

TOWN OF LYME
Lyme, New Hampshire

Town Ordinance	TITLE: Parking Ordinance of the Town of Lyme	
	NUMBER: 00-006	
	ISSUE DATE: December 18, 2014	EFFECTIVE DATE: December 18, 2014

Declaration of Purpose: The purpose of this ordinance is to regulate parking upon the streets and public places in the Town of Lyme, New Hampshire.

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1. **Authority:** RSA 41:11
 2. **Definitions:** For the purpose of this Ordinance, the following words shall have the definitions as provided:
 - a) **Chief of Police** shall mean the police chief of the Town of Lyme, New Hampshire.
 - b) **Controlled Parking** shall mean any parking space that is designated for a specified purpose and to be used by certain vehicles only, such as, but not limited to, bus zones, loading zones, official vehicle parking spaces and handicapped parking spaces.
 - c) **Notice** shall mean the notice or ticket issued by an officer of the Town of Lyme informing the owner or operator of a vehicle that such vehicle is parked contrary to the provisions of this Ordinance.
 - d) **Notice Collection Box** shall mean a box or receptacle attached to a pole or other structure used for the deposit and receipt of payments for Improper Parking Charges.

- e) **Officer** shall mean any authorized police officer of the Lyme Police Department. To include any and all officers from other towns, who have been hired to work in the Town of Lyme for any purpose.
- f) **Official Vehicles** shall mean any authorized vehicle operated by the Town of Lyme, the State of New Hampshire, or a political subdivision thereof, for official purposes including, but not limited to, vehicles operated by the Lyme Police Department, Fire Department, Public Works Department, and the New Hampshire State Police.
- g) **Operator** shall mean and include every individual who operates a vehicle as the owner thereof, or as the agent, employee or licensee of the owner, who is in actual control of a vehicle.
- h) **Owner** shall mean the registered owner of a vehicle, according to the records maintained by the State Division of Motor Vehicles.
- i) **Park or Parking** shall mean the standing or stopping of a vehicle, whether occupied or not, upon a street, except temporarily for the purpose of, and while actually engaged in, receiving or discharging passengers; loading or unloading goods or merchandise; in the obedience to traffic regulations, signs or signals or within twenty five (25) feet on either side of a crosswalk.
- j) **Permit Parking Area** shall mean any parking area owned or leased by the Town.
- k) **Permit Parking Sticker** shall mean a sticker, decal or sign authorized and issued by the Lyme Town Clerk or designee, which allows a person to park the vehicle registered to him in a permit parking area.
- l) **Person** shall mean and include any individual, firm, partnership, corporation, or other association.
- m) **Public Place** shall mean any real property owned or leased by the Town of Lyme, New Hampshire including, but not limited to, public parking areas.
- n) **State Division of Motor Vehicles** shall mean any state governmental agency responsible for the issuance of certificates of title and/or certificates of registration for vehicles. In the State of New Hampshire this agency is the Division of Motor Vehicles in the Department of Safety.
- o) **Street** shall mean the entire width between the boundary lines of any public highway, street, road, right-of-way, alley, or way, located in the Town of Lyme and maintained by the state or town or subdivisions thereof.

Unless otherwise specified in this ordinance, all terms used herein shall have the meaning as they have in RSA Chapters 259 through 266.

3. **Authority to Regulate Parking and Designate Parking Spaces:** The Selectboard may, after providing notice to the general public by resolution, establish or modify the location of any parking space.
4. **No Stopping or Parking of Vehicles Except as Permitted by this Ordinance:** No person shall stop or park a vehicle on any street or public place except in accordance with the requirements of this ordinance.
5. **SECTION 1: RESTRICTED PARKING**

A) Restrictions on Parking:

No Parking in Specified Areas: No person shall stop or park a vehicle;

Within ten (10) feet of any intersection;

Within five (5) feet of a private driveway, except where the surface of the street has been marked or designated by painted lines;

Within ten (10) feet of a private driveway;

Where prohibited by an official traffic sign;

Within twenty five (25) feet of either side of a crosswalk; or

Where prohibited by markings painted on the surface of the street.

