

THE TOWN OF JAY TRAFFIC ORDINANCE

AS ADOPTED AUGUST 16, 1967 INCLUDES ALL AMENDMENTS

VOTED ON JULY 25, 1988 – TOWN OF JAY, SELECTMEN’S MEETING

An ordinance regulating traffic upon public streets of the Town of Jay and repealing ordinance No. 1 through 17 and all other ordinances and sections of ordinances in conflict herewith,

It is ordained by the board of Selectmen as follows:

ARTICLE I - WORDS AND PHRASES DEFINED

Sec. 1-1 Definition 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.

Sec. 1-2 Authorized emergency vehicle. Vehicles of the fire department (fire patrol), police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police of this town.

Sec. 1-3 Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than 20 inches in diameter.

Sec. 1-4 Commercial vehicle. Every vehicle designed, maintained, or used primarily for the transportation of property.

Sec. 1-5 Cross walk.

(a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

(b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Sec. 1-6 Curb loading zone. A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

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

Sec. 1-8 Highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Sec. 1-9 Intersection.

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Sec. 1-10 Motor vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Sec. 1-11 Motorcycle. Every motorcycle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

Sec. 1-12 Official time standard. Whenever certain hours are named herein they shall mean standard time or daylight-savings time as may be in current use in this town.

Sec. 1-13 Official traffic-control devices. All signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Sec 1-14 Park or parking. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while engaged in loading or unloading merchandise or passengers.

Sec 1-15 Passenger curb loading zone. A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Sec. 1-16 Pedestrian. Any person afoot.

Sec. 1-17 Person. Every natural person, firm, co-partnership, association or corporation.

Sec. 1-18 Police officer. Every officer of the municipal police department or any officer authorized to direct traffic or to make arrests for violations of the traffic regulations.

Sec. 1-19 Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Sec. 1-20 Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Sec. 1-21 Railroad train. A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails, except streetcars.

Sec. 1-22 Right of Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Sec. 1-23 Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively.

Sec 1-24 Sidewalk. That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Sec. 1-25 Stand or standing. Means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

Sec. 1-26 Stop. When required means complete cessation from movement.

Sec. 1-27 Stop or stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

Sec. 1-28 Street or highway. The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

Sec. 1-29. Through highway. Every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this ordinance.

Sec. 1-30 Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyance either singly or together while using any highway for purposes of travel.

Sec. 1-31 Traffic-control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Sec 1-32 Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

ARTICLE II - ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sec. 2-1 Authority of police and fire department officials.

(a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of this town and all State vehicles laws applicable to street traffic in this town.

(b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

(c) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic there at or in the immediate vicinity.

Sec. 2-2A Required obedience to traffic ordinance. It is a misdemeanor for any person to do any act forbidden or fail to perform any set required in this ordinance.

Sec. 2-2B Obedience to police and fire department officials. No person shall willfully fail to comply with any lawful order or direction of a police officer or fire department official.

Sec. 2-3 Persons propelling push carts or riding animals to obey traffic regulations. Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this ordinance applicable to the driver of any vehicle, except those provisions of this ordinance which by their very nature can have no application.

Sec. 2-4 Use of coasters, roller skates and similar devices restricted. No person upon roller skates, or riding in or by means of a coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a cross walk and when so crossing such person shall be granted all the rights and shall be subject to all the duties applicable to pedestrians. This section shall not apply upon any street while set aside as a play street as authorized by ordinance of this town.

Sec. 2-5 Public employees to obey traffic regulations. The provisions of this ordinance shall apply to the driver of any vehicle owned by or used in the service of the United States Government, this State, county, or the Town of Jay, and it shall be unlawful for any said driver to violate any of the provisions of this ordinance, except as otherwise permitted in this ordinance or by State statute.

Sec. 2-6 Authorized emergency vehicles.

(a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(b) The driver of an authorized emergency vehicle may:

1. Park or stand, irrespective of the provisions of this ordinance;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits so long as he does not endanger life or property;
4. Disregard regulation governing direction of movement or turning in specified directions.

(c) Exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds audible signal by bell or siren as may be reasonably necessary and then the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of 500 feet to the front of such vehicle, except than an authorized vehicle operated as a police vehicle need not be equipped with or display a blue light visible from in front of the vehicle.

