

Bayside Parking Ordinance Committee 1/11/2020 Meeting Notes

Attending: Judy Metcalf, Sandy Hall, Bill Page, Martha Beiser, Jeffrey Wilt, Dan Webster, Elaine Moss, Deanna Wolfire, Gina Cressey

Additional guests: Sid Block, Art Hall

Sid spoke at the beginning of the meeting, wondering if making some village streets one-way would help to ease congestion. He particularly suggested that Broadway/Bay Street, from the top of Ruggles Park continuing up Sea Street to George Street, would benefit from a one-way designation.

Martha Beiser reported on her contact with the Drinkwater School regarding overflow parking availability. While the principal initially saw no difficulty with allowing this, the school board raised some questions. School activities increase in August, reducing space available. Would there be liability to the school (and the board did not want to check with their insurer). Who would be responsible for any potential damage to the parking lot? How would Bayside vehicles be distinguished from legitimate school-use vehicles? There might be up to 30 spaces available, still leaving all parallel parking along the access road and in front of the school free.

- For specific event dates, such as the 4th of July weekend and AIR in September, the school already has a process to apply for parking lot permission. **Action item: Martha** will go ahead and file for these dates.
- **Action item: Judy** will draft a letter to the school board clarifying that our police officer, supervised by the village agent, would enforce Bayside use of the lot. Bayside vehicles would be identified by a dashboard form showing owner's name, address, and contact information. The NVC would like to use this summer as a trial, to be revisited annually.
- **Action item: Martha** to try to get further action on the School Board agenda for their March meeting.

Items clarified from our last meeting:

- Bill confirmed that a fire truck needs 12' in clearance. This does not include additional clearance required for turning radius. Ordinance will need to reflect a minimum 12' travel lane.
- Bill provided current widths on Bayside roads, but Bay Street is missing. **Action item: Judy** will revise and add. The widths on dirt roads are measured for the travel area, and do not include complete 'gravel to gravel' dimension.

Continued discussion of the draft ordinance presented at the last meeting, starting with Section 6: No Parking Zones.

- 6.1.2 – no discussion on how to deal with exceptions at this time
- 6.1.3 – Bill requested that the ordinance indicate no parking within **15** feet of a fire hydrant on the same side of the road. There was discussion about whether to extend that to include across the road, with no consensus. **Action item: Elaine** to revise draft to show something like 'Within 15 feet of a fire hydrant on the same side of the road.'
- 6.1.4 – **Action item: Elaine** to revise draft to add something like 'or such other distance as required by the officer in charge of the emergency response'
- 6.1.5 – not discussed
- 6.1.6 – Agreed okay as written
- 6.1.7 – **Action item: Elaine** to revise draft to indicate no parking will be allowed on either side of the unnamed, dead-end road that traverses the lower part of Bayview Park

- Ruggles Park items: 6.1.8, 6.1.10, 6.1.11, and 6.1.12 to be consolidated into one item. Much discussion was held regarding Ruggles Park issues. Some perceive a lack of clarity in the current designation system (referencing street names, north side, south side, etc.) Perhaps a map of the park with detailed parking information should be attached to the ordinance. Perhaps it would be clearer to indicate only the available public parking areas (Judy said that only 'no parking zones' are enforceable, but Elaine thought that might be satisfied with a 'no parking in any areas not specifically identified...' clause.)
 - o Park Row – agreed that there should be no parking in the park (on the south side of Park Row). Judy suggested referencing house numbers – Dan stated that the houses are numbered 1 to 21, east to west.
 - o Lack of clarity about how to address the north/south portion of Park Row (the bottom of the park, where the kayaks are stored.)
 - o Main Street – should parking be prohibited on the south (playground) side, and only allowed as parallel parking on the north side?
 - o Broadway – Gina would like to see parking allowed at the top of the park on Broadway, on the park side, above the basketball court. General consensus seemed to be that this was not a good addition.
 - o Suggestion was made that overnight parking be prohibited entirely in Ruggles Park. This would be a challenge for some unless more parking were opened up elsewhere, as it is currently used by some residents as overflow parking, and by boaters (including non-resident boaters) who have taken their boats away from their moorings for the night. To be discussed further.
 - o **Action item: Elaine** to attempt to consolidate this section and include some of the above commentary for further discussion at next meeting.
- 6.1.9 – not discussed
- 6.1.13 – not discussed
- 6.1.14 – Discussion regarding parking near the fire station. Bill states that there has been an issue with an abutter parking too close to the building, so that the fire truck was unable to turn left out of the driveway. Bill requested that the ordinance be extended to **20** feet on either side of the fire station driveway. Dan mentioned that Camden also indicates a clearance of 75 feet on the side of the road opposite their fire station (Bill thought this was specific to a site issue in Camden, but agreed that some allowance might be necessary for turning radius entering and leaving the barn.) **Action item – Bill** to measure more specifically on both sides of the street to determine necessary allowances for safe access to the fire station.
- 6.1.15 – the generic catch-all – probably should not be assumed to cover required allowance on the road across from the fire station.
- 6.2 – Apparently okay as written. Judy clarified that the current zoning allows parking of motor homes on private property, as long as no one is living in the home.
- 6.3 – Not discussed

