

## TOWN OF FRYEBURG PARKING ORDINANCE

### Section 1. Purpose

The purpose of this ordinance shall be to provide means by which the municipal officials can control motor vehicle parking within the limits of public roads and ways in the Town of Fryeburg.

### Section 2. Authority

This ordinance is enacted pursuant to the authority of Article VIII, part second of the Maine Constitution; 30 A MRSA 3009 et seq.; and is a recodification of Fryeburg's earlier parking ordinances, pursuant to 30 A MRSA 3004.

### Section 3. Definitions

As used in this ordinance, unless the context indicates otherwise, any word or term shall have its normal and customary dictionary definition or meaning, unless otherwise specifically defined herein, or by statute.

### Section 4 (Entrances and Driveways onto Route 302)

All entrances or driveways entering the public highway known as U.S. #302 within the compact section of Fryeburg Village in said Town of Fryeburg shall be controlled as required in accordance with Title 29 A of the Revised Statutes of Maine, or as may be amended, and on the Fryeburg Planning Ordinance and the Selectmen are directed and empowered to make such rules and regulations as are necessary to carry out the provisions of this section.

### Section 5 A (Parking along portions of Route 302)

No person shall at anytime park or leave unattended any motor vehicle within the limits of the highway known as U.S. Route #302 within the compact section of Fryeburg Village in said Town of Fryeburg at any point within twenty feet of the nearest outline of any streets intersecting U.S. Route 302, or on any crosswalk crossing said U.S. Route #302 except as may otherwise be allowed by painted stripes installed and maintained by the Town designating permitted parking spaces.

The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 5 B (Parking along portions of Route #302)

All motor vehicles parked or left standing along the northwesterly side of the public way known as U.S. Route #302 within the compact section of Fryeburg Village in said Town of Fryeburg shall be parked parallel with the sideline of said street, heading towards the New Hampshire state line and as far off the paved portion of such way as reasonably practical, except within diagonal painted parking stripes installed and maintained by the town.

The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 6 (Areas posted as "No Parking")

No person shall at any time (or within specified prohibited hours) park, or leave unattended any motor vehicle along, or within any portion of a public way which is posted as a "No Parking" zone by signs (which signs may or may not specify prohibited hours) installed and maintained by the Town pursuant to this ordinance. This shall not apply to Bradley Street, outside of regular school hours, during scheduled special events sponsored by Fryeburg Academy (such as athletic games at the gymnasium) or similar community wide events taking place on or in Fryeburg Academy facilities.

The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 7 (Parking areas designated by painted stripes)

No person shall at anytime park, or leave unattended any motor vehicle along, or within any portion of a public way except in conformance with painted stripes which have been installed and maintained by the Town.

The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 8 (Parking near fire hydrants and public safety facilities and equipment)

No person shall at anytime park or leave unattended any motor vehicle along or within any portion of a public way which is within any portion of a public way which is within fifteen (15) feet of any fire hydrant, fire apparatus, public safety vehicle attending any fire, accident or other public safety emergency, or the entrance to any fire station, rescue station or police station. When any fire hydrant and any vehicle are both on private property, parking shall not be accomplished so as to block or impede access to said hydrant by fire personnel or other authorized municipal officials.

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Section 9 (Winter Parking Regulations)

a. No person shall park any vehicle within the right-of-way limits of any public street or road within the Town of Fryeburg, during the nighttime hours of the winter months of each year.

b. For the purposes of this ordinance, the term "winter months" shall mean from November 15th of each year through the following April 15th; and the term "nighttime hours" shall mean the hours between 10:00 P.M. and the following 6:00 A.M. Eastern Standard Time. (or Eastern Daylight Savings Time, as applicable.)

c. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

d. The fact that a vehicle is parked wholly or in part within that portion of a public street or road from which the snow has been during the same winter season removed or plowed shall be prima facie evidence that such vehicle is parked within the right-of-way limits of such street or road.

