



TOWN OF GRAY
GRAY TOWN COUNCIL
AGENDA • MAY 2, 2023

**Gray Town
Council Workshop**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/85029196787>
Phone 646-558-8656 / Meeting ID: 850 2919 6787

6:00 PM

CALL to ORDER

Roll Call

WORKSHOP 6:00 PM - 6:55 PM

- Parking Ordinance
- Pop up Commercial Ordinance

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*

CHAPTER 602

TRAFFIC ORDINANCE

Town of Yarmouth, Maine

Recodified: 1/15/1998

Amended: 8/19/1999

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CHAPTER 602

TRAFFIC ORDINANCE

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TRAFFIC ORDINANCE

ARTICLE I

A. TITLE

This Ordinance shall be known and may be cited as the Traffic Ordinance of the Town of Yarmouth.

B. PURPOSE

The purpose of this Ordinance is to regulate traffic and the use of the streets, ways and roads of the Town and to provide for the enforcement of traffic regulations.

C. DEFINITIONS

All Night Parking – The words “all night parking” shall mean the parking of a vehicle for a period of time other than one hour between the hours of 12:00 A.M. and 6:00 A.M. Any physicians or other persons on bona fide emergency calls are not bound by this Section.

All Terrain Vehicles (ATV) – The words “all-terrain vehicle” shall mean a motor driven off-road recreational vehicle capable of cross-country travel on ice and snow, swampland or other natural terrain. For purposes of this ordinance “all- terrain vehicle” does not include a snowmobile, an airmobile, a construction or logging vehicle used in performance of its common function, a farm vehicle used for farming purposes, a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

Immobilization Device – The word “immobilization device” shall mean a device which will render a vehicle inoperable, more commonly referred to as a “boot.”

Impoundment – The towing of a motor vehicle and having it stored at the place of employment of the towing company or any other secure facility.

Official Traffic Control Device – The words “official traffic control device” shall mean all signs, signals, markings and devices placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

Park – The word “park” shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.

Person – The word “person” shall mean every natural person, firm, co-partnership, association or corporation.

Roadway – The word “roadway” shall mean that portion of a street, way or road designed or ordinarily used for vehicular traffic.

Standing – The word “standing” shall mean any stopping of a vehicle, whether occupied or not.

Street, Way or Road – The words “street, way or road” shall mean the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of traffic.

Turnaround – The word “turnaround” shall mean a space dedicated at the end of a dead end street or property owned by the Town of Yarmouth to be used specifically as a vehicle turn around.

Vehicle – The word “vehicle” shall mean every device in, upon, or by which any person or property is or may be transported upon a street, way or road except devices moved by human power or used exclusively upon stationary rails or tracks.

Overweight Trucks – The words “overweight trucks” shall mean any truck whose gross weight exceeds 9 tons.

ARTICLE II

A. STATE LAWS INCORPORATED

All State Motor Vehicle Laws are hereby incorporated herein by reference. No person shall violate any motor vehicle law of the State within the Town.

B. SIGNS REQUIRED

No provision of this Ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that signs are required, such Section shall be effective without signs being erected to give notice thereof.

C. AUTHORIZED SIGNS, SIGNALS OR MARKINGS

1. No person shall place, maintain, or display upon or in view of any street, way or road any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device. No person shall place or maintain any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to a street, way or road signs giving useful directional information of a type that cannot be mistaken for an official sign.

2. Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance and the Town Manager or his/her appointed agents are hereby empowered to remove same or cause it to be removed without notice.

D. FOLLOWING TRAFFIC DIRECTION

No person shall refuse, fail or neglect to follow the direction of a constable, police officer or other authorized persons directing traffic on a street, way or road.

E. REQUIRED OBEDIENCE

Except when otherwise directed by a police officer, or other authorized person, the driver of any vehicle and every pedestrian shall obey the instructions of any traffic control device installed under the provision of either this Ordinance or State law.

F. PRIMA FACIE EVIDENCE OF OPERATION

No person shall allow, permit, or suffer any vehicle registered in his/her name to stand or park in any street, way or road in violation of any provisions of this Ordinance. 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.

G. TRUE NAME TO BE GIVEN

It shall be unlawful for any person, whereby any police officer or other authorized person, to appear to answer for an offense against any provision of this Ordinance, to give other than his/her true name and address.

H. TEMPORARY TRAFFIC CONTROL DEVICE

The police or other authorized persons are hereby authorized to place temporary no parking signs, detour signs, and to route traffic by personal direction of police officers of the Town of Yarmouth in circumstances of emergency or congestion such as, but not limited to, fires, funerals, church services, parades, sporting events, and also where the traffic generated by private business locations requires such directional control for public safety or convenience during a fire, accident, emergency or special event. A police officer may temporarily close a way to vehicular traffic or to vehicles of a certain description or divert pedestrian or vehicular traffic.

I. SNOW ACCUMULATION

When the width of a roadway is decreased by reason of snow accumulation, or by any other reason, to less than twelve feet, the Town Manager or his/her appointed agents are authorized to prescribe temporary traffic and parking regulations and to place any traffic control devices as may be necessary to give notice of such regulations.

J. SNOW REMOVAL EMERGENCY PERIODS

The period beginning November 15 and ending April 15 is hereby declared to be a snow removal emergency period. During this period, no vehicle shall be parked in

such a manner as to hinder the plowing or removal of snow from the streets, ways or roads, nor shall any all night parking be allowed. In the event of inclement weather, the Chief of Police or Public Works Director may institute a parking ban upon any street, way or road and shall provide for temporary public notice and announcement by radio, television, or cable TV of such temporary ban.

K. APPLICATION OF ORDINANCE TO EMERGENCY VEHICLES

1. An operator of an emergency vehicle, except when otherwise directed by a police officer, may do the following:
 - a. Park or stand notwithstanding the provision of this Ordinance.
 - b. Proceed past a red light or stop signal or stop sign, but only after slowing down to the extent necessary for safe operation.
 - c. Exceed the maximum prima facie speed limit as long as life or property is not endangered.
2. The exceptions enumerated in this Section shall apply to authorized emergency vehicles as defined in M.R.S.A. Title 29A, 2054-5.
3. The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his/her reckless disregard of the safety of others.
4. The exceptions enumerated in this Section shall not apply to emergency vehicles returning from an emergency.

L. INTERFERENCE WITH TRAFFIC CONTROL DEVICES

No person without lawful authority shall attempt to, or, in fact, alter, deface, injure, knock down or remove any official traffic control device.

M. DUTY TO REPORT ACCIDENT

The driver of any vehicle involved in any accident resulting in: (A) bodily injuries to or death of any person; or (B) apparent property damage of One Thousand Dollars (\$1000.00) or more, must be reported immediately to a law enforcement officer by the quickest means of communication as is provided by Title 29A, 2251 Sections 1 and 2.

N. REMOVAL OR TRAFFIC TICKET

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, except for the purpose of answering such notice or citation as required therein.

O. PROCESSIONS: FUNERAL IDENTIFICATION

A funeral composed of a procession of vehicles shall be identified as such by the display of a pennant or other identifying insignia upon the outside of each vehicle or by such other methods as may be determined and designated by the police.

P. PARADE AND PROCESSIONS: PERMITS

No procession, or parade shall occupy, march or proceed along any street, way or road, to the exclusion or interruption of other persons in their right and use thereof, except in accordance with a written permit issued by the Police Department.

Q. OBSTRUCTING TRAFFIC

Whoever places rocks, stones, snow, ice or other obstruction in such a manner as to obstruct traffic on a street, way or road and leaves it there shall be punished by a fine of not more than \$100.00 for each offense, to be recovered on complaint, to the use of the Town of Yarmouth.

R. APPLICATION TO GOVERNMENT VEHICLES

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 any such driver to violate any of the provisions of this Ordinance except as otherwise permitted herein or by State law.

