

Town of Searsport, Maine

An Ordinance for the Control and Regulation of Vehicle Parking and Traffic Control within the Town of Searsport, Maine

ARTICLE 1. GENERAL

1.1 Short Title

This Ordinance, prepared in accordance with the provisions of the Constitution of Maine, Article VIII, Part 2.; 5 MRSA ss 4593, 4594 and 4594A; 30-A MRSA ss 3001 and 3009, as amended, shall be known as and may be cited as the "Ordinance for the Control and Regulation of Vehicle Parking and Traffic Control within the Town of Searsport, Maine" and shall be referred to herein as the "Ordinance."

1.2 Purpose

The purpose of this Ordinance is to control and regulate the parking and traffic movement of vehicles within the Town of Searsport.

1.3 Definitions

For the purposes of this Ordinance, the following definitions shall be observed. All terms, not specifically defined herein, shall have their ordinary or customary meanings. Words used in the present tense shall include the future and the plural shall include the singular.

1.3.1 "Commercial Establishment" shall mean any commercial or industrial enterprise which operates more than two successive calendar days in any given year for the purpose of providing retail and/or wholesale service or trade with the public.

1.3.2 "Emergency Vehicles" shall mean police vehicle, firefighting equipment, ambulances and other emergency response vehicles on official duty.

1.3.3 "Municipal" shall mean those activities, areas or items under the control and jurisdiction of the Town of Searsport.

1.3.4 "Municipal Officers" shall mean the Selectmen of the Town of Searsport.

1.3.5 "Police Officers" shall mean officers of the Searsport Police Department, including Traffic Control Officers so assigned by the Chief of Police.

1.3.6 "Public Service Vehicles" shall mean those vehicles which are operated by the Town of Searsport Public Works Department, the Town of Searsport Wastewater Division, the Searsport Water District, the Verizon and successors, the Central Maine Power Company, Time Warner Cable and successors, and the Maine Department of Transportation.

1.3.7 "Recreation Vehicle" shall mean a motor-driven, wheeled vehicle designed and used for recreational purposes and licensed for use upon any public road, street or way.

1.3.8 "Town" shall mean the Town of Searsport, Maine.

1.3.9 "Traffic Control Device" shall mean any traffic signs, traffic lights, traffic cones or barricades, and emergency or public service road signs.

1.3.10 "Traffic Control" shall mean the direction and manner in which vehicle traffic shall travel or flow within the town.

1.3.11 "Traffic Parking Control Device" shall mean any parking signs, curb and/or street markings or painting.

1.3.12 "Trailer" shall mean any wheeled vehicle customarily attached to and transported by a vehicle, and licensed for use upon any public road, street or way.

1.3.13 "Vehicle" shall mean any motor-driven, wheeled vehicle, recreational vehicle or trailer licensed for use upon any public road, street or way.

ARTICLE 2. ADMINISTRATION, VEHICLE PARKING

2.1 General Rules

No person or obstruction(s), unless in compliance with the law, or at the direction of a police officer, or traffic control officer shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or other control device, in any of the following:

- a. On a sidewalk
- b. In front of a public or private drive or alleyway
- c. Within a road, street or way intersection
- d. Within 15 feet of a fire hydrant, unless otherwise directed by a traffic parking control device
- e. On a crosswalk
- f. Within 15 feet of the near corner of a curb or road edge of an intersecting road, street or way, unless otherwise directed by a traffic parking control device
- g. Within 15 feet upon the approach of any stop sign located at the side of any public road, street or way, unless otherwise directed by a traffic parking control device.
- h. Within 20 feet of any drive entrance/exit of any fire station, and on the side of any road, street or way opposite any entrance/exit of a fire station.
- i. Adjacent to or opposite any road, street or way excavation or obstruction, when stopping, standing or parking would obstruct traffic.
- j. On the roadway side of vehicle stopped, standing or parked at the curb or road edge of a road, street or way.
- k. At any place where official signs and/or yellow-painted curbing or roadway so prohibits

2.2 Specific Parking Restrictions

2.2.1 Municipal Parking Lots

Public parking in any municipal parking lot shall be regulated by Traffic Parking Control Devices, but in no event shall exceed 24 continuous hours. Vehicles parked more than 24 continuous hours may be cited and/or removed by a police officer. Cost of removal to be borne by the vehicle owner.