Section 7: Parking on Village Property

- 7.1 – Not discussed
- 7.2 – **Action item: Elaine** to add something like 'subject to all other provisions of the ordinance'
 - o No further discussion of the rest of this section

Meeting was extended to discuss Cradle Row:

- **Action item: Dan** to discuss with Lisa Webster (Commodore of the Northport Yacht Club) the possibility of moving the yacht club cradles/trailers to another location for summer storage. Potential alternatives discussed included a private residence on Cross Street with current boat storage and village ties (Drexell White's property). Concern was expressed that relying on a private property solution might not be the best answer for the long term. Discussion also about clearing some vegetation behind the waterworks property (fire pond/well/buildings on Bluff Road). Bill indicated that there might be some land available there, but would have to be for limited seasonal access, as the existing space is used during the summer for staging and temporary parking of construction vehicles working on village property.
- **Action item: Jeffrey** to speak with Gordon Fuller about the same issue and identification of other current private usage of Cradle Row. Current users would have to be notified that they would need to be responsible for removal of the cradles/trailers currently in the row, and that the row would no longer be available for this type of use.
- **Action item: Bill** to review the physical condition of cradle row, and estimate what would be required to make the location safely accessible by cars. **Bill** to also evaluate whether any additional storage area may be possible at the waterworks property.
- Most likely the space would allow angle parking on the west side, and parallel parking on the east side. Number of spaces not determined at this time.

Next meeting scheduled for Saturday, February 1, 2020 at 8:30 AM. To participate by phone, dial 855-212-0212 and enter access code 946-416-092#.

PARKING ORDINANCE [PROPOSED REVISIONS-2019]

PARKING REGULATIONS FOR THE NORTHPORT VILLAGE CORPORATION

Section 1. PURPOSE

This Parking Ordinance intends to promote and maintain the public safety, well-being and convenience of the residents of the Northport Village Corporation by regulating the parking of vehicles on Village roads and on Village-owned property.

Section 2. AUTHORITY

This Ordinance has been proposed for adoption in accordance with the Maine P&S Laws 1915, ch. 136 as amended; 30-A M.R.S.A. §6302; 30-A M.R.S.A. §3009; which empower the municipal officers (Board of Overseers) with the exclusive right to enact ordinances with regard to parking.

Section 3. DEFINITIONS

3.1 “Village Road”: Any public road within the geographic confines of the Northport Village Corporation.

3.2 “Park”, “parked,” “parking”: A vehicle which remains stationary in a street or on a Village-owned property, without a driver and without the engine operating.

3.3 “Oversized Vehicle”: Any vehicle which has a carrying capacity of more than three-thousand (3,000) pounds, or which, including load, is more than twenty-two (22) feet in length, or which, including load, is more than eight (8) feet in width, or which, including load, is more than twelve feet, six inches (12’6”) in height.

Section 4. WINTER PARKING BAN

From November 15 to April 15, parking shall be prohibited along village roads from midnight until 6 a.m. Written or verbal warning will be given in all cases of violation. Any vehicle so parked may be moved or towed at the owner's expense within the scope of the towing guidelines of the Northport Village Corporation (see Section 8).

Section 5. VEHICLES NOT TO OBSTRUCT TRAFFIC

5.1 The operator of a motor vehicle shall park such that the wheels adjacent to the curb are no more than 12 inches away from the curb. Where curbs are not present vehicles should be parked so that as much of the vehicle is off the road way as possible. Under no circumstance should a vehicle be parked on a roadway in any manner that results in the area of travel being less than 12 feet.