S. DRIVING ON SIDEWALKS PROHIBITED

No person shall operate any motor vehicle along, nor shall any motor vehicle in any way occupy or obstruct, any Town sidewalk except for municipal vehicles or agents of the municipal government in conjunction with maintenance activities.

T. ALL-TERRAIN VEHICLES

No person shall operate an all-terrain vehicle within the Town of Yarmouth upon public land, including park lands, owned or leased to the Town of Yarmouth, unless specifically allowed by ordinance. This provision shall support and shall not in any manner limit the restrictions upon the use of all-terrain vehicles upon private property or over public or private ways, as provided by M.R.S.A. 12 Section 13157 as may be amended. It shall also not prohibit the use of all-terrain vehicles by municipal government in conjunction with maintenance and/or public safety.

ARTICLE III

A. WARNING DEVICES

No person shall sound an automobile horn, bell or other sound device on a vehicle anywhere in the Town at any time, except when necessary for safe driving.

B. OBEDIENCE TO STOP SIGNS

The operator of any vehicle shall bring such vehicle to a full stop immediately before entering or crossing an intersection at which a stop sign has been erected, yielding the right-of-way to all vehicles or pedestrians approaching from either direction on

the intersecting street, providing, however, that whenever a traffic officer is stationed at such intersection, such officer shall have the right to regulate traffic threat.

C. SCHEDULE OF STOP SIGNS

Emplacement of stop signs will be as directed by the Town Council who will establish by resolution a schedule of all installations of such signs.

D. OBEDIENCE TO ONE-WAY STREET

Vehicular traffic shall move only in the indicated direction upon those streets which are designated as one-way streets, when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. The police or other authorized persons are hereby authorized and directed to erect and maintain said signs.

E. AUTHORITY TO DESIGNATE TEMPORARY ONE-WAY STREETS

In the event of an emergency requiring one-way traffic for the avoidance of traffic congestion which would be prejudicial to the health, safety and welfare of the inhabitants of the Town or property located therein, the police or other authorized persons shall have the power to designate streets or parts thereof as subject to one-way traffic. This designation will be effective only when suitable signs have been conspicuously placed on or about the entrance to and exits from the affected areas, such designation and signs to be removed at the termination of such emergency. In addition to emergency conditions, the following occasions shall be proper for the application of the above power: (A) any event, meeting, or occasion attracting or likely to attract a large number of persons; (B) excavations or other repairs or construction to streets.

F. SCHEDULE OF ONE-WAY STREET

Emplacement of traffic control devices which designate one-way streets will be as directed by the Town Council who will establish by resolution a schedule of all installations of such devices.

G. OBEDIENCE TO YIELD SIGNS

The operator of a vehicle shall yield the right-of-way before entering or crossing an intersection at which a yield sign has been erected, provided, however, that whenever a traffic officer is stationed at such intersection, such officer shall have the right to regulate traffic threat. The Town Council shall have the authority to designate the location of yield signs on traveled ways not under the administrative control of the Department of Transportation, State of Maine.

H. OBEDIENCE TO PEDESTRIAN CROSSING SIGNS

Where traffic control signals are not in place or in operation, the operator of a vehicle shall yield the right-of-way to a pedestrian crossing a public way within any marked crosswalk or at any intersection protected by a stop sign. When any vehicle is stopped at a crosswalk or intersection to permit a pedestrian to cross, the driver of

any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

I. SCHEDULE OF YIELD SIGNS

Emplacement of traffic control devices which require vehicles to yield at certain intersections of streets, ways or roads will be directed by the Town Council who will establish by resolution a schedule of all installations of such devices.

J. OVERWEIGHT TRUCKS

1. Where signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of nine (9) tons, nor shall any person operate any vehicle licensed for in excess of nine (9) tons at any time upon streets designated by resolution of the Town Council.
2. This Section shall not apply to emergency vehicles, school buses, garbage trucks and other vehicles making deliveries or pick-ups on the above-named streets.

K. SCHEDULE OF LIMITED HAZARD WAYS

Emplacement of traffic control devices which designate a limited hazard way or control the use of a way so designated will be as directed by the Town Council who will establish by Resolution a schedule of said ways and the types and location of control devices to be installed.

1. During the period beginning May 15 and ending September 30 of each year, vehicular access to Wharf Road beyond the intersection of Wharf Road with the right-of-way to the Parking Lot located on the land now or formerly owned by Winifred G. Blanchard shall be limited as follows from Friday at 3:00 P.M. to Monday at 6:00 A.M. of each week. When a holiday during that period falls on a Monday, the period of restricted access shall extend through Tuesday at 6:00 A.M.
2. Vehicles owned or operated by residents of Harmony Hill right of way or of Wharf Road below the right of way to the Blanchard Parking Lot and their guests or service, repair or utility vehicles whose destination is one of the homes located along the Harmony Hill right of way or Wharf Road;
3. Public school buses transporting students to and from school activities;
4. Regularly scheduled mass transit passenger vehicles; and dunnage carriers operated between the Blanchard Parking Lot and the wharf;
5. Police, fire, rescue and ambulance emergency vehicles;
6. Vehicles owned or operated by commercial fishermen; and

7. Vehicles with handicapped plates or transporting handicapped passengers.

L. AUTHORITY TO POST TEMPORARY WEIGHT RESTRICTIONS

The Town Manager is authorized pursuant to Title 29-A Section 2395 to adopt rules and to post or cause to be posted roads to temporarily restrict operation of trucks and vehicles with a registered weight limit in excess of 23,000 lbs in order to prevent excessive damage to the road during spring thaw conditions. Such rules shall be consistent with Rules promulgated by the Maine Department of Transportation and shall provide for the same exceptions and conditions therein.

ARTICLE IV

A. PROHIBITED PARKING

1. Except as otherwise covered in ARTICLE IV (Sect. 602.IV M), no person shall stand or park a vehicle upon a street, way or road for the principal purpose of:
 - a. Displaying it for sale;
 - b. Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency;
 - c. Advertising;
2. The sale of any personal property;
3. The exercise of any business, profession, or calling.

B. STOPPING, STANDING OR PARKING PROHIBITED AT SPECIFIC LOCATIONS

No person shall stop, stand, or park a vehicle in any of the following places, nor shall any person move a vehicle not owned by him/her into any of the said places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, other authorized persons, or traffic-control device:

1. On a sidewalk;
2. In front of a public or private driveway;
3. Within an intersection;
4. Within 10 feet of a fire hydrant;
5. On a crosswalk;
6. Within 10 feet of the near corner of the curbs at the intersection;

7. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway unless otherwise indicated by signs or pavement markings;
8. Between a safety zone and the adjacent curb;
9. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station;
10. Along side or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
11. On the roadway side of any vehicle stopped or parked at the edge or curb or street or double parked, so called;
12. Upon any bridge or other elevated structure upon a highway;
13. At any place where official signs prohibit stopping;
14. Within 500 feet from the scene of a fire, vehicular accident or any other emergency situation designated by authorized persons;
15. Along or within any bikeway or in any specially designated safety zone specifically regulated by Council Resolution for a specific purpose including, but not limited to, foot paths, jogging trails and ways created for recreational use;
16. On either side of Wharf Road from Cousins Street to the Cousins Island Wharf;
17. No parking shall be permitted in an area 25 feet in either direction from the center of a crosswalk location on Main Street directly in front of Curtis Hall of North Yarmouth Academy. Additionally, no stopping, standing, loading or unloading of passengers or cargos shall be permitted within this zone: except that school busses may load and unload passengers into or from the crosswalk area;
18. At the terminus of a turnaround or at the end of any dead end street or Town-owned turn around; (See Appendix G.)
19. Within 50' of the nearest rail of a railroad crossing.

