

**PARKING ORDINANCE**

This Ordinance regulates parking on State highways, town highways, and all highways and ways used by the public from May 1<sup>st</sup> to October 1<sup>st</sup> of each year:

1. Subject to such regulations as have been lawfully imposed thereon by the laws of the State of New Hampshire, regulating the use and parking on the State highways, otherwise, the use thereof by the public shall be subject to this Ordinance.
2. Rye Beach Precinct:
  - a. No parking on south side of Sea Road.
  - b. No parking on the north side of Sea Road in front of 5 Sea Road at the corner of Ocean Boulevard.
  - c. No parking on both sides of Ocean Boulevard from the Beach Club to the North Hampton line.
  - d. No parking on Causeway Road.
  - e. Parallel parking by permit only at Sawyer's Beach, so-called, between 2360 Ocean Boulevard and 2420 Ocean Boulevard.
  - f. No parking between Jenness Beach and Sawyer's Beach on the east side (2300 Ocean Boulevard to 2360 Ocean Boulevard).
  - g. No parking on the west side of Ocean Boulevard from the north precinct line (Dunes Motel) to Sea Road.
  - h. No parking on both sides of South Road from Route 1A west six hundred feet (600').
3. Jenness Beach Precinct:
  - a. Right angle parking at the beach in from of the Sand Piper.
  - b. No parking on the north side of Perkins Road from Ocean Boulevard to Big Rock Road.
  - c. No parking on the north side of Cable Road from Ocean Boulevard to Big Rock Road.
  - d. No parking on the south side of Cable Road Extension from Ocean Boulevard to the beach and parallel parking on the north side of Cable Road Extension by permit only.
  - e. Parallel parking on both sides of Ocean Boulevard from Cable Road to Perkins Road, except that there shall be no parking on the east side of Ocean Boulevard (Rte. 1A) beginning at a point 150 feet north of Perkins Road and extending southerly for 750 feet on Ocean Boulevard. (Note:

The State Highway Department has banned parking in this area per RSA 262-A:72 and RSA 249:5)

- f. Parallel parking on the east side of Old Beach Road.
- g. Jenness Avenue Extension, so-called, a public way to the beach between 86 and 92 Old Beach Road; parallel parking on the left (north) side by permit only; the first two spaces near the beach to be reserved for handicapped persons.
- h. No parking on the north side of Locke Road from Ocean Boulevard to Old Beach Road.
- i. South side of Perkins Road – No parking on pavement.
- j. Bernard Drive – No parking
- k. Pine Street – No parking 600 feet both sides from Perkins towards Cable Rd.
- l. Big Rock Rd – No parking both sides
- m. Baker Ave – No parking, except from 2231 Ocean Blvd to 23 Baker Avenue - No parking on pavement.
- n. Myrica Ave – No parking both sides.
- o. Gray Court – No parking both sides.
- p. Cable Road – South side from Ocean Blvd to #16 Cable Road - No parking on pavement; thereafter, no parking.
- q. Breakers Road – No parking
- r. Surf Lane – No parking.
- s. Jenness West – No parking.
- t. Jenness East – No parking.
- u. East Atlantic – No parking.
- v. Kenphil Ave – No parking
- w. Old Beach Road/Foss Circle side – No parking.
- x. Richard Road – No parking.
- y. Brown's Court – No parking.
- z. Powers Avenue – No parking.

4. Rye Water District:

- a. No parking on the south side of Wallis Road from Odiorne Drive to the beach.
- b. No parking on either side of Marsh Road.  
(Note: The State of New Hampshire Department of Transportation enacted the following regulation on July 8, 1991: In accordance with RSA 265:71 and RSA 236:1 a section of Marsh Road #50 in the Town of Rye, New Hampshire, beginning at a point on both sides of the highway at the intersection of Route NH 1-A and extending in a westerly direction to the intersection of Parson's Road on Marsh Road #50 is hereby restricted and within the area so described the parking of vehicles of any type is prohibited at any time.)
- c. No parking on either side of Fairhill Avenue or Glendale Road.

