

**TRAFFIC AND PARKING ORDINANCE
TOWN OF DAMARISCOTTA**

ARTICLE ONE

SECTION I: Definitions of words and phrases :

- 1.1 **BUSINESS SECTION** ALL streets and portions of street parking lot within the area designated. The **BUSINESS SECTION** of the town of Damariscotta comprises: that section of Main St. (Business Route 1) from the Damariscotta river bridge to U.S Route 1 town line and all connected streets or parts thereof; Water St.; Cross St.; Elm St.; Vine St.; Church St.; Bristol Road (Rt. 129.) School St.; Biscay Road; Belvedere Road; Keene's Woods Road; Old Route 1.
- 1.2 **VEHICLE** All kinds of conveyances for person and property except those used exclusively on track.
- 1.3 **PUBLIC WAY** All streets, roads, parking lots of which the public has a right of access of (as described in MRSA 17-A section 505)
- 1.4 **COMMERICAL VEHICLE** Every vehicle designated, maintained or used primarily for transportation of property.
- 1.5 **PARK** The leaving of a vehicle, whether occupied or un-occupied, temporarily for the purpose of loading or unloading of merchandise or passengers.
- 1.6 **DRIVER** A person who drives or is in actual physical control of the vehicle.
- 1.7 **POLICE OFFICER** Any officer of the Police Department, or any person authorized to direct traffic or make an arrest for violation of traffic regulations.
- 1.8 **SIDEWALK** That portion of street between the curb line or the lateral line of a roadway and the adjacent property line intended of use by pedestrians.
- 1.9 **PEDESTRIAN**
A person on foot; a person walking.
- 1.10 **ALLEY**
A street or way intended to provided access to the rear or side lots of a building in urban district and not intended for the purpose of through traffic.
- 1.11 **FIRE CHIEF**
A person who is appointed by the Town of Damariscotta to fight fires and other emergencies.

1.12 FIREMAN

A person who volunteers to fight fire and is employed by the Town of Damariscotta to fight fires and other emergencies.

1.13 OFFICIAL TIME STANDARD

When certain hours are named herein they shall mean standard time or daylight savings time – whichever are in current use in the municipality.

1.14 EMERGENCY VEHICLES

Ambulances and any other vehicles belonging to the police or fire departments shall have the right of way in any street and through any procession. All vehicles shall go to the right of road or street as near the curb or gutter as possible, and come to a complete stop at the sound of approaching sirens or bells of all fire apparatus including vehicles owned by firemen. It shall be unlawful for any person to drive any team, automobile, truck, tractor, or any other motor vehicles over any section(s) of hose which shall hereafter be laid by the Fire Department of the Town of Damariscotta upon the streets of this town.

1.15 MUNICIPAL PARKING LOT

The municipal parking lot is defined as follows: Starting at the intersection of the Damariscotta River and the westerly lot line at the First Church of Christian Scientist (lot 6 map 6) proceeding North along the westerly lot line of lot 6 and 7B, map 6 to the southeast corner of lot 8, map 6; thence West along the southerly borders of lots 8,9,10 to the intersection with lot 12; thence following the East, South and West borders of lot 12, to lot 13, thence westerly to the intersection with lot 14-1 map 6 ; thence following the easterly, and westerly bounds of lot 14-1 to lot 15; thence following the southerly and westerly bounds of lot 15 to lot 16A thence following the southerly bounds of lots 16A, 16, 17, 18, 19, and across-the-right of way of the easterly shore of Misery Gulch; thence following the shore of Misery Gulch and the Damariscotta River to the point of beginning. The municipal parking lot is also shown on map 6 of the property maps of the Town of Damariscotta, prepared by James W. Seawall Company, and is shown South of lots 19-8: West of lots 6 & 7 ; northeast of Damariscotta River and Misery Gulch.

There shall be three (3) hour parking in the municipal parking lot from 6:00 A.M to 6:00 P.M excluding Sunday, with the following exceptions:

- (a) All of the spaces, along the South side of the municipal parking lot (the water's edge) which will be designated as 8 hour parking from 6 am to 6 pm.