C. SNOW REMOVAL

No vehicle shall be parked at any time on any street, way or road so as to interfere with or hinder the plowing or removal of snow from any street, way or roadway. The police may cause any vehicle so parked on any street, way or road to be removed from the street in accordance with the provisions of Section IV.D of this Ordinance.

1. No person shall lay, throw, place or plow any snow or ice from private property into any public way. If in the removal of snow or ice from private property it is necessary to temporarily place snow or ice on any public street, such snow or ice shall be immediately removed by and at the expense of the person that caused it to be placed thereon or caused the hiring of a person to remove said snow and ice.

D. OBSTRUCTION IN STREETS

Any vehicle of any kind or description parked upon a street, way or road at a place, in a manner, or for a length of time prohibited by ordinance of the Town of Yarmouth is hereby declared to be an obstruction in such street, way or road and a menace to the safe and proper regulation of traffic.

1. **Authority to Remove or Immobilize**

Any vehicle left parked or standing in any manner prohibited by Ordinance may be removed by or under the direction of, or at the request of the Police Chief or any police officer of the Town to a garage or storage place. Such police officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this Ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provision of the Ordinance.

2. **Notice to Owner**

The Police Department shall make reasonable effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways or roads, and as soon as possible a written notice that such vehicle has been impounded shall be sent by the Police Chief to the owner at his/her last known address as shown by the records of the Secretary of State. If the owner is unknown, the Police Chief shall cause to be published in any newspaper printed in the City of Portland notice of such impounding, giving the registration number, the motor number and the name, type and year of said vehicle.

3. **Release of Vehicle**

Before the owner of such vehicle, or his/her representative, may remove it from the possession of the person towing or storing it, he/she shall:

- a. Furnish satisfactory evidence of his/her identity and of his/her ownership of said vehicle to the Police Chief and to the person having possession of said vehicle;
- b. Pay, or arrange to pay, to the person having possession of said vehicle reasonable towing and storage charges.

4. The Town assumes no responsibility for damages resulting from the towing or any vehicle under this Section.

E. PARKING ON PAVED OR IMPROVED SURFACE

No vehicle shall be parked on the paved or improved surface of any uncurbed street, way or road when it is practicable to park elsewhere.

F. PARKING ON LEFT

No vehicle shall be parked or stopped on the left side of any street, way or road so that it is facing oncoming traffic.

G. EXCEPTION FOR NON-RESIDENTS

Anything in this ARTICLE to the contrary notwithstanding, the Police Chief is authorized to waive payment on any parking violation ticket issued to a non-resident when in the opinion of the Police Chief such violation is due to lack of knowledge of the violated provision of this Ordinance provided, however, that this waiver shall not be extended to any violation deemed by the Police Chief to be deliberate, continued, or flagrant, and provided that in no event shall this waiver extend to violation of the provision prohibiting parking in front of a hydrant area, fire house or rescue unit garage.

H. PARALLEL PARKING REQUIRED, EXCEPTION

1. No person shall allow, permit or suffer any vehicle registered in his/her name to stand or be parked on any street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and within twelve inches of the curb or edge of the roadway.
2. Any person may back a vehicle to, but not onto, a curb or sidewalk if there is no curb for the purpose of loading or unloading merchandise or materials for a period not in excess of thirty (30) minutes. No person shall so back a vehicle to a curb for a period in excess of thirty (30) minutes unless specifically authorized by a police officer.

I. DIAGONAL PARKING

Diagonal parking is hereby prohibited on all streets in the Town.

J. STANDING OF LARGE VEHICLES REGULATED

No owner, driver or person in charge of any vehicle which has a carrying capacity of more than three thousand (3,000) pounds, or which including load is more than eighteen (18) feet in length, or which including load is more than eight (8) feet in width, or which including load is more than twelve (12) feet and six (6) inches in height, shall permit the same to stand upon any street, way or road for a longer period than one (1) hour at any one time.

K. TRUCK LOADING AND UNLOADING

Trucks are prohibited from loading and unloading freight, goods and merchandise at all places, stores and buildings in a fire zone, as designated by Resolution of the Council, from 9:00 A.M. to 5:00 P.M. on any day except Sunday and public holidays, when it is reasonably possible to perform such work off the street or in an adjacent alley, unless such loading or unloading can be done within five (5) minutes.

L. PUBLIC UTILITY VEHICLES

Vehicles operated by the Town or by public utility companies, used for installation, repair and maintenance purposes, may be exempted by the police upon notice to the Town Clerk in each case, temporarily for the period while actually at work at a definite location, from any of the requirements of this ARTICLE, provided that during such exemption period, work will be conducted with all reasonable dispatch, and that such precautions as the police may require in the interest of public safety shall be taken. The police are authorized to place temporary signs prohibiting parking in such places at the scene of work as in their discretion they deem necessary to facilitate traffic and the work in progress. Subject to the necessary exceptions provided by this Section, this ARTICLE shall nevertheless, be observed insofar as practicable. Upon receipt of such notice, the Town Clerk shall notify the Police Chief, the Rescue Chief, and the Superintendent of Public Works of such operations.

M. EXCEPTIONS TO PARKING

Rules restricting parking shall not apply in situations enumerated below:

1. Physicians, nurses and rescue unit personnel while making professional or emergency calls, provided the vehicle of such persons bears the distinguishing marks of some medical or rescue insignia, conspicuously displayed.
2. Vehicles making deliveries to homes or businesses when the delivery vehicle is parked for less than thirty (30) minutes.

N. AUTHORITY TO DESIGNATE THE HAZARDOUS OR CONGESTED PLACES; PARKING RESTRICTED

1. The Police Chief with the approval of the Council is hereby authorized to determine and designate by proper signs, places not exceeding one hundred (100) feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
2. When official signs are erected at hazardous or congested places as authorized herein, no person shall stop, stand, or park a vehicle in any such designated place.

O. AUTHORITY TO REGULATE PARKING ADJACENT TO SCHOOL PROPERTY

The police are hereby authorized to cause temporary signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his/her

opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.

P. AUTHORITY TO REGULATE PARKING AND TRAFFIC ON TOWN-OWNED PROPERTY

The Town Manager is hereby authorized to regulate parking on Town-owned property. The Town Manager also is authorized to control the use of any vehicles on Town-owned property. The Town Manager is hereby advised and directed that parking at the Royal River Park parking lot should be prohibited between the hours of one hour before sunrise and one hour after sunset.

Q. SCHEDULE OF SPECIAL PARKING REGULATIONS

A schedule of Special Parking Regulations and authority for emplacement of traffic control devices for enforcement of said regulations will be as established by Resolution of the Town Council.

R. DEAD-END STREETS

A schedule of dead-end streets and authority for emplacement of traffic control devices signifying the status of said streets will be established by Resolution of the Town Council.

S. HANDICAPPED PARKING

1. No person shall park a vehicle in a parking space designated for use by handicapped persons unless such vehicle displays a special registration plate or placard issued pursuant to Title 29A, M.R.S.A. Section 521 or a similar plate or placard issued by another state.
2. For purposes of this Section:
 - a. Public parking space is “designated” for use by handicapped persons if it is marked by a posted sign consisting of a profile view of a wheelchair with occupant in which on blue background has the following warning” Handicapped Parking: Special Plate Required. Unauthorized vehicles are subject to a fine.” Such sign must be adjacent to and visible from the parking space it marks.
 - b. A parking space on private property is “designated” for use by handicapped persons if it is (1) marked by a sign conforming to the standards set forth Subsection IV, S, 2a and (2) identified in a handicapped parking schedule maintained in police department files.

T. HANDICAPPED PARKING ON PRIVATE PROPERTY

The Chief of Police, or his/her designated agent, may enter into agreements with owners of private off-street parking to provide for the policing of parking spaces

reserved by such owners for use by handicapped persons. Such spaces shall be marked by the owner in the manner set forth in Section IV.S above; their number and location shall be recorded in a handicapped parking schedule maintained in police department files.

