

Bayside Parking Ordinance Committee
12/7/2019 Meeting Notes

Attending: Judy Metcalf, Sandy Hall, Gina Cressey, Elaine Moss, Deanna Wolfire, Dan Webster, Jeffrey Wilt, Bill Page
Absent: Martha Beiser

Judy introduced the draft parking ordinance document submitted by Elaine Moss and Dan Webster (and appended to these notes), which incorporates the current ordinance items and those updates recommended/discussed in previous meetings.

Discussion began with item #4; Winter Parking Ban

- The wording of this item must match what is published on the website as our winter parking policy. Specifically, the hours of the ban (overnight hours) in the draft do not match the published ban
- Sandy queried if having such a ban constituted a hardship when no winter weather event was predicted; other members felt that a blanket winter ban was standard in their towns.
 - Town of Northport ban prohibits parking on any streets, day or night, during the winter (specific dates not addressed in the meeting). For those streets located in the village but plowed by the town, the street is not plowed at all until all obstructing vehicles are removed (per Bill.)
- Elaine wondered if the wording about violation remediation should be revisited
 - Should there be a time frame between a warning and towing
 - 'Written or verbal warnings *will* be given' should be changed to '*...may* be given'
 - Current practice by Bill: First, a face to face meeting with the offender to discuss the ban. Second offense, tries to locate the offender to move the vehicle. If offender is not available, he will have the vehicle towed
- Section 8 of the Ordinance draft addresses 'Emergency Removal'. Could this be included under Section 10 (Enforcement) and then referenced in any pertinent preceding sections?
- Judy, Dan and Elaine will review the Northport and Camden ordinances/policies, and readdress this section accordingly

Item #5; Vehicles not to Obstruct Traffic

- Long discussion on what constitutes necessary width to accommodate emergency vehicles (especially the long fire trucks, and ambulances with wide mirrors). DOT has a formula for reference. Bill, Dan, and Judy to do further research into the recommended travel lane width for further discussion.
- 5.1 - accepted as written, except for the final issue of the width of the travel lane left available
- 5.2 - accepted as written
- 5.3 - Oversized vehicle parking or standing in a way that obstructs traffic. The two hour permitted time frame for non-expected situations was questioned - reduce to 15 minutes.
 - Exception: loading or unloading (okay)
 - Exception: Performing maintenance work (and not listed but discussed - long term construction projects): should there be a cap listed for the expected items? Bill indicated that in Camden, contractors may have to utilize a shuttle system to bring contractors to the site from an off-site parking venue, which is part of the permitting process

- Judy will review the Camden ordinance for wording. Dan and Elaine to review this section with Judy, to see if the items can be consolidated for clarity.

Item #6: No Parking Zones

- Discussion was scattered as we began to address this subject.
- Need to figure out how to address exceptions to the printed ordinance.
 - List in the ordinance by property? Signage for specific locations? Dashboard notification to be displayed in vehicles (which is not easily replicated)? NVC map for law enforcement officers?
 - What will be the process for applying for an exception?
 - Will the Board of Overseers manage this process?
 - Will it need to occur annually or for a longer period?
 - What will be the criteria for granting exceptions?
 - How will the NVC address 'grandfathered' exceptions (those who have always parked on village owned-property)?

Next meeting:

- Start review with item 6
- Look further into making Cradle Row available for overflow parking
- Report from Martha on Drinkwater School parking option
- Saturday, Jan. 11th at 8:30 AM

PARKING ORDINANCE [PROPOSED REVISIONS-2019]

PARKING REGULATIONS FOR THE NORTHPORT VILLAGE CORPORATION

Section 1. PURPOSE

This Parking Ordinance intends to promote and maintain the public safety, well-being and convenience of the residents of the Northport Village Corporation by regulating the parking of vehicles on Village roads and on Village-owned property.

Section 2. AUTHORITY

This Ordinance has been proposed for adoption in accordance with the Maine P&S Laws 1915, ch. 136 as amended; 30-A M.R.S.A. §6302; 30-A M.R.S.A. §3009; which empower the municipal officers (Board of Overseers) with the exclusive right to enact ordinances with regard to parking.

Section 3. DEFINITIONS

3.1 “Village Road”: Any public road within the geographic confines of the Northport Village Corporation.

3.2 “Park”, “parked,” “parking”: A vehicle which remains stationary in a street or on a Village-owned property, without a driver and without the engine operating.

3.3 “Oversized Vehicle”: Any vehicle which has a carrying capacity of more than three-thousand (3,000) pounds, or which, including load, is more than twenty-two (22) feet in length, or which, including load, is more than eight (8) feet in width, or which, including load, is more than twelve feet, six inches (12’6”) in height.

