

SB 174-LOCAL - AS INTRODUCED

2017 SESSION

17-0960

06/04

SENATE BILL

***174-LOCAL***

AN ACT                    relative to municipal parking surcharges and parking maintenance and operations.

SPONSORS:            Sen. Feltes, Dist 15; Sen. Gannon, Dist 23; Sen. Watters, Dist 4; Rep. Steven Smith, Sull. 11; Rep. Sykes, Graf. 13

COMMITTEE:          Public and Municipal Affairs

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ANALYSIS

          This bill expands the provisions pertaining to public parking facilities to include the repair of existing parking facilities.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears ~~[in brackets and struck through]~~  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    relative to municipal parking surcharges and parking maintenance and operations.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 New Paragraph; Public Parking Facilities; Findings and Declarations of Necessity. Amend  
2 RSA 231:114 by inserting after paragraph III the following new paragraph:

3            IV. That sufficient public funding sources are available to support construction, repair,  
4 renovation, and operating expenses for public parking facilities.

5            2 Public Parking Facilities; Definitions; "Operating Expenses." Amend RSA 231:115, III to read  
6 as follows:

7            III. "Operating expenses" shall mean and include any costs related to the maintenance,  
8 operation and repair of public parking facilities and shall include, without limiting the generality of  
9 the foregoing, ordinary and usual expenses of maintenance and repair, engineering expenses  
10 relating to operation, maintenance and repair, insurance premiums after completion of  
11 construction, administrative and legal expenses after such completion and the reasonable cost of  
12 policing public parking facilities. ***Operating costs shall also include, but not be limited to,***  
13 ***expenses associated with labor, materials, supplies, and services provided by contractors***  
14 ***and vendors, administration and management, overhead, moneys dedicated to***  
15 ***capitalization of reserve accounts, as well as costs associated with enforcement of***  
16 ***regulations for public parking facilities.***

17            3 New Paragraph; Public Parking Facilities; Definitions; "Repair". Amend RSA 231:115 by  
18 inserting after paragraph VI the following new paragraph:

19            VII. "Repair" shall mean the reconstruction, renovation, replacement, or other  
20 improvements to an existing public parking facility.

21            4 Public Parking Facilities; Plan. Amend RSA 231:116, I and II to read as follows:

22            I. When the legislative body of any municipality finds that the public health, safety, morals  
23 and general welfare so requires, it may undertake to study the question of providing public parking  
24 facilities. For the purpose of such study said legislative body may appoint or authorize its  
25 governing board to appoint an investigative and planning board or may contract with private  
26 planners or developers which investigative and planning board or private party shall study the  
27 parking needs and conditions in said municipality and shall propose a plan for providing one or  
28 more public parking facilities; and said legislative body may appropriate such sums of money as are  
29 reasonably necessary therefor. ***In addition to developing a plan for the construction of***  
30 ***public parking facilities, a municipality may also commission a plan for the repair of***

1 *existing public parking facilities, as well as the operation and maintenance of such*  
2 *existing facilities.*

3 II. The plan referred to in paragraph I of this section, in addition to providing a detailed  
4 proposal for the construction ***or repair*** of one or more public parking facilities shall show that there  
5 is a need for ~~[public parking facilities]~~ ***such undertakings***, ~~[that the facilities proposed therein are~~  
6 ~~proposed with respect to that need,]~~ and shall include an estimate of construction costs and  
7 operating expenses and the method of financing and paying the same. Any such plan ~~[shall]~~ ***may***  
8 provide that construction costs or operating expenses ~~[shall]~~ be raised by assessments as provided in  
9 RSA 231:120 and ***under this option*** the plan shall so indicate and shall determine the boundaries  
10 of any prescribed area within which special benefit assessments shall be levied, which area may but  
11 need not be coterminous with the municipality. ~~[No such plan shall be adopted unless it provides~~  
12 ~~that at least 50 percent of the construction costs and operating expenses shall be raised by~~  
13 ~~assessments upon the owners or lessees of leasehold interests whose lands receive special benefits~~  
14 ~~therefrom and such plan shall also provide that no more than 25 percent of such construction costs~~  
15 ~~and operating expenses shall be raised from general revenues and no more than 25 percent of such~~  
16 ~~construction costs and operating expenses shall be raised from motor vehicle permit fees as provided~~  
17 ~~in RSA 261:154.]~~ ***Additionally, such plan may provide that the construction, repair,***  
18 ***operating, or maintenance expenses be raised from motor vehicle registration permit fees***  
19 ***as provided in RSA 261:154.***

20 5 Public Parking Facilities; Construction and Operation. Amend RSA 231:117 to read as  
21 follows:

22 231:117 Construction, ***Maintenance, Repair,*** and Operation. Pursuant to a plan adopted  
23 under RSA 231:116 a municipality is empowered, subject to the fiscal and other pertinent  
24 requirements of law:

25 I. To construct, ***repair, and maintain public parking facilities,*** or contract for the  
26 construction of public parking facilities and shall have the right to acquire or agree to acquire when  
27 completed in the name and on behalf of the municipality, public parking facilities being constructed  
28 or to be constructed as part of a structure which when completed may include facilities to be used  
29 for other than municipal purposes and to participate or agree to participate in the construction of  
30 such public parking facilities and to make payments on account of such construction; provided,  
31 however, that no such acquisition or agreement to acquire or participation or agreement to  
32 participate in such construction shall be permitted except with respect to public parking facilities to  
33 be constructed on land or air rights owned by or under lease to the municipality for a period of not  
34 less than 40 years from the date on which such facilities are to be constructed or acquired. Subject  
35 as aforesaid, municipality is empowered to equip, maintain and operate such facilities;

36 II. To establish and collect reasonable off-street parking fees; to control, manage and  
37 operate such other facilities as are contained in any building or upon any property in or upon which  
38 public parking facilities are provided;

1           III. To adopt rules and regulations governing the operation of public parking facilities;

2           IV. To ***operate public parking facilities*** or lease the operation of public parking facilities  
3 to any individual, firm or corporation as the public interest may warrant.

