



PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
Council Chambers A, Keene City Hall
November 12, 2025
6:00 PM

A. AGENDA ITEMS

1. Presentation - Heritage Commission Annual Report - Heritage Commission Chair
2. Continued Discussion: Request for Consideration of an Ordinance Amendment to Regulate the Muzzling of Dogs *and* Draft Ordinance - City Attorney
3. Creation of New City Code Chapter 44 Relating to Building Construction and Demolition - Community Development Director
4. Update to Chapter 18 of the City Code, Property and Housing Standards - Community Development Director
5. Relating to Pavement Setbacks and Cross Site Access Ordinance O-2025-29

B. MORE TIME ITEMS

1. Mark Rebillard - Use of City Property - Series of Small-Scale Downtown Festivals During Downtown Construction Project
2. Relating to Amendments to the Zoning Map – Low Density to Commerce – Intersection of Pearl Street and Winchester Street Ordinance O-2025-28
3. Petition to Amend the Zoning Map - 1.24 Acre Portion of 62 Maple Avenue - Industrial Park to Medium Density Ordinance O-2025-34

NON PUBLIC SESSION

ADJOURNMENT

Sec. 10-40. Muzzling vicious dogs.

- a) If a dog is adjudged to be a vicious dog under Section 10-35(d), and if the offense occurred in a place other than the owner's residence or property, the dog must wear a muzzle when in a place other than the owner's residence or property **for two years from the date of the offense**. This requirement is in addition to any forfeitures to be paid under Section 10-36.
- b) The requirement to muzzle a dog shall be lifted if the owner can produce a certificate that the dog has completed a reactivity class or otherwise has written confirmation from a certified trainer that the dog has completed one-on-one private behavior modification training. Such certificate shall be reviewed and accepted at the discretion of the animal control officer.
- c) Pursuant to RSA 466:39, in addition to the forfeitures to be paid under Section 10-36, the owner shall forfeit \$50.00 for each instance of failure to comply with the muzzling requirements of this section.
- d) Pursuant to RSA 466:31, III(a), if an owner fails to comply with an order to muzzle a dog and the dog incurs a second vicious dog violation within 12 months of being so ordered, the animal control officer may have the dog taken into custody and disposition of the dog may be determined by the court.



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.3.

Meeting Date: November 12, 2025

To: Planning, Licenses and Development Committee

From: Paul Andrus, Community Development Director
Richard Wood, Fire Marshall/Building Official

Through: Elizabeth Ferland, City Manager

Subject: **Creation of New City Code Chapter 44 Relating to Building Construction and Demolition - Community Development Director**

Recommendation:

Move that the Planning, Licenses and Development Committee recommend that the City Manager be directed to introduce an ordinance for first reading relating to the creation of a new City Code Chapter 44 Relating to Building Construction and Demolition.

Attachments:

1. Final Draft Chapter 44 PLD Draft

Background:

This update to the City's Building Construction Regulations modernizes the City's compliance with legislation passed in 2024 updating RSA 675:51 and synchronizes the City Building Regulations with the NH State Building Code. Specifically, the revised statute allows municipalities to adopt building code provisions that are more restrictive than the State Building Code but no longer permits the adoption of provisions that are less stringent than the minimum standards set forth in the State Building Code.

This update moves provisions of the Building Code from Chapter 18 and moves them to a new Chapter 44, providing enabling legislation for the Community Development Department to administer the state building code in the City of Keene as required by statute. This proposed ordinance has been reviewed by the State Building Code Review Board for compliance with the state building code as required.



City Of Keene

Building Construction and Demolition

Chapter 44

Table of Contents
Chapter 44
Building Construction and Demolition
Article I In General

Sec. 44-1. Authority	3
Sec. 44-2. Definitions	3
Sec. 44-3. Purpose	3

Article II Technical Codes

Division 1 Generally

Sec. 44-4. Administrative amendments to adopted codes	4
Sec. 44-5. Permits	4
Sec. 44-6. Design Criteria	4
Sec. 44-7. Issuance of Permits.....	5
Sec. 44-8. Third Party Plan Review.....	5
Sec. 44-9. Permit Expiration	5
Sec. 44-10. Commencing without a Permit.....	5
Sec. 44-11. Appeals	6

Article III Demolition Review

Sec. 44-12. Criteria	6
Sec. 44-13. Procedure	6
Sec. 44-14. Demolition review committee responsibilities.....	7
Sec. 44-15. Demolition.....	7
Sec. 44-16 Permit fee schedule, also in Appendix B of City code	8

Article V Reserved

Article VI Reserved

Article VII Reserved

ARTICLE I. - IN GENERAL

Sec. 44-1. - Authority.

Articles I—IV of this chapter are adopted by the City of Keene ("city") in accordance with, and under the authority granted by City of Keene Land Development Code, RSA 155-A:3, RSA 674:34, RSA 674:51 and RSA 674:51-a.

Sec. 44-2. - Definitions.

For the purpose of articles, I—IV of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Whenever the words dwelling, dwelling unit, or premises, are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Accessory structure shall mean a structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

Community Development department shall mean the officials of the city, and/or their duly authorized representatives, charged with the administration and enforcement of this chapter.

Demolition shall mean the razing, destruction, removal, or relocation, entirely (or in significant part) of a building, structure or other resource.

Premises shall mean a lot or parcel of land including any building or accessory structure thereon.

Sec. 44-3. - Purpose.

The City of Keene promulgates this chapter to establish minimum regulations governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, demolition of buildings and building systems in the City. Providing for the issuance of permits, collection of fees, making of inspection and for the enforcement of this chapter as provided by law in RSA 155-A:2.

ARTICLE II. - TECHNICAL CODES

DIVISION 1. - GENERALLY

Sec. 44-4. - Administrative amendments to adopted codes.

The following sections apply to the administrative sections of the NH State Building Code adopted pursuant to NH Revised Statutes Annotated (RSA) 155-A.