Section 4. WINTER PARKING BAN

From November 15 to April 15, parking shall be prohibited along village roads from midnight until 6 a.m. Written or verbal warning will be given in all cases of violation. Any vehicle so parked may be moved or towed at the owner's expense within the scope of the towing guidelines of the Northport Village Corporation (see Section 8).

Section 5. VEHICLES NOT TO OBSTRUCT TRAFFIC

5.1 The operator of a motor vehicle shall park such that the wheels adjacent to the curb are no more than 12 inches away from the curb. Where curbs are not present vehicles should be parked so that as much of the vehicle is off the road way as possible. Under no circumstance should a vehicle be parked on a roadway in any manner that results in the area of travel being less than 12 feet.

5.2 A vehicle shall not be parked or stop in any street so as to prevent or obstruct the passing of vehicular traffic or emergency vehicles.

5.3 No Oversized Vehicle shall be permitted to park or stand upon any public street in the Village for a longer period than two (2) hours, except when loading or unloading or performing maintenance work.

5.4 If the owner of an Oversized Vehicle, for reasons related to construction or to hardship, wishes to stand or park on Village roads for periods longer than those specified in Section 5.3, the owner must request exceptional permission from the Board of Overseers or Village Agent.

Section 6. NO PARKING ZONES

6.1 No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

6.1.1 In front of a public or private driveway so as to obstruct access to same.

6.1.2 Within 15 feet of an intersection, whether or not there is a stop sign or traffic signal, unless in an otherwise designated parking area, or unless written permission has been obtained from the Board of Overseers. The following properties are excepted from this restriction, provided that parking on these properties shall be conducted so as to conform to the greatest extent possible with all other aspects of this Ordinance:

- [Property 1]
- [Property 2]
- [Property 3]
- [Property 4]
- [Property 5]

6.1.3 Within 10 feet of a fire hydrant.

6.1.4 Within 500 feet of any area where there is an emergency, fire, or other incident in which civil authorities (i.e., police, fire, or ambulance personnel) require a temporary parking ban.

6.1.5 At any place where an official sign prohibits parking.

6.1.6 On the west side of George Street from Bay View Park to Cobe Road.

6.1.7 On the east side of the Bay Street extension across the bottom of Bay View Park.

6.1.8 On the south side of Park Row bordering the northern edge of Ruggles Park.

6.1.9 On the north side of Clinton Avenue at Merrithew Square in front of the mail boxes.

6.1.10 At the bottom of Ruggles Park in front of the waste-water treatment facility and fire hydrant.

6.1.11 Around the outside of the traffic island located at the bottom of Ruggles Park.

6.1.12 In front of and on the causeway to the wharf accept for the purpose of loading or unloading.

6.1.13 On the west (inland) side of Shore Road at Kelly Cove by Devil Bridge.

6.1.14 In front of the Fire Department on Bluff Road or within 15 feet of the north or south edge of the fire department's driveway.

6.1.15 Any other area that is likely to cause a threat to public safety.

6.2 Motor-homes, conversion vans, camper-trailers, or other oversize vehicles are not permitted to park overnight in any Village parking area or along Village roads without prior written approval from the Board of Overseers, Village Agent, or Chief of Police.

6.3 The Board of Overseers may establish and then erect and maintain signs indicating that no parking is permitted in specified areas or on one or both sides of a specified street. The Board of Overseers will update this as necessary in the interest of public safety. The list of no parking zones will be published no later than June 15 each year and will be available through the Village Office and others means as the Board of Overseers deem appropriate.

Section 7. PARKING ON VILLAGE PROPERTY

7.1 No unlicensed or unregistered vehicles shall be parked on Village property.

7.2 These are the Village-owned areas available for parking:

7.2.1 Lower Ruggles Park: Eastern edge facing the wharf, angular parking;

7.2.2 Lower Ruggles Park: Western edge facing the park, angular parking;

7.2.3 Lower Ruggles Park: Southern edge on Maple Street below the Yacht Club, parallel parking;

7.2.4 Lower Main Street (below Broadway): [Either] side, parallel parking;

7.2.5 Merrithew Square: East side of Broadway from Clinton Avenue to the Bangor Cottage;

7.2.6 Cradle Park: As marked and signed;

7.2.7 Auditorium Park: Parking within this park is permitted only to householders abutting the park as defined by the deed of gift, and only one vehicle per household: “The Grantor reserves the right for the abutting property owners to park or leave an automobile or other vehicle in a designated section of the park.” *Deed of Gift, August 1940*

Section 8. EMERGENCY REMOVAL

Any vehicle parked upon a public street or on Village property in a place or manner prohibited by this Ordinance is hereby declared to be an obstruction in the public way. The Board of Overseers, a police officer or the Village Agent may cause the removal, at the owner's expense, of any motor vehicle in violation of this Ordinance which is an obstruction in the public way or is posing a threat to public safety.

