

CHAPTER 7-03—STRATHAM HOME OCCUPATION PERMIT FEE & ORDINANCE

7-03-01 WHEREAS, in accordance with New Hampshire Revised Statutes Annotated 41:11-c, the Board of Selectmen may establish regulations relative to businesses obtaining municipal permits. Any person who violates a regulation established under this section shall be guilty of a violation, and;

7-03-02 WHEREAS, New Hampshire Revised Statutes Annotated 41:9-a establishes the authority for the Board of Selectmen to create or amend fees or charges for the purpose of issuing any license or permit which is part of a regulatory program established by vote of the Town, and;

7-03-03 WHEREAS, there is a need to regulate home occupations in the Town of Stratham to ensure that the permitted use and conduct thereof does not impair the residential character of the premises and/or reasonable use, and the safety, enjoyment, and value of other residential properties in the neighborhood, and;

7-03-04 WHEREAS, the Town of Stratham adopted, at its March 9, 2010 Annual Town Vote, an amendment to the Stratham Zoning Ordinance to insert a new section, Section V: Supplementary Regulations, Subsection 5.13 Home Occupations, establishing a formal application, review, and inspection process for home occupations and the creation of a Home Occupation Permit and associated renewal fee, and;

7-03-05 WHEREAS, the home occupation or conduct thereof shall not be injurious, noxious, or offensive to the neighborhood by reason of emission of odor, fumes, dust, smoke, vibration, and noise, and;

7-03-06 WHEREAS, the Home Occupation Permit and Renewal Fee shall not exceed an amount reasonably calculated to cover the Town's regulatory, administrative, and enforcement costs.

7-03-07 BE IT RESOLVED, that the Town of Stratham adopts the following Home Occupation Permit fee and use ordinance in connection with Sections 2.1.27 and 5.13 of the Stratham Zoning Ordinance:

7-03-08 No individual(s), business, firm, or corporation shall operate a home occupation as defined by Section 2.1.27 and/or approved in accordance with Section 5.13 of the Town of Stratham Zoning Ordinance without first obtaining a Home Occupation Permit from the Town.

7-03-09 Issuance of Home Occupation Permit.

- a. A Home Occupation granted a Special Exception in connection with Section 5.13 of the Zoning Ordinance shall submit an application for a Home Occupation Permit to the Building Department on a form provided by the Building Department within thirty (30) days of receiving approval from the Board of Adjustment.

- b. Beginning thirty (30) days after the adoption of this Ordinance, Home Occupations previously approved by the Board of Adjustment shall submit an application for a Home Occupation Permit to the Building Department on a form provided by the Building Department on the following basis:

Home Occupations at locations where their street address begins with the letter:

A – I	within thirty (30) days of adoption of the Ordinance
J – R	within ninety (90) days of adoption of the Ordinance
S – Z	within one hundred fifty (150) days of adoption of the Ordinance

- c. A Home Occupation in operation without the benefit of a Special Exception, or in operation before the original adoption of Section 2.1.27 in 1986 ("Pre-existing Home Occupation") shall submit an application for a Home Occupation Permit to the Building Department on a form provided by the Building Department within thirty (30) days of the adoption of this ordinance.
- d. The Building Inspector/Code Enforcement Officer shall inspect the premises to determine and record the use(s), intensity, and extent of operations. This will be used by the Town to establish a comparative baseline for enforcement and the issuance of future permits.
- e. All home occupation permits shall be issued for a period of at least three (3) years and may be renewed provided there is no violation of the provisions of Section 5.13 or further expansion, intensity, change of use of a pre-existing home occupation without the approval of the Town.
- f. The individual(s), business, firm, or corporation seeking to renew the Home Occupation Permit shall submit a renewal application form no later than seven (7) days prior to the expiration of said permit to the Building Department.

7-03-10 Payment of Permit Fees.

- g. Home Occupation Permits and Renewal Permits will be available at the Town Municipal Center, Building Department office during normal business hours and will cost thirty-five dollars (\$35.00). The initial Home Occupation Permit fee shall be waived for those home occupations approved in accordance with Section 5.13 of the Zoning Ordinance. All home occupations seeking renewal of the Home Occupation Permit shall be subject to the stipulated fee.
- h. Failure to submit payment by the expiration date of the Home Occupation Permit may result in the termination of the home occupation use.

7-03-11 Inspections and Enforcement.

- i. The enforcement of this ordinance and issuance of any violations of this ordinance shall be the responsibility of the Code Enforcement Officer.

- j. Periodic inspections of the Home Occupation premises by the Code Enforcement Officer may be required subsequent to the issuance of a Home Occupation Permit and/or Renewal Permit in order to confirm compliance with the conditions of the original special exception granted or state/status of the Pre-existing Home Occupation.
- k. If, in the opinion of the Code Enforcement Officer and/or the Zoning Board of Adjustment, the conditions of the special exception issued under the Zoning Ordinance have been violated, or the pre-existing home occupation was enlarged and/or use intensified, or a home occupation is unlawfully being conducted without the benefit of any approvals from the Town, the Code Enforcement Officer may issue a Notice of Violation to the person whose conduct is in violation of either this Ordinance and/or the Zoning Ordinance allowing that person up to thirty (30) days from receipt of the Notice to either bring the home occupation into substantial compliance with this Ordinance and the Zoning Ordinance, or apply to the Board of Adjustment to appeal this administrative decision. As part of this appeal of an administrative decision, the applicant can request additional time from the Board of Adjustment to come into substantial compliance with this Ordinance and the Zoning Ordinance.

A person receiving a Notice of Violation may also make application to the Zoning Board of Adjustment for a new special exception for a home occupation based on changed circumstances of the home occupation. Any further enforcement action by the Code Enforcement Officer shall be suspended until the Board of Adjustment has acted upon the application of the person conducting the home occupation.

Should the Board of Adjustment not rule in favor of the applicant or deny the request for a special exception, the Code Enforcement Officer may revoke the home occupation permit that was issued, if any, and proceed with appropriate enforcement actions. The provisions of this paragraph are not meant to prohibit the Town via the authority of the Code Enforcement Officer under any other statute, ordinance, and/or regulation to take immediate enforcement action where the continuation of the violation is a threat to public health, welfare, and/or safety.

7-03-12 Penalties. Any person found violating any provision of this ordinance shall for each violation, upon conviction thereof, pay a fine of not more than one hundred dollars (\$100.00) for each day such violation shall exist. Each day a person is found to be violating the provisions of this ordinance shall constitute a separate and distinct violation of this Ordinance and the related enforcement actions shall treat these acts as such.

7-03-13 Severability. If any portion or provision of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such a ruling shall not affect, impair, or invalidate any other portion or provision of this ordinance.

Adopted 2010

By: Selectmen David Canada, Timothy Copeland, Bruno Federico