

**Bayside Parking Ordinance Committee**  
**Meeting Notes 2/1/2020**

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

Additional guests: Blair and Beanie Einstein

Review of items from previous meetings:

- Bill has not yet checked width of Bay Street, to determine if we need to disallow parking anywhere to allow passage of emergency vehicles. **Action item:** Bill will check and give dimensions to Judy.
- 6.1.11 - New wording regarding the no parking allowances near the fire station was reviewed and approved by all.
- Discussed again the possibility of storing trailers/cradles during the summer behind the fire pond and water district building. Bill expressed concerns due to the need to reserve space for long trailers, excavators, and dump trucks on an as-needed basis, as well as temporary storage of road improvement materials (gravel). Bill also asked that spaces continue to be reserved for emergency personnel only (needed to access fire station and vehicle). Jeffrey reiterated that there would be little reason for traffic flow in this space; trailers/cradles would be delivered, empty, in June after the NYC fleet was launched, and picked up in August for fleet storage. *(Note: Because AIR is in September and the Cradle Row space will be needed at that time, we might have to put the trailers/cradles with boats in the new location until after AIR.)* **Action item:** This space needs further review for potential use as trailer/cradle storage. Accurate count of NYC trailers needed.
- Winter parking ban: **Action item:** Update the ordinance, in Section 4, to match the wording of the actual public notice.

New discussion:

- Sewage disposal upgrade design: Judy stated that the new system proposal, which is close to completion, requires access for a large delivery truck to be able to park within 10 feet of the chemical receptor location (below the yacht club, south side of Ruggles Park). Proposals included: 1) establishing a specific time and day for no parking (e.g., no parking every Monday from 8 to noon) or 2) blocking parking area with traffic cones after delivery is scheduled. Bill preferred making the required area into a permanent no parking zone, due to the inconsistent delivery schedule (based on usage/flow), and excessive man-hours to block off parking prior to delivery.
  - o Uncertain location of the changed circle after the seawall project may impact this parking area
  - o **Action item:** Amend 6.1.4 to allow the Village Agent to impose a temporary parking ban.
  - o Parking restriction within 15' of a corner will include the point at the foot of the playground area.
- Make sure the proposed ordinance clarifies that the Village Agent is superior to the Chief of Police (reference 6.2).
- Section 7. Designated allowed parking on Village property.
  - o Ruggles Park: Continued discussion from previous meeting.
    - The seawall plan allows for some increased parking at the base of Ruggles Park, across from the kayak area. This has been proposed as angle parking, which may cause problems. If angled uphill, cars backing out might be inclined to proceed wrong way uphill along Park Row, or would need to turn around in front of the two properties at the base of the row. Angling downhill would encourage more traffic to come down Park Row (also not a desired outcome). Could this be enlarged to be straight

head-in parking? For the purposes of the ordinance, this will not be designated as a no-parking zone (see 7.2.2).

- Maple Street parking in Ruggles Park was discussed at length. Conclusion: No parking on the south (right) side of Maple Street from the corner of Broadway to the flagpole at the yacht club (curb area). Parking allowed on the north side of Maple Street (along the playground) from Broadway to the bottom, excepting the 15' corner restrictions at both ends. Parking allowed on the south side of Maple Street from the yacht club flagpole to the causeway, except as restricted by chemical delivery access, as noted above (see 7.2.3 and 7.2.4).
- Main Street parking in Ruggles Park was discussed further. Proposal: No parking allowed on the south side of Main Street in the park (along the playground) from Broadway to the merry-go-round. Parking allowed on the south side below the merry-go-round to the base, excepting the 15' corner restriction, as the road widens at this point. Parallel parking allowed on the north side of Main Street from Broadway to the base, excepting the 15' corner restriction. Sandy proposed expanding this parking area to make the parking along the north side head-in parking into the park, with boulder barriers to delineate the area available into the park. Dan expressed concerns about needing to pave this area, though grass parking might be acceptable. Bill added that this might be a good use of the stone which will have to be removed from the existing causeway during the Seawall Project. No definite conclusions reached at this meeting (see 7.2.5).
  - No further discussion of Section 7 at this meeting. Still to be discussed regarding Ruggles Park: Overnight parking? 7.2.1 clarification?
- All no parking areas to be delineated on a map as an attachment (Exhibit A) to the ordinance.
  - Participants agreed that we need to be careful about where we indicate that parking is allowed. We should be cognizant that, while parking is allowed in many locations (such as along Park Row, north side), this is not intended to be general public parking, but rather acceptable parking for abutting homeowners. Excessive signage may not be in the spirit of currently accepted community usage.

