

TRAFFIC AND PARKING ORDINANCE

FOR THE

TOWN OF SOUTHWEST HARBOR

REVISED MAY 26, 2015

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ARTICLE A - AUTHORITY AND ADMINISTRATION

SECTION A-1 STATE TRAFFIC LAWS ADOPTED

- (a) **Statutes Adopted.** The statutory provisions in Title 30, Section 3009 and Title 29A, Maine Revised Statutes Annotated (MRSA), describing and defining regulations with respect to vehicles and traffic, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any future amendments, revisions or modifications of the statutory regulations incorporated herein are intended to be made part of this code in order to secure to the extent legally practicable uniform regulations of vehicle traffic in the Town of Southwest Harbor.
- (b) **General References.** General references in this Ordinance to Maine statutory section or chapters describing or defining procedures or authority for enactment or enforcement of local traffic regulations shall be deemed to refer to the most recent enactments of the Maine legislature describing or defining such procedures or authorities.
- (c) **Board of Selectmen.** Authorized to add or amend this ordinance as required.
- (d) **Definitions.** Terms used in this section shall have the same definition as used in State statutes previously referenced unless specified below:

Excavation - any opening in the surface of a street made in any manner whatsoever, except an opening in a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury of damage to the public place.

Person - any person who has obtained a permit required by this ordinance.

Street - any public way; includes any sidewalks located within the right-of-way of that public way.

Mobile Vendor:

A mobile vehicle capable of moving or being moved from its site from which food, agriculture products and crafts are sold or offered for sale. Onsite preparation of food products for immediate consumption is not allowed.

**SECTION A-2 OFFICIAL TRAFFIC SIGNS AND CONTROL DEVICES,
PROHIBITED SIGNS, SIGNALS AND MARKERS.**

(a) **Duty to Erect and Install Uniform Traffic Control Devices.**

Whenever traffic regulations created by this Chapter, including a State traffic regulation adopted by reference in Section A-1, require the erection of traffic control devices for enforcement, the Town Manager, with the cooperation of the Police Chief, shall procure, erect and maintain uniform traffic control devices, giving notice of such traffic regulation to the users of the streets and highways on which such regulations apply. Whenever State law grants discretion to local authorities in erecting or placement of a uniform traffic control device, devices shall be erected in such locations and in such a manner as, in the judgment of the Board of Selectmen, will carry out the purposes of this Chapter and give adequate warning to users of the streets and highways of the Town of Southwest Harbor.

(b) **Prohibited Signs and Markers in Highways.**

No person other than an officer authorized by this Chapter to erect and maintain official traffic control devices or his or her designee shall place within the limits of any street or highway maintained by the Town any sign, signal, marker, mark or monument unless permission is first obtained from the Police Chief, or where applicable, the Department of Transportation. The Town may remove any sign, signal, marking or other device, which is placed, maintained or displayed in violation of this Chapter or State law.

SECTION A-3 HEAVY TRAFFIC ROUTES

(a) **Definition**

For purposes of this Section, **heavy traffic shall be defined** as:

- (1) All vehicles not operating completely on pneumatic tires; and
- (2) All vehicles or combination of vehicles, other than motor buses, designed or used for transporting

property of any nature and having a registered gross weight of more than 23,000 pounds.

(b) **Posted Routes**

The Town shall at its discretion, post any Town roads or highways against heavy traffic use as defined in A-1 and A-2. This section shall not act to prohibit heavy traffic from using a street or highway for the purpose of obtaining essential supplies.

(c) **Liability**

Any operator, corporation, owner or agent whose heavy traffic vehicle damages any Town streets or highways in violating this Section shall be liable and required to pay the Town the cost of repair or replacement of the damaged street or highway.

ARTICLE B - CONTROLLED INTERSECTIONS; STREET TRAFFIC REGULATIONS

SECTION B-1 VEHICLE AND WEIGHT RESTRICTIONS

No person owning or having control of any truck in excess of 23,000 lbs., trailer, truck power unit, tractor, bus, camper, or recreation vehicle shall operate the same upon any street below:

- (1) Alder Lane, West end of Shore Road
- (2) West end Shore Road / junction 102A to intersection Ocean House Road.