- d. No parking on the south side of Wallis Road Extension from Ocean Boulevard to the beach and angle parking on the north side of Wallis Road Extension by permit only.
- e. No parking on the west side of Ocean Boulevard from a point 1200 feet south of Washington Road for a distance of 2500 feet toward Rye Harbor. (Note: The State Highway Department has banned parking in this area per RSA 262-A:72, RSA 249:5 and RSA 249:6).
- f. Parallel parking (off paved surface) is permitted on the north side of Washington Road from Ocean Boulevard to the first house (#11). No parking is permitted on the south side of Washington Road in the same area.
- g. No parking on the north side of Wallis Road from Ocean Boulevard to Parsons Creek causeway. Parallel parking is permitted on the north side of Wallis Road from Parsons Creek causeway to the first house at the junction of Wallis Road and Appledore Avenue.
- h. No parking on Washington Road from Walker Lane on the south side and from Olde Parish Road on the north side to Grange Park, so-called, at the intersection of Washington and Wallis Roads, except that there shall be a fifteen minute loading/unloading zone at the Rye Junior High School on the north side of Washington Road.
- i. No parking on the bikeways (paved shoulders within 6 feet of the marked travelway) beginning at the entrance to Wallis Sands State Beach and extending northerly along Route 1-A to the southerly border of Odiorne State Park and no parking on both sides of Route 1-A from the southerly boundary of Odiorne Point State Park northerly to the entrance gate to the Seavey Creek boat launching area, which point is approximately 350 feet south of Pine Tree Bridge, so-called, over Seavey Creek. (Note: The State Highway Department has banned parking in this area per RSA 262-A:72).
- j. No parking of cars at any time on Harbor Road beyond Remick's Pier except by permit only.
- k. No parking on either side of the highway on Harbor Road from a point commencing at the Public Service Co. of NH light pole no. 23-30-50A, to the easterly side of the driveway of 100 Harbor Road.
- l. No parking at the "T" at the end of Alehson Street.
- m. Approximately ten (10) permit only parallel parking spaces located approximately 150 feet north of Parsons Creek on the easterly side of Route 1A on a public beach access; almost opposite the Harbormaster Restaurant
- n. North side of Washington Road to #11 Washington Road – No parking on pavement, No parking on south side.
- o. Wallis Road – No parking both sides of road from Appledore Ave to Odiorne Drive.
- p. No parking on east side of Recreation Road, starting at Rye Recreation gate, east approximately 487 feet to Eversource (PSNH) utility pole number 74/7. No parking on pavement on west side of Recreation Road, starting at Rye Recreation gate, east approximately 344 feet to Eversource

(PSNH) utility pole number 74/5. All vehicles shall be parked in designated parking spaces.

5. No persons shall park a vehicle so as to interfere with the normal use of any person's property or block any entrance to the same.
6. No person shall park a vehicle on the traveled portion of any highway or in a manner which is likely to impede free passage on any highway unless the vehicle is disabled and when told to do so by a police officer.
7. Vehicles parked illegally in restricted areas, as defined by this Ordinance, may be subject to towing at the owner's expense, as directed by the Rye Police Department.
8. The Selectmen shall have the power to make additional parking regulations until the next regular town meeting.
9. Enforcement.

9.1 Owner Responsibility for Illegal Parking. A person shall not allow, permit or suffer a vehicle registered in his or her name to stand or park in violation of any of the provisions of this ordinance, and the owner or person in whose name such vehicle is registered shall be held as prima facie responsible for such violation.

9.2 Notice of Violation. A police officer or parking enforcement officer observing a violation of any of the provisions of this ordinance shall attach to the vehicle a notice to the operator or owner that the vehicle has been parked in violation of this ordinance and ordering the operator or owner to report to police head-quarters to pay the appropriate penalty. The notice shall contain the location where the vehicle is parked; the state registration number of the vehicle; the time at which such vehicle is parked in violation of this ordinance; and any other facts which are necessary to understand the circumstances of the violation.

9.3 Penalties. A person violating a provision of this ordinance shall be punished by a fine as follows:

- a. A person violating any provision of this ordinance by parking without a town permit where parking is allowed only by town permit shall be punished by a fine of up to \$100 for each offense, as follows:  
\$50.00 if paid within 5 days of the issuance of a Notice of Violation.  
\$75.00 if paid after 5 days from the issuance of a Notice of Violation.  
\$100.00 if a court summons must be issued.
- b. A person violating any provision of this ordinance by parking in a handicapped designated space without the required handicapped license

plate, decal or card shall be punished by a fine of up to \$100 for each offense, as follows:

\$50.00 if paid within 5 days of the issuance of a Notice of Violation.

\$75.00 if paid after 5 days from the issuance of a Notice of Violation.

\$100.00 if a court summons must be issued.

- c. A person violating any other provision of this ordinance shall be punished by a fine of up to \$50 for each offense, as follows:

\$30.00 if paid within 5 days from the issuance of a Notice of Violation.

\$45.00 if paid after 5 days from the issuance of a Notice of Violation.

\$50.00 if a court summons must be issued.

- 9.4 Appeal to Chief of Police. Any person to whom a Notice of Violation has been issued may appeal to the Chief of Police or his designee within 5 days of such notice. The Chief of Police, or his designee, is hereby authorized to review the facts and circumstances surrounding the issuance of the Notice of Violation and to: (1) affirm the Notice of Violation or (2) revoke it if he determines that it was issued in error or otherwise as justice may require.