- (b) There will be fourteen (14) parking spaces in the municipal parking lot which will be reserved for vehicles using the public boat landing facility. For the purpose of this section, such vehicles shall be defined as vehicles with a boat trailer attached or vehicles displaying a valid boat landing parking permit issued by the town pursuant to section 1.20 herein. There will be no time limit for these vehicles parked in these 14 spaces. Vehicles, without a boat trailer attached or a valid boat landing parking permit will be ticketed. The boat landing spaces will be allocated as follows:
- 8 spaces for vehicles with boat trailers attached or vehicles displaying a valid boat landing parking permit along the waters edge (south side of lot);
 - 2 spaces only for vehicles with boat trailers attached along Misery Gulch;
 - 4 spaces only for vehicles with boat trailers attached in the middle row.
- (c) entrance & exit: Southeast corner by Christian Science Church and northwest corner by fish market, traffic heading both directions.

1.16 WINTER PARKING

No person shall leave or park any vehicles of which she/he has charged possession, or permit the same to stand on any street, municipal parking lot or road to the town of Damariscotta between the times of 9 P.M to 7 A.M from November 15th until April 15th of each year due to removal of snow. All vehicles hindering snow removal will be removed and stored at the expensed of the owner or person in charge or control of same.

1.17 SEASONAL STREET CLEANING

No person shall leave or park any vehicle of which he/she has charged or possession, or permit the same to stand on Main Street (Business Route 1) from the Damariscotta river bridge, to Bristol Road, on Elm Street from Main Street to the intersection on Theatre Street, or on Theatre Street in the town of Damariscotta on Mondays & Thursdays, between the times of 5 A.M and 7 A.M from April 1st to November 1st every year due to street sweeping and cleaning. Any vehicle in violation may be ticketed or removal and impounded or stored at the expense of the owner or person in charge or control of same.

1.18 MAIN STREET:

In the business section of Damariscotta, which includes the North and South side of Main Street (Business Route 1) from the bridge East to Westerly Bristol

Road (Route 129), East side of Water Street from junction of Main Street (Business Route 1) and Water Street to Cross Street North curb line extended: *A vehicle shall not be parked for a period in excess of one hour at any time between the hours of 6am. to 6pm.*

1.19 HANDICAPPED PARKING

A parking space for a handicapped person only. Must have handicapped plates or placard.

(a) Definitions. Any physical handicapped person employed in a business establishment serviced by parking spaces may obtain a license giving him/her permission to park for a unlimited period of time In such a parking space as the town Selectmen may designate. Such designated space shall be marked and identified to show that it is so reserved for such physical handicapped person. The designation of the parking space must also be agreed to by the manager of the store of which the parking space is located. Any parking space thus designated shall be reserved exclusively to the person to whom the said licensed is granted.

(b) Application. All applications for such license shall be made in writing, directed to the town Selectmen, who may or may not, at their discretion, grant such license. See appendix A agreement form.

for

(c) Fees. The fee for such license is to be \$50.00.

(d) Handicapped parking space for the exclusive use by persons with vehicles displaying handicapped Registration Plates or placard shall be establish as follows:

- (1) One space, on the southerly side of Main Street, in front of James Gallagher's law office.
- (2) One space, on the northerly side of Main Street in front of Damariscotta Bank & Trust.
- (3) One space, on the southerly edge of the Municipal Parking Lot, near the southwest corner of the Christian Science Church.
- (4) One space at the corner of Main and Elm Street, in front of King Eiders Pub
- (5) One space in the Municipal waterfront parking lot East end, North side of the set parking spaces. The Chief of Police shall be responsible for designating and marking such spaces to show that they are reserved for use by the physically handicapped.

1.20 BOAT LANDING PARKING PERMITS

Any boat owner keeping a boat or boats on permanent moorings in

Damariscotta Harbor may obtain a permit entitling for him or her to park a vehicle (without a boat trailer attached) in one of the 8 spaces allocated for permit use pursuant to section 1.16 (b) herein. Applicants for a permit will be required to provide proof of boat and mooring ownership and current use of the same. A letter or telephone verification from the harbor master or assistant harbormaster shall be deemed sufficient proof to qualify an applicant to receive a permit. Permits must be displayed in the vehicle windshield area when the vehicle is parked in the designated space.

(a) Definitions. For the purpose of this section, the geographical limits of Damariscotta Harbor shall be considered to be the waters of Damariscotta River bounded on the South by a line between Cottage Point on the East and Little Point in the West and bounded on the North by Main Street bridge. Permanent moorings shall be considered to consist of heavy ground tackle which is designed for long term mooring of vessels and is designed and intended to remain on the ocean or river bottom when the vessel is away from its mooring.

