

ORDINANCE #23

TOWN OF HANOVER

ORDINANCE OF THE BOARD OF SELECTMEN

The Board of Selectmen of Hanover, New Hampshire, ordain as follows:

PARKING DISTRICT ORDINANCE

1. Declaration of Purpose: The Selectmen of the Town of Hanover do hereby establish the Central Business Parking District 1 (CBPD1) and Central Business Parking District 2 (CBPD2) pursuant to the authority contained in Section 17a of the Town Charter, for the purpose of funding the Parking System serving properties in the two Districts.

2. Title: This Ordinance shall be known and may be cited as the “Parking District Ordinance of the Town of Hanover.”

3. Authority: Town of Hanover Charter, Section 17a.

4. Map of Districts: The area to be included in the Central Business Parking Districts is shown on the map attached and made a part of this Ordinance.

5. Description of Parking System Revenue and Expenditures: The Parking System includes parking enforcement and the peripheral lot shuttle system.

A. The parking enforcement system covers installation, maintenance and patrol/enforcement of all the metered public parking spaces and the monthly rental spaces maintained by the Town. Expenditures for the parking enforcement category includes the salaries and fringe benefits for the enforcement personnel, rental and maintenance on municipal parking areas, operation and maintenance of parking enforcement computer system and vehicles, and the annual Hanover payment to the Advanced Transit bus system.

B. The peripheral parking/shuttle system category includes the rental and maintenance of the peripheral parking lots and the operation of the shuttle bus system.

C. Administration including financial activities and recordkeeping for the Parking System is provided by the Town administration. Lot maintenance and landscaping is provided by the Public Works Department. Enforcement supervision and two-way radio communications are provided by the Police Department. These services are funded under the General Fund and charged to the Parking System on a charge-back arrangement.

D. Revenue to the Parking System comes from meter revenue, parking enforcement fines, monthly parking space rental fees, charges to others for shuttle bus operation, shuttle bus rider fees, rental of air rights over a municipal lot, and interest earned from investment of available cash. All such revenues are paid into a parking fund which is separate and distinct from the Town General Fund.

E. The shuttle bus system is proposed to be funded by Dartmouth College; Dartmouth Medical School; Dartmouth-Hitchcock Medical Center; and the Town, in such proportions as mutually agreed upon. The Town's share will be an expense of the Parking System.

6. Annual Budget for the Parking System: The Selectmen shall prepare and present in advance of the Annual Town Meeting, a budget of anticipated expenditures and income for the Parking System. A public hearing shall be held on the proposed budget. Notice shall be given at least ten (10) calendar days before the public hearing, not including the day the notice is posted or the day of the public hearing. Notice shall be published in the Valley News, a newspaper circulating in Hanover, and shall be posted in at least two (2) public places. The notice shall also indicate where a copy of the budget is on file for public inspection.

7. Payment of the Net Expenses of the Parking System: The amount of the net expenses for the operation of the Parking System within the District to be paid by the Central Business Parking Districts shall be at least fifty percent (50%). The remainder of the net expenses shall be paid by taxes assessed on all real estate in Town. The net expenses shall be divided between the Districts so that eighty-five percent (85%) of these expenses shall be paid by CBPD1 and fifteen percent (15%) of these net expenses shall be paid by CBPD2. The determination and allocation contained in this paragraph and paragraph 5 shall be reviewed annually at the same time as the public hearing on the proposed budget.

Amended 04/06/98

8. Allocation Between Fees and Taxes: The amount of net expenses to be paid by the Central Business Parking Districts shall be obtained as follows: fifty percent (50%) from parking space fees and fifty percent (50%) from a special service area tax on properties within the Central Business Parking District. This allocation has been made after consideration of the criteria contained in the Town Charter, Section 17a, VII.

9. Inventory of Off-Street Parking Requirements: The Selectmen shall establish a separate inventory setting forth the off-street parking requirements for each property in each District by using as a measure the off-street parking requirements set forth in the Town Zoning Ordinance regardless of whether or not such requirements apply under the Town Zoning Ordinance to any particular property. The Zoning Administrator shall make the determinations with regard to off-street parking requirements and shall include as a credit any off-street parking spaces located on a lot other than the building served, as authorized by a special exception from the Zoning Board of Adjustment. An individual property required off-street parking spaces as reduced by the number of such parking spaces actually provided as of the first day of April in each year, shall be the "Adjusted Parking Requirement."

A. Report of Changes: It shall be the obligation of each property owner to provide to the Zoning Administrator in writing, prior to April 1 of each year, notification of any changes to the number of parking spaces actually provided, including a description of the location of all off-street parking spaces. The purpose of this provision is to ensure that parking space fees are determined based on correct and current information.

B. Appeal of Adjusted Parking Requirement: After the determination of the off-street parking requirements for each property by the Zoning Administrator, the property owner shall have the right to appeal that decision to the Board of Selectmen if it is claimed that such calculation is not in conformity with this Ordinance. The Board of Selectmen shall hear the appeal at a public meeting and shall give notice to the property owner and the public in the same manner as notice in paragraph 6.

10. Parking Space Fee/Lien/Adjustments: The parking space fee for each property in the Districts shall be equal to the proportionate share that each property's Adjusted Parking Requirements bears to the total Adjusted Parking Requirements for all property in each District. All such parking space fees shall become a lien upon the property so charged and such lien may be enforced by a lawsuit on behalf of the Town ordered by the Selectmen against the owner or owners of such property. The record in the office of the Selectmen and the charges for the parking space fee set forth therein shall be sufficient notice to maintain a lawsuit upon such lien against the subsequent purchasers or attaching creditors of such real estate. In the event that the off-street parking requirements set forth in the Town Zoning Ordinance are amended, then the inventory of off-street parking requirements for each property in the proper District shall be adjusted accordingly as of

April 1 of the year following the amendment.

11. Boundary Changes: Changes in the boundaries of either District shall be made by the Selectmen from time to time as a result of the change in nature of the property in the area or the services provided. Such changes may be made by the Selectmen upon thirty (30) days written notice of the proposed change being sent first class mail to the last known address on the tax rolls of the owners of each of the properties affected. Such changes shall not be effective until after a public hearing. Notice shall be given at least ten (10) calendar days before the public hearing, not including the day the notice is posted or the day of the public hearing. Notice shall be published in the Valley News, a newspaper circulating in Hanover, and shall be posted in at least two (2) public places. The notice shall also indicate where a copy of the boundary changes is on file for public inspection.

12. Inventory of Districts' Properties: The Selectmen shall establish a separate inventory listing the properties in each Parking District for the purpose of assessment of taxes.

13. Amendment of this Ordinance: This Ordinance may be amended after notice and public hearing. Notice of the public hearing shall be given by posting a copy of the notice, including a copy of the proposed amendment, at the Municipal Building at least ten (10) days prior to the hearing, not including the day the notice is posted or the day of the public hearing. Notice shall be published in the Valley News, a newspaper circulating in Hanover, and shall be posted in at least two (2) public places. The notice shall also indicate where a copy of the amendment to the Ordinance is on file for public inspection.

A map is attached.

Adopted April 1992.

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