

# **TOWN OF SEBAGO PARKING ORDINANCE**



**ORDINANCE PASSED JULY 29, 1996**

**ADMENDED AND APPROVED NOVEMBER 8, 2011**

**ADMENDED AND APPROVED JUNE 15, 2021**

# **TOWN OF SEBAGO**

## **PARKING ORDINANCE**

### **Section 1. Purpose**

The purpose of this ordinance is to regulate the parking of motor vehicles on any public way or public parking area in the Town of Sebago

### **Section 2. Authority and Scope**

The rules and regulations established by the Town of Sebago in this ordinance are enacted pursuant to the authority granted by: (1) §3009 of Title 30-A, Maine Revised Statutes Annotated, Authority of municipal officers to enact ordinance; (2) §2068 of Title 29-A, Maine Revised Statutes Annotated, Parking; (3) §2069 of Title 29-A, Maine Revised Statutes Annotated, Authority to remove an improperly parked vehicle; (4) Article VIII, Part 2, Section 1 of the Maine Constitution; and (4) §3001 of Title 30-A, Maine Revised Statutes Annotated, Ordinance power.

### **Section 3. Definitions of Terms Used**

Crosswalk - A marked path where pedestrians can cross from one side of a road or street to the other.

Disabled Person - A person whose disability limits or impairs the ability to walk, as determined and certified by a licensed physician as defined in § 521 of Title 29-A, Maine Revised Statutes Annotated.

Disabled or Handicapped Parking – parking spaces designed for the sole use of motor vehicles identified by a state-issued disabled persons decal or placard.

Driveway - A private road that connects a house, garage, or other building with the street.

Fire Access – A private or public way, parking lot, or space where parking or otherwise obstructing the free access of emergency fire and rescue apparatus and personnel is prohibited. In an emergency situation such as a fire, it is essential that the fire department and other first responders have access to the land or property on which an incident is occurring.

Fire Lane - A private or public roadway that is intended to provide access for emergency fire and rescue apparatus, and often identified by a "Fire Lane #" sign. See also Fire Access.

Loading Zone - An area of a street or a parking lot that is only to be used for the immediate loading or unloading of passengers, baggage or freight, or short-term parking (10 minutes or less).

Motorcycle - A two-wheeled motor vehicle authorized for use on streets or highways, sometimes having two saddles and a sidecar with a third wheel. Motorcycles do not

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include off-road vehicles such as trail bikes designed for off-road use and which are not authorized for use on roads and streets.

Motor Vehicle - a vehicle on wheels, having its own motor and not running on rails or tracks, for use on streets or highways; esp., an automobile, truck, or bus. Motor vehicles do not include off-road vehicles such as trail bikes, ATVs, snow machines, and other motorized vehicles designed for off-road use and not authorized for use on roads and streets.

Penalties - The Board of Selectmen and/or the State of Maine may set penalties for parking violations addressed in this ordinance, and may review and revise these penalties on an annual basis without revising this ordinance.

Public way - Any street, road, lane or highway in Sebago that is open to the public and is controlled and maintained by the Town of Sebago.  
Public ways may be paved or unpaved.

Sidewalk - A foot walk by the side of a street or road; specifically, a paved, unpaved, or otherwise prepared way for pedestrians in a town, which may be separated from the roadway by a curb and gutter.

### **Section 4. Stopping, Standing or Parking Prohibited in Specified Places**

- 4.1 No person shall stop, stand or park a vehicle or motorcycle, except when necessary to avoid conflict with other traffic, or in compliance with law, or the direction of a law enforcement officer, or traffic-controlled device, in any of the following places;
- On any area designated as a fire access;
  - On a sidewalk;
  - In front of or within a public or private road, driveway, alley, fire lane or loading zone;
  - Within an intersection;
  - Within ten feet of a fire hydrant;
  - On a crosswalk;
  - Within 15 feet of the rear corner of the curbs at an intersection, except where otherwise designated;
  - Within 15 feet upon the approach to any stop sign located at the side of a roadway;
  - On the roadway side of any vehicle stopped or parked at the edge of a curb or street;
  - Upon any bridge;
  - At any place where official signs, white or yellow painted curbs or other road painting or markings so prohibit;
  - In any other place or manner which obstructs vehicular or pedestrian traffic along a public or private way.

