

ORDINANCE TO REGULATE TRAFFIC TOWN OF WALDOBORO

BE IT ORDAINED BY THE INHABITANTS OF THE TOWN OF WALDOBORO:

ARTICLE 1. DEFINITIONS OF WORDS AND PHRASES

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.

AUTHORIZED EMERGENCY VEHICLE - Vehicles of Fire Departments, Law Enforcement Agencies, Ambulances and other Emergency Vehicles being operated in response to an emergency call.

DRIVER - Any person who drives, or is actually in control of, a vehicle.

DRIVEWAY OR PRIVATE ROAD - Every way or place, in private ownership, used for vehicular traffic by the owner and those persons having expressed or implied permission of the owner but not by other persons.

INTERSECTION - The area embraced within the prolongations or continuations of the lateral side lines of two or more highways which join one another.

MOTOR VEHICLE - Every vehicle which is self propelled but not operated on rails.

OFFICIAL TRAFFIC SIGNS - All signs, signals, markings and devices placed or erected by officials having jurisdiction for the purpose of regulating, warning and/or guiding traffic.

PARK - The standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually loading and/or unloading.

PEDESTRIAN - Any person afoot.

RIGHT-OF-WAY - The privilege of immediate use of the roadway.

SIDEWALK - That portion of the street between the curb or ditch line and the adjacent property lines intended for the use of pedestrians.

STOP - The complete cessation of movement.

STOP, STANDING OR STOPPING - The stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with a Police Officer or a sign or signal.

STREET, HIGHWAY OR ROADWAY - That portion of a Public Way open to the public for the use of vehicular traffic.

TRAFFIC - Pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or

together, while using any street for the purpose of travel.

THROUGH HIGHWAY - Every street or highway so marked by appropriate stop signs.

VEHICLE - Every device in, upon, or by which any person or property is, or may be, transported or drawn upon a highway, except devices propelled by human power.

ARTICLE II. AUTHORIZED EMERGENCY VEHICLES & POLICE AUTHORITY

1. It shall be the duty of the officers of the Police Department, or such officers as may be assigned to such duty, to enforce all traffic laws of this Town and all the State Motor Vehicle Laws applicable to street traffic in this Town.
2. The Police Department is hereby authorized, empowered and ordered to direct, control, restrict and regulate, and when necessary temporarily to divert or exclude, the movement of traffic of every kind on any street or highway in the interest of public safety, health or convenience to meet special needs or emergencies.
3. No person shall willfully fail or refuse to comply with any lawful order or direction of a Police Officer.
4. Persons riding or driving any animal drawn vehicles are to obey traffic regulations. Every person riding an animal or driving an animal drawn vehicle shall be subject to the provisions of this Ordinance.
5. The provisions of this Ordinance shall not apply to authorized emergency vehicles as defined in this Ordinance while the driver of such vehicle is operating the same in the necessary performance of public duties.
6. Upon the sounding of a siren, bell, or whistle, or displaying of a red or blue warning light, the driver of any vehicle shall yield the right-of-way to an authorized emergency vehicle by driving to the extreme right of the road and coming to a full stop.

ARTICLE III. THROUGH STREETS DESIGNATED - STOP SIGNS REQUIRED

1. All streets upon which have been erected stop signs per order of the Selectmen or the State Highway Commission shall be considered to enter upon through ways.

ARTICLE IV. MISCELLANEOUS DRIVING RULES

1. Crossing Fire Hose - No vehicle shall be driven over any fire hose of the Fire Department or Highway Department except with the permission of a Police Officer or the Department Official in command.
2. Driving on Sidewalks - The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.
3. Limitations on Backing - The driver of the vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with the safety of other traffic.
4. General Operation - No vehicle shall be operated upon any street or highway except in a careful and prudent manner, having due regard to the traffic surface of the highway and other conditions then existing or as to endanger any person or property or at an unreasonable rate of speed.

ARTICLE V. METHOD OF PARKING

1. No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street or highway in violation of any of the provisions of this Traffic Ordinance or any amendment thereto.
2. No person shall park or stand a vehicle other than in the manner indicated by markings or signs.

ARTICLE VI. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIC PLACES

1. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law, or at the direction of a Police Officer, in any of the following places:
 - 1.1. On a sidewalk,
 - 1.2. In front of a public or private driveway,
 - 1.3. Within an intersection,
 - 1.4. On a colored marking,
 - 1.5. Alongside, or opposite, a street or highway excavation,
 - 1.6. On the roadway side of any vehicle stopped or parked parallel,
 - 1.7. At any place where official signs or markings prohibit stopping or parking,
 - 1.8. In front of, or within ten feet (10') of a fire hydrant,

- 1.9. On a crosswalk.
2. The Selectmen are authorized to determine and designate by proper signs, places in which stopping, standing or parking of vehicles would create a particularly hazardous condition or cause unusual delay in traffic. The Selectmen are authorized to designate traffic lanes, parking spaces and parking limits.
3. When official signs are erected at hazardous or congested places as authorized, no person shall stop, stand or park a vehicle in any designated place.
4. No person shall, at any time, stop, stand, or park any vehicle other than parallel to the curb or the edge of the roadway unless directed to do so by a Police Officer or sign or colored marking.