2.2.2 Town Wharf Parking Lot

Parking at the town wharf parking lot is limited to the general public who may wish to use the facilities offered at the town wharf, adjacent wharf park, boat launching ramp, and the waters of Penobscot Bay adjacent thereto.

2.2.3 Town Wharf

Except for emergency or public service vehicles, no vehicles shall be allowed upon the wharf except to load or unload goods, supplies or equipment. In no case shall vehicles be left parked or unattended upon the town wharf without written approval of a police officer.

2.2.4 Town Wharf Boat Launching Ramp

Except for emergency or public service vehicles, no vehicles shall be parked upon or at the approach to the town wharf boat launching ramp. Vehicles using this facility shall be immediately removed upon the launching or retrieval of boats.

2.2.5 Handicapped Parking

There shall be parking spaces designated for handicapped persons set aside in adequate numbers and clearly marked or signed for use in accordance with 26 MRSA §1411A. Vehicles must display appropriate handicapped vehicle license plates or official placards thereon or therein.

2.2.6 Parking Direction

Except for emergency or public service vehicles, or when other-wise directed by a police officer or traffic control parking device, and with the exception of municipal parking lots, including the town wharf parking lot, all vehicles shall only park on the driver's right hand side of the road, street or way, parallel with and facing in the same direction as the adjacent traffic flow.

2.2.7 Distance from Curb, Road Edge

Except for emergency or public service vehicles, no vehicle shall be parked more than twelve (12) inches from an adjacent road, street or way curb. In the absence of curbs, the vehicles shall be parked as far as it is practical, or safe, off the travel surface of a road, street or way.

2.2.8 Unlawful Parking

No person shall park a vehicle on any public road, street or way for any of the following purposes:

- a. Displaying vehicle or affixed items for sale
- b. Advertising
- c. Washing or cleaning of vehicle
- d. Servicing or repairing vehicle, other than repairs necessitated by an emergency

2.2.9 Snow Removal

Except for emergency or public service vehicles, no vehicle shall be parked upon any public road, street or way so as to interfere with or hinder the plowing of snow or removal of same. Such illegally parked vehicles may be cited and removed by order of a police officer, the cost of removal to be borne by the registered owner of said vehicle.

2.2.10 Unregistered/Unlicensed Vehicle

Any unregistered or unlicensed vehicle found parked upon any public road, street or way, municipal parking lot or the town wharf parking lot, may be impounded and removed at the direction of a police officer.

2.2.11 Congested Parking

Except for emergency and public service vehicles, on-street parking shall be limited to one side of a road, street or way, that side being immediately adjacent to the area(s) wherein such commercial establishments are located, unless otherwise directed by traffic control or parking control devices, or at the direction of a police officer.

EXCEPTION: Because of reduced traffic speed, conspicuous vehicle parking and pedestrian crosswalk controls, the commercial area on U.S. Route 1 (Main Street) from Goodell Street easterly to Reservoir Street, shall be exempted from the foregoing one-side-only parking restrictions.

Hereafter, any newly constructed commercial establishment shall provide suitable off-road, -street, or -way parking to accommodate patron parking.

2.2.12 Parking Adjacent to Corsswalks and Intersections

All parking spaces immediately adjacent to a crosswalk or an intersection shall be limited to passenger motor vehicles only. No commercially licensed trucks shall be allowed to park in these designated spaces.