A) Whenever "department of building safety" appears in the codes, it shall read "community development department."

B) Nothing contained in this section shall be interpreted or construed to allow any work for which a permit is not required herein to be done in any manner contrary to the requirements of the state building code and laws of the city. Violations of the codes or other laws in any work not requiring a permit shall be subject to the general penalty of the codes in the same manner as if a permit had been required.

Sec. 44-5. - Permits. *Permits required under NH RSA 155-A.* Any person who intends to erect a building, structure, or sign; alter an existing building, structure, or sign; or construct or demolish any building, structure, or sign; or change the occupancy of a building or structure, shall obtain a permit from the Community Development Department. and if applicable, the Keene Fire Department, before the work can begin. This Requirement includes any type of work which is regulated by the state building and fire code. Applications shall be submitted as prescribed by the Community Development Department in sufficient detail and clarity to verify compliance.

The following shall be added to the adopted NH State Building Code:

International Residential Code R105.1.1 *"Permit shall be required for installation, repair, or alterations in buildings covered by NH RSA 205-D Manufactured Housing Installation."*

Sec 44-6. Design Criteria

The City of Keene has adopted the following insertions to the State Building Code.

- 1) The International Residential Code as adopted by the State of NH.
 - a. In Chapter 3, Building Planning, Section 301.2, Climatic and Geographic Design Criteria, Table 301.2, insert the following:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
	Speed (mph)	Topographic effects	Special wind region	Windborne Debris zone		Weathering	Frost line Depth	Termite					
70	115	NO	NO	NO	B	SEVERE	4'	slight to mod.	-3	YES	YES	2000	46.7



Sec 44-7. Issuance of Permits.

Permits shall be applied for in person at the Community Development Dept., online, or via email. Notification will be sent once your permit has been approved and you will be informed of the fee to be paid prior to issuance.

Sec 44-8. Third Party Plan Review.

Whenever requested by an owner or owners authorized representative, or when required by the community development department for projects larger than 5,000 square feet or any complex project shall be reviewed by a third-party entity approved by the department. (See Sec 44-16 and Appendix B for Fee Schedule)

The owner or owner's representative must submit to the department, for review and acceptance, which third party(ies) is(are) proposed. The proposed third party must provide the department with the names, qualifications, resumes individuals to be used for the project. The individual(s) must have prior plan review experience and a combination of certification(s) and demonstrable experience in the discipline(s) to be reviewed. In addition, the third party must certify there are no conflicts of interest with the building owner, developer, contractor(s), or design professional(s) of record. The acceptance of the third-party reviewer is at the sole discretion of the Building Official.

Section 44-9. Permit Expiration.

Every permit issued shall be considered expired unless work authorized by such permit commences within 180 days of permit issuance. A permit shall also be considered expired if continued progress toward completion is halted for more than 180 days as documented between the two most recent inspections. Once a permit expires, the applicant will need to submit a new application complete, adequate design documentation, and applicable permit fee for a new permit to be issued.

The Building Official or authorized designee may grant one or more written extensions of time, for periods of not more than 180 days each. It is the responsibility of the permit holder to maintain their permit as active and request any required extension in writing demonstrating the need for the requested extension.

Section 44-10. Work Commencing without a Permit or before Permit Issuance.

Any person who commences any work on a building, structure, or sign as outlined in Sec 44.5 before obtaining the necessary permits, shall be subject to an additional penalty in section 44-16.a.2

Sec. 44-11. - Appeal.

Section 44-11. Board of Appeals

Any person aggrieved by an order, interpretation, or application of this code by the building official may, within 15 days of the date of the order, appeal to the board of appeal established under City Code [section 2-741](#). The board of appeal shall be constrained to review and render decisions consistent with International Building Code section 113.2. and in accordance with RSA 155-A:11-b

ARTICLE III. - DEMOLITION REVIEW

Sec. 44-12. - Criteria.

Except for buildings located in the historic district as defined under the Land Development Code, any building or part of a building in the city will fall under the provisions of this article where:

- 1) The proposed demolition is greater than 500 square feet of gross floor area; and

2) The building is listed or is eligible for listing in the National Register of Historic Places or is listed in the New Hampshire State Register of Historic Places.

Sec. 44-13. - Procedure.

When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the Building Official for a determination under this article, the Building Official will determine if the building, or section of the building, meets the above criteria. If it does, the Building Official shall:

1) Forward a copy of the application to the demolition review committee.

2) Within five business days of its receipt of a copy of the application, the committee shall issue a preliminary recommendation regarding the granting of a demolition permit. If the committee issues a recommendation in favor of the granting of such a permit, a demolition permit shall be issued. If the committee determines the building to be potentially significant as defined by subsection 44-8(C), it shall issue a recommendation in opposition of granting the demolition permit. If the committee recommends against granting the demolition permit, within two business days of that decision the code administrator or his designee shall notify the applicant that a sign identifying the building as proposed for demolition is ready for posting in a visible location on the premises. Posting of the sign within five business days of receiving notification from the Building Official shall be the responsibility of the applicant. When the committee issues a recommendation to delay the granting of a permit for demolition, no permit shall be issued until a more thorough investigation is undertaken and a final written recommendation is provided by the committee to the Building Official. Investigation and recommendation shall be completed within 30 calendar days of the committee's receipt of a copy of the application.

3) During the maximum 30 calendar-day-period, the committee shall meet with the property owner and conduct such public hearings and investigations as it may determine to be necessary in the formulation of its written recommendation regarding the granting of such permit. The committee shall consider the following criteria in its deliberation:

a. The building or structure is of such interest or quality that it would meet national, state or local criteria for designation as a historic, cultural, or architectural landmark.

b. The building or structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.

c. The building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.

d. Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the city.

Sec. 44-14. - Demolition review committee responsibilities.

