



CHAPTER 23

PARKING ORDINANCE



General Ordinances

Sub-Chapter 2 – Parking Ordinance and Regulations

Definitions.

For the purposes of this ordinance:

Off-street – the Maintenance Department, herein referred to as the 'Department,' will maintain certain areas for parking vehicles, noted in their Operations Manual, and clearly designated as "off-street" parking.

Parking is defined as – to stop, stand or park, or allow to remain, a vehicle in or upon any street, public roadway, designated public areas, public parking area, or off-street parking areas.

Penobscot Nation Homelands – refers to Penobscot Reservation Lands as defined by Chapter 9, Land Assignments, Leases and Permits, Sub-Chapter IV, (2) (A), as amended.

Public roadway – means a right-of-way under the jurisdiction and control of the Penobscot Nation for the use primarily by motor vehicular traffic.

Wintertime – refers to the time period between November 15 to April 15, inclusive, during any calendar year.

02.00 Parking Prohibitions

Except when necessary in obedience to traffic regulations, traffic signs or signals, it shall be unlawful and a violation of this ordinance for any person:

02.01 Parking Opposite Traffic

To stop, stand or park a vehicle in a public roadway other than parallel with the edge of such roadway, headed in the direction of the traffic and with the curb side wheels of the vehicle within six (6) inches of the edge of the roadway, except as designated by parking signs or angled lines painted by the Maintenance Department.

02.02 Where Prohibited; No Parking Zone

To stop, stand or park a vehicle on the streets or portions of streets duly marked or posted as no parking. No parking or tow away zones are described or specified in 02-13, have been designated by the Maintenance Department, and approved by Resolution of the Tribal Chief and Council. A schedule of said public roadways, streets, or portions of streets designated as no parking areas (Sub-Chapter 02.15) shall be maintained by the Clerk of Courts and be available for public inspection at the Tribal Court, Maintenance Department, and Indian Island Police Department during normal work hours.

02.03 Hydrants

To stop, stand or park, along the side line of any traveled way, any vehicle, occupied or not, within twelve (12) feet of any fire hydrant.

02.04 Handicap Zone

To park a vehicle in a parking zone designated for handicap parking unless the vehicle's license plate or a window placard legally displays the handicap logo. At the discretion of the attending police officer, unless the driver of the vehicle is (was) clearly transporting a tribal elder or any person with such disabilities requiring handicap parking.

02.05 Sidewalks

To park a vehicle on any sidewalk of a public way.

02.06 Loading Zone

To park a vehicle in a designated loading zone.

02.07 Obstructing Free Passage

To stop, stand or leave a vehicle stationary on a public way that obstructs the free passage of other vehicles, including the parking of any vehicle for more than twenty-four (24) hours on any

public roadway, public parking location, public area, or off-street parking area.

02.08 Wintertime Parking

The Maintenance Department is responsible for the clearing of public roadways, parking lots, off-street parking, and locations deemed necessary by the Tribal Chief and Council for the operation of government and public safety. The Department will maintain a manual of operations (see Appendix 'A'). The Department may amend the manual through public review and hearings, as needed, with approval by the Tribal Council. Residents of the Penobscot Nation Homelands and tribal members may obtain copies of Parking Ordinances and Regulations at the Penobscot Nation website, the Tribal Court, the Indian Island Police Department, and the Maintenance Department.

02.09 Parking Limitation During Certain Hours

It shall be unlawful and in violation of this ordinance for any person parking a vehicle within the Penobscot Nation Homelands to interfere with or hinder snow removal, or snow plowing operations during wintertime and between the hours of 10:00 P.M. and 6:00 A.M. Any person responsible for parking a vehicle within the Penobscot Nation Homelands is subject to the parking limitations of this ordinance.

02.10 Violation, Removal

Any officer of the Indian Island Police Department is authorized to remove, tow away, or have removed or towed away by any commercial towing service, any vehicle parked in violation of Sub-Chapter 02.08 or 02.07, and to have placed in a suitable location, all at the expense of the owner of the vehicle.

02.11 Waiving Court Hearing for Violation; Nonpayment, Collections

Any person accused of a violation of this ordinance or any portion thereof may voluntarily waive their right to appear and defend themselves before the Tribal Court the charge made against them for such illegal parking. By waiving their right, the individual agrees to pay the amount stated in Sub-Chapter 02.12 in full to the Clerk of Courts of the Penobscot Nation Tribal Court for each infraction within thirty (30) days of the date such alleged offense was committed. Any penalty not paid in full will double if not paid within thirty (30) days of violation date.

Following the initial period of thirty (30) days, the Department may mail a notice to the individual accused of a violation of this ordinance. The notice will include the violation date, amount of any outstanding penalty, and request to pay within the next thirty (30) days. If the parking violation remains unpaid after sixty (60) days of the violation date, the Department may file for collections of an amount triple of the original amount and court costs, in Small Claims Court division of the Tribal Court.

02.12 Penalties

Any person, firm or corporation who shall violate any provision of this ordinance shall, upon conviction thereof and in addition to any other remedies provided herein, be subject to a fine as stated below. Each day or twenty-four (24) hours that a violation continues shall constitute a separate offense.

Parking Over 24 hours	10.00
No Parking/Tow away zone	10.00
Sidewalk or Turf	10.00
Position of Vehicle	10.00
Loading Zone	10.00
Fire Zone/Hydrant	25.00
Obstructing the Flow of Traffic	25.00
Winter Time Parking	25.00
Handicap Zone	50.00

02.13 Tow Away Zone

All areas designated as no parking shall also be known as tow-away zones when the illegally parked vehicle is deemed to a public safety hazard by any on-duty, Indian Island Police Officer.

02.14 Owner's liability

No person shall allow, or permit any vehicle registered in his name to stand or park in violation of any of the provisions of this sub-chapter, or any amendment thereof.

02.15 No Parking Schedule

The Department shall maintain in the Operations Manual a scheduled listing of no parking zones designated by the Tribal Chief and Council.