 CITY OF DOVER	<table> <tr> <th colspan="2">CITY OF DOVER - ORDINANCE</th></tr> <tr> <td colspan="2">Agenda Item#: 12.A.2.</td></tr> <tr> <td>Ordinance Number:</td><td>O – 2026.08.26 – 5</td></tr> <tr> <td>Ordinance Title:</td><td>Food Service Establishments</td></tr> <tr> <td>Chapter:</td><td>85</td></tr> <tr> <td>Section:</td><td>1 Definitions 2 Licenses 3 Fees 6 Sanitation requirements 9 Violations and penalties 10 Service of alcoholic beverages</td></tr> </table>	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.A.2.		Ordinance Number:	O – 2026.08.26 – 5	Ordinance Title:	Food Service Establishments	Chapter:	85	Section:	1 Definitions 2 Licenses 3 Fees 6 Sanitation requirements 9 Violations and penalties 10 Service of alcoholic beverages
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The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to update, enhance, and clarify the standards for licensing and sanitation of restaurants operating in the City of Dover.

2. AMENDMENT

Chapter 85 entitled “Food Service Establishments” is hereby amended by revising Section 85-1, “Definitions”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 85-1. Definitions.

As used in this chapter, the following terms mean:

EMPLOYEE — Any person who handles food or drink during preparation or serving or who comes in contact with any eating or cooking utensils or who is employed in a room in which food or drink is prepared or served.

HEALTH OFFICER — The Health Officer of the City of Dover or his or her designee.

PERSON — Person, firm, corporation or association.

RESTAURANT — A restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, tavern, sandwich stand, soda fountain, mobile lunch cart and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

TEMPORARY FOOD SERVICE ESTABLISHMENT — One operating for a temporary period (one day up to six months) in connection with a fair, carnival, circus, public exhibition or other similar gatherings.

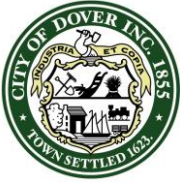
UTENSILS — Includes any kitchenware, tableware, glassware, cutlery, utensil containers or other equipment with which food or drink comes in contact during storage, preparation or serving.

3. AMENDMENT

Chapter 85 entitled “Food Service Establishments” is hereby amended by revising Section 85-2, “Licenses”, as follows:

a. THE FOLLOWING ARE AMENDED:

Document Created by: Legal Document Posted on: September 14, 2026	O-2026.08.26 Chapter 85 Food Service Establishments, Sections 1, 2, 3, 6, 9 and 10 Page 1 of 10
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§ 85-2. Adoption of Food Code and Licensing Requirements~~Licenses~~.

A. The City of Dover hereby adopts and incorporates by reference the United States Food and Drug Administration (FDA) Food Code, as currently adopted (and as may be amended from time to time) by the State of New Hampshire Department of Health and Human Services, including any amendments thereto, as the minimum standards governing restaurants within the City of Dover.

A.B. It shall be unlawful to operate a restaurant in the City of Dover without a license. Licenses shall be posted in a conspicuous place.

B.C. The ~~Health Officer~~Board of Health is authorized to suspend or revoke a license. Applicants who are denied a license and license holders who are the subject of administrative action shall be entitled to notice and an appeal hearing before the Board of Health.

C.D. All restaurant licenses of the City of Dover shall expire on the 31st day of May annually. A person conducting a temporary food service establishment shall be required to secure a license.

4. AMENDMENT

Chapter 85 entitled “Food Service Establishments” is hereby amended by revising Section 85-3, “Fees”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 85-3. Fees.

Annual license fees shall be in accordance with the current Fee Schedule as adopted by the City Council.
The license shall be renewed annually prior to its expiration date.

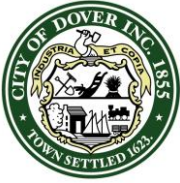
5. AMENDMENT

Chapter 85 entitled “Food Service Establishments” is hereby amended by revising Section 85-6, “Sanitation Requirements”, as follows:

b. THE FOLLOWING ARE AMENDED:

§ 85-6. ~~Sanitation requirements.~~ Suspension/Revocation/Denial of License.