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Section 10 (Overnight Parking)

a. If so designated by signs installed and maintained by the Town reading "No overnight Parking" or words to that effect, no person shall park any vehicle within the right-of-way limits of the village/commercial zones of the U.S. Route #302 or State Routes 113 or 5, overnight.

b. For the purpose of this ordinance, the term "overnight" shall mean between the hours of 10:00 P.M. and the following 6:00 A.M.

c. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 11 (Sidewalks)

No person shall at anytime park or leave unattended any vehicle on, over or across any sidewalk or similar pedestrian walkway or pathway.

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Section 12 (Roadside vendors, itinerant vendors, roadside sales)

Except for special events recognized as such by the municipal officers, and pursuant to a special event parking permit issued by the town, no person shall at anytime park or leave unattended any vehicle within the limits of any public way within Fryeburg for the purpose of selling, distributing or advertising any goods or merchandise for sale. In the case of applications for special event parking permits the municipal officers may accept or reject any application.

The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Section 13 (Fryeburg Fair Week)

Regulated Areas: When signs are erected giving notice thereof, no persons shall park any motor vehicle at any time on the following public ways or specified portions thereof:

- a. All paved portions of Route 5 extending northerly from it's junction with U.S. Route 302 for a distance of approximately 1.4 miles;
- b. All paved portions of Route 5 and that unpaved portion on the east side of Route 5 extending northerly from that part of Route 5 which is approximately 1.4 miles from the junction of U.S. Route 302 to the totem poles at the entrance of Indian Acres Camp for Boys; and
- c. All portions of Route 5 extending northerly from the totem poles at the entrance of Indian Acres Camp for Boys to the top of Indian Acres Hill near the entrance to the Frye lot.
- d. All portions of Swan's Falls Road extending from its intersection with Route 5 in a Northwesterly direction to its end.

Towing: Any motor vehicle found in violation of this ordinance is subject to being towed without any prior warning to the owner or operator of said motor vehicle. All reasonable costs associated with towing the motor vehicle including but not limited to towing and storage shall be at the owners expense. The Town is not responsible for any damage incurred as a result of towing.

The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Procedure for Removal: The Police Chief or his designee requesting removal of a vehicle shall at the time of such removal shall notify the Oxford County Sheriffs

Department dispatcher of the intended storage location of the subject motor vehicle. The Police Chief or his designee shall notify by registered mail the owner of such vehicle within ten (10) business days of the impoundment thereof, the storage location of such vehicle.

Exceptions: This ordinance does not apply to motor vehicles parked in prohibited areas for the following reasons:  
mechanical problems or breakdowns;  
Emergency situations;  
Maintenance, construction, repair or installation of utilities or the public way by any State or municipal agency or utility company.

#### Section 14 (Handicapped Accessible Parking)

No person, without possessing and displaying an authorized "handicapped" sticker, placard or license plate, may park or leave unattended a motor vehicle in any parking space or parking area marked by paint or signage indicating said space or area is designated and reserved for use by handicapped persons or vehicles transporting such persons.

The fact that a vehicle is unlawfully parked in violation of this section shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

Enforcement of this section by law enforcement officers shall extend to privately owned property which is the location of any business(es) open to the general public which maintain parking spaces or parking areas for their employees, customers and the general public, with handicapped accessible parking similarly marked and delineated as above, upon complaint of the owner of or business tenant at the privately owned property.

#### Section 15 (Improperly parked vehicles; authority to require removal of vehicles impeding or risking harm to normal vehicular and pedestrian travel)

No person shall at anytime with the limits of the Town of Fryeburg, whether or not the location is otherwise a permissible parking spot or area, park, stop, stand, or leave unattended a motor vehicle which by itself, or in conjunction with other similarly situated vehicles, remains occupied or utilized in any manner which poses a risk or hindrance to the safe and unimpeded movement of other lawful vehicular traffic, lawful pedestrian traffic, or impedes or interferes with the ingress, egress and operation of any emergency or law enforcement vehicles or personnel in the execution of their duties. This prohibition shall include but not be limited to, the use of parked, stopped, standing or unattended vehicles as instruments of social congregating, flashing or blinking of lights, creation of loud noises, or other distractive activities which pose the risk of uncertainty or confusion among other vehicular traffic passing by or through the area or pedestrians walking along adjacent sidewalks or seeking to cross streets in the immediate vicinity.