Town owned trucks, emergency vehicles and delivery trucks having business on the above streets are exempt for purposes of providing required services.

SECTION B-2 ONE WAY STREETS

The following streets or parking lots and parts thereof are declared to be one-way streets, and no person shall operate any vehicle thereon except as indicated.

- (a) South Exit Village Green Way ("**Right Turn Only**")
- (b) Post Office Parking Lot
- (c) Pemetic School Horseshoe Parking Lot

ARTICLE C - PARKING REGULATIONS

SECTION C-1 RESTRICTIONS ON PARKING; POSTED LIMITATIONS

- (a) **Twenty-four (24) Hour Limitation.** No person, firm or corporation shall park or leave standing any automobile, truck, tractor, trailer or vehicle of any description on

any public street or public parking lot in the Town for a period of twenty-four (24) or more consecutive hours in the same location at any time, except that where other parking limits have been specifically established in this ordinance the other limits as established and posted shall apply. When any law enforcement officer shall find a vehicle standing upon a public street or parking lot in violation of the provisions of this Section, he is authorized to move such a vehicle or to require the operator in charge thereof to move such vehicle to a position permitted under this Ordinance. The law enforcement officer may cause said vehicle to be removed to an authorized impoundment and storage area where storage space is available and in such case the owner shall pay the costs of removing said vehicle and the storage fees on said vehicle before he may recover the possession thereof.

(b) **Other Limitations**

- (1) The Board of Selectmen may designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The Town shall mark, by appropriate signs, each zone so designated in accordance with the provisions of Maine Statutes.
- (2) Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except physicians on emergency calls or as permitted by State law or elsewhere by this Code of Ordinances.
- (3) The Chief of Police is hereby granted the authority within the reasonable exercise of police power to prohibit, limit the time or otherwise restrict the stopping, standing or parking of vehicles beyond the provisions of this Ordinance to respond to temporary conditions.

**SECTION C-2 PARKING RESTRICTIONS DURING TEMPORARY SNOW
REMOVAL OR STREET MAINTENANCE**

(a) **Snow Removal.**

Pursuant to authority granted to municipalities, the Chief of Police of the Town is empowered to make and enforce

temporary regulations relating to emergency, snow or special conditions and to prohibit, limit the time of or otherwise restrict the stopping, standing or parking of vehicles beyond the prohibitions, limitations or restrictions imposed by the Statutes or by this Chapter on highways, streets or alleys, public parking lots within the Town. However, no prohibition, limitation or restriction on parking imposed under this Section is effective unless official traffic signs or markers have been placed or erected indicating the particular prohibition, limitation or restriction or the owner of a vehicle has been notified to move the vehicle. The owners or operators of all motor vehicles parked thereon shall be subject to such regulations. During the periods when snow has accumulated and requires removal from highways, streets, alleys, or public parking lots of the Town, parking shall be prohibited thereon in order to facilitate such snow removal. In such case, police officers shall give notice to the owner or operator of any motor vehicle so parked to remove the same as soon as it is possible to do so. If such owner or operator fails to remove such motor vehicle within 30 minutes of receiving such notice, he shall be subject to penalty as provided in Section E-1 of this Chapter. In addition, if such owner or operator fails to remove his motor vehicle following the receipt of the notice, any police officer is authorized to remove the vehicle or cause it to be removed from the highway, street, alley or public parking lot. The owner or operator of such vehicle shall be responsible for the cost of removing the vehicle.

- (b) The parking band of all vehicles between the hours of 10 p.m. and 6 a.m. is in effect on all Town roads commencing on November 15th and terminating April 15th of each year for purpose of snow removal.
- (c) All highway, streets, alley and public parking lots shall be clearly marked with the dates and times parking is prohibited.