Parking within the travel way.

B) Manner of Parking:

Vehicles shall be parked within any painted lines marking or designating a parking space. No vehicle shall stop or park in a manner such that the vehicle is straddling a painted line marking or designating a parking space or is not within a parking space designated by such painted lines.

Where there are no painted lines on the surface of the street marking or designating a parking space, no vehicle shall stop or park except in conformity with the requirements set forth in RSA 265:71. (Parallel parking, right hand wheels to right hand curb or edge of roadway and within twelve (12) inches of the curb or edge of roadway.)

C) No Parking for Purposes of Advertising: No person shall stop or park a vehicle upon any street or other public place if that vehicle is displayed as being for sale or is being used for the primary purpose of displaying advertising.

D) Manner of Parking within Angular Parking Spaces: Vehicles parked within angular parking spaces shall have the front of the vehicle facing the curb of the street.

E) Restrictions on Time of Parking within Specified Areas:

No person shall stop or park a vehicle at the following times and locations, unless the operator of the vehicle is in the process of loading or unloading the vehicle with goods or merchandise for commercial purposes:

1. At any time between November 1st and April 30th on the Lyme Town Common;
2. At any time between May 1st and October 31st on the Lyme Town Common without having a permit issued by the Selectboard and approved by the Chief of Police; or
3. On any street at any time unless done so in an approved parking space, IE: Park and Ride, or other public parking space/lots.

F) Authority to Designate Controlled Parking Areas: The Selectboard may, after providing notice to the general public, by resolution, establish or modify the location of any controlled parking space. After consultation with the Selectboard, the Chief of Police or his designee, shall mark areas designated in the appendices of this ordinance as loading zones, bus zones, official vehicle parking spaces, or handicapped parking zones or any other controlled parking space with signs or with painted markings upon the surface of the street or pavement.

G) Controlled Parking Spaces:

Loading and Bus Zones: No person shall stop or park any vehicle in any area designated as:

1. A loading zone, except temporarily for the purpose of and while actually engaged in loading and unloading of passengers or merchandise;
2. A bus zone, except buses actually loading or unloading passengers;
3. No person shall stop or park any vehicle in any area designated as an official vehicle parking space, unless the vehicle is an official vehicle;
4. No person shall stop or park a vehicle in any area designated as “Handicap Parking Vans Only”, except vehicles that have either a special license plate, decal tag or card issued pursuant to RSA 261:86 through 88, indicating the vehicle is for the use of a handicapped person and said handicapped person is wheelchair bound and the vehicle stopped or parked in the space is equipped with a wheelchair lift or ramp that deploys onto an adjacent access aisle or sidewalk.

H) Restricted Parking Area: No unauthorized person shall stop or park a vehicle in any area designated as restricted parking as set forth by the Selectboard.

6. **SECTION 2: PERMIT PARKING**

- A) **Permit Parking Areas and Parking Permits:** Authority to Designate Permit Parking Areas: The Selectboard may, after providing notice to the general public, by resolution, establish or modify the location of Permit Parking Areas. After consultation with the Selectboard, the Chief of Police or his designee shall post signs marking or designating permit parking areas.
- B) The Selectboard may, by resolution, establish fee schedules for the issuance of parking permits. The fees for the parking permits shall be reasonable. Parking permits shall be issued on a first come-first serve basis to be retained by the person purchasing the parking permit until that person relinquishes the parking permit or defaults in required payments for the parking permit or the permit expires.
- C) No person shall stop or park a vehicle in any permit parking area unless that vehicle displays a valid parking permit.