U. OVERNIGHT PARKING AT TOWN LANDING PROHIBITED

1. There shall be no overnight parking at the Town Landing off Old Shipyard Road, at the Madeleine Point mooring area parking lot, Sandy Point Beach parking area, on or along Old Town Landing Road, or the Littlejohn Island dock area, except as authorized by the Harbormaster or his/her designated agent.
2. An overnight parking permit may be obtained from the Harbormaster or his/her designated agent during normal business hours. The permit issued shall be displayed on the driver's side of the dashboard such that the date said overnight parking is authorized is visible through the windshield.
3. Any vehicle left overnight at the Town Landing without a permit shall be subject to towing or immobilization in accordance with Section IV.D. of this ARTICLE.

V. MAILBOXES IN THE RIGHT-OF-WAY

1. Private Improvements in the right-of-way
Any structures, landscaping features, fences, gates, irrigation systems, dog containment wiring, mailboxes and posts, lighting systems, signs, decorative features placed in and along any right-of-way shall be at the sole risk and liability of the property owner who causes or is benefited by such structure or features.

No such structure or features shall be placed except in accordance with all applicable standards and permitting requirements of the Yarmouth Town Code including, but not limited to, Chapters 701 (Zoning), 702 (Site Plan Review), 604 (Right of Way), 401 (Fees and Permits), and 301 (Building Code).

2. The Town of Yarmouth assumes no liability or responsibility for damages to such structures or features due to the normal construction, maintenance, plowing, sweeping, painting, cleaning or utilization of the right of way.
 - a. Notwithstanding the provision of this subsection, the Town of Yarmouth will provide and install a replacement mailbox and post to any resident or business which suffers loss or irreparable damage to a mailbox or post as a direct result of being stuck by a municipally operated snow plow or by the pushing of a snow banking against mailbox during snowplowing or snow removal efforts. The Town shall provide a standards issue plain mailbox on a 4"x4" pressure treated 5' post, regardless of the nature, type, or size of the mailbox or post damaged or destroyed. If frozen ground conditions preclude setting the mailbox post in the ground, a temporary post and box

placed in a 5 gallon bucket of sand will be provided until ground conditions permit a permanent replacement.

Any mailbox or post set by the Town shall be in a location at such a height and configuration as to comply with U.S. Postal Service installation standards and minimize risk to motorists.

3. The Town of Yarmouth assumes no liability to motorists, pedestrians, or others for any injury or damages caused directly or indirectly by such structures or features.
4. The property owner who causes or benefits by the placement of such structure or feature agrees to remove such structure or feature at his/her own expense within 72 hours of notice to remove for the purposes of road, utility drainage or sidewalk construction, repair or maintenance undertaken or commissioned by the Town of Yarmouth.

ARTICLE V

A. PENALTY

1. Whoever violates any of the provisions of this Ordinance, to which a particular penalty is not annexed, shall be punished by a fine of not more than One Hundred Dollars (\$100.00) for the first offense and up to Three Hundred Dollars (\$300.00) for each subsequent offense to be recovered, on complaint, to the use of the Town of Yarmouth.
2. Any vehicle found in violation of any provision of Article IV of this Ordinance, and the registered owner has three or more unpaid parking tickets for any vehicle registered in his or her name, may be towed or impounded with the use of an immobilization device.
3. The registered owner of any vehicle in violation shall be responsible for full payment of any outstanding parking tickets. In addition a \$50.00 immobilization device disengagement fee (if utilized) must be paid as well as any towing and/or storage fees.
4. The Town Council shall, from time-to-time, establish a schedule of fines.

ARTICLE VI

A. REPEAL

All Provisions of any ordinance or by-laws of the Town of Yarmouth which are inconsistent with the provisions herein contained are hereby repealed.

APPENDIX A STOP SIGN SCHEDULE

ABBY LANE
at Portland
ACORN CIRCLE
at Oakwood
ANDERSON AVENUE
at West Main
ALMONTE AVENUE
at Cousins
APPLECREST DRIVE
at West Main
at West Main
ASHLAND AVENUE
at Cousins
ASTILBE DRIVE
at Portland
AUTUMN LANE
at Leighton
BAKER STREET
at Church
at Cumberland
BALSAM LANE
at North
BARTLETT CIRCLE
at Deering
BATES STREET
at Hillside
at West Main
BAYVIEW STREET
at East Main
at Spring
BECKWITH STREET
at West Main
BEECHTREE LANE
at Boxwood
BENNETT ROAD
at Portland
at Rand
BERRYFIELD ROAD
at Granite
BIRCHWOOD AVENUE
at Cousins

CONCORD CIRCLE

BITTERSWEET CIRCLE
at Applecrest
BLUEBERRY COVE
at Bayview
BLUFF ROAD
at Bluff
at East Main
BOWDOIN STREET
at West Main
at Hillside
BOXWOOD DRIVE
at Applecrest
BRIDGE STREET
at Willow
at Main
BROADARROW TRAIL
at Bayview
BROOKSIDE DRIVE
at North
BROWNS POINT ROAD
at Bayview
BURBANK ROAD
at Larrabees
BURNELL DRIVE
at North
CEDAR RIDGE
at Balsam
CENTER STREET
at Cumberland
at Main
CHANNEL POINT ROAD
at Seaborne
CHURCH STREET
at Hillside
at West Elm
CLEAVES STREET
at Main
CLIPPER CIRCLE
at Holbrook
COLLINS ROAD
at East Main

GAIL LANE

at North
CUMBERLAND STREET
at Hillside
at South
at West Elm
CURTIS ROAD
at Princes Point
DARTMOUTH STREET
at Littlejohn
DEACON ROAD
at Anderson
at Newell
DEERING STREET
at West Elm
at Woodbury
DEPOT ROAD
at East Elm
DRINKWATER POINT ROAD
at Gilman
EAST ELM STREET
at Main
at North
EAST MAIN STREET
at Spring
at Lafayette
EBEN HILL ROAD
at Sea Meadows
EIDER POINT DRIVE
at Granite
ELLEN CIRCLE
at Melissa
ELMWOOD AVENUE
at Cousins
ESSEX DRIVE
at West Elm
EVERGREEN DRIVE
at Pleasant
FAIRWIND LANE
at Lafayette
FIDDLERS LANE
at Ledge
FIELDSTONE DRIVE
at West Main
GABLES DRIVE
at North

at Rogers
GILMAN ROAD
at Princes Point
at Lafayette
GLEN DRIVE
at McCartney
GOODINGS END
at Pleasant
GRANITE STREET
at East Main
GREENLEAF STREET
at Rogers
GRIST MILL LANE
at Main
GROVES ROAD
at Cousins
HARBOR VIEW DRIVE
at Bayview
HAWTHORNE CIRCLE
at Applecrest
HAYFIELD ROAD
at Old County
HEMLOCK TERRACE
at Northwood
HICKORY DRIVE
at Applecrest
HIGH STREET
at Portland
HILLCREST AVENUE
at Cousins
HILLSIDE STREET
at West Main
at Bates
(N. Corner)
at Cumberland
(S. Corner)
HILLTOP CIRCLE
at Bates
HOLBROOK ROAD
at West Elm
INDIAN RIDGE ROAD
at East Main
JOHN HOWLAND DRIVE
at North
KELLY DRIVE
at Melissa