It is the responsibility of the demolition review committee to:

- 1) Render a decision within five business days of receipt of the demolition application as to whether the building might be significant within the standards and specifications provided above. If no decision is made within five business days, the application will be deemed to be approved, and the permit may be issued.
- 2) Hold a meeting between the demolition review committee and the applicant (or applicant's representative) to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.

Sec. 44-15. - Demolition.

- 1) If no alternatives to demolition have been identified and agreed to by the applicant after the meeting provided for in the preceding section, the applicant is free to proceed with demolition provided a permit is issued by the community development department. Prior to demolition, and if the applicant is in agreement, the demolition review committee shall photographically document the building. The committee shall also encourage the applicant to salvage significant architectural features.
- 2) Nothing in this article shall be construed to prevent immediate demolition where public safety is at stake and the building has been determined by the Building Official to be a public hazard and demolition is the only viable recourse.

Sec. 44-16 Permit fee schedule also in Appendix B of City Code

In addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of \$8.00 per thousand improvement value rounded up to the nearest thousand when over \$5,000.00 for permits issued under the scope of work as described in the International Residential Code as adopted under the State Building Code.

In addition to the minimum fee as required under subsection (a) (1) hereof, a fee shall be assessed and paid at the rate of a fee of \$10.00 per thousand when over \$5,000.00 for permits issued under the scope of work as described in the International Building Code as adopted under the State Building Code. A copy of a signed contract will be submitted to verify the value of the work to be performed by a contractor. Whenever during the time that the permit is active, and the scope changes, when that change increases the value the fee will be adjusted. For noncontract work, such as when a homeowner furnishes his own or has furnished free labor, but purchases the materials,

the fee shall be based on the actual cost of all material with a multiplier of two applied. When there is a disagreement between the applicant and the department on the value of permit fees, the department may use any recognized method including but not limited to similar projects, nationally recognized construction value tables, or any other source relevant to determining improvement value.

(a) Permit fees shall be in accordance with the following schedule:

(1) The minimum permit fee shall be \$100.00

(2) Substantial modifications to active permits shall require a separate application and fee. Substantial modifications are changes that result in project cost increase greater than 25 percent, or the creation of additional square footage greater than 25 percent, whichever is less. When there is a substantial modification to a permit application, a fee shall be estimated for the work completed in addition to the new work proposed in the modification.

(3) The permit fee for a modular home installation shall be based on the cost to install the unit as determined by the department.

(4) Applications for permits shall be issued from the community development department. Completed applications together with all necessary supporting documentation shall be submitted to the Keene Fire Department Prevention Bureau which shall complete the permit, conduct inspection and issue final approvals.

(b) **Additional fees:** Projects completed without a permit, projects begun prior to the issuance of a permit, failure to cure problems raised in plans examination critiques, failure to complete work prior to inspection, and work not done in compliance with permitted plans or in violation of the codes result in, increased cost, diminished efficiency and error. This cost and inefficiency have not been reflected in the fee schedule contained herein and therefore the following additional fees shall be assessed to defray said costs.

(1) Work commenced prior to permit issuance: 25 percent of the permit fee for the first violation, 50 percent of the permit fee for the second, and 100 percent of the permit fee for the third and all subsequent violations or \$100.00 whichever is greater.

(2) On individual projects: Permit plans rejected by the department three times: Will incur a penalty of 10 percent of the original permit fee.

- (3) Re-inspection fee: \$50.00 for each inspection of an element of construction after the second rejection.
-

(c) **Incentives:** Permit application and plans, which are professionally prepared by licensed architects or engineers, require less effort by staff to review plans for permit. Therefore, the following incentives are created to facilitate the use of licensed architects or engineers.

(d) Plan reviews:

- (1) Whenever requested by an owner or owners authorized representative, and when required by the community development department on plan reviews for projects larger than 5,000 square feet or any complex project shall be reviewed by a third-party entity approved by the department and permit fees will be reduced by 40 percent.
- (2) The fee for any permit for a project shown on any plan prepared by a license architect or engineer where state law does not require such preparation shall be reduced by 15 percent.
- (3) The fee for any permit for a project that has a licensed electrician and/or plumber where state law does not require such work to be performed by a licensed trade person shall be reduced by 10 percent per trade, maximum of 20 percent reduction allowed.
- (4) Incomplete applications shall be rejected.
-

ARTICLE IV. - RESERVED

ARTICLE V. - RESERVED

ARTICLE VI. – RESERVED



CITY OF KEENE NEW HAMPSHIRE

ITEM #A.4.

Meeting Date: November 12, 2025

To: Planning, Licenses and Development Committee

From: Paul Andrus, Community Development Director
Richard Wood, Fire Marshall/Building Official

Through: Elizabeth Ferland, City Manager

Subject: **Update to Chapter 18 of the City Code, Property and Housing Standards - Community Development Director**

Recommendation:

Move that the Planning, Licenses and Development Committee recommend that the City Manager be directed to introduce an ordinance for first reading updating Chapter 18 of the City Code relating to Property and Housing Standards.

Attachments:

1. PLD Draft Copy 110625_PA

Background:

The proposed update to Chapter 18 is intended to modernize and clarify the City of Keene's existing ordinances, ensuring that they remain consistent with current best practices, legal standards, and community needs. Over time, certain portions of Chapter 18 have become outdated or ambiguous, which has led to inefficiencies in enforcement and confusion for both residents and city staff. By updating the language and structure, the City aims to provide clearer guidance, strengthen compliance, reduce any redundancies, and promote a fair and transparent system that works effectively for everyone.

The update consolidates overlapping sections, eliminates redundant provisions, and introduces new language that better reflects the realities of how Keene operates today. These changes will improve accessibility for residents by making the code easier to understand, while also supporting city staff with more practical tools for administration and enforcement. The revisions ensure that Keene remains in compliance with broader regulatory frameworks while tailoring policies to the city's unique context.