4           6 Public Parking Facilities; Levying Assessments for Public Parking Facilities. Amend  
5 RSA 231:120, I to read as follows:

6           I. The assessors of any municipality which has constructed public parking facilities, ***where***  
7 ***such construction, maintenance, or operating costs are financed by assessments upon***  
8 ***owners of real property***, upon direction from the legislative body and in accordance with the plan  
9 adopted, shall assess in the manner provided in paragraph II of this section upon the owners or  
10 lessees of leasehold interests, whose lands receive special benefits therefrom, their just share of the  
11 cost of construction of the same. All assessments thus made shall be valid and binding upon the  
12 owners or lessees of such land. The funds collected from assessments shall be used solely for the  
13 construction of public parking facilities or for the redemption of bonds or notes issued by the  
14 municipality to obtain funds for the construction of public parking facilities, including funds paid to  
15 a housing authority for the construction of public parking facilities.

16           7 Public Parking Facilities; Basis of Assessment. Amend RSA 231:121 to read as follows:

17           231:121 Basis of Assessment. ***To the extent that assessments are used to finance the***  
18 ***construction, repair, or operation of public parking facilities, such*** assessments shall be  
19 levied according to a formula which shall be set forth in the plan and which shall be reasonable and  
20 proportional to the benefits conferred upon the land or leasehold interest upon which such  
21 assessment is laid. Such formula may, but need not necessarily, be based on the number of off-  
22 street parking spaces required to be furnished by owners of land under any lawful zoning  
23 ordinances or bylaw in effect or which may be adopted by the municipality. If the formula based on  
24 a zoning ordinance requirement of off-street parking is used, the plan may provide for credit to  
25 those owners or lessees who have erected or constructed private parking structures, but need not  
26 provide credit for private parking lots.

27           8 New Section; Public Parking Facilities; Alternate Revenues to Support Installation,  
28 Operation, Maintenance, and Enforcement of Parking Meters. Amend RSA 231 by inserting after  
29 section 132-a the following new section:

30           231:132-b Alternate Revenues to Support Installation, Operation, Maintenance, and  
31 Enforcement of Parking Meters. A municipality which installs parking meters pursuant to  
32 RSA 231:130, or which establishes other parking restrictions pursuant to RSA 41:11 or 47:17, or  
33 which seeks to enforce the stopping, standing, and parking restrictions set forth in RSA 265:68  
34 through RSA 265:74, may use revenues raised from motor vehicle permit fees as provided in  
35 RSA 261:154 to supplement the cost of installation, replacement, repair, maintenance,  
36 administration, and operation of parking meters or other parking control devices and equipment,  
37 including the cost of enforcement for such meters or other parking control devices or equipment. It  
38 is within the economic development interests of the state to allow municipalities to employ alternate

SB 174-LOCAL - AS INTRODUCED

- Page 4 -

1 sources of revenue to support the cost of installation, replacement, repair, administration,  
2 enforcement, operation, and maintenance of parking meters or other parking control devices and  
3 equipment so that municipalities may establish reasonable charges for parking that will not unduly  
4 discourage commerce and activity within downtown and commercial centers.

5 9 Municipal Permits for Registration; Additional Fees for Registration Permits. Amend  
6 RSA 261:154 to read as follows:

7 261:154 Additional Fees for Registration Permits. The governing bodies of towns and cities [~~of~~  
8 ~~a population greater than 50,000 as determined by the last federal census~~] may, subject to the  
9 provisions of RSA 261:155, direct the city treasurer or the town clerk to collect in addition to the  
10 fees imposed in RSA 261:153, fees for such permits as follows: a sum not to exceed 5 mills on each  
11 dollar of the maker's list price for a current model year vehicle, a sum not to exceed 4 mills on each  
12 dollar of the maker's list price for the first preceding model year vehicle, a sum not to exceed 3 mills  
13 on each dollar of the maker's list price for the second preceding model year vehicle, a sum not to  
14 exceed 2 mills on each dollar of the maker's list price for the third preceding model year vehicle, and  
15 a sum not to exceed one mill on each dollar of the maker's list price for the fourth preceding model  
16 year vehicle and any model year prior thereto. In no event, however, shall the fee ***for any model***  
17 ***year vehicle*** be less than one dollar. The director shall make the final determination of any vehicle  
18 model year in any case in which a dispute arises. ***Alternatively, in lieu of the millage rates set***  
19 ***forth herein, municipalities may assess a flat fee in an amount not greater than \$15 per***  
20 ***motor vehicle registration.*** All fees collected under this section shall be used for the construction,  
21 ***repair, replacement, maintenance,*** operation, and ***administration*** [~~maintenance~~] of ***new or***  
22 ***existing*** public parking facilities as provided in RSA 231:114-129, ***or to install, repair, replace,***  
23 ***maintain, operate, or administer parking meters or similar devices as provided for within***  
24 ***RSA 231:130 through RSA 231:132-b.***

25 10 Effective Date. This act shall take effect 60 days after its passage.