

Introduced: 05/01/00
Second Read 05/15/00
Public Hearing: 05/15/00
Adopted: 05/15/00

ORDINANCE 2000-03
AN AMENDMENT TO THE MUNICIPAL CODE
RELATING TO THE TRAFFIC SAFETY ORDINANCE

WHEREAS the Londonderry Traffic Safety Committee has voted to amend the Traffic Safety Ordinance of the Town of Londonderry to reflect certain changes; and,

WHEREAS the Londonderry Town Council is vested with the power to effect such changes to the Municipal Code; and,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Municipal Code of the Town of Londonderry, Title II - Traffic Safety Ordinance is hereby amended as attached.

Andrew P. Greco
Chairman - Londonderry Town Council

Joan M. Savina (SEAL)
Town Clerk

A TRUE COPY ATTEST:
05/15/00

Town of Londonderry, NH
Title II - Traffic Safety Code Adopted - May 15, 2000

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CHAPTER I - DEFINITIONS

SECTION I GENERAL DEFINITIONS:

- A. Traffic Safety Committee - As provided in Chapter II, herein.
- B. Authorized Emergency Vehicle - shall mean all vehicles of fire departments and police departments, and such ambulances and emergency vehicles of municipal departments or public service corporations as authorized by the director.
- C. Crosswalk - that part of a highway at an intersection included within the connections of the lateral lines on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable highway or any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- E. Director- shall mean the director of the division of motor vehicles of the Department of Safety consistent with RSA 259:20.
- F. Emergency Official or Personnel - Town employees or other such authorized personnel of the Fire, Police, Highway and Health Departments.
- G. Emergency Safety Zone - The area or space officially set apart within a roadway or parking lot adjacent to buildings for the exclusive use of fire apparatus or other emergency vehicles, which is protected or so marked or indicated by adequate signs or other designations so as to be plainly visible at all times while set apart as an emergency safety zone.
- H. Intersecting Way - any way which joins another at an angle, whether it crosses the other or not.
- H. MUTCD - U.S. Department of Transportation - Federal Highway Administration Federal Manual on Uniform Traffic Control Devices
- I. Official Traffic Control Signals - any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed, not inconsistent with this Chapter, the MUTCD and State Traffic Control Standards, Statutes and Policies placed or erected by authority of the Town Manager or other official having jurisdiction, for the purpose of direction, warning or regulations of traffic.

CHAPTER I - DEFINITIONS (Cont'd)

SECTION I GENERAL DEFINITIONS: (Cont'd)

J. Official Traffic Signs - all signs, markings and devices, other than signals, not inconsistent with this Chapter, the MUTCD or State Traffic Control Standards, Statutes and Policies placed or erected by authority of the Town Manager or other official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic.

K. Parking - shall mean the standing of a vehicle, whether occupied or not, upon a roadway, other than temporarily for the purpose of and while actually engaged in, loading or unloading or in obedience to traffic regulations or traffic signs or signals.

L. Pedestrian - shall mean any person afoot.

M. Police Officer - any Town of Londonderry peace officer authorized to make arrest or serve process.

N. Private Road or Driveway - any private area not open to the use of the public for the purposes of vehicular traffic.

O. Right of Way - the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed or proximity as to give rise to the danger of collision unless one grants precedence to the other.

P. Roadway - that portion of a way improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder even though such sidewalk, berm or shoulder even though such sidewalk, berm or shoulder is used by persons riding bicycles or other human powered vehicles. In the event a way includes 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.

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

R. Sidewalk - shall mean all sidewalks laid out as such by the Town for the use of pedestrians.

CHAPTER I - DEFINITIONS (Cont'd)

SECTION I GENERAL DEFINITIONS: (Cont'd)

S. Street or Highway - every way or place of whatever nature open to the use of the public as a matter of right encompassing the right of way for the purpose of vehicular traffic.

T. Traffic - shall mean pedestrians, ridden or herded animals, vehicles or other conveyances either singly or together while using any way for purposes of travel.

U. Traffic Control Standards -State of New Hampshire - Dept. of Transportation Bureau of Traffic, Traffic Control Standards, Statutes, Polices and Manual on Uniform Traffic Control Devices.

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

W. Way - shall mean the entire width between the boundary lines of any public highway, street , avenue , road, alley, park or parkway, or any private way laid out under authority of a statute, or any such way provided and maintained by a public institution to which state funds are appropriated for public use, or any such way which has been used for public travel thereon, or any public or private parking lot which is maintained primarily for the benefit of paying customers.

