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**Town of New Durham**  
**Parking & Roadway Obstruction Ordinance**  
**TO.03.00**

The following Ordinance has been enacted by the Selectmen of New Durham, N.H. pursuant to the powers granted them in RSA 41: 11 and RSA 47:17 (VII) amends all others.

As used in this Ordinance, the following terms shall have the meanings indicated:

**Authorized Emergency Vehicle** - Vehicles of Fire Departments (fire patrol), Police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the New Durham Chief of Police.

**Board** - The Board of Selectmen.

**Commercial Vehicle** - Every vehicle designated, maintained or used primary for the transportation of property.

**Crosswalk** -

1. The part of the roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite side of the highway measured by the curbs or, in the absence of curbs, from the edges of the traversing roadway.
2. Any portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite side of the highway measured by the curbs or, in the absence of curbs, from the edges of the traversing roadway.

**Curb Loading Zone** - a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of materials.

**Highway** - The entire width between the boundary lines of every way, publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

**Intersection** - The point where two or more roadways meet or connect.

**Motor Vehicle** - Every vehicle which is self-propelled but not operated upon rails, including mopeds.

**Official Time Standard** - Whenever certain hours are named herein, they shall mean standard time or daylight savings time as may be in current use in this town.

**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 actual physical control of a vehicle.

**Overnight** - Shall mean the hours between 10:00 PM and 6:00 AM.

**Park or Parking** - The standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of loading or unloading merchandise or passengers.

**Parking, Diagonal** - parking a vehicle in such a way that an imaginary line drawn from the front of a vehicle to the rear of that vehicle through the center of that vehicle forms or when extended would form an angle to the side or curb of the roadway.

**Parking, Parallel** - parking a vehicle in such a way that an imaginary line drawn from the front of a vehicle to the rear of that vehicle through the center of that vehicle is parallel to the roadway.

**Parking, Perpendicular** - parking a vehicle in such a way that the front end or back end of that vehicle is perpendicular to the roadway.

**Pedestrian** - Any person afoot.

**Person** - Every natural person, firm, co-partnership, association or corporation.

**Police Officer** - Every officer of the Town Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**Private Road or Driveway** - Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner.

**Roadway** - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**Safety Zone** - The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

**Sidewalk** - That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

**Stand or Standing** - The halting of a vehicle, whether occupied or not, other than for the purpose of and while actually engaged in receiving or discharging passengers.

**Stop** - When required, complete cessation from movement.

**Street or Highway** - The entire width between the boundary lines of every way, publicly maintained, when any part thereof is open to the use of the public for the purposes of vehicular travel.

**Traffic** - Pedestrians, ridden or herded animals, vehicles, motor vehicles, streetcars and other conveyances, either singly or together, while using any highway for purposes of travel.

**Through Highway** - Every highway or portion thereof on which vehicular traffic is given preferential right-of-way and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles or such sign(s) or other official traffic control device, when such signs or devices are erected as provided in accordance with State Law or by the MUTCD.

**Vehicle** - Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

**Way** - Any public highway, street, avenue, road, alley, park, parking lot or parkway; ways provided and maintained or connection of the lateral curb lines or, if none, then the lateral boundary lines of roadways of two (2) highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may conflict. Where a highway includes two (2) roadways thirty (3) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate "intersection". The junction of an alley with a street or highway shall not constitute an "intersection".

**Enforcement:**

1. It shall be the duty of the New Durham Police Department to enforce the provisions of this article.
2. It shall be unlawful for any person to refuse or fail to comply with lawful order, signal or direction of a police officer with the authority to direct, control or regulate traffic.

The Chief of Police, by and with the approval of the Board, is hereby empowered to make regulation necessary to make effective the provisions of the traffic ordinances of this town and to make and enforce temporary regulations to cover emergencies or special conditions. No such temporary regulation shall remain in effect for more than ninety (90) days.

Except as otherwise provided in this Ordinance, every vehicle stopped or parked upon a roadway shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb or edge of the roadway in the direction of traffic movement where no curb exists.

**Section 3.1- General Stopping, Standing and Parking Regulations. The following acts are prohibited.**

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (2) On a sidewalk.
- (3) Within an intersection.
- (4) On a crosswalk.
- (5) Between a safety zone and the adjacent curb or within thirty (30) feet of points on a curb immediately opposite the ends of a safety zone, unless indicated differently by signs or markings.
- (6) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (7) Upon any bridge or other elevated structure upon a highway.
- (8) At any place where official signs prohibit stopping.