5.2 A vehicle shall not be parked or stop in any street so as to prevent or obstruct the passing of vehicular traffic or emergency vehicles.

5.3 No Oversized Vehicle shall be permitted to park or stand upon any public street in the Village for a longer period than two (2) hours, except when loading or unloading or performing maintenance work.

5.4 If the owner of an Oversized Vehicle, for reasons related to construction or to hardship, wishes to stand or park on Village roads for periods longer than those specified in Section 5.3, the owner must request exceptional permission from the Board of Overseers or Village Agent.

Section 6. NO PARKING ZONES

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

6.1.1 In front of a public or private driveway so as to obstruct access to same.

6.1.2 Within 15 feet of an intersection, whether or not there is a stop sign or traffic signal, unless in an otherwise designated parking area, or unless written permission has been obtained from the Board of Overseers. The following properties are excepted from this restriction, provided that parking on these properties shall be conducted so as to conform to the greatest extent possible with all other aspects of this Ordinance:

- [Property 1]
- [Property 2]
- [Property 3]
- [Property 4]
- [Property 5]

6.1.3 Within 10 feet of a fire hydrant.

6.1.4 Within 500 feet of any area where there is an emergency, fire, or other incident in which civil authorities (i.e., police, fire, or ambulance personnel) require a temporary parking ban.

6.1.5 At any place where an official sign prohibits parking.

6.1.6 On the west side of George Street from Bay View Park to Cobe Road.

6.1.7 On the east side of the Bay Street extension across the bottom of Bay View Park.

6.1.8 On the south side of Park Row bordering the northern edge of Ruggles Park.

6.1.9 On the north side of Clinton Avenue at Merrithew Square in front of the mail boxes.

6.1.10 At the bottom of Ruggles Park in front of the waste-water treatment facility and fire hydrant.

6.1.11 Around the outside of the traffic island located at the bottom of Ruggles Park.

6.1.12 In front of and on the causeway to the wharf accept for the purpose of loading or unloading.

6.1.13 On the west (inland) side of Shore Road at Kelly Cove by Devil Bridge.

6.1.14 In front of the Fire Department on Bluff Road or within 15 feet of the north or south edge of the fire department's driveway.

6.1.15 Any other area that is likely to cause a threat to public safety.

6.2 Motor-homes, conversion vans, camper-trailers, or other oversize vehicles are not permitted to park overnight in any Village parking area or along Village roads without prior written approval from the Board of Overseers, Village Agent, or Chief of Police.

6.3 The Board of Overseers may establish and then erect and maintain signs indicating that no parking is permitted in specified areas or on one or both sides of a specified street. The Board of Overseers will update this as necessary in the interest of public safety. The list of no parking zones will be published no later than June 15 each year and will be available through the Village Office and others means as the Board of Overseers deem appropriate.

Section 7. PARKING ON VILLAGE PROPERTY

7.1 No unlicensed or unregistered vehicles shall be parked on Village property.

7.2 These are the Village-owned areas available for parking:

7.2.1 Lower Ruggles Park: Eastern edge facing the wharf, angular parking;

7.2.2 Lower Ruggles Park: Western edge facing the park, angular parking;

7.2.3 Lower Ruggles Park: Southern edge on Maple Street below the Yacht Club, parallel parking;

7.2.4 Lower Main Street (below Broadway): [Either] side, parallel parking;

7.2.5 Merrithew Square: East side of Broadway from Clinton Avenue to the Bangor Cottage;

7.2.6 Cradle Park: As marked and signed;

7.2.7 Auditorium Park: Parking within this park is permitted only to householders abutting the park as defined by the deed of gift, and only one vehicle per household: “The Grantor reserves the right for the abutting property owners to park or leave an automobile or other vehicle in a designated section of the park.” *Deed of Gift, August 1940*

Section 8. EMERGENCY REMOVAL

Any vehicle parked upon a public street or on Village property in a place or manner prohibited by this Ordinance is hereby declared to be an obstruction in the public way. The Board of Overseers, a police officer or the Village Agent may cause the removal, at the owner's expense, of any motor vehicle in violation of this Ordinance which is an obstruction in the public way or is posing a threat to public safety.

