



STAFF REPORT

Public Hearing 9-5-23

AGENDA ITEM #: 23-90
 COUNCIL MTG OF: August 15, 2023
 FROM: David Caron, Town Administrator
 OFFERED BY: Chief George R. Feole
 PREPARED BY: Sarah Gibbs/Chief Feole
 SUBJECT: Amendment to Vehicles & Traffic Ordinance, Section 150-9, General parking restrictions; violations and penalties.

PURPOSE

Schedule a public hearing and subsequently approve a modification to the vehicle and traffic ordinance Chapter 150-9

TOWN ADMINISTRATOR COMMENTS

The Town Council is encouraged to adopt these regulations after the September 5 public hearing to ensure that public parking areas are utilized for their intended purpose.

BACKGROUND

Recently a trucking company has been parking three large dump trucks in the Abbott Court parking lot and using that lot as a long-term storage and deployment location. The trucks are moved during the business day and return each evening, they remain in the lot for the entire weekend.

This past spring, the owner of the trucks sought a variance to store a truck at his residence in Derry however, that variance was denied by the ZBA.

DISCUSSION

In accordance with the Town Charter, the Town Council is responsible for adopting or amending town ordinances.

Our current Traffic/Parking ordinance is deficient with respect to this activity.

We seek to amend the current Vehicles and Traffic Ordinance, Chapter 150-9, Section A, General parking restrictions; violations and penalties, by adding a new Subsection 22, that adds the following language: *park a boat trailer, utility trailer, camper, or commercial motor vehicle as defined in this section in any municipal parking lot between the hours of 12:00 midnight and 6:00 AM.*

Commercial Motor Vehicle. A vehicle designed or used to transport passengers, property, or displaying advertising if:

- 1. The vehicle has a gross vehicle weight rating or gross combination weight rating of 26,001 or more pounds; or*
- 2. The vehicle is designed to transport more than 15 passengers including the driver; or*
- 3. The vehicle is of any size and is used in the transportation of materials found to be hazardous pursuant to R.S.A 259:12-3(c); or*
- 4. The vehicle falls under the definition of trailer; (Any device designed to be attached to and towed by a motor vehicle for the purpose of transporting property of any type or any vehicle or structure designed and constructed in such a manner as will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any*

business or profession, occupation, or trade, or used as a selling or advertising device, and so designed that it may be mounted on wheels and used as a conveyance on streets, whether propelled or drawn by its own or other motive power.)

- 5. Exclusion: COMMERCIAL MOTOR VEHICLE shall not include a Town vehicle, or emergency vehicles engaged in the provision of emergency medical, Police, or Fire services.**

Also amend 150-9, Section B. by adding the following language after Subsection A(21), ***“for Subsection A(22) the sum of \$100.”***

FISCAL IMPACT

There is no anticipated fiscal impact to the community as a result of the requested action.

RECOMMENDED ACTION BY COUNCIL

That the Town Council schedule a public hearing and subsequently amend the existing Traffic Ordinance, Chapter 150-9, by adding the new Section A. 22 as noted above and amend Section B. as noted above.

RECOMMENDED MOTION

See attached Ordinance #2023-004

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ORDINANCE Number 2023-004

Amend Chapter 150 of the General Code General Parking Restrictions

WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, the Town provides parking throughout the community for use by the general public;

WHEREAS, these areas are being used by private concerns to further their business interests in contravention of the public policy to support town goals; and

WHEREAS, said use has resulted in disruption of parking patterns and creates a private benefit with the use of public property.

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapter 150, Section 150-9 A of the General Code, Streets and Sidewalks is hereby amended by adding a new Subsection 22 which restricts the parking of certain trailers and commercial motor vehicles between the hours of 12:00midnight and 6:00 AM as set forth in the attached Ordinance amendment.

This Ordinance shall take effect 30 days after its adoption.

Adopted: September 5, 2023

Attest:

X _____

Charles Foote, Council Chair

Date: _____

X _____

Cristina Guilford, Town Clerk

Date: _____