

TRAFFIC ORDINANCE

An ordinance of the Town of Machias voted upon affirmatively by the Machias Board of Selectmen (and legally posted) April 29, 1971, and amended by the Machias Board of Selectmen, after legal postings, on August 5, 1971, February 8, 1972, July 24, 1974 and August 12, 1974.

Article I. Words and phrases Defined.

1-1. Definition of Words and phrases.

A. The following words and phrases when used in this ordinance shall for the purpose of this ordinance have the meanings respectively ascribed to them in this article, except when the context otherwise requires.

B. Whenever any words and phrases used herein are not defined herein but are defined in the State laws regulating the operation of vehicles, any such definition therein shall be deemed to apply to such words and phrases.

1-2. Alley. A street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

1-7. Driver. Every person who drives or is in actual, physical control of a vehicle.

1-11. Official Time Standard. Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in this municipality.

1-12. Park. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

1-15. Person. Any natural person, firm, co-partnership, association or corporation.

1-16. Police Officer. Any officer of the police department, any constable, or any person authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

1-21. Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

1-22. Stand. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

1-25. Street. Every way set apart for public travel except alley ways, bridal paths, and foot paths.

Article XIII Stopping, standing, or parking prohibited in specified places.

13-1. Parking not to obstruct traffic. No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

13-2. Parking in alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

13-10. Parking Zones. There are hereby created Parking Zones in the Town of Machias as follows:

Main Street: Commencing on the South side of Main Street at a point thirty-eight feet (38') Easterly of the intersection of the property lines of the Down East 5 & 10 and the Armstrong House and Main Street; thence Easterly to a point thirty-seven feet (37') Westerly of the sewer grate at the corner of the Crane building so-called.

On the south side of Main Street from a point forty-three feet (43') Easterly of the intersection of the property lines of Johnson's Jewelry Store and Berry's Esso Station and Main Street; thence Easterly to the intersection of the Eastern bounds of the Merrill Trust lot and Main Street.

On the North side of Main Street at the intersection of Main Street and the Westerly lot line of the Eddie Foss Store lot, so-called, to the Westerly lot line of the Farris Store lot, so-called.

Route One: On the Westerly side of Route One commencing at the sewer grate at the corner of Crane building, so-called, to a point thirty-eight feet and six inches (38'6") Southerly of said sewer grate.

Center Street: On the Westerly side of Center Street commencing at a point twenty feet (20') Southerly of the intersection of Center Street and Court Street to a point fifty-five feet (55') from the center line of Main Street.

13-10A Loading Zones. There are hereby created loading zones in the Town of Machias as follows:

Main Street: Commencing at a point along the southerly side of Main Street which point is marked by a metal "loading zone" sign affixed to a yellow pipe, said sign being further located a distance of two hundred ten feet (210'), more or less, in an easterly direction from the westerly corner of Johnson's Jewelry Store, and thence running a distance of forty feet (40'), more or less, also in an easterly direction along said southerly side of Main Street to a second metal "loading zone" sign. The aforesaid "loading zone" is to be further enclosed by yellow lines, and parking in said zone by other than vehicles making commercial deliveries or pick-ups in the immediate vicinity is prohibited between the hours of 8:00 A.M. to 12:00 Noon.

13-11. No Parking Zones. There are hereby established No Parking Zones as follows:

Water Street: On the Northerly side of Water Street at the intersection of the Northerly side of Water Street and the Easterly lot line of the Down East 5 & 10 Store lot, so-called, to the intersection of Route One.

Route One: On the Westerly side of Route One commencing at a point thirty-eight feet and six inches (38'6") Southerly of the Sewer grate at the corner of the Crane building, so-called, to the intersection of Water Street.

Main Street: On the South side of Main Street from the intersection of the property lines of the Down East 5 & 10 and the Armstrong House and Main Street easterly thirty-eight feet (38') to a Point.

On the South side of Main Street from a point thirty-seven feet (37') Westerly of the sewer grate at the corner of the Crane building, so-called, to said sewer grate. Said lot is reserved for police parking and taxi stand.

On the South side of Main Street commencing at the intersection of the property lines of Berry's Esso so-called, and Johnson's Jewelry Store, so-called, and Main Street, Easterly forty-three (43) feet to a point. Said lot is reserved for police parking and a taxi stand.

On the North side of Main Street commencing at the intersection of Main Street and Free Street easterly to the intersection of the Westerly lot line of the Farris Store lot, so-called, and Main Street.