2.3 Parking Control Devices

2.3.1 Yellow-Painted Curbs

Except for emergency or public service vehicles, parking along or adjacent to yellow-painted curbs or roadsides is prohibited. Specifically, the following shall be so designated:

- a. On the south side of East Main Street (U.S. Route 1) from 1 East Main Street (Jordan's Restaurant), easterly to and including, the east corner of its intersection with Mosman Street.
- b. On the south side of East Main Street (U.S. Route 1) at its intersection with Leach Street.
- c. On the south side of East Main Street (U.S. Route 1) at its intersection with Elm Street
- d. On the north side of East Main Street (U.S. Route 1) from Pike Avenue to Mt. Ephraim Road, except for one designated parking spaces immediately adjacent to the curb in front of 24 and 26 East Main St.
- e. On the north side of East Main Street (U.S. Rt. 1) at its intersection with Mt. Ephraim Rd.

- f. On the north side of East Main Street (U.S. Route 1) at its intersection with Knox Brothers Ave.
- g. On the north side of East Main Street (U.S. Route 1) at its intersection with Church Street
- h. On the north side of East Main Street (U.S. Route 1) at its intersection with Reservoir Street.
- i. On both sides of Mortland Road from its intersection with East Main Street (U.S. Route 1) to the upper or northern-most boundary of the entrance/exit roads to the SAD 56 school complex.

2.3.2 Timed Parking Zones

Timed parking zones shall be those areas where, except for emergency and public services vehicles, vehicle parking shall be regulated, either hourly or daily. Specifically:

- a. The town wharf parking lot shall be closed to public use from 12:00 midnight until 4:00 a.m. local time daily. Vehicles parked more than 24 continuous hours, without prior police approval, shall may be cited and/or removed. Cost of removal to be borne by the vehicle owner.
- b. Public parking on East Main Street (U.S. Route 1) from Mosman Street to Reservoir Street on the south side, shall be limited to one (2) hours between the hours of 6a.m. to 6 p.m. On the north side of (U.S. Route 1) between Goodell Street and the Penobscot Marine Museum it shall be 1 hour between the hours of 6:a.m. and 6 p.m..
- c. Public parking on the remainder of East and West Main Street (U.S. Route 1) and all other public roads, streets and ways shall be limited to two continuous hours.

2.3.3 Designated Controlled Parking Areas

Designated “NO PARKING” Areas

- South side of Route 1 from Water St. to Norris St.
- North side of Route 1 from Old Route One to Mortland Rd.
- North side of Route 1 between Goodell St. and Pike Ave.
- South side of Route 1 between Water St. and Mosman St.
- North side of Route 1 between Church St. and Knox Bros. Ave.
- North side of Route 1 in front of what is currently known as Primrose Antiques, East Main St., Map 7, Lot 106 and the two easterly adjacent lots shown on Map 7, Lot 107 and 107A
- South side of Route One in front of Gregs Auto, Map 9, Lot 19
- South side of Route 1 across from the intersection of Prospect St. to Norris St.
- Both sides of Leach St.
- Both sides of Knox Bros. Ave.
- West side of Church St. from the Church to the intersection with Reservoir St.
- West side of Reservoir St. to approx. 40 feet back from Route 1
- East side of Mortland Rd. from Route 1 to the North end of the sidewalk curb
- In front of the North Searsport Fire Station and the Public Safety Building
- South side of Route 1 between Trundy Rd. and easterly to a point midway between telephone Poles #16 and #15
- Reservoir Street extension, at the south end of the existing school building.
- Cottage Street
- Water Street from Howard Street to Beach Stairs

Designated “NO PARKING ON SIDEWALK” Areas

- East side of Church St. from the intersection of Reservoir St. to the driveway of the Penobscot Marine Museum office (Map 16, Lot 15-5)

Designated “NO PARKING 9:00 A.M. TO 5:00 P.M.” Area

- South side of Route 1 from Elm St. to the convenience store/gas station located at Map 12, Lot 7

Designated “HANDICAP PARKING ONLY” Area

- West side of Church St. adjacent to the ramp in front of the First Congregational Church (Map 16, Lot 9)

Other

No unauthorized vehicle parking at the North Searsport Fire Station or the Public Safety Building.