A. The Health Officer shall, by written notice outlining all reasons along with notice of rights of appeal, deny an application or suspend a license issued to a restaurant if:



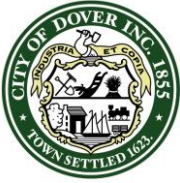
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- (1) The operation of the licensed restaurant violates the Food Code and immediately endangers public health or safety;
- (2) An applicant or licensee has failed to timely pay any applicable fee or any fine imposed;
- (3) After being notified of and given an opportunity to supply missing information, an applicant or licensee fails to submit an application that meets the requirements of this chapter;
- (4) An applicant, licensee, or any representative or employee of the applicant or licensee:
- a. Provides false or misleading information to the Health Officer;
 - b. Prevents or interferes, or fails to cooperate with any inspection or investigation conducted by the Health Officer; or
 - c. Fails to provide, upon request, information or documents to the Health Officer;
- (5) There is a deficiency identified in the inspection report and the applicant or licensee does not either correct it or complete a corrective action plan satisfactory to the Health Officer;
- (6) The licensee fails to implement or continue to implement an accepted corrective action plan;
- (7) The licensee is cited 2 or more times under the Food Code and/or this chapter for the same violation within the last 12 months; or
- (8) Other good cause involving substantial and imminent threat to public health and safety as reasonably determined by the Health Officer;
- B. For serious or repeated violations of any of the requirements of this chapter or for interference with the Health Officer in the performance of his/her duties, a restaurant license may be temporarily or permanently revoked and suspended. If a license is so revoked by the department, then the restaurant shall cease operation immediately after receipt of the revocation notice
- C. An applicant or licensee shall have 10 calendar days after receipt of the notice of either an enforcement action to request in writing an appeal hearing before the Board of Health to contest the action. If a written request for an appeal hearing is not timely filed, the applicant or licensee irrevocably waives his right to any appeal and the action of the Health Officer shall become final.



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D. If a license is suspended or revoked by the Health Officer, the restaurant shall cease operation immediately after receipt of the suspension or revocation notice. The filing of a timely appeal shall normally temporarily stay the suspension or revocation, but shall not stay the accrual of fines for ongoing violations. Notwithstanding the foregoing, the filing of an appeal shall not temporarily stay the suspension or revocation in situations where the Health Officer has sought and obtained emergency or immediate injunctive relief from a Court pursuant to the paragraph below.

E. Where the Health Officer conducts an investigation and/or inspection and finds good cause for violations of this chapter that pose a substantial and imminent threat to public health, the Health Officer may petition a Court with jurisdiction for emergency or immediate injunctive relief.

F. A licensee shall immediately discontinue operations and notify the Health Officer (or if after hours or during weekend/holidays, City dispatch) if an imminent health hazard shall exist because of an emergency such as those set forth below. In such case, the licensee shall not resume operations until receiving approval of the Health Officer or designee:

(1) Interruption of water service that lasts for 2 or more hours;

(2) Whenever a drinking water sample is found to have E. coli bacteria or exceed the MCL for nitrates or nitrites described by N.H. Code of Admin. Rules He-P 2304.06(f);

(3) A failed sewer system or a sewage backup into the food establishment;

(4) Interruption of electrical service for 2 or more hours;

(5) A fire affecting a food establishment;

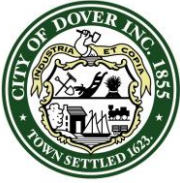
(6) Flooding in a food establishment;

(7) Chemical exposure in a food establishment;

(8) Any other natural disaster or catastrophic event that could result in contamination of the food supply;

(9) An employee has been found to be infected with a communicable disease as described in Food Code subparagraph 2-201.11 (A)(2); or

(10) Any other severe unsanitary conditions that threaten to contaminate the food establishment and its food supply.



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~~Floors. The floors of all rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth and shall be kept clean and in good repair.~~

~~A. Walls and ceilings. Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.~~

~~A. Doors and windows. When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.~~

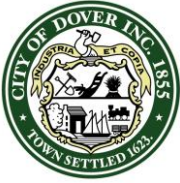
~~A. Lighting. All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well-lighted.~~

~~A. Ventilation. All rooms in which food or drink is stored, prepared or served or in which utensils are washed shall be well-ventilated.~~

~~A. Toilet facilities. Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees and patrons conforming to the ordinances of the City of Dover. Rooms in which toilet facilities are provided shall not open directly into any room in which food, drink or utensils are handled or stored. Separate toilet rooms for each sex shall be provided for patrons of any restaurant designed to seat 25 or more patrons at one time or for patrons of any food establishment where alcoholic beverages are served. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, well-lighted and ventilated. The floor of toilet rooms shall be of nonabsorbent materials or covered with such materials and made watertight with a suitable waterproofing material. The requirement of providing toilet facilities for patrons shall not apply to stores serving lunches, roadside refreshment booths or to places of temporary character serving food, and one conveniently located toilet shall be deemed adequate for employees.~~