CHAPTER II - TRAFFIC SAFETY COMMITTEE

SECTION I MEMBERSHIP

- A. There shall be a Traffic Safety Committee consisting of the following seven (7) members:**
- 1. Chief of Police**
 - 2. Town Manager**
 - 3. Public Works Director**
 - 4. Superintendent of Schools (or designee)**
 - 5. Member of the Town Council**
 - 6. Two Members of the Public - One from business community, and one member at large.**

SECTION II PURPOSE

- A. The Traffic Safety Committee shall study, plan and issue an annual report to the Town Council.**

SECTION III RULES AND REGULATIONS

- A. The Traffic Safety Committee shall adopt such rules and regulations for the exercise of their functions granted herein and shall submit these rules and regulations to the Town Council for approval prior to adoption.**
- B. The Traffic Safety Committee shall adhere to the U.S. Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) and the New Hampshire Department of Transportation publication "*Traffic Control Standards, Statutes, & Policies*" as amended from time to time and as adopted by Town Meeting, 1994.**
- C. Requests and Notifications**
- 1. Members of the Committee may bring any issues of safety that they may deem necessary by requesting that the Chairman place the item on the agenda of any Traffic Safety Committee meeting.**

CHAPTER II - TRAFFIC SAFETY COMMITTEE (Cont'd)

SECTION III RULES AND REGULATIONS (Cont'd)

C. Requests and Notifications (Cont'd)

2. Employees of the Town of Londonderry have a responsibility to report hazardous traffic conditions they may observe. Emergency conditions should be reported immediately to the Police Department Communications Center.

3. Members of the public who wish to bring a traffic safety issue before the Committee or who desire to appear before the traffic Safety Committee should be advised to contact by letter or to call the Chief of Police, or the Chairman of the Committee. Letters should include a description of the traffic safety hazard or condition to be addressed, any recommendations or solutions to the issue, and any other pertinent information the person feels important to include.

SECTION IV PROCEDURES

A. Upon receipt of a written request, the Chairman shall determine whether a Traffic Survey is required. Should the Committee Chairman decide a Traffic Survey is needed, it will then be decided by the Chairman which of the following surveys will be completed and shall request that the Chief of Police or his/her designee complete the same:

1. Speed and traffic counts with equipment provided by the State of New Hampshire and/or the Southern New Hampshire Planning Commission.

2. Speed and traffic counts by Police Department personnel using available speed detecting equipment

3. Review of traffic accident data where and when available

4. Area, road and site inspection by a member of the Police Department, member of the Public Works Departments, and/or a member of the Fire Department where fire lanes are being considered.

CHAPTER II - TRAFFIC SAFETY COMMITTEE (Cont'd)

SECTION IV PROCEDURES (Cont'd)

B. Committee Agenda Scheduling

1. After receipt of a request and other pertinent information, surveys, or research regarding an issue, the Chairman shall contact the originator and schedule the issue for an agreeable time and date.

2. Any issue brought before the Committee shall be considered during an open meeting and involve a review of any pertinent statutes or ordinances; appropriate Federal and State Traffic and/or Safety standards, and a review of traffic surveys, departmental input or other data presented.

C. Follow Up

1. The Chairman will inform the requestor or originator of the review of an issue of any decisions reached by the Committee or action or information resulting from the request. Such notification shall be in writing and in a timely manner.

2. Should the decision of the Committee be that a revision to the Traffic Safety Code is required, proper care shall be taken to adhere to the provisions of the Charter Section 7 for requesting same.

CHAPTER III - AUTHORITY OF POLICE

SECTION I POLICE TO DIRECT TRAFFIC

A. It shall be the duty of the Police Department to enforce the provisions of this Code. All sworn officers are authorized to direct all traffic either in person or by means of visible or audible signals in conformance with provisions of this Code; however, in the event of a fire or other emergency to expedite traffic or safeguard pedestrians, officers of the Police, Fire or Highway Department may direct traffic as conditions may require.

B. The Chief of Police is empowered to enforce the regulations necessary to make effective the provisions of this Ordinance and to make and enforce temporary regulations to cover emergencies or special conditions.