City Of Keene

Property and Housing Standards

Chapter 18

Table of Contents
Chapter 18
Property and Housing Standards

Article I In General

Sec. 18-1. Authority	4
Sec. 18-2. Definitions	4
Sec. 18-3. Administrative and enforcement in general	6

Article II Unfit Structures

Division 1 Generally

Sec. 18-4. Purpose	7
--------------------------	---

Division 2 Enforcement

Sec. 18-5. Complaint; Notice of Hearing	7
Sec. 18-6. Determination of the Community Development Department; issuance of orders, posting of placards	7
Sec. 18-7. Procedure for Enforcement	8
Sec. 18-8. Liens	9

Division 3 Appeals

Sec. 18-9. Appeal Process	9
---------------------------------	---

Article III Property Standards

Division 1 Generally

Sec. 18-10. Purpose	9
---------------------------	---

Division 2 General Requirements for Property Maintenance

Sec. 18-11. Applicability	9
Sec. 18-12. Minimum standards for all property	9
Sec. 18-13. Recreational camping vehicle.....	11

Article V Housing Standards

Division 1 Generally

Sec. 18-14. Purpose	12
---------------------------	----

Division 2 General Requirements for Housing Standards

Sec. 18-15. Applicability	12
Sec. 18-16. Posting of Emergency Contact Information.....	12
Sec. 18-17. Common Hallways and Stairways	12
Sec. 18-18. Ventilation	13
Sec. 18-19. Outdoor and Interior Stairs and Handrails	13
Sec. 18-20. Interior Surfaces	13
Sec. 18-21. Floor Coverings	13
Sec. 18-22. Plumbing	13
Sec. 18-23. Sanitary Facilities	13
Sec. 18-24. Water and Sewer System	14
Sec. 18-25. Water Heating Facilities	14
Sec. 18-26. Heating Facilities	14
Sec. 18-27. Electrical Service and Outlets	14
Sec. 18-28. Windows, doors, and openings	14

Article IV Property and Housing Standards Enforcement

Division 1 Generally

Sec. 18-29. Purpose	14
---------------------------	----

Division 2 Enforcement

Sec. 18-30. Service of Notice of Violation	15
Sec. 18-31. Citations	15
Sec. 18-32. Prosecution	16
Sec. 18-33. Violations and Penalties	16

Division 3 Appeals

Sec. 18-34. Appeal	16
--------------------------	----

Article V Reserved

Article VI Reserved

Article VII Reserved

ARTICLE I. - IN GENERAL

Sec. 18-1. - Authority.

Articles I—VII of this chapter are adopted by the City of Keene ("city") in accordance with, and under the authority granted by City of Keene Land Development Code, RSA 47:17, RSA 48-A, and RSA 147.

Sec. 18-2. - Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Whenever the words *dwelling*, *dwelling unit*, or *premises*, are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

Accessory structure shall mean a structure that is subordinate and customarily incidental to a principal structure that is located on the same lot.

Building shall mean any structure used or intended for sheltering any use or occupancy

Bulk container shall mean any dumpster, roll-off container, or compactor dumpster, or more than two cans greater than 64 gallons. See also "waste storage container."

Community Development department shall mean the officials of the city, and/or their duly authorized representatives, charged with the administration and enforcement of this chapter.

Dwelling shall mean a structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, and multi-family dwellings. Dwellings may be either attached or detached.

Dwelling unit shall mean a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Exterminated shall mean the control and elimination of insects, rodents, vermin, and other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poison spraying, fumigating, trapping, or by any other approved pest elimination methods.

Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking, and consumption of food. See also "waste."

Habitable space shall mean space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces are not considered habitable spaces.

Handrails shall mean a horizontal or sloping rail intended for grasping by the hand for guidance or support.

Hazardous condition shall mean any inadequate maintenance, repair or disrepair, modification, physical damage or other condition which constitutes a hazard to public safety or health.

Infestation shall mean the presence of insects, rodents, vermin, and other pests.

Kitchen shall mean an area used or designated to be used for the preparation of food.

Litter shall mean all rubbish, refuse, garbage, trash, debris, dead animals, and other discarded materials of every kind and description. See also "waste."

Natural Person shall mean a human being distinguished from a person (as a corporation) created by operation of law.

Occupant shall mean any person maintaining possession or control over a premise.

Owner shall mean any person, group of persons, or other legal entity having title to, or sufficient proprietary interest in, the use, structure, or lot in question.

Person shall mean an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization. See also, "natural person."

Plumbing or plumbing fixture shall mean a receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid borne solid waste; or require a supply of water and discharge waste to a drainage system.

Premises shall mean a lot or parcel of land including any building or accessory structure thereon.

Public agency shall mean the Community Development Department or the department; designated by ordinance, code or bylaw to exercise the powers and perform the duties conferred upon it by this chapter.

Public nuisance includes the following:

- 1) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations, and unsafe fences or structures.
- 2) Any premises that have unsanitary sewage or unsanitary plumbing facilities.
- 3) Any premises designated as unfit for human habitation or use.
- 4) Any premises from which the plumbing, heating, and/or facilities required in this chapter have been removed, or from which utilities have been disconnected, destroyed, removed, or rendered ineffective, or the required precautions against trespassers have not been provided.

- 5) Any premises which are capable of being a fire hazard or are unsafe or unsecure as to endanger life, limb, or property.
- 6) Any premises which are unsanitary, unsafe, or which are littered with rubbish or garbage.
- 7) Any structure, building or appurtenance that is in a state of dilapidation, deterioration, or decay; damaged by fire to the extent as not to provide shelter, in danger of collapse or failure and is dangerous to anyone on or near the premises.

Rental property shall mean any dwelling unit not occupied by the owner thereof.