2.4 Public Safety

2.4.1 Roads, Streets, Ways and Parking Lots

In those instances when a storm or other natural or man-made disaster occurs, or threatens, and therefore public activities in, around, and upon any road, street, way or municipal parking lots may result in personal injury, loss of life or damage to property, police officers shall have full authority to restrict or prohibit vehicle movement, access or parking upon any road, street, way or municipal parking lot until the storm subsides, or the disaster is abated and the police officers deem the road, streets, ways or municipal parking lots safe for public use. Exceptions to this section may include emergency or public services personnel and vehicles responding to emergencies.

2.4.2 Town Wharf Parking Lot

In those instances when a storm or other natural or man-made disaster occurs, or threatens, and therefore public activities in, around and upon the town wharf parking lot may result in personal injuries, loss of life or damage to property, police officers shall have full authority to secure the town wharf parking lot from public access and may prohibit any public use or trespass around or upon the town wharf parking lot until the storm subsides or the disaster, or threat of same, has abated and the police officers deem the town wharf parking lot safe for public use. Exceptions to this section may include emergency and public service personnel and vehicles responding to an emergency.

ARTICLE 3. ADMINISTRATION, TRAFFIC CONTROL

3.1 General Rules

Except for such restrictions or prohibitions as may be included within this Article, or such restrictions or prohibitions as may be separately enacted by the State of Maine, the public shall have free and unencumbered vehicular use of any public road, street or way within the town.

3.1.1 One-way Traffic Control

Leach Street shall be limited to "one-way" traffic in a generally southerly direction only from its intersection with East Main Street (U.S. Route 1) to its intersection with Park Street, where it shall become "two-way" traffic thereafter to its terminus at Howard Street.

3.1.2 Traffic Control Signs

"Stop" and "Yield" signs are regulatory and shall be placed at road, street and way intersections for the purpose of controlling traffic flow and preventing traffic accidents.

All drivers shall cause their vehicles to be fully stopped at all "Stop" signs before entering upon or crossing an intersecting road, street or way. When encountering a "Yield" sign, all drivers shall yield the right of travel to any crossing or merging traffic.

Stop and Yield signs shall be installed at the following locations within the town:

URBAN AREA

Signed Street

- a. Jackson Avenue
- b. Cross Street
- c. Cross Street
- d. Steamboat Avenue
- e. Water Street
- f. Mosman Street
- g. Mosman Street
- h. Howard Street
- i. Park Street
- j. Park Street

Intersection

- Norris Street
- Norris Street
- Steamboat Avenue
- West Main Street
- East Main Street
- East Main Street
- Howard Street
- Water Street
- Leach Street
- Elm Street

- k. Elm Street
- l. Pike Street
- m. Otis Street
- n. Goodell Street
- o. Mt. Ephraim Road
- p. Mt. Ephraim Road
- q. Knox Bros. Avenue
- r. Reservoir Street
- s. Reservoir Street
- t. Union Street
- u. Union Street
- v. Union Street
- w. Mortland Road
- x. Warren Street
- y. Nichols Street
- z. Black Road (South)
- aa. Summer Street
- ab. Navy Street
- ac. Navy Street
- ad. Osprey Lane
- ae. All MSAD #56 School Parking Lot Exits

- East Main Street
- East Main Street
- Goodell Street
- East Main Street
- East Main Street
- Otis Street
- East Main Street
- East Main Street
- Church Street
- Reservoir Street
- Mortland Road
- Black Road (South)
- East Main Street
- Trundy Road
- Prospect Street
- Mortland Road (4)

SUBURBAN/RURAL AREAS

Signed Street

- a. Banks Terrace
- b. Cobb Road
- c. Savage Road
- d. Prospect Street
- e. Bayview Street
- f. Resh Road
- g. Dump Road
- h. Trundy Road
- i. Station Avenue
- j. Old Route One
- k. Porter Street
- l. Sears Island Road
- m. Kidder Point Road
- n. Turnpike Road
- o. Pendleton Road
- p. Brock Road
- q. Old County Road
- r. Old County Road
- s. Mortland Road
- t. Partridge Road
- u. Bowen Road
- v. Savery Road
- w. Seekins Road
- x. Seekins Road
- y. Merithew Road
- z. Bog Hill Road
- aa. Nickels Road
- ab. Nickerson Road
- ac. Black Road (North)