Process clarification, per Judy:

- These proposed changes to the parking ordinance will be given a public hearing, then passed (or rejected) by the Board of Overseers.
- Any future change would have to go through the same process: be proposed as a change to the ordinance, reviewed by a committee, subject to a public hearing, and then voted upon by the Board of Overseers.
- Future amendments would not necessarily mean a review of the entire ordinance, but could be restricted to a single section or issue.
- **Action item:** A budget will need to be proposed to include:
  - Signage/road marking
  - Improvements to Cradle Row to allow for increased traffic and parking
  - Improvements/clearing to another location (e.g., behind water district building/fire pond) to allow for summer storage of empty yacht club trailers and/or cradles

Next meeting: Saturday, February 22, 2020 at 8:30 AM. Judy to send invitation; same call-in number will apply. Dan to put notice on [www.BaysideMaine.com](http://www.BaysideMaine.com) website.

*[Attached to these notes is a current draft ordinance revised to reflect changes discussed during the February 1, 2020 meeting as well as a redline of the current draft against the draft used for the February 1, 2020 meeting.]*

# **PARKING ORDINANCE [PROPOSED REVISIONS-2020]**

## **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, all parking on Village roads and streets is prohibited between the hours of 7:00 P.M. and 7:00 A.M. During a significant snow event requiring plowing, parking is prohibited during all hours on Village roads and streets. Authorization has been given for all vehicles so parked to be removed and put into storage, and all expenses will be charged to the owner. The Northport Village Corporation will not be responsible for any damages to vehicles so removed. [This has been conformed to the Public Notice posted by the Village.] [For reference purposes, here’s what is in the Town of Northport’s Administrative Ordinance: “Parking on town roads, within a town right of way or public easement during winter months is prohibited so that emergency personnel and plowing equipment may safely access all town roads.”] The Town of Northport’s Administrative Ordinance regarding winter parking remains in effect for all Town roads and supersedes the Village’s Winter Parking Ban for those roads.

### **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 twelve (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 passage being less than fourteen (14) 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 fifteen (15) minutes, 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 the Village Agent, a police officer or a 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 fifteen (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 Village shall supply a window sticker or placard for the property owners to display in the vehicle. No more than one placard/sticker shall be issued per household.
  - 6.1.3. Within fifteen (15) feet of a fire hydrant on the side of the street where the hydrant is located except in a designated parking space.
  - 6.1.4. Within five hundred (500) feet (or such other distance as may be determined by or the Village Agent or civil authorities (that is, police, fire, or ambulance personnel) in charge of the scene) when there is an emergency, fire, or other circumstance requiring a temporary parking ban. [Note: This was changed as discussed to provide Village Agent with discretion to enforce a temporary parking ban.]
  - 6.1.5. At any place where an official sign or road marking prohibits parking.

- 6.1.6. On the west (Community Hall) side of George Street from Bayview Park to Cobe Road. [Discuss: Should we change Bayview Park to Rogers Lane to be more clear that parking in front of the park is prohibited?]
- 6.1.7. On either side of the dead-end road across lower Bayview Park.
- 6.1.8. Ruggles Park (see Exhibit A):
  - 6.1.8.1. 6.1.8.1 On the south (park) side of Park Row, from 1 Park Row to 21 Park Row, bordering the northern edge of Ruggles Park (that is, parking is only allowed on the cottage side of Park Row).
  - 6.1.8.2. On the south (right) side of lower Maple Street, at the bottom of Ruggles Park, in front of the waste-water treatment building and fire hydrant.
  - 6.1.8.3. Around the outside perimeter of the traffic island located at the bottom of Ruggles Park.
  - 6.1.8.4. In front of and on the causeway to the wharf, except for the purpose of loading or unloading for a period not exceeding five minutes.
  - 6.1.8.5. On either side of the playground within fifteen (15) feet of the lower vertex (that is, where the telephone pole is).
  - 6.1.8.6. On the east (bay) side of Broadway along the top of Ruggles Park, from Maple Street to Park Row.
- 6.1.9. On the north side of Clinton Avenue at Merrithew Square in front of the mail boxes.
- 6.1.10. On the west (inland) side of Shore Road at Kelly Cove by Devil Bridge.
- 6.1.11. On both sides of Bluff Road in front of the fire department for the entire width of the fire department's driveway plus an additional fifteen (15) feet on either side of the driveway.
- 6.1.12. 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 or Village Agent.
- 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 if any changes are