SECTION II EMERGENCY REGULATIONS

A. The Emergency Management Director shall enforce the provisions of this Code and to make and enforce temporary regulations to cover emergencies, special conditions or conditions which require immediate action pursuant to Title IV, Chapter X of the Municipal Code.

B. The provisions of this code regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles while such operation is in the necessary performance of emergency public duties. This exemption shall not protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

SECTION III OBEDIENCE TO POLICE AND OTHER OFFICERS

A. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a Police Officer, or in an emergency situation, any officer of the Fire or Highway Departments as designated.

SECTION IV PUBLIC EMPLOYEES

A. The provisions of this code shall apply to the driver of any vehicle owned by or used in the service of the Federal, State, County or local governments.

B. It shall be unlawful for any driver to violate any of the provisions of this Code except as otherwise permitted within.

CHAPTER IV - TRAFFIC SIGNS AND SIGNALS

SECTION I CHARACTER AND PLACEMENT

A. The Traffic Safety Committee shall determine and designate the character or type of all official traffic signs and signals in compliance with the MUTCD and State Traffic Control Standards.

B. All signs and signals required hereunder shall be uniform as to type and location throughout the Town.

C. It shall be unlawful for any person to place, maintain, or display upon or in view of any street any unofficial sign, signal or device:

- 1. Which purports to be or is an imitation of or resembles an official traffic sign or signal,**
- 2. Which attempts to direct the movement of traffic,**
- 3. Which hides from view or interferes with the effectiveness of any official sign or signal.**

D. It shall be unlawful for any person to willfully deface, injure, move, obstruct, or interfere with any official traffic sign or signal.

E. Legend - Whenever traffic at an intersection is controlled by signals exhibiting colored lights or the words, "GO", "CAUTION", or "STOP", the lights and terms shall indicate as follows:

1. Green or Go - Traffic facing the signal may proceed, except that vehicular traffic shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal was exhibited.

2. Yellow or Caution - When shown following the Green or Go, traffic facing the signal shall stop before entering the nearest crosswalk at the intersection unless so close to the intersection that a stop cannot be made in safety.

3. Red or Stop - Traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at such other point as may be designated by markings or other signs, and remain standing until green or go is shown alone; except than when a green arrow is shown, traffic may proceed in the direction so indicated.

CHAPTER IV - TRAFFIC SIGNS AND SIGNALS (Cont'd)

SECTION I CHARACTER AND PLACEMENT (Cont'd)

E. Legend - (Cont'd)

4. Red and Yellow - Pedestrians shall cross at designated crosswalks when signaled by lights or an officer in charge.

5. Right Turn on Red - Right turn may be made on red after stopping, unless otherwise posted.

F. Crosswalks - The Traffic Safety Committee is hereby authorized to establish and designate such marks or lines upon the surface of a roadway delineating crosswalks where in its opinion, there is a particular danger to pedestrians crossing the roadway and at such other places as it may deem necessary.

G. Safety Zones - The Traffic Safety Committee is hereby authorized to establish safety zones of such kind and character and in such places as it may deem necessary for the protection of pedestrians.

H. Safety Lanes - The Traffic Safety Committee is hereby authorized to establish lanes for traffic on street pavements at such places as it may deem advisable, and consistent with this Code, the MUTCD and State Standards.

I. No Turning - The Traffic Safety Committee is hereby authorized to determine those intersections at which operators of vehicles shall not make a left, right or "U" turn and shall place proper signs at such intersections.

J. Stop Signs- The traffic safety committee is hereby authorized to determine those intersections at which operators of vehicles shall stop before entering the intersection and shall cause proper signs to be placed at such intersections.

SECTION II ENFORCEMENT AND OBEDIENCE

A. It shall be unlawful for the driver of any vehicle to disobey the instructions of any official traffic sign or signal placed in accordance with the provisions of this Code, unless otherwise directed by a Police officer or other designated emergency official.