ARTICLE VII. PARKING WHEN INTERFERING WITH OR HINDERING THE REMOVAL OF SNOW OR STREET SWEEPING OPERATIONS:

1. No vehicle shall be parked at any time on a public way so as to interfere with snow removal or street sweeping operations.
2. No vehicle shall be parked on any street in the Town of Waldoboro between the hours of 12:00 O'clock midnight and 7:00 O'clock A.M. from November 1st until April 1st. This shall not apply to physicians on emergency and professional calls.

ARTICLE VIII. REGULATORY PROVISIONS

1. No Parking Areas - No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a Police Officer in any of the following places:
 - 1.1. Friendship street
 - 1.1.1. On the easterly side of the street from the northern extremity of the Joseph and Rosemary Flanagan property (U4-118) to the southern extremity of the Gary and Deborah smith property (U3-21) and from the northern extremity of the Ronald and Suzanne Philips property (U3-30) to the southern extremity of the New Harbor Water Company, Inc. property (U2-23)
 - 1.1.2. On the westerly side of the street from the northern extremity of the Alfred Storer property (U4-3) to the northern extremity of the Gary and Carol

Rundle property (U4-1) and from the northern extremity of the Tami Smith property (U3-4) to the southern extremity of the Waite and Mary Weston property (U3-1).

1.1.3. On both sides of the street from the point of intersection with Main Street for a distance of twenty (20) feet.

1.2. Jefferson Street

1.2.1. On the easterly side, thirty (30) feet from the intersection with Main Street; and from the northern extremity of the Taction property (U4-53) to the intersection with U. S. Route #1.

1.2.2. On the westerly side, from the intersection with Main Street to the intersection with U.S. Route #1.

1.3. Pleasant Street - On both sides of the street from the intersection with Friendship Street to a point fifty (50) feet south of the intersection with Marble Avenue.

1.4. Marble Avenue - Both sides of the street for its entire length.

1.5. Glidden Street - On the easterly side of the street for its entire length.

1.6. Shady Avenue - On the southerly side of the street for its entire length.

1.7. School Street - Both sides of the street for its entire length.

1.8. Pine Street

1.8.1. On the easterly side, from the intersection with Medomak Terrace to the southern extremity of the Town of Waldoboro Public Landing property (U11-19) .

1.8.2. On both sides of the street, from the intersection with Main Street to the intersection with Medomak Terrace and from the southern extremity of the Oriana Hilton property (U11-31) to the end of the street.

1.9. Medomak Terrace - From the entrance on Main Street, the westerly or southerly sides, as the case may be, for its entire length.

1.10. Main Street

1.10.1. On the southerly side, from the western end of the Medomak River Bridge to the western end of the Theodore and Elizabeth Wooster property (U4-17); and from a point thirty-one (31) feet west of the intersection with Friendship Street to the intersection with Pleasant Street.

1.10.2. On the northerly side, twenty (20) feet westerly of the intersection with Jefferson Street and forty two (42) feet easterly of the intersection with Jefferson Street .

1.11. Municipal Building - In front of the overhead fire, police and ambulance doors.

1.12. Marine Park - On either side of the road traversing the Waldoboro Marine Park from the Dutch Neck to the waterfront at the Boat Ramp. (This paragraph shall not prohibit parking in the designated parking area.).

1.13. Route #1

1.13.1. No person shall stop, stand, or park a vehicle in the breakdown lanes on the east and west sides of Route #1, in the area also known as Moose Crossing.

The Ordinance shall apply specifically to an area beginning 4/10 of a mile south of node sign number 7048 to a point ending 9/10 of a mile south of node sign #7048. This area will also be posted with "No Parking" signs.

1.13.2. On the North side of Atlantic Highway from the intersection of Washington Road east to the MCRR bridge abutment.

1.14. Philbrook Lane - On either side of Philbrook Lane from the intersection of Philbrook Lane and School Street to CMP Pole #10 located on the northern end of Philbrook Lane.

2. Limited Parking

2.1. Friendship Street - From the intersection with Main street to the beginning of the "No Parking" area at the northern end of the Joseph and Rosemary Flanagan property (U4-118) (see Section 1.1.1., this Article), parking on both sides of the street shall be limited to one (1) hour from 8:00 A.M. to 6:00 P.M.

