

# TOWN OF OTIS

## PARKING ORDINANCE AND

### BEECH HILL POND MUNICIPAL BEACH ORDINANCE

July 15, 2003

1. **Authority and Purpose:** This ordinance is adopted by the municipal officers (Selectmen) of the Town of Otis in accordance with 30-A MRSA #3009. The Selectmen find that unrestricted parking of motor vehicles on public ways during sanding, snowplowing and snow removal operations creates a traffic hazard and hampers the municipal's winter maintenance operation, also unrestricted parking on any private way which creates a traffic hazard for responding emergency vehicles. The purpose of this ordinance is to regulate parking associated with winter maintenance and emergency vehicles, and to curb the growing problem of vandalism & disrespect of the town's beach and adjoining lands.
2. **Definitions:** Words used in this ordinance shall be defined in accordance with 29 MRSA #1; any undefined word shall have its common, ordinary meaning.
3. **Restrictions:**
  - (a) **Regulated areas** – No person may park a motor vehicle on any public way or portions of public ways or private ways in a manner which would hinder winter maintenance operations or the passage of emergency vehicles.
    - **Exceptions:** This ordinance does not apply to motor vehicles parking in prohibited areas for the following reasons: Mechanical problems, or break-downs; emergency situations; maintenance, construction, repair or installation of utilities or the public way by any state or municipal agency or utility company.
  - (b) **Snow/Ice removal operations:** No person may park a motor vehicle within the right-of-way of any public way in a manner that interferes with winter maintenance operations of the municipality.
  - (c) **Emergency vehicles:** No person may park a motor vehicle within the right-of-way of any public or private way in a manner which would block or hinder the travel of emergency vehicles.
  - (d) **Town of Otis Municipal Beach parking.** No person may park a motor vehicle within the confines of the Town of Otis Municipal Beach parking area without a Beach Pass from the Otis Town Office.
  - (e) **Towing:** A motor vehicle parked in violation of this ordinance may be towed at the request of and under the supervision of the Town of Otis Constable, the

Selectmen or their duly authorized representative, or any law enforcement agency having jurisdiction within the Town of Otis.

Owners of vehicles that have been towed in accordance with this ordinance shall go to the Town of Otis Town Office for information regarding the towed vehicle ie. Penalties, location and release of the impounded vehicle. Within five (5) days of the towing the authorized person who supervised the tow shall send to the registered owner a notice stating the date and time of the tow, the location of where the vehicle is impounded, and requirements for release of the motor vehicle. (During non-business hours owners may contact the constable, one of the selectmen or other authorized persons to obtain the necessary information).

(f) **Release of a towed vehicle:** Any person found in violation of this ordinance and seeking release of a motor vehicle towed pursuant to this ordinance (1) pay all associated fines to the Town of Otis (2) pay all towing charges and storage fees, (3) present satisfactory evidence of his/her right to possession and sign a receipt for the vehicle.

(g) **Prima Facie evidence of operation:** No person shall cause, allow or permit a motor vehicle registered in his/her name to park in violation of this ordinance. The fact that the 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.

(h) **Beech Hill Pond Municipal Beach access:** No person, unless a property owner or resident of the Town of Otis and having a Beach Pass from the town office, shall be permitted access to the municipally owned beach located off the West Shore Rd on Beech Hill Pond. Any person in violation of section (h) shall be reported to the Town of Otis Constable, Selectmen or any law enforcement agency having jurisdiction within the Town of Otis.

(1). Authorization to use the Otis Municipal Beach, located on Beech Hill Pond is by permit only. Permits are issued at the Otis Town Office only to property owners or renters of property in Otis. One Beach Pass per property will be issued upon request without cost.

(2). The beach hours are 8:00am to 8:00pm

(3). Please swim at your own risk. You are responsible for your children.

(4). NO FIRES of any kind are allowed on the beach.

(5). NO ALCOHOLIC BEVERAGES of any kind are allowed on the beach

(6). The beach is a carry in carry out area. Littering will not be tolerated. Please use trash receptacles located in the parking lot and on the beach.

(7). Bathroom privileges are allowed at the portable toilet located in the parking area only. Use of the beach or wooded area for bathroom purposes is **strictly prohibited**.

(8). For sanitary and safety purposes no pets are allowed on the municipal beach.

(i) **Penalties:** Any person found in violation of the restricted parking portion of this ordinance by a court of competent jurisdiction shall be subject to a fine of not more than \$150.00 or less than \$50.00; all fines accrue to the municipality. Any person found in violation of the Beech Hill Pond Municipal Beach restrictions shall be subject to a fine of not more than \$100.00 or less than \$25.00; all fines accrue to the municipality.

- Persons charged with violating this ordinance may waive court action by payment of the associated fines within seven (7) days after receiving a verbal and written notice of the violation. Any such waiver and payment of associated fines and fees shall be processed through the town clerk.

(j) **Enforcement:** This ordinance shall be enforced by the Municipal Officers or their duly authorized representative or designees. Violations of the parking portion of this ordinance shall be traffic infractions and shall be prosecuted, if necessary, in the appropriate district court. Violations of the municipal beach restrictions shall be civil violations and shall be prosecuted, if necessary, in the appropriate district court.

(k) **Severability:** In event that any portion of this ordinance is found, by a court, to be invalid, the remaining provisions shall continue uninterrupted in effect.

(l) **Effective Date:** This ordinance shall become effective when adopted by a majority of the municipal officers.

**Date Adopted: July 15 2003**

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Selectman

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Selectman

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Selectman