

## **Relevant City of Lebanon Code Related to the Authority of the Licensing Board**

### **In Issuing Licenses as of 4/2/2008**

#### **Chapter 31: BOARDS, COMMITTEES AND COMMISSIONS**

[HISTORY: Adopted by the City Council of the City of Lebanon as indicated in article histories. Amendments noted where applicable.]

#### **GENERAL REFERENCES**

Airport operations — See Ch. 8.

Conservation Commission report on scenic roads — See Ch. 134, § 134-4.

Review of special assessment tax abatement by Tax Assessor — See Ch. 147, § 147-11.

Issuance of licenses by Licensing Board — **See Chs. 14 (see below), 23 (Banners), 168 (Vehicles & Traffic), 176 (Vending Machines) and 179 (Vendors).**

#### **ARTICLE VI Licensing Board [Adopted 4-18-1990 by Ord. No. 45; effective 4-26-1990]**

##### **§ 31-23. Declaration of purpose.**

This article establishes a Licensing Board pursuant to RSA 286:3 to grant licenses under RSA Chapter 286 and to grant licenses and permits required to be issued by the city by state statutes described in § 31-29.

##### **§ 31-24. Membership.**

The Licensing Board shall consist of the Chief of Police or such person as he/she may designate from the Police Department; the Mayor; and one other person who shall be appointed by the City Council.

##### **§ 31-25. Terms; alternate member.**

The elected Mayor shall serve as a member of the Board so long as that person is serving as Mayor. The person appointed by the City Council shall serve for a term of three years. The City Council may also appoint an alternate member for a term of three years who shall serve whenever the Mayor or the person appointed by the City Council is absent.

##### **§ 31-26. Meetings.**

The Board shall meet at such times as may be necessary to review applications for licenses and permits. Notices of the meeting shall be given as required by RSA Chapter 91-A.

##### **§ 31-27. Organization.**

The Board, annually, shall organize and elect a Chair and a Clerk.

**§ 31-28. Quorum.**

A majority of the Board shall constitute the quorum necessary in order to transact business at any meeting.

**§ 31-29. Authority to issue certain licenses and permits under state statutes.**

- A. The Licensing Board shall have the authority to issue licenses and permits as required by the following statutes:
- (1) Licensing amusement places, RSA Chapter 286.
  - (2) Pawnbrokers, RSA 398:4 et seq.
  - (3) Permits for soliciting funds, RSA 31:91.
  - (4) Street fairs, RSA 31:100.
  - (5) Fireworks, RSA 160-B-7. **[Amended 9-20-2000 by Ord. No. 70]**
  - (6) Billiard tables, RSA 286:6.
  - (7) Raffles, RSA 287-A:7.
- B. When the Board exercises authority pursuant to any statute, the Board shall comply with all statutory requirements for that particular license or permit.

**§ 31-30. Applications, licenses and permits. [Amended 9-20-2000 by Ord. No. 70]**

Application shall be made to the Licensing Board for any permit or license required hereunder upon such form as the Board shall designate. Application shall be obtained from and filed with the City Manager. All licenses or permits shall be signed by at least two members of the Licensing Board.

**§ 31-31. Revocation or denial of licenses and permits.**

The Licensing Board may revoke or suspend any permit or license for any violation of any term or condition of issuance. The Board may deny an application for a license or permit. In all cases, the Board shall notify the applicant, licensee or permittee in writing of the denial, revocation or suspension and the reason for such action. The applicant, permittee or licensee shall have the right to a public hearing before the Board as to such revocation or suspension. Such public hearing shall be requested within seven days of receipt of the notification. The licensee or permittee shall have seven days to appeal the decision of the Licensing Board to the City Manager who shall hear and decide such appeal within 20 days from the date of appeal.

Issuance of licenses by Licensing Board — See Chs. 14, 23, 168, 176 and 179.

## **Chapter 14: ALCOHOLIC BEVERAGES**

[HISTORY: Adopted by the City Council of the City of Lebanon as indicated in article histories. Amendments noted where applicable.]

