

ORDINANCE TO REGULATE OPERATION AND PARKING OF VEHICLES IN THE TOWN OF NORTH BERWICK

ARTICLE I GENERAL

- SEC. 1. TITLE: This Ordinance shall be known and may be cited as the Ordinance to Regulate Operation and Parking of Vehicles of the Town of North Berwick Maine.
- SEC. 2 AUTHORITY: This Ordinance is adopted by the Selectmen pursuant to Title 30 Section 2151(3) of the Maine Revised Statutes Annotated.
- SEC.3. PURPOSE: This Ordinance is designed to control operation and parking of vehicles in the Town of North Berwick, Maine.
- SEC.4. INTENT: The Selectmen of North Berwick Maine intend to maintain in said Town suitable parking signs and marking indicating time, manner, and place of parking motor vehicles in accordance with the ordinance, and such additional signs and markings as they deem necessary to control and direct traffic and parking within the municipality. No person shall park or leave motor vehicles unattended contrary to this ordinance and such signs and/or marking. This ordinance shall be deemed to be in addition and supplementary to, and not in conflict with nor a repeal of, prior or existing ordinances or articles of the Town of North Berwick, but shall be an additional provision for the regulation of traffic and parking in these zones and areas provided for herein.

ARTICLE II DEFINITIONS

- SEC. 1 DEFINITIONS:
- (a) VEHICLE - Every device in upon or by which any person or property is or may be transported or drawn upon a highway, including but not limited to motorized vehicles.
 - (b) MOTOR VEHICLE - Every vehicle which is self propelled but not operated on rails.
 - (c) AUTHORIZED EMERGENCY VEHICLE - Vehicles of the Fire Department, Police Department, ambulances and emergency vehicles operated for municipal business.
 - (d) BICYCLE - Every device propelled by human power upon which a person may ride, having two tandem wheels, including any device generally considered as a bicycle.

- (e) TRAFFIC - Pedestrians ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any street for purposes of travel.
- (f) RIGHT OF WAY - The privilege of immediate use of the roadway.
- (g) STOP - Complete cessation of movement.
- (h) PARK - When prohibited means the standing of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually unloading or loading.
- (i) ANGLE PARKING - The motor vehicle shall be parked obliquely to the curb with the right wheel resting at the curb.
- (j) PEDESTRIAN - Any person on foot.
- (k) DRIVER - Any person who drives or is actually in control of a vehicle.
- (l) STREET, HIGHWAY, OR ROADWAY - That portion of a public way open to the public for the use of vehicular traffic,
- (m) DRIVEWAY OR PRIVATE ROAD - Every way or place in private ownership and. used for vehicle travel by the owner but not of other persons.
- (n) SIDEWALK - That portion of a street between the curb or ditch and the adjacent property lines intended for the use of pedestrians.
- (o) INTERSECTION - The area embraced within the prolongation or continuation of the lateral side lines of two highways which join one another.
- (p) THROUGH STREETS - Every street or highway so marked by appropriate STOP SIGNS.
- (q) OFFICIAL TRAFFIC SIGNS - All signs, signals, marking and devices placed or erected by officials having jurisdiction for the purpose of regulating, warning or guiding traffic.

ARTICLE III ENFORCEMENT

- SEC. 1 **AUTHORITY OF POLICE DEPARTMENT:** It shall be the duty of the North Berwick Police Department to enforce this ordinance.
- SEC. 2 **ORDERS TO BE OBEYED:** No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.
- SEC. 3 **REPORTING VIOLATIONS:** It shall be the duty of the Police Officers of North Berwick, acting in accordance with instructions issued by the Chief of Police to report:
- a. The State Vehicle Registration number of the vehicle in violation.
 - b. The date and time such vehicle is parked in violation of any of the provisions of this ordinance.
 - c. Any other facts, the knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

- d. Each officer shall also attach to such vehicle in violation 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 police station in regard to such violation.

ARTICLE IV EMERGENCY VEHICLES

- SEC. 1 EXEMPTION TO EMERGENCY VEHICLES: The provisions of this ordinance shall not apply to authorized emergency vehicles as defined in this ordinance while the driver of such vehicle is operating the same in the necessary performance of public duties.