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- Emergency fire and rescue apparatus and Sebago Public Works vehicles are exempt from these restrictions
- 4.2 No parking shall be permitted at any time along the following public ways in Sebago:
- Both sides of the Douglas Mountain Road and Ledges Road leading to the town parking lot at Douglas Mountain;
  - Both sides of the following streets in Long Beach leading from Route 114 to Sebago Lake
    - Marathon Avenue
    - Naomi Street
    - Ossipee Street
    - Pickering Street
    - Quest Avenue
  - No parking on the following streets: Harvard Street, Joy Street, Intervale Street, Julian Avenue, King Street, Limington Ave, Marathon Avenue, Naomi Street, Ossipee Street, Pickering Street, and Quest Avenue as delineated on a plan entitled "Plan of Sebago Beach" said plan being recorded in the Cumberland County Registry of Deeds in Plan Book 9, Page 81.
  - Both sides of State Highway Route 114 between CMP pole 34/36 in a southerly direction of 2,112 (more or less) feet to CMP pole # 020/021 # 48. In order to reduce the risk of a traffic accident due to people parking on both sides where there is no shoulder on either side of the highway.
  - Both sides of the Marina Road from Shore Road leading to the Town beach, excluding the beach area and town parking lots on Marina Road.
    - The Town beach area, boat launching area, and the upper and lower parking areas are reserved for the use of Residents, Taxpayers, and their Guests only.
    - Only those vehicles identified with a Town Use Pass issued by the Town of Sebago will be permitted to park at either the Town beach or parking areas.
    - Vehicles with Town Use Passes with boat trailers must park at the upper Town parking lot after launching their boats.
  - Emergency fire and rescue apparatus and Sebago Public Works vehicles are exempt from this restriction
- 4.3 No person shall park any vehicle or motorcycle in any parking space designated as "Handicapped" or "Disabled" parking unless the vehicle or motorcycle bears a special registration plate or placard issued under M.R.S.A. 29-A section 521 or 523, or similar plate.

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- 4.4 No person shall park any vehicle or motorcycle such as to prohibit the access or egress of Fire or Rescue vehicles into or out of a fire station or rescue station, or at the scene of a fire or other emergency.

### **Section 5. Signage and Postings**

- 5.1 It shall be the duty of the Town Manager or their designee to erect appropriate signs giving notice of any parking time limit imposed or parking prohibitions. Absence of signs, however, does not make any of the parking restrictions in this ordinance ineffective.
- 5.2 The Town Manager with the approval of the Board of Selectmen shall place and maintain, or cause to be placed and maintained, traffic-control signs, signals and devices when and as required or authorized under this Ordinance, and may place and maintain such additional traffic-control devices as she/he may deem necessary to regulate traffic under this Ordinance or under State Law, or to guide or warn traffic, including angle parking signs, and markings, turning markers, and signs prohibiting left, right or U-turns, the location of which he or she is authorized to determine. All traffic-control devices so erected and not inconsistent with the provisions of the State Law or this Ordinance shall be official traffic control devices.

### **Section 6. Obstruction of Free Passage**

- 6.1 No person shall stop, stand, park or leave a vehicle or motorcycle on any street in such a manner or under such condition so as to obstruct the free passage of other vehicles or motorcycles in either direction, or so as to leave available less than fifteen feet of the width of the roadway for free movement of vehicular traffic, unless specifically permitted by a law enforcement officer.
- 6.2 A person is guilty of obstructing public ways if he or she unreasonable obstructs the free passage of foot or vehicular traffic on any public ways and refuses to cease or remove the obstruction upon a lawful order to do so given him by a law enforcement officer.

### **Section 7. Reverse Direction Parking Prohibited**

- 7.1 No person shall allow, permit or suffer any vehicle or motorcycle to stand or park on any street facing oncoming traffic.

### **Section 8. Parking Within Specified Allowable Times**

- 8.1 The provisions of this Ordinance prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle or motorcycle to avoid conflict with other traffic or in compliance with the direction of a law enforcement officer or official traffic control device.