(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with the regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

Sec. 2-7 Operation of a vehicle on approach of authorized emergency vehicles.

(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this State, or of a police vehicle properly and lawfully making use of an audible signal only:

1. The driver of every other shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

ARTICLE III - TRAFFIC CONTROL DEVICES

Sec. 3-1 Authority to establish play streets. The town manager shall have the authority to declare any streets or part thereof a play street and to place appropriate signs or devices in the roadway indicating and helping to protect the same.

Sec. 3-2 Play streets. Whenever authorized signs are erected indicating any street or part thereof as a play street, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residence are within such closed area, and then any said driver shall exercise the greatest care in driving upon any such street or portion thereof.

ARTICLE IV - STOP AND YIELD INTERSECTIONS, RAILROAD CROSSINGS, ETC.

Sec 4-1 Signs required at through streets. Whenever any ordinance of this town designates and describes a through street it shall be the duty of the town manager to place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic-control signals, provided, however, that at the intersection of two such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the town manager upon the basis of an engineering and traffic study.

Sec. 4-2 Other intersections where stop or yield required. The town manager is hereby authorized to determine and designate intersections where particular hazard exists upon other than through streets and to determine (a) whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every place where a stop is required, or (b) whether vehicles shall yield the right of way to vehicles on a different street at such intersection in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

Sec. 4-3 Stop signs and yield signs.

(a) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the cross walk on the near side of the intersection, or in the event there is no cross walk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side of the intersection, in the event there is no cross walk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

Sec. 4-4 Vehicle entering stop intersection. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Sec. 4-3(b) and after having stopped shall yield right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

Sec. 4-5 Vehicle entering yield intersection. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a

vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way.

Sec. 4-6 Emerging from alley, driveway or building. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

Sec. 4-7 Stop when traffic obstructed. No driver shall enter an intersection or a marked cross walk unless there is sufficient space on the other side of the intersection or cross walk to accommodate the vehicle he is operating without obstruction the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indicating to proceed.

ARTICLE V - MISCELLANEOUS DRIVING RULES

Sec. 5-1 Following fire apparatus prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Sec. 5-2 Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 5-3 Driving through funeral or other procession. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

Sec. 5-4 Drivers in a procession. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

Sec. 5-5 Funeral processions to be identified. A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle as a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.

Sec. 5-6 When permits required for parades and processions. No procession or parade containing 5 or more persons or 3 or more vehicles except the forces of the United States Army or Navy, the military forces of the State and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

Sec. 5-7 Vehicle shall not be driven on a sidewalk. The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

Sec 5-8 Limitations on backing. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Sec. 5-9 Opening and closing vehicle doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Sec. 5-10 Riding on motorcycles. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

Sec. 5-11 Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicles shall attach the same or himself to any vehicle upon a roadway.

Sec. 5-12 Loud, unusual, or unnecessary noise. No person shall operate a motor vehicle, on any way, in such a manner as to permit any loud, unusual, or unnecessary noise with the tires of said vehicle.

ARTICLE VI - METHOD OF PARKING

Sec. 6-1 Parallel parking or stopping. No vehicle shall be stopped or parked in a roadway other than parallel with the edge or curb of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within twelve (12) inches of the edge or curb of the roadway, except upon those streets which have been marked or signed for angle parking, in which event vehicles shall be parked at the angle to the curb indicated by such marks or signs. Amended 10/1/84

Sec. 6-2 Signs or markings indicating angle parking.

(a) The Town manager shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any Federal-aid or State highway within this town unless the State highway commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.

Sec. 6-3 Obedience to angle-parking signs or markings. On those streets which have been signed or marked by the Town manager for angle parking, no person shall park or stand a vehicle other than at the angle curb or edge of the roadway indicated by such signs or markings.

Sec. 6-4 Lamps on parked vehicles.

(a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of 500 feet upon such street or highway no lights need be displayed upon such parked vehicle.

(b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of 500 feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of 500 feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of 500 feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of the section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor driven cycle.

(c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

ARTICLE VII - STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

Sec. 7-1 Stopping, standing or parking prohibited.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- b. On a sidewalk;
- c. Within an intersection;
- d. On a cross walk;
- e. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- f. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- g. On any railroad tracks;
- h. At any place where official signs prohibit stopping.