ARTICLE V THROUGH STREETS

- SEC. 1 THROUGH STREETS DESIGNATED: All streets on which have been erected stop signs per order of the Selectmen or the Maine Department of Transportation shall be considered to enter upon through ways.

ARTICLE VI PARKING

- SEC. 1 METHOD OF PARKING: The Owner or Operator shall not park or leave unattended any vehicle on any street or highway in violation of the provisions of this ordinance, or any amendment thereof. All parking shall be parallel to curb unless otherwise specified. Angle parking, as defined in this ordinance, may be used where specified.
- SEC. 2 OBEDIENCE TO SIGNS OR MARKINGS: No person shall park or stand a vehicle other than in manner indicated by official markings or signs.
- SEC. 3 GENERAL PARKING REGULATIONS: It shall be unlawful for the owner or operator of any vehicle to park or leave unattended any vehicle at the following locations:
- a. On sidewalk and foot crossings.
 - b. In front of a public or private driveway
 - c. Within 25 feet of street intersection
 - d. Within ten feet of hydrant
 - e. Along side or opposite a street or highway excavation.
 - f. On the roadway side of any vehicle stopped or parked parallel to the ditch or curb.
 - g. With the left of the vehicle adjacent to the ditch or curb.
 - h. Upon any place where official signs or markings prohibits stopping or parking.

SEC. 4

SPECIAL PARKING REGULATIONS: It shall be unlawful for the owner or operator of any vehicle to park or leave unattended any vehicle at the following locations:

- a. The East and West side of Elm Street (Route 4), between the intersection of Madison Street, northerly to New England Telephone pole #7 (North Berwick lumber) as designated by the signs reading “No Parking”.
- b. The East and West Side of High Street between the intersection of Wells Street (Route 9) northerly to the Hurd School.
- c. The East and West side of Lebanon Road between the intersection of Route 4 northerly to the old school driveway as designated by the signs reading “No parking”.
- d. The North and South Side of Wells Street between the intersection of Route 4 easterly to Market Street.
- e. The North and South side of Madison Street between the intersection of Market Street westerly to Maple Ct as designated by the signs reading “No Parking”.
- f. The east side of Main St between the town/school administration building driveway northerly to Wells St (Route 9) as designated by the signs reading “No Parking”.
- g. The west side of Main St between the Cumberland Farms Plaza northerly to Wells Street (Route 9) as designated by the signs reading “No Parking”.
- h. The entire east side of Market St. and the west side of Market St. between the intersection of Madison St. northerly to Wells Street (Route 9) as designated by the signs reading “No Parking”.
- i. Any side of the Memorial triangle at Main and Market Sts.
- j. The east and west side of Morrill Mills Road between the intersection of West Road #2 northerly to Valley Road as Designated by the signs reading “No Parking”.
- k. The southern side of Church Street.
- l. The east and west side of Burma Road.
- m. Both sides of Lebanon Road near Negutaquet Conservation Area/Water Tank as designated by the signs reading “No Parking”.