Rubbish shall mean all combustible and noncombustible waste materials, except garbage, and the term shall include but not be limited to the residue from burned wood, coal, coke and other combustible materials, papers, rags, cartons, boxes, wood excelsior, rubber, leather, tin cans, metals, mineral matter, glass, crockery, dust and other similar materials, automobile parts and household furniture and appliances. See also "waste."

Structure shall mean anything constructed or erected which requires location on or in the ground or attached to something having location on or in the ground, including signs, billboards, fences, and swimming pools. See also "building."

Unfit for human habitation shall mean a dwelling or dwelling unit which, due to dilapidation, dangerous defect, lack of ventilation or sanitary facilities or other unhealthy or hazardous condition is unfit for human occupancy.

Ventilation shall mean the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

- 1) Mechanical: ventilation by power-driven devices.
- 2) Natural: ventilation by opening to outer air, through windows, skylights, doors, louvers, or stack wind driven devices.

Waste shall mean all garbage, litter, and rubbish.

Waste storage container shall mean any container or can include a bulk container that is used as a central collection point for the temporary storage of waste

Yard waste shall mean grass trimmings, leaves, tree branches and similar ornamental plant material and shall be incorporated in the term "waste" whenever yard waste is placed into a waste storage container.

Sec. 18-3. - Administration and enforcement in general.

The Community Development Department and its delegated officers shall exercise the powers to carry out this chapter, including but not limited to the following:

A) To investigate buildings, premises, and dwellings or dwelling unit's conditions in the municipality to determine which buildings, premises, and dwellings or dwelling units therein are unfit for human habitation or otherwise in violation of this chapter.

B) To enter upon premises for the purpose of making examinations and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

C) To appoint and fix the duties of such officers, agents, and employees as are deemed necessary to carry out the purposes of this chapter.

D) To delegate any of its functions under this chapter to the officers that it may designate.

ARTICLE II. – Unfit Structures

DIVISION 1. - GENERALLY

Sec. 18-4. - Purpose.

The purpose of this article is to cause the repair, closing, or demolition or removal of unfit structures, as per RSA 48-A:2; to provide avenues to compliance with RSA chapter 48-A; and to direct how complaints of an unfit structure are addressed.

DIVISION 2. – ENFORCEMENT

Sec. 18-5. – Complaint; Notice of Hearing

Whenever a petition is filed with the Community Development Department by at least ten residents of the municipality charging that any dwelling is unfit for human habitation, or whenever it appears to the Community Development Department by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee of record, and all occupants a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail; and if there are any unascertained persons having an interest in said dwelling, notice may be given to them by publication in a newspaper having general circulation in the municipality, such publication to be at least ten days before the date set for the hearing. Such complaint shall contain a notice that a hearing will be held before the Community Development Department at a place therein fixed not less than ten days nor more than 30 days after the serving of said complaint; that the owner, mortgagee, and occupants shall be given the right to file an answer to the complaint and to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint; and that the rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Community Development Department

Sec. 18-6. - Determination of the Community Development Department; issuance of orders, posting placards.

1) If, after notice and hearing, the Community Development Department determines, according to the standards of this Chapter, that the premises is in violation of the requirements of this article, they shall state in writing their findings of fact in support of such determination and shall issue and cause to be served upon the owners and occupants an order or orders to correct the violation. If the repair, alteration, or improvement of the dwelling cannot be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, the Community Development Department shall issue an order requiring the owner, within the time specified in the order, to remove or demolish the dwelling.

2) If the order issued in accordance with subsection (a) of this section states that the dwelling or dwelling unit is unfit for human habitation, the Community Development Department shall also notify by certified mail, return receipt requested, any mortgagee or lien holder of their findings and determinations, and post, in a conspicuous place or places upon the affected dwelling or dwelling unit, a placard or placards bearing the following words: "Condemned as Unfit for Human Habitation."

3) Any dwelling or dwelling unit that has been determined unfit for human habitation and that has been placarded as such by the Community Development department shall be vacated within a reasonable time as required by the Community Development Department. No owner shall rent to any person for human habitation, and no person shall occupy any dwelling or dwelling unit that has been determined unfit for human habitation and that has been placarded by the Community Development Department after the date which the department has required the dwelling or dwelling unit to be vacated.

4) No dwelling or dwelling unit which has been determined unfit for human habitation and that has been placarded as such shall again be used for human habitation until written approval is secured from, and the placard is removed by, the Community Development Department. The Community Development Department shall remove the placard whenever the defect or defects upon which the determination of unfit for human habitation was based have been eliminated.

5) No person shall deface or remove the placard from any dwelling or dwelling unit that has been determined unfit for human habitation and placarded as such.

Sec. 18-7. – Procedure for Enforcement

If the owner fails to comply with an order, made pursuant to the provisions of this article, to repair, alter, improve or to vacate and close the dwelling, or to remove or demolish the dwelling, the Community Development Department may file a petition in the superior court in which it shall set forth the charges issued pursuant to this article, as well as any other allegations bearing upon the unfitness of the dwelling for human habitation.

Sec. 18-8. – Liens

Whenever the Community Development Department shall incur cost for the repair, alteration, improvement, vacating or closing, or for the removal or demolition of a dwelling, pursuant to an order of the superior court, the amount of such costs shall be a lien against the real property as to which such cost was incurred and such lien, including as part thereof upon allowance of his costs and necessary attorneys' fees, may be foreclosed upon order of the superior court made pursuant to a petition for that purpose filed in said court. Such lien shall be subordinate to mortgages of record made before the institution of proceedings under this chapter. Notice of said lien shall be filed with the register of deeds for the county in which the real estate is situated and shall be recorded by him. If the dwelling is demolished by the public agency, he shall sell the materials of such dwelling and pay the proceeds of such sale over to the superior court, for distribution to such persons as the court shall find entitled thereto.

DIVISION 3. - APPEALS

Sec. 18-9. – Appeal Process.

