

TOWN OF SMITHFIELD
NO PARKING ORDINANCE FOR MILLER LANE
Adopted: April 18th, 2017

SECTION 1. AUTHORITY

This ordinance shall become effective when enacted by a majority of the Municipal Officers pursuant to 30-A M.R.S.A. S3009.

SECTION 2. PURPOSE

No person or business shall park any motor vehicle at any time within the road right of ways (see list of town ways and measurements) along town owned ways. The fact that any vehicle is illegally parked is prima facie evidence that the person to whom it is registered has parked it.

Exceptions: This Ordinance does not apply to motor vehicles that are parked in prohibited areas for the following reasons:

Mechanical problems or breakdown;

Emergency situations; or

Maintenance, construction, repair or installation of utilities or the public way by any State or municipal agency or utility company.

SECTION 3: ROADS AND MEASUREMENTS

This ordinance is for the town way know as Miller Lane. The road measurement is 50’.

SECTION 3: Definitions

For purposes of this Ordinance, the terms listed below are defined as follows; any other term used in this Ordinance shall have in common, ordinary meaning unless otherwise indicated.

“Public Way” means any town way or public easement as defined in 23 M.R.S.A. § 3021 and any portion in of any State or State-aid highway located within the town. This term includes ways commonly designated as streets, lanes, roads, avenues and includes paved or unpaved shoulders of such ways.

“Motor Vehicle” is any vehicle defined in 29 M.R.S.A. § 1.

SECTION 3. NOTICE

An appropriate sign shall be erected at the beginning of the road way, notifying the public of the prohibition.

SECTION 4. PENALTY

The penalty for violation of this ordinance will be: Persons or businesses violating this ordinance are subject of District Court Proceedings and shall be subject to a fine of up to \$100.00, payable to the Town of Smithfield. Persons charged with the violations may waive the court action by paying the Tax Collector a fee of \$25.00 within 7 days after receiving notice of the violation.

SECTION 5. TOWING

Any motor vehicle parked upon Miller Lane in a place, manner or for a length of time prohibited by this Ordinance, is hereby declared to be an obstruction in the public way and a menace to the safety of the traveling public, any motor vehicle parked which constitutes an obstruction under this Section of this Ordinance may at the request and under the direction of the Road Commissioner/Municipal Officers be towed to a suitable garage or storage space and impounded thereon until all towing and storage fees established are paid.

When any vehicle is towed pursuant to this Ordinance, the following procedure shall be followed:

1. Notice shall be sent to the registered owner of the vehicle by regular 1st-class mail, postage pre-paid, within 24 hours following the tow.

2. The Notice shall contain the following information: registration number (if available) and brief description of the vehicle; name and address of person or company who performed the tow; location where the vehicle is stored; the provisions of the Ordinance which were violated and led to the tow; obtaining the amount of towing fees and any storage fees shall be the responsibility of the vehicle owner.

SECTION 6. ENFORCEMENT

The Municipal Officers, or their duly appointed designee, shall enforce this ordinance.

SECTION 7. APPEALS

Any person who shall deem himself/herself aggrieved by failure or refusal of the person authorized to enforce the ordinance, may appeal the decision to the Board of Selectpersons at any time within thirty (30) days of notification of the violation, by informing the Board of Selectmen, in writing, of the appeal.