

## **CHAPTER 1-10—PARKING REGULATIONS DURING WINTER ROAD MAINTENANCE**

**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.

**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:

**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.

**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.

**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.

**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.

**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.

- 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

**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.

**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.

Adopted 2011

By: Selectmen David Canada, Timothy Copeland, Bruno Federico