

Town of Otisfield, Maine

Parking Ordinance

Number 001

1. AUTHORITY AND PURPOSE: This ordinance is adopted by the Select Board of the Town of Otisfield in accordance with 30-A M.R.S.A. § 3009. The Selectmen find that unrestricted parking of motor vehicles on certain portions of public ways in Town creates a traffic hazard and is dangerous to motorists and pedestrians alike. Further, the unrestricted parking of motor vehicles on public ways during sanding, snowplowing and snow removal operations may create traffic hazards and hamper the municipality's winter maintenance operations. Unrestricted parking causes traffic congestion, reduces sight distances for motorists, and causes motorists to drive outside the designated travel lane and into oncoming traffic. The purpose of this ordinance is to regulate parking as necessary to protect the public health, safety and welfare.

2. 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.

3. RESTRICTIONS:

- **Posted restrictions:** No person may park a motor vehicle on any public way or portions of public way, where "No Parking/ Tow Away Zone" signs or signs bearing substantially similar language have been erected by the municipality.
- **Snow/ice removal operations:** No person may park a motor vehicle within the right-of-way of any public way in a manner which interferes with plowing, sanding or snow/ice removal operations by the municipality.
- **Overnight Parking:** Overnight parking is prohibited on any municipal property that is so posted.

4. FINE AND TOWING

- **CIVIL PENALTY:** Any person who violates this ordinance may be subject to a civil penalty of \$50.00 which shall inure to the municipality. In the event that court action is necessary to collect the fine, the violator shall also be responsible for the municipality's court costs and reasonable attorney's fees.
- **TOWING:** A motor vehicle parked in violation of this ordinance may be towed by a wrecker authorized by the municipality, at the request of and under the supervision of the road commissioner, fire chief, selectman or other official duly authorized and appointed by the Select Board or any law enforcement agency. The towing is initiated by calling Oxford County Dispatch (207) 743-9554. They will in turn select an approved towing company that will remove the vehicle.
- **5. 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, (b) present satisfactory evidence of his or her right to possession and (c) sign a receipt for the vehicle. The municipality is not liable for any damage that may be caused by towing of a vehicle, or for any towing or storage charges.

6. 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.

7. ENFORCEMENT AND PENALTIES: This ordinance shall be enforced by any official duly appointed and authorized by the Selectmen or by any law enforcement agency. A violation of this ordinance is a civil violation punishable by a civil penalty of \$50.00. Any person charged with a violation of this ordinance may waive court action by paying a fee of \$20.00 to the Town Clerk within 30 days of the violation. The violator shall also be responsible for the municipality's court costs and reasonable attorney's fees.

8. SEVERABILITY AND EFFECTIVE DATE: In the event that any provision of this ordinance is declared by a court to be unenforceable, the remaining provisions continue in full force and effect. This ordinance shall become effective when adopted by a majority of the Select Board.

Hal Ferguson, Chairman

Rick Micklon

Lenny Adler

Date adopted: December 5, 2012

TAFT 12.03.12