7. **CHARGES, PENALTIES AND ENFORCEMENT**

- a) **Owner Responsibility for Improper Parking:** No person shall permit or cause a vehicle registered in his/her name to park contrary to any provision of this ordinance. If the identity of the operator of a vehicle used or parked contrary to this ordinance cannot be determined, the name of the person listed as the owner of the vehicle with the State Division of Motor Vehicles shall be Prima Facie evidence that the registered Owner was the operator of the vehicle.
- b) **Notice of Charge:** Whenever an Officer observes a vehicle that is parked contrary to any provision of this Ordinance, he/she shall attach to the vehicle a Notice informing the Operator or Owner that the vehicle has been parked contrary to the provisions of this ordinance. The Notice shall include the following information:
 - I. The location where the vehicle is parked, including, if applicable, the nearest intersection.
 - II. The state registration or license number of the vehicle.
 - III. The date and time that the Officer observed the vehicle parked contrary to the provisions of this Ordinance.
 - IV. A statement that if the Owner or Operator of the vehicle does not submit payment of an Improper Parking Charge within 14 days after the Notice is placed on the vehicle, the Owner of the vehicle may be served with a summons to appear in court to answer to the charge of violating this Ordinance.

- V. A statement that if the Owner or Operator wishes to challenge or contest , before a court, the charges of violating this Ordinance, he/she may do so; and
- VI. Any other facts which the Chief of Police may determine necessary for a thorough understanding of the circumstances.

c) **Authority and Procedures for Issuing Notices:**

- I. Officers shall have the authority to issues Notices to any vehicle parked contrary to the provisions of this Ordinance or to any owner or Operator of any vehicle parked contrary to the provisions of the Ordinance.
- II. Officers shall have the authority to issue Notices by using either: (1) a pre-printed Notice form to be filled in manually by the Officer; or (2) an electronic device that produces a single paper copy of the Notice to be issued.
- III. An electronic record or memory of the Notice issued by an Officer using an electronic device shall be maintained. Any paper printout of that electronic record or memory of the Notice shall be prima facie evidence that it is a valid copy of the original Notice issued.

d) **Payment of Improper Parking Charge:**

The Operator or Owner of a vehicle receiving a Notice that the vehicle was observed by an Officer to be parked contrary to the provisions of this Ordinance shall submit full payment of the appropriate Improper Parking Charge within fourteen (14) days of the time the Notice was attached to the vehicle by placing the required sum of money in the envelope attached to the Notice and: (1) depositing the Notice envelope and payment in a Notice Collection Box, (2) delivering the Notice envelope and payment to the Lyme Town Office, or (3) mailing the envelope and payment to the Lyme Police Department at PO Box 126, Lyme NH 03768. The amount of the Improper Parking Charge shall be as follows:

- (1) For non-compliance with Part A, Restricted Parking, sections 7-a: 1 through 7-a: 6of this Ordinance, Restrictions on Parking, the Improper Parking Charge shall be thirty dollars (\$30.00) regularly or forty dollars (\$40.00) if issued in an area designated by the Selectboard as an “Enhanced Penalty” area.
- (2) For non-compliance with Section 7.G of this Ordinance, Controlled Parking Spaces, the Improper Parking Charge shall be seventy-five dollars (\$75.00) for violations of 7.G 1&2. (reference Bus and Loading Zone Violation) the Improper parking Charge shall be three hundred dollars (\$300.00) for violation of 7.G.3 (Reference Handicap Parking Violations) and for violations of 7.G.3-a (Reference Vans only Handicap Parking) and for violations of 7.G.3-b (Reference Overtime Parking in Handicap Spaces) and 7.G.5 (Reference Unauthorized Parking in Restricted Areas) the Improper Parking Charge will be thirty dollars (\$30.00)

- (3) For non-compliance with Part B, Permit Parking, Section 8.C., Permit Parking Areas and Parking Permits of this ordinance, the Improper Parking Charge shall be thirty dollars (\$30.00).

e) **Failure to Submit Timely Full Payment of Improper Parking Charges is a Violation:**

The failure, neglect, or refusal of an Owner or Operator to submit full payment of an Improper Parking Charge within fourteen (14) days of the time the notice was attached to the vehicle owned or operated by him/her shall be unlawful and constitute a violation of this Ordinance.