Stand or park a vehicle:

- a. In front of a public or private driveway;
- b. Within 15 feet of a fire hydrant;
- c. Within 10 feet of cross walk at an intersection;
- d. Within 10 feet upon the approach to any stop sign or traffic-control signal located at the side of a roadway;
- e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance.

Park a vehicle whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

- a. At any place where official signs prohibit parking.

(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

Sec. 7-2 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.

Sec. 7-3 Winter parking. No person shall park a vehicle on any street for a period of time longer than 30 minutes between the hours of midnight and 6:00 a.m. of any day from November 1 to April 15 inclusive, except physicians on emergency calls.

Sec. 7-4 Parking for certain purposes prohibited. No person shall park a vehicle upon any roadway for the principal purpose of:

1. Displaying such a vehicle for sale.
2. Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

Sec. 7-5 Parking prohibited on narrow streets.

(a) The Town manager is hereby authorized to erect signs indicating no parking upon one side of a street as indicated by such signs when the width of the roadway does not exceed 30 feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

Sec. 7-6 Standing or parking on one-way streets. The Town manager is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

Sec. 7-7 Standing or parking on one-way roadways. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no

person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The town manager is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

Sec. 7-8 No stopping or parking near hazardous or congested places; vehicles found in such places towed or booted. The town manager is hereby authorized to designate by proper signs certain areas wherein the stopping, standing or parking of vehicles would create especially hazardous conditions or would usually delay or severely impede the flow of traffic. If a vehicle is found stopped, standing or parked in such areas, the Chief of Police is hereby authorized to impound or, at his discretion, immobilize the violating vehicle in accordance with Sections 9A-1 – 9A-6 of this ordinance.

(A) The signs required by this section shall be marked with the words “No parking-tow-away-zone” in letters reasonably readable from a vehicle.

(B) The presence of such signs as required by this section shall constitute notice to all persons that vehicles will be impounded or immobilized if found in violation of this section. Amended 10/1/84

ARTICLE VIII - STOPPING, STANDING, OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Sec. 8-1 Application of article. The provision of this article prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

Sec. 8-2 Regulations not exclusive. The provisions of this article imposing a time limit on parking shall not relieve any person from the duty to observe other and more restricting provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

Sec. 8-3 Parking time limited on certain streets. When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than 1 hour at any time between the hours of 6:00 a.m. and 8:00 p.m. of any day except Sundays and public holidays within the district or upon any of the streets described.

Sec. 8-4 Parking signs required. Whenever by this or any other ordinance of this town any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the town manager to erect appropriate signs giving notice thereof and no such regulations shall be effective unless said signs are erected and in place at the time of any alleged offense.

ARTICLE IX - PENALTIES AND PROCEDURE ON ARREST

Sec. 9-1 Citation on Illegally Parked, Unoccupied Vehicles. Whenever an officer finds any motor vehicle parked or stopped in violation of any of the provisions of this ordinance or of any provisions of State law, such officer shall:

(A) conspicuously affix to the vehicle a traffic citation of a form to be approved by the town manager. The citation shall identify the registration number of the vehicle and shall specify the violation committed; and

(B) take the registration of the vehicle together with any other information displayed on the vehicle which may identify its owner. The officer shall cause the registration number of the vehicle to be taken in such manner that it is not lost.

Sec. 9-2(A) General penalty for violation of ordinance. Whoever shall be guilty of violating any provision of this ordinance shall be liable in a civil action for a fine not exceeding five hundred dollars (\$500.00), to be recovered for the use of the town on complaint or by other appropriate action before the district court. The selectmen shall by resolution determine the fine for each specific violation of this ordinance.

(B) **Waiver fees.** In lieu of court action to recover the fine specified in Section 9-2(A) above, a person violating any provision of this ordinance may, if a summons has not been issued, elect to pay the appropriate waiver fee. Waiver fees may be set by resolution of the selectmen.

Sec. 9-3 Presumption in reference to illegal parking. In any prosecution charging a violation of this ordinance or any law governing the stopping, standing or parking of a vehicle, the fact that a vehicle is unlawfully parked shall constitute prima facie evidence of the parking of such vehicle by the registered owner thereof.

Sec. 9-4 Authority to impound vehicles.

(A) Members of the police department are hereby authorized to 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 town under the circumstances hereinafter enumerated.

