

**TOWN OF FREEPORT
PAID PARKING FACILITY
MORATORIUM ORDINANCE**

THE TOWN OF FREEPORT hereby adopts the following Ordinance Establishing a Moratorium on Paid Parking Facilities (the “Moratorium Ordinance”) as follows:

Section 1. Definitions.

Parking Facility means any property, structure, or portion thereof, that is principally used to provide space to the general public for the parking of motor vehicles. A Parking Facility does not include a property or structure provided to the occupant of a residential dwelling unit by the dwelling unit’s owner or management company. A Parking Facility also does not include any property or structure where the parking of motor vehicles is only permitted by employees of a specific company or business.

Paid Parking Facility means a Parking Facility where the general public is charged a fee in order to park a motor vehicle.

Section 2. Factual Findings.

The Freeport Town Council, being the legislative body of the Town of Freeport (the “Town”) makes the following factual findings:

- A. The economic vitality of the Town depends upon shops, restaurants, nonprofit organizations and other businesses and retail facilities collected in and around the Town’s village center. The success of these businesses depends in turn on the availability of sufficient Parking Facilities to allow customers to easily access such businesses.
- B. To ensure sufficient parking is available for the customers of all businesses located in Town’s village center, the Town has, over a number of years, adopted regulations and ordinances that establish a system of shared parking throughout the village center – available to all customers and visitors. This system of shared parking is provided free of charge to users.
- C. Due to shifting economic and regulatory conditions, the overall demand for Parking Facilities in the Town has diminished. This has caused a related lack of demand for (and decrease in value of) leases of Parking Facilities. The subsequent lack of revenue paid to the owners of such Parking Facilities has led them to search for alternative sources of revenue.
- D. As a result of the foregoing issues, the Town is aware that one or more owners of a Parking Facility in the Town have leased all or some of their Parking Facility to a third-party operator, thereby converting the Parking Facility into a Paid

Parking Facility. Doing so removes all parking spaces within the Parking Facility from the Town's system of shared parking.

- E. The large-scale removal of parking spaces from the prevailing system of shared parking in the Town has the potential to drastically diminish the success and longevity of the Town's principal economic center, and as a result, the overall economic and social health and success of the Town. These effects could have potentially serious implications for the health, safety, and welfare of the Town and its residents, property owners, business owners, and visitors.
- F. The Town's current Zoning Ordinance is not adequate to prevent serious public harm from the proliferation and development of Paid Parking Facilities in the Town.
- G. The Town needs time to evaluate and study its existing ordinances to determine the implications of Paid Parking Facilities on the Town and to develop reasonable ordinances for the protection of the health, safety, and welfare of the Town's residents, property owners, business owners, and visitors.
- H. The Town, with assistance from the Planning Board, Codes Enforcement Officer, Town Planner, and other departments and staff, intends to study the Town's Zoning Ordinance and other Town ordinances to determine the land use and other regulatory implications of the development and operation of Paid Parking Facilities within the Town, to consider if such uses should be permitted within the Town, and if so, to consider what additional approvals and performance standards, if any, might be appropriate for such facilities.
- I. In the judgment of the Town Council, the foregoing findings constitute an emergency within the meaning of 30-A M.R.S. § 4356, requiring immediate legislative action.

Section 3. Moratorium Established.

The Town of Freeport Town Council, as legislative body of the Town of Freeport, does hereby ordain that this Moratorium Ordinance be, and hereby is enacted, and in furtherance thereof, the Town does hereby declare a moratorium on development involving a Paid Parking Facility within the Village Commercial District 1 (VC-1) and Village Commercial District 2 (VC-2) zoning districts, as established in the Town of Freeport Zoning Ordinance, for the express purpose of drafting an amendment or amendments to Town ordinances to protect the public from health, safety, and welfare risks, including but not limited to potential adverse land use compatibility and economic effects, of development involving a Paid Parking Facility if not properly regulated.

During the time this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board, or agency of the Town shall accept, process, approve, deny, or in any other way act upon any application for the permitting, construction, expansion or development of a Paid Parking Facility.

Section 4. Date of Applicability and Retroactivity. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, and regardless of the Effective Date, this moratorium shall govern and apply to all proceedings and applications for Paid Parking Facilities that were or are pending before the Town on or at any time after **June 24, 2025** (the “Date of Applicability”), representing the first date at which the Town Council discussed the potential enactment of the same. and, as permitted by 30-A M.R.S. § 3007(6), shall apply to and nullify any lawful final approval, license or permit for a Paid Parking Facility issued less than 45 days prior to the Effective Date.

Section 5. Effective Date and Duration. This Moratorium Ordinance shall become effective immediately upon adoption by the Town Council (the “Effective Date”) and shall remain in full force and effect (i) for a period of 180 days from the Date of Applicability, (ii) until an amendment to the Town’s Zoning Ordinance and any other applicable ordinance of the Town addressing the establishment or development of a Paid Parking Facility is adopted by the Town, or (iii) until this moratorium is extended or repealed, whichever shall first occur.

Section 6. Extensions. This moratorium may be extended for additional 180 day periods by the Freeport Town Council, after proper notice and hearing, if a majority of the Council present and voting at such meeting find that: (a) the problems giving rise to the need for this moratorium still exist; and (b) reasonable progress is being made to address and alleviate the problems giving rise to the need for this moratorium.

Section 7. Violations. If a Paid Parking Facility is established or operated in violation of this retroactively applicable Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance and the Town shall be entitled to all rights and remedies available to it pursuant to 30-A M.R.S. § 4452, including, without limitation, fines and penalties, injunctive relief, and its reasonable attorney’s fees and costs in prosecuting any such violations.

Section 8. Conflicts; Savings Clause. Any provisions of the Town’s existing ordinances that are inconsistent or in conflict with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this moratorium. If any section or provision of this Moratorium Ordinance is declared to be invalid or void by a court of competent jurisdiction, the remaining provisions of this Moratorium Ordinance shall remain in full force and effect.