

Chapter 160
TRAFFIC AND VEHICLES

ARTICLE I

**Dock Square Shuttle and Parking
[Adopted 3-10-1984; amended 6-8-2004]****§ 160-1. Preamble. [Amended 11-3-2020]**

Pursuant to 30-A M.R.S.A. § 3001 and other applicable sources of authority, the inhabitants of Kennebunkport, having determined that the operation of a shuttle and parking system is a public purpose and having determined that such a system is needed in the Dock Square area of Kennebunkport to relieve problems of inadequate parking and traffic congestion and for the convenience and well-being of the inhabitants of the Town of Kennebunkport, enact this article, to be known as the "Dock Square Shuttle and Parking Ordinance."

§ 160-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DOCK SQUARE SHUTTLE AND PARKING SYSTEM — The existing municipal parking lot in the vicinity of Dock Square in Kennebunkport, such public ways or public parking areas as may be designated by the municipal officers as constituting part of the system from which fees or charges may be collected for the parking of vehicles, such other parking areas located outside the Dock Square area as may be designated by the Selectmen and such other real estate, interests in real estate, structures, vehicles, improvements, accessories, and facilities deemed necessary or convenient by the municipal officers for the creation, operation, and management of the system.

TOWN — The Town of Kennebunkport organized and existing as a municipal corporation under the laws of the State of Maine.

§ 160-3. Purposes.

The Dock Square Shuttle and Parking System shall be managed by the municipal officers of the Town, or their designee, primarily for the purpose of providing and controlling adequate public parking facilities in the Town of Kennebunkport, providing public transportation from the outlying parking facilities to the Kennebunkport Village Center, encouraging the free circulation of traffic through the streets and visitors to Kennebunkport, assisting in the rapid and effective fighting of fires and disposition of police forces, and promoting the health, safety, and general welfare of the public, whether residing in Kennebunkport or traveling to, through or from Kennebunkport in the course of lawful pursuits.

§ 160-4. Fee structure.

A. After notice and public hearing, the municipal officers shall establish a reasonable schedule of fees for the use of the municipal parking lot in

the Dock Square area, for the use of parking spaces on public streets in the Village Center of Kennebunkport, for the use of outlying parking areas and for related transportation facilities provided in conjunction with the Kennebunkport shuttle and parking system.

- B. In establishing the schedule or schedules of fees, the municipal officers shall consider the value of the services provided, the costs to the Town for capital equipment, administration, maintenance, salaries, debt service, repairs, and other expenses as well as the need to regulate and control the parking and circulation of vehicles in the Kennebunkport Village Center. Such fees may be established by the Selectmen on a seasonal basis during periods of the year when the problems of congestion and overcrowding in the Kennebunkport Village Center are most acute. Copies of the schedule of fees as established by the municipal officers and the periods of the year during which such fees shall remain in effect shall be available at the municipal office during normal business hours and shall be posted in the vicinity of the municipal parking lot in the Dock Square area.
- C. Real estate property taxpayer voucher system. The Board of Selectmen shall provide for the distribution of five tickets/vouchers to each distinct real estate property taxpayer that will enable each distinct real estate property taxpayer one hour of parking per ticket/voucher at the Dock Square Parking Lot; such tickets/vouchers will be valid only in the year that they are issued.

§ 160-5. Regulations.

After notice and public hearing, the municipal officers are authorized to adopt regulations governing the rules of operation of the Dock Square Shuttle and Parking System, which rules shall be designed to ensure that the system accomplishes its primary purpose of relieving crowding and congestion in the Kennebunkport Village Center while at the same time providing residents and visitors to the Kennebunkport Village Center with pleasant and convenient parking, transportation, and related facilities. Such regulations shall also be designed to prevent personal injury or damage to vehicles or property, to maintain safe traffic conditions, to prevent vandalism and theft of property, to establish reasonable limits on the hours of operation, to prevent disturbance of the peace, to ensure that fees established are collected and to govern such other matters as may be necessary or useful to the management and operation of the Dock Square Shuttle and Parking System.

§ 160-6. Authority to contract.

The municipal officers are authorized to contract on such terms and conditions as are in the best interest of the Town with private persons or corporations for the provision of parking areas, transportation, or other facilities for the operation of the Dock Square Shuttle and Parking System or for any portion of such system. Prior to entering into any such contract,

the municipal officers shall give notice of their intention to enter into such a contract and shall afford interested persons a reasonable opportunity to submit proposals for consideration.

§ 160-7. Dock Square shuttle and parking system account.

All fees, payments, or other charges collected in connection with the operation of the Dock Square Shuttle and Parking System shall be kept in a separate account to be known as the "Dock Square Shuttle and Parking Account." The funds in said account shall be used by the municipal officers to supplement any other sums appropriated by the Town for the costs associated with the Dock Square Shuttle and Parking System, including, without limitation, expenses for administration, salaries, debt service, maintenance, equipment and repairs. Funds remaining in the Dock Square Shuttle and Parking Account at the end of the fiscal year shall not lapse, and such funds shall not be transferred to other accounts unless by a vote of the Town at a regular or Special Town Meeting.

§ 160-8. Authority to retain personnel.

The municipal officers are authorized to contract with or employ such personnel as may be necessary to the operation of the Dock Square Shuttle and Parking System on such terms and conditions as are in the best interest of the Town. The municipal officers may delegate to such personnel responsibility for the management and operation of the Dock Square Shuttle and Parking System under the general direction and supervision of the municipal officers, provided that the municipal officers shall not delegate the authority to establish fees under § 160-4, to adopt regulations under § 160-5 or to enter into contracts under § 160-6 of this article.

§ 160-9. Violations and penalties.

Whoever violates the provisions of this article or any regulation or rule established under this article shall be punished by a fine of \$25 for each such occurrence. If any violation continues for a period longer than 24 hours, each day that it continues shall be deemed a separate violation subject to the penalty herein provided. The right of any person to use the facilities of the Dock Square Shuttle and Parking System may be suspended by the municipal officers after reasonable notice and hearing for failure to pay any fees or fines due under this article or under regulations adopted pursuant to this article.

ARTICLE II

Traffic and Parking Control**[Adopted 8-13-1987; amended through 9-10-2015¹]****§ 160-10. Unlawful parking.**

- A. No person within the limits of the Town of Kennebunkport shall stop, stand, or park any motor vehicle or self-propelled machinery in any street, way, highway, road, parking area or public place under control of the Town so that:
- (1) It in any way blocks a public way, sidewalk, a private driveway or pedestrian crosswalk;
 - (2) It is double-parked, so called, except by the verbal permission of the Chief of Police or one of his/her duly authorized police officers while on traffic control;
 - (3) Any part of said vehicle is in, over, or on the area of the sidewalk or any adjoining or adjacent marked parking space;
 - (4) Any part of said vehicle is within 12 feet of a fire hydrant;
 - (5) Any part of said vehicle is within 20 feet of the corner of an intersecting street or way except where designated parking is allowed by signs or markings;
 - (6) It is in that section or part of any street, way, highway, road, parking area, or public place that is designated as a "no parking" area or space and clearly marked "No Parking" by signs and/or painting;
 - (7) It is parked in such a manner as to be against the flow of traffic (i.e., driver's side of the vehicle against the curb or side of street).
- B. No recreational vehicle or bus may park on any street located in the Village Residential Zone, except tour buses in designated areas on Cross Street.
- C. No parking, standing or offloading of passengers for buses, recreational vehicles and cars with trailers on Ocean Avenue from the Colony Hotel to Wandby Beach.
- D. 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.
- E. It is unlawful for vehicles using the 30 North Street parking area to have anything in tow. No commercial bus parking is allowed at 30 North Street. No recreation vehicles larger than those that will fit, bumper to

1. **Editor's Note: Subsequent amendments are noted in the text of this article.**

bumper, in an existing 10 feet by 20 feet parking space at 30 North Street. Running engines while parked is prohibited.

- F. No motor vehicle, self-propelled machine, or trailer (whether attached or unattached) shall be parked overnight in any Town-owned off-street parking area.
- G. Emergency and spot parking regulations in the interest of public safety. In the case of a special event which may cause a parking overflow, the Chief of Police or his/her designee may choose areas and roadways in Kennebunkport to park vehicles beyond areas described in this article in order to keep open pedestrian and vehicular lanes of traffic and to ensure the immediate response of emergency vehicles.

§ 160-11. Parking control regulations.