CHAPTER V - PEDESTRIANS RIGHTS AND DUTIES

SECTION I RIGHT OF WAY

- A. When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian**
- B. Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the driver of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.**
- C. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway; however, this shall not relieve the driver of a vehicle from the duty to exercise due care of the safety of pedestrians.**
- D. Pedestrians, when using crosswalks shall move, whenever practicable, upon the right half of the crosswalks.**
- E. It shall be unlawful for any person to stand on a paved surface for the purpose of soliciting a ride from the operator of any private vehicle.**
- F. It shall be unlawful for the driver of any vehicle to drive between the vehicles comprising a funeral or other authorized procession while they are in motion, provided that the vehicles are conspicuously so designated, unless directed to do so by a Police Officer or other emergency official.**
- G. The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway.**
- H. The driver of a vehicle shall not back or turn said vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing or otherwise interfering with other traffic.**
- I. The driver of a vehicle shall not drive within any sidewalk area extending across the alleyway.**

CHAPTER VI - STOPPING, STANDING AND PARKING

SECTION I PLACES PROHIBITED

A. It shall be unlawful for the driver of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police officer or other emergency official, or traffic control sign or signal:

- 1. Within an intersection**
 - 2. On a crosswalk**
 - 3. Between a Safety Zone and the adjacent curb or within twenty feet (20') of points of the curb immediately opposite the ends of the Safety Zone unless indicated otherwise by signs or markings**
 - 4. Within twenty feet (20') from the intersections of curb lines, or if none, within fifteen feet (15') of the intersection of property lines at an intersection, except at alleys.**
 - 5. Within twenty feet (20') upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of the roadway.**
- 6. Within six feet (6') of a fire hydrant**
- 7. In front of a private driveway**
- 8. On a sidewalk**
 - 9. Alongside or opposite to any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.**
 - 10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.**
 - 11. At any place where official traffic signs have been erected, prohibiting standing or parking**
 - 12. Within thirty feet (30') of the nearest rail of a railway crossing.**
 - 13. In any parking place, whether on public or private property, specifically designated for the physically handicapped by means of a sign stating that the space is reserved for the physically handicapped or displaying the wheelchair symbol as defined in RSA 275-C:9, I (a), unless that person has a special number place, number plate decal, tag or card issued pursuant to RSA 260:17, 18 or 18-a, which is prominently displayed on or in the vehicle.**
 - 14. In any place, on public property, specifically designated for their patrons or employees and which is so designated by signs identifying time and day(s) of enforcement, inclusive of the Town Library except while visiting the Library, the School Superintendent's office except while conducting business with that office or the Police Department while conducting Police Business.**

CHAPTER VI - STOPPING, STANDING AND PARKING

SECTION I PLACES PROHIBITED (Cont'd)

B. It shall be unlawful for any driver to stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic.

C. Any driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations, traffic signs or signals, a Police Officer or other emergency official.

D. The operator of any vehicle, other than one on official business related to a fire call, shall not follow, drive, or park, within five hundred feet (500') of any fire apparatus traveling, or which has stopped, in response to a fire alarm.

SECTION II LOADING/UNLOADING AREAS

A. The Traffic Safety Committee shall have authority to determine the location of Passenger Zones and Loading Zones and shall erect and maintain, or cause to be maintained, appropriate signs indicating same.

B. It shall be unlawful for the driver of a vehicle to stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading/unloading of passengers in any place marked as a Passenger Zone.

C. It shall be unlawful for the driver of a vehicle to stop, stand or park the vehicle for a period of time longer than is necessary for the expeditious loading/unloading, delivery and/or pickup of materials in any place marked as a Loading Zone. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

SECTION III BUS STOPS, TAXICAB STANDS, AND NO PARKING AREAS

A. The Traffic Safety Committee is authorized and required to establish bus stops, taxicab stands and no parking areas on such public streets and in such places and in such manner as it shall determine to be of the greatest benefit and convenience to the public and shall so designate such areas by appropriate signs.

CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)

SECTION III BUS STOPS, TAXICAB STANDS, AND NO PARKING AREAS (Cont'd)

A. Authorized....(Cont'd)

1. No Parking Areas (Cont'd)

a bus to stand or park in an officially designated bus stop, or for the driver of any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, or for the driver of any vehicle to stand or park in any officially designated no parking area, except that the driver of any passenger vehicle may temporarily stop in any such area, stand, or no parking area for the purpose of, and while actually engaged in, the loading or unloading of passengers.

2. Designated Stands for Buses, Taxicabs - It shall be unlawful for the driver of any bus or taxicab to stand or park upon any street in any business district at any place other than that designated as a bus stop or taxicab stand, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

3. It shall be unlawful for the driver of a bus, public conveyance or other vehicle to drive over or through a safety zone as defined this Chapter at any time.

4. It shall be unlawful for any person to board or alight from any bus, public conveyance or other vehicle while such vehicle is in motion.

