

TOWN OF STRATHAM
NOTICE OF PUBLIC HEARINGS

MONDAY, JANUARY 9, 2017 8:00 PM

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

- PROPOSED NO THROUGH TRUCKING ON FRYING PAN LANE
(ORDINANCE #1-18)

COPIES OF THE PROPOSED ORDINANCE ARE AVAILABLE AT THE SELECTMEN'S OFFICE DURING NORMAL BUSINESS HOURS.

THE SECOND READING OF THE PROPOSED ORDINANCE PRIOR TO ITS POSSIBLE ADOPTION WILL BE HELD ON **JANUARY 23, 2017** AT 8:00 P.M. IN THE STRATHAM MUNICIPAL CENTER.

PUBLIC PARTICIPATION IS ENCOURAGED.

CHAPTER 1-18—NO THROUGH TRUCKING ON FRYING PAN LANE

1-18-01 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:

1-18-02 PURPOSE: With discretion of authority, this ordinance for no through trucking on Frying Pan Lane 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.

1-18-03 DEFINITION: It shall be unlawful for any person to operate a truck with an empty weight of more than 8 tons or with three or more axels on Frying Pan Lane in the Town of Stratham except when such vehicle is being operated to a designated point on such road to make a delivery.

1-18-05 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 deemed to be in violation of this ordinance.

1-18-06 RESPONSIBILITY: All violations of this ordinance and charges shall be deemed the responsibility of the operator of said vehicle.

1-18-07 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 1-18-08 PROCEDURES FOR PAYMENT may be used in lieu of court proceedings for any such violations.

First Offense Fine is **\$50.00**

Second Offense within a rolling 12 month period is **\$100.00**

Subsequent Offense within a rolling 12 month period is **\$200.00**

1-18-08 PROCEDURES FOR PAYMENT:

- a) The operator may, within 72 hours of the time when they are served the summons, pay to the Stratham Police Department by mail or personal appearance the sum indicated by the issuing officer taken from the penalty fine schedule as a penalty in lieu of court proceedings.
- b) Failure by the operator to make such payment within fourteen (14) calendar days will result in the issuance of a summons to the operator to appear in the District Court to answer to the charges of violating the ordinance as provided in RSA 31:39. The

maximum fine for a conviction for this offense is One Thousand Dollars, (\$1,000.00), plus all associated penalty assessment fees.

1-18-09 EXCEPTIONS: Restrictions described in this chapter shall not apply when directed by a police officer for official or emergency purposes, or to emergency vehicles, town highway, building and maintenance vehicles, or school buses in the normal process of their duties..

1-18-10 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 and any amendments thereto will become effective upon the majority vote of the Board of Selectmen in the affirmative to adopt these provisions after two (2) public readings with sufficient notice to the public and upon their signatures thereon and filing with the Town Clerk of Stratham. Once so adopted, this ordinance shall remain in effect until expressly revoked or amended by act of the Board of Selectmen or by a warrant article approved at Town Meeting.

First Reading 01 / 09 / 2017

Second Reading 01 / 23 / 2017

Witness, our hands and signed as effective and adopted this _____ day of _____, 2017.

Town of Stratham, New Hampshire
By Its Board of Selectmen

David Canada

Bruno Federico

Joseph Lovejoy

Received by me, Joyce Charbonneau, Town Clerk of the Town of Stratham and filed with the records of the Town on _____, 2017_____.

Witness my hand _____