Intersection

- West Main Street
- West Main Street
- West Main Street
- West Main Street
- Prospect Street
- Back Searsport Road
- Back Searsport Road
- East Main Street
- East Main Street
- East Main Street (2)
- Old Route One
- East Main Street
- East Main Street
- East Main Street
- East Main Street
- Back Searsport Road
- Brock Road
- Mt. Ephraim Rd.
- Old County Road
- Mt. Ephraim Rd.
- Mt. Ephraim Rd.
- Mt. Ephraim Rd.
- Savery Road
- Bog Hill Road
- Mt. Ephraim Rd.
- Mt. Ephraim Rd.
- Mt. Ephraim Rd.
- Mt. Ephraim Rd.
- Nickels Road

- ad. Loop Road
- ae. Dickey Hill Road
- af. Dwelley Road
- ag. Mt. Ephraim Road
- ah. Monroe Road
- ai. Cains Pond Road
- aj. Brigadiers Lane

- Mt. Ephraim Rd.
- Black Road (North)
- Loop Road
- North Searsport Road
- North Searsport Road
- Bowen Road
- West Main Street

“Do Not Enter” signs are regulatory and prohibit wrong-way vehicle traffic upon “one-way” roads, street and ways, and shall be installed as follows:

	<u>Street</u>	<u>Intersection</u>
a.	Leach St.	Park St.

“One-way” traffic signs are regulatory and indicate the direction in which vehicle must travel upon roads, streets and ways, and shall be installed as follows:

	<u>Street</u>	<u>Intersection</u>
a.	Leach St.	East Main St.
b.	Leach St.	Park St.

“Two-way Ahead” traffic signs are regulatory and indicate that two-way vehicle traffic is permitted immediately beyond the posted sign(s), and shall be installed as follows:

	<u>Street</u>	<u>Intersection</u>
a.	Leach Street	Park Street

“No Thru Traffic” signs are regulatory and prohibit uninterrupted passage of a vehicle from a point immediately beyond the sign to a designated terminus of the restriction, and shall be installed as follows:

	<u>Street</u>	<u>Intersection</u>
a.	Pike St.	Otis St.
b.	Otis St.	Mt. Ephraim Rd.

3.1.3 Closures/Vehicle Weight Limitations

In accordance with the provisions of 29-A MRSA ss 2395, as amended, the municipal officers may temporarily close to public use, and/ or limit vehicle weight upon, any road, street or way so as to insure the proper use and prevent abuse during such seasons as said roads, streets or ways may require special attention. The municipal officers may delegate responsibility for the designation, weight limits and pertinent signing or posting of said roads, streets or ways, to an appropriate municipal employee.

ARTICLE 4. ADMINISTRATION, VIOLATION AND PENALTIES

4.1 Penalties and Fees

Violations of the provisions of this Ordinance shall be addressed through the issuance of a police traffic citation, or ticket, indicating thereon the specific traffic or parking violation.

Violations of section 3.1.3 of this Ordinance shall be addressed in accordance with the provisions of 29-A MRSA ss 2388, as amended.

In the instance of a parking violation, the citation shall state thereon that payment of waiver fee to the town within seven (7) days following the date of issuance of the citation, will avoid the need for a subsequent court appearance.

The waiver fees shall be as follows:

- a. Any vehicle cited for parking violations in excess of two (2) times may be towed at the owner's expense and released upon full payment of prior violation(s).
- b. For illegal parking in prohibited areas, unauthorized overnight parking, and parking within 15 feet of a fire hydrant (see 2.I.d. for exceptions), the waiver fee shall be \$20.00 U.S. for each cited offense.
- c. For violation of all other parking provisions of this Ordinance, the waiver fee shall be \$10.00 U.S. for each cited offense.