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### **Section 9. Snow Ban Parking Restrictions**

- 9.1 Between November 1 and April 15 no vehicle or motorcycle shall be parked on any street or way from 9:00 p.m. to 7:00 a.m., so as to interfere with or hinder the removal of snow from said street or public way by the Town or contractor. Parking may be prohibited with notification to facilitate daytime snow removal.

### **Section 10. Removal of Vehicles at Owner's Expense**

- 10.1 The Town Manager or their Authorized Designee(s) may cause any vehicle or motorcycle parked in violation of any provision of this Ordinance, to be moved and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle or motorcycle, and without the Town being liable for any damage that may be caused by such removal.

### **Section 11. Penalties**

- 11.1 The Board of Selectmen and/or the State of Maine may set penalties for parking violations addressed in this ordinance. Unless another penalty is expressly provided by State Law, any violation of any provisions of this Ordinance shall be subject to a fine established by the Board of Selectmen (see Appendix A - penalty schedule); and any such fines or penalties shall accrue to the Town. The Board of Selectmen may review and revise the penalty schedule on an annual basis with advance notice provided in the manner required under § 3009(3) of Title 30-A of the Maine Revised Statutes Annotated
- 11.2 The penalty for disability parking violations per offense is established in accordance with M.R.S.A. 30-A Section 3009, Subsection (1)(D)(3).
- 11.3 Such payment shall in no event be constructed as an enforced imposition of a fine or penalty, but on the other hand shall be construed to be an amount which an offender may voluntarily contribute towards the cost and expense of furnishing to the public a less expensive alternative method of regulating and administering traffic law violations. If, however, such payment is not made at the Town Office within 5 days after notice of such violation is served, by traffic ticket or otherwise, this alternative method is not available or applicable, and the penalty provided by this Ordinance shall be imposed.
- 11.4 After one hour if a vehicle or motorcycle is still parked in violation after being cited for a first offense, the second offense penalty will apply and the vehicle or motorcycle may be subject to being towed at the owner's expense and the owner may be required to pay the "Second Offense" payment to avoid prosecution in District Court.

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### **Section 12. Former Ordinances Repealed**

- 12.1 All former traffic ordinances of this Town are hereby repealed including the Parking Ordinance enacted July 29, 1996, the Douglas Mountain Parking Ordinance enacted May 21, 1996, the parking provisions of the Northwest River Town Beach Ordinance dated October 1, 2001 and the Long Beach Parking Ordinance, enacted on June 9, 1973.
- 12.2 This repeal shall not affect nor prevent the prosecution or punishment of any person for any act done or committed prior to the enactment of this Ordinance.

### **Section 13. Severability.**

In the event that any section or any portion of this ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be affected to affect the validity of any other section or portion of this ordinance. The provisions of this ordinance are hereby declared to be severable.

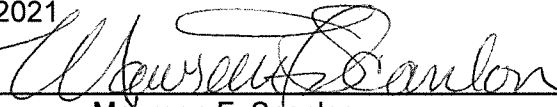
### **Section 14. Effective Date.**

Notwithstanding any law to the contrary, this ordinance shall take effect as of

### **Section 15. Certification and Public Notice**

The Town Clerk shall certify to the passage of this Ordinance and cause notice of same to be published in: Your Weekly Shopping Guide.

Adopted June 15, 2021

A true copy attest:  Town Clerk  
Maureen F. Scanlon

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### **Appendix A – Penalty Schedule**

The Board of Selectmen and/or the State of Maine may set penalties for parking violations addressed in this ordinance, and may review and revise these penalties on an annual basis with advance notice provided in the manner required under § 3009(3) of Title 30-A, Maine Revised Statutes Annotated. Penalties are initially established as follows for the effective date of this ordinance:

#### **Parking Penalties**

Violation of stopping, standing or parking restrictions except parking in a designated Handicapped or Disabled parking space	\$25.00 for first offense \$50.00 for second and subsequent offenses
Handicapped parking violation	\$200.00 for first offense \$400.00 for second and each subsequent offense