SECTION IV PARKING AT CURBS, IN STALLS

A. Except when necessary, in obedience to traffic regulations or traffic signs or signals, the driver of a vehicle shall not stop, stand or park such vehicle:

1. In a roadway other than parallel with the edge of the roadway, headed in the direction of traffic and with the curbside wheels of the vehicle within eighteen inches (18") of the edge of the roadway, or

2. In a parking district where stall parking has been established in a manner such that the vehicle will occupy more than one stall, unless the vehicle is of such length as to require an additional stall or stalls.

CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)

SECTION IV PARKING AT CURBS, IN STALLS (Cont'd)

B. Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs and in such a manner whereby they will not occupy more than one stall.

C. In places where and at hours when stopping for the loading/unloading of merchandise or materials is permitted, vehicles used for the transportation of same may, when it is absolutely necessary, back into the curb to take on or discharge loads provided the owner of such vehicle holds a specific permit granting such privilege. Such permit shall be either in the possession of the driver or on the vehicle. It shall be unlawful for any owner or driver to violate any of the special terms or conditions of any such special permit.

SECTION V ALL NIGHT PARKING

A. Parking of vehicles throughout the night on any street or highway is prohibited.

SECTION VI PARKING VEHICLE FOR SALE

A. It shall be unlawful for any person to park upon a street any vehicle displayed for sale.

SECTION VII NO PARKING

A. It shall be unlawful for the driver of any vehicle to stop, stand or park on the most southerly portion of Buttrick Road from the intersection with Rote 102 northerly to the northerly boundary of Tax Map 6, Lot 33-a, at the New Hampshire Highway Department concrete bound. (Art. 21, TM 1993)

B. Any vehicle parked in a "NO PARKING" zone which is clearly indicated by legally posted signs indicating that parking is prohibited within the area will be declared to be an obstruction to traffic and a public nuisance.

SECTION VIII USE OF VEHICLES FOR DISPLAY ADVERTISEMENT

A. It shall be unlawful for any person to operate or to park on any street such vehicle for the primary purpose of displaying advertising except by permit from the Chief of Police issued to said person and in accordance with the rules and regulations adopted by the Traffic Safety Committee.

CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)

SECTION IX LIGHTS ON PARKED VEHICLES

A. Whenever a vehicle is parked or stopped on a street during the time between one half hour after sunset, and one half hour before sunrise, or at any other time when there is not sufficient light to render clearly discernable any vehicle upon the street from a distance of two hundred feet (200'), there shall be displayed upon such vehicle one or more lamps:

1. One of which shall be on the roadway side and project a light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, and

2. One of which lamps shall project a red light visible under like conditions from a distance of five hundred feet (500') to the rear.

3. Such parking lights need not be displayed upon any vehicle stopped or parked in accordance with other provisions of this Code upon any street so designated by the Traffic Safety Committee where there is sufficient light to reveal any person within a distance of two hundred feet (200').

SECTION X PENALTIES

A. Each owner or operator of a vehicle who violates the provisions of this Chapter may, within seven calendar days of the time when such notice was attached to such vehicle, pay to the person in charge and on duty at Police Headquarters, as a penalty for and in full satisfaction of such violation, the following sums:

1. Fifty dollars (\$50) - Unauthorized parking in a parking space designated for the handicapped when free standing signs are posted

2. Thirty dollars (\$30) - Unauthorized parking in space designated as a fire zone or fire lane when free standing signs are posted.

3. Twenty five dollars (\$25) - All other parking violations (except for violations of the Snow removal provisions hereinafter propounded)

CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)

SECTION X PENALTIES (Cont'd)

B. The failure of such owner or operator to make such payment within the seven day period shall render such owner or operator subject to the penalties hereinafter provided for violation of the general provisions of this Chapter.

C. Other Violations - any person who shall violate any of the provisions of this Chapter and who shall fail to report within seventy two hours and pay the penalty prescribed herein, or shall violate any other provisions of this Chapter, shall, upon conviction thereof, be subject to a fine of not less than twenty five dollars (\$25) and not more than one hundred dollars (\$100).

SECTION XI PRESUMED OWNERSHIP

A. If any vehicle is found upon a street, highway, parking lot or other way as defined under RSA 259:125 II, in violation of any provision of this Chapter, and the driver is not immediately ascertainable, the person in whose name such vehicle is registered is presumed to be the driver. This presumption is rebuttable upon the production of sufficient evidence to warrant a finding that the presumed fact does not exist.