SECTION C-3

STOPPING OR PARKING PROHIBITED IN CERTAIN SPECIFIED PLACES

- (a) **Parking Prohibited at All Times.** Except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers or property and while the vehicle is attended by a licensed operator so that it may be moved promptly in case of emergency or to avoid obstruction of traffic, no person shall at any time park or leave standing any vehicle:

- (1) Within an intersection
- (2) On a crosswalk
- (3) On a sidewalk or terrace area, except when parking in such place is clearly indicated by official traffic signs or markers. "Terrace or Sidewalk Area" means that area between the sidewalk and the nearest curb line running parallel or generally parallel thereto or in the absence of sidewalk four (4) feet beyond the curb line.
- (4) Alongside or opposite any highway excavation or obstruction when such stopping or standing would obstruct traffic or when pedestrian traffic would be required to travel in the roadway.
- (5) On the roadway side of any parked vehicle unless double parking is clearly indicated by official traffic signs or markers.
- (6) Within twenty (20) feet of the driveway entrance to a fire station.
- (7) Upon any portion of a highway where and at the time when stopping or standing is prohibited by official traffic signs indicating the prohibition of any stopping or standing.
- (8) In any place or manner so as to obstruct, block or impede traffic.
- (9) Upon any portion of a highway where and at the *time* when parking is prohibited, limited or restricted by official traffic signs.
- (10) Upon any bridge.
- (11) Upon any terrace or sidewalk in the Town at any time.
- (12) In a loading zone.
- (13) Within four (4) feet of the entrance to an alley, private road or driveway.
- (14) Parking in front of a fire hydrant. (Except emergency vehicles)
- (15) Yellow curbs and lines indicate "no parking" zones.

(b) Vehicles Not to Block Private Drive, Alley or Fire Lane.

No vehicle shall, at any time, be parked so as to unreasonable restrict the normal access to any private drive, alley or fire lane. Said access shall be deemed to be unreasonably restricted if any vehicle other than owner's vehicle is parked within four (4) feet of either side of said access. Upon discovery by a police officer or upon complaint by the owner of any such blocked drive, alley or fire lane, the Chief of Police may order said vehicle towed from such position at the risk and expense of the owner of said vehicle.

(c) Temporary Prohibited Parking.

- (1) At any place on any of the streets and highway in the Town at which "No Parking" signs shall be posted by the Chief of Police or any police officer of the Town. Such signs may be placed whenever the Chief of Police or any police officer on duty deems it necessary for the safety of the traffic at any point within fifty (50) feet of any intersection of two (2) or more streets or highway within the Town or where free space is necessary for the turning of buses or other vehicles, or when the open traveled portion of the street is narrowed by excessive snow, or whenever hazardous conditions are created by construction operations, fire or other casualty, or whenever any celebration or other cause for the assembly of crowds, or orderly handling of large amounts of traffic, may require limitation upon parking within any area on the streets and highways in the Town.

SECTION C-4 ANGLE PARKING

- (a) Angle parking or parking diagonally is prohibited on all the streets of the Town, except where vehicle-parking markers indicate that angle parking is permissible. All vehicles shall park parallel to, and within one (1) foot of the curb except where streets and parking lots are so marked for angle parking.
- (b) **No person shall at any time angle park any vehicle:**
- (1) In any direction other than the designated parking angle, where angle parking spaces are so designated and provided by appropriate markings.
- (2) Backwards into angle parking spaces so designated and provided by appropriate markings.
- (3) With a trailer attached or any vehicle longer than twenty (20) feet on any street and parking lots where angle parking is so provided and allowed.

SECTION C-5 STORAGE PROHIBITED

(a) Storage Prohibited.

No person owning or having custody of any partially dismantled, non-operable, wrecked, unregistered, junked or discarded motor vehicle shall allow such vehicle to remain on any public highway, public parking lot or public ramp longer than twenty-four (24) hours after notification thereof by the Police Department. Any vehicle which is not

removed within twenty-four (24) hours after notice is declared to be a public nuisance and may be removed as provided in Section C-8.