~~A. Water supply. Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate and of a safe, sanitary quality.~~

~~A. Lavatory facilities. Adequate and convenient hand washing facilities shall be provided for employees, including hot and cold running water and soap from a dispenser and approved sanitary towels. The use of a common towel and drinking cup is prohibited. No employees shall~~



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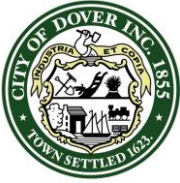
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~~resume work after using the toilet room without first washing their hands, and a sign shall be posted in each toilet room used by employees instructing the same.~~

- ~~A. Construction of utensils and equipment. All multi-used utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in connection with the operating of a restaurant shall be so constructed as to be easily cleaned and shall be in good repair. Chipped or cracked glasses, dishes and utensils shall not be used in any establishment. Such articles in the condition described above are to be discarded immediately.~~
- ~~A. Cleansing and bactericidal treatment of utensils and equipment. All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, sinks and other equipment used with the operation of a restaurant, shall be kept clean and free from dust, dirt, insects and other contaminating material. All cloths used by waiters, chefs and other employees shall be clean. Single service containers shall be used only once. All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to one of the following approved bactericidal processes after each usage:~~
- ~~(0) Immersion for at least two minutes in clean, hot water at a temperature of not less than 170° F. or for at least 1/2 minute in water at the full boiling temperature. The pouring of scalding water over the washed utensils shall not be accepted as satisfactory compliance.~~
 - ~~(0) Exposure in a steam cabinet at a temperature of not less than 170° F. for not less than 15 minutes or not less than 200° F. for at least five minutes.~~
 - ~~(0) Exposure in a hot air oven at a temperature of not less than 180° F. for not less than 20 minutes.~~
 - ~~(0) Immersion for at least two minutes in a lukewarm chlorine bath containing in excess of 50 parts per million of available chlorine.~~
 - ~~(0) Immersion for at least two minutes in a rinse containing a bactericidal agent whose concentration and composition have been approved by the State Department of Health and Human Services. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose. No article, polish or other substance containing any cyanide preparation or other poisoning material shall be used for the cleaning or polishing of utensils.~~
- ~~A. Storage and handling of utensils and equipment. After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust and other contamination and shall be handled in such a manner as to prevent contamination as far as practicable. Single service utensils shall be~~



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~~purchased only in sanitary containers, shall be stored therein in a clean, dry place until used and shall be handled in a sanitary manner. All ice cream scoops or other utensils for the dispensing of ice cream shall be kept in a container supplied with constant running water.~~

~~A. Disposal of waste. All waste shall be properly disposed of, and all garbage and trash shall be kept in metal waste cans provided with tightly fitting covers, which shall be kept covered at all times when not in use. The ground area around cans shall be free of rubbish at all times.~~

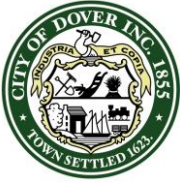
~~A. Refrigeration. All readily perishable food and drink shall be kept at or below 40° F. except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of.~~

~~A. Wholesomeness of food and drink. All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream and other frozen desserts served shall be pasteurized and shall be from an approved source. Milk and fluid milk products shall be served in the individual original containers as delivered to the dispenser by the dairy plant or from an approved dispensing device in preparing flavored milk drinks, provided that this requirement shall not apply to cream, which may be served from the original bottle or from an approved dispenser for such service. All oysters, clams and other shellfish shall be from approved sources and bear such identification as required by the State Department of Health and Human Services and, if shucked, shall be kept until used in the containers in which they were placed at the shucking plant or bear identification as to their origin.~~

~~A. Storage, display and serving of food and drink. All food and drink shall be stored, displayed and served as to be protected from dust, flies, vermin and pollution by rodents, unnecessary handling, droplet infection, overhead leakage and other sources of contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches and rodents shall be used. All parts of a restaurant used for preparing or storage of food shall be satisfactorily ratproofed.~~

~~A. Cleanliness of employees. All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment.~~

~~A. Miscellaneous. The premises of all restaurants shall be kept clean and free of litter and rubbish. None of the operation connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing. Garments to be worn while preparing or serving food shall not be stored in toilet rooms. Soiled linens, coats and aprons shall be stored in containers provided for this purpose.~~



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6. AMENDMENT

Chapter 85 entitled “Food Service Establishments” is hereby amended by revising Section 85-9, “Violations and penalties”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 85-9. Violations and penalties.