ARTICLE 2
TRAFFIC AND PARKING ORDINANCE

SECTION 1

No person shall, stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or compliance with law or the directions of a police officer or traffic – control device, in any of the following places:

- (1) On the sidewalk.
- (2) In front of a public or private driveway.
- (3) Within an intersection
- (4) Within 10 feet of a water hydrant
- (5) On a cross walk
- (6) Within 25 feet of a street corner except for designated parking spaces and entrances to one way streets.
- (7) Within 500 feet of any building, field or forest with an alarm of fire or other emergency has been sounded without consent of the Chief of Police or Fire Chief.
- (8) In any public street more than twelve inches from the curb, except in emergency or to allow another vehicle or pedestrian to cross its way.
- (9) On the roadway side or any vehicle parked at the edge or curb of a street, commonly know as double parking.

SECTION II

BUSINESS ROUTE 1

- 2.1 There shall be no parking anytime on the northerly side of
#1 Business Route 1 from CMP pole #2 easterly to CMP pole
for 193 feet.
- 2.2 There shall be no parking at anytime on the northerly side of
Street Business Route 1 beginning at the intersection of East Elm
easterly curb line extended easterly 27 feet.
- 2.3 There shall be no parking anytime on the northerly side of
Business Route 1 beginning at the House of Ross driveway
westerly curb line extended westerly for 31
feet.
- 2.4 There shall be no parking at anytime on the northerly side of
Street Business Route 1 beginning at the intersection of Church
westerly curb line extended westerly to
CMP pole #9 for 398 feet.
- 2.5 There shall be parking on the southeasterly side of Business
Route 1 beginning at CMP pole 15 by Damariscotta
Hardware easterly to Biscay road
intersection, South of curb line for 5,280
feet.
- 2.6 There shall be no parking anytime on the easterly side of
Business Route 1 beginning at Biscay Road northerly to
Great Salt Bay Community School driveway
southerly, curb line 1,731 feet.
- 2.7 There shall be no parking anytime on westerly side of Business
Route 1 beginning at Church Street northerly curb line
extended northerly opposite of Great Salt
Bay Community School driveway
southerly curb line extended for 1731 feet.
- 2.8 Handicapped parking – one space on the southerly side of
Main Street in front of James Gallagher’s law office. One
space on the northerly side of Main Street in front
of Damariscotta Bank & Trust.
- 2.9 There shall be no parking on the northerly side of Business
Route 1. Beginning at the intersection of Business Route 1
and Church Street, easterly curb line extended,
easterly to the intersection of Business
Route 1 and School Street westerly curb line
extended for 2,865 feet.

2.10 There shall be no parking anytime on the south side of
Business Route 1. Beginning at the intersection of Route
129 cut off, easterly curb line extended
easterly to a point opposite CMP pole
#13, for 46 feet.

2.10a All vehicles parked within the business section of the Town of
Damariscotta shall be parked with its right wheels toward the
curb, heading in the direction of flow of traffic.

WATER STREET

2.11 There shall be no parking anytime westerly side of Water
Street from the southerly entrance/exit of the Municipal
Parking Lot curb line extended southerly to
CMP pole #11 for 1092 feet.

ELM STREET

2.12 There shall be no parking anytime southerly side of Elm Street
beginning at the intersection of Church Street westerly
curb extended for 985 feet.

CHURCH STREET

2.13 There shall be no parking westerly side of Church Street
beginning Business Route 1 northerly, curb line extended
northerly to Elm Street southerly, curb line
extended 659 feet.

2.14 There shall be no parking on the northerly side of Church
Street beginning at CMP pole 14 northerly to a point
opposite CMP pole 28 for 205 3 feet.

2.15 There shall be no parking on the southerly side of Church
Street beginning at Chapman Street westerly curb line in
westerly direction 85 feet.

2.16 There shall be no parking on the easterly side of Church Street
beginning at Vine Street northerly for a distance of 60
feet. And also beginning at the
Municipal Building extending
southerly for a distance of 100 feet.

CHAPMAN STREET

2.17 There shall be no parking on the northerly side of Chapman
Street beginning at Church Street south curb line extended
easterly for 150 feet.

2.18 There shall be no parking on the southerly side of Chapman
Street beginning at the westerly Church Street curb line
extending easterly 1834 feet to westerly school street curb
south
line.

