

## **MACKEREL COVE PARKING ORDINANCE**

- I. Authority:** This parking ordinance is adopted pursuant to 30-A M.R.S.A. § 3009(C).
- II. Purpose:** This Ordinance is designed to protect public health and welfare by regulating the parking of vehicles at the Town-owned parking lot at Mackerel Cove. Unrestricted parking at the Town-owned lot at Mackerel Cove creates traffic congestion, 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 except vehicle shall be defined as any conveyance, including but not limited to, an automobile, truck, motorcycle, trail bike, trailer, wagon, snowmobile, bicycle or watercraft. Any undefined word shall have its common, ordinary meaning.
- IV. Regulated Area:** When signs are erected giving notice thereof, no person shall park any vehicle between the hours of 10:00 p.m. and 4:00 a.m. at the Town-owned lot at Mackerel Cove.
- V. Towing:** Any 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 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 vehicle is towed pursuant to this Ordinance, the following procedures shall be followed:
1. Notice shall be sent to the registered owner of the 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 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 vehicle.
- VII. Prima Facie Evidence of Operation:** No -person shall cause, allow or permit a vehicle registered in his or her name to park in violation of this Ordinance. 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.
- VIII. Enforcement and Penalties:** This Ordinance shall be enforced by the Board of Selectmen or its duly appointed designee. 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 Mackerel Cove parking ordinance is repealed.
- XI. Effective Date:** This Ordinance shall become effective when adopted by a majority of the Board of Selectmen.

Date adopted: September 27, 2001

Amended by the Board of Selectmen April 8, 2021