9.5 Towing and Immobilization for Unpaid Fines.

- a. Authorization for Towing and Immobilization. The Police Chief is authorized to have a motor vehicle, the owner of which is listed on the Tow and Immobilization List and which is illegally parked in or on any public way, towed and stored, or otherwise immobilized, subject to the notice provision of this section.
- b. Preliminary Notice of Possible Towing or Immobilization. The Police Chief may, at any time subsequent to an owner accumulating three (3) unpaid parking tickets or unpaid fines in excess of \$135.00 on any and all vehicles registered in the owner's name, send the owner, by certified mail, notice that failure to resolve the violations within ten (10) days' notice may lead to towing or immobilization of any or all of the owner's vehicles pending resolution of the outstanding tickets and fines. If the owner of the vehicle is issued a must appear in court summons, and defaults, this may lead to the towing or immobilization of the vehicle.

The Preliminary Notice shall describe the right of appeal set forth in Subsection "e" of this section and the owner's responsibility for paying and towing and storage charge for any vehicle which is towed.

- c. Final Notice of Possible Towing or Immobilization. If the Preliminary Notice of Possible Towing or Immobilization does not result in the resolution of the subject unpaid parking fines, the Police Chief may, at any time ten days (10) subsequent to the mailing of the Preliminary Notice, sent the owner by certified mail or by issuance of a red-tag warning directly on the driver's side window of the registered vehicle, notice that

failure to resolve the violations within five (5) days of receipt of the notice may lead to towing or immobilization of any or all of the owner's vehicles pending resolution of the outstanding tickets and fines. If the owner of the vehicle is issued a must appear in court summons and defaults, this may lead to the towing or immobilization of the vehicle.

The Final Notice shall describe the right of appeal set forth in Subsection "e" of this section and the owner's responsibility for paying the towing and storage charge for any vehicle which is towed.

- d. Tow or Immobilization List: The Police Department shall maintain a list of owners whose vehicles are subject to being towed and held in storage or immobilized pending final resolution of unpaid parking violations. The list shall include all motor vehicles belonging to an owner who has received notice as specified in Subsection "b." The owner's name shall be removed from the list if the Police Chief, after hearing, orders otherwise or if all fines for offenses contained in the Notice of Towing or Immobilization are paid in full and received.
- e. Hearing: At the request of the recipient of a notice issued pursuant to Subsections "b" or "c," the Police Department shall arrange a hearing with the Police Chief. Such hearing shall be scheduled during normal business hours of the Police Department. The Police Chief shall conduct and preside over all hearings. The hearing shall be informal and the rules of evidence shall not apply. As such hearing, the owners of the motor vehicle which is the subject of the hearing may present any defense of law or fact which is relevant to the issue of whether or not the subject vehicle should be placed on the Tow or Immobilization List. The decision of the Police Chief shall be final.
- f. Release of Towed or Immobilized Vehicles: A person may have his or her name or vehicle removed from the Tow of Immobilization List, and/or motor vehicles released from storage, and/or may have immobilization devices removed in the following manner:
  - 1) By order of the Police Chief, after hearing; or
  - 2) Police Chief may use his discretion prior to a hearing; or
  - 3) By payment in full of all parking fines attributable to the violations contained in the Notice of Towing or Immobilization; or
  - 4) By posting a bond with the 10<sup>th</sup> Circuit Court of Portsmouth in an amount sufficient to make payment in full of all parking fines arising out of the violations contained in the notice of towing or immobilization in order to allow a judicial determination of the violations pursuant to state law; or
  - 5) By a judicial determination resolving the violations and the payment of any fine arising out of such determination.

- g. Unauthorized Removal of Immobilization Device: A person shall not remove an immobilization device from a vehicle without authority to do so. Any person who removes an immobilization device from a vehicle without authority to do so shall be guilty of a misdemeanor and subject to a penalty of \$1,000.00.
  - h. Release of Stored Vehicle: A motor vehicle that has been towed and stored pursuant to this article, shall not be released until all fees and charges incurred by the towing company for the towing and storage of the vehicle have been paid.
10. In certain areas, the Town may designate that parking shall be restricted to the use of residents and taxpayers of the Town of Rye who are in possession of a valid permit for such purpose. The Selectmen shall determine the terms upon which permits shall be issued, unless the Town shall otherwise designate.
11. To locate two (2) No Parking signs at the Wentworth Road turn around. One No Parking sign will include the times from 11 PM until 6 AM and the second No Parking sign addresses RV's and campers.
12. In certain areas, the Town may designate that parking shall be restricted at certain driveways and crosswalks lined and marked 'No Parking'.

Adopted March 13, 1956 - Article 10

Amended: 3/10/59 - Art. 8

3/9/65 - Art. 8

3/10/70 - Art. 25

3/25/72 - Art. 18

3/17/79 - Art. 18

3/14/81 - Art. 21

3/15/82 - Art. 22

3/16/83 - Art. 38

3/14/92 - Art. 12

3/18/95 - Art. 18

3/16/96 - Art. 23 paragraph 12

3/11/03 - Art. 26

3/09/04 - Art. 21 (repeals & replaces Section 9 – Enforcement)

3/09/10 - Art. 14

3/08/11 - Art. 22

3/13/12 - Art. 15

3/12/13 - Art. 16 section 3

3/10/15 - Art. 18

3/08/16 – Art. 19 section 12