- (1) When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
- (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
- (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
- (4) When any vehicle has accumulated the number of outstanding parking violations specified in Section 9A-2.

(B) Whenever an officer removes a vehicle from a street as authorized by 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 the place to which such vehicle has been removed.

Sec. 9.5 Disposition of waiver fees and forfeitures. All waiver fees or fines collected as a result of any violation of this ordinance shall be paid into the town treasury. Amended 10/1/84

ARTICLE IX-A HABITUAL PARKING OFFENDERS

Sec. 9A-1 Definitions

(A) Vehicle boot: A vehicle boot is a device consisting of metal clamps or jaws and screws and a padlock which immobilizes a motor vehicle when attached to a wheel.

(B) Outstanding parking ticket: An outstanding parking ticket is any notice of a violation of any provision of this ordinance, as evidenced by the issuance of a citation to the violator, where there has been neither payment of waiver fees nor issuance of court process.

Sec. 9A-2 Applicability of this article. Any vehicle which has accumulated three (3) or more outstanding parking tickets and which is found parked in violation of any provision of this ordinance shall be impounded in accordance with Section 9-4 or, at the option of the officer, shall be immobilized with a vehicle boot until the requirements of Section 9A-4 are met. If a vehicle boot is used, a fee for its use, equal to the charge for towing, shall be charged and paid before the vehicle may be released.

Sec. 9A-3 Notice.

(A) When a vehicle is towed pursuant to this ordinance, the Chief of Police shall notify by registered mail the owner of the vehicle within three (3) business days of the towing thereof. Such notice shall specify where the vehicle is stored and shall set forth the requirements for release as specified in Section 9A-4.

(B) When a vehicle is immobilized with a vehicle boot, the attachment of the vehicle boot to the vehicle constitutes notice to the owner that the vehicle has been impounded.

Sec. 9A-4 Release of vehicle.

(A) The vehicle shall not be released until:

1. The Chief of Police determines and certifies that the individual requesting release of the vehicle is the owner thereof; and
2. The Chief of Police certifies that all waiver fees and towing or immobilization charges have been paid, or

(B) In lieu of paying waiver fees and towing or impoundment charges, a violator may post bond in cash in an amount equal to all such charges, whereupon the vehicle shall be released. Such bond money shall be refunded to the owner of the vehicle upon acceptance by such owner of

service of process initiating court proceedings to determine whether he or she is liable for the violations as charged.

Sec. 9A-5 Refund of immobilization or impoundment charges. Immobilization or impoundment and towing charges shall be refunded to a person when a court of competent jurisdiction determines that the vehicle owned by such person was not parked in violation of this ordinance.

Sec. 9A-6 Interference with enforcement. It shall be unlawful for any person to tamper with or attempt to remove any vehicle boot attached to a vehicle or to attempt to prevent the impoundment of a vehicle. Amended 10/1/84

ARTICLE X - EFFECT OF AND SHORT TITLE OF ORDINANCE

Sec. 10-1 Effect of ordinance. If any part of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 10-2 Repeal. Ordinance No. 1 through 17, the former traffic ordinance of the town of Jay is hereby repealed, and all ordinance or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby prior to the taking effect of this ordinance.

Sec. 10-3 Publication of ordinance. The town clerk shall certify to the passage of ordinance and cause the same to be published.

Sec. 10-4 Short title. This ordinance may be known and cited as the traffic ordinance.

Sec. 10-5 Effective date. This ordinance shall take effect from and after the date of hearing, August 16, 1967.

ARTICLE XI - SCHEDULES OF DESIGNATED STREETS REFERRED TO IN ORDINANCE

Sec. 11-1 Parking prohibited at all times on certain streets.

SCHEDULE I

When signs are erected giving notice thereof no person shall at any time park a vehicle upon any of the following described streets or parts of streets:

No parking on the easterly side of the **Riley Road** commencing from the bridge to the road termination.

No parking on the westerly side of the **Riley Road** from the entrance to Androscoggin Mill to the termination.

No parking on the south side of **Otis Street**.

No parking on the south side of **Maple Street**.

No parking on **Sunset Avenue**.

No parking on the south side of **Jewell Street**.

No parking on the easterly side of **Main Street** from Jewell Street to the Monkey bridge, so called, except in specially designated spaces.

No parking on the northerly and westerly side of **Dubord Street**.