Section 9. HANDICAPPED PARKING

9.1 The Board of Overseers is hereby authorized to determine and designate, by proper signs, certain parking spaces for handicapped parking. [Note: The authority of the Chief of Police to designate handicapped parking was removed.]

9.2 Any vehicle parked in a parking space clearly marked as a handicapped parking space and which does not bear a special registration plate or placard issued under M.R.S.A. Title 29-A, §521, or a similar plate issued by another state, shall be cited for a forfeiture of not less than two hundred dollars (\$200.00). "Clearly marked" includes painted signs on pavement and vertical standing signs which are visible in existing weather conditions. Any police officer may cause any vehicle so parked to be removed from the parking space and towed or moved at the expense of the owner of such vehicle, and without the Village being liable for any damage that may be caused by such removal.

Section 10. ENFORCEMENT

10.1 It shall be the duty of the police officers of the Northport Village Police Department or a designated parking enforcement officer, acting in accordance with instructions by the Board of Overseers, Village Agent and or Chief of Police, to report:

10.1.2 The state license number of any vehicle that is or has been parking in violation of any provisions of this Ordinance.

10.1.3 The time at which such vehicle is parked in violation of any provision of this Ordinance.

10.1.4 Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

10.2 Each officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this Ordinance.

Section 11. PENALTIES

11.1 The operator or owner of any vehicle charged with a violation of the general parking restrictions set out in Sections 4-8 of this Ordinance may waive all court action by the payment of a waiver fee of twenty-five dollars (\$25.00) per day of infraction at the Village Office prior to the expiration of the thirty (30) day period following the issuance of the parking ticket as stated on the Notice of Illegal Parking.

11.2 The operator or owner of any vehicle charged with a violation of Section 9 (Handicapped Parking) may waive all court action by the payment of a waiver fee of two hundred dollars (\$200.00) per day of infraction at the Village Office prior to the expiration of the thirty (30) day period following the issuance of the parking ticket as stated on the Notice of Illegal Parking.

11.3 In addition to sections of this Ordinance which specifically allow for towing violations, a police officer may have towed any vehicle parked in violation of this Ordinance at the expense of the owner of such vehicle and without the Village being liable for any damage caused by such removal when that vehicle is parked in a fire lane, blocking a fire hydrant, parked so as to obstruct pedestrian traffic or parked in such a manner as to create a traffic hazard.

11.4 Any owner or operator of any vehicle charged with five (5) or more violations of any of the parking regulations set forth in this Ordinance in any consecutive thirty (30) day period may be required to forfeit the court waiver fees, and be ordered to appear in court. Any person summoned to District Court for a parking violation and found guilty of the alleged violation may be required to pay for court costs in addition to the fine for the violation.

Section 12. EVIDENCE

No person shall allow any vehicle registered in his or her name to park in violation of the provisions of this Ordinance. The fact that a vehicle is unlawfully parked or stored shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name the vehicle is registered. (Code 1968, §711.39) (M.R.S.A. 30-A, §3009).

Section 13. NO LIABILITY

Parking of motor vehicles, boats, trailers, or cradles on Village property or on or beside Village roads shall be at the owner's risk. The Village bears no liability for any damage to property whether caused by weather, accident, or vandalism.

Section 14. REPEAL OF PRIOR ORDINANCES

Any and all prior ordinances or parts thereof or written policies or procedures heretofore adopted by the Board of Overseers which are in conflict with the provisions of this Ordinance shall be repealed as of the effective date of this Ordinance.

Section 15. VALIDITY AND SEVERABILITY

Should any section(s) or provision(s) of this Ordinance be declared by the courts to be invalid or non-enforceable, such decision shall not invalidate any other section or provision of this Ordinance.

Section 16. ADOPTION AND EFFECTIVE DATE

This Ordinance shall become effective _____, 2020.

Attest: _____

Maureen Einstein, Clerk

Northport Village Corporation

Enacted _____, by vote of Board of Overseers of the Northport Village Corporation.

**PARKING ON VILLAGE PROPERTY [Elaine: I incorporated the bullets below into Section 7 above. I've left them here, temporarily, so you can see the changes I made.]
Limited space is available for parking on Village-owned property.**

7.2.1 Lower Ruggles Park: Eastern edge facing the wharf, angular parking;

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