### **ARTICLE I Consumption in Certain Places [Adopted 8-20-1975 by Ord. No. 39, effective 9-20-1975; amended in its entirety 7-7-1999, effective 8-2-1999]**

#### **§ 14-1. Declaration of purpose; statutory authority.**

The purpose of this article is to regulate and control the consumption and possession of alcoholic beverages in certain places. The authority for this article is RSA 47:1 and RSA 47:17.

#### **§ 14-2. Definitions.**

The following definitions shall apply:

BEVERAGE — Which includes beer, is defined in RSA 175: 1, VIII.

LIQUOR — Is defined in RSA 175:1, XLII.

#### **§ 14-3. Consumption.**

No person shall consume any liquor or beverage while in, under, above or upon public streets, alleys, sidewalks, parking lots or other city-owned land, Colburn Park, the entire City Hall, including but not limited to the Opera House, the area situate in the business district commonly known as the Hanover Street Mall, the immediate areas adjacent to any of the aforementioned places, the High Street Park on High Street in Lebanon, Main Street, West Lebanon (that area between the base of Seminary Hill and Bridge Street), Chambers Park in West Lebanon and other city building (except any portion of any city building leased for commercial use and possessing a state liquor license, such as the Airport Terminal Building).

#### **§ 14-4. Open container.**

No person shall be in possession of any open container containing liquor or beverage while in, under, above or upon public streets, alleys, sidewalks, parking lots or other city-owned land, Colburn Park, the entire City Hall, including but not limited to the Opera House, the area situate in the business district commonly known as the Hanover Street Mall, the immediate areas adjacent to any of the aforementioned places, the High Street Park on High Street in Lebanon, Main Street, West Lebanon (that area between the base of Seminary Hill and Bridge Street), Chambers Park in West Lebanon and other city building (except any portion of any city building leased for commercial use and possessing a state liquor license, such as the Airport Terminal Building).

**§ 14-5. Exemption.**

Any person, publicly recognized organization, organized group, family group or business may be exempted from the provisions of this article for a short period of time not exceeding 12 hours, upon first obtaining permission from the Lebanon Licensing Board. For a period of time exceeding 12 hours but not exceeding one year, permission shall first be obtained from the Lebanon City Council and reviewed on an annual basis.

**§ 14-6. Penalties for offenses.**

Violation of any provision of this article shall be punishable as provided in Chapter 1, General Provisions.

## **Chapter 23: BANNERS**

[HISTORY: Adopted by the City Council of the City of Lebanon 4-18-1990 by Ord. No. 45 as Sec. 3H(i); effective 4-26-1990. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Licensing Board — See Ch. 31, Art. VI.

**§ 23-1. Authority for issuance of permits.** Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The Licensing Board shall have authority to issue permits for the erection or placement of banners across any public street.

### **§ 23-2. Allowable banners.**

No banner shall be erected and placed over any public street or sidewalk except as follows:

- A. A banner announcing voting in federal, state and local elections.
- B. Banners relating to activities of civic groups.

### **§ 23-3. Conditions.**

Any banner permitted shall be based upon conditions set by the Director of Public Works for such period and upon such terms and conditions as will be in the best interests of the city. A refundable deposit may be required to ensure removal of the banner. Any such banner shall be safely installed in such a manner that it will not constitute a hazard to any person or motor vehicle on the public street.

**§ 23-4. Fees.** Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The fee for a permit shall be as provided in Chapter 31, Boards, Committees and Commissions, Article VI, Licensing Board, § 31-30.

### **§ 23-5. Penalties for offenses.**

Violation of any provision of this chapter shall be punishable as provided in Chapter 1, General Provisions.

## **Chapter 176: VENDING MACHINES**

[HISTORY: Adopted by the City Council of the City of Lebanon 4-18-1990 by Ord. No. 45 as Sec. 3H(ii); effective 4-26-1990. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Licensing Board — See Ch. 31, Art. VI.

Vendors — See Ch. 179.

**§ 176-1. Issuance of permits.** Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

The Licensing Board shall have the authority to issue permits for the location of newspaper vending machines in city rights-of-way.