No person shall stop, stand, or park any motor vehicle or self-propelled machinery in any of the following described "no parking" zones:

Name of Street	Parking Controls
Atlantic Avenue	No parking on the southwesterly side of Atlantic Avenue
	No parking on the northeasterly side of Atlantic Avenue from CMP Pole 81 to Ocean Avenue
	Parking is allowed on the northeasterly side of Atlantic Avenue from CMP Pole 81 to Summit Avenue
Belvidere Avenue	No parking on the northerly side of Belvidere Avenue
Broadway	No parking on either side of Broadway
Central Avenue	No parking on either side of Central Avenue
Chestnut Street	No parking on the southerly side of Chestnut Street, except in designated areas adjacent to the Town office for municipal employees from 8:00 a.m. to 5:00 p.m. Monday through Friday; the general public may park in said designated areas during all other hours Monday through Friday and any time on Saturday and Sunday
	No parking on the westerly side of Chestnut Street, except in designated areas adjacent to the Town office for municipal employees from 8:00 a.m. to 5:00 p.m. Monday through Friday; the general public may park in said designated areas during all other hours Monday through Friday and any time on Saturday or Sunday

Name of Street	Parking Controls
	No parking on the easterly side of Chestnut Street
	No parking within the Town office parking area in front of the garage bay doors located on the easterly side of the Town office building, except for municipal business from 8:00 a.m. to 5:00 p.m. Monday through Friday; the general public may park in said designated areas during all other hours Monday through Friday and any time on Saturday and Sunday
	No parking 20 feet from the intersections of Chestnut Street and Ocean Avenue
Church Lane	No parking on Church Lane from the intersection of Church Lane and Temple Street (westerly side of Church Lane), including the traffic circle up to Carter Harris's driveway
	Parking is allowed on the easterly side of Church Lane from the end of the granite curbing by the South Congregational Church up to Carter Harris's driveway
Community House Road	No parking on either side of Community House Road from property located on Map 35, Block 18, Lot 2 to the intersection of Wildwood Avenue Extension
	No parking on the pavement from property located on Map 35, Block 18, Lot 2 to Community House Road and Skyline Drive intersection
Cross Street	No parking on either side of Cross Street, except for designated spots for the purpose of unloading and loading of people from buses and trolleys, and delivery vehicles
Dyke Road	No parking tow-away zone on the easterly side from Route 9 to the intersection of Kings Highway
	No parking on the westerly side from Route 9 to CMP Pole 103
	No parking on the pavement from CMP Pole 103 to the bridge over Batson's River

Name of Street	Parking Controls
	No parking continuing from (and including) the bridge over Batson's River to the intersection of Kings Highway (excepting 1 handicapped parking space and 4 regular parking spaces) at the intersection of Dyke Road and Kings Highway
East Avenue	No parking on either side of East Avenue
Elm Street	No parking on either side of Elm Street, from Maine Street to Ocean Avenue, except the area immediately adjacent to the Town office for Town business (specifically, the area of the north side of Elm Street and the driveway beside the Town office)
Grandview Avenue	No parking on either side of Grandview Avenue
Green Street	No parking on the southerly side of Green Street from Ocean Avenue to Maine Street
	Parking is allowed on the northerly side of Green Street from Ocean Avenue to Maine Street
High Street	No parking on the easterly side of High Street from the intersection of School Street to the end of the road
Jeffrey's Way	No nonhandicapped parking on either side of the road. Briefly stopping (less than 15 minutes) on the westerly side of the road to load or unload a vehicle does not constitute parking under this subsection, providing the operator stays with the vehicle
	There will be one handicapped parking space on the westerly side of the road, as close to the beach as practical
Kings Highway	No parking on pavement on Kings Highway from the intersection of South Main Street to the intersection of Ocean Avenue

Name of Street	Parking Controls
	No parking on pavement on the northerly side of Kings Highway from the intersection of Dyke Road to CMP Pole J-79-1. Five-minute parking or standing is allowed on the northerly side in the designated space opposite CMP Pole J-42. Parking is allowed for 4 vehicles on the northerly side of Kings Highway, in designated spaces, between CMP Pole J-79-1 and a point opposite CMP Pole J-80. "No parking — tow-away zone" will be marked on the southerly side between CMP Pole J-42 and J-44. No parking on the southerly side of the road from CMP Pole J-42 to a point opposite CMP Pole J-80
	No parking on the southerly side of Kings Highway from the intersection of Dyke Road to CMP Pole J-34. No parking on the northerly side of Kings Highway from the intersection of New Biddeford Road to the Goose Rocks Beach General Store, so called
	No parking on the southerly side of Kings Highway from the intersection of Jeffrey's Way to a point 100 feet beyond the bridge over the creek from Little River. No parking on the northerly side of Kings Highway from the bridge over the creek from Little River, to a point opposite CMP Pole J-3. No parking on the northerly side of Kings Highway, from a point opposite CMP Pole J-1 to the intersection of the New Biddeford Road
Langsford Road	No parking on the westerly side of the road from the intersection with Pier Road to 15 feet from CMP Pole J-1
	No parking easterly side of the road from the intersection with Pier Road to the end of the ledge abutting the Captain's Restaurant property, so called
Locke Street	No parking on either side of Locke Street from the intersection of Locke Street and North Street to the intersection of Locke Street and Oak Street

Name of Street	Parking Controls
Maine Street	No parking on the easterly side of Maine Street from the intersection of Maine Street and Wildes District Road. Exception: 30-minute parking in 3 well-marked, posted spaces for library patrons directly in front of the library
	No parking on the westerly side of Maine Street from the intersection of Maine Street and Green Street to the intersection of Maine Street and Wildes District Road
	On the westerly side of Maine Street, the 2 parking spaces located between the intersection of Maine Street and Union Street and CMP Pole J-9 shall be designated 30-minute parking spaces for patrons of the library; also, the 8 spaces between Spring Street and Union Street shall be designated as 3-hour parking spaces from the start of Memorial Day weekend until the end of Columbus Day until 7:00 p.m. each day; such spaces will be well marked and posted
Mast Cove Lane	No parking on the southerly side of Mast Cove Lane from the intersection with Maine Street to the end of the Lane
	No parking on the northerly side of Mast Cove Lane from Brigg's driveway, so called, to the end of the Lane
Meserve Lane	No parking on either side of Meserve Lane
Mill Lane	No parking on either side of Mill Lane
Municipal Lot Exit	No parking on either side of the exit road
New Biddeford Road	No parking on the westerly side of the road from the intersection of Winter Harbor Road to Kings Highway
	No parking on the easterly side of the road from CMP Pole J-1 to the intersection of Kings Highway
North Street	No parking on the easterly side of North Street from Spring Street to River Road
	No parking on the westerly side of North Street from Spring Street to West Street
	No parking on the westerly side of North Street from Locke Street to River Road

Name of Street	Parking Controls
	Parking is allowed on the westerly side of North Street from West Street to Locke Street
Oak Street	No parking on either side of Oak Street from the intersection of Oak Street and Locke Street to the intersection of Oak Street and West Street
Ocean Avenue [Amended 11-3-2020]	No parking on the easterly side of Ocean Avenue starting from Spring Street to CMP Pole J-33
	No parking continuing on the easterly side of Ocean Avenue from CMP Pole J-35 to and including the bridge at Fairfield Creek (excepting 2 parking spaces by the driveway at the Kennebunk River Club closest to the Fairfield Creek Bridge)
	No parking continuing on the easterly side of Ocean Avenue from Kings Highway to Haverhill Street
	No parking on the northerly side of Ocean Avenue from Haverhill Street to a point approximately 50 feet before Spouting Rock Avenue
	No parking on the pavement starting at a point approximately 50 feet before Spouting Rock Avenue and continuing to Atlantic Avenue, excepting that area by the Atlantic Avenue sewer pumping station
	No parking continuing on the northerly side of Ocean Avenue from Atlantic Avenue to Summit Avenue
	No parking continuing on the westerly side of Ocean Avenue from Summit Avenue to CMP Pole J-010
	No parking continuing on the easterly side of Ocean Avenue from CMP Pole J-08 to the intersection of the Turbats Creek Road
	No parking on the westerly side of Ocean Avenue starting from Spring Street to CMP Pole J-3 (intersection with Union Street)