8. **SECTION 3: ENFORCEMENT PROCEDURES**

- A) **Authority to Assess Late Penalty Fee:** The Chief of Police shall have the authority, at any time after the expiration of the fourteen(14) day period for the attachment of the Notice to the vehicle or the issuance of a Towing Notice, but before a court summons has been issued, to send or cause to be sent courtesy notice(s) informing the Owner of the vehicle that Late Penalty Fees have been assessed against him/her unless the Owner has submitted a written request to the Lebanon Circuit Court asking that a hearing be scheduled regarding the violation of this Ordinance.
- B) **Amount of Late Penalty Fee:** The amount of the initial Late Penalty Fee for each violation shall be equal to the minimum amount of a fine for such violation, as listed below in the schedule of fines. The amount of the Late Penalty Fee shall include the Improper Parking Charge or Towing Charge that was initially assessed. Any additional notice(s) sent to the Owner before a court summons has been issued, shall be assessed a \$10.00 penalty for each violation listed on the notice.
- C) **Issuance of Summons:** If an Owner or Operator fails, neglects, or refuses to make full payment of the Improper Parking Charge or Towing Charge, within twenty-eight (28) days of the time the Notice was attached to the vehicle or the date that the Towing Notice was issued, then the Chief of Police, or an Officer, may issue a summons to the Operator or Owner of the vehicle used in a violation of this Ordinance to appear in court to answer to the charges of violating this Ordinance.

- 9) **Schedule of Fines:** Any person found by a court of law to be guilty of a violation of this Ordinance shall be required to pay an amount designated under the schedule of fines. For failure to pay the Improper Parking Charge assessed under Part D, Section 18,
- I. **Payment of Improper Parking Charge,** for non-compliance with Part A, Sections 7.A through 7.F or 7.H of this Ordinance, **Restrictions on Parking,** the minimum fine shall be seventy dollars (\$70.00) or ninety dollars (\$90.00) if (enhanced penalty violation) and the maximum fine shall not be more than \$1,000.00.
 - II. For failure to pay the Improper Parking Charge assessed under section 7.G of this Ordinance, **Controlled Parking Spaces,** the minimum fine shall be one hundred and fifty dollars (\$150.00) for violations of 7.G 1 or 2, one thousand dollars (\$1,000.00) for violations of 7.G.3 and seventy dollars (\$70.00) for violations of 7.G.3.a, 7.G.3.b and 7.G.5, the maximum fine shall not be more than \$1,000.00.
 - III. For failure to pay the Improper Parking Charge assessed under Part D, Section 18, **Payment of Improper Parking Charge,** for non-compliance with Part B, **Permit Parking,** Section 8.c, **Permit Parking Areas and Permit Parking Stickers,** the minimum fine shall be seventy dollars (\$70.00) and the maximum fine shall not be more than \$1,000.00.
 - IV. For failure to pay the Towing Charge assessed under 21 of this Ordinance, **Removal of Vehicle,** the minimum fine shall be one hundred dollars (\$100.00) and the maximum fine shall not be more than five hundred dollars (\$500.00).
 - V. **Removal of Vehicles:** The Chief or Police or his designee may cause the removal and storage of a vehicle for the reasons specified in RSA 31:102 and 262:32 by using the procedures set forth in RSA 262:33 through 40-b.
 - VI. **Imposition of Towing Charge:** In the event that the Chief of Police or an Officer determines that it is necessary to cause the removal, towage and storage of a vehicle parked contrary to the time restrictions set forth under Section 7.E (Winter and Summer Overnight Parking Bans) the Owner shall be required to pay a Towing Charge.
 - VII. **Notice of Towing Charge:** Whenever a vehicle is towed and stored under section 21.A, the Officer causing the vehicle to be towed and stored shall cause a Towing Notice to be sent to the Owner by placing such Towing Notice in the mail within twenty four (24) hours of the time the vehicle was towed or removed. The Towing Notice shall include the following information.
 - a) The state registration or license number of the vehicle
 - b) The location where the vehicle was parked
 - c) The date and approximate time that the Officer caused the vehicle to be removed or towed.