SECTION C-6 PARKING LOTS AND PARKING SPACES

(a) **Twenty Minutes Parking.** No person shall park or leave standing any vehicle on any portion of the following highways or parking lots or streets in the Town for a period of more than twenty minutes in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

- 1) East Side Post Office Parking Lot
- 2) Loading Zone, Clark Point Road
- 3) Village Greenway Loading Zone
- 4) 450' north of 102/102A intersection on the east side.
- 5) Norwood Cove turnout

(b) **Two Hour Parking.** No person shall park or leave standing any vehicle on any portion of the following parking lots or streets in the Town for a period of more than two (2) consecutive hours in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

- 1) Main Street
- 2) Clark Point Road, (Main Street to Maple Lane)
- 3) Village Greenway Municipal Parking Lot
- 4) North Side and West Side Post Office Parking Lot
- 5) Lower Town Dock East side

(c) **Three Hour Parking.** No person shall park or leave standing any vehicle on any portion of the following parking lots or streets in the Town for a period of more than three (3) consecutive hours in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

- 1) Clark Point Road and Dirigo Road Intersection to Coast Guard Base.
- 2) South side upper town dock parking (waterfront side)

(d) **Eight Hour Parking.** No person shall park or leave standing any vehicle on any portion of the following parking lots or streets in the Town for a period of more than eight (8) consecutive hours in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

- 1) Village Greenway Parking Lot south end.
- 2) Manset Town Dock.
- 3) Upper Town Dock Center Parking spaces

(e) **Twelve Hour Parking.** No person shall park or leave standing any vehicle on any portion of the following parking lots or streets in the Town for a period of more than twelve (12) consecutive hours in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

- 1) Upper Level Municipal Parking Lot
(with the exception of eight (8) permit parking spaces)
- 2) Lower Level Upper Municipal Parking Lot
- 3) Four(4) parking spaces in front of 159 Clark Point Road
North side. (Sundberg's residence)

(f) **Seasonal Parking. (June 1 thru Sept 30)**

Notwithstanding any other provision of chapter, the town of Southwest Harbor may, upon request, issue seasonal parking permits to residents (\$250.00) and non- residents (\$500.00) for the Upper Level Municipal Parking Lot.

(g) **Parking by Permit.** Except as allowed in Section C-6, no person shall park or leave standing any vehicle on any portion of the following parking lots without the indicated permits.

- 1) Eight (8) back row spaces in Upper Level Municipal
Parking Lot (\$5.00 per night)
- 2) Manset Town Dock
- 3) Upper and Lower Town Docks.
- 4) 450' north of 102/102A intersection on the east side
known as Manset turn out.

(e) **No Overnight Parking.** No person shall park or leave standing any vehicle on any town roads, streets or parking lots in the Town of Southwest Harbor overnight. The Police Chief or any Police Officer may permit overnight parking on town roads and parking lots in an emergency.

Handicapped Parking

Designation Spaces

The Police Chief, with the approval of the Board of Selectmen, shall designate, or cause to be designated, public parking spaces specifically reserved for handicapped persons. Adjacent to and visible from each designated handicapped parking space shall be posted.

A sign consisting of a profile view of a wheelchair with an occupant in white in a blue background with a printed inscription. The inscription shall read: "Handicapped Parking." Or a sign consisting of a profile view of a wheelchair with an

occupant in white on a blue background, which may bear an inscription. Unauthorized vehicles are subject to a fine.

Any vehicle that bears a special registration plate or placard issued under 29-A Section 521 or 523 or similar placard issued by another state may park a length of time that does not exceed twice the time limit otherwise allowed. This does not include 8, 12, or 24 hour parking areas.

Parking Prohibited

No person shall park in any clearly marked parking space designated under this section as a handicapped parking space any vehicle that does not bear a special registration plate or placard issued under Title 29-A, Maine Revised Statutes Annotated, Sections 521, 523-2, 521-6, or a similar plate issued by another state, must be cited for a forfeiture of not less than \$200.00. (Title 30-A section 3009)

Private Parking

Owners of off streets parking shall arrange for private enforcement or shall enter into written agreements with the Town of Southwest Harbor to police any spaces clearly marked parking spaces dedicated for handicapped persons' vehicles. Under such agreement, Town police may exercise vested authority to ensure that parking spaces designated for the handicapped are utilized appropriately by handicapped persons, irrespective of whether the designated handicapped parking spaces are located on public or private lots open to the public and the prohibition set forth in the preceding paragraph shall apply to all parking spaces so designated.

