

PARKING/TRAFFIC ORDINANCE FOR THE TOWN OF ROCKPORT

Article I Definitions

Section 101. Words and Phrases Defined.

The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings set forth below. Whenever any words and phrases used herein are not defined, and such words and phrases are defined by the laws of the State of Maine regulating the operation of vehicles, any such definition shall be deemed to apply. Any words not otherwise defined shall be given their common and ordinary meaning.

ALLEY: A narrow way between buildings or giving access to the rear of buildings.

AUTHORIZED EMERGENCY VEHICLE: Vehicles of fire department, police vehicles, public traffic emergency repair vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are designated or authorized by the Fire or Police Chief. Vehicles privately owned by firemen or policemen shall have the same status under this ordinance as a publicly owned authorized emergency vehicle while actually engaged in or responding to a call for public emergency service.

CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers or materials.

INTERSECTION: The area within which vehicles traveling upon different Streets or highways joining at other angles that may come in conflict.

POLICE OFFICER: Every officer of the Rockport Police Department

ROADWAY: That portion of a street or highway improved, designed, or ordinarily used for vehicular travel.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

VEHICLE: All motor vehicles.

Article II Required Obedience to Traffic Regulations

Section 201 Authority of Police and Fire Department Officials.

Police Officers or such officers as are assigned by the Police Chief 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, such officers may direct traffic as conditions may require notwithstanding the provisions of this ordinance. Officers of the Fire Department, when at the scene of a fire, fire threat or in the immediate vicinity of fire may direct or assist the police in directing traffic.

Section 202. Required Obedience to Traffic Ordinance.

It is a civil infraction for any person to do any act forbidden by this ordinance.

Section 203. Public Employees to Obey Traffic Regulations.

The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, County, or Town, and it shall be unlawful for said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by Maine Statute.

Section 204. Exemptions to Authorized Emergency Vehicles.

1. The provisions of this ordinance regulating the operation, parking, and standing of vehicles shall apply to authorized emergency vehicles, as defined in Section 101 of this ordinance, except as follows: A driver when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:

- (a). Park or stand notwithstanding the provisions of this ordinance.
- (b). Proceed past a red light or stop sign, but only after slowing down as may be necessary for safe operation.
- (c). Exceed the speed limits so long as they do not endanger life or property.
- (d). Disregard regulations governing the direction or movement of turning in specified directions so long as they do not endanger life or property.

2. These exemptions shall only apply when the driver of the authorized emergency vehicle sounds a siren, bell, emergency warning light or exhaust whistle, as a warning to others.

The above exemptions shall not protect the driver of the authorized emergency vehicle from the consequences of their reckless disregard of the safety of others.

Article III Stopping, Standing and Parking

Section 301. Stopping, Standing and Parking Prohibited in Specified Places.

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 devices, in any of the following places:

1. In the traveled section of a roadway.
2. On a sidewalk.
3. In front of a public or private driveway or alley.
4. Within five feet of a fire hydrant.
5. On a crosswalk.
6. Within 20 feet of the nearest corner of the curb at an intersection.
7. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
8. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
9. On the opposite side of a roadway direction of traffic.
10. Upon a bridge.
11. At any place where official signs or painted yellow areas, including curbs so prohibit.

Section 302. Parking Time Limited on Certain Streets and Parking Areas.

When signs are posted giving notice of time limits, no person shall stop, stand or park a vehicle upon any of the streets or parking areas for a longer period than posted on such signs.

Section 303. Parking Prohibited in Hazardous or Congested Places.

1. The Police Chief, with the approval of the Town Manager, is hereby authorized to determine and designate by proper signs and/or curb markings, places in which the stopping, standing, or parking of vehicles would create a hazardous condition or would cause delay in traffic.
2. When signs are posted and/or curbs marked at such hazardous or congested places, no person shall stop, stand, or park a vehicle in any such designated place.
3. Vehicles violating Section 305.1 may be removed at the direction of any police officer at the owner's sole risk and expense.

Section 304. Parking Not to Obstruct Traffic.

No person, shall stop, stand, or park a vehicle on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction or so as to leave available less than ten feet of the width of the street for free movement of vehicular traffic, unless specifically permitted by a police officer,

Section 305. Parking in Alleys.

No person shall stop, stand, or park a vehicle within an alley in such a manner or under conditions as to leave less than ten feet of the width of the alley for the free movement of vehicle traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block any driveway entrances.

Section 306. Stopping, Standing or Parking Close to Curb.