Name of Street	Parking Controls
	1-hour parking from May 1 to the end of the Columbus Day weekend, unrestricted parking before and after, allowed on the westerly side of Ocean Avenue starting from CMP Pole J-3 to the entrance of the Landing Restaurant, so called
	No parking continuing on the westerly side of Ocean Avenue from the entrance of the Landing Restaurant, so called (excepting a trolley/shuttle bus stop adjacent to this entrance), to a point approximately 20 feet beyond the bridge at Fairfield Creek
	<p>Authorized parking from the Fairfield Creek bridge to Josiah Curtis Lane on the westerly side of Ocean Avenue will be restricted to 2-hour parking from Memorial Day weekend to Labor Day each year</p> <p>No parking on the westerly side of Ocean Avenue from a point approximately 20 feet on the northerly side of the intersection of Wharf Street to the entrance of the Colony Beach</p>
	No parking on the pavement on the westerly side of Ocean Avenue starting from the entrance of the Colony Beach and continuing to the first driveway into St. Ann's Church, so called
	No parking continuing on the southerly side of Ocean Avenue from the first driveway of St. Ann's Church, so called, to Summit Avenue
	No parking continuing on the southerly side of Ocean Avenue from Summit Avenue to the end of the stone wall closest to Blowing Cave
	15-minute parking is allowed on the southerly side of Ocean Avenue in the designated parking area, starting at the end of the above wall to a point opposite CMP Pole J-94
	No parking continuing on the southerly side of Ocean Avenue from a point opposite CMP Pole J-94 to the Wandby Beach parking area, so called
	No parking on the easterly side of Ocean Avenue from the eastern most end of the Wandby Beach parking area, so called, to a point opposite CMP Pole J-010

Name of Street	Parking Controls
	No parking continuing on the easterly side of Ocean Avenue from a point opposite CMP Pole J-08 to the intersection of the Turbats Creek Road
Old Cape Road	No parking on the northerly side of the road from the intersection of Route 9 to CMP Pole J-9
Pearl Street	No parking on the pavement on the southerly side of the road from CMP Pole J-4 to the intersection of Route 9 No parking on the southerly side of Pearl Street from Maine Street to Ocean Avenue
Pier Road	No parking on the pavement on the southerly side of the road from the intersection of the Langsford Road to a point opposite Fishers Lane, excepting no parking between CMP Pole J-97 and CMP Pole J-98
	No parking on the southwest side of the Pier Road from Fishers Lane to the end of the Spicer Property, so called, except between CMP Poles J-126 and J-129
	No parking on the northerly side of the Pier Road from a point opposite CMP Pole J-97 to Fisher's Lane except that 10-minute parking is permitted between CMP Pole J-103 and CMP Pole J-104 (in front of 24 Pier Road)
	No parking continuing on the northeast side of the Pier Road to the stone wall abutting the pier parking area
	Excepting off pavement parking on the Town right of way is allowed, where possible, between CMP Pole J-109 and CMP Pole J-110 (1 space), between CMP Pole J-113 and CMP Pole J-117.1 (by the entrance road to the Stone Haven Hill development), and the small boat launch area adjacent to the causeway
	Blocking access to the boat launch is prohibited and subject to fine and towing
	No overnight parking is permitted adjacent to the causeway boat launch area
	No parking, loading zone only, for the service ramp from the pier parking area to Cape Porpoise Pier

Name of Street	Parking Controls
	Additionally, no parking 11:00 p.m. to 4:00 a.m. for the service ramp
	The pier parking area consists of those areas suitable for parking located on Town-owned property on the Cape Porpoise Pier, subject to the limitations above and in Chapter 61, Harbor and Waterfront, Article II, Cape Porpoise Pier
	Parking in the pier parking area shall be permitted for the following uses, in order of priority: individuals paying pier dues to the Town; users of the Cape Porpoise Pier for its primary use as a public fish pier, such as fishermen, vendors and others conducting business or performing services associated with the Pier; users (including staff) of any businesses leased by the Town and located on Town-owned property on the Cape Porpoise Pier for the operation of businesses incidental to a public fish pier, such as food takeout, restaurant, ship store, retail and wholesale, and lobster pounds; members of the general public who wish to access the Pier for sightseeing or recreation; and other users by permission of the Town. No vehicle may stop, stand or park in the Pier parking area between the dates of May 15 and September 15 for the purpose of launching a kayak, canoe or other hand-carry boat or flotation device. The Town may assign personnel to permit, manage and direct the parking of vehicles in the Pier parking area
Pleasant Street between Pearl Street and Green Street	No parking on the easterly side of Pleasant Street between Green and South Streets
Pleasant Street between Green Street and South Street	No parking on the easterly side of Pleasant Street between Green and South Streets.
South Street	No parking on southerly side of street from the intersection of Maine Street to the intersection of Pleasant Street
South Main Street	No parking on either side of South Main Street from the intersection of Wildes District Road to the intersection of Kings Highway

Name of Street	Parking Controls
Spring Street	No parking on the northerly side of Spring Street from the intersection of Spring Street and Maine Street to the intersection of Spring Street with the entrance of the Municipal Parking Lot
	No parking on the southerly side of Spring Street from the intersection of Spring Street and Maine Street to the intersection of Spring Street and Ocean Avenue
	1-hour parking, from May 1 to the end of the Columbus Day weekend, unrestricted parking before and after, on the northerly side of Spring Street, from the Municipal Parking Lot entrance to the swing bridge, excepting the last parking space before the swing bridge will be a loading zone from 7:00 a.m. to 10:00 a.m. and 3:00 p.m. to 5:00 p.m.
	1-hour parking, from May 1 to the end of the Columbus Day weekend, unrestricted parking before and after, from the pharmacy front facing the Monument to Ocean Avenue, excepting 4 15-minute parking spaces immediately adjacent to the handicapped parking space
	No parking on the southerly side of Spring Street from the swing bridge to the corner of the pharmacy building adjacent to the monument
	One police parking only on the southerly side of Spring Street at the intersection with Ocean Avenue
Summit Avenue	No parking on the southerly side of Summit Avenue from Central Avenue to Ocean Avenue
	No parking on the northerly side of Summit Avenue from Central Avenue to the fire hydrant adjacent to CMP Pole J9
	No parking on pavement from hydrant adjacent to CMP Pole J9 to CMP Pole J8
	No parking continuing on the northerly side of Summit Avenue from CMP Pole J8 to Ocean Avenue

Name of Street	Parking Controls
Temple Street	No parking on either side of Temple Street 20 feet from the intersection of Temple Street and Spring Street
	No parking in front of the South Congregational Church the length of the granite curbing
	Parking, 1-hour parking from May 1 to the end of the Columbus Day weekend, unrestricted parking before and after, on the westerly side of Temple Street to the exit of the Municipal Parking Lot, excepting 1 handicapped parking space nearest the fire hydrant
	Parking is allowed on the easterly side of Temple Street
	Parking is allowed on the westerly side of Temple Street from the end of the granite curbing in front of the South Congregational Church to the intersection of Temple and North Streets
	1-hour parking from May 1 to the end of the Columbus Day weekend, unrestricted parking before and after, on the easterly side of Temple Street from the intersection with Spring Street to the entrance of the United States Post Office parking area
	15-minute parking between 8:00 a.m. and 6:00 p.m., from the entrance of the Post Office parking area to the exit of the Post Office parking area
	Parking is allowed on the easterly side of Temple Street from the exit of the Post Office parking area to the intersection of North Street
Turbats Creek Road	No parking on the southerly side of the road, from the intersection of Ocean Avenue to Turbats Creek
	No parking on the northerly side of the road, from CMP Pole J-24 to Ocean Avenue
Union Street	No parking on either side of Union Street, from Ocean Avenue to Maine Street
Wesmore Lane	No parking (tow away zone) on the northerly side of the street

Name of Street	Parking Controls
	Parking (7 spaces) is allowed on the southerly side of the street from the intersection of North Street to a point 21 feet beyond CMP Pole J-2 as marked
West Street	No parking on the northerly side of West Street
	Parking allowed on the southerly side of West Street
Wharf Lane	No parking on either side of Wharf Lane
Wildwood Avenue	No parking on either side of Wildwood Avenue, from the intersection of Bellewood Avenue to BelAir Avenue
	No parking on the pavement on either side of Wildwood Avenue, from the easterly side of the intersection of BelAir Avenue to the intersection of Proctor Avenue
Wildwood Avenue Extension	No parking on either side of Wildwood Avenue Extension from Proctor Avenue to Broadway

§ 160-12. Stopping at intersections.