- d) A statement that if the Owner or Operator of the vehicle does not submit payment of the towing charge within 14 days from the date of notice, the Owner of the vehicle may be served with a summons to appear in court to answer to charges of violating this Ordinance.
- e) A statement that if the owner or operator wishes to challenge or contest the towing charge, the owner may submit a written request for a hearing before the Chief of Police within (7) days of the issuance date of this towing notice. The written request shall be mailed or delivered to the Lyme Police Station at 1 High Street, Lyme N.H. 03768.
- f) The issuance date of the Towing Notice;
- g) A brief statement of the reason for the removal or towage of the vehicle;
- h) The location of where the vehicle is being stored, and;
- i) Any other facts which the Chief of Police may determine necessary for a thorough understanding of the circumstances.

10. **Amount of Towing Charge:** In the case of vehicles towed under section 21.A, the amount of the Towing Charge shall be fifty dollars (\$50.00).
11. **Payment of Towing Charge:** The operator or owner of a vehicle receiving a Towing Notice under section 21.A-C shall submit full payment of the Towing Charge within fourteen (14) days of the date of the notice by: (1) depositing payment in a Notice Collection Box; (2) delivering payment to the Lyme Town Office at 1 High Street, Lyme NH; or (3) mailing or delivering such Notice to Lyme Police Station at 1 High Street, Lyme NH 03768.
12. **Failure to Submit Timely Full Payment of Towing Charge is a Violation:** The failure, neglect, or refusal of an Owner or Operator to submit full payment of a Towing Charge under section 21.A-D within fourteen (14) days of the date the Notice was issued shall be unlawful and constitute a violation of this Ordinance.
13. **Removal of Vehicles from Public Property:** The Chief of Police, his designee or the person in control of any of the publically owned property listed in paragraph 21.J on which a vehicle is parked without permission or authorization, or is apparently abandoned may:
- a. Cause the removal of the vehicle in a reasonable manner, provided in the case of the person in control of the publically owned property, that he gives notice of such removal to the police department as soon as reasonably possible; or
 - b. In the case of the person in control of the publically owned property, that he notifies the police department that he wishes to have such vehicle removed from the parking lot or other public property, whereupon the police department shall cause the removal of such vehicle pursuant to the removal, impoundment and notice procedures required by RSA 262:33.
 - c. If a vehicle is towed from any public place, charges for removal and storage shall not be assessed against the vehicle owner unless there is posted in that public place

a conspicuous notice that illegally parked vehicles are subject to towing at the owners expense.

- d. In the case of vehicles towed under section 21.F the amount of the towing and storage charges shall be determined by the towing company providing the service. All charges shall be reasonable.
- e. The police department shall maintain a log of such requests to have a vehicle removed or notice of removal.
- f. Public property on which unauthorized vehicles may be removed from include, but are not limited to, all on street parking, or parking lots designated in Appendences A-C as permit parking, plus the parking areas, driveways and outdoor areas of:
 - 1. Lyme Congregational Church
 - 2. First Baptist Church of Lyme Center
 - 3. Lyme School
 - 4. Fire Station
 - 5. Lyme Town Offices
 - 6. Lyme Highway Garage and Transfer Station
 - 7. Chase Beach
 - 8. Lyme Common

14. **Administrative Hearings Contesting Towing Charges:**

15. **Authority to Hold Hearing:** The Chief of Police or his designee shall have the authority to hear complaints from owners and operators who have been assessed a towing charge. Within ten (10) days of the hearing the Chief of Police or his designee shall issue a decision, upholding, modifying, or vacating the assessment of a towing charge. (RSA 262:33, III)

16. **Hearing Decision Standards:** The assessment of a towing charge shall be vacated if the owner or operator demonstrates that sufficient grounds did not exist for the removal or towage of a vehicle based on the standards set forth under RSA 262:32, RSA 31:102, section 21.A of this Ordinance or section @1.F of this Ordinance.

17. **Refund of Towing Charge:** In the event that a decision is made to vacate the assessment of a towing charge, any sums paid by the owner or operator in the satisfaction of the towing charge shall be refunded within ten (10) days of the decision.