- SEC. 5 DOUBLE PARKING: No operator or owner shall park or leave unattended any vehicle in any manner which causes two or more vehicles to be parked or left abreast in a double parked manner.
- SEC. 6 EXEMPTIONS: This Article shall not apply to Police, fire, rescue, highway department, and funeral vehicles whether official, or private vehicles used at that time in conjunction with official business of police, fire, rescue, highway, or funeral business. The Selectmen may issue special designated permits to events that may necessitate a need for special parking. Such permits shall be granted after consultation with the Police Chief, Fire Chief, or their designees.
- SEC. 7 OVERTIME PARKING: The owner or operator of any vehicle shall not park or leave unattended any vehicle in defiance of any posted time restricted parking.
- SEC. 8 ALL NIGHT PARKING No vehicle shall be parked on the west side of Market Street from the Fire Station to Kennebunk Savings Bank between the hours of 12 o'clock midnight and 6:00 o'clock a.m. No vehicle shall be parked on any street in the Town of North Berwick between the hours of 12 o'clock midnight and 6:00 o'clock a.m. from November 1st through March 31st. This regulation shall not apply to physicians on emergency and professional calls. No vehicle shall be parked at any time on a public way in such a manner as to interfere with snow plowing or snow removal.
- SEC. 9 PARKING NEAR FIRE HYDRANTS DURING FIRES: No vehicle shall be parked within 100 feet of a fire hydrant being used at a fire.
- SEC. 10 FACING DOWN HILL: When vehicles are parked or left unattended facing downhill, the front wheels shall be turned toward the curb and the emergency brake shall be locked on.
- SEC. 11 OBSTRUCTING TRAFFIC: No vehicle shall be parked or left unattended on any street or highway in such a way as to obstruct traffic or to create a traffic hazard
- SEC. 12 PARKING ON STREETS NOT MARKED: On all streets in North Berwick upon which no parking signs or street markings appear regulating parking, parking shall be at the right curb or side and parallel to the street.
- SEC. 13 PARKING FEE: To establish a uniform fine assessment and collection procedure for violations of this ordinance pertaining to prohibited vehicle parking provisions, the following fine assessment is established: Any violation shall be assessed a \$25.00 fee payable to the Police Department. If the fine is not paid within 30 days from the date of the violation, the amount due will be \$50.00. If the fine is not paid within 45 days from the violation, the legally registered owner may be summoned to the District Court in Springvale, Maine, to answer to a complaint of violation of this ordinance. In a court action resulting from the violation of this ordinance, the amount of the fine may be increased by the presiding judge at his discretion to cover the additional municipal costs resulting

from court action and to prevent future violation of the ordinance by the individual in question. **(Amended July 8, 2014)**

PARKING FEE – FIRE LANES: Fire lanes are established around buildings for the protection of life and safety of individuals utilizing facilities within the Town of North Berwick. Parking is prohibited in fire lanes to ensure the access of safety equipment to the structure in the event of an emergency. Any violation of parking in a designated Fire Lane shall be assessed a double parking fee (\$50.00) payable to the Police Department. If the fine is not paid within 30 days from the date of the violation, the amount due will be \$100.00. If the fine is not paid within 45 days from the violation, the legally registered owner may be summoned to the District Court in Springvale, Maine, to answer to a complaint of violation of this ordinance. In a court action resulting from the violation of this ordinance, the amount of the fine may be increased by the presiding judge at his discretion to cover the additional municipal costs resulting from court action and to prevent future violation of the ordinance by the individual in question. **(Amended September 23, 2014)**

ARTICLE VII

SEC. 1 **SEPERABILITY:** The invalidity of any provision or portion of this ordinance shall not invalidate any other part.

ARTICLE VIII BICYCLES

SEC. 1 **RIDING ON SIDEWALKS:** No person shall ride or propel a bicycle on the sidewalk in the business section; nor on any other sidewalk adjacent to a street except in a prudent manner and at a reasonable rate of speed, yielding the right of way to pedestrians and giving audible signal of approach.

ARTICLE IX PENALTIES

SEC. I **PENALTIES FOR VIOLATIONS:** Whoever violates any of the foregoing ordinance except Article VI shall, upon conviction, be punished by a civil penalty not more than \$500.00. The Maine District Court shall have jurisdiction of all offenses hereunder.

ARTICLE X REMOVAL

SEC. 1 **VEHICLES MAY BE REMOVED** Members of the Police Department and Highway Department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety under circumstance hereinafter enumerated at the expense of the Owner:

- a. Any vehicle unattended left upon any bridge when such vehicle constitutes an obstruction to traffic.
- b. When a vehicle upon a roadway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- c. When any vehicle is left unattended upon a street or highway and is so parked illegally as to constitute a violation of this ordinance or constitute a definite hazard or obstruction to the normal movement of traffic.
- d. When a vehicle is parked on a public way in a manner that interferes with snow plowing or snow removal.

ARTICLE XI TITLE

SEC. 1 This ordinance may be known and cited as THE ORDINANCE TO REGULATE TRAFFIC IN THE TOWN OF NORTH BERWICK and it shall supersede all previous traffic ordinances.