

TOWN OF LINCOLNVILLE
AN ORDINANCE TO PROHIBIT PLACEMENT OF DISCARDED
MATERIALS OR OTHER PERSONAL PROPERTY WITHIN THE
RIGHT OF WAY OF ROADS

Preamble:

The purpose of this ordinance is to prohibit the placement or accumulation of discarded objects or other personal property within the right of way of roads, public ways and other public easements within the Town of Lincolnville in order to promote public safety and welfare.

Article I – Authority

This ordinance is enacted pursuant to the Home Rule authority granted to the Town in accordance with the provisions of Title 30-A, MRSA, Section 3001, and consistent with the provisions of Title 30-A, MRSA, Section 3755(5) and Title 17, MRSA, Section 2271.

Article II – Prohibition

No person shall place, store, deposit, discard, or otherwise leave any discarded, abandoned, unused, or unattended material, equipment, vehicles, or personal property within fifteen (15) feet of the edge of the improved portion of any Town road, State road, public way, or public easement in the Town of Lincolnville.

For purposes of this ordinance, discarded, abandoned, unused, or unattended material, equipment, vehicles, and personal property shall include, without limitation:

- Discarded, worn out, or junked plumbing supplies, heating supplies, household appliances, furniture;
- discarded, scrap, or junked lumber;
- disassembled parts of houses and other structures;
- any other material described as items stored in a junkyard within the meaning of Title 30-A, MRSA, Section 3752; and
- any item or material defined as “litter” within the meaning of Title 17, MRSA, Section 2263(2), specifically including old automobiles or parts thereof.

Nothing contained herein shall prohibit a person from legally parking a vehicle within the area fifteen (15) feet from the edge of the improved portion of any Town road, State road, public way or public easement in the Town of Lincolnville, provided, however, that the illegal parking of any such vehicle shall be considered to be a violation of this ordinance.

Article III – Violation by Land Owner

No person owning, or occupying, land abutting a Town road, State road, public way, or other public easement shall permit any of the prohibited items set forth in Article II above to be placed, stored, deposited, or otherwise left within fifteen (15) feet of the edge of the improved portion of any such public way.

Article IV – Liability for Violations

Any person- including but not limited to a land owner, a land owner's agent, or a contractor – who violates the provisions of this ordinance shall be liable for the penalties set forth in Article VI of this ordinance.

Article V - Enforcement

The Board of Selectmen of the Town of Lincolnville shall be responsible for the enforcement of the provisions of this ordinance. If the Board of Selectmen shall determine that any provision of this ordinance is being violated, the Board shall notify – in writing- the person responsible for such violation, or any person deemed to be in violation of this ordinance, indicating the nature of the violation and ordering the action necessary to correct the violation, including the removal of any prohibited items (said items set forth in Article II above) and the abatement of the violation of the ordinance. Such written notice shall require that the violator of the ordinance take the required corrective action within forty-eight (48) hours of the date of receipt of said written notice.

In the event that the person violating the ordinance, or the person deemed to be responsible for such violation, does not take the required steps within that 48-hour period, then the Board of Selectmen shall commence appropriate legal proceedings in a court of competent jurisdiction, seeking an abatement of the violation, or injunctive relief, and for the imposition of a penalty in accordance with Article VI of this ordinance. The Board of Selectmen is further authorized to enter into a consent agreement with the person violating the ordinance, or deemed to have cause the violation, for the purpose of causing the abatement of said violation and for the recovery of the penalties set forth in Article VI of this ordinance.

Article VI – Penalties

Any person violating the provisions of this ordinance by failing to abate the violation following receipt of the 48-hour notice set forth above shall be liable for a per-day civil penalty in the amount of \$50 for each day of violation until the violation is abated.

Article VII – Effective Date

This ordinance shall be effective immediately following its enactment at the Town Meeting of the Town of Lincolnville.

Enactment Date: April 13, 1992