CROSS STREET

2.19 There shall be no parking anytime on the southerly side of
Cross Street beginning at Water Street westerly curb line
extended easterly to Rout 129 westerly,
curb line extended for 325 feet.

2.20 There shall be no parking anytime on the northerly side of
Cross Street beginning at water street easterly, curb line
extended easterly to Route 129 westerly,
curb line extended for 150 feet.

BRISTOL ROAD

2.21 There shall be no parking west side of Bristol road (Rt. 129)
from the northerly side of the Firehouse shop corner line
extended north to the southerly Main Street
(bus Rt. 1) curb line extended for 150 feet.

VINE STREET

2.22 There shall be no parking anytime on the southerly side of
Vine Street beginning at Church Street curb line extended
easterly for 200 feet.

MUNICIPAL PARKING LOT

2.23 Handicapped parking, first space southwest corner of parking
lot, water side.

2.24 There shall be no parking anytime easterly entrance to
Municipal Parking lot on South side from westerly
Water Street curb line extended westerly
direction to parking lot for 165 feet.

2.25 There shall be no parking anytime easterly entrance to
Municipal Parking Lot on northern side from the
westerly Water Street curb line

extended westerly direction to parking lot for
165 feet.

2.26 There shall be no parking anytime on the westerly side, right
of way Colby & Gale, entrance / exit to Municipal
Parking Lot from the southerly Main Street
(Business Route 1) curb line extended southerly to
CMP pole #3:01 for 104 feet.

SCHOOL STREET

2.27 There shall be no parking anytime from the intersection of
School Street and Business Route 1, South side,
along the East and West sides of School Street,
South for a distance of 500 feet.

SECTION III

PARKING LIMITS

3.1 Business Section – 1 hour limit, from 6 am to 6 pm, to be enforced
year round.

- 3.2 Municipal Parking Lot – to be enforced from Memorial Day to Labor Day
- (a) Eight (8) hour parking on spaces along water’s edge, from 6 am to 6 pm excluding trailer parking.
 - (b) All boat landing parking (as defined in 1.16 (b)) will be all day parking. Vehicles without a boat trailer attached or which do not display a valid Boat Landing Parking Permit will be ticketed.
 - (c) Three hour parking for the remainder of the Municipal Parking Lot.
- 3.3 Parking in painted spaces on Church Street from Vine Street to Municipal Building and also for painted spaces on the northerly side of Elm Street from the Elm Street Plaza to the Lewis Point Road will be considered all day parking between 6 am and 6 pm.

ARTICLE III STOP SIGNS & ONE WAY STREETS

- (a) No person shall drive any vehicle past or through any intersection having a stop sign, without bringing his/her vehicle to a FULL stop.
- (b) Stop signs shall be located in the following places:
- (c) Chapman Street, all traffic shall stop before entering School Street.
- (d) Elm Street, all traffic shall stop before entering Church Street.
- (e) Egypt Road, all traffic shall stop before entering Back Meadow Road
- (f) Hammond Road, North of Back Meadow Road, all traffic shall stop before entering Back Meadow Road.
- (g) Hammond Road, South of Back Meadow Road, all traffic shall stop before entering Back Meadow Road.
- (h) Hodgdon Street, South of Pleasant Street, all traffic shall stop before entering Pleasant Street.
- (i) Hodgdon Street, North of Pleasant Street, all traffic shall stop before entering Pleasant Street.
- (j) Hodgdon Street, all traffic shall stop before entering Church Street.

DAMARISCOTTA TRAFFIC & PARKING ORDINANCE Revised 8/6/2003; 7/26/2000;
3/18/1998

- (k) Pleasant Street, all traffic shall stop before entering Church Street.
- (l) Rocky Run Road, all traffic shall stop before entering Egypt Road.
- (m) Standpipe Road, all traffic shall stop before entering Back Meadow Road.
- (n) Vine Street, all traffic shall stop before entering Church Street.
- (o) Chapman Street, all traffic shall stop before entering Church Street.
- (p) School Street, all traffic shall stop before entering Church Street.
- (q) Lewis Point Road, all traffic shall stop before entering Elm Street.
- (r) Elm Street East, all traffic shall travel in a southerly direction from Elm Street to Main Street.
- (s) Elm Street West, all traffic shall travel in a northerly direction from Main Street to Elm Street.
- (t) Hodgdon Street, all traffic shall travel in a northerly direction from Church Street to Pleasant Street.
- (u) Entrances to Municipal Parking Lot, one way, by West side Gay Block, traffic heading southerly from Main Street, all traffic heading South from Main Street

ARTICLE 4

PENALTIES

Any person accused of a violation of any portion of this ordinance, where a fine amount is not designated may voluntarily waive his or her right to appear and defend before any court or judicial tribunal the charge made against him or her for such violation by paying the Municipality (Town of Damariscotta) the minimum sum of \$75.00 within 30 days of the time such alleged offense was committed.