Except when directed to proceed by a police officer, every driver or operator of a motor vehicle or self-propelled machinery shall, when approaching a through way or a stop intersection indicated by a stop sign, bring such vehicle to a full stop before proceeding through the intersection. The following intersections shall be controlled by stop signs for the purpose of regulating and controlling traffic moving in the direction designated:

For Traffic Moving		
Intersection	From	Onto
Acacia Road and School Street	Acacia Road	School Street
Arundel Road and Goose Rocks Road	Arundel Road	Goose Rocks Road
Arundel Road and North Street	Arundel Road	North Street
Atlantic Avenue and Ocean Avenue	Atlantic Avenue	Ocean Avenue
Bailey Court and School Street	Bailey Court	School Street
Beachwood Avenue Ext. and Beachwood Avenue	Beachwood Avenue extension	Beachwood Avenue

For Traffic Moving		
Intersection	From	Onto
Beachwood Avenue and Mills Road	Beachwood Avenue	Mills Road
Beachwood Avenue and North Street	Beachwood Avenue	North Street
Beacon Avenue and Guinea Road	Beacon Avenue	Guinea Road
Bellewood Avenue and Kings Highway	Bellewood Avenue	Kings Highway
Birch Court and School Street	Birch Court	School Street
Central Avenue and Ocean Avenue	Central Avenue	Ocean Avenue
Clover Leaf Farm Road and Mills Road	Clover Leaf Farm Road	Mills Road
Chestnut Street and Ocean Avenue	Chestnut Street	Ocean Avenue
Church Lane and Temple Street	Church Lane	Temple Street
Community House Road and Wildwood Avenue	Community House Road	Wildwood Avenue
Crescent Avenue and Bartlett Avenue	In an easterly and westerly direction on Crescent Avenue	
Cross Street and Union Avenue	Cross Street	Union Avenue
Dyke Road and Mills Road	Dyke Road	Mills Road
East Avenue and Ocean Avenue	East Avenue	Ocean Avenue
East Avenue and South Main Street	East Avenue	South Main Street
Eel Bridge Lane and Mills Road	Eel Bridge Lane	Mills Road
Elm Street and Maine Street	Elm Street	Maine Street
Elm Street and Ocean Avenue	Elm Street	Ocean Avenue
Fishers Lane and Pier Road	Fishers Lane	Pier Road

For Traffic Moving		
Intersection	From	Onto
Goose Rocks Road and Log Cabin Road	Goose Rocks Road	Log Cabin Road
Goose Rocks Road and Mills Road	Goose Rocks Road	Mills Road
Grandview Avenue and Ocean Avenue	Grandview Avenue	Ocean Avenue
Grandview Avenue and South Main Street	Grandview Avenue	South Main Street
Green Street and Maine Street	Green Street	Maine Street
Green Street and Ocean Avenue	Green Street	Ocean Avenue
Guinea Road and Goose Rocks Road	Guinea Road	Goose Rocks Road
Guinea Road and Whitten Hills Road	Guinea Road right	Whitten Hills Road and left continuing on Guinea Road
Haverhill Street and Ocean Avenue	Haverhill Street	Ocean Avenue
High Street and School Street	High Street	School Street
Highpoint Drive and Wildes District Road	Highpoint Drive	Wildes District Road
Jeffrey's Way and Kings Highway	Jeffrey's Way	Kings Highway
Kings Highway (from East End) and New Biddeford Road	Kings Highway	New Biddeford Road
Kings Highway (from West End) and Dyke Road	Kings Highway	Dyke Road or continuing in an easterly direction onto Kings Highway
Kings Highway (from West End) and New Biddeford Road	In an easterly direction onto New Biddeford Road, Jeffrey's Way or continuing straight	
Kings Highway and Ocean Avenue	Kings Highway	Ocean Avenue

For Traffic Moving		
Intersection	From	Onto
Kings Highway and South Main Street	Kings Highway	South Main Street
Langsford Road and Cape Porpoise Square	Langsford Road	Cape Porpoise Square
Locke Street and North Street	Locke Street	North Street
Magnolia Drive and School Street	Magnolia Drive	School Street
Mapleview Avenue and Guinea Road	Mapleview Avenue	Guinea Road
Mast Cove Lane and Maine Street	Mast Cove Lane	Maine Street
Meserve Lane and North Street	Meserve Lane	North Street
Mill Lane and North Street	Mill Lane	North Street
Mount Kineo Road and Arundel Road	Mount Kineo Road	Arundel Road
Municipal Parking Lot Exit and Temple Street	Municipal Parking Lot Exit	Temple Street
New Biddeford Road and Kings Highway	New Biddeford Road	Kings Highway
New Biddeford Road and Mills Road	New Biddeford Road	Mills Road
Northwood Drive and North Street	Northwood Drive	North Street
Northwood Drive and Old Cape Road	Northwood Drive	Old Cape Road
Norwood Lane and Kings Highway	Norwood Lane	Kings Highway
Oak Ridge Road and Goose Rocks Road	Oak Ridge Road	Goose Rocks Road
Old Cape Road and Beachwood Avenue	Old Cape Road	Beachwood Avenue
Old Cape Road and School Street	Old Cape Road	School Street
Pearl Street and Maine Street	Pearl Street	Maine Street
Pearl Street and Ocean Avenue	Pearl Street	Ocean Avenue

For Traffic Moving		
Intersection	From	Onto
Pier Road and Cape Porpoise Square	Pier Road	Into Cape Porpoise Square
Pleasant Street and Green Street	Pleasant Street	Green Street
Port Farm Road and Wildes District Road	Port Farm Road	Wildes District Road
Proctor Road and Wildwood Avenue	Proctor Road	Wildwood Avenue
River Road and North Street	River Road	North Street
River Road and Arundel Road	River Road	Arundel Road
Saddle Way and Highpoint Drive	Saddle Way	Highpoint Drive
Sand Point Road and Kings Highway	Sand Point Road	Kings Highway
School Street and Maine Street	School Street	Maine Street
South Street and Green Street	South Street	Green Street
South Street and Maine Street	South Street	Maine Street
South Main Street and Kings Highway	South Main Street	Kings Highway
South Main Street and Wildes District Road	South Main Street	Wildes District Road
Spouting Rock Road and Ocean Avenue	Spouting Rock Road	Ocean Avenue
Spring Street and Maine Street (a 3-way stop sign)	Spring Street	Main Street
Spring Street and Maine Street (a 3-way stop sign)	Maine Street	Spring Street
Stone Road and Beachwood Avenue	Stone Road	Beachwood Avenue
Stone Road and Goose Rocks Road	Stone Road	Goose Rocks Road
Stonewood Lane and Northwood Drive	Stonewood Lane	Northwood Drive

For Traffic Moving		
Intersection	From	Onto
Summit Avenue and Central Avenue	Summit Avenue	Central Avenue
Summit Avenue and Ocean Avenue	Summit Avenue	Ocean Avenue
Temple Street and Maine Street	Temple Street	Maine Street
Touchstone Drive and South Main Street	Touchstone Drive	South Main Street
Towne Street and School Street	Towne Street	School Street
Turbats Creek Road and Ocean Avenue	Turbats Creek Road	Ocean Avenue
Turbats Creek Road and Wildes District Road	Turbats Creek Road	Wildes District Road
Union Street and Maine Street	Union Street	Maine Street
Wakefield Pasture Road and Wildes District Road	Wakefield Pasture Road	Wildes District Road
Walkers Lane and Beachwood Avenue	Walkers Lane	Beachwood Avenue
Walkers Lane and North Street	Walkers Lane	North Street
Ward Road and Langsford Road	Ward Road	Langsford Road
Ward Road and Maine Street	Ward Road	Main Street
Washington Court and School Street	Washington Court	School Street
West Street and North Street	West Street	North Street
Whitten Hills Road and Goose Rocks Road	Whitten Hills Road	Goose Rocks Road
Wildes District Road and Main Street	Wildes District Road	Main Street
Willey Road and Goose Rocks Road	Willey Road	Goose Rocks Road
Windmere Place and Ocean Avenue	Windmere Place	Ocean Avenue

For Traffic Moving		
Intersection	From	Onto
Winslow Lane and Highpoint Drive	Winslow Lane	Highpoint Drive
Winter Harbor Road and Mills Road	Winter Harbor Road	Mills Road
Winter Harbor Road and New Biddeford Road	Winter Harbor Road	New Biddeford Road
Woodlawn Avenue and Wildes District Road	Woodlawn Avenue	Wildes District Road

§ 160-13. One-way traffic.

