

CHAPTER XIII

TRAFFIC AND PARKING ORDINANCE

Section 13-101 Authority and Enactment

The municipal officers of the Town of Winter Harbor, Maine enacted this Ordinance on July 5, 1983, following a public hearing held on June 20, 1983, under the authorization of Title 30 MRSA Section 2151 Subsection 2-C, 3A.

Section 13-102 Purpose

The purpose of this Ordinance is to insure the public safety; to facilitate snow removal and sanding, fire suppression; and to relieve traffic hazards and congestion through the regulation of parking and vehicular traffic flow in the Town of Winter Harbor, Maine.

Section 13-103 Restricted Areas

No vehicle shall be parked, stopped, or allowed to stand, whether occupied or not, without displaying the proper permit, within any of the following designated spaces on Winter Harbor Town roads and ways.

- A. Within ten (10) feet of any Fire Hydrant.
- B. Within six (6) feet of any intersection or junction of public roads or ways.
- C. Within three (3) feet of the entrance of any driveway or alley.
- D. On a designated sidewalk.
- E. In front of a Fire Station exit.
- F. In an area marked or posted for "NO PARKING" by the Road Commissioner upon approval of the municipal officers.
- G. In front of any public owned building or facility so as to block or restrict emergency access and exits.
- H. In a marked, Reserved Handicapped Parking Area.
- I. In any area at the town wharf which is marked as restricted to town residents only.
For the purpose of this ordinance a "resident" is a person who pays either automobile or boat excise tax to the Town of Winter Harbor and who is dwelling within the Town limits. Parking permits will be issued on the basis of one per registered boat or motor vehicle.

Section 13-104 Obstruction of Traffic

No vehicle shall be parked, stopped, or allowed to stand, whether occupied or not, in such a way as to obstruct traffic or to create a traffic hazard. Vehicles parked in such a manner may be removed by the authorized agents of the Town of Winter Harbor under the direction of the Police Chief at the owner's expense.

Section 13-105 All Night Parking

No vehicle shall be parked or left standing on any street, road or public way in the Town of Winter Harbor between the hours of 11:00 p.m. or 6:00 a.m. of each day during the period from November 1 to April 1 of each year. No parking at the Town wharf after 10:00 p.m. unless engaged in fishing operations.

Section 13-106 Emergency Vehicles

- A. No unauthorized vehicles shall park, stop, or be allowed to stand within one hundred (100) feet of any fire truck, ambulance, police car or any other authorized, marked emergency vehicle during the performance of emergency duty. Such emergency vehicles shall indicate emergency response activities by displaying appropriate and recognizable flashing lights attached to such vehicles.
- B. No person shall park, stop or allow a vehicle to stand within any area in excess of the one hundred (100) feet perimeter described in Section 13-105 (A) of this Chapter when such extra perimeter shall be cordoned off by authorized emergency response personnel.

Section 13-107 Designation and Marking of Restricted Areas

The Road Commissioner is authorized to post "NO PARKING" signs or to mark by painted lines or marks on streets, sidewalks, and crosswalks the Restricted Parking areas described in Section 13-103 (A-I) of this chapter.

Section 13-108 Enforcement.

The Police Chief of the Town of Winter Harbor and any police officers under the supervision of the Police Chief shall be responsible for the enforcement of this Ordinance as provided herein.

Section 13-109 Reporting Violations and Penalties

- A. Information reported. It shall be the responsibility of the Chief of Police and police officers to report the following information with respect to vehicles parked in violation of the Ordinance:
 - 1. The State Vehicle Registration Number of the vehicle parked in violation.
 - 2. The time, date and location of the vehicle parked in violation.
 - 3. Any other facts pertinent to the understanding of the circumstances attending such violation.
- B. Notice to owner of operator. The Police Chief or police officer shall also attach to such violating vehicle a notice to the owner or operator thereof, that such vehicle has been parked in violation of a provision of this Ordinance and instructing such owner or operator to report to the Winter Harbor Town Office in regard to such violation or pay the fine imposed by Section 13-109 (C) in the manner and time frame therein prescribed.
- C. Time limit for payment. Each owner or operator shall, within three (3) business days of the time when such notice was attached to such vehicle, pay to the Treasurer of the Town of Winter Harbor as a penalty for and in full satisfaction of such violation, the sum of twenty-five dollars (\$25.00) for the first violation, fifty dollars (\$50.00) for the second violation, and seventy-five dollars (\$75.00) for the third violation, in U.S. cash or currency. The failure of such owner or operator to make such payment within three (3) business days shall render such owner or operator subject to the penalties as provided in Section 13-109 (D), below, for the violation of this Ordinance. For the purposes of this Ordinance,

the person in whose name the vehicle is registered shall be considered to be the owner.

D. Penalty. Any person who shall violate any of the provisions of this Ordinance, and any person who aids or assists therein, including but limited to the owner of any vehicle that is in the possession of another with the owner's consent, express or implied, shall upon conviction thereof by the Maine District Court, be subject to a fine not to exceed seventy-five dollars (\$75.00) for each violation or offense. All fines and forfeitures under this Chapter shall be payable to the Town of Winter Harbor, Maine.

Section 13-110 Severability

The invalidity of any clause, portion, or provision of this Ordinance shall not invalidate any other clause, portion, or provision.

Section 13-111 Interchangeable Terms

Whenever the terms "Chapter" or "Ordinance" are found herein, the terms shall have the same meaning and intent and shall be interchangeable. "Chapter" shall refer to Chapter XIII of the Winter Harbor Town Code, as amended and "Ordinance" shall refer to the Winter Harbor "Traffic and Parking Ordinance" as amended and incorporated as Chapter XIII of the Winter Harbor Town Code.

Section 13-112 Amendment Procedure

The municipal officers may, by majority vote, amend this Chapter after public hearing and reasonable notice to the public.

Section 13-113 Effective Dates

This Chapter shall become effective immediately upon adoption by a majority vote of the municipal officers as per Section 13-101. Any subsequent amendment(s) shall become effective immediately upon adoption by a majority vote of the municipal officers as per Section 13-112.

Historical Note: Amendments to this Ordinance were adopted by the Board of Selectmen on December 18, 1995.