- 4.1 All fines and penalties collected under this traffic ordinance shall be paid to the Town Treasurer at the Town Office during normal business hours or by mail at 27 Church Street, Damariscotta, ME 04543. The Board of Selectmen is authorized to employ all such procedures authorized by law which they deem prudent to collect the same.
- 4.2 It shall be unlawful and in violation of this chapter for any person to cause, allow, or suffer any vehicle registered in the name of or operated by such person to do any act forbidden or fail to perform any act required in this ordinance; provided, 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. Further, any vehicle parked in violation of this ordinance (whether because of length of time, place, or the manner in which said vehicle is parked) is declared to be an obstruction in such street or public way and a menace to the safe and proper regulation of traffic.
- 4.2a It shall be unlawful and in violation of this ordinance for any person to cause damage to or take any municipal traffic devices, such as, but not limited to, any traffic safety equipment, such as safety cones, barriers, traffic lights, crosswalk signs or signs which designate road names, speed limit, stop, yield or any other type of traffic and safety signs or equipment owned or possessed by the Municipality. Any person(s) convicted of the theft or possession of any municipal traffic and safety items shall be subject to a mandatory minimum fine of \$150.00 per conviction. Any person convicted of damaging any municipal traffic and safety items will be subject to reimbursing the Municipality for all costs of correcting or replacing, and any installation of said items.

The Board of Selectmen may choose to offer a reward of up to \$200.00 to person(s) providing information which results in a conviction of any person(s) for the theft or possession of any municipal traffic and safety items.

- 4.3 Obedience to police & fire officials required. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.
- 4.4 General authority of police and fire department officials to enforce laws and direct traffic.

- a) It shall be the duty of the officers of the police department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the Town and all of the State of Maine vehicle laws applicable to street traffic in the Town.
 - b) Officers of the police department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, conditions may require notwithstanding the provisions of the traffic laws.
 - c) Officers of the fire department, when at the scene of a fire or similar public safety incident, may direct or assist the police in directing traffic or similar public safety incident in the immediate vicinity.
- 4.5 Town to provide books containing numbered citation forms; Police Chief's duties regarding books:
- a) The Chief of Police shall be responsible for the issuance of such books to individual members of the police department.
- 4.6 Procedure of police officers upon stopping alleged violator; citation to specify violation. Except when authorized or directed under State Law to immediately take a person before a magistrate or other court official for the violation of any traffic laws, a police officer who halts a person for such violation, other than for the purpose of giving said person a warning, and does not take said person into custody, shall then issue said person a Violation Summons and Complaint form (VSAC) or a Uniform Summons and Complaint form (USAC). The alleged violation(s) to be specified on the citation.
- 4.7 Duty to deposit copy of citation with Police Chief; disposition of citation, Chief to record disposition of charges, warrants; altering defacing citation, record:
- a) Every police officer upon issuing a VSAC/USAC to an alleged violator of any provision of the motor vehicle laws of this State or of any traffic ordinance of the Town shall deposit the copy of the citation with the Police Chief.
 - b) The citation shall be disposed of in accordance with those laws of the state which govern the procedures in the District Court.
 - c) The Chief of Police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the District Court or its traffic violations bureau.
 - d) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a matter other than as required by this section.
- 4.8 It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this article.

- 4.9 Removal of tickets, notices or citations from vehicles. No person shall remove from any vehicle a traffic law violation ticket, notice or citation placed on or in such vehicle by a police officer of the Town of Damariscotta, except for the purpose of answering such notice or citation as required therein.
- 4.10 Police officer's duty upon finding illegally parked vehicle with driver. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the Town of by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle (which may take any other information displayed on the vehicle) which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Town.
- 4.11 Each owner or operator of a vehicle who violates the provisions of the ordinance which regulates stopping, standing and parking, shall within 30 days of the time when such notice was attached to such vehicle pay the Town of Damariscotta the initial charge and penalty for and in full satisfaction of such violation of sum as stated on the traffic ticket. The failure of such owner or operator to make such payment shall render such owner or operator subject to a penalty of double the original fine. The failure of such operator to make such payment shall render such owner or operator subject to the penalties hereinafter provided for the violation of general provisions of this ordinance.