No person shall stop, stand or park a vehicle on any street in a business district other than parallel with the edge of the roadway, headed in the direction of the lawful traffic movement, and with the right-hand wheels of the vehicle within 12 inches of the curb or edge of the roadway, except as follows:

1. *Angle-parking.* Upon such streets or parts thereof, which have been officially signed or marked for angle parking, no person shall stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
2. *Backing to Curb.* Only when specifically authorized by a police officer, may a person back a vehicle to the curb for the purpose of loading or unloading merchandise or materials; such loading or unloading period shall not exceed 30 minutes. No person shall back a vehicle onto any curb or sidewalk.

Section 307. Places of Assembly.

The Police Chief is authorized to place temporary or permanent traffic-control signs in front of the entrance to buildings that are places of assembly for such period of time as the Police Chief

determines at their discretion.

Section 308. Large Vehicles.

No owner, driver, or person in charge of any vehicle which has a carrying capacity of more than 3 thousand pounds, or which (including load) is more than 18 feet in length, or which (including load) is more than 12 feet 6 inches in height, shall stand or park such vehicle on any street for more than one hour.

Section 309. Owner's Liability.

If any owner of a vehicle in violation of this ordinance asserts that they were not the driver of such vehicle at the time of such violation, the owner shall have the burden of proving that they were not the driver and shall furnish to the Police Department the name of the driver of the vehicle responsible for such violation. Failure upon the part of the owner to do so shall make them liable for all penalties imposed under this ordinance.

Section 310. Schools.

The Police Chief is authorized to post temporary or permanent signs, indicating no stopping, standing, or parking adjacent to any school property, when such stopping, standing, or parking would, in their opinion, interfere with traffic or create a hazardous situation.

When such signs are posted, no person shall stop, stand or park a vehicle in such designated place.

Section 311. Snow Removal.

No vehicle shall be stopped, standing, or parked within the maintained limits of any street or sidewalk so as to interfere with or hinder the Town's removal of snow from said street or sidewalk. A police officer may cause any such vehicle to be removed from the street at the owner's sole risk and expense.

Section 312. Public Utility Vehicles.

Vehicles operated by the Town of Rockport or by public utility companies used for installation, repair, and maintenance of public utility infrastructure, are exempt from this ordinance.

Section 313. Parking Regulations.

1. **Election Day Parking.** Parking is allowed on any street adjacent to the Town Office and any Town-owned building on election day during voting hours, provided such parking does not hinder the normal flow of traffic and authorized emergency vehicles.
2. **No Overnight Parking.** Overnight parking is not allowed at the following places: Library; Marine Park, (*without permission and permit from the Harbormaster as provided below*), Public Landing, Walker Park, and along both sides of Central Street. Overnight parking of occupied vehicles is not permitted on any street or municipal parking area in the Town.
 - a. **Overnight Parking.** Overnight parking is only allowed at Marine Park, Cramer Park, or on the East side of the harbor with permission and a permit from the Harbormaster for a fee as determined by the *Harbor Fee Schedule* and paid in advance. Vehicles that exceed the allowed time limit will be towed at the owner's expense.

- b. **Charter Buses.** Charter Bus Parking or access to Marine Park is not allowed without prior written approval from the Town Manager.
- 3. **Harbor Access.** Parking is not allowed at any time on the road leading from Marine Park to Pascal Avenue.
- 4. **Fire Route.** Parking is prohibited from the area in front of the fire station in West Rockport to Route 90, and from the area in front of the fire station in Rockport adjacent to the town office, directly out to Main Street.
- 5. **Winter Overnight Parking Ban.** All on-street parking during the period November 15 - April 15 between midnight and 6:00 a.m. is prohibited. A vehicle that violates the Winter Overnight Parking Ban may be removed at the direction of a police officer at the owner's sole risk and expense.
- 6. **Snowstorm Parking Ban.** On the day before a predicted snowstorm, all on-street parking is prohibited, such prohibition to last until the storm is over and the streets are plowed. The Town will also provide notice of the Snowstorm Parking Ban through all media (such as Civic Ready, Facebook, Instagram, Town Website). A vehicle that violates the Snowstorm Parking Ban may be removed at the direction of a police officer at the owner's sole risk and expense.
- 7. Parking time limitations will be posted and enforced.
- 8. On-Street parking locations will be posted and marked as determined by the Town Manager.
- a. **Exception:** The Select Board may issue a temporary exemption by permit to any person or group from certain parking ordinances. Such permits will be issued by the Police Chief or their designee when directed to do so by the Select Board.