**§ 176-2. Vending machine location restrictions.**

The location of such newspaper vending machine shall not endanger the safety of persons or property nor interfere with or impede the flow of pedestrian or vehicular traffic, 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.

**§ 176-3. Penalties for offenses.**

Violation of any provision of this chapter shall be punishable as provided in Chapter 1, General Provisions

## **Chapter 179: VENDORS**

[HISTORY: Adopted by the City Council of the City of Lebanon 8-22-1990 by Ord. No. 62. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Consumption of alcoholic beverages in Colburn Park and the Mall

— See Ch. 14.

Removal of dog feces from Colburn Park and the Mall — See Ch. 18.

Bicycles and skateboards on the Mall — See Ch. 27.

Noise from sound amplification systems — See Ch. 110.

Driving and parking on the Mall — See Ch. 168, § 168-3.

Vendor parking — See Ch. 168, § 168-7A.

Vending machines — See Ch. 176.

### **§ 179-1. Declaration of purpose.**

The purpose of this chapter is to provide for the regulation of sales by vendors within the general area of Colburn Park and the Mall in the City of Lebanon. This is necessary to ensure the free flow of motor vehicle and pedestrian traffic and to promote the public health, safety and welfare in that area.

### **§ 179-2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ABUTTING BUSINESS** — Any legitimate business located within, whether by lease, rental or ownership, a property in the central business district abutting North or West Park Streets or the Mall area.

**PUBLIC STREET OR SIDEWALK** — Include all areas legally open to public use as public streets, sidewalks, roadways, highways, parkways, alleys and any other public way.

**STAND** — Any newsstand, table, bench, booth, rack, handcart, pushcart or any other fixture or device which is not required to be licensed and registered by the Department of Motor Vehicles, used for the display, storage or transportation of articles offered for sale by a vendor.

**VENDOR** — Any person, including an employee or agent of another, who sells or offers to sell food, beverages, goods or merchandise on any public street or sidewalk from a stand, motor vehicle or from his or her person.

### **§ 179-3. Permit required.**

It shall be unlawful for any vendor to sell, display or offer for sale any food, beverage, goods or merchandise within the area described below without first obtaining a permit from the Licensing Board. Vending activity in other areas is regulated by the Zoning

Ordinance Editor's Note: The Zoning Ordinance is on file in the office of the City Clerk. and Chapter 23, Banners; Chapter 31, Article VI, Licensing Board; Chapter 176, Vending Machines.

- A. North Park Street, for the sidewalk area on the Park side of the Street, all other areas excluded;
- B. West Park Street, including the sidewalks on both sides of said street and the entire street width, from the northerly side line of the right-of-way of North Park Street to the southerly side line of the right-of-way of South Park Street;
- C. South Park Street, including the sidewalks on both sides of said street and the entire street width, from the westerly side line of West Park Street to the easterly side line of East Park Street;
- D. East Park Street, including the sidewalks on both sides of said street and the entire street width, from the southerly side line of the right-of-way of South Park Street to the northerly side line of the right-of-way of North Park Street;
- E. Campbell Street, including the sidewalks on both sides of said street and the entire street width, from the southerly side line of the right-of-way of Bank Street to the northerly side line of North Park Street;
- F. Colburn Park, which is described as the entire area bordered by North Park Street on the north, West Park Street on the west, South Park Street on the South and East Park Street on the east, including, but not limited to, all sidewalks and grass areas within said park;
- G. Lebanon Mall, extending from the westerly side line of West Park Street west and south to Hanover Street and then north to the Mascoma River, meaning and intending to include the entire area of the Mall and adjoining parking lots.

