

TOWN OF STRATHAM
NOTICE OF PUBLIC HEARINGS

MONDAY, OCTOBER 17, 2011 7:30 PM

THE BOARD OF SELECTMEN WILL HOLD PUBLIC HEARINGS IN THE STRATHAM MUNICIPAL CENTER TO DISCUSS, TAKE PUBLIC COMMENT, AND ACT UPON THE FOLLOWING ITEMS:

THE FIRST OF TWO PUBLIC READINGS OF PROPOSED ORDINANCES ENTITLED:

- **PARKING REGULATIONS (ORDINANCE #1-2011)**, AND;
- **PARKING REGULATIONS DURING WINTER ROAD MAINTENANCE (ORDINANCE #2-2011)**.

THE SECOND READINGS FOR BOTH THESE PROPOSED ORDINANCES PRIOR TO THEIR POSSIBLE ADOPTION WILL BE HELD ON **OCTOBER 24, 2011 AT 7:30 PM** IN THE STRATHAM MUNICIPAL CENTER. COPIES OF PROPOSED ORDINANCES #1-2011 & #2-2011 ARE POSTED AND AVAILABLE AT THE SELECTMEN'S OFFICE DURING NORMAL BUSINESS HOURS.

PUBLIC PARTICIPATION IS ENCOURAGED.

CHAPTER 1-09—PARKING REGULATIONS

Section 1-09—01 AUTHORITY: Pursuant to the authority granted under the NH RSA 31:39-43, RSA 31:102, RSA 41:11, RSA 47:17, RSA 231:132-a, and any other applicable statute under New Hampshire law, the following ordinance is enacted.

Section 1-09—02 PURPOSE: With discretion of authority, this ordinance for parking in specific places will be enforced to protect the public peace, preserve public law and order, promote safety and welfare, and ensure proper and decent conduct for the residents of the Town of Stratham and the general public.

Section 1-09—03 DEFINITION: It shall be unlawful for any person, firm or corporation to stop, stand, or park, any vehicle or cause the same to stop, stand, or be parked at any time, on any roadway, intersecting roadway or highway, public or private parking lot, contrary to the provisions as set forth, within the Town of Stratham, New Hampshire. Any vehicle parked in the following locations further defined by RSA 265:68 and 265:69 shall be deemed to be in violation:

- a) On any public sidewalk
- b) On a public crosswalk
- c) In front of a public or private driveway
- d) Within thirty (30) feet of any stop or yield sign
- e) Within an intersection, or within thirty (30) feet of an intersecting roadway
- f) Parked double along the roadway side of any other vehicle stopped or parked at the edge or curb of any street
- g) Upon any area of Town of Stratham property posted to prohibit parking
- h) Upon any way when the principal purpose is displaying the vehicle for sale
- i) Upon the travel portion of any roadway so as to obstruct the movement of traffic within the travel lane
- j) Upon any roadway against traffic or facing approaching traffic
- k) At any place where official signs specifically prohibit parking
- l) In any designated Fire Lane
- m) Within 15 feet of a fire hydrant or sprinkler supply head
- n) In any area designated as Handicapped Parking

Section 1-09—04 INCLUSIVE: This chapter and section expressly includes, but is not limited to, the following public and private parking areas within the bounds of the Town of Stratham:

- a) Stratham Municipal Center
- b) Stratham Fire Department
- c) Stratham Hill Park
- d) Stratham Memorial Elementary School
- e) The Cooperative Middle School
- f) New Hampshire Technical College
- g) Any shopping center or shopping plaza
- h) Any compact commercial or similar area
- i) Stratham Industrial Park business areas

CHAPTER 1-09—PARKING REGULATIONS

Section 1-09—05 ENFORCEMENT: The Chief of Police of the Town of Stratham or his duly appointed agents are hereby authorized to cite, summons, and prosecute in the District Court or any other court having jurisdiction thereof, any person, firm, or corporation deemed to be in violation of the provisions for parking prohibited in specific places.

Section 1-09—06 RESPONSIBILITY: All violations of parking restrictions and charges shall be deemed the responsibility of the registered owner of said vehicle. Such registration may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability need be proven as an element of the offense in accordance with RSA 231:132-a.

Section 1-09—07 PENALTIES: All of the prohibited conduct outlined herein shall be defined as a violation under New Hampshire RSA 625:9 V, and a person found to be guilty of said violation shall be subject to the penalties of NH RSA 651:2 IV (a), or as otherwise outlined in Statute, except that optional procedures set forth in Section 1-09-08 PROCEDURES FOR PAYMENT may be used in lieu of court proceedings for any such violations.

Section 1-09—08 PROCEDURES FOR PAYMENT:

- a) The operator or owner may, within 72 hours of the time when a notice of a violation was attached to the vehicle, pay to the Stratham Police Department by mail or personal appearance the sum of twenty (\$20.00) dollars as a penalty in lieu of court proceedings, except in reference to a Fire Hydrant violation, where the penalty is a minimum of fifty dollars (\$50.00); Fire Lane violation, where the penalty is a minimum of fifty dollars (\$50.00); or Handicap Parking, where the penalty is a minimum of two hundred fifty dollars (\$250.00)
- b) Failure by the owner or operator to make such payment within fourteen (14) calendar days will result in a second written notice of the violation. Failure by the owner or operator to make payment within five (5) business days after the second notice is sent, may result in the issuance of a summons to the owner to appear in the District Court to answer to the charges of violating the ordinance as provided in RSA 231:132-a

Section 1-09—09 EXCEPTIONS: Restrictions described in this chapter shall not apply when directed by a police officer for official or emergency purposes, or to emergency vehicles while on official business. The Chief of Police or their designee is authorized and empowered to make and enforce temporary parking regulations to cover emergencies, special conditions, and special events.