LADY SLIPPER LANE
at Sea Meadows
LANDING WOODS ROAD
at Mast Lane
LARRABEES LANDING
at Gilman
LEDGE ROAD
at North
at Granite
LEDGEWOOD DRIVE
at Hillside
at Oakwood
LEIGHTON ROAD
at North
at East Elm
LITTLEJOHN ROAD
at Littlejohn
MADELEINE POINT ROAD
at Cousins
MADISON DRIVE
at Rainbow Farm
MAIN STREET
at Lafayette
at Marina
MAPLEWOOD AVENUE
at Cousins
MARINA ROAD
at Lafayette
MARSHVIEW CIRCLE
at Sisquisic
MAST LANE
at Harborview
MAYBERRY STREET
at Portland
MCCARTNEY STREET
at West Elm
MELISSA DRIVE
at Rogers
 (E. Corner)
 (W. Corner)
at North
at East Elm

MILL STREET
at Main

MORTON ROAD
at Drinkwater Point
at Princes Point
MOUNTFORD ROAD
at Ledge
NEWELL ROAD
at West Main
NORTH ROAD
at East Main
NORTHWOOD ROAD
at North
at East Elm
OAKWOOD DRIVE
at Oakwood
at West Elm
ODELL WAY
at Ledge Road
OLD FIELD ROAD
at Concord Circle
OLD SHIPYARD ROAD
at Bayview
OLD TOWN LANDING
at Princes Point
PARK STREET
at Melissa
PATTY LANE
at Main
at Church
PINEWOOD ROAD
at North
at Autumn
PLEASANT STREET
at Lafayette
at Lafayette
PLIMOTH WAY
at John Howland
PORTLAND STREET
at Route One
at Main
PRINCES POINT ROAD
at Lafayette
at Gilman
at Morton
RAINBOW FARM ROAD
at West Main
at West Main

RAND ROAD
at Portland
at Watson
REBECCA LANE
at Rogers
RIVERBEND DRIVE
at East Elm
ROCKY HILL ROAD
at High
at Marina
ROGERS ROAD
at North
ROYALL MEADOW ROAD
at Gilman
ROYAL POINT ROAD
at Gilman
RYAN DRIVE
at Rogers
SANDPIPER COVE ROAD
at Sea Spray
SANDY BROOK LANE
at High
SARAH GOULD ROAD
at Sea Meadows
SCHOOL STREET
at Main Street

SEA MEADOWS ROAD
at Cousins
SEA SPRAY REACH
at Princes Point
SEABORNE DRIVE
at Drinkwater Point
at Drinkwater Point
SEABURY LANE
at Bayview
SEAL IANE
at Cousins
SEQUOIA DRIVE
at Granite
SHOREVIEW DRIVE
at Cousins
SISQUISIC TRAIL
at Sisquisic
at Bayview

SLIGO ROAD
at West Main
SMITH STREET
at Pleasant
at Lafayette
SOUTH STREET
at West Elm
at Main
at Cumberland
(E. Corner)
(W. Corner)
SPAR CIRCLE
at Sisquisic
SPRING STREET
at Route 1
STARBOARD REACH
at Fairwind
STOCKBRIDGE DRIVE
at Melissa
STORER STREET
at Portland
SUMMER STREET
at Bates
at West Main
SUNSET POINT ROAD
at Princes Point
SWEETSER FARM ROAD
at North Road
SWEETSER ROAD
at Rogers
SYCAMORE DRIVE
at Hickory
TALBOT ROAD
at Cousins
TANGLEWOOD LANE
at West Main
TANNERY LANE
at Bowdoin
TENNEY STREET
at West Elm
TRANSFER STATION ROAD
at East Main
TREATMENT PLANT ROAD
at Princes Point
UPLAND LANE
at Rainbow Farm

Opp. Spar Circle

VILLAGE BROOK DRIVE
at West Elm

WATERS EDGE DRIVE

at Bayview

WATSONS CIRCLE

at Rand

WEST ELM STREET

at Main

WHARF ROAD

at Cousins

WINDING WAY

at Portland

WILLOW STREET

at Bridge (Both southbound and northbound)

at East Main

at Route 1

WOODBURY STREET

at Cumberland

WOODLAND DRIVE

at Bayview

WOODS CIRCLE

at Portland

YANKEE DRIVE

at Willow

at East Main

YARMOUTH HIGH SCHOOL DRIVE

at Portland

YARMOUTH WOODS ROAD

at Route 1

at Route 1

YORK

at Main

APPENDIX B SCHEDULE OF ONE-WAY STREETS

The following streets, ways or roads shall be traveled on in one direction only. (See ARTICLE III, Section III.F.)

BARLETT CIRCLE – Counterclockwise

LITTLEJOHN ROAD – Northeast from Map 61, Lot 19 to Dartmouth Street

OLD SHIPYARD ROAD (TOWN LANDING) – shall be one-way counter clockwise beginning and ending at a point approximately 450ft northerly of the town landing parking and boat launch area.

APPENDIX C SCHEDULE OF YIELD SIGNS

The intersections of the following streets, ways and roads shall be marked with yield signs. (See ARTICLE III, Section III.I.)

SCHOOL at Route One
SEABORNE at Drinkwater Point
YORK at Route One

APPENDIX D SCHEDULE OF PUBLIC WAYS

The following streets, ways or roads are restricted from use by overweight vehicles. (See ARTICLE III, Section III.J.)

All of NEWELLROAD – South Street from Main to West Elm

GILMAN ROAD from Route 88 to Princes Point Road

LITTLEJOHN ROAD – Northeast from Map 61, Lot 19

BARTLETT CIRCLE – Counterclockwise

APPENDIX E

SCHEDULE OF SPECIAL PARKING REGULATIONS

The following special parking regulations are herewith established. (See ARTICLE IV, Section IV.Q.)

Access Road for Yarmouth High School	No parking either side.
Bayview Street	No Parking on either side from the intersection with East Main Street easterly a distance of 350 feet.
Baywood Lane	No parking within 50 ft. of the intersection at the westerly end of the public way.
Center Street	No parking adjacent to triangular lot in the middle of Center Street where it adjoins Main Street.
Center Street:	No parking either side nearer than twenty five (25) feet from the intersection of Main Street.
Cleaves Street	No parking either side from the Town Hall rear entrance to Main Street. No parking on the southerly side from the Town Hall rear entrance to the railroad crossing. Cousins Street: No parking either side from the intersection with Wharf Road to the intersection with Shoreview Drive.
Cousins Street:	No parking either side from the intersection with Wharf Road to the intersection with Shoreview Drive.
East Elm Street (both sides)	Parking limited to 30 minutes (both sides) from a point 30 feet northerly of the intersection with Main Street and running northerly a distance of 150 feet.

East Elm Street	No parking either side from Main Street for a distance of thirty feet (30')
East Elm Street (both sides):	Parking limited to 30 minutes (both sides) in designated spaces northerly of the intersection with Main Street and running northerly a distance of 150 feet.
East Elm Street (both sided):	No parking from the 30 minute designated spaces to Melissa Drive, except in designated spaces.
East-Elm Street	No parking east side from Melissa Drive to Maine Central Railroad tracks. Westerly side to Riverbend Drive.
High Street	No parking on the southerly side from the intersection with Portland Street to the intersection with Sandy Brook Lane.
Lafayette Street	No Parking on the easterly side from a point at the northerly limit of the I-295 overpass to a point a distance of 200 ft northerly
Littlejohn Island Road	No parking on either side except in designated locations. From May 1 to November 30 annually, five (5) designated spaces near the_municipal dock shall be restricted to residents only and further restricted to parking from 6:00 A.M. until 9:00 P.M. daily. Persons parking or leaving a vehicle in one of the five (5) designated spaces must display a window sticker permit issued by the Town of Yarmouth, which window sticker may be the same evidence of residence for access

to the municipal recycling center or for other similar purposes. There shall be no charge for issuance of such parking permit window stickers. For purposes of this regulation only "resident" shall include any legal resident or property taxpayer of the Town of Yarmouth, Maine or legal resident of the Town of North Yarmouth, Maine or any person issued a current mooring permit for the Littlejohn Island designated municipal mooring area by the Yarmouth Harbormaster. The Town Manager may provide for issuance of a window sticker parking permit of specially designated design or color, as determined by the Town Manager for any mooring permit holder or North Yarmouth resident eligible for such permit, who may not otherwise be eligible for a general purpose window sticker as described above.

