



City of Keene

Police Department 400 Marlboro Street New Hampshire 03431

April 10, 2008

Ian Bernard
39 Central Square, Apt #313
Keene, NH 03431

Re: Parking Ticket #60220797

Mr. Bernard:

Your letter regarding the above parking ticket was just recently forwarded to my attention for reply. I apologize that your initial request for information was not answered sooner, but there was some confusion as to whether or not it was needed since the ticket had been paid. Regardless, I will try to provide the information to answer your other concerns.

The ability of the City of Keene to set forth parking regulations is provided through State Law.

RSA 47:17 Bylaws and Ordinances, gives city councils the power to "...make, establish, publish, alter, modify, amend and repeal ordinances, rules, regulations, and by laws for the following purposes:". There are 19 such purposes listed, but for the sake of brevity, we'll focus on section XVIII, Automobile Parking Controls. It states, "The city councils shall have the authority to adopt such bylaws and ordinances as are necessary to control the parking, standing, and stopping of automobiles within the city limits, including ordinances allowing for the towing or immobilization of automobiles for nonpayment of parking fines and creating parking fines recoverable by means of civil process."

RSA 47:19 Fines and Forfeitures for Violation of Ordinances, states that all fines and forfeitures for the violation of a city ordinance shall be recovered by complaint before the municipal court of said city.

**Area Code 603
Phone**

Mayor 357-9804 • Manager 357-9804 • Accounting 352-1013 • Airport 357-9835 • Assessment 352-2125 • Attorney 357-9806
Building Maintenance 357-9844 • City Clerk 352-0133 • Fleet Services 357-9831 • Fire 357-9861 • Health 352-5440 • Human Resources 357-9858
Human Services 357-9809 • Information Management Services 357-9802 • Inspections 352-5440 • Library 352-0157 • Parks, Recreation & Facilities 357-9829
Planning 352-5474 • Police 357-9815 • Public Works 352-6550 • Purchasing 357-9800 • Recycle Center/Transfer Station 352-5739 • Revenue Collection 357-9801
Wastewater Treatment Plant 357-9836 • Water & Sewer 352-3239 • Water Treatment Facility 357-6483 • Youth Services 357-9810

FAX

Airport 357-9853 • Assessment 357-9857 • City Hall 357-9847 • Fire 358-3420 • Library 352-1101 • Parks, Recreation & Facilities 357-9859
Police 357-9823 • Public Works 357-9848 • Recycle Center/Transfer Station 352-8325 • Wastewater Treatment Plant 357-9854 • Water Treatment Facility 358-1008

Website

www.ci.keene.nh.us

While you may question how this law relates to your parking fine, there is another that speaks directly to parking fines and their collection, which follows.

RSA 231:130 Power to Install, grants the city council the power to authorize the installation of parking meters and the power to establish reasonable charges for parking to be paid through said meters, provided such use does not interfere with the regulation and control of traffic.

RSA 231:132-a, section I, Parking Enforcement Provisions, states that violations of parking restrictions and charges shall be deemed the responsibility of the registered owner of the vehicle. Section II is pertinent to your inquiry as it grants municipalities authority to establish systems for the administrative enforcement of parking violations and collection of penalties. One such system includes opportunities for persons who do not wish to contest parking violations and also allows for schedules of enhanced penalties the longer such penalties remain unpaid.

As such, consistent with the statutes as outlined above, the City Council has adopted ordinances that regulate parking and enforcement practices. **Chapter 94** of the Code of Ordinances for the City of Keene details those ordinances.

City ordinances are available for your review through the City Clerks office or online at:

<http://www.municode.com/resources/gateway.asp?pid=13267&sid=29>

Statutes for the State of New Hampshire are available at the Keene Public Library or online at:

<http://www.gencourt.state.nh.us/rsa/html/indexes/default.html>

I'm confused by your request for "evidence of the valid original contract with my signature binding me to said obligation". While in the State of New Hampshire or City of Keene, you are bound to abide by the laws or ordinances regulating conduct, behavior, vehicle movement, etc... As noted above, the State grants this authority to the City to regulate as deemed appropriate. Common sense dictates that regardless of the State or Country you find yourself in, you're obligated to abide by their laws without any contractual process taking place.

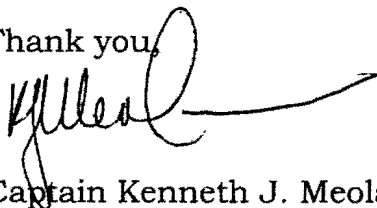
Your statement of, "There is no contractual authority for your agency to demand such a "fine" and that I am not obligated to pay any "fine", with no legal repercussions for any perceived "failure" to do so.", is partly correct. There is no "contract", but you are obligated to abide by the laws set forth by both the State and City of Keene and pay any fines in violation of them, with certain legal repercussions if required.

Thank you for allowing me the opportunity to provide you with the above information in hopes of educating you as to where and how the legal authority to regulate parking in the City of Keene derives.

Additionally, I'd like to thank you for payment of your parking fine in an efficient and timely manner.

If you have any questions, please do not hesitate to contact me at (603)357-9815.

Thank you,



Captain Kenneth J. Meola
Division of Administrative Services

KMeola@ci.Keene.nh.us