Section 314. Administration and Enforcement

When a vehicle is found stopped, standing, or parked in violation of the provisions of this Article III every two hours thereafter shall be a separate offense. The police officer finding such vehicle shall take its registration number, and any other information which may identify the owner, and shall conspicuously affix to such vehicle a traffic citation on a form provided by the Town, for the registered owner to answer to the charge against them. The citation shall bear the time, date, place, and officer's name. A stub containing the same information, along with the registration number of the offending vehicle, shall be retained by the police department, and it shall be prima facie evidence that the registered owner of said vehicle is the violator.

Section 315. Penalties.

Violations under this Article III shall result in a fine of \$30 for each offense.

Article IV Speed Limits and Crosswalks

Section 401. Speed Limits.

All drivers shall comply with the speed limits as posted along the roadways in the Town. If no speed limit is posted, the speed limit shall be as set forth in Maine law, Title 29-A Section 2074.

Section 402. Crosswalk.

Wherever the Police Chief determines that there is danger to pedestrians, and in consultation with Maine DOT (as may be required for certain streets), the Police Chief may designate and maintain crosswalks, by appropriate devices that are:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the roadway.
2. Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Article V Restricting Vehicle Weight on Posted Roadways

Section 501. Purpose and Authority.

The purpose of this article is to prevent damage to town roadways and bridges in the Town which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town roadways and bridges, and to reduce the public expense of their maintenance and repair. Reference 30-A M.R.S. § 3009 and 29-A M.R.S. §§ 2395 and 2388.

Section 502. Restrictions and Notices.

The Select Board may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the roadways, and designate the Town roadways and bridges to which the restrictions shall apply. Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

Pursuant to 29-A M.R.S. § 2395, the notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the Select Board. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure, or otherwise tamper with any notice so posted except as provided herein.

Section 503. Exemptions.

1. The following vehicles are exempt under State law:
 - a. Any vehicle delivering home heating fuel or organic animal bedding and operating in accordance with a permit issued by the MDOT under 29-A M.R.S. § 2395 (4); and
 - b. When necessary, during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MDOT under 29-A M.R.S. § 2395 (4-A).
2. Frozen road exemption: This Article shall not apply to any restricted road which is frozen. The highway is considered “frozen” only when the air temperature is 32° F or below and no water is showing in the cracks of the road. Both conditions must be met.

3. The following vehicles are also exempt under the specific provisions of this Article:
 - a. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
 - b. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. This exemption does not apply to special mobile equipment. It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.
 - c. Maine DOT vehicles or other vehicles authorized by Maine DOT or a municipality or county to maintain the roads under their authority.
 - d. Authorized emergency vehicles as defined in 29-A M.R.S. § 2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or fewer under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
 - e. Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities may operate without a permit. Special Commodities includes any of the following:
 - i. Home delivered heating fuel (oil, gas, coal, stove size wood that is fewer than 36" in length, propane, and wood pellets).
 - ii. Petroleum products.
 - iii. Groceries.
 - iv. Bulk milk.
 - v. Bulk feed.
 - vi. Solid waste.
 - vii. Organic animal bedding.
 - viii. Returnable beverage containers.
 - ix. Sewage from private septic tanks or porta-potties; or
 - x. medical gases.

Section 504. Permits.

1. The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Select Board for a permit to operate on a posted way or bridge notwithstanding the restriction. The Select Board may issue a permit only upon all of the following findings:
 - a. No other route is reasonably available to the applicant.
 - b. It is a matter of economic necessity and not mere convenience that the applicant uses the roadway or bridge; and
 - c. The applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the roadway or bridge which may reasonably result from the applicant's use of the same. Even if the Select Board make the foregoing findings, they need not issue a permit if they determine the applicant's use of the roadway or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the roadways and bridges.
2. In determining whether to issue a permit, the Select Board shall consider the following factors:
 - a. the gross registered weight of the vehicle.
 - b. the current and anticipated condition of the way or bridge.
 - c. the number and frequency of vehicle trips proposed.

- d. the cost and availability of materials and equipment for repairs.
 - e. the extent of use by other exempt vehicles; and
 - f. such other circumstances as may, in their judgment, be relevant.
3. The Select Board may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 505. Administration and Enforcement.

This Article shall be administered and may be enforced by the Police Chief.

Section 506. Penalties.

Any violation of this Article shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00 per offense. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged roadway or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

Adopted July 9, 1979

Amended March 11, 1997

Amended September 11, 2023