If any owner is aggrieved by a decision of the Community Development Department, they may appeal to the City Council. The City Council shall hold a public hearing, due notice of hearing having first been given to the Community Development Department and to the owner. The City Council may affirm or revoke the decision of the Community Development Department, or they may modify the same in accordance with their findings. If they shall affirm or modify the decision, the Community Development Department shall proceed to enforce the order as affirmed or so modified.

ARTICLE III. - PROPERTY STANDARDS

DIVISION 1. - GENERALLY

Sec. 18-10. - Purpose.

The purpose of this article is to provide minimum standards for property maintenance not otherwise incorporated into the building code necessary to preserve neighborhoods, abate nuisances, and protect the public health, safety, and welfare of city residents.

DIVISION 2. - GENERAL REQUIREMENTS FOR PROPERTY MAINTENANCE

Sec. 18-11. - Applicability.

The following section shall be considered minimum standards for all property in the city.

Sec. 18-12. - Minimum standards for all property.

- 1) No person shall cause or maintain a public nuisance on any property within the city.

2) All motor vehicles shall be parked on-site, on approved parking surfaces that comply with the parking standards of the land development code.

3) No person shall park, keep, store, or permit the parking, keeping, or storage of more than one unregistered motor vehicle on any premises unless stored within an entirely closed garage.

4) No person shall permit waste or yard waste to accumulate upon any premises, or the interior of any structure. Every occupant and/or property owner shall dispose of waste in a clean and sanitary manner by placing such waste in a waste storage container. Except within 24 hours of scheduled curbside collection, no person shall place any containers of recyclable or non-recyclable waste storage containers on any sidewalk, street, alley, or other public place except as otherwise permitted under this chapter. Waste storage containers shall not remain at the curbside after being picked up by the hauler for more than 24 hours.

5) Waste storage containers and bulk containers must be located where they can be serviced, utilized by occupants, placed to reduce waste, and be maintained in a sanitary condition to prevent infestation. Bulk containers shall be accessible by motorized disposal equipment without going over impervious surfaces except as otherwise approved by the planning board as part of a site plan.

a) Waste storage containers shall be stored to the rear of the front setback or front line of the house or building, whichever is less.

b) Waste storage containers and bulk containers shall be of sufficient size and capacity, shall not be filled to overflowing, shall avoid noisome odors, and shall have lids with hinges that allow for the container to be closed anytime there is waste placed therein. If the container has side access panels, they shall be maintained in the closed position any time waste is placed within the container. The container will be of durable construction and not be allowed to deteriorate to the point that holes occur in the body of the container that will allow access by rodents or contribute to infestation. The waste storage containers bulk container owner must take appropriate action to immediately cause the waste storage containers or bulk container to be emptied of its contents when full. If the waste storage containers and bulk container owner is notified that the waste storage containers and bulk container upon their property is in violation of any of the foregoing offenses, the waste storage containers and bulk container owner shall within 12 hours of notification cause the offense to be remedied or shall be in violation of this section.

c) Temporary bulk containers may be located on any premises for the purposes of providing a container for renovation, construction, or cleaning out for moving. A bulk container used for these purposes shall not be placed within the public right-of-way, and the owner of the premises shall comply with the provisions of subsection above.

Temporary bulk containers shall not remain on the premises for longer than 90 days without the written approval of the community development department.

6) All premises shall be maintained free of overgrown, dead, diseased, decaying, or hazardous trees, shrubs, ground cover, or weeds that restrict or impede access to or public use of adjacent sidewalks and streets, obstruct traffic-control signs and devices and fire hydrants; and pose a risk of hazardous condition.

7) Vacant structures and premises thereof or vacant land shall be maintained in a secure and sanitary condition as provided herein so as not to adversely affect public health or safety.

8) Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

9) Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

10) Exterior surfaces, accessory structures, and structural members, including but not limited to, roofs, chimney, doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained structurally sound and good repair, and shall be capable of safely supporting the imposed dead and live loads.

11) Structures shall be kept free from wildlife, insect, and rodent infestation. Structures in which wildlife, insects, or rodents are found shall be promptly exterminated or removed by approved processes that will not be injurious to human health. After removal or elimination, proper precautions shall be taken to prevent reinfestation.

Sec. 18-13. - Recreational camping vehicle.

It shall be unlawful for any person to park any recreational camping vehicle on any public place or on any tract of land, occupied or unoccupied, within the city, except as provided in this article.

No person shall park, store, or occupy any recreational camping vehicle or major recreational equipment on the premises appurtenant to any occupied dwelling or in any vacant lot, except under the following conditions:

1) When permitted pursuant to an approved site-plan in conformance with all City of Keene ordinances and regulations.

2) Motorized recreational camping vehicles shall be stored on approved parking surfaces that comply with the parking standards of the land use code.

3) All recreational camping vehicles shall be located to the rear of the front setback or front line of the house, whichever is less.

4) Recreational camping vehicles or equipment shall not be occupied as a residential unit or prepared for residential occupation.

ARTICLE IV. - HOUSING STANDARDS

DIVISION 1. - GENERALLY

Sec. 18-14. - Purpose.

The purpose of this article is to provide minimum standards for housing use and maintenance necessary to preserve neighborhoods, abate nuisances and protect the public health, safety and welfare of city residents. Nothing herein is intended to preclude prosecution under any other statute, ordinance, or regulation which imposes a higher standard than those prescribed herein.

DIVISION 2. - GENERAL REQUIREMENTS FOR HOUSING STANDARDS

Sec. 18-15. - Applicability.

The following sections constitute the minimum standards for use and occupancy of all rental property.

Sec. 18-16. - Posting of emergency contact information.