Name of Street	Location
Cross Street	From Spring Street toward Union Street
East Avenue	From South Main Street toward Ocean Avenue
Green Street	From Ocean Avenue toward Maine Street
Haverhill Street	From Arlington Street toward Ocean Avenue
Municipal Parking Lot exit	From parking lot toward Temple Street
Pearl Street	From Maine Street toward Ocean Avenue
Spouting Rock Avenue	From Summit Avenue toward Ocean Avenue
Temple Street	From Spring Street toward North Street

§ 160-14. Fire lanes.

Name of Street	Side
Access Road	Both
Bartlett Avenue	Both
BelAir Avenue	Both
Bellewood Avenue	Both
Chestnut Street	Southerly
Dorrance Road	Both
Edgewood Avenue	Both
Elm Street	Northerly except for limited parking spaces in front of the Town office
Haywood Avenue	Both
Proctor Avenue	Both
Summer Street	Easterly

§ 160-15. Handicapped parking.

- A. The Town of Kennebunkport will provide for the maintenance and policing of parking stalls or spaces designated for handicapped persons. There shall be immediately adjacent to and visible from the designated parking space a posted sign consisting of a profile view of a wheelchair with occupant in white on a blue background with the wording "Handicapped Parking." Any vehicle parked in such a stall or space that does not have a special registration plate or placard issued under 29-A M.R.S.A. § 521, or a similar plate issued by another state, shall be cited for a fine of \$200 and towed away at the owner's expense. **[Amended 11-3-2020]**
- B. The Selectmen of Kennebunkport may enter into agreement with the owners of private off-street parking facilities for the policing, when notified, of stalls and spaces dedicated for handicapped persons' vehicles, under which agreements the owner of the vehicle shall be cited for a fine of \$200 and the unauthorized vehicle shall be towed away at the owner's expense.
- C. Spaces shall be designated for handicapped persons at the following locations:
- (1) One space on the southerly side of Spring Street at the intersection of Spring Street with Austin's Alley, so called.
 - (2) Two non-parallel spaces at the southerly end of Parson's Way abutting St. Ann's Church.
 - (3) Three spaces nearest the entrance in the Municipal Parking Lot on the easterly side of the lot.
 - (4) One space on the westerly side of the Municipal Parking Lot.
 - (5) One space on the westerly side of Dyke Road, at the intersection of Dyke Road and Kings Highway.
 - (6) One space on Jeffrey's Way at the intersection of Kings Highway.
 - (7) Two spaces on Kings Highway, opposite Edgewood Avenue.
 - (8) One space at the Municipal Office Building.
 - (9) One space on the Pier Road, at the Cape Porpoise Pier.
 - (10) One space on the westerly side of Temple Street, nearest the fire hydrant.

§ 160-16. Emergency vehicles.

- A. Authorized emergency vehicles shall include private automobiles or trucks owned by and operated by members of the Fire and Police Departments, and the cars, trucks and equipment owned by Fire Police, Public Utility, and other similar emergency organizations, while

employed on emergency duty and having their emergency lights in operation.

- B. The provisions of this article shall apply to authorized emergency vehicles as follows: A driver operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:
- (1) Park or stand such emergency vehicle notwithstanding the provisions of this article.
 - (2) Proceed past a red light or stop signal, but only after slowing down as may be necessary for safe operation.
 - (3) Exceed the posted speed limit, as long as he/she does not endanger life or property.
 - (4) Disregard regulations specifying direction or movement or turning, as long as he/she does not endanger life or property.
 - (5) Proceed with caution past a school bus that is stopped and that has red lights flashing, only:
 - (a) After coming to a complete stop; and
 - (b) When signaled by the school bus operator to proceed.
- C. The foregoing exceptions, however, shall not protect the driver of any such vehicle from the consequences of reckless disregard for the safety of others.

§ 160-17. Tampering with signs.

No person shall maliciously tamper with, deface, alter or destroy any traffic or parking sign, printing or painting posted by the Town of Kennebunkport.

§ 160-18. Snow removal.

Parking is prohibited on any public way between 12:00 midnight and 6:00 a.m. from December 1 to April 15 the next following year. Exception: In the event that a snow emergency is declared by the Chair of the Board of Selectmen, or his/her designated representative, based upon a recommendation of the Director of Public Works or his/her representative, then parking on any public way will be prohibited for the time or period indicated in the declaration. The emergency declaration can be for the Town as a whole, or a portion thereof, depending upon the needs of the Director of Public Works. Any vehicle found in violation of this section, by either the Highway or Police Department, may be removed by the Chief of Police or one of his/her authorized officers. Any towing or garage expense shall be paid by the owner of any vehicle so removed.

§ 160-19. Sleeping in vehicles.

It shall be unlawful for any person to sleep overnight in any vehicle or trailer, so called, parked upon any public park, parking lot, road, street or highway within the limits of the Town of Kennebunkport without first obtaining permission from the Chief of Police or his/her representative.

§ 160-20. Motor vehicles prohibited on sidewalk.

No person shall operate a motor vehicle upon a sidewalk in the Town of Kennebunkport. This section does not prohibit the crossing over a sidewalk to enter any way, drive, or other property.

§ 160-21. Violations declared obstruction.

Any vehicle of any kind or description found stopped, standing, or parked upon any street, way, highway, road, parking area, or public place under the control of the Town in a manner or for a length of time prohibited by this article is hereby declared to be an obstruction in such place and a menace to the safe and proper regulation of traffic.

§ 160-22. Commercial operation of horse-drawn vehicles.

- A. Purpose. The purpose of this section is to provide for public safety and convenience as well as the welfare of the animal(s) and to preclude added traffic congestion in the downtown area during the crowded summer season. This article applies only to commercial operations as defined below. Commercial operation of horse-drawn vehicles in other areas of the Town may be allowed upon request and on approval of the Chief of Police so long as he/she determines that there is no threat to public safety.
- B. Definitions. For purposes of this section, the following terms shall have the meanings indicated:
- BUSINESS ENTERPRISE — Any individual, partnership, corporation, association or other legal entity.
- COMMERCIAL OPERATION — A business enterprise which provides or offers to the public, for a fee, the ability to ride a horse-drawn vehicle.
- OPERATION OF A HORSE DRAWN VEHICLE — Any carriage, wagon, cart, sled or sleigh, or other device, whose principal means of propulsion is a single- or a two-horse hitch.
- C. Regulations.
- (1) From June 15 to October 15 the commercial operation of a horse-drawn vehicle without a permit is prohibited in the following areas:
 - (a) Village Residential Zone.
 - (b) Village Residential East Zone.

- (c) Dock Square Zone.
 - (d) Riverfront Zone.
 - (e) Cape Arundel Zone.
 - (f) Exception: The operation of a horse-drawn vehicle when it is used for the movement of wedding parties.
- (2) The Town Clerk shall issue a maximum of two carriage permits (but no more than one carriage for each permit) annually for the commercial operation of horse-drawn vehicles between June 15 and October 15 along the specific route described below.
- (a) Two permits (but no more than one carriage for each permit) will be available on the first Monday in January at the Town Clerk's office during the Clerk's regular business hours. If there are more qualified applicants than permits as of the close of business on that Monday (or such later date until all permits are issued), then the permits shall be issued on a first-come, first-served basis with priority preference to Kennebunkport taxpayers; provided, however, there shall be a right of first refusal for existing permit holders for an overall term not to exceed five years. Permit fees will be as set by the Board of Selectmen. Permits are nontransferable, except where there is a change of ownership of the business, in which case the permit is transferable to the new owner for the balance of that permit period. **[Amended 11-3-2020]**
 - (b) Permit holders are restricted in operation to the following route:
 - [1] Maine Street between Spring Street and South Street.
 - [2] Dock Square (without stopping).
 - [3] Ocean Avenue between Dock Square and Green Street.
 - [4] Spring, Union, Chestnut, Elm, Pearl, Pleasant, Green and South Streets.
 - (c) Except as otherwise provided for weddings, passenger pickup and discharge may be done only in front of the Trolley Stop, so called, on Ocean Avenue.
- (3) The vehicle to be used must be inspected by the Police Department before a permit is granted. Prior to the issuance of a permit, the operator of the horse-drawn vehicle must certify, in writing, prior to operation that the horses will be equipped with either leather, rubber or Borium horseshoes in order to prevent damage to the road surface. Note: The use of metal shoes is prohibited on a year-round basis on any street within the Town of Kennebunkport. (This provision does not apply to recreational horse riding.)

