

## **HARPSWELL NECK ROAD/MOUNTAIN ROAD PARKING ORDINANCE**

**I. Authority.** This parking ordinance is adopted pursuant to 30-A M.R.S.A. §3009(C).

**II. Purpose.** This Ordinance is intended to protect public health and welfare by regulating the parking of motor vehicles on Harpswell Neck Road and Mountain Road. Unrestricted parking on the Town road creates traffic congestion, prevents the passage of fire and police equipment, impedes winter maintenance and is dangerous to pedestrians and motorists. The purpose of this Ordinance is to reduce these dangers and to regulate parking as necessary to protect public health, safety and welfare.

**III. Definitions.** Words used in this Ordinance shall be defined in accordance with 29-A M.R.S.A. § 101; any undefined word shall have its common, ordinary meaning.

**IV. Regulated Area.** When signs are erected giving notice thereof, no person shall park any motor vehicle in regulated areas on Harpswell Neck Road and Mountain Road at any time. The regulated areas are both sides of each road for a distance extending 500 feet from their intersection.

**V. Towing:** Any motor vehicle parked in violation of the Ordinance may, at the request and under the direction of the Board of Selectmen or its duly appointed designee, be towed to a suitable garage or storage space and impounded thereon until all towing and storage fees are paid. The Board of Selectmen or its duly appointed designee may use such force as may be necessary to enter such motor vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person engaged in the business of towing or storing vehicles for such purpose. When any motor vehicle is towed pursuant to this Ordinance, the following procedures shall be followed:

1. Notice shall be sent to the registered owner of the motor vehicle by regular first-class mail, postage pre-paid, within 24 hours following the tow.
2. The Notice shall contain the following information:
  - (a) registration number and brief description of the vehicle;
  - (b) name and address of person or company who performed the tow;
  - (c) location where the vehicle is stored;
  - (d) the provisions of the Ordinance that were violated and led to the tow; and
  - (e) the towing fee and any storage fee.

**VI. Release of Towed Vehicle:** Any person seeking release of a motor vehicle towed pursuant to this Ordinance must first (a) pay all towing charges and storage charges; and (b) present satisfactory evidence of his or her right to possession and sign a receipt for the motor vehicle.

**VII. Prima Facie Evidence of Operation:** No person shall cause, allow or permit a motor vehicle registered in his or her name to park in violation of this Ordinance. The fact that a motor 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.

**VIII. Enforcement and Penalties:** This Ordinance shall be enforced by the Board of Selectmen or its duly appointed designee. This Ordinance may be enforced by the Cumberland County Sheriff's Department, a constable of the Town of Harpswell and any other law enforcement agency, authorized by law to enforce parking ordinances. A violation of this Ordinance is a civil violation punishable by a fine of \$50. Any person charged with a violation of this Ordinance may waive court action by paying a fee of \$25 to the Town Clerk within 14 days of the violation. All fines and waiver fees shall accrue to the benefit of the Town.

**IX. Severability:** In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue in full force and effect.

**X. Repeal of Prior Ordinance:** Upon adoption of this Ordinance, any prior parking ordinance for the affected area is repealed.

**XI. Effective Date:** This Ordinance shall become effective when adopted by a majority of the Board of Selectmen.

Date adopted: May 25, 2006