A) All rental properties shall have been posted in a regularly accessible common area with written notification containing the following:

- 1) The name, address and telephone number of the owner or his/her agent. If the owner or their agent does not reside within one (1) hour drive of the subject structure, the owner must post, in addition to their agent's name, the name, address and telephone number of a person to contact in the case of an emergency who resides within one (1) hour drive of the structure.
- 2) A statement noting that disputes regarding fire code, property standards and/or housing standards are the responsibilities of the property owner and, therefore, should be addressed to the property owner(s) when contacting, or before contacting, the Community Development Department, with such disputes.
- 3) The address, telephone number, and website address of the Community Development Department.

B) Transfer of ownership. Upon transfer of ownership, the new owner shall comply with the posting or filing of emergency and Community Development Department information within 5 businesses days of transfer.

C) Unattended Emergency Contact. Whenever emergency contacts are left unattended for a period of 24 hours or longer, another name and emergency number shall be provided in accordance with this section.

Sec. 18-17. - Common hallways and stairways.

The means of egress from the building, including exterior means of egress stairways, and every common hall and stairway in any dwelling, other than in one- and two-family dwellings, shall be lit by capable means.

Sec. 18-18. - Ventilation.

Every bathroom and toilet room shall have a window with a minimum sash area of three-square feet unless the room is ventilated by capable mechanical means.

Sec. 18-19. - Outdoor and interior stairs and handrails.

Exterior and interior stairs shall be maintained structurally sound, and no part thereof shall show excessive wear, be broken, warped, cracked, or loose. Handrails shall be provided on not less than one side of each flight of stairs with four or more risers. Handrails shall be not less than 34 inches and not more than 38 inches in height. Guardrails shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps, and landings that are located more than 30 inches measured vertically to the floor or grade below. Guardrails shall be firmly fastened and capable of supporting all imposed loads at all times and a minimum of 36 inches in height.

Sec. 18-20. - Interior surfaces.

Interior surfaces, including floors, walls, windows, doors, and ceilings shall be maintained in good, clean, compliant, and sanitary condition. Peeling paint, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood, or other defective surface conditions shall be corrected.

Sec. 18-21. - Floor coverings.

Carpeting, linoleum, or other covering on stairs and floors shall be securely fastened, without tears or holes.

Sec. 18-22. - Plumbing.

All plumbing fixtures, vents, drains, and water supply lines shall be properly installed, connected, and maintained in working order, shall be kept free from obstructions, and leaks.

Sec. 18-23. - Sanitary facilities.

The following minimum sanitary facilities shall be supplied and maintained in sanitary, safe, and working condition:

- 1) Water closet and lavatory. Every dwelling or dwelling unit shall contain within its walls a room separate from habitable rooms that contains a water closet and lavatory, which affords privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. All water closets shall be supplied with cold running water. The lavatory shall be supplied with hot and cold running water and a functioning drain.

2) Bathtub or shower. Every dwelling or dwelling unit shall contain a room which affords privacy to a person in the room, and which is equipped with a bathtub or shower supplied with hot and cold running water and a functioning drain. The walls above the shower compartment shall be finished with a nonabsorbent surface. Such wall surfaces shall extend to a height of not less than six feet above the floor.

3) Kitchen area. Every dwelling unit shall contain a kitchen area, and every kitchen area shall have a sink, which shall be supplied with hot and cold running water and a functioning drain, and appliances to refrigerate and cook food.

Sec. 18-24. - Water and sewer system.

Every kitchen sink, lavatory, bathtub or shower, and water closet shall be connected to either a functioning public or private water and sewer system.

Sec. 18-25. - Water heating facilities.

Every dwelling or dwelling unit shall be supplied with water heating facilities, which are installed, maintained, and connected with hot water lines to the fixtures required in this division to be supplied with hot water.

Sec. 18-26. - Heating facilities.

Every dwelling or dwelling unit shall have heating equipment and appurtenances which are installed and maintained in safe condition and are capable of safely and adequately heating all habitable rooms, bathrooms, and water closet compartments located therein to a temperature of at least 65 degrees Fahrenheit at 48 inches above floor level.

Sec. 18-27. - Electrical service and outlets.

Every dwelling or dwelling unit shall be supplied with electric service, outlets and fixtures maintained in accordance with the provisions of the National Electrical Code adopted by the State of New Hampshire. There shall be no broken or frayed wires, fixtures, or missing cover plates.

Secs. 18-28. – Windows, doors, and openings.

During the period from May 1 to November 1 windows in habitable spaces shall be supplied with tightly fitting screens capable of preventing bugs from entering. Every basement hatchway or entryway shall be maintained to prevent infestation or the entrance of rain, and surface drainage water.

ARTICLE V. – PROPERTY AND HOUSING STANDARDS ENFORCEMENT

DIVISION 1. - GENERALLY

Sec. 18-29. - Purpose.

The purpose of this article is to provide enforcement and appeals process for Article III Property Standards and Article IV Housing Standards

DIVISION 2. - ENFORCEMENT

Sec. 18-30. – Service of Notice of Violation

A) Whenever the Community Development Department determines that there has been or is a violation of this chapter, they shall give notice of such violation to the person or persons responsible therefor. Such notice shall:

- 1) Be in writing.
- 2) Include a description of the real estate sufficient for identification.
- 3) Specify the violation that exists, and the remedial action required.
- 4) Allow a reasonable time for the performance of any act it requires.

B) Notices of violation, complaints, or orders shall be deemed to be properly served upon the person responsible for an alleged violation if a copy thereof is delivered to them personally, or left at their usual place of abode or business with a person of suitable age and discretion who shall be informed of the contents thereof, or sent by first-class mail to their last known address, or posted in a conspicuous place on or about the premises affected, or served, delivered, or published in any other way reasonably calculated to provide actual notice.

C) Notice of violation under this section includes citations issued pursuant to Section 18-31 of this chapter

Sec. 18-31. – Citations

A) Generally. A designee of the Community Development Department may issue citations to any person, natural or otherwise, including but not limited to any owner, landlord, agent, tenant, lessee or sublessee, who violates a provision of this chapter or permit, allows or suffers any violation of this chapter, or who fails to comply with an order or orders issued in accordance with the provisions of this chapter. Such citations may be issued either in addition to or in the place of other remedies available to the city. Such citations shall be in accordance with the procedures established by the Community Development Department and the City of Keene Code of Ordinances.