- (4) Liability insurance must be carried by the owner of the horse(s) and vehicle in at least the following amount: \$500,000 general liability combined single limit. Evidence of insurance must be presented prior to the issuance of a permit, with the Town as an additional named certificate holder. Thirty days' advance notice of cancellation shall be required.
 - (5) Prior to the issuance of a permit, a veterinary certificate showing that the horse(s) is (are) capable of performing the work required, and that it is (they are) in suitable health shall be presented.
 - (6) Horse-drawn vehicles shall not operate when the temperature is 90° or over, or in a combined temperature and humidity of 140° or over, or in weather detrimental to either the horse or the public.
 - (7) Horses shall not be worked more than eight hours in any continuous twenty-four-hour period. There shall be rest of 15 minutes after each two-hour working period.
 - (8) A manure-catching device shall be used. The operator shall be responsible for cleaning up any spillage immediately. Failure to clean up spillage will result in revocation of the permit. Disposal of such spillage shall be in a covered container provided by the operator. The operator shall ensure that the container is emptied on a daily basis, but not into the Town's receptacles.
- D. Enforcement. The Chief of Police or any of his/her designated officers will enforce this section. Any officer who observes a violation of this section may summons that individual to the District Court. Any officer who receives a complaint of a violation of this section from a citizen may, after investigation of the complaint and determining that sufficient evidence exists to conclude that a violation of this section occurred, summons the offender to the District Court.
- E. Civil penalty. Any person adjudicated in violation of this section shall be liable for a civil penalty.
- (1) First offense: written warning and a copy of this section.
 - (2) Second and subsequent offenses: fine of \$100.
 - (3) Any second or subsequent offender of this section who is summonsed for violation may waive all court action by payment of the civil penalty to the Town within 10 days of the date of the summons. If the penalty is not paid and/or if court action ensues, the offender shall be liable for any and all costs incurred by the Town in enforcing this section, including but not limited to court filing fees and the cost of legal counsel.
- F. Penalties accrue to the Town. All civil penalties collected under this section shall accrue to the Town of Kennebunkport.

- G. Effective date. This section shall become effective immediately upon approval by a majority vote of the Kennebunkport Board of Selectmen.

§ 160-23. Commercial operation of tour buses.

- A. Purpose. The purpose of this section is for public safety and convenience, for the welfare of the citizens and is intended to provide for safe passage and to reduce traffic congestion of vehicles on the Town's narrow and winding roads. This section applies only to operations as defined below.
- B. Definition. For purposes of this section, a "commercial tour bus" is defined as a motor vehicle designed for carrying more than 15 persons, including the operator.
- C. Exceptions. School buses and the "Trolley" and "Shuttle Bus," so called, used for the conveyance of persons within the Kennebunks at the time of the adoption of this section shall continue to utilize the designated "Trolley Stops" for pickup and discharge of passengers. Expansion of either existing service within the communities will be governed by this subsection (exceptions).
- D. Regulations.
- (1) Commercial tour buses may utilize Cross Street to discharge or pick up passengers and are limited to 10 minutes to accomplish their task. Bus engines are required to be turned off at this location while performing either function. Tour buses shall only discharge and pick up passengers on the south side of Cross Street.
 - (2) Commercial tour buses utilizing any area designated by the Town to discharge or pick up passengers are limited to 10 minutes to accomplish their task. Bus engines are required to be turned off at the location while performing either function.
 - (3) Commercial tour buses are prohibited from stopping, standing, parking, loading or unloading on any street or way bounded by Elm Street, Maine Street, North Street, Church Lane, Temple Street, Spring Street and Ocean Avenue, except as otherwise expressly authorized by this section.
 - (4) Commercial tour buses are prohibited from stopping, standing, parking, loading or unloading on Ocean Avenue.
 - (5) Commercial tour buses are prohibited from turning around and retracing their route while operating on the following roads: on Ocean Avenue starting from the Colony Hotel, so called, along the Turbats Creek Road and Wildes District Road.
- E. Notification. Beginning August 15, 2003, between May 1 and October 31 each year, commercial tour buses utilizing any expressly authorized location on any public way, street or other Town-owned property to

discharge or pick up passengers are required to notify the Town of their intent to utilize an expressly authorized location, by notifying the Town or its authorized designated person or entity. Notification must be provided to the Town at least three days in advance to allow the Town to prepare for each arrival and departure. Permits will be made available to parties, on a first-come, first-served basis, which shall be valid for one arrival and one departure. No more than 10 commercial tour buses (any combination of arrivals and departures, provided the total number of trips does not exceed 10) that have made the required advanced notification will be scheduled per hour each day between the hours of 9:00 a.m. and 7:00 p.m. Commercial tour buses arriving without having made the required notification and without having received a permit are subject to space availability (not to exceed the ten-bus limit per hour). When issuing permits, the Town shall take into consideration that no more than four commercial buses should be parked simultaneously on Cross Street.

- F. Enforcement. The Chief of Police or any of his/her designated officers will enforce this section. Any officer who observes a violation of this section may summons that individual to the District Court. Any officer who receives a complaint of a violation of this section from a citizen may, after investigation of the complaint and determining that sufficient evidence exists to conclude that a violation of this section occurred, summons the offender to the District Court.
- G. Penalties. Any person adjudicated in violation of this section shall be liable for a civil penalty.
- (1) First offense: a fine of \$100 shall be imposed. (Note: Officers have the discretion of issuing a warning depending on the circumstances.)
 - (2) Second and subsequent offenses; a fine of \$250 shall be imposed. Any second or subsequent offender of this section who is summonsed for violation may waive all court action by payment of the civil penalty to the Town within 10 days of the date of the summons. If the penalty is not paid and/or if court action ensues, the offender shall be liable for any and all costs incurred by the Town in enforcing this section, including but not limited to court filing fees and the cost of legal counsel.
- H. Penalties accrue to the Town. All civil penalties collected under this section shall accrue to the Town of Kennebunkport.
- I. Effective date. This section shall become effective immediately upon approval by a majority vote of the Kennebunkport Board of Selectmen.

§ 160-24. Commercial operation of trolleys.

- A. Purpose. The purpose of this section is to provide for public safety and convenience, and to preclude added traffic congestion in the downtown

area during the crowded summer season. This section applies only to commercial operations as defined below that utilize the Town Trolley Stop on Ocean Avenue.

- B. Definitions. For purposes of this section, the following terms shall have the meanings indicated:

BUSINESS ENTERPRISE — Any individual, partnership, corporation, association or other legal entity.

COMMERCIAL OPERATION — A business enterprise which provides or offers to the public for a fee the ability to ride a trolley.

OPERATION OF A TROLLEY — Any vehicle or other device whose principal means of propulsion is an internal combustion engine.

- C. Regulations.

- (1) From June 15 to October 15, the commercial operation of a trolley without a permit is prohibited in the following areas:

- (a) Village Residential Zone.
- (b) Village Residential East Zone.
- (c) Dock Square Zone.
- (d) Riverfront Zone.
- (e) Cape Arundel Zone.
- (f) Exception. The operation of a trolley when it is used for the movement of wedding parties or one-time special events.

- (2) The Town Clerk will issue a maximum of two trolley permits yearly for the commercial operation of a trolley between June 15 and October 15. Two permits (but no more than one trolley for each permit) will be available on the first Monday in January at the Town Clerk's office during the Clerk's regular business hours. If there are more qualified applicants than permits as of the close of business on that Monday (or such later date until all permits are issued), then the permits shall be issued on a first-come, first-served basis with priority preference to Kennebunkport taxpayers; provided, however, there shall be a right of first refusal for existing permit holders for an overall term not to exceed five years. Permit amounts will be as set by the Board of Selectmen. Permits are nontransferable, except where there is a change of ownership of the business, in which case the permit is transferable to the new owner for the balance of that permit period. Permit holders are restricted to loading and unloading at: **[Amended 11-3-2020]**

- (a) The Trolley Stop, so called, located on Ocean Avenue;
- (b) Hotels and motels, inns, and other lodging establishments along the route.