2.2. Main Street

2.2.1. On the northerly side, from the intersection with School Street to the Meenahga Grange Hall (U4-24) parking shall be limited to one (1) hour from

8:00 A.M. to 6:00 P.M.

- 2.2.2. On the southerly side where parking is allowed between the intersection with Friendship Street and the westerly end of the Theodore and Elizabeth Wooster property (U4-17), parking shall be limited to one (1) hour between 8:00 A.M. and 6:00 P.M.
- 2.2.3. On the northerly side, fifty (50) feet on the westerly side of the intersection with Jefferson Street shall be restricted to passenger cars only (no trucks or vans).

3. Obedience to Signs and Markings

- 3.1. Posted signs, as well as colored traffic markings shall be complied with at all times.
 - 3.1.1. White painted traffic markings shall be considered to be the limits of anyone parking space. Any vehicle, parked other than in the prescribed manner, i.e., with any portion of the vehicle being outside of said area or occupying more than one space or part thereof, shall be considered to be illegally parked and obstructing the uniform flow of traffic, or depriving another vehicle of its parking space.
 - 3.1.2. Yellow painted traffic markings shall be considered to denote a "No Parking" area.

4. Speed Limitations

- 4.1. All motor vehicles, being operated within the limits of the Town of Waldoboro, shall move in accordance with good safety practices, but in no case in excess of posted speed limits.
 - 4.1.1. The speed limits upon any way within the Town shall be as established by the Commissioner of Maine, Department of Transportation.
 - 4.1.2. In the residential areas of the Town, the speed limit shall be as posted. Should there be no posted limits within said residential areas, the speed shall be governed by existing conditions, but in no case shall it be in excess of twenty-five (25) miles per hour. Residential areas shall be considered to be those contiguous to any way which are built-up with structures which are situated less than one hundred fifty(150) feet apart for a distance of one quarter mile (1/4)

4.1.3. In built-up areas of the Town, where no limit is posted, the speed of vehicles shall be in accordance with existing conditions, but, in no case, greater than thirty-five (35) miles per hour. Built-up areas shall be considered to be defined in 29A, M.R.S.A., section 2074.

4.1.4. Speed limits in the vicinity of schools shall be fifteen (15) miles per hour. In any areas not previously indicated in this section and where no speed limit is posted, the maximum speed limit shall be forty-five (45) miles per hour.

5. Pedestrian Regulations

5.1. The following provisions shall apply to pedestrian traffic within the Town:

5.1.1. Pedestrians shall utilize sidewalks where available.

5.1.2. Where no sidewalk is available, pedestrians will walk facing on-coming traffic. Pedestrians walking on roads, highways and ways within the Town shall give way to on-coming traffic.

5.1.3. Where provided, crosswalks will be utilized. Where crosswalks or safety zones are not provided, pedestrians will cross public ways cautiously in such a manner as to create no hazard to oneself, other pedestrians or vehicular traffic.

6. One Way Streets

6.1. Medomak Terrace - from the intersection with Main Street to the intersection with Medomak Terrace, shall be one way from Main Street to Medomak Terrace and entrance shall be made only by vehicles proceeding to an easterly direction on Main Street.

7. Handicap Parking - Any motor vehicle or motorcycle registered by a handicapped person is exempt from any parking violation as long as they are not hindering vehicle or pedestrian traffic and as long as are not trespassing on another's property. The vehicle must properly display special designated plates or a placard issued under Title 29A, section 521, 521-2 and 521-3 and 521-6, and may park a length of time which does not exceed twice the time limit otherwise applicable.

ARTICLE IX. PENALTIES

1. Conviction - Whosoever violates any of the forgoing provisions of this Ordinance shall, upon

conviction, be punished by a fine of not more than one hundred dollars (\$100), except that violations involving disability parking spaces shall, upon conviction, be punished by a fine of not more than two hundred dollars (\$200). The violation of any provision of this ordinance shall be a traffic infraction.