B) Action on citations. Citations shall be written upon standard forms authorized by the Community Development Department. Citations shall specify the reason for the citation and shall direct abatement of such conditions that cause the issuance of such citations within a reasonable and certain period of time. Where citations order compliance, the Community Development Department may cause such citations to be filed without further action after applicable fees, as provided by this chapter, have been paid.

Sec. 18-32. – Prosecution

If any order is not complied with in the time frame ordered, the Community Development Department may enforce the penalty provisions of this chapter through legal action against the person responsible for the violation, requesting a court to order them to:

- 1) Restrain, correct, or remove the violation or refrain from any further execution or work.
2. Restrain or correct the erection, installation, or alteration of such building.
3. Require the removal of work in violation.
4. Prevent the occupation or use of the building, structure, or part thereof erected, constructed, installed, or altered in violation of, or not in compliance with, the provisions of this chapter, or in violation of a plan or specification under which an approval, permit or certificate was issued.

Sec. 18-33. – Violations and Penalties

Any person who violates any provision of this chapter shall, upon conviction thereof, be penalized as provided in Sections 1-15 through 1-19 of the City Code. Each day a violation continues after written notice of violation shall constitute a separate offense.

DIVISION 3. - APPEALS

Sec. 18-34. - Appeal.

If any owner is aggrieved by a decision of the designee of the Community Development Department, they may appeal to the Community Development Director in writing within 10 business days of the issuance of the Notice of Violation. The Community Development Department Director may affirm or revoke the decision of the designee of the Community Development Department, or they may modify the same in accordance with their findings. If they affirm or modify the decision, the designee of the Community Development Department shall proceed to enforce the order as affirmed or modified. If the Community Development Director revokes the decision, the proceedings shall be terminated.

Article V Reserved
Article VI Reserved
Article VII Reserved



CITY OF KEENE

In the Year of Our Lord Two Thousand and Twenty Five

AN ORDINANCE Relating to Pavement Setbacks and Cross Site Access

Be it ordained by the City Council of the City of Keene, as follows:

That Chapter 100 of the Code of Ordinances of the City of Keene, New Hampshire, as amended, is hereby further amended by deleting the stricken text and adding the bolded and underlined text, as follows:

1. That Section 9.4.2 “Dimensions & Siting,” subsection A “Setbacks” be amended to create an exception for cross site access over property lines, as follows:
 - A. 1. Drive aisles that provide vehicular connections across property lines shall be exempt from parking lot surface setbacks with the following requirements:
 - a. The connection shall be a minimum of 22 feet in width for two-way traffic and 11 feet for one-way traffic, as measured along a lot line or boundary between separate properties.
 - b. Connections shall be far enough from the front property line to promote vehicular and pedestrian safety.
 - c. The connection shall be an extension of a travel lane of the subject parking lot and align to the maximum extent practicable with a travel lane on any adjacent parking lot.
 - d. Adequate site lines shall be provided.
 - e. Shared access agreements between properties shall be required where necessary.
 - f. Planning review shall be required per Section 26.12.3.

Jay V. Kahn, Mayor

In City Council August 21, 2025.
Referred to the Joint Planning Board and
Planning, Licenses and Development
Committee.


City Clerk

- C. Driveways and associated parking space(s) shall not have a slope greater than 15%.

9.3.5 Long Driveways

Driveways longer than 300-ft shall meet the following standards.

- A. Shall be limited in width to 10-ft, in order to minimize site disruptions.
- B. Every 300-ft there shall be an improved turnout, which is at least 8-ft wide and 15-ft long.
- C. Shall include at its terminus a vehicular turnaround as described for dead-end streets in Article 22.
- D. If the driveway slope is greater than 10%, the first 20-ft from the public road shall be at a slope of 5% or less.

9.4.6 Driveways Crossing Steep Slopes

For driveways located in or crossing prohibitive and precautionary slopes, as defined in Article 12 Hillside Protection Overlay District, the following standards shall apply.

- A. Driveway route shall follow the natural contours of the existing slope to minimize disturbance of vegetation and soils.
- B. Cutting and filling of slopes to construct a driveway shall comply with applicable grading standards of Article 12.
- C. Shared driveways shall be used to avoid entering into or crossing precautionary slope areas and to reduce grading, paving and site disturbance.

9.4 PARKING LOT DESIGN STANDARDS

9.4.1 Applicability

Section 9.4 shall apply only to parking lots or parking spaces that are associated with uses other than single- and two-family dwellings.

9.4.2 Dimensions & Siting

- A. **Setbacks.** Unless otherwise specified in Table 9-4 or elsewhere in this LDC, the setbacks for paved and unpaved parking lots and travel surfaces associated with all uses other than single-family and two-family dwellings are listed in Table 9-2.

1. **Drive aisles that provide vehicular connections across property lines shall be exempt from parking lot surface setbacks with the following requirements:**
 - a. **The connection shall be a minimum of 22 feet in width for two-way traffic and 11 feet for one-way traffic, as measured along a lot line or boundary between separate properties.**
 - b. **Connections shall be far enough from the front property line to promote vehicular and pedestrian safety.**
 - c. **The connection shall be an extension of a travel lane of the subject parking lot and align to the maximum extent practicable with a travel lane on any adjacent parking lot.**
 - d. **Adequate site lines shall be provided.**
 - e. **Shared access agreements between properties shall be required where necessary.**
 - f. **Planning review shall be required per Section 26.12.3.**

Table 9-2: Travel & Parking Surface Setbacks

Parking Lot Size	Min Setback	
	Front	Side/Rear
≤10,000 sf	8 ft	8 ft