

ARTICLE XIII
Administration and Enforcement

§ 235-78. Administration. [Amended 8-14-2000 by Ord. No. 07.2000.07]

The City Manager shall appoint a Director of Planning and Community Development or his or her designee who may be a City official and whose duty it shall be to administer and enforce this chapter.

§ 235-79. Enforcement and interpretation. [Amended 8-14-2000 by Ord. No. 07.2000.07]

- A. Enforcement. The Director of Planning and Community Development or his or her designee shall order the discontinuance of illegal use of land or structures, removal of illegal structures or additions, alterations or structural changes or discontinuance of any illegal work being done or take any other action to ensure compliance with the provisions of this chapter. Any permit or license issued in conflict with this chapter shall be null and void.
- B. Interpretation. It shall be the responsibility of the Director of Planning and Community Development or his or her designee to interpret the provisions of this chapter for the purposes of any permit request or application of the provisions for subdivision or site review proposals. The Director of Planning and Community Development or his or her designee is required to issue a statement of compliance, in writing, to the Planning Board and concurrently to the applicant for subdivision and site plan applications. Such a statement of compliance shall list all areas of noncompliance.

§ 235-80. Authorizing the issuance of permits.

- A. No building permit may be issued until the Director of Planning and Community Development or his or her designee determines that the proposed use of the structure or land conforms to the requirements of this chapter. Such compliance shall be noted on the building permit. **[Amended 8-14-2000 by Ord. No. 07.2000.07]**
- B. No occupancy permit shall be issued, and occupancies are prohibited, until such time as the property conforms to the requirements of this chapter, site plan and as-built requirements.

§ 235-81. Duration of permits.

- A. Building and sign permits. No building permit shall be valid for a period of more than 12 months from the date of issuance if construction has not begun thereunder. No sign permit shall be valid for a period of more than 12 months from the date of issuance if the sign has not been erected or installed within this period.
- B. Special exceptions and variances. For the purposes of this section, the issuance of approval shall begin on the date of action taken by the Zoning Board of Adjustment.

- (1) Any conditional approval issued by the Zoning Board of Adjustment for a special exception or variance shall automatically expire two years after issuance of such an approval if:
 - (a) Any condition of approval remains outstanding; or
 - (b) Any related permit or approval is outstanding.
 - (2) Any final approval issued by the Zoning Board of Adjustment for a special exception or variance shall automatically expire two years after issuance of such an approval if:
 - (a) Active and substantial development or building has not taken place in cases where construction, erection, alteration, excavation, demolition or similar work is necessary before the commencement of such use; or
 - (b) The use authorized by the approval has not commenced where construction, erection, alteration, excavation, demolition or similar work is not necessary before the commencement of such use.
- C. All permits. In cases where construction, erection, alteration, excavation, demolition or similar work is necessary before the commencement of such use authorized by a permit and such work is discontinued for a period of one year, the permit authorizing such work shall automatically expire.
- D. Extension of approvals.
- (1) The Zoning Board of Adjustment shall have authority to extend conditional and final approvals for a special exception or variance for a period of up to 12 months from the expiration date of such approval if the Board makes a finding that:
 - (a) The approval has not yet expired.
 - (b) The approval recipient, his successors or assigns has proceeded with due diligence and in good faith. In the case of conditional approvals, this standard will be applied to the compliance with such conditions.
 - (c) Facts submitted as part of the original application have not changed.
 - (2) Successive extensions may be granted for six-month periods so long as the above findings are made.
 - (3) All such extensions may be subject to an administrative fee but will not be subject to fees associated with a new application.

§ 235-82. Violations and penalties.

Any person who violates any of the provisions of this chapter shall be guilty of a violation not to exceed the maximum penalty as set forth in RSA 676:17, Fines and Penalties. Such person, after being notified once as provided by RSA 676:17 and 676:17-a, shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation

of this chapter is committed, continued or permitted by such person and shall be punishable therefor as provided therein.

§ 235-83. Conflicts with other laws; higher standards to prevail.

As provided by RSA 676:14, wherever the provisions of this chapter differs from the authority of an existing ordinance or other regulation, the provision which imposes the greater restriction or higher standard shall be controlling.

§ 235-84. Right of entry upon private property. [Amended 8-14-2000 by Ord. No. 07.2000.07]

The Planning Board, its members, the Zoning Board of Adjustment, its members, and the staff of the Planning and Community Department, in the performance of their functions, are hereby authorized to enter upon any land and to make such examinations as are reasonably necessary. In the event such entry is denied, they may obtain an administrative inspection warrant under RSA 595-B.

ARTICLE XIV
Amendments

§ 235-85. Initiation of amendments.

Amendments to the Zoning Ordinance, including amendments to the Official Zoning Map, may be initiated by the following: Planning Board; City Council; Zoning Board of Adjustment; or by citizen petition.

- A. The Planning Board, City Council or Zoning Board of Adjustment may initiate a rezoning petition without application fee. Appropriate staffing and budgeting to accomplish the projected amendment reviews should be considered by the City Council, the Planning Board and the Zoning Board of Adjustment prior to the beginning of the fiscal year to allow programming of anticipated changes.
- (1) Submittal by the Planning Board. The Planning Board may submit an amendment proposal to the Council at any time.
 - (2) Submittal by the City Council. The City Council may submit an amendment proposal to the Planning Board at any time.
 - (3) Submittal by the Zoning Board of Adjustment. The Zoning Board of Adjustment may submit an amendment proposal to the City Council at any time.
- B. Citizen petitions.
- (1) Filing deadline. Citizen petitions, submitted on a form as provided by the Planning Department, shall be filed, together with fees, a minimum of 10 days prior to a regularly scheduled Council meeting for submittal to the Council. Petitions and fees for zoning amendments shall be submitted to the office of the City Clerk who shall date stamp receipt of the petition and forward it to the City Manager's office.