made 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. Limited space is available for parking on Village-owned property. These are the Village-owned areas available for parking, in all cases subject to the other provisions of this Ordinance: [Discuss: Will there be a prohibition against overnight parking in Ruggles Park?]
  - 7.2.1. Lower Ruggles Park: Perpendicular parking along the along the seawall between the boat launch ramp and wharf causeway; [Discuss: What did we decide regarding parking between the boat ramp and Park Row?]
  - 7.2.2. Lower Ruggles Park: Perpendicular parking along the west (lower) edge of the park slope;
  - 7.2.3. Lower Maple Street (below Broadway): Parallel parking along the south (right) side below the Northport Yacht Club flagpole but not in front of the waste-water treatment building and fire hydrant;
  - 7.2.4. Lower Maple Street (below Broadway): Parallel parking along the north (left) side of lower Maple Street below the basketball court but not closer than fifteen (15) feet to the playground's lower vertex (that is, where the telephone pole is);
  - 7.2.5. Lower Main Street (below Broadway): Parallel parking along the entire north (Park Row) side and along the south (playground) side only below the merry-go-round but not closer than fifteen (15) feet to the playground's lower vertex (that is, where the telephone pole is);
  - 7.2.6. Merrithew Square: East (water pump) side of Broadway from Clinton Avenue to the Bangor Cottage;
  - 7.2.7. Cradle Park: As marked and signed;
  - 7.2.8. 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*
- 7.3. No person shall park a vehicle on any street for the principal purpose of displaying such vehicle for sale. [Discuss: This restriction was added from the Camden Ordinance.]

## **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 [Note: Kept "a police officer" here, along with Village Agent, for enforcement authority purposes] 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. The Village Agent or 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 or Village Agent, to report:
  - 10.1.1. The state license number of any vehicle that is or has been parking in violation of any provisions of this Ordinance.
  - 10.1.2. The time at which such vehicle is parked in violation of any provision of this Ordinance.
  - 10.1.3. 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. [Discuss: Should there be a higher penalty for violations of Sections 6.1.3 (fire hydrant), 6.1.4 (civil authority ban) or 6.1.11 (fire department)?]

- 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, the Village Agent or other civil authority 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.*

**Exhibit A**

**Ruggles Park No Parking Areas**  
(No parking areas are designated by red lines)

\*\*\* Under no circumstance should a vehicle be parked on a roadway in any manner that results in the area of passage being less than fourteen (14) feet. \*\*\*



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Northport's Administrative Ordinance regarding winter parking remains in effect for all Town roads and supersedes the Village's Winter Parking Ban for those roads.

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  - 6.1.1. In front of a public or private driveway so as to obstruct access to same.
  - 6.1.2. Within fifteen (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 Village shall supply a window sticker or placard for the property owners to display in the vehicle. No more than one placard/sticker shall be issued per household.
  - 6.1.3. Within fifteen (15) feet of a fire hydrant on the side of the street where the hydrant is located except in a designated parking space.
  - 6.1.4. Within five hundred (500) feet (or such other distance as may be determined by or the Village Agent or civil authorities (that is, police, fire, or ambulance personnel) in charge of the scene) when there is an emergency, fire, or other **incident circumstance** requiring a temporary parking ban. **[Note: This was changed as discussed to provide Village Agent with discretion to enforce a temporary parking ban.]**