From May 1 to November 30 annually one (1) designated space near the municipal dock shall be restricted to permit-holders only, and further restricted to parking from 6:00 A.M. until 9:00 P.M. daily. Parkers must display a daily permit windshield placard or tag issued on a first-come, first-served basis at the Yarmouth Police Department, or other location designated by the Yarmouth Town Manager. There shall be no charge for issuance of parking permits, but a refundable deposit shall be

Madeleine Point Road

required. Advance reservations of permits shall not be accepted and permits shall not be issued prior to 5:45 A.M. Residence or mooring holder status shall not be a prerequisite for issuance of a daily permit.

No parking on either side from Cousins Street to Mooring Way except in designated spaces.

From May 1 to November 30 annually, parking is restricted to residents only and further restricted to parking from 6:00 A.M. until 9:00 P.M. daily. No overnight parking without permission of the Harbor Master. Persons parking or leaving a vehicle in designated spaces must display a window sticker permit issued by the Town of Yarmouth. The window sticker may be the same evidence of residence for access to the municipal recycling center or any person issued a current mooring permit for the Madeleine Point designated Municipal Mooring area by the Yarmouth Harbor Master.

Parking nearest to the municipal dock shall be designated and marked as follows: One (1) space to be reserved for handicapped parking only; three (3) spaces to be reserved for Commercial Fishermen Only (Monday through Saturday); two (2) spaces to be reserved for 2 hours or less only; and one (1) space to be reserved for 15 minutes.

Main Street	No parking either side from Lafayette Street to a point 10 feet beyond fire hydrant at top of hill.
Main Street	No parking between signs from a point east of the fire hydrant to a point in front of #73 Main Street. Both sides.
Main Street	No parking for more than two (2) hours between Elm and Center Streets from 8:00 AM to 5:00 PM Sundays and Holidays excepted.
Main Street	No parking nearer than thirty (30) feet from the corner of East and West Elm Streets
Main Street	No parking within thirty (30) feet of the intersection with Bridge Street
Main Street	No parking within thirty (30) feet of the intersection with Mill Street.
Main Street	At Portland Street – no parking either side nearer than thirty (30) feet from corner of Main Street
Main Street (Southerly side)	No parking for more than thirty (30) minutes between Portland Street and Marina Road from 8:00 AM to 5:00 PM, Sundays and holidays excepted.
Main Street (Northerly side)	No parking for more than two (2) hours between Portland Street and Marina Road from 8:00 AM to 5:00 PM, Sundays and holidays excepted.
Main Street (West side)	No parking for more than thirty (30) minutes between Portland Street and Marina Road between 8:00 A.M. and 5:00 P.M. Sundays and holidays excepted.

Main Street (In front of Town Hall)	No parking either side from intersection of Cleaves Street and School Street easterly a distance of 200 feet.
Main Street	At Cleaves Street – no parking any time from Cleaves Street easterly to entrance to Police Department.
Main Street	No parking any time from the corner of Cleaves Street westerly to a point in front of Hancock Lumber both sides.
Main Street (across from Key Bank)	No parking on the northerly side of Main Street from the intersection of York Street westerly a distance of fifty feet (50')
Main Street	At School Street – no parking any time easterly of corner of School Street.
Main Street	All permitted parking on east side of street southeasterly of East Elm Street to first driveway shall be limited to fifteen (15) minutes and no delivery vehicles.
Main Street	Except as otherwise provided no parking for more than two (2) hours between East Elm Street and a point in front of Hancock Lumber. Both sides between 8:00 A.M. and 5:00 P.M. Sundays and holidays excepted. Both sides.
Marina Road	No parking both sides from Main Street to Lafayette Street except in designated marked spaces.

McCartney Street	No parking either side from West Elm to stop sign at the traffic circle in front of elementary school.
Meadow Way	No parking on either side from Granite Street to a point opposite of #170. All parking westerly of said point shall be limited to the hours of one hour before sunrise and one hour following sunset of the same day in designated area.
Melissa Drive	No parking along the southerly side of the street from the intersection with East Elm St to point opposite the intersection of Stockbridge Rd;
Melissa Drive	No parking along the northerly side of the street from the intersection with East Elm St to a point easterly 450 feet along Melissa Drive.
Mill Street	No parking on left coming from Main.
Mill Street	No parking on either side.
North Road	No parking on either side from the easterly side of the Public Works Garage to Melissa Drive.
Old Shipyard Road	No parking on either side – tow away zone.
Park Street	No parking on either side, except that parking shall be permissible from sunrise to sunset in three (3) designated spaces at the easterly end of the roadway.
Patty Lane	No parking on the easterly side between the entrance to the Latchstring Park parking area

	and the intersection with Main Street
Portland Street	No parking either side nearer than thirty (30) feet from Corner of Main.
Portland Street	No parking anytime either side from Main Street to Mayberry Lane except in designated marked spaces.
Portland Street	Two parking spaces on the easterly side of Portland Street nearest the intersection of Main Street shall be restricted to 30 minutes parking only from 8:00 AM to 5:00 PM; Sundays and holidays excepted.
Route 88 (Spring Street)	No parking on eastern side from intersection of East Main Street to Bayview Street.
School Street	No parking between Main Street and Route One.
Storer Street	No Parking on either side.
Talbot Road	No Parking either side, except that parking shall be permissible between 5:00 Am and 9:00 PM daily in that portion of Talbot Road outside the traveled way on Cousins Island immediately adjacent to the causeway to Littlejohn Island.
Town Landing	No overnight parking except by permit of the Harbormaster.
US Route One	No parking on the east side between the two entrances to Yarmouth Green.

US Route One	No parking from Day's Crabmeat to Freeport town line.
US Route One	No parking on the easterly side from the northerly most point of the Casco Bay Ford and Delorme property line to a point a distance of 960 feet northerly.
West Elm Street	No parking either side from Main to entrance to Latchstring Park.
West Elm Street	No parking along curb from Main Street to Yarmouth High School.
West Main Street	At East Elm and West Elm Streets – no parking any time to intersection of Bates Street.
Wharf Road	No parking either side from Cousins Street to Wharf.

APPENDIX F SCHEDULE OF FINES

Persons charged with a violation of parking regulations set forth in ARTICLE IV of the Traffic Ordinance may waive court action of said violation by payment of the following specified fee within seven (7) days of the date of said violation.

First Offense	\$ 15.00
Second and each subsequent offense within a one-year period	\$ 30.00

First Offense for Parking too Close to a Fire Hydrant, Violation of Snow Removal, and Handicapped Areas	\$ 25.00
Second and each subsequent offense within a one-year period.....	\$ 50.00

Impoundment (Boot) Removal Fee	\$ 50.00
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APPENDIX G

SCHEDULE OF TOWN TURN-AROUNDS

The following streets, ways, roads are restricted from parking in the Town turn-around.
(See Article IV, Section 18.B.)