SECTION XII TOWING AND STORAGE CHARGES

A. The owner of a motor vehicle impounded hereunder shall be responsible for towing and storage charges.

SECTION XIII IMPOUNDMENT OF VEHICLES

A. Members of the Police Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety:

1. Any vehicle left unattended upon any bridge where such vehicle constitutes an obstruction to traffic.

2. Any vehicle upon a highway so disabled as to constitute an obstruction to traffic and the person in charge of such vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)

SECTION XII IMPOUNDMENT OF VEHICLES (Cont'd)

A. Members of the Police Department... (Cont'd)

3. Any vehicle left unattended upon a street and parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic

4. Any vehicle left unattended during snow removal or is impeding the snow removal operations, or is parked overnight in violation of this Chapter.

5. Any vehicle left unattended in such a manner as to obstruct the ingress or egress of a driveway or entryway to a public or private building, parking lot or garage, or when such vehicle is parked in a "NO PARKING" zone which is clearly indicated by legally posted signs indicating that parking is prohibited within the area. Any vehicle so left unattended or so parked is hereby declared to be an obstruction to traffic and a public nuisance.

SECTION XIV NOTICE TO OWNER

A. Whenever an officer removes a vehicle from a street as authorized in this Chapter and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall attempt to give or cause to be given notice in writing to such owner of the fact of such removal, the reasons therefor, and the place to which such vehicle has been removed.

B. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage. Such notice shall include a complete description of the vehicle, the date, time and place from which it was removed, and the reasons for such removal.

CHAPTER VI - STOPPING, STANDING AND PARKING (Cont'd)

SECTION XV NOTICE TO STATE

A. Whenever an officer removes a vehicle from a street and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give notice to the owner as herein provided, and in the event the vehicle is not returned to the owner within a period of three days, then the officer shall:

1. Immediately send or cause to be sent by mail a written report of such removal to the State Department of Motor Vehicles, Registration Division, and

2. File a copy of such notice with the proprietor of any public garage in which the vehicle may be stored.

B. Such notice shall include a complete description of the vehicle, the date, time and place from which it was removed, and the reasons for such removal and the name of the garage where the vehicle is stored.

CHAPTER VII - SNOW REMOVAL

SECTION I GENERAL PROVISIONS

A. From November 1 to April 1 of each year, no person shall park any motor vehicle on any public highway between 12:00 Midnight and 8:00 AM, or at any other time such a manner as to impede snow removal operations.

B. No person shall shovel, plow and in any move or cause snow to be moved from private property to a street or sidewalk, highway or other public way, no shall any person permit runoff from ice and snow accumulations upon their property to drain into any public way in such a fashion as to create a hazardous condition.

SECTION II PENALTY

A. Violators will be fined twenty dollars (\$20), and any vehicle parked in violation may be towed by the Highway Department, the Police Chief or their agents, or by an independent contractor engaged by the Highway Department or the Police Chief. Any vehicle so towed shall be stored and released to the owner only upon payment of the fine and the cost of towing as established by the Town Council.

CHAPTER VIII - OFF HIGHWAY VEHICLE USE

SECTION I GENERAL PROVISIONS

A. The definitions contained in RSA 269-C shall apply in their entirety to the interpretation of this ordinance.

SECTION II OPERATION OF VEHICLES

A. No person shall operate or cause to be operated any off highway recreational vehicle within three hundred feet of any occupied dwelling other than that of the owner of said vehicle.

B. Such use, when more than three hundred feet from any other residence between the hours of 10:30 PM and 7:30 AM shall be prohibited.

SECTION III PENALTY

A. Any person convicted of a violation of this ordinance shall forfeit to the Town not to exceed one hundred dollars (\$100).

CHAPTER IX - THRU-TRUCKING*

SECTION I SPEED LIMITS

A. The streets designated in the schedule below and as amended periodically, shall have the speed limits as indicated:

- | | | | |
|-----------|------------------------|----------------------|---------------|
| 1. | West Road | Entire Length | 25 MPH |
| 2. | Wiley Hill Road | Entire Length | 25 MPH |

SECTION II THRU TRUCKING PERMITTED/PROHIBITED

A. Thru trucking shall mean use by trucks having ten or more wheels that make no pickups or deliveries to, nor provide services to, residential dwellings on designated streets.