Any law enforcement officer, or employee of the Fryeburg Road Department, member of a fire department, or member of a rescue squad may order the immediate removal of said vehicle, failure of which shall be a violation of this section, and a violation of 29-A MRSA 2069.

#### Section 16 (Enforcement)

This ordinance, and all provisions herein, shall be enforced by the municipal officers and their designees which shall include without limitation the Fryeburg Police Department and/or the Fryeburg Road Commissioner.

As part of any enforcement measures vehicles found to be in violation of any provision herein, when in any area posted by the Town as a "tow zone", or "tow away zone" or similar, shall be liable to towing and impoundment, at the sole cost of the owner of said vehicle, in accordance with the provisions herein and also 29 A MRSA 2069 and 29 A MRSA 1851 - 1859 as amended, which are incorporated herein by reference. In addition, any vehicle which is the subject of accrued and outstanding unpaid parking tickets and/or fines totaling at least \$ 100.00 shall be subject to the same liability for towing and impoundment as set forth immediately above.

The municipal officers are authorized to undertake prosecution of violations of this ordinance in the name of the Town either through the Fryeburg Police Department or the municipal attorney in any court of competent jurisdiction. Any person charged with a violation of this ordinance may waive prosecution or appearance in court by applying to the office of the town clerk and paying to the town the fine(s) delineated for the infraction(s) in question, in accordance with the schedule set forth below.

#### Section 17 (Fines and Penalties)

Any person adjudged in violation of any provision of this ordinance shall be punished by a fine as set forth below. Each day of a violation shall be deemed to constitute a separate offense hereunder. All fines adjudged hereunder shall be to the use and benefit of the Inhabitants of the Town of Fryeburg.

Section 4;	<u>\$10.00</u>
Section 5 A;	<u>\$15.00</u>
Section 5 B;	<u>\$10.00</u>
Section 6;	<u>\$15.00</u>
Section 7;	<u>\$10.00</u>
Section 8;	<u>\$50.00</u>
Section 9;	<u>\$25.00</u>
Section 10;	<u>\$15.00</u>
Section 11;	<u>\$10.00</u>
Section 12;	<u>\$15.00</u>

Section 13    not less than \$25.00,  
                 not more than \$100.00

Section 18 (Effective date; effect on prior ordinances, severability)

This ordinance shall become effective upon adoption by a majority of the Board of Selectmen, and repeals any portion of any prior Fryeburg Parking Ordinance which is inconsistent herewith, and as a recodification of such earlier ordinances shall be deemed exclusive Fryeburg Parking Ordinance; in the event any portion or provision of this ordinance shall be held by a court to be invalid or unenforceable, the remaining provisions shall continue in full force and effect.

Adopted this 18<sup>th</sup> day of October, 2001

Selectmen, Town of Fryeburg

by:

George Weston

Diane Gushee

Diane Gushee

Harry True

Harry True

L1695/01-110L

Attest: Sharon Peterson Deputy  
                 Town Clerk

**PROPOSED AMENDMENTS TO THE TOWN OF FRYEBURG PARKING  
ORDINANCE – AUGUST 2004**

***DELETIONS:***

**Section 13 (d)** – Delete: (d) – “All portions of Swans Fall Road extending from its intersection with Route 5 in a Northwesterly direction to its end.”

***ADDITIONS:***

**Section 5A** – Add after first paragraph: “Within the limits of the highway known as Route 302 within the compact section of Fryeburg Village in said Town of Fryeburg, on either side of the road, between its intersection with Route 5 and its intersection with Andy Drive.

**Add Section 5C- Swan Falls Road** – “No person shall at anytime park or leave unattended any motor vehicle within the limits of the highway known as Swan Falls Road, on either side of the road, along its entire length from its intersection with Route 5.”

“The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such a vehicle by the person in whose name the vehicle is registered.”

8/6/04

A true copy

Attest: Theresa A. Shaw  
Town Clerk