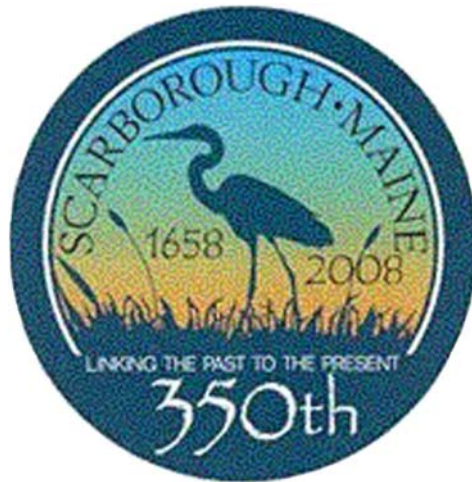


CHAPTER 306

TOWN OF SCARBOROUGH FIRE LANES ESTABLISHED



Adopted as Amended November 7, 1984

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**CHAPTER 306
TOWN OF SCARBOROUGH
ESTABLISHMENT OF FIRE LANES**

Purpose

Fire lanes are established for the purpose of promoting the public health, safety and welfare by recognizing that there exist and will in the future exist buildings and other areas within the Town within which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt adequate emergency services including access by firefighters and fire-fighting equipment and other emergency personnel and equipment in order to accomplish said purposes and effect the saving of life and property in emergency situations.

Definitions

(a) A “fire lane”

Is defined for the purposes of this article as a designated unobstructed passageway at least twenty (20) feet in width with a outside turning radius of fifty (50) feet and constructed and maintained in a manner to permit free passage of fire apparatus and other emergency equipment and personnel from a public way to all necessary areas, regardless of season of year or weather conditions, in areas or in developments or subdivisions, as may be required elsewhere in this article.

(b) “Parking area”

As defined in this article means lots, areas or other accommodations for the parking of motor vehicles off the street, alley or other way, which said lots, areas or other accommodations are available for use by the public either with or without charge.

Applicability

The provisions of this article shall, in order to accomplish the stated purpose, be applicable to all proposed and existing developments, subdivision, buildings and other premises which are included within the following:

- (a) Nonresidential subdivisions of this Code.
- (b) Any nonresidential development not requiring subdivision approval.
- (c) Residential subdivisions.
- (d) Any proposed construction requiring site plan review.
- (e) All schools whether public or private.
- (f) Hospitals.
- (g) Convalescent homes, rest homes and/or nursing homes.

(h) In addition to the foregoing, all other places of public assembly used for gathering together of fifty (50) or more persons.

Establishment of fire lanes in the town

(a) Each application for residential or nonresidential subdivision approval and each application for site plan review submitted to the planning board shall be reviewed by the chief of the Scarborough Fire Department and/or the fire marshal of the fire district within which said development or building is located. The said fire chief and/or fire marshal shall review each such application to determine the location of such fire lanes as are necessary under this article and report his findings, recommendations and suggested designation of fire lanes to the planning board in writing, which findings, recommendations, and suggested designations of fire lanes shall be made a part of the record of proceedings before the planning board on each such subdivision site plan review application. In such cases, the decision of the planning board shall govern the requirements and designation of said fire lanes.

(b) In any application for a building permit, occupancy or change of use permit not requiring subdivision or site plan review and approval but otherwise included within the above, the building inspector shall notify the fire chief of the application for permit and the fire chief or his designee shall designate directly to the owner, owners or agent of the premises for which permit application is made the location of required fire lanes.

(c) Within existing developments and premises to which this article is applicable, the fire chief shall designate fire lanes by written order and shall notify in writing both the Scarborough Planning Board and the owner, owners or agents of such development or premises by certified mail of such designation and of any specific requirements for compliance with this article and, shall publish notice of such establishment of such fire lanes once in a newspaper having general circulation within the Town of Scarborough. The fire chief shall file one copy of any order of designation of any such fire lanes with the town clerk. Any person aggrieved by such order may file with the clerk within fifteen (15) days after the date of the receipt of such order written notice of appeal, setting forth therein reasons for aggrievement. A public hearing shall be held by the Scarborough Planning Board after which the board must affirm, modify or rescind such order within thirty (30) days of the public hearing. The board shall notify the fire chief as may be applicable, and all action taken relative to the establishment of a fire lane.

Maintenance and identification of fire lanes

Fire lanes established under this article shall be kept free of ice and snow and rubbish containers or other obstructions. The owner, owners or agent or occupant of any premises to which this article is applicable shall cause to be erected, installed and maintained by their own expense, permanent, adequate signs bearing the words "FIRE LANE--NO PARKING--VEHICLES WILL BE TOWED AT OWNER'S EXPENSE" in or adjacent to said fire lane. Such owner, owners, agent or occupants shall cause such other and further designations as are reasonably required by the fire chief to warn persons to keep said fire lanes unobstructed. Failure to maintain a fire lane

in accordance with the above shall render the owner, owners, agent or occupant of said development liable to a fine in accordance with the general penalty provisions of the Town of Scarborough's "no parking ordinances", with each continuing day of such violation constituting a separate offense.

Compliance

Notice of establishment of fire lanes shall prescribe a reasonable time for compliance. If compliance is not obtained within said time, than such owner, owners or agents shall be subject to a fine in accordance with the general penalty provision of this Code. Each day following such specified time for compliance shall constitute a new and separate violation.

Parking prohibited

(a) No person shall park or permit to stand a motor vehicle in any fire lane established in accordance with this article, except when actually picking up, or discharging, passengers or actively engaged in loading or unloading a motor vehicle.

(b) Whenever any vehicle shall be found parking in violation of the regulations as established above, any police officer may attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the regulations. Such owner or operator shall pay to the town a sum not less than twenty-five dollars (\$25.00) nor greater than one hundred dollars (\$100.00), payment of which shall be due within five (5) business days of the issuance of the notice of said violation. The registered owner of said motor vehicle shall be presumed to be the operator of such vehicle. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article, in addition to the foregoing, may be towed upon the direction of a police officer, to any public or private parking facility and all expense of such towing, and any subsequent storage, shall be borne by the registered owner or operator of such vehicle.

Severability

Any provision of any town ordinance in conflict herewith is hereby repealed. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article, or any part thereof, effective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof.

Table of location of fire lanes

Each fire lane designated under this article shall be included by brief description in a table with a more detailed description to be maintained in the office of the town clerk.