ARTICLE 5

FINES

- 5.1 Any person accused of a violation of the parking portion of this ordinance may voluntarily waive his/her right to appear and defend before any court or judicial tribunal, the charge made against him/her for such violation, by paying the Municipality the amount assessed on said violation.
- 5.2 **NON PAYMENT OF FINES:** Any person who has not paid the fine amount assessed them within 30 days shall be mailed a written “first notice” informing the registered owner that payment has not been received and that the fine amount has doubled. Additionally, the notice will indicate that failure to pay the doubled fine amount now due, within 30 days, will result in the issuance of a “final notice” informing registered owner that payment has still not been received, and that a summons to appear in 6th District Court in Wiscasset will be issued if payment is not made within 30 days. Both notices will state that any vehicle which has accumulated 3 or more unpaid parking tickets may be subject to immobilization in place or impoundment of said vehicle as outlined in section 5.3 or this article.
- 5.3 **IMPOUNDMENT OF VEHICLES:** Purpose: This section is enacted as an enforcement procedure for promotion and protection of the public peace, safety and welfare and the safeguarding of property and shall be used generally for the prevention and removal of traffic hazards, prevention and abatement of public nuisances arising from traffic infractions and for the protection of the public rights in the use of Town Streets, thoroughfares, parking areas, parking lots, and public ways.
- a. **NOTICE.** Written notice shall be mailed to the owner of any vehicle which has accumulated three (3) or more outstanding notices of violation of any parking ordinance or regulation therein prior to immobilization or impoundment of such vehicle as provided in Subsection 2. The notice shall inform said owner of the nature and number of outstanding violations, that such vehicle may be immobilized in place or impounded and that said owner will be provided an opportunity to contest the validity of the proposed immobilization or impoundment upon written request to the Chief of Police within ten (10) days of receipt of the notice described in this subsection.

- b. **HEARING** Any owner who requests an opportunity to contest the validity of proposed immobilization or impoundment of his or her vehicle shall be provided an administrative hearing upon written request to the Chief of Police. Such hearing shall be scheduled as soon as practicable before a hearing officer, who shall be solely responsible for hearing and deciding all contests provided herein. Enforcement of the provisions of Subsection 2 shall be stayed pending the decision of the hearing officer. The purpose of this subsection is to provide an opportunity to contest the validity of a proposed immobilization or impoundment and not to contest the merits of parking violations.
- c. **HEARING OFFICER** The Chief of Police shall designate a hearing officer from time to time as may be needed.

5.3.1 **APPLICABILITY.** Any vehicle which has accumulated three (3) or more notices of violation of any parking ordinance or regulation therein of the ordinances of the Town of Damariscotta for which there has been neither payment of fees nor issuance of court process and which is then parked upon the public way or in a public parking lot at any time may, at the option of any Town of Damariscotta Police Officer or other town employee authorized to enforce said parking ordinance or regulation, be immobilized in place or may be removed and stored until all fees established pursuant to Article 5 of this ordinance for all such outstanding notices of violation and also the impoundment, storage and other charges authorized under this ordinance have been paid. If impoundment by immobilization is utilized, a charge for such impoundment of twenty-five dollars (\$25) shall be charged and paid prior to such release.

5.3.2 **PROCEDURE.** As soon as a vehicle has been removed and stored or immobilized in place under this ordinance, the police officer or other municipal employee taking such action shall so notify the Police Department. Such information shall be recorded by the Secretary or Police Officer for the use of the Chief of Police, the Town Administrator or his or her authorized representatives. In addition, the Chief of Police shall notify by registered mail the registered owner of such vehicle within five (5) business days of the impoundment or immobilization thereof. Said notice shall state the location of such vehicle and the requirements to release as set forth in this ordinance.

5.3.3 **RELEASE OF VEHICLES.** Any person having custody of a motor vehicle impounded pursuant to this chapter or of the means to release such immobilized vehicle shall not release it until the individual requesting its release presents satisfactory evidence of his or her right to possession and signs a receipt therefore. In addition, said vehicle shall not be released until the Treasurer, Chief of Police or their duly authorized representatives certify that all fees and all other charges provided for in this chapter have been paid, including all costs of impoundment, towing, notices and storage or until the Treasurer or his or her duly authorized representatives shall have certified the posting of a bond equal to the total outstanding fees

which should have been remitted for said overdue notices of violation and other charges as set forth in this subsection.