Clearly Marked

For purposes of this section clearly marked includes signs painted on pavement, vertical standing signs, or barriers, any of which are visible under existing weather conditions.

Parking for Commercial Fishermen/Lower Town Dock Mooring Owners.

Notwithstanding any other provision of this chapter to the contrary, the Town of Southwest Harbor shall, upon request, on an annual basis, issue to resident full-time commercial fishermen and mooring owners permits which allow all day parking on the **Lower Town Dock and Lower Clark Point Road** subject to the following conditions:

- a. A permit shall be valid for any of the parking spaces Located at the Lower Town Dock and Lower Clark Point Road.

- b. A permit shall serve merely to exempt the vehicle for which it was issued from the time limitations set forth in this section and shall not be construed as to Guarantee the holder thereof an available parking space in this lot.
- c. Permits shall be issued to residents first, on a first come, first served basis. Any other permits shall be issued to non-residents on a first come, first served basis, beginning January 1st of each year and shall expire on December 31st of the same year.
- d. Permits may only be requested in person.
- e. The Board of Selectmen shall, from time to time, establish the number of permits to be issued, the method of issue, and the fee to be charged therefor, if any.
- f. No permit shall be issued until the HarborMaster has been satisfied that the person requesting same is actually a commercial fisherman.
- g. No permit shall be issued to any person who is not current in his or her payment of mooring fees, any license or permit required to be paid to the Town by commercial fishermen, or any personal property taxes related to his or her boat or fishing equipment.
- h. No vehicle displaying a permit issued under this section maybe parked in the mentioned above lot for more than twenty-four (24) continuos hours.

Upper Town Dock Parking Lot

Three Hour Parking. No person shall park or leave standing any vehicle on the water front parking spaces of the Upper Town Dock for a period of ~~no~~ more than three hours in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

Eight Hour Parking. No person shall park or leave standing any vehicle on the center parking spaces of the Upper Town Dock for a period of ~~no~~ more than eight hours in the same location at any time between the hours of 6:00 a.m. and 6:00 p.m.

Twenty-Four Hour Parking. No person shall park or leave standing any vehicle in the parking spaces located near Clark Point Road of the Upper Town Dock

for a period ~~no~~ more than twenty four hours in the same location at any one time.

Greenings Island Residences. The Town of Southwest Harbor shall provide parking spaces for the residences of Greenings Island at the Upper Town Dock lot by permit only. Parking spaces will be located in the parking area closes to the Clark Point Road clearly marked Greenings Island Residence Only. The Town of Southwest Harbor issued yearly on January 1st will provide permits.

Recreation Vehicle Parking. No person shall park or leave standing any RV in the designated parking space clearly marked located at the Upper Town Dock for a period more than eight hours (8) in the same location at any one time.

Parking lot closure. No person shall park or leave standing any vehicle at the Upper Town Dock, from dusk to dawn with the exception of those vehicles conducting legitimate business and/or those vehicles with proper permits.

Manset Town Dock

Paved Parking Lot. No person shall park or leave standing any vehicle in the parking spaces located in the paved portion of the Manset Town Dock for a period no more than eight hours in the same location at any one time.

Dirt Parking Lot. No person shall park or leave standing any vehicle in the parking lot located in the dirt portion of the Manset Town Dock for a period of more than twelve hours in the same location at any one time between 6:00 a.m. and 11:00 p.m. Overnight parking is prohibited.

Greening Island Residences. The Town of Southwest Harbor shall provide parking spaces for the residences of Greenings Island at the Manset Town Dock Dirt Parking Lot by permit only. The Town of Southwest Harbor issued yearly on January 1st will provide permits.

Non-Residences Permit Parking. The Town of Southwest Harbor may provide permitted parking spaces at the Manset Town Dock Dirt Parking Lot for non-residences on a first come basis for a fee established by the Board of Selectmen.

VENDOR PERMIT PARKING.

Applicable within 450' north of Route 102-A on Main Street, also known as Manset turn out.