Astilbe Lane
Autumn Lane
Berryfield Road
Broad Arrow Trail
Cleaves Street
Eider Point Road
Essex Drive
Fairwind Lane
Fillers Lane
Gables Drive
Granite Street Extension
Grist Mill Lane
Hayfield Road
Hillcrest Avenue
John Howland Drive
Kelley Drive
Landing Woods Road
Lone Pine Lane
Madison Drive
Mast Lane
Odel Way
Old Field Road
Sand Piper Cove Road
Sarah Goud Road
Sea Meadows Lane
Stockbridge Drive
Sunset Point – Pump Station
Sycamore Drive
Tanglewood Lane
Tenny Street
Upland Lane
Winding Way
Woodland Drive

Jonathan Hartt

From: Sandy Carder
Sent: Tuesday, April 25, 2023 2:43 PM
To: Jonathan Hartt
Cc: Nathaniel Rudy; Krista Chappell
Subject: Fw: Auburn council approves funding for kayak rentals, modular event spaces - Lewiston Sun Journal
Attachments: Pop Up Commercial - Auburn article - opbox rental spaces smc 4.25.23.docx; Pop Up Commercial - Auburn article - opbox rental spaces smc 4.25.23.docx; opbox Auburn.jpg

Hi Jon,

Below is an e-mail for the 5/2 WS agenda packet - Pop-up Commercial. In addition, please include the enclosed document which is the content of the article link in the below email. In addition, I actually was able to take a picture of the Opbox in Auburn the other day. Not sure how well adding a pic will work for the packet, but if you can please add it. Then, finally, please include a copy of the Mobile Vendor ordinance.

Thanks

Sandy

From: Dan Maguire <dhmhd@outlook.com>
Sent: Tuesday, November 29, 2022 6:58 PM
To: Sandy Carder <scarder@graymaine.org>; Krista Chappell <kchappell@graymaine.org>; Michael Curtis <mcurtis@graymaine.org>; Martin Meaney <mmeaney@graymaine.org>; Nathaniel Rudy <nrudy@graymaine.org>
Subject: Auburn council approves funding for kayak rentals, modular event spaces - Lewiston Sun Journal

Hi All,

I don't mean to frighten you, but I've been thinking ;-)

Is there an opportunity here for us? (see article link below) The Principal Group spoke of spaces like these. "Retail Incubators" they're sometimes called. I've wondered if we could create a couple of spaces for lease... say one at the municipal parking lot near Manny's and one on the Hamilton property. We could create some criteria and a bid process for a food truck or some other business.

Lots of pros and cons. Perhaps even talk w Hannaford about the 2 pad sites that would allow them to do something similar there. There make be other commercial property owners who have enough space to offer something similar.

Obviously it would require some research and ordinance work to make it happen. If there is interest, I think we'd want to try to trial it in the spring.

Any interest in discussing at a wrkshp?

Dan

PS - an interesting aside is the Maine based company "Opbox".

https://www.sunjournal.com/2022/06/27/auburn-council-approves-funding-for-kayak-rentals-modular-event-spaces/?utm_content=buffer242c1&utm_medium=social&utm_source=facebook.com&utm_campaign=buffer&fbclid=IwAR3TdsHiL5_B49nF_PhLCFVBmuykyb4u9cVq4v93jvkipF9AZ-bGvYmiZKs&fs=e&s=cl

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in

response to it, may be considered public records, and may therefore be subject to public record requests for review and copying under Maine's Right to Know Law (Title 1, 401-521 of the Maine Revised Statutes).

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Posted June 27, 2022

Updated June 28, 2022

Auburn council approves funding for kayak rentals, modular event spaces

BY [ANDREW RICES](#) SUN JOURNAL

AUBURN — An initial ask of \$100,000 was doubled by the City Council on Monday toward a project that will bring a kayak rental kiosk and several modular spaces to Auburn.

Officials said the modular spaces, by Maine company “OpBox,” would give the city a unique economic development driver for both recreational events and potential business incubators.

The council appropriated \$200,000 from the city’s allotment from the American Rescue Plan Act toward the initiative, which will include several of the OpBoxes, as well as a kayak rental station that would be placed by the Androscoggin River behind Gritty’s.

Jay Brenchick, director of Economic Development, said the boxes are in high demand due to their range of use. He’s hoping the city can partner with an outdoor company like L.L.Bean, which already has a relationship with OpBox, to have the modular hold outdoor gear such as fishing rods or cornhole sets for community events. During the winter it could be moved to host ice skating rentals.

He said the goal was to have the OpBox and kayak rentals, through a company called “Rent.Fun,” up and running by Auburn’s Blues and Brews festival in September.

Officials were sold Monday, and Brenchick said the additional funds will allow for the purchase of multiple smaller OpBoxes to be used at craft fairs, farmers’ markets, a Christmas village or “portable business incubators



CHAPTER 212
MOBILE VENDOR ORDINANCE
TOWN OF GRAY

Adopted November 19, 1985

Amended March 17, 1992

Amended September 15, 2020

SECTION 212.1 – TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the Mobile Vendor Ordinance of the Town of Gray, Maine.

This ordinance applies to any food service establishment, including ice cream vendors, hot dog stands, push carts, food trucks, and other food services that are located on private property. Mobile units for the sale of food on public ways is regulated by the Lunch Wagon Statute under 30-A M.R.S.A. Section 3931. Food trucks shall be regulated exclusively in Section 212.2 and 212.12

SECTION 212.2 – DEFINITIONS

“Disqualifying Criminal Conviction” shall mean and include any conviction or any criminal offense punishable by imprisonment for more than one year whether or not the sentence was imposed or served, but shall not include any conviction which is more than five (5) years old or is shown to have been set aside on appeal or collaterally, or for which a pardon, certificate of rehabilitation, or equivalent under the law of the sentencing jurisdiction has been granted.

“Food Truck” shall mean a vehicle not more than ten (10) feet in width and twenty-five (25) feet in length providing food or drink for members of the public on private property or in parking lots outside of the travel way, which is not stationary but capable of moving from site to site.

“Mobile Vendor” shall mean and include any food service establishment not more than eight (8) feet in width and eighteen (18) feet in length attached to wheels and which is capable of moving under its own power or being self-contained unit to be readily moved and must have a wash basin and napkins if selling food and which has all utilities and facilities contained within it or is capable of hookup thereto, in order to serve persons present at its location. The term shall exclude any use which falls exclusively within the definition of “lunch wagon” under 30-A M.R.S.A. Sec. 3931 as amended from time to time.

“Operate” shall mean to sell food, non-alcoholic beverages, and other permitted food items from a food truck.

“Operator” shall mean any person operating or permitted to operate a food truck.

SECTION 212.3 – LICENSE

No person, firm, corporation or association shall operate as a mobile vendor in Gray without first securing a license under this ordinance. Any person seeking such a license shall annually make application to the Gray Town Council. Within thirty (30) days of receipt of said application, the Town Council shall hold a public hearing following notification of the abutters of the location at which the vendor intends to do business. Following the Public Hearing, the Council shall issue, issue with conditions, or deny the license. Said license shall expire on December 31st of each year. Fees will not be prorated. Refer to the Town’s fee schedule for the annual license fee.

SECTION 212.4 – APPLICATION FORM

This application shall be on a form provided by the Town Clerk and shall require the applicant to furnish the following information:

- A. Name, address and telephone number of mobile vendor owner.
- B. Name, address and telephone number of mobile vendor operator, if different from owner.
- C. Identification of site or sites where mobile vendor will operate.
- D. Description of mobile vendor vehicle and its license number, if any.
- E. A certificate of insurance as required in Section 212.8.
- F. A photograph or sketch, or plan of the mobile vendor vehicle.
- G. A certificate of approval issued by the Department of Human Services of the State of Maine, if required.
- H. A complete record of the applicant with respect to any disqualifying criminal conviction or a statement by the applicant that no such conviction exists.
- I. An appropriate form of statement, over the signature of the applicant, giving all persons and governmental agencies having information relevant to the above items and permission to release same to the Clerk.
- J. A description of those items which the applicant proposes to sell and dispense.
- K. Written evidence from the Code Enforcement Officer that the use is allowed in the zoning district (s) in which the applicant proposes to operate.

SECTION 212.5 – DISQUALIFYING CRIMINAL CONVICTIONS

A license granted under this section shall be denied or revoked when any applicant or licensee has received a disqualifying criminal conviction at any time during the five years immediately preceding the application or while a license granted under this ordinance is in effect – or has been imprisoned at any time during said periods for a disqualifying criminal conviction, provided that said conviction was for an offense which is rationally related to the purpose of licensing mobile vendors.

