

TOWN OF GREENLAND, NEW HAMPSHIRE

ORDINANCE 13 – 02

Relating to the Establishment of a Highways, Traffic & Parking Ordinance for the Town of Greenland.

I, Police Chief Tara Laurent, recommend that that the Highways, Traffic & Parking ordinance for the Town of Greenland read as follows:

WHEREAS, regulations need to be established for the traveling and parking of vehicles within the Town of Greenland for the purposes of safety, street maintenance and business prosperity;

Section 1.0 Authority

In accordance with the authority granted by RSA 41:11, RSA 47:17, RSA 31:39, RSA 31:40, RSA 265:149, and RSA 265:70, as amended, and any other applicable Subsection or Amendment thereto of the New Hampshire Revised Statutes Annotated, the Town of Greenland hereby revokes the “Winter Parking Ban” ordinance (effective April 28, 2008), revokes the “Alcoholic Beverages Ordinance” (effective March 1975) and enacts the following with regard to public ways, traffic and parking.

Section 2.0 Parking Regulations

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person, except a person driving an emergency vehicle, shall:

- (a) Stop, stand or park a vehicle on any public way within the Town of Greenland:
 - 1. Within the posted and prohibited time periods within a designated zone;
 - 2. Within a properly posted designated loading zone;
 - 3. Within a posted and restricted parking zone which designates specific requirements or where official signs have been erected by town officials prohibiting such parking due to existing conditions;
 - 4. Within a posted no parking zone;
 - 5. Next to other parked vehicles so as to interfere with the egress of said vehicles or the normal flow of traffic;
 - 6. In the wrong direction so that the tires of said vehicle are at the edge of a roadway or against the curb of a roadway in the opposite lane of travel;
 - 7. Beyond painted lines, which are visible for a designated parking space;
 - 8. Obstructing an alleyway or driveway to any public or private business or private residence;
 - 9. Obstructing a sidewalk or marked crosswalk to any extent;
 - 10. Obstructing an intersection to any extent;
 - 11. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone;
 - 12. Upon any bridge or other elevated structure;
 - 13. Obstructing town officials engaged in any emergency operation;
 - 14. Obstructing officials employed by or representing the Town of Greenland engaged in snow removal operations, street-cleaning operations, construction maintenance, road maintenance or other required functions.
 - 15. Upon any travel portion of any roadway so as to interfere with the normal flow of traffic;
 - 16. Within a posted zone designated for fire apparatus;
 - 17. Within 15 feet of a fire hydrant;
 - 18. Within 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 75 feet of said entrance when properly posted;
 - 19. Alongside or opposite any street excavation when stopping or parking would obstruct traffic;
 - 20. On any railroad tracks or within 50 feet of the nearest rail of a railroad crossing.

- (b) Stop, stand or park a vehicle on any public way or private property open to the general public within the Town of Greenland specifically designated for a person with a walking disability by means of a sign as required by state RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has special number plates, decals or a card issued pursuant to State RSA 261:86, 87 or 88, or a similar license plate, decal, or card issued by another state or county displaying the international accessibility symbol and the person who qualifies for the plate, decal, or card is being transported to or from the parking space.
- (c) Any person found violating any provisions as set forth in Section 2.0 of this ordinance may within seven (7) days of a parking ticket being issued pay a civil forfeiture in the following amount to the Town of Greenland in lieu of a court appearance for the said violation. All civil forfeiture payments shall be paid through the Police Department and forwarded to the Town Clerk's Office. The amounts shall be as follows:
 - 1. Twenty dollars (\$20) for any violation in Section 2.0 (a).
 - 2. Two Hundred Fifty dollars (\$250) for any violation in Section 2.0 (b).
- (d) Any person who fails to pay the civil forfeiture as prescribed in Section 2.0 (c) of this ordinance within seven (7) days of the ticket being issued and thirty (30) days after being sent a notice of violation by mail to his/her last known address, according to the Division of Motor Vehicles, shall be guilty of a violation if convicted by the court of jurisdiction of violating any provision set forth within this chapter and may be fined up to One Thousand Dollars (\$1,000) and shall be fined not less or pay not less in civil forfeiture the following:
 - 1. Thirty dollars (\$30) for any violation in Section 2.0 (a).
 - 2. Two Hundred Fifty dollars (\$250) for any violation in Section 2.0 (b).
- (e) Any person who believes that a parking ticket has been unlawfully issued may contest the said ticket at the Greenland Police Station before the Chief of Police or his designee within seven (7) days of issuance. If it is determined that the ticket shall not be voided, a person may request an appearance before the court of jurisdiction. If requested, the person shall be provided with a summons for a court appearance.
- (f) It shall be prima facie evidence and presumed that the registered owner, according to records of the Motor Vehicle Division, shall be considered the person in violation of any provision within this Section if his/her vehicle is found in violation of any said provisions. As used in this Ordinance, a public way shall mean any way for public use or any town owned or maintained parking lot.
- (g) Nothing within this Subsection shall prevent a Police Officer for the Town of Greenland from towing a vehicle at the owner's expense when any such vehicle is found in violation of any provision set forth in Section 2.0 (a) or (b).