Notwithstanding any other provision of this chapter to the contrary, the Town of Southwest Harbor shall issue parking permits for the purpose of selling goods from vehicles at the Manset turn-out located north of intersection of Routes 102 & 102A, which allow limited parking subject to the following conditions:

- a. A permit shall be valid for one vehicle for a duration of nine (9) hours, from 8:00 AM to 5:00 PM, on any Mon-Wed-Friday or Tuesday-Thursday-Saturday. Limited one permit per vendor.
- b. Permits may only be requested in person from the Town Clerk
- c. Not more than two individual permits to be issued for each Tuesday-Thursday-Saturday or Monday-Wednesday-Friday segment which will allow vending from May 1st to October 30th of each year. Processed on a first come, first served basis. Applications for permits are available from March 1st for upcoming season.
- d. No permit shall allow storage of equipment or combustible products outside permitted vehicle.

SECTION C-7 UNLAWFUL REMOVAL OF PARKING CITATIONS

No person other than the owner or operator thereof shall remove a Town Parking ticket from a motor vehicle.

SECTION C-8 REMOVAL OF ILLEGALLY PARKED VEHICLES

- (a) **Hazard to Public Safety.** Any vehicle parked, stopped or standing upon a highway or public parking lot or ramp in violation of any of the provisions of this Chapter is declared to be a hazard to traffic and public safety.
- (b) **Removal by Operator.** Such vehicle shall be removed by the operator in charge, upon request of any police officer, or by the police officer at the owner's expense, to a position where parking is permitted or to a private or public parking or storage premises.
- (c) **Removal by Police Officer.** Any police officer after issuing a citation for illegal parking, stopping or standing of an unattended vehicle in violation of this Chapter, is authorized to remove such vehicle at the owner's expense to

a position where parking is permitted.

ARTICLE D - Miscellaneous Provisions

Section D-1 OPERATION ON SIDEWALKS.

There shall be no parking or operating of bicycles, skateboards motor scooters or motor vehicles on sidewalks in the Town of Southwest Harbor.

ARTICLE E - ENFORCEMENT AND PENALTIES

SECTION E-1 PENALTIES.

Violations of these Ordinances will be classified as Civil violations and enforceable in accordance with MRSA Title 17-A §3. Said person charged with a violation of the parking regulations contained herein may waive his/hers rights to court action by the payment to the Town of Southwest Harbor of the fees specified below within 5 days from the date of the violation.

Parking Violation Fees:

Overtime Parking	\$20.00	each offense
No Parking Area	\$20.00	
In Crosswalk	\$20.00	
Wrong Side of Street	\$20.00	
Interfering Snow Removal	\$20.00	
Too Near Fire Hydrant	\$25.00	each offense
Double Parking	\$25.00	each offense
Handicap Parking	\$200.00	each Offense
Other Offenses	\$20.00	

Parking Violations

Any vehicle ticketed three consecutive times (successive 2 hour periods) for the same violation may be towed after 24 hours of the first violation and towing and storage bill will be paid by the operator or owner of the vehicle after tickets are paid.

Other Violations

Any person who shall violate any provision of this chapter for which a penalty is not otherwise established by this section shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) for each offense.

Parking Permit Fees

Commercial Fisherman	Residence	\$30.00 per year
	Non-Residence	\$60.00 per year
Moorings	Residence	\$30.00 per year
	Non-Residence	\$60.00 per year
Sternman Commercial Fisherman	Residence	\$30.00 per year
Municipal Parking Lot, Upper Level		\$5.00 per day
	Seasonal Residence	\$250.00 season
	Seasonal Non-residence	\$500.00 season
Manset Town Dock (dirt lot)		\$5.00 per day
Greening Island Residences		No Charge
	(Upper Town Dock - 2 per family)	
	(Manset Town Dock - 6 permits)	
Vendor Permits, Manset Turnout		\$ 30.00 per year

Voted and approved this date of May 26, 2015

Chairman, Dan Norwood

Vice Chairman, George Jellison

David Minctons

Thomas Benson

Lydia Goetze

Marilyn Lowell, Notary Public