- (3) Before a permit is granted, the vehicle operator must show written proof that the trolley used is registered, inspected and insured in accordance with the laws of the State of Maine.
- D. Enforcement. The Chief of Police or any of his/her designated officers will enforce this section. Any officer who observes a violation of this section may summons that individual to the District Court. Any officer who receives a complaint of a violation of this section from a citizen may, after investigation of the complaint and determining that sufficient evidence exists to conclude that a violation of this section occurred, summons the offender to the District Court.
 - E. Civil penalty. Any person adjudicated in violation of this section shall be liable for a civil penalty.
 - (1) First offense: written warning and a copy of this section.
 - (2) Second and subsequent offenses: a fine of \$100. Any second or subsequent offender of this section who is summonsed for violation may waive all court action by payment of the civil penalty to the Town within 10 days of the date of the summons. If the penalty is not paid and/or if court action ensues, the offender shall be liable for any and all costs incurred by the Town in enforcing this section, including but not limited to court filing fees and the cost of legal counsel. **[Amended 11-3-2020]**
 - F. Penalties accrue to the Town. All civil penalties collected under this section shall accrue to the Town of Kennebunkport.
 - G. Effective date. This section shall become effective immediately upon approval by a majority vote of the Kennebunkport Board of Selectmen.

§ 160-25. Commercial operation of pedicabs.

- A. Purpose. The purpose of this section is to provide for public safety and convenience and to prevent added traffic congestion in the downtown area during the crowded summer season. This section applies only to commercial operations as defined below. Commercial operation of pedicab vehicles in other areas of the Town may be allowed upon request and on approval of the Chief of Police or his/her designee so long as he/she determines that there is no threat to public safety.
- B. Definitions. For purposes of this section, the following terms shall have the meanings indicated:

BUSINESS ENTERPRISE — Any individual, partnership, corporation, association or other legal entity.

COMMERCIAL OPERATION — A business enterprise which provides or offers to the public, for a fee, the ability to ride a humanly propelled vehicle.

OPERATION OF A PEDICAB VEHICLE — A carriage-type tricycle whose principal means of propulsion is pedaling by a single person.

C. Regulations.

- (1) From June 15 to October 15, the commercial operation of pedicab-type vehicles without a permit is prohibited in all areas of Kennebunkport. From October 16 to June 14, commercial operation of pedicab type vehicles is prohibited.
- (2) The Town Clerk shall issue a minimum of one and a maximum of three pedicab permits (but no more than one pedicab for each permit) annually for the commercial operation of pedicab vehicles between June 15 and October 15 along the specific routes described below. Three permits (but no more than one pedicab for each permit) will be available on the first business day in January at the Town Clerk's office during the Clerk's regular business hours. If there are more qualified applicants than permits as of the close of business on that day (or such later date until all permits are issued), then the permits shall be issued on a first-come, first-served basis. Permit fees will be as set by the Board of Selectmen. Permits are nontransferable, except where there is a change of ownership of the business, in which case the permit is transferable to the new owner for the balance of that permit period. The permit issued shall be valid only during the calendar year for which they are issued. Pedicab operators: **[Amended 11-3-2020]**
 - (a) Operators must be 18 years of age or older;
 - (b) The applicant must have a valid state driver's license and present a copy to the Police Department;
 - (c) A certificate of physical fitness issued by a practicing physician will be presented to the Police Department prior to operating a pedicab;
 - (d) A neat and clean appearance is expected of all pedicab drivers while on duty; and
 - (e) Drivers shall not, when otherwise available for hire, refuse to transport anyone requesting a ride except under the following circumstances:
 - [1] The transportation requested is such that the driver may not legally accept such passenger;
 - [2] The driver has reasonable cause to believe that the proposed passenger will refuse to pay or cannot pay the fare; or
 - [3] The proposed passenger is disorderly, engaged in the commission of any crime, or is otherwise unfit to be transported as a passenger.

- (3) Permit holders are restricted in operation to the following routes:
 - (a) Maine Street between Spring Street and South Street;
 - (b) Dock Square, North Street to 30 North Street (Municipal Lot);
 - (c) Ocean Avenue between Dock Square and the Rhumb Line, including Kings Highway; and
 - (d) Temple Street, Church Lane, Mill Lane, Spring Street, Union Street, Chestnut Street, Elm Street, Pearl Street, Pleasant Street, Green Street, South Street and School Street to the Consolidated School, High Street, Towne Street and Birch Lane.
- (4) The vehicle(s) to be used and the operators of said vehicles must comply with provisions set forth in the Maine Motor Vehicle Statutes and state and local traffic laws and regulations. All pedicabs will be inspected by the Police Department prior to June 15 of each year. The following will be grounds for removal of the permit:
 - (a) Failing to complete an inspection prior to the above date;
 - (b) Operating a pedicab while under the influence of alcoholic beverages or controlled substances other than medication prescribed by a physician as long as it does not impair operation;
 - (c) Operating a pedicab in any manner which impedes or blocks the normal or reasonable movement of pedestrian or vehicular traffic; and
 - (d) Operating or causing to be operated any pedicab upon or along any route unless the Chief of Police or his designee approves such route.
- (5) Liability insurance must be carried by the owner of the pedicab vehicles in at least the following amount: \$500,000 general liability combined single limit. Evidence of insurance must be presented prior to the issuance of a permit, with the Town as an additional named certificate holder. Thirty days' advance notice of cancellation shall be required.
- (6) Pedicab hours or operation shall be from 8:00 a.m. to 1:30 a.m. within the stated dates.
- (7) Rates and prices. A rate card bearing the following statement shall be displayed on each vehicle as to be visible to passengers at all times while the vehicle is in service:
 - (a) Passenger information.
 - (b) Cab No. _____.

- (c) The maximum fare for any trip in this vehicle per passenger per quarter hour or fraction thereof, regardless of the distance of the trip, shall be as set by the Board of Selectmen. If you have questions or complaints about the fare you have been charged or the service you have received, please call the Kennebunkport Police Department at 207-967-2700. **[Amended 11-3-2020]**
- D. Solicitation of business. No person shall solicit business in any manner for any licensed pedicab while on route. Prohibited solicitation while standing shall include shouting, hollering, whistling, clapping or making other loud noises, grabbing or otherwise annoying or harassing passersby, or any other conduct detrimental to the image or reputation of the trade or the public safety or disturbance of the peace.
- E. Enforcement. The Chief of Police or any of his/her designated officers will enforce this section. Any officer who observes a violation of this section may summons that individual to the District Court. Any officer who receives a complaint of a violation of this section from a citizen may, after investigation of the complaint and determining that sufficient evidence exists to conclude that a violation of this section occurred, summons the offender to the District Court.
- F. Civil penalty. Any person adjudicated in violation of this section shall be liable for a civil penalty.
- (1) First offense: written warning and a copy of this section.
- (2) Second and subsequent offenses: a fine of \$100. **[Amended 11-3-2020]**
- (3) Any second or subsequent offender of this section who is summonsed for violation may waive all court action by payment of the civil penalty to the Town within 10 days of the date of summons. If the penalty is not paid and/or if court action ensues, the offender shall be liable for any and all costs incurred by the Town in enforcing this section, including but not limited to court filing fee and the cost of legal counsel.
- G. Penalties accrue to Town. All civil penalties collected under this section shall accrue to the Town of Kennebunkport.
- H. Effective date. This section shall become effective immediately upon approval by a majority vote of the Kennebunkport Board of Selectmen.

§ 160-26. Restricting vehicle weight on posted ways.

- A. Purpose and authority. The purpose of this section, "Restricting vehicle weight on posted ways," (hereinafter, the "section") is to prevent damage to Town ways and bridges in the Town of Kennebunkport 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 ways and bridges, and to reduce the public expense of their maintenance and repair. This section is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

- B. Definitions. The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this section. Any words not defined therein shall be given their common and ordinary meaning.
- C. Restrictions and notices. The municipal officers 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 highways, and designate the Town ways 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. 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 municipal officers, or their designee. 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.
- D. Exemptions. Vehicles that are exempt from the most recent Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" are exempt from this section. In addition, the following vehicles are exempt from this section: any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395, Subsection 4, and, 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.A. § 2395, Subsection 4-A. **[Amended 11-3-2020]**
- E. Permits. The owner or operator of any vehicle not otherwise exempt as provided herein may apply, in writing, to the municipal officers, or their designee, for a permit to operate on a posted way or bridge notwithstanding the restriction.
 - (1) The municipal officers, or their designee, 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 use the way or bridge; and
 - (c) The applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.
- (2) Even if the municipal officers, or their designee, make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way 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 highways and bridges.
 - (3) In determining whether to issue a permit, the municipal officers, or their designee, 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.
 - (4) The municipal officers, or their designee, 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.
- F. Administration and enforcement. This section shall be administered and may be enforced by the municipal officers or the Kennebunkport Police Department.
- G. Penalties. Any violation of this section shall be a civil infraction subject to a fine of not less than \$250 nor more than \$1,000. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and all other costs incurred by the Town in enforcing this section. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

- H. Amendments. This section may be amended by the municipal officers at any properly noticed meeting.
- I. Severability; effective date. In the event any portion of this section is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This section shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

§ 160-27. Goose Rocks Beach parking stickers.