On the North side of Main Street commencing at the intersection of the Westerly lot line of the Eddie Foss store lot, so-called, and Main Street Easterly to the inter-section of the Easterly lot line of the A & P Store lot, so-called, and Main Street.

Center Street: On the Westerly side of Center Street commencing at the intersection of Center Street and Court Street, Southerly to a point twenty feet (20') Southerly of said intersection.

On the Westerly side of Center Street commencing at a point fifty-five feet (55') Northerly of the center line of Main Street; thence Southerly to the center line of Main Street.

On the Easterly side of Center Street commencing at the intersection of Center Street and Court Street to the intersection of Center Street and Main Street.

Court Street: On the Northerly side of Court Street commencing at the intersection of Court Street and Center Street Westerly to the intersection of the lot lines of Robert Foster and Leonard Sprague and Main Street.

13-11A Loading zones. There are hereby created a loading zone in the Town of Machias as follows:

Main Street: Commencing at a point on the Northerly side of Main Street from the intersection of the Northerly side of Main Street and the Westerly lot line of the Eddie Foss Store Lot, so-called, which point is marked by a metal "loading zone" sign affixed to a yellow pipe, and thence running a distance of seventy-five feet (75') more or less, in an Easterly direction along said Northerly side of Main Street to a second metal "loading zone" sign. The aforesaid "loading zone" is to be further enclosed by yellow lines, and parking in said zone by other than vehicles making commercial deliveries or pick-ups in the immediate vicinity is prohibited from 8:00 A.M. to 5:00 P.M.

13-12. No person shall park any vehicle within the bounds of the parking zone herein before established for a period of time longer than two hours.

13-13. No person shall park any vehicle within the bounds of the no parking zone herein before established.

13-14. No person shall park any vehicle or any portion thereof on or within the limits of a sidewalk.

13-15. No person shall park any vehicle or any portion thereof within the bounds of any street in the Town of Machias from November 15th to April 15th from 12:00 Midnight to 6:00 A.M.

ARTICLE XVII Penalties

17-1. Penalties. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$ 100 or imprisonment for not more than 90 days or by both such fine and imprisonment.

17-7. Citation on illegally parked vehicle. Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the restrictions imposed by ordinance of this municipality or by State law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the Town Manager for the driver to answer to the charge against him within five days, at the Town Office from 9:00 A.M. to 4:00 P.M., Monday through Friday. Any person receiving a citation may waive all Court action by payment of a fine of \$ 1.00 within the five day period at the Town Office.

Traffic Ordinance--continued

17-8. Failure to comply with traffic citation attached to parked vehicle. If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear at the Town Office as ordered in response to a traffic citation affixed to such motor vehicle within the period of five days stated on said citation, the Chief of Police shall be empowered to send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him of the violation and warning him that in the event the aforesaid letter is disregarded for a further period of five days, a warrant of arrest will be requested.

17-9. Presumption in reference to illegal parking.

A. In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

B. The foregoing stated presumption shall apply only when the procedure as prescribed in sections 17-7 and 17-8 has been followed.

17-10. When warrant may be issued. In the event any person fails to comply with a traffic citation given to such person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the District Court, or if any person fails or refused to deposit bail as required and within the time permitted by ordinance, the Town Clerk shall secure and issue a warrant for his arrest.

17-11. Disposition of traffic fines and forfeitures. All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this ordinance shall be paid into the municipal treasury and deposited in a special fund to be known as the highway improvement fund, which is hereby created and which shall be used exclusively in the construction, maintenance and repair of public streets, bridges and street structures, or for the installation and maintenance of traffic-control devices thereon, for rental of off street municipal parking facilities, and the enforcement of this ordinance.

17-12. Official misconduct. Failure, refusal or neglect on the part of any Judicial or other officer or employee receiving or having custody of any such fine or forfeiture, either before or after a deposit in said highway improvement fund to comply with the foregoing provisions of this section shall constitute misconduct in office and shall be ground for removal there from.

17-13. Impounding vehicles.

A. When authorized by the laws of this State, any police officer may remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department or otherwise maintained by this municipality.

B. Whenever a police officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

C. Whenever a police officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as herein before provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the State Department whose duty is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place where the vehicle is stored.

Copied from Town Records
October, 1981

Martha A. Bagley
Town Clerk