Any person violating any provision of this chapter shall be guilty of a violation and, upon conviction, shall be fined as provided in the City Fine Schedule, and each day of such violation or failure to comply shall constitute a separate offense. A restaurant operator’s violation of the provisions of this chapter shall also be cause to take other enforcement actions as deemed necessary by the Health Officer, up to and including legal action for injunctive and other relief.

7. AMENDMENT

Chapter 85 entitled “Food Service Establishments” is hereby amended by revising Section 85-10, “Service of alcoholic beverages”, as follows:

b. THE FOLLOWING ARE AMENDED:

§ 85-10. Service of alcoholic beverages.

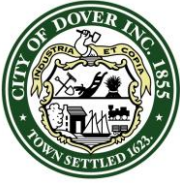
Any restaurant as defined in this chapter which is duly authorized and licensed by the State of New Hampshire to sell alcoholic beverages for this purpose may also apply to the City Licensing Board for a permit to sell and serve alcoholic beverages on a City sidewalk immediately adjacent to said restaurant, or any outdoor dining area as permitted by Chapter 125, Streets and Sidewalks, § 125-20, in conjunction with the service of bona fide meals. The City Licensing Board shall be responsible to ensure that the placement of tables and chairs for this purpose does not obstruct the free passage of pedestrians.

8. TAKES EFFECT

This ordinance shall take effect upon passage. The City Clerk shall cause publication of notice as required by RSA 47:18.

REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON SEPTEMBER 9, 2026



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AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Dennis Shanahan
By Request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Jerrica Vansylyvong-
Bizier
City Clerk

DOCUMENT HISTORY:

First Reading Date: 8/26/2026	Public Hearing Date: 9/9/2026
Approved Date: 9/9/2026	Effective Date: 9/15/2026

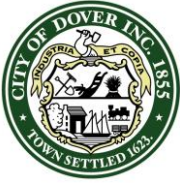
DOCUMENT ACTIONS:

**Deputy Mayor Williams moved to approve the ordinance, seconded by Councilor Granfield.
Roll Call Vote: 7-0.**

VOTING RECORD		
Date of Vote: 9/9/2026	YES	NO
Mayor Dennis Shanahan	X	
Deputy Mayor Lindsey Williams	X	
Councilor S. April Richer, Ward 1	X	
Councilor Lucas Veitch, Ward 2	X	
Councilor Anthony Retrosi, Ward 3	Absent	
Councilor Timothy Granfield, Ward 4	X	
Councilor Richard Robison, Ward 5	Absent	
Councilor Fergus Cullen, Ward 6	X	
Councilor Bret Carmichael, At Large	X	
Total Votes:	7	
Ordinance does pass.		

ORDINANCE BACKGROUND MATERIAL:

Document Created by: Legal	O-2026.08.26 Chapter 85 Food Service Establishments, Sections 1, 2, 3, 6, 9 and 10
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The purpose of this ordinance is to update, enhance, and clarify the local ordinances governing restaurant licensing and sanitation in the City of Dover. The State of New Hampshire, through its Department of Health and Human Services, adopts and follows what is generally known as the “Food Code”, which is a series of standards and rules developed by the United States Department of Health and Human Services, Public Health Services, Food and Drug Administration. The “Food Code” is codified in New Hampshire by administrative rule, *see* N.H. Code of Admin. Rule He-P 2300 (“Sanitary Production and Distribution of Food”), available at https://gc.nh.gov/rules/state_agencies/he-p2300.html.

While the State issues licenses and enforces the Food Code for many jurisdictions in New Hampshire, the City of Dover is what is known as a self-inspecting jurisdiction, meaning the State leaves the licensing and enforcement activities to local officials. In reviewing the City’s ordinances, it recently came to staff’s attention that the City would be best served by expressly adopting the Food Code, so as to clarify standards for restaurants in the City and bring the City of Dover in line with other communities.

This ordinance also updates and clarifies certain provisions concerning suspension and revocation of licenses. These updates to Dover Code Chapter 85 are generally consistent with the State’s enforcement program.

In terms of enabling authority, RSA 47:17, IV enables the City to establish regulations for restaurants. *Cf.* RSA 147:1, II (applicable to towns). The proposed changes in this ordinance has been reviewed and approved by the City’s Health Officer.

This ordinance advances City Council Goal #2 by ensuring quality of life and public safety.