**Section 3.2- Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:**

- (1) In front of a public or private driveway.

- (2) Within fifteen feet of a fire hydrant.
- (3) Within an intersection.
- (4) Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic control signal located at the right of the roadway.
- (5) Within twenty (20) feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly sign posted).
- (6) At any place where official signs prohibit standing.

**Section 3.3.- Parking a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:**

- (1) At any place where official signs prohibit parking.
- (2) At any Town Beach, previously defined by an Ordinance of the Town of New Durham, enacted on August 3, 2010, Paragraph 3, without properly displaying a parking permit issued by the Board.
- (3) In an approved designated "No Parking" zone, located and signed on both the east and west sides of Old Bay Road, and starting at the intersection of Old Bay Road & Brackett Rd, traveling southerly 400' to the driveway entrance to the Farmington Fish & Game Clubhouse.

**Section 3.4.- No person shall park a vehicle upon a street in such a manner or under such conditions as to leave available less than twelve (12) feet of the width of the roadway for free movement of vehicular traffic.**

**Section 3.5.- No person shall park a vehicle upon any roadway for the principal purpose of:**

1. Displaying such vehicle for sale.
2. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
3. Selling any service, merchandise or food without the express written permission of the Board of Selectmen.

**Section 3.6.- Handicap**

The Board is hereby authorized to designate and mark by proper signs parking for handicapped persons and person picking up or discharging handicapped persons only. It shall be unlawful for any person to park in areas so designated, unless the vehicle is properly identified with a handicapped permit, sticker or license plate. (NH RSA 265:69 (1)(i))

**Section 3.7.- Snow Obstructions**

No person shall deposit or cause to be deposited, any snow, ice, which has been removed from private property, in or upon any street, road or public place in Town.

**Section 3.8- Violations and Penalties:**

a. Each owner or operator of a vehicle who violates the provisions of this Ordinance which governs and regulates stopping, standing and parking may, within five (5) days of the time when such notice was attached to such vehicle, mail to the New Durham Police Department a civil forfeiture in the envelope provided, as a penalty for and in full satisfaction of such violation, the following sums:

### **Section 3.8.1- Penalty:**

Any person found in violation of the **Section 3.7- Snow Obstruction**, shall be issued a civil forfeiture in the amount of \$100.00 for the first offense, and for each successive offense a civil forfeiture of \$250.00. This will be paid to the Town of New Durham at the Town Clerks Office. Anyone found in violation of **Sections 3.1, 3.2, 3.3, 3.4, 3.5, and 3.6- Parking**, will be issued a civil forfeiture in the amount of \$25.00 for the first offense, \$50.00 for a second offense and \$100.00 for each successive offense. This will be paid to the Town of New Durham at the Town Clerks Office within 15 days of issuance. Failure to comply with this procedure will result in a summons to the Rochester District Court.

### **Section 3.8.2 - Citation**

A police officer observing a violation of any of the provisions of this Chapter shall attach to the vehicle a notice to the operator or owner that the vehicle has been parked in violation of this Chapter and instructing the operator or owner to report at the police headquarters. This notice shall contain:

1. The location where the vehicle is parked.
2. The state registration number of such vehicle.
3. The time at which such vehicle is parked in violation of any of the provisions of this Chapter.
4. Any other facts, knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

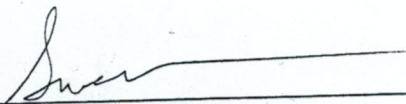
### **Section 3.8.3.- Authorization for Removal**

The Police Department is authorized to remove and tow away or have removed and towed away by commercial towing service any abandoned vehicle or other vehicle illegally parked in a place where it created or constitutes a traffic hazard, blocks the use of a fire hydrant or obstruct snow removal operations or is parked unattended on the Town Beach without properly displaying a permit issued by the Selectmen, or interferes with the movement of any emergency vehicle. Vehicles towed for illegal parking shall be stored in a safe place and shall be restored to the owner or operator upon payment of all fees for towing and storage.

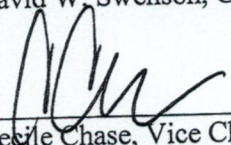
No custodian or police officer shall be liable for damages to any vehicle while it is in his custody under Section 3.8.3, provided he/she exercises due care.

This ordinance shall be in effect upon its passage.

Passed and approved this 14<sup>th</sup> day of ~~December~~ <sup>January</sup>, 2019.



David W. Swenson, Chair



Cecile Chase, Vice Chair

Dorothy Veisel, Selectman