Section 9. HANDICAPPED PARKING

9.1 The Board of Overseers is hereby authorized to determine and designate, by proper signs, certain parking spaces for handicapped parking. [Note: The authority of the Chief of Police to designate handicapped parking was removed.]

9.2 Any vehicle parked in a parking space clearly marked as a handicapped parking space and which does not bear a special registration plate or placard issued under M.R.S.A. Title 29-A, §521, or a similar plate issued by another state, shall be cited for a forfeiture of not less than two hundred dollars (\$200.00). "Clearly marked" includes painted signs on pavement and vertical standing signs which are visible in existing weather conditions. Any police officer may cause any vehicle so parked to be removed from the parking space and towed or moved at the expense of the owner of such vehicle, and without the Village being liable for any damage that may be caused by such removal.

Section 10. ENFORCEMENT

10.1 It shall be the duty of the police officers of the Northport Village Police Department or a designated parking enforcement officer, acting in accordance with instructions by the Board of Overseers, Village Agent and or Chief of Police, to report:

10.1.2 The state license number of any vehicle that is or has been parking in violation of any provisions of this Ordinance.

10.1.3 The time at which such vehicle is parked in violation of any provision of this Ordinance.

10.1.4 Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

10.2 Each officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this Ordinance.

Section 11. PENALTIES

11.1 The operator or owner of any vehicle charged with a violation of the general parking restrictions set out in Sections 4-8 of this Ordinance may waive all court action by the payment of a waiver fee of twenty-five dollars (\$25.00) per day of infraction at the Village Office prior to the expiration of the thirty (30) day period following the issuance of the parking ticket as stated on the Notice of Illegal Parking.

11.2 The operator or owner of any vehicle charged with a violation of Section 9 (Handicapped Parking) may waive all court action by the payment of a waiver fee of two hundred dollars (\$200.00) per day of infraction at the Village Office prior to the expiration of the thirty (30) day period following the issuance of the parking ticket as stated on the Notice of Illegal Parking.

11.3 In addition to sections of this Ordinance which specifically allow for towing violations, a police officer may have towed any vehicle parked in violation of this Ordinance at the expense of the owner of such vehicle and without the Village being liable for any damage caused by such removal when that vehicle is parked in a fire lane, blocking a fire hydrant, parked so as to obstruct pedestrian traffic or parked in such a manner as to create a traffic hazard.

11.4 Any owner or operator of any vehicle charged with five (5) or more violations of any of the parking regulations set forth in this Ordinance in any consecutive thirty (30) day period may be required to forfeit the court waiver fees, and be ordered to appear in court. Any person summoned to District Court for a parking violation and found guilty of the alleged violation may be required to pay for court costs in addition to the fine for the violation.

Section 12. EVIDENCE

No person shall allow any vehicle registered in his or her name to park in violation of the provisions of this Ordinance. The fact that a vehicle is unlawfully parked or stored shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name the vehicle is registered. (Code 1968, §711.39) (M.R.S.A. 30-A, §3009).

Section 13. NO LIABILITY

Parking of motor vehicles, boats, trailers, or cradles on Village property or on or beside Village roads shall be at the owner's risk. The Village bears no liability for any damage to property whether caused by weather, accident, or vandalism.

Section 14. REPEAL OF PRIOR ORDINANCES

Any and all prior ordinances or parts thereof or written policies or procedures heretofore adopted by the Board of Overseers which are in conflict with the provisions of this Ordinance shall be repealed as of the effective date of this Ordinance.

Section 15. VALIDITY AND SEVERABILITY

Should any section(s) or provision(s) of this Ordinance be declared by the courts to be invalid or non-enforceable, such decision shall not invalidate any other section or provision of this Ordinance.

Section 16. ADOPTION AND EFFECTIVE DATE

This Ordinance shall become effective _____, 2020.

Attest: _____

Maureen Einstein, Clerk

Northport Village Corporation

Enacted _____, by vote of Board of Overseers of the Northport Village Corporation.

**PARKING ON VILLAGE PROPERTY [Elaine: I incorporated the bullets below into Section 7 above. I've left them here, temporarily, so you can see the changes I made.]
Limited space is available for parking on Village-owned property.**

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