2. Waive Court Action - Any person charged with a violation of the parking regulations MAY be given the opportunity to waive all court action by paying ten dollars (\$10) to the Town Treasurer, or his duly authorized representative, at the Waldoboro Municipal office, not later than 5:00 P.M. on the weekday next following the date of violation. All violations occurring between 5:00 P.M. Friday and 12:00 Midnight Sunday shall be paid by 5:00 P.M. Monday. (30A M.R.S.A., section 3009, paragraph C, sub-paragraph 2)
3. Appeals - A registered owner of a vehicle that has been issued a ticket under this ordinance may request that the issuance of the ticket be rescinded by appealing the issuance of said ticket. An appeal shall be made by delivering to the Waldoboro Police Department, within seven business days of the issuance of the ticket, a written appeal on a form to be provided by the Police Department. Delivery of the appeal shall be accomplished by hand delivery to the Police Department or by U S mail, postage prepaid, properly addressed to the Chief of Police and post marked within seven business days of the date of issuance of the ticket. The Chief of Police, or his designee, shall render a written decision granting or denying the appeal within ten business days of the submission of the appeal. Written notice of the decision shall be sent by regular mail to the registered owner of the motor vehicle, a record of which shall be maintained at the Police Department.
4. Towing - Members of the Police Department are hereby authorized to have a vehicle removed from any street or highway within the Town and have it taken to a garage or other place of safety for impoundment under the circumstances hereinafter enumerated:
 - 4.1. Any vehicle which is disabled and / or left unattended upon any bridge.
 - 4.2. When a vehicle upon a highway is disabled and is an obstruction to traffic.
 - 4.3. When a vehicle is left unattended upon a street or highway and constitutes a hazard or obstruction to the normal movement of traffic or violates any of the provisions of this Ordinance.
 - 4.4. When a vehicle is parked so as to interfere with the removal of snow or with street sweeping operations.
 - 4.5. If a vehicle receives a fourth violation notice (ticket) of the parking regulations of this ordinance, and none of the parking ticket waiver fees have been paid, and none of the tickets are being appealed under the provisions of IX 3 above, the vehicle

may be towed and impounded. The towing and impounding of a vehicle shall be under the procedures set forth in Article X below.

- 4.6. A vehicle towed and impounded under the provisions of this article shall not be released unless and until the registered owner of the vehicle provides proof of ownership of the impounded vehicle, and all outstanding parking ticket waiver fees have been paid. All towing and storage charges shall be the responsibility of the registered owner of the vehicle.
- 4.7. The Town of Waldoboro shall not be responsible for any damages that may occur as a result of any vehicle being towed.

ARTICLE X. VEHICLE TOWING PROCEDURES

1. Towing Procedures

1.1. The procedures herein set forth shall be utilized in all cases where a vehicle is towed at the direction of a police officer.

1.1.1. Notice shall be sent to the registered owner of a vehicle towed by regular mail, postage prepaid, within two business days following the tow. The notice shall, at a minimum state the following:

1.1.1.1. The registration number and a brief description of the vehicle;

1.1.1.2. The name and address of the person or company performing the tow;

1.1.1.3. The location where the vehicle is impounded;

1.1.1.4. The section of the ordinance which led to the tow;

1.1.1.5. That an appeal hearing as provided herein in 4 below is available

2. Towing Appeals

2.1. A person whose vehicle has been towed at the direction of a police officer may request that a hearing be held to determine the validity of the tow. The hearing will be held by the Police Chief, or his designee, within seventy-two (72) hours of a request for a hearing. The appellant shall be given notice of the time and location of the hearing and shall be allowed to present any evidence, testimony or documentation in support of his or her position and shall have the right to question any witnesses appearing in opposition to his or her position. The hearing shall be conducted as informally as possible consistent with due process. The Police Chief shall consider any relevant evidence or testimony and may uphold the validity of the tow. If the tow is not upheld, the Town shall pay the full cost of the tow and any

accrued storage charges assessed by the tow operator up to and including the day upon which the hearing is held.

- 2.2. Any person aggrieved by a decision of the Police Chief may appeal to the Selectmen in writing within ten (10) days of receipt of that decision in writing. The Selectmen may uphold or reverse the Police Chief's decision. If the decision is reversed, the Town shall pay the full towing fee and any accrued storage charges up to and including the day upon which the hearing before the Police Chief was held.

ARTICLE XI. EFFECTIVE DATE AND VALIDITY OF ORDINANCE

1. Effective Date - This Ordinance shall be published in the next issue of the Lincoln County News, April 1990 and becomes effective immediately upon enactment by the Board of Selectmen,
2. Validity - If any part of parts of this Ordinance is, for any reason held to be invalid, such decision shall not effect the validity of the remaining portions of the Ordinance.
3. Title - This ordinance shall be known and cited as "THE ORDINANCE TO REGULATE TRAFFIC FOR THE TOWN OF WALDOBORO", and it shall supersede all previous traffic ordinances, and their amendments, to the contrary.
4. Authorization - This Ordinance is adopted pursuant to Home Rule Powers as provided for in Title 30-A, M.R.S.A., section 3009.

Given under our hands, this twenty fifth day of September, 2012

Board of Selectmen:
Town of Waldoboro, Maine

Craig E. Cooley, Chairman

James Bodman, Vice-chair

Steve Cartwright

Theodore M. Wooster

Attest,

Linda Perry, Town Clerk

Carl W. Cunningham