- A. Restrictions. In order to promote public safety and the social and aesthetic well-being of the residents and guests of the Town of Kennebunkport, the following restrictions are placed upon vehicles parked in the Goose Rocks Beach area, such area to include public roads that are located in the area which is south of Route 9 and east of the Batson River and west of Little River.
 - (1) Parking in the designated area of Goose Rocks Beach (public roads that are located in the area which is south of Route 9 and east of the Batson River and west of Little River) by sticker permit only will be in effect daily between the hours of 8:00 a.m. and 6:00 p.m. from the beginning of the Memorial Day weekend through the Labor Day weekend of each year. Parking during all other times shall be in compliance with any other applicable sections of this article.
 - (a) No vehicle shall display a Goose Rocks Beach parking sticker if that vehicle is greater than seven feet in height and/or 18 feet in length. (The length of a vehicle includes any attached appurtenances, such as trailers.)
 - (b) Stickers shall be affixed to motorized vehicles only.
 - (2) The operator of any vehicle, or the registered owner of said vehicle if the operator cannot be determined, violating this section shall be punished by a fine of not more than \$200 and not less than \$50 for each offense, to be recovered to the use of the Town of Kennebunkport; provided, however, that any such person or registered owner who violates this section and is issued a parking ticket may within 48 hours from time of issuance pay a fine of \$50 or, after 48 hours from time of issuance and before a court summons is issued, pay a fine of \$60 to the Chief of Police or his/her representative for full satisfaction of such parking violation. In the course of an appeal from such parking fine, such person shall appear before the 10th District Court, Biddeford, Maine, and shall be fined not more than \$200 and not less than \$50 to the Town of Kennebunkport. Any parking tag fines paid to the Chief of Police or his/her representative during the fiscal year of the Town of Kennebunkport shall be turned over to the Treasurer of the Town of Kennebunkport and credited to the general revenues of the Town of Kennebunkport.

- (3) During days in the summer when weather conditions are optimal for recreation at Goose Rocks Beach, the Chief of Police or his/her designee may at his/her discretion issue an advisory to the general public via sticker sales agents that buying a sticker does not guarantee a place to park at Goose Rocks Beach. The buyer will be advised that he/she can return to the place of purchase and surrender the sticker for a refund. Other information will be made available for alternative locations to recreate.
- B. Rules and regulations. The Board of Selectmen shall establish by authority of this section such rules and regulations as it deems necessary or convenient to carry out the purposes of this § 160-27 of this article. Such rules and regulations may include, but not be limited to: setting fees for the acquisition of parking permits/stickers and determining authorized employees or agents responsible for selling and/or distributing parking permits/stickers. Rules and regulations may only be adopted at a duly called public meeting.²

§ 160-28. Impoundment of motor vehicles for failure to pay parking tickets.

- A. Applicability. Any vehicle that is registered to an individual who has accumulated, for this or any other vehicle, a combined total of three or more notices of violation of any parking regulation or regulations made pursuant to this article issued after July 1, 1983, for which there has been neither payment of waiver fees nor issuance of court process, and which is then parked in violation of any such provision, may at the option of any Town of Kennebunkport police or other officer authorized to enforce the parking regulations of the Town of Kennebunkport be immobilized in place or may be removed and stored until all waiver fees for all such outstanding notices of violations have been paid, including all costs for towing, notice preservation and storage of said vehicle.
- B. Procedure. The police officer requesting such removal shall at the time of such removal notify the dispatcher of the intended storage location of the subject's motor vehicle. Such information shall be recorded by the dispatcher for the use of the Chief of Police or his/her duly authorized representative. The Chief of Police shall notify by registered mail the registered owner of such vehicle within five business days of the impoundment thereof, the storage location of such vehicle and the requirements for release.
- C. Release of vehicles. Any person having custody of a motor vehicle pursuant to the provisions of this article or of the means to release such immobilized vehicle shall not release it until the individual requesting its release presents satisfactory evidence of his or her right to possession and signs a receipt therefor and the Chief of Police or his/her duly authorized representative certifies that all waiver fees and all charges have been paid, including all costs for towing, notice

2. Editor's Note: See Ch. 315, Goose Rocks Beach Parking Rules and Regulations.

preservation and storage of said vehicle, as established pursuant to this article.

D. Fees.

(1) Towing. Actual charge by contractor.

(2) Storage. Actual charge by contractor. The charges by the Town for vehicles impounded or stored on Town property shall be \$50 per day for the impoundment and storage. **[Amended 11-3-2020]**

E. Bond. Whenever any person requests the right to post bond, such bond shall be given in cash and a receipt given therefor. Such bond money shall be refunded in the amount of the waiver fee for each alleged violation upon acceptance by such person of service of process initiating a court proceeding to determine his or her liability for the prescribed penalty for such alleged violation. Any bond shall be forfeited unless the person posting it requests and accepts service of such process from the Chief of Police or his/her designated representative within 30 days of posting unless prevented from doing so by the actions or inaction of the Town of Kennebunkport.

F. Refund of charges for impoundment. Whenever any person obtains a determination from a court of competent jurisdiction that the vehicle was not parked in violation at the time it was impounded pursuant to this article, such person shall be reimbursed for the charges for immobilization, or for towing and storage if paid, and if such charges have not been paid, they shall be promptly paid or cancelled by the Town.

G. Violations. It shall be a violation of this article for any person to tamper with or to attempt to remove any immobilizing device attached to a vehicle or to obstruct or attempt to prevent the removal of a vehicle as provided herein. The penalty for any such violation shall be not less than \$100 and not more than \$1,000.

§ 160-29. Violations and penalties.

A. Fine amounts can be set by the Board of Selectmen to comply with state law. The operator of any vehicle, or the registered owner of said vehicle if the operator cannot be determined, violating §§ 160-10, 160-11, 160-14, 160-15 (if a private parking area), 160-18, 160-20, and 160-21 of this article shall be punished by a fine of not more than \$50 and not less than \$25 for each offense. Section 160-15 fine amount is \$200 in a municipal parking area, to be recovered for the use of the Town of Kennebunkport; provided, however, that any such person or registered owner who violates one of the parking sections of this chapter (excepting § 160-15 municipal parking area), and is issued a parking tag, may within 48 hours from time of issuance pay a fine of \$25, or after 48 hours from time of issuance and before a court summons is issued pay a fine of \$30. In the course of an appeal from such parking

fine, such person shall appear before the 10th District Court, Biddeford, Maine, and shall be fined not more than \$200 and not less than \$100 to the Town of Kennebunkport. **[Amended 11-3-2020]**

- B. The operator of any vehicle violating § 160-13, 160-17 or 160-19 of this article shall be punished by a fine of not more than \$30 and not less than \$25 for each offense, to be recovered to the use of the Town of Kennebunkport; provided, however, that any such person who violates one of the parking sections of this chapter, and is issued a parking tag, may within 48 hours from time of issuance pay a fine of \$25, or after 48 hours from time of issuance and before a court summons is issued pay a fine of \$30 to the Chief of Police or his/her representative for full satisfaction of such parking violation. In the course of an appeal from such parking fine, such person shall appear before the 10th District Court, Biddeford, Maine, and shall be fined not more than \$200 and not less than \$100 to the use of the Town of Kennebunkport.
- C. Any parking tag fines paid to the Chief of Police or his/her representative during the fiscal year of the Town of Kennebunkport shall be turned over to the Treasurer of the Town of Kennebunkport and credited to the general revenues of the Town of Kennebunkport.

§ 160-30. Enforcement.

The Town of Kennebunkport authorizes the Chief of Police to represent the Town in District Court in the prosecution of alleged violations of those ordinances that the Police Department is empowered to enforce, if duly certified in accordance with 25 M.R.S.A., § 2803-A, Subsection 8, or successor statute. The Chief of Police may designate any officer under his/her command, if the officer is so certified, to perform this prosecutorial function.

§ 160-31. Legal status provisions.

- A. Effective date. This article shall take effect and be in force immediately after its approval and upon posting of appropriate signs, and supersedes all previous traffic and parking control ordinances governing the streets covered by this article.
- B. Severability. Should any section or part of a section or any provision of this article be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the article as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.