B. The streets designated in the schedule below and as amended periodically, shall be permitted thru trucking during the times indicated:

- | | | | |
|-----------|------------------------|-------------------------------|--------------------------|
| 1. | Wiley Hill Road | Westerly-Entire Length | 7:00 AM- 6:00 PM* |
| 2. | West Road | Both -Entire Length | 7:00 AM- 6:00 PM* |

*** Except Sundays**

C. Thru Trucking shall be prohibited on the streets designated in the schedule below, and as amended periodically:

- | | | | |
|-----------|----------------------|-------------|----------------------|
| 1. | Dan Hill Road | Both | Entire Length |
| 2. | Elwood Road | Both | Entire Length |
| 3. | Ash Street | Both | Entire Length |

D. No vehicle shall be operated on any street loaded with, sand, asphalt, stone, gravel or other particulate substance unless said vehicle is equipped with and said load is secured by a close fitting tarpaulin which prevents the escape of any substance from the load onto the street.

E. Any person found to be in violation of this ordinance shall be fined not more than one hundred (\$100) dollars.

CHAPTER IX - THRU-TRUCKING (Cont'd)

SECTION III WEIGHT LIMITS

A. Trucks over two and one half (2 ½) tons are excluded from the streets or parts of streets, except for pickup and delivery at residences, as indicated below:

- 1. Mountain Home Road Entire Length**

SECTION IV COMMERCIAL TRAFFIC

A. Commercial traffic shall be prohibited on the streets or parts of streets designated below and during the hours indicated:

- 1. Mountain Home Road Entire length 6:00 PM to 8:00 AM**
- 2. Old Mammoth Road Bockman's Trlr.Pk. To Paige Road 9:00 PM to 6:00 AM**
- 3. Old Mammoth Road Paige Rd. To Trkg.terminals north Of Page Road 9:00 PM to 6:00 AM**

B. Exemptions - emergency vehicles and snow removal vehicles are exempt.

SECTION V PENALTY

A. Any person found to be in violation of this ordinance shall be fined not more than one hundred (\$100) dollars.

CHAPTER X - MISCELLANEOUS PROVISIONS

SECTION I OBSTRUCTION OF VIEW

A. It shall be unlawful for the driver of any vehicle to drive same when such is so loaded, or when there are in the front seat of said vehicle such number of persons, as to obstruct the view of the driver to the front or sides, or to interfere with the operator's control over the driving mechanisms of the vehicle.

B. It shall be unlawful for any passenger in any vehicle to ride in such position as to interfere with the driver's view ahead or on the sides, or to interfere with the driver's control over the driving mechanisms of the vehicle.

SECTION II UNLAWFUL RIDING/CLINGING TO VEHICLES

A. It shall be unlawful for any person to ride on any portion or part thereof of any vehicle which was not designed or intended for the use of passengers when the vehicle is in motion. This provision shall not apply to an employee engaged in the necessary discharge of a duty or person riding within truck bodies in space intended for merchandise.

B. It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle upon any roadway.

C. It shall be unlawful for the operator of any bicycle or motorcycle, when upon the street, to carry any other person upon the handle bar, frame or tank of any vehicle, or for any person to so ride upon any such vehicle.

D. It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device, to go upon any roadway except while crossing a street or crosswalk.

E. It shall be unlawful for any person upon roller skates, skateboard, coaster, toy vehicle or other similar device to go upon any parking area suitably posted to prohibit such activity.

CHAPTER X - MISCELLANEOUS PROVISIONS (Cont'd)

SECTION IV THRU TRAFFIC

A. Except for public safety and highway maintenance vehicles, there shall be no through traffic permitted on the most southerly portion of Buttrick Road from the intersection with Route 102 northerly to the northerly boundary of Tax Map 6, Lot 33-A, at the New Hampshire Highway Department concrete bound.

SECTION V NOISE

A. Except for public safety and highway maintenance vehicles, there shall be no operation of trash pick up vehicles between the hours of 11:00 PM and 6:00 AM in that portion of any commercially or industrially zoned district which immediately abuts a residential area.

B. No person shall operate any off road vehicle, motorcycle, dirt bike, lawnmower, or other similar vehicle or device in any residential area between the hours of 10:00 PM and 10:00 AM.

~~End of Chapter~~