

# ORDINANCE #7

## TOWN OF HANOVER

### ORDINANCE OF THE BOARD OF SELECTBOARD

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

## TRAFFIC

1. **Declaration of Purpose:** The purpose of this Ordinance is to regulate traffic upon the Streets and Public Places in the Town of Hanover, New Hampshire, for the promotion of the safety and welfare of the public.

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

3. **Authority:** RSA 47.17.

4. **Definitions:** For the purpose of this Ordinance, the following words shall have the definitions as provided:

A. **“Chief of Police”** shall mean the Chief of the Town of Hanover Police Department.

B. **“Emergency Vehicle”** shall mean in addition to the vehicles specified in RSA 259:29, any marked vehicle, public or private, conveying members of the Hanover Fire Department and/or Hanover Police Department to the scene of a fire or emergency at the direct request of the Hanover Police Chief or Hanover Fire Chief. A marked vehicle is one which has signs or decals affixed to it as authorized by the Fire Chief and/or Police Chief which is equipped with flashing lights or sirens.

C. **“Notice”** shall mean the notice or ticket issued by an Officer of the Town of Hanover informing the owner or operator of a vehicle that such vehicle is in violation of a provision of this ordinance.

D. **“Officer”** shall mean a Police Officer of the Hanover Police Department.

E. **“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.

Section 4A was Amended on 09/13/99

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- F. **“Owner”** shall mean the registered owner of a vehicle, according to the records maintained by the State Department of Motor Vehicles.
- G. **“Person”** shall mean and include any individual, firm, partnership, corporation, or other association.
- H. **“Public Place”** shall mean any real property owned or leased by the Town of Hanover, New Hampshire, including but not limited to public parking areas.
- I. **“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 (RSA 106-A:1 and RSA 260:1).
- J. **“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 Hanover and maintained by the State or Town or subdivisions thereof.

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

## **PART A - MOVING TRAFFIC VIOLATIONS**

- 5. **Traffic Signs and Signals:**
  - A. **Authority to Post Traffic Signs:** After consultation with the Chief of Police, the Selectmen may, upon considerations of public safety, authorize the placement of traffic signals and signs regulating the direction and manner in which the owner or operator of a vehicle may operate such vehicle. All traffic signs, signals or devices existing at the time of the enactment of this ordinance shall be valid and lawful without further action.
  - B. **Operators of Vehicles Must Obey Traffic Signs:** No person shall operate a vehicle in the Town of Hanover except in conformity with the requirements or directives of traffic signals, signs and devices, and in the manner specified in RSA Chapter 265.

C. **Speed Limit:**

Section 1: The Code of the Town of Hanover, “Traffic Ordinances,” is hereby amended to add a new Section 5-C, “Speed Limit” to “Part A – Moving Traffic Violations” that reads as follows: 5-C Speed Limit: The *prima facie* speed limit on all town streets and roads within the urban compact shall be 25 miles per hour unless otherwise posted.

Section 2: Severability. The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining section, subsections, sentences, clauses or part of this ordinance.

Section 3: Effective Date: This ordinance shall be effective upon passage.

Amended on June 20, 2022

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6. **Direction of Travel:**
  - A. Upon streets designated in Appendix A as one-way streets and posted with signs for one-way traffic, a vehicle shall be operated only in the direction designated by such signs (RSA 265:23).
7. **U-Turns:** No person shall operate a vehicle by making a u-turn on:
  - (1) South Main Street between Wheelock Street and South Street.
8. **Emergency Vehicles:**
  - A. Upon the approach from any direction of an emergency vehicle with a siren or flashing light in operation, the operator of a vehicle being driven upon any street, immediately shall turn that vehicle as far as possible toward the right hand side of the street and shall bring the vehicle to a stop until such emergency vehicle has passed.
  - B. No vehicle, except an Emergency Vehicle, shall follow closer than three-hundred (300) feet to any Emergency Vehicle with a siren or flashing lights in operation.
  - C. No vehicle, except an emergency vehicle, shall stop or stand adjacent to any emergency vehicle, which is responding to an alarm or providing emergency services.

## **PART B - ENFORCEMENT PROCEDURES**

9. **Removal of Vehicles:** The Chief of 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.

10. **Notice and Tickets:** Whenever an officer observes a vehicle that is stopped or operated in violation or contrary to any provision of this ordinance, he shall attach to the vehicle a notice informing the operator or owner that the vehicle has been stopped or operated contrary to the provisions of this ordinance. The notice shall include the following information:

- A. The site of the violation;

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- B. The State license and/or registration number of the violation;
- C. The date and time the officer observed the vehicle;
- D. The amount of the fine as set forth in the Schedule of Fines of this ordinance;
- E. 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
- F. Any other facts which the Chief of Police may determine necessary for a thorough understanding of the circumstances.

11. **Authority and Procedures for Issuing Notices:** Officers shall have the authority to issue notices to any vehicle or the owner or operator of any vehicle that is stopped or operating contrary to the provisions of this ordinance.

12. **Owner Responsibility for Violations:** If the identity of the operator of a vehicle stopped or operated in violation of the provisions of this ordinance can not be determined, the name of the person listed as the owner of that vehicle with the State Division of Motor Vehicles shall be *prima facie* evidence that the registered owner was the operator of the vehicle.

13. **Summons and Plea by Mail:** Any person who operates a vehicle contrary to or in violation of any provision of this ordinance shall be served with a summons and a copy of the fine schedule specified in this ordinance. Persons who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the Clerk of the Lebanon District Court prior to the arraignment date or appear in the Lebanon District Court on the date of the arraignment. If a person fails to enter a plea by mail prior to the arraignment date or does not appear personally or by counsel on or before that date, the court may act in accordance with the procedures set forth in RSA 502-A:19-b.

14. **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 this Schedule of Fines.

- A. For operating a vehicle contrary to and in violation of the requirements of Section 5.B. of this ordinance, Traffic Signs, operators of vehicles must obey traffic signs, the minimum fine shall be \$20 and the maximum fine shall be not more than \$500.

Section 13 in Part B was Amended on 09/13/99

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- B. For operating a vehicle contrary to the requirements set forth under Section 6 of this ordinance, Direction of Travel, the minimum fine shall be \$20 and the maximum fine shall not be more than \$500.
- C. For operating a vehicle contrary to the requirements set forth under Section 7 of this ordinance, U-Turns, the minimum fine shall be \$20 and the maximum fine shall not be more than \$500.
- D. For operating a vehicle contrary to the requirements set forth under Section 8 of this ordinance, Emergency Vehicles, the minimum fine shall be \$20 and the maximum fine shall not be more than \$500.

## **PART C - GENERAL PROVISIONS**

15. **Gender and Plural Forms of Words:** Whenever masculine, feminine or neuter pronouns appear, each shall include all genders. Whenever a word in the singular form appears, it shall include the plural form and vice versa, where the context and facts so permit.

16. **Severability:** If any provision of this ordinance or the application thereof to any person or circumstances is held to be invalid by a court of law, the invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance shall be severable.

