

Town of New Hampton

An Ordinance on Parking, Standing & Stopping

Section 1. Definitions.

- (a) The word "operator" shall mean and include every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or is in the actual physical control of a vehicle.
- (b) The word "park" or "parking" shall mean the standing of a vehicle, whether occupied or not, upon a street otherwise than temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers or loading or unloading merchandise or in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.
- (c) The word "person" shall mean and include any individual, firm, partnership, association or corporation.
- (d) The word "street" shall mean any public street, avenue road, parking lot, alley, highway, lane, path or other public place located in the Town of New Hampton, established for use of vehicles
- (e) The word "way" shall mean the entire width between the boundary lines of any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use, or any such way which has been used for public travel thereon, other than to and from a toll bridge or ferry, for 20 years, or any public or private parking lot which is maintained primarily for the benefit of paying customers;
- (e) The word "vehicle" shall mean every mechanical device in, upon or by which any person or property is or may be transported or drawn upon a way, excepting devices used exclusively upon stationary rails or tracks.

Section 2. Power of Selectmen.

- (a) In accordance with R.S.A. 41:11 "the selectmen may regulate the use of all public highways, sidewalks....and for this purpose may exercise all the powers conferred on city councils by RSA 47:17, VII, VIII, and XVIII, and by any other provisions of the laws upon the subject."

Section 3. Procedure.

The selectmen shall cause a copy of any regulation proposed to be enacted under the provisions of this article to be published with the title and brief description of the ordinance in a newspaper of general circulation in the town. Upon adoption this ordinance it shall be filed with the town clerk's office.

Section 4. Prohibited acts.

- (a) It shall be unlawful to stop, stand or park any vehicle within any area designated and marked as prohibiting such conduct under regulations enacted pursuant to this article.
- (b) No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the roadway or upon any "way", when it is practicable to stop or so leave such vehicle off Such part of the roadway or:
 - (1) So as to create a hazard to other users of the or roadway;
 - (2) When the vehicle blocks the orderly flow of traffic including the unrestricted passage of emergency vehicles;
 - (3) At any place where official signs prohibit parking, stopping, or standing;
 - (4) Within fifteen (15) feet of a fire hydrant;
 - (5) Within twenty (20) feet of a crosswalk at an intersection, unless otherwise within a parking space designated for parking;
 - (6) Within thirty (30) feet upon the approach to any flashing signal, stop sign, or traffic control signal located at the side of a roadway;
 - (7) Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly posted,
 - (8) On the sidewalk;
 - (9) Within an intersection;
 - (10) On a crosswalk.

- (c) Except as otherwise provided in this section every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand curb, or if upon a roadway where there are no curbs said vehicle shall be so stopped or parked with the right-hand wheels of such vehicle parallel to the right-hand side of the traveled portion of the highway.

Section 5. Ticketing.

Any police officer is empowered to place upon any vehicle found to be in violation of any regulations promulgated under this article, a tag or ticket in a form prescribed by the selectmen setting forth the time and the place of the Violation and directing the owner of said vehicle to pay the fine hereinafter provided within five (5) business days at the Police Department.

Section 6. Towing.

Any police officer is empowered whenever they determine that any vehicle, which is parked in violation of any regulation promulgated under this article, is creating a condition hazardous to the safety of the public, to have such vehicle removed by wrecker or tow truck. The owner of the vehicle towed under the provisions of this section shall be liable for the cost of such towing.

Section 7. Notices.

Whenever any tag or ticket issued pursuant to Section 5 has not been returned to the Police Department with the fine therein, within five (5) business days, an administrative fee of ten dollars (10.00) shall be added to the ticket. The chief of police is then authorized to mail by certified mail, return receipt requested, to the registered owner of the vehicle upon which said tag or ticket was placed, a notice setting forth the date and time of the violation and requiring the owner to pay the fine, along with the administrative fee, hereinafter provided within seven (7) business days after the date of receipt of said notice.

Section 8. Penalties.

- (a) For each violation of any regulation promulgated under this article, the owner or person to whom the vehicle is registered upon which a tag or ticket is placed shall forfeit fifteen dollars (\$15.00) to the use of the town.
- (b) Any person to whom a notice has been sent pursuant to section 7 who fails to pay the fine as required shall be guilty of a violation.

Section 9. Review.

The owner or operator of any vehicle issued a parking violation ticket may appeal the matter to the chief of police and/or his designee within five (5) business days of date of issuance. If the parking violation is upheld, the ticket must be paid within seven (7) business days or it shall be prosecuted in district court for nonpayment.

Section 10. Leaving vehicle unattended.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon a grade, turning the front wheels inward toward the Curb or side of the highway.

Section 11. Overnight Parking from November 1 to April 1.

No vehicle shall be parked on a public street from 12:00 midnight to 6:00 a.m. from November 1 to April 1, except in a case of emergency. All vehicles so parked will, at the discretion of the police department, be towed away at the expense of the owner of said vehicle.

Section 12. Snow emergency.

No vehicle shall remain parked on any public street or way in excess of one (1) hour after a declared snow emergency is announced. The Board of Selectmen or their designee shall declare a snow emergency.

Section 13. Snow removal.

Once posted by town employees, no vehicle shall be parked on the side of a street, which has been designated and scheduled for snow removal and pickup operations.

Section 14. Handicapped parking.

In any parking place, whether on public or private property, specially designated for the physically handicapped by means of a sign stating that the space is reserved for the physically handicapped or displaying the wheelchair symbol as defined in RSA 27-C:9, I (a), unless that person has special number plates, a number plate decal or a tag or card issued pursuant to RSA 261:86, 87, or 88. Any violation of this section shall result in a fine of not less than one hundred dollars (\$100.00).

Section 15. Saving Clause.

If any section, provision or part thereof in this article shall be adjudged invalid or unconstitutional by a Court Of competent jurisdiction, then such adjudication shall

not affect the validity of this article as a whole, or by section, provision or part thereof not so adjudged invalid or unconstitutional.

Adopted: March 9, 2000

Amended after Public Hearing on June 29, 2006 by the New Hampton Board of Selectmen.

Merritt D. Salmon
Thomas R. Smith
Paul J. Tierney

DATE: June 29, 2006

cc: Town Clerk