#### **§ 179-4. Permits and fees.**

The Licensing Board may set a limit on the number and location of permits given under the categories below:

- A. Daily permits: All vendors wishing to obtain daily permits shall register with the City Manager prior to the desired event at a time designated by the City Manager. The assignment of vendors to available spaces will be done by a lottery system if necessary. Vendors may apply for only one daily permit per day. The fee for a daily permit shall be \$5. A daily permit is nontransferable and nonrefundable.
- B. Seasonal permits: There shall be seasonal permits assigned for four three-month periods. For the purposes of assigning these and all other spaces, the Licensing Board must receive written application for the permit by the end of the preceding quarter. If more applicants than spaces are received by the Board, a lottery shall be conducted to determine space allocation. All applications shall include the following conditions:

- (1) Assigned locations are nontransferable.
  - (2) Fees shall be paid in advance.
  - (3) An assigned vendor must utilize the space assigned at least 15 days of each month. Noncompliance will disqualify the vendor involved from applying for any space for the period of one year.
  - (4) A vendor may, upon written permission from the City Manager, utilize the assigned space on less than 15 days in any month due to vacation, illness or other extenuating circumstance. However, during the entire period of time the space is vacated by the vendor due to the approved absence, the city reserves the right to rent the space on a daily permit basis.
  - (5) Fees are nonrefundable.
  - (6) The fee for a seasonal permit is \$100 for each quarter.
- C. Weekly permit: Spaces may be assigned on a weekly basis.
- (1) Weekly permits may run consecutively.
  - (2) Applicants must apply to the Licensing Board for a space at least two weeks prior to the date that is needed and must meet the requirements of the Licensing Board for size of vehicle/operation, noise, state permit, hours of operation and other conditions as may be set by the Board.
  - (3) When more applications are received for spaces than are available, the Licensing Board shall determine the allocation by lottery. Seasonal permit holders shall be eligible for a weekly permit if available.
  - (4) Weekly permit fees are \$25 per week.
- D. Abutting business permit: Abutting businesses shall be entitled to a permit for the use of a vending area in the vicinity of their established place of business unless such a permit is suspended or revoked under the provisions of this section or § 179-8 of this chapter.
- (1) Permits shall be for the period of time designated by the applicant in the application for a permit. The period of time may be indefinite and the use may be on an intermittent basis; provided, however, that a permit may be revoked if the permitted vending area isn't used by the permit holder for a period of eight months or more.
  - (2) The permitted vending areas for abutting businesses may be prescribed, mapped and modified from time to time by the Licensing Board in its reasonable discretion, or by the City Manager, if so designated by the Board. All abutting business permits shall be reviewed at least yearly at no cost to the permittee. No vending area shall exceed 625 square feet in area unless specifically approved by the Licensing Board. **[Amended 10-2-1991]**
  - (3) Abutting businesses, by mutual consent, may share in the use of a permitted area. Vending by abutting businesses outside of the areas permitted under this section shall be regulated by the other applicable sections of this chapter just

like for any other vendor.

- (4) The Licensing Board, in its reasonable discretion, may waive or modify the provisions of § 179-7A, B and C as they may apply to permits for abutting businesses granted under this section.
  - (5) The one-time fee for an abutting business permit shall be \$10. There shall be no fee for subsequent applications to the Licensing Board for a modification to the permitted area or other terms of an abutting business permit unless it shall have expired or have been revoked.
- E. Hourly permits: There shall be hourly permits to be assigned on an annual basis. Hourly permits are for vending in locations around Colburn Park for a duration of one hour as assigned and determined by the City Manager and Licensing Board. **[Added 2-20-1991]**
- (1) For the purpose of assigning these spaces, the Licensing Board must receive written application for a space at least two weeks prior to the date that the permit would begin.
  - (2) Permits must be annually renewed.
  - (3) Fees shall be paid in advance and are not transferable.
  - (4) The fee for a permit is \$40 per year.

#### **§ 179-5. Application.**

The application for a vendor's permit shall contain all information relevant and necessary to determine whether a particular permit may be issued, including but not limited to:

- A. Proof of identity and business address of the applicant.
- B. A brief description of the nature, character and quality of the food, beverages, goods or merchandise to be sold.
- C. If employed by another, the name and business address of the person, firm, association, organization, company or corporation.
- D. If a motor vehicle is to be used in the vending business, a description of the vehicle, together with the motor vehicle registration number.
- E. A description of the proposed location of the vending business and the length of time during which it is proposed that the business shall be conducted.
- F. No permit shall be issued to an applicant unless the applicant assumes liability for damages, property loss, injury or death or other related liability resulting from the activities of the vending operation. **[Amended 9-20-2000 by Ord. No. 70]**