Failure to pay the waiver fee(s) for parking violations cited above, or for any other parking or traffic violations cited within this Ordinance, save 3.1.3, shall result in a citation for the vehicle owner of record to appear in District Court wherein the cited violation(s) shall be adjudged in accordance with the provisions of 29-A MRSA ss 2602; 30-A MRSA ss 3009D(3) as amended.

ARTICLE 5. PROHIBITION AGAINST USING ENGINE COMPRESSION BRAKE, DYNAMIC BRAKE, ENGINE RETARDER, WITHIN THE LIMITS OF THE TOWN OF SEARSPORT

5.1 Purpose

The purpose of this ordinance is to prohibit excess noise created when vehicles traveling within the limits of the Town of Searsport use dynamic brakes, engine compression brake, or engine retarders to slow a vehicle down to protect the general health and welfare of residents of the Town.

5.2 Prohibition

No person, except in an emergency situation, shall operate or use a dynamic brakes, engine compression brake, or engine retarders on any vehicle within any 35mile per hour zone or less in the Town of Searsport.

5.3 Penalty

Any person violating the Ordinance shall be subject to the following penalties:

- (a) A penalty of One Hundred Dollars (\$100) for the first violation;
- (b) a penalty of Two Hundred Dollars (\$200) for the second violation;
- (c) a penalty of Five Hundred Dollars (\$500) for the third and subsequent violations of this ordinance.

5.4 Waiver

Any person accused of a violation of any portion of this section may voluntarily waive his or her right to appeal and defend before any court the charges against him or her, for such violaion, by paying to the Town of Searsport a waiver fee as follows:

Payment within thirty (30) calendar days from the date that the violation was committed: Seventy-five Dollars (\$75) for the first offense;

Payment within thirty (30) calendar days from the date that the violation was committed: Two hundred - twentyfive Dollars (\$225) for the second offense;

Payment within thirty (30) calendar days from the date of the third or subsequent violation was committed: Four hundred - seventyfive Dollars (\$475);

No waiver fee will be allowed after thirty(30) days from the date such alledged violation or violations was or were committed and the operator or operators of the vehicle or vehicles involved in the alleged offense or offenses will be summonsed to District Court.

5.5 Attorney Fees and Costs

If a person found to have violated this ordinance, except in the event of a waiver as described in section 5.4, the Town of Searsport shall be entitled to recover from said person its reasonable attorney fees and costs to prosecute any violation hereof.

5.6 Prosecutioun

All violations of this ordinance can be prosecuted by any police officer.

5.7 Exception

This ordinance shall not apply to the operation of any vehicle owned by a governmental or quasi-governmental entity.

ARTICLE 5. CONSTRUCTION

5.1 Severability

Severability is intended throughout and within the provisions of this Ordinance. Should any provision, including interalia, any exceptions, part(s), phrase(s) or term(s) or the application thereof, to any person, or circumstances, be held invalid, the application of the other provisions of this Ordinance shall not be affected thereby and the validity of this Ordinance in any and all other respects shall not be adversely affected.

5.2 Supersession

This Ordinance supersedes and replaces any and all like or comparable ordinances, policies, or decisions previously enacted by the municipal officers, and shall remain in effect until or unless revoked or superseded by action of the municipal officers.

5.3 Amendments

If circumstances dictate, the municipal officers may amend, revise or delete portions or sections of this Ordinance, following public notice and hearing.

ARTICLE 6. ADOPTION

Following public notice and hearing, this Ordinance was adopted by the municipal officers on November 7, 1989.

Following public notice and hearing, this Ordinance was amended by the municipal officers on the following dates:

February 4, 1992
June 4, 1996
June 15, 1999
July 24, 2001
April 15, 2003
September 17, 2003
August 7, 2007
May 25, 2010

Attest:



Deborah Plourde, Town Clerk