- 5.3.4 **BOND.** Whenever any person requests the right to post bond pursuant to this chapter, such bond shall be given in cash and receipt given therefor. Such bond money shall be refunded in the amount of the fee for such alleged violation of this ordinance upon acceptance by such person of service of process initiating a court proceeding to determine his her liability for the described penalty or such alleged violation. Any bond shall be forfeited unless the person posting it requests and accepts service of such process from the Chief of Police or his or her designated representative within thirty (30) days of the posting unless prevented from doing so by actions or inaction of the Town of Damariscotta.
- 5.3.5 **VIOLATIONS.** It shall be a violation of this ordinance for any person to tamper with or attempt to remove any immobilizing device attached to a vehicle or to extract or attempt to prevent the removal of any vehicle as provided herein. The penalty for any such violation shall be not less than fifty (\$50) nor more than one thousand (\$1000).

ARTICLE 6

Notification and Traffic Control

Section I: Notification

It is, in part, the responsibility of the Police Department to ensure the safety of our citizens. To that end, it is important that the Police Department is made aware of any disruption or potential disruption to our roads, streets and ways, etc.

It is the responsibility of any person, group, organization, or entity; construction or otherwise, whose work, event or activity may in any way affect the normal flow of traffic to any road, street or way to notify the Police Department no less than ten (10) days prior to said work, event or activity. Such notification shall be in written form and may be addressed to the Damariscotta Police Department at P O Box 274, Damariscotta, ME 04543. The requirement may be waived in emergency situations, to be determined by the Chief of Police or his / her designee. The Town of Damariscotta shall be exempt from this requirement for special events. It will still be required that the Chief of Police be notified no less than ten (10) days prior to said event.

It shall be the responsibility of the Chief of Police or his/her designee to notify the Town Office, Road Commissioner, and any area emergency service provider, of the disruption in traffic flow.

Section II: Traffic Control

Any time the Police Department receives notification as outlined in Section I, the Chief of Police or his/her designee shall review the location and circumstances to ensure appropriate steps are taken to safe guard our citizens. Such steps should include; adequate signage warning the public, the proper use of traffic cones and barricades, safe alternate traffic or pedestrian routes, and the proper use of traffic control personnel, etc.

Any activity requiring notification under Section I that occurs on any portion of Main Street, Bristol Road, School Street, or Biscay Road shall require the presence of at least one (1) Police Officer and may, at the Police Chief's discretion, require the use of more than one (1) Police Officer for traffic control. The Chief of Police may waive this requirement as circumstances warrant. The Chief of Police may impose the same requirements on any road, street, or way in the town if the circumstances should warrant. Any such use of Police personnel shall be billed to the responsible party in accordance with Section IV of this Article.

In accordance with Maine Law, the Chief of Police or any Police Officer who finds a situation to be hazardous shall take action to stop such activity until it can be corrected.

Section III: Penalties

Any person, group, organization, or entity; construction or otherwise, accused of a violation of any portion of this article of the Damariscotta Traffic & Parking Ordinance may be assessed a mandatory minimum penalty of \$250.00 per occurrence. All Penalties shall be paid to the Town Treasurer as outlined in Article 4, paragraph 4.1.

Section IV: Payment

If the Chief of Police determines that Police Officers are required, to ensure the safe movement of pedestrian / vehicle traffic, the fee for said use of Police Officers will be \$38.00 per hour, per Officer. \$8.00 per hour, per Officer will go to the Town of Damariscotta to defer administrative costs. All fees shall be paid to the Town Treasurer as outlined in Article 4, paragraph 4.1. Hours accrued on a special detail are not eligible for use toward an Officer's 40 hour work week or employment benefits.

Section V: Waiver

The Board of Selectmen may, at their discretion, grant a waiver of all or any part of the requirements set forth in this article.

Section VI

This Traffic and Parking Ordinance of the Town of Damariscotta, Maine, as amended by the Board of Selectmen of this 6th day of August, 2003, supersedes and replaces any and all previously enacted traffic and parking ordinances.

Attested 8/06/2003

DAMARISCOTTA TRAFFIC & PARKING ORDINANCE Revised 8/6/2003; 7/26/2000;
3/18/1998