (16) *All currently effective ordinances pertaining to the rate and manner of payment of salaries and compensation of officers and employees.*
- (17) *Any legislation relating to or establishing a pension plan or pension fund for municipal employees.*

**5-113. Real estate taxes.**

Taxes upon real estate shall be paid in two payments each year. The first payment shall be due on July 1 and shall be equal to ½ of the ~~taxes assessed upon the real estate during the last previous tax year~~ *previous year's tax rate multiplied by the current assessment.* The second payment shall be due ~~on~~ *in* December ~~and~~ shall be equal to the tax assessed against the real estate on April 1 on that year, minus the amount due in the first payment. Interest charged upon taxes under this section shall be in the amount and as prescribed in RSA 76:13 and 76:15-a. The Collector of Taxes shall state on the tax bill the date from which interest will be charged and such date shall be determined by the day the Collector sends out the last bill on his list. The Collector shall notify the Tax Commission in writing of the date on which the last tax bill was sent.

**5-120. Compensation.**

Each member of the Board of Assessors shall serve on a part-time basis and shall be paid for his *or her* services ~~the sum of \$600 per year~~ *as determined and approved by the board of aldermen through the annual budget process.* All salaries shall be paid monthly.

**23-6. Examination of returns.**

The Board of Aldermen shall meet the Tuesday next following each municipal election at 8:00 p.m. The City Clerk shall enter upon the records the number of votes given in each ward for each person voted for as Mayor or persons voted for as members of the ~~Board of Assessors,~~ Board of Education, Board of Public Works, Board of Fire Commissioners, Board of Aldermen, and Aldermen at Large and shall lay before the meeting his records of such returns. The Board of Aldermen shall examine the same and declare the result and shall cause those elected to be notified of their election.

**190-14. General Industrial (GI).**

The General Industrial (GI) Districts are the older, traditional industrial areas of the inner City. They are often ~~is~~ *in* close proximity to the Nashua or Merrimack Rivers and are generally ~~assessable~~ *accessible* by railroad and/or local roads. Most of Nashua's heavy industries are

located in the GI Districts. This district implements the Master Plan recommendation to provide a reasonable amount of space for heavy industrial uses, provided they are environmentally sound and do not detract from neighboring land uses.