No parking on either side of **Knapp Street** from Church Street to Jewell Street.

No parking on the north side of the **Old Jay Hill Road** from Pole #59 (44.54219, -70.23339) for a distance of approximately .3 miles to Pole #72 (44.54662, -70.23714). (The north side of Old Jay Hill Road is considered the same side as Mountain View Road.) (Amended 3/11/19 & Clarified 5/30/19)

No parking on the easterly side of **Pine Street**.

No parking on the south side of **Elm Street** commencing from Main Street to Western Avenue.

No parking on the south side of the **Hyde Road**.

No parking on the easterly side of **Route #133** opposite Pole #29-31 or near the residence of Albert Landry to the Livermore Falls town line.

No parking on the westerly side of **Route 4, Main Street**, Chisholm from CMP Pole #21 continuing north westerly approximately 75 feet to MCRR tracks. (Amended 6/4/84)

SCHEDULE II

Parking time limited on certain streets.

In accordance with section 8-3, and when signs are erected giving notice thereof, no person shall stop, stand, or park a vehicle between the hours specified herein on any day except Sundays and public holidays within the district or upon any of the streets or parts of streets as follows:

(a) There shall be one hour parking on the easterly side of **Main Street** from the Livermore Falls town line to Church Street and from Church Street to two car lengths from Jewell Street. There shall be no parking on either side of Jewell Street from Central Maine Power Co. Pole #13 to Pole #15. Added 7/26/72

(b) There shall be no parking on the easterly side of the **Riley Road** from the bridge to NET&T Pole #23. There shall be one hour parking on the easterly side of the Riley Road from NET&T Pole 22 to NET&T Pole 25 between the hours of 6:00 a.m. and 8:00 a.m. There shall be no parking between Pole #23 and Pole #26 the remainder of the day. No parking on the westerly side of the Riley Road commencing from the bridge to the road termination. Added 9/12/72

(c) No vehicle shall be parked more than two hours, from 6:00 a.m. on the west side of **Main Street** in Chisholm, from Dubord's Market to the town line of Livermore Falls.

No vehicle shall be parked on the south side of **Jewell Street** in Chisholm, from Main Street to Horan Street.

No vehicle shall be parked within eight feet of a fire hydrant in the Town of Jay.

No vehicle shall be parked on town property, from 6:00 p.m. to 6:00 a.m. in the Town of Jay, without permission.

Church Street shall be a one-way street in a westerly direction from Horan Street to Main Street each Sunday from 7:00 a.m. until noon.

No motor vehicle shall be parked on **Jewell Street** between Horan and Main Streets from 8:00 a.m. until 4:00 p.m. Amended 1/1/78.

Parking is limited to 15 minutes from 6:00 p.m. to 6:00 a.m. on the west side of **Main Street** (in Chisholm Square, so called) from the entrance way to James River Company to the Central Maine Power Company Pole #23. Amended 7/25/88.

PARKING AMENDMENTS

1. Enacted February 4, 2002 at the Board of Selectmen's meeting (minutes attached). No Parking on **Hillsdale Road** in front of A. Maurais & Sons.

2. Enacted June 9, 2003 at the Board of Selectmen's meeting (minutes attached). No Parking along **Main Street** from CN Brown to Franchetti's Hometown Variety.

3. Enacted May 10, 2004 at the Board of Selectmen's meeting (minutes attached). No parking of tractor trailers in front of the **St. Rose Church** and the **Veteran's Memorial** in Chisholm.

4. Enacted March 24, 2009 by the Town manager per Sec. 7-5(a). No parking shall be allowed from CN Brown to CMP pole #25 just before Smiley's Laundry Mat of the westerly side of Route 4 (**Main Street**). This a change to Amendment #2 and will be revoked once Smiley's obtains its own parking lot.

5. Enacted October 24, 2011 at the Board of Selectmen's meeting (see attached). **Otis Street** if classified as a Dead End Street terminated at the junction of Pine Street. Otis Street is closed to

thru traffic with the exception of Emergency vehicles including Municipal Snow Removal Equipment.

6. Enacted July 8, 2013 at the Board of Selectperson's meeting (see attached). **Church Street** shall be a one-way street in a westerly direction from Horan Street to Main Street each Saturday from 3:30 p.m. to 5:30 p.m. and Sunday from 8:00 a.m. to 10:00 a.m.