Section 1-09—10 REMOVAL: Any vehicle parked in violation of this ordinance may be ordered towed by the Stratham Police Department at the expense of the owner, or custodian of said vehicle.

Section 1-09—11 SEVERABILITY: If any section, part of a section, chapter, provision or amendment of this ordinance is declared or deemed invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section, or sections, or part of a section, or chapter and provision of the ordinance.

CHAPTER 1-09—PARKING REGULATIONS

This ordinance shall become effective upon the affirmative vote to adopt by the Board of Selectmen after having two (2) public readings. Once so adopted, this ordinance shall be governed, controlled, and enforced, in part and in whole, in accordance with the Code of Ordinances for the Town of Stratham, and shall remain in effect until expressly revoked or amended by an act of the Board of Selectmen or by a warrant article approved at Town Meeting.

First Reading: October 17, 2011

Second Reading: October 24, 2011

Witness our hands and seal to be effective and adopted this ____ day of _____ of 2011.

Board of Selectmen,
Stratham, New Hampshire

David Canada, Chair

Bruno Federico

Timothy Copeland

This is to certify that on the _____ day of _____, 2011 at the Stratham Town Office the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Stratham, New Hampshire.

Witness my hand: _____
Joyce Charbonneau, Town Clerk

Ordinance #1-2011

CHAPTER 1-10—PARKING REGULATIONS DURING WINTER ROAD MAINTENANCE

Section 1-10—01 AUTHORITY: Pursuant to the authority granted under the NH RSA 31:39-43, RSA 31:102, RSA 41:11, RSA 47:17, RSA 231:132-a, and any other applicable statute under New Hampshire law, the following ordinance is enacted.

Section 1-10—02 PURPOSE: It serves a legitimate public purpose to regulate the parking of motor vehicles on roads maintained by the Town of Stratham during weather emergencies and at times of other emergency situations in order to conduct these maintenance activities in a safe and efficient manner, and therefore the following regulations shall apply:

Section 1-10—03 WINTER ROAD MAINTENANCE: Winter Road Maintenance means, and will be considered ongoing, and these regulations shall be in force when any road maintenance vehicle is actively deployed in snow plowing, removing snow from, and/or applying any road treatment to include salt and/or sand, or any other road clearing or emergency operations on any public street, highway, or any area maintained by the Town of Stratham, the State of New Hampshire, or their agents.

Section 1-10—04 PARKING BAN FOR SNOW REMOVAL: It shall be unlawful for any person having custody, control, or ownership of any vehicle to park or cause the same to be parked at any time during a Winter Season (herein referred to as the Winter Season and defined as the period between November 1 of one year and April 30 of the following year) on any public street, highway, or any area maintained by the Town of Stratham, the State of New Hampshire, or their agents such that said vehicle interferes with or could interfere with Winter Road Maintenance being conducted by said entities at the time the violation is observed.

Section 1-10—05 RANGE OF INTERFERENCE: Vehicles shall not be parked on any paved portion, or within a standard measure of five (5) feet from the edge of the paved portion, of any roadway subject to Winter Road Maintenance, inclusive of each driveway access point.

Section 1-10—06 PENALTIES: All of the prohibited conduct outlined herein shall be defined as a violation under New Hampshire RSA 625:9 V, and a person found to be guilty of said violation shall be subject to the penalties of NH RSA 651:2 IV (a), or as otherwise outlined by Statute, except that optional procedures set forth in Section 1-10—07 PROCEDURES FOR PAYMENT may be used in lieu of court proceedings for any such violations.

Section 1-10—07 PROCEDURES FOR PAYMENT:

- a) The operator or owner may, within 72 hours of the time when a notice of a violation was attached to the vehicle, pay to the Stratham Police Department by mail or personal appearance the sum of twenty (\$20.00) dollars as a penalty in lieu of court proceedings, except that when this is a second offense within one Winter Season, the penalty shall be thirty (\$30.00) dollars; or when this is a third or subsequent offense within any Winter Season the penalty shall be fifty (\$50.00) dollars.

CHAPTER 1-10—PARKING REGULATIONS DURING WINTER ROAD MAINTENANCE

- b) Failure by the owner or operator to make such payment within fourteen (14) calendar days shall result in a second written notice of the violation. Failure by the owner or operator to make payment within five (5) business days after the second notice is sent, may result in the issuance of a summons to the owner to appear in the Circuit Court, District Division to answer to the charges of violating the ordinance as provided in RSA 231:132-a

Section 1-10—08 REMOVAL: Any vehicle parked in violation of this ordinance may be ordered towed by the Stratham Police Department at the expense of the owner, or custodian of said vehicle.

Section 1-10—09 SEVERABILITY: If any section, part of a section, chapter, provision, or amendment of this ordinance is declared or deemed invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section, or sections, or part of a section, or chapter, and provision of the ordinance.

This ordinance shall become effective upon the affirmative vote to adopt by the Board of Selectmen after having two (2) public readings. Once so adopted, this ordinance shall be governed, controlled, and enforced, in part and in whole, in accordance with the Code of Ordinances for the Town of Stratham, and shall remain in effect until expressly revoked or amended by an act of the Board of Selectmen or by a warrant article approved at Town Meeting.

First Reading: October 17, 2011 Second Reading: October 24, 2011

Witness our hands and seal to be effective and adopted this ____ day of _____ of 2011.

Board of Selectmen,
Stratham, New Hampshire

David Canada, Chair

Bruno Federico

Timothy Copeland

This is to certify that on the _____ day of _____, 2011 at the Stratham Town Office the above ordinance was filed and recorded with the records of the Town Clerk of the Town of Stratham, New Hampshire.

Witness my hand: _____
Joyce Charbonneau, Town Clerk

Ordinance #2-2011

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