- 6.1.5. At any place where an official sign or road marking prohibits parking.
- 6.1.6. On the west (Community Hall) side of George Street from Bayview Park to Cobe Road. [Discuss: Should we change Bayview Park to Rogers Lane to be more clear that parking in front of the park is prohibited?]
- 6.1.7. On either side of the dead-end road across lower Bayview Park).
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  - 6.1.8.2. On the south (right) side of lower Maple Street, Aat the bottom of Ruggles Park, in front of the waste-water treatment facility building and fire hydrant.
  - 6.1.8.3. Around the outside perimeter of the traffic island located at the bottom of Ruggles Park.
  - 6.1.8.4. In front of and on the causeway to the wharf, except for the purpose of loading or unloading for a period not exceeding five minutes.
  - ~~6.1.8.4.~~6.1.8.5. On either side of the playground within fifteen (15) feet of the lower vertex (that is, where the telephone pole is).
  - ~~6.1.8.5.~~6.1.8.6. On the east (bay) side (that is, the bay side) of Broadway along the top of Ruggles Park, from Maple Street to Park Row.
- 6.1.9. On the north side of Clinton Avenue at Merrithew Square in front of the mail boxes.
- 6.1.10. On the west (inland) side of Shore Road at Kelly Cove by Devil Bridge.
- 6.1.11. On both sides of Bluff Road in front of the fire department for the entire width of the fire department's driveway plus an additional [fifteen (15)] feet on either side of the driveway.
- 6.1.12. Any other area that is likely to cause a threat to public safety.
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- 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 if any changes are made and will be available through the Village Office and others means as the Board of Overseers deem appropriate. ~~[Discuss: Should the list of no parking zones be a separate exhibit?]~~

## Section 7. PARKING ON VILLAGE PROPERTY

- 7.1. No unlicensed or unregistered vehicles shall be parked on Village property.
- 7.2. Limited space is available for parking on Village-owned property. These are the Village-owned areas available for parking, in all cases subject to the other provisions of this Ordinance: ~~[Discuss: Should the list of Village-owned properties available for parking be a separate exhibit?]~~ [Discuss: Will there be a prohibition against overnight parking in Ruggles Park?]
- 7.2.1. Lower Ruggles Park: ~~Perpendicular parking along the Eastern edge facing the bay along the seawall between the boat launch ramp and wharf causeway; angular parking;~~ [Discuss: What did we decide regarding parking between the boat ramp and Park Row?]
- 7.2.2. Lower Ruggles Park: ~~Perpendicular parking along the Western (lower) edge facing of~~ the park slope; ~~angular parking;~~
- 7.2.3. Lower ~~Maple Street (below Broadway)~~Ruggles Park: ~~Parallel parking along the Southern-south~~ (right) side of ~~Maple Street~~ below the ~~Northport~~ Yacht Club ~~flagpole~~ but not in front of the waste-water treatment ~~facility-building~~ and fire hydrant; ~~parallel parking;~~
- ~~7.2.4.~~ 7.2.4. Lower Maple Street (below Broadway): Parallel parking along the north (left) side of lower Maple Street below the basketball court but not closer than fifteen (15) feet to the playground's lower vertex (that is, where the telephone pole is);
- ~~7.2.4.~~ 7.2.5. Lower Main Street (below Broadway): Parallel parking along the entire north (Park Row) side and along the south (playground) ~~Either~~ side only below the merry-go-round but not closer than fifteen (15) feet to the playground's lower vertex (that is, where the telephone pole is); ~~parallel parking;~~ [Discuss: Is it possible to maintain 14' travel passage per Section 5.1?]
- ~~7.2.5.~~ 7.2.6. Merrithew Square: East (water pump) side (that is, water pump side) of Broadway from Clinton Avenue to the Bangor Cottage;
- ~~7.2.6.~~ 7.2.7. Cradle Park: As marked and signed;

7.2.7.7.2.8. 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*

- 7.3. No person shall park a vehicle on any street for the principal purpose of displaying such vehicle for sale. **[Discuss: This restriction was added from the Camden Ordinance.]**

## **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 **[Note: Kept “a police officer” here, along with Village Agent, for enforcement authority purposes]** 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. **The Village Agent or A**ny 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; **or** Village Agent **and or Chief of Police**, to report:
- 10.1.1. The state license number of any vehicle that is or has been parking in violation of any provisions of this Ordinance.
- 10.1.2. The time at which such vehicle is parked in violation of any provision of this Ordinance.

- 10.1.3. 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. [Discuss: Should there be a higher penalty for violations of Sections 6.1.3 (fire hydrant), 6.1.4 (civil authority ban) or 6.1.11 (fire department)?]
- 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, the Village Agent or other civil authority~~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.*

**Exhibit A**

**Ruggles Park No Parking Areas**  
**(No parking areas are designated by red lines)**

**\*\*\* Under no circumstance should a vehicle be parked on a roadway in any manner that results in the area of passage being less than fourteen (14) feet. \*\*\***