SECTION 212.6 – SCOPE OF AUTHORITY

A licensee under this ordinance shall be authorized to sell and dispense only those items which have been described in the application and which the mobile vendor is equipped to dispense pursuant to the rules described by the Department of Human Services, as they may be amended from time to time. No mobile vendor shall operate within two hundred (200) feet of any fixed base retail establishment or other mobile vendor offering the same or substantially similar goods or services. A mobile vendor shall operate only on private property and not within or on any public ways. No license shall be granted for a mobile vendor unless allowed as a land use in the underlying zoning district(s) in which it operates.

SECTION 212.7 – OPERATING STANDARDS

- A. Location. A mobile vendor may operate only on land that is owned by the operator or land which he/she has written permission to use. If the mobile vendor is to be operated on land that is not owned by the operator, a copy of the written permission to use the land of another property owner

must be submitted to the Town Council along with the original application on such forms as the Town shall require.

- B. Abutters of land to be used by a mobile vendor shall be notified of the Public Hearing date at which the mobile vendor's application will be considered by the Town Council.
- C. Access. Mobile vendor license applicants demonstrate to the Town Council that there is sufficient access, parking and maneuvering space available at the site on which the mobile vendor will operate. The location and adequacy of approaches shall be first reviewed by the Code Enforcement Officer. Suitable, safe access by pedestrians must also be provided.
- D. Mobile vendors and any mobile vendor ancillary facilities such as parking shall be located at least ten (10) feet from the nearest edge of the roadway surface and ten (10) feet from the adjacent side lot lines, unless written approval is received from the abutter to locate less than ten (10) feet from the side lot line.
- E. The approved mobile vendor registration sticker issued by the Town of Gray must be conspicuously displayed on the vending equipment. This sticker is non-transferable.
- F. Mobile Vendor Signs. Mobile vendors must conform with the Town of Gray Sign Ordinance.
- G. Hours of operation shall be from sunrise to sunset. The mobile unit shall be removed from the site and relocated in a safe and suitable place between the hours of sunset and sunrise.
- H. Noise level (dBA). No loud speakers or any unnecessary noise will be allowed on the site. Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness. The average dBA count resulting shall not exceed sixty (60) dBA at any point on or beyond the site.

SECTION 212.8 – RUBBISH CONTAINERS

A sufficient number of covered, metal rubbish containers shall be provided at each site immediately adjacent to the mobile vendor to hold material discarded by its customers, and the license shall cause the same to be emptied as necessary. In no case shall such containers be more than ten feet from the mobile vendor vehicle. A licensee shall keep sidewalks, roadways, and other public or private spaces adjoining and adjacent to his/her locations clean and free from paper and refuse of any kind which may be generated by the operation of the business.

SECTION 212.9 – INSURANCE

The licensee shall provide written evidence of insurance coverage for the period of the license and executed by an insurance company authorized to issue such policy in the state, in the usual form of automobile liability insurance policies in this state for injuries to persons and property resulting from the use and operation of the vehicle to be licensed.

Such policy of insurance shall be issued for the principal sum not less than \$300,000 for bodily injury, death and property damage. A certificate of insurance bearing an endorsement thereon by the issuing agent shall be deposited with the Clerk. Such certificate shall state that the issuing agent will notify the clerk in writing no less than thirty (30) days prior to the cancellation thereof.

SECTION 212.10 – AUTOMATIC REVOCATION OR SUSPENSION

No license granted under this ordinance shall be effective for any period during which the licensee's certificate of approval, issued by the Department of Human Services, is suspended or revoked.

SECTION 212.11 – GROUNDS FOR SUSPENSION OR REVOCATION

A license granted under the authority of this ordinance may be suspended or revoked by the Town Council, after notice of hearing, when the Council determines that the licensee has violated any condition of this ordinance or any other applicable law, or of the license granted to him/her.

SECTION 212.12 – FOOD TRUCKS

This section applies to food trucks that operate on private property. Food trucks individually and cumulatively have an impact similar to small structures and to other businesses. The Town acknowledges that food trucks can be desirable in limited circumstances provided certain standards can be met.

- A. License. No person, firm, corporation, or association shall operate a food truck in Gray without first securing a license which will be conditional upon adherence to the criteria set forth in this ordinance. Any person seeking such a license shall annually make application to the Town of Gray Code Enforcement Officer. Said license will expire on December 31st of each year. Fees will not be prorated.
1. Food trucks proposing to operate at any one location for more than three (3) days in a row, six (6) days a month, or three (3) consecutive months in the same location require a license issued by the Town Council following the provisions in 212.3. Operating a food truck for any length of time within a 24-hour period shall constitute a day for the purposes of this definition.
- B. Application Form. This application shall be on a form provide by the Town, must be received at least three (3) days prior to the event, and shall require the applicant to furnish the following information:
1. Name, address, telephone number, and email address of the food truck owner.
 2. Name, address, and telephone number, and email address of the food truck operator, if different from the owner.
 3. A certificate of insurance as required in section 212.12.D.2.
 4. Description of the food truck and its license number.
 5. A photograph, sketch, or plan of the food truck
 6. Property Owner’s consent in writing.
 7. Overall Plot Plan showing the parcel, structure, and area where the food truck will operate. If applicable, include the number of tables and seating that will be available for use.
 8. For parking areas, provide a plan depicting adequate and safe interface between pedestrians and vehicles. Also include the vehicular traffic flow.
- C. Operating Standards. Standards applicable to Food Trucks
1. All food trucks must comply with all applicable local, state, and federal rules and statutes, including but not limited to those rules pertaining to the preparation and sale of food.
 2. Food trucks shall obtain and provide, if, at a minimum, motor vehicle license as required by state law, and business insurance with a minimum coverage of \$1,000,000.
 3. Food trucks shall not impede access to any entrance or driveway of any building.

4. Business hours are limited to • Business hours are limited to 8AM to 9PM in predominately residential neighborhoods & 7AM to 9PM in commercially permitted locations.
5. All solid waste or debris accumulating from a food truck operation must be collected by the food truck operator and disposed of in a trash receptacle and removed daily by the food truck operator.
6. No food truck may operate within 500 feet of a public-school during school days.
7. No food truck may conduct business within 200 feet of street intersections.
8. Seating may be provided but is limited to 16 seats.
9. Amplified music or sounds from any food truck is prohibited.
10. Open flame either within or outside the food truck is prohibited, except where such activity is specifically permitted by the Fire Department or other applicable licensing authority.
11. A food truck may connect to hardwire electrical service approved by the Gray Code Enforcement Officer.
12. All signage shall be permanently affixed to the food truck.
13. No exterior lighting is permitted on the site.
14. Food trucks operating for more than 3 days in a row, 6 days a month, or 3 consecutive months in the same location, require a license issued by the Town Council following the provisions in 212.3. Operating a food truck for any length of time within a 24-hour period shall constitute a day for the purposes of this standard.
15. The applicant can request from the Town CEO, one, 30-day extension of this license if the days of operation at one location exceed what is allowed, provided that the applicant has filled out the appropriate paperwork and is waiting for Council approval.

D. Revocation of License. The Code Enforcement Officer is authorized to revoke or suspend any food truck license for:

1. Misrepresentation of information in the application.
2. Fraud or misrepresentation in the conduct of business.
3. creation of a public nuisance or a threat to the public's health, safety, or welfare.
4. Conviction of a crime involving moral turpitude.
5. Health inspection violation which not corrected within 24 hours of notice
6. Any violation of the standards listed above.

E. Penalties: Any person who violates any provision listed above shall be subject to a fine of \$500. Each day a violation continues shall be considered a separate violation.