Section 3.0 Temporary No Parking and Traffic Hazard Signs

- (a) It shall be unlawful for any person having the custody, control or ownership of any vehicle to park or cause the same to be parked within the following areas of the Town of Greenland when designated by No Parking signs:
 - 1. Within twenty (20) feet of any temporary NO PARKING sign authorized by an agent by the Town of Greenland.
 - 2. Within twenty (20) feet of any warning device designating a traffic hazard or a danger to the public erected upon the authorization of the Chief of Police.
 - 3. The same restriction shall apply to conditions in cases of a natural disaster or emergency situation. Emergency signs or enforcement action may be invoked as deemed necessary by the Town Administrator, Police Chief or Fire Chief.

Section 4.0 Night Parking and Snow Removal

- (a) No person having the custody, control or ownership of any vehicle shall park a vehicle on any roadway, street, properties plowed by the Town or anyplace where snow removal would be hindered, between the hours of 12:00 am and 06:00 am from November 1st through April 30th.

- (b) Any person who violates the provisions of Section 4.0 (a) of this Ordinance shall be guilty of a violation and upon conviction may be fined fifty dollars (\$50.00).
- (c) The Chief of Police, or any Police Officer of the Greenland Police Department, may cause any vehicle parked in violation of Section 4.0 (a) of this Ordinance to be removed from the street, roadway, Town plowed property or any place where snow removal would be hindered. It will be at the Police Officer's discretion if a monetary fine be issued to the person in charge or in custody of the parked vehicle, as indicated in Section 4.0 (b).

Section 5.0 Stop Signs

All persons operating any motor vehicle on any public way within the Town of Greenland shall come to a complete stop at any posted "stop sign" erected by the New Hampshire Department of Transportation or the Town of Greenland. Such signs shall meet the specifications as determined by the New Hampshire Department of Transportation and laws of the State of New Hampshire. The location of local signs on town-controlled ways shall be determined by the Town Administrator and Chief of Police for the Town of Greenland and the Board of Selectmen shall be notified upon the erection of any such sign and may vote to repeal the said posting by majority vote. (RSA 265:31)

Section 6.0 Yield Signs

All persons operating any motor vehicle on any public way within the Town of Greenland shall yield the right-of-way to any traffic at any posted "yield sign" erected by the New Hampshire Department of Transportation or the Town of Greenland. Such signs shall meet the specifications as determined by the New Hampshire Department of Transportation and laws of the State of New Hampshire. The location of local signs on town-controlled ways shall be determined by the Town Administrator and Chief of Police for the Town of Greenland and the Board of Selectmen shall be notified upon the erection of any such sign and may vote to repeal the said posting by majority vote. (RSA 265:31)

Section 7.0 Alcohol Prohibited

- (a) It shall be unlawful for any person to consume any alcohol beverages or to possess an open container of alcoholic beverages while in any vehicle upon a public way, or while on any public way, sidewalk or common.
- (b) It shall be unlawful for any person to consume any alcohol beverages or to possess an open container of alcoholic beverages while on any Town-owned or school property within the limits of the Town of Greenland, unless specific authorization has been granted by the Chief of Police and Board of Selectmen.

Section 8.0 Sleeping in Motor Vehicles

It shall be unlawful for any person having custody, control or ownership of any vehicle to sleep in said vehicle, or allow other persons to sleep in said motor vehicle, upon any public highway, or Town-owned property without first obtaining written permission of the Greenland Police Department.

Section 9.0 Speed Limits

The prima facie speed limit on all public ways within the Town of Greenland shall be twenty-five (25) miles per hour if not otherwise posted.

All drivers must operate any motor vehicle in a reasonable and prudent manner given the existing conditions at the time of such operation. Drivers must exercise due care as a result of traffic conditions, pavement conditions, weather conditions, pedestrian traffic, children on bicycles or skateboards, construction projects, road maintenance, utility maintenance and other contributing factors that warrants a reduction in speed given the totality of the circumstances. Any driver who fails to drive in accordance with such due care may be found guilty of speeding even if he/she is driving less than the prima facie posted speed limit.

The penalties for any speeding violation shall be determined by the court of jurisdiction, which may impose a fine up to One Thousand Dollars (\$1,000).

Section 10.0 Control & Enforcement

The Chief of Police of the Town of Greenland, and his/her duly appointed agents, shall control all traffic and vehicles on the streets of Greenland. Vehicles must stop or start immediately on signal by any police officer. Any person, firm, company or corporation working on or causing equipment to be placed on any travel portion of the roadway shall employ one or more police officers as determined by the Chief of Police or his/her designee to control traffic. (This shall not preclude the need for permits or related documents when required.)

Furthermore, said officers are authorized to summons or arrest any person found in violation of any provision of this ordinance.

Section 11.0 Penalties

Any person, firm, company or corporation found guilty of violating any provision of this ordinance may be fined up to One Thousand Dollars (\$1,000).

Section 12.0 Severability

If any section of this ordinance is declared invalid or unconstitutional, the remaining provisions shall remain in full force and effect.

This ordinance shall become effective as of the date of passage.

First reading Date: 03/25/13

Public Hearing: _____

Second Reading Date: _____

Final Action by Board of Selectmen: _____

Approved and Adopted: