

## TOWN OF WEARE

### PARKING VIOLATION ORDINANCE

Pursuant to RSA 47:17, XVIII (Automobile Parking Controls), the Board of Selectmen have the authority to adopt bylaws and /or ordinances as needed to control the parking, standing and stopping of motor vehicles within the Town of Weare. *It shall be the policy of the Town of Weare to adopt the "No Parking" provisions provided in State Law, unless said ordinance is more restrictive.*

Accordingly, on February 24, 1986, a Parking Violations Bureau was created vested with the following responsibilities:

#### Paragraph 1. Citing of Illegally Parked Vehicle

Whenever any motor vehicle is found parked or stopped in violation of any of the restrictions imposed by an ordinance of this Town or by State Law, the officer finding such vehicle shall take its registration number and any other information displayed upon said vehicle which may identify its owner, and shall conspicuously affix to such vehicle a citation, on a form provided by the Selectmen, for the driver, and/or owner, to answer to the charge against them as specified in the citation.

#### Paragraph 2. Failure to Comply With Parking Citation

Once a citation has been issued, the violator will have 72 hours to answer for the charge. If an answer has not been received by the Parking Violations Bureau within the 72 hour time period, the Chief of Police shall send the registered owner of the motor vehicle a letter informing them of the violation and requiring an answer within ten (10) days. If no answer is received within the ten (10) days or the person refuses to pay the penalties, a summons will be issued to appear before the Goffstown District Court for their default.

#### Paragraph 3. Presumption of Liability

For any prosecution which charges a violation of any part of this Ordinance, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant was the registered owner at the time of the violation, shall constitute a prima facie presumption that the registered owner of the vehicle was the person responsible for the commission of the violation at the time. Further, pursuant to RSA 265:9, III, (Obedience to Any), any sign or warning which has been placed in a position approximately conforming to the requirements of law, shall be presumed to have been so placed by the official act or direction of lawful authority and shall be presumed to comply with the requirements of the law.

#### **Paragraph 4. Penalties**

For any violations of this ordinance, the Police Department shall issue a citation for each offense. The penalty for any of the "No Parking" regulations, except for "Disabled Parking", RSA 265:73-a, shall be ten (\$10) dollars. In the event a person fails to answer the citation and a warning letter has to be mailed, the penalty shall be twenty (\$20) dollars. If a summons is issued to the Goffstown District Court, the citation will be considered a "Violation" under RSA 625:9 and punishable by a fine of up to \$500.00. These fines shall be reviewed by the Board of Selectmen on an annual basis to insure compliance with State Law and to determine whether or not they meet the needs of the Town of Weare.

For a violation of the "Disabled Parking" regulations, pursuant to RSA 265:69, Section I, paragraph (j), the penalty shall be fifty (\$50) dollars. If this citation is defaulted and a letter has to be mailed, the penalty shall be seventy five (\$75.00) dollars. A summons to court will be considered a "Violation" and punishable by a fine of up to \$500.00. These fines shall be reviewed by the Board of Selectmen on an annual basis to insure compliance with State Law and to determine whether or not they meet the needs of the Town of Weare.

In any "No parking" violation, the Police Officer shall have the discretion of having a vehicle removed at the owners expense if it is determined to be:

- 1) Parked in a position that hinders the normal, orderly flow of traffic, or is considered to be blocking any portion of the travel way.
- 2) Parked in a position that creates such a hazard, that by failing to remove it, would endanger the safety and well being of any person on the way at the time.
- 3) Parked in position that would prohibit the Fire protection of any public building, or by parking in a properly designated "Fire Lane".
- 4) Parked in violation of RSA 265:69, Section I, paragraph (j), a properly designated "Disabled Parking" area.
- 5) A habitual offender of the "No Parking" ordinances.

#### **Paragraph 5. Appeals**

Any person whose vehicle is removed pursuant to a violation of this ordinance may appeal that decision to the Chief of Police. If necessary, and after a hearing, the Board of Selectmen will make a final determination on said appeal.

#### **Paragraph 6. Parking Violations Bureau**

The Parking Violations Bureau will be considered a function of the Weare Police Department and under the direct control and supervision of the Chief of Police. The Chief of Police will designate a "Clerk" whose duties will be to:

- 1) Accept the designated penalties and issue receipts for any violation of the "No

- Parking" ordinance.
- 2) Maintain records of any activities within the "Bureau" and to submit a Quarterly Report to the Chief of Police and the Board of Selectmen.
  - 3) Make notification, through Certified Mail, demanding payment from any person found in default of any "No Parking" citation.
  - 4) Draft complaints for court for any person who is determined to be in default of this ordinance or who is refusing to make payment.

**Paragraph 7. Duties of the Selectmen**

The Selectmen shall:


- 1) Provide "No Parking" citation forms for issuance by the Weare Police Department.
- 2) Insure that these forms will conform with all State and Local regulations for validity.
- 3) Be required, due to an appeal of a "No Parking" violation, to conduct a hearing and render a final decision to the appeal.

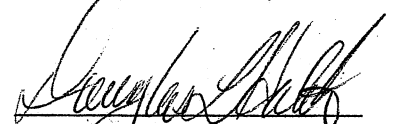
**Paragraph 8. Duties of the Chief of Police**

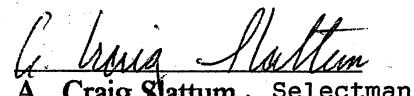
The Chief of Police will be responsible for:

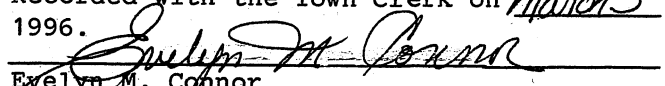
- 1) The issuance of the "No Parking" citations to the Patrol Officers.
- 2) The oversight of the "Parking Violations Bureau" and insure compliance of the Quarterly Reporting System.
- 3) Hearing appeals of "No Parking" violations or improper removal complaints.

Revised and adopted this 26th day of February, 1996.

  
William G. Herman, Chairman

  
Douglas L. Hatch, Selectman

  
A. Craig Slattum, Selectman

Recorded with the Town Clerk on March 5  
1996.  
  
Evelyn M. Connor  
Town Clerk