

## ORDINANCE

### TOWN OF MOULTONBOROUGH, NEW HAMPSHIRE

#### An Ordinance Relative to Parking Regulations

Be it ordained by the Town of Moultonborough, New Hampshire, an ordinance to regulate the Parking of vehicles as follows:

Section 8.1 As used in this Article, 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 Moultonborough Chief of Police.

**Board** - The Board of Selectmen.

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

**Crosswalk** -

- a. 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.
- b. 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 area embraced within the prolongation acre in size could be laid out wherever the range line met a great pond.

**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, and while actually engaged in 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 less than perpendicular ( $90^{\circ}$ ) but more than parallel ( $0^{\circ}$ ) to 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, but not by other persons.

**Rangeway** - Is a reservation of a tract of land two rods in width, on each side of every range line, as provided by the Charter for Town of Moultonborough, so that future roadways could be laid out. Additionally, the Town Charter provided that a landing place of one-half acre by public institutions to which state funds are appropriated for public use; any privately owned and maintained way open for public use; and any private parking lots, including parking lots and other out-of-door areas of commercial establishments which are generally maintained for the benefit of the public.

**Roadway** - That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event the highway includes two (2) or more separate roadways, the term "roadway" as used herein, shall refer to any such roadway separately but not to all such roadways collectively.

**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, otherwise 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 on such sign or other official traffic control device, when such signs or devices are erected as provided in this Chapter.

**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; any private way laid out under authority of statute; 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".

Section 8.2 Enforcement:

- a. It shall be the duty of the Moultonborough Police Department to enforce the provisions of this article.
- b. 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.

- Section 8.3 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 or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.
- Section 8.4 Except as otherwise provided in this Article, 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 8.5 General Stopping, Standing And Parking Regulations. The following acts are prohibited.
- a. Stop, stand or park a vehicle:
    - (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.
  - b. 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.
- c. 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 Moultonborough, enacted on June 23rd 1973, paragraph 1, sections a and b, without properly displaying a parking permit issued by the Board. This restriction applies at Town Beaches from Memorial Day to Labor Day each year.
- d. Stop, stand or park a vehicle on either the east or west side of Long Island Road, from Winaukee Road to the northerly side of the Long Island Bridge.
- e. Stop, stand or park a vehicle on the north side of NH Route 25, from the easterly property line of Tax Map 71, Lot 32 (currently the Moultonborough Branch of the U. S. Post Office) and the westerly property line of Tax Map 71, Lot 31 (currently the Meredith Village Savings Bank, Moultonborough Branch), and again, from the easterly property line of Tax Map 71, Lot 28 to the westerly property line of that same property (currently the Emporium).

Section 8.6 No person shall park a vehicle upon a street in such a manner or under such conditions as to leave available less than a twelve (12) feet of the width of the roadway for free movement of vehicular traffic.

Section 8.7 No person shall park a vehicle upon any roadway for the principal purpose of:

- a. Displaying such vehicle for sale.
- b. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- c. Selling any service, merchandise or food without the expressed written permission of the Board of Selectmen.

Section 8.8 No person shall park a vehicle adjacent to any school property when such parking would interfere with traffic or create a hazardous situation. In particular, no diagonal or parallel parking is permitted along Blake Road adjacent to the Central School.

Section 8.9 The Board is hereby authorized to designate and mark by proper signs parking for the 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 8.10 It shall be unlawful for any person to park a vehicle, overnight, in any rangeways in the Town of Moultonborough without written permission from the Board of Selectmen.

Section 8.11 Violations and Penalties:

- a. Each owner or operator of a vehicle who violates the provisions of this Article 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 Moultonborough Police Department a civil forfeiture in the envelope provided, as a penalty for and in full satisfaction of such violation, the following sums:

<u>Violation</u>	<u>Fine</u>
Parking within fifteen feet of a fire hydrant	\$50.00
Overnight parking on a Rangeway	\$50.00
Double Parking	\$50.00
Parking on Beach without permit	\$75.00
Parking to block any street	\$50.00
Parking within twenty feet of a driveway	\$50.00
Parking in a handicapped parking space	\$250.00
Parking left side to curb	\$50.00
Parking along a roadway for the purpose of selling merchandise or services w/o approval	\$75.00
Prohibited Parking	\$50.00
Subsequent offense (within twelve month period)	Twice the Original Fine

- b. Any person, firm or corporation, who violates any of the provisions of this Article regulating standing, stopping or parking, and who fails to pay the penalty prescribed by section A within five (5) days shall be issued a summons for appearance in district court and any person found guilty there shall be guilty of an additional violation as determined by that court.
- c. If any vehicle is found upon a way, or rangeway, or Town beach in violation of any provisions of this Article regulating the stopping, standing or parking of vehicles and the identity of the driver cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

Section 8.12 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:

- a. The location where the vehicle is parked.
- b. The state registration number of such vehicle.
- c. The time at which such vehicle is parked in violation of any of the provisions of this Chapter.

- d. Any other facts, knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Section 8.13 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 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.

Section 8.14 No custodian or police officer shall be liable for damages to any vehicle while it is in his custody under paragraph 8.13, provided he exercises due care.

---

This ordinance shall be in effect upon its passage. Passed and approved this 10th day of August, 1989.

Richard A. Wakefield  
Norman C. Gruner  
Ernest E. Davis, Jr.

BOARD OF SELECTMEN

This Ordinance received review, revision and update. The Ordinance, as revised, received acceptance and enactment on September 21, 2005.

Karel A. Crawford, Chairman  
Edward J. Charest  
Ernest E. Davis, Jr.  
James F. Gray  
Joel R. Mudgett  
BOARD OF SELECTMEN