#### **§ 179-6. Limitation of number and location of vending operations; nonprofit permits.**

- A. As noted in § 179-4 above, the Licensing Board may limit the number and location of vending operations. Absent any other limiting factor, the Licensing Board shall not permit more than three vending locations on South Park Street adjacent to Colburn Park. Two of these locations shall be seasonal. One shall be weekly.
- B. Nonprofit permits. The Licensing Board may designate additional locations within the restricted areas for the peddling of wares; provided that the proceeds from all sales at the location are used exclusively for the benefit of civic, school, charitable, philanthropic, religious or other not-for-profit organizations. These spaces shall be available on a daily basis for a consecutive period of time and shall be assigned without charge, at the discretion of the Licensing Board, and according to the above procedure for permits. **[Amended 10-18-1995]**

**§ 179-7. Restrictions applicable to all vendors.**

- A. Stands/carts/vehicles stands shall not:
  - (1) Exceed nine feet in width and 18 feet in length. Height should not exceed 10 feet.
  - (2) Impede access to the entrance of any adjacent building or driveway.
  - (3) Occupy more than half of the available sidewalk width.
  - (4) Locate within 25 feet of a fire hydrant, fire escape, bus stop, loading zone or driveway of a fire station, police station or hospital.
- B. Hours of operation. Vendors shall be allowed to engage in the business of vending only between 7:00 a.m. and 9:00 p.m. All vending stands must be removed from public property during nonvending hours, except for good reason and by special waiver of the Licensing Board.
- C. Handicapped areas. No vendor shall block access to any handicapped parking space or access ramp.
- D. Removal of trash. All trash or debris originating from the operation of the vending stand shall be collected by the vendor and removed from public property daily.
- E. The area occupied by a vendor shall be limited to that area so designated by the City Manager.
- F. No vendor shall utilize an open fire in connection with the sale or display of the vendor's wares without a permit from the Lebanon Fire Department.
- G. No vendor shall shout, make an outcry, blow a horn, ring a bell, or use any other sound device for the purpose of attracting attention to any goods which the vendor proposes to sell. Vending operations must be reasonably quiet, i.e. no vending stand or vehicle shall emit excessive mechanical or compressor noise to the detriment of the environment around Colburn Park or Mall.
- H. It is the intent of this chapter that goods or merchandise to be offered for sale shall consist solely of items which can easily be carried away from the sales location by

pedestrians, and which entail no special needs or problems pertaining to loading, handling, installation or delivery, such as might interfere with vehicular traffic or with other users of the park and mall. Heavy or bulky items such as tires, large appliances, large items of furniture, motorized equipment or the like are generally not permitted. All goods or merchandise displayed shall be for immediate sale and delivery. Displays or advertising whose primary purpose is to promote future or off-site transactions are not permitted. The Licensing Board may deny a permit to any vendor whose stand/vehicle/cart does not meet the intent of this Subsection.

**[Added 10-19-2005 by Ord. No. 2005-9]**

#### **§ 179-8. Suspension or revocation of permit.**

- A. Any permit issued under this chapter may be suspended or revoked for any of the following reasons:
  - (1) Fraud or misrepresentation in the application for the permit.
  - (2) Conducting the business of vending contrary to the conditions of the permit.
  - (3) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.
  - (4) Failure to pay fee.
- B. Upon suspension or revocation, the city shall deliver written notice to the permit holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the permit holder's place of business or mailed to the permit holder's last known address.

#### **§ 179-9. Appeals.**

Persons who are denied permits or whose permits have been suspended or revoked may appeal by filing a written notice of appeal with the Licensing Board. The appeal must be filed within three working days after receipt of the notice of denial, suspension or revocation, with the City Clerk. The Licensing Board shall hear such appeal at its next or regular meeting and shall render its decision in writing within 15 days thereafter.

#### **§ 179-10. Penalties for offenses.**

Any person who violates any provision of this chapter shall be punished as provided in Chapter 1, General Provisions, by suspension of the permit for a period to be determined by the Licensing Board, or both.