

AGENDA

ITEM

5.

PUBLIC

HEARING

Public Notice

To Shirley Bailey, a resident of the Town of Clinton, Maine, in the County of Kennebec.

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Clinton, Maine that the Municipal Officers of said Town will meet at the Selectmen's Room, Clinton Town Office, 27 Baker Street, Clinton, Maine on Monday, the 9th day of June, 2008 at 6:30 PM and then and there consider the enactment of the following ordinance:

AN ORDINANCE RELATING TO TRAFFIC CONTROL AND PARKING

PROPOSED ORDINANCE

"The Town of Clinton Hereby Ordains that the Town of Clinton Ordinance Regulating Traffic Control and Parking is enacted as follows:

TRAFFIC CONTROL AND PARKING

SECTION 1 Manual of Uniform Traffic Control Devices (MUTCD).

The current edition of the Manual of Uniform Traffic Control Devices (MUTCD) is adopted as the standard for all traffic control devices on public ways in the Town of Clinton.

SECTION 2 Authority to Regulate Traffic on Town Ways.

Title 30-A M.R.S.A. § 3009 authorizes the municipal officers exclusively to enact ordinances regulating traffic and parking on municipal public ways. Traffic regulation includes the power to erect yield signs, stop signs and other traffic control devices; to designate ways and portions of ways as being closed to through trucks; and to designate which roads are one-way or two-way. It also includes control of pedestrian traffic on the public ways, and the placement of crosswalks.

SECTION 3 Traffic Infractions

Any violation of this ordinance IS A TRAFFIC INFRACTION WITHIN THE MEANING OF 29-A M.R.S.A. § 101(85). Any person who violates a provision of this ordinance shall be subject to the civil penalties provided under 29-A M.R.S.A. § 103 and § 2604, or otherwise provided by statute or Section 26 of this ordinance.

SECTION 4 Definitions

Unless otherwise provided in this ordinance, terms used in this ordinance shall have the same meanings and definitions used under Title 29-A of the Maine Revised Statutes.

SECTION 5 Designation of Traffic Control Devices, Signs, and Crosswalks

Traffic control devices and pedestrian crosswalks as referenced under Chapter 19 of Title 29-A of the Maine Revised Statutes are designated by the Municipal Officers of the Town of Clinton as follows:

1. Schedule of Stop Signs. Stop signs shall be placed at the following locations.
 - a. Baker Street SE at Main Street.
 - b. Battle Ridge Road W at Hinckley Road.
 - c. Beaudoin Road NW at Mutton Lane.
 - d. Bellsqueeze Road NE at Hinckley Road.
 - e. Bellsqueeze Road SW at Hinckley Road.
 - f. Bellsqueeze Road N at Battle Ridge Road.
 - g. Bush Road S at Johnson Flat Road.
 - h. Church Street S at Main Street.
 - i. Church Street W at Railroad Street.
 - j. Cindy Blodgett Drive E at Silver Street.
 - k. Cindy Blodgett Drive at W at Morrison Avenue.
 - l. Dean Road W at Hill Road.
 - m. Dixon Road S at Hinckley Road.
 - n. Gibson Road NE at Hinckley Road.
 - o. Goodale road E at Railroad Street.
 - p. Goodrich Road W at Battle Ridge Road.
 - q. Goodrich Road E at Hill Road.
 - r. Gustafson Road SW at Hinkley Road.
 - s. Gustafson Road N at Canaan Road.

- t. High Street N at Baker Street.
- u. Hinckley Road NW at Canaan Road.
- v. Hillcrest Drive NW at Battle Ridge Road.
- w. Holt Road N at Main Street.
- x. Horseback Road W at Hill Road.
- y. I-95 N Exit 138 Ramp N at Hinckley Road.
- z. I-95 S Exit 138 Ramp S at Hinckley Road.
- aa. Johnson Flat Road SE at Horseback Road.
- bb. Johnson Flat Road SW at Horseback Road.
- cc. Lamb Avenue E at Railroad Street.
- dd. Lamb Avenue W at Spring Street.
- ee. McCallister Road SE at Bangor Road.
- ff. McKenney Road E at Hill Road.
- gg. McNally Road NW at Main Street.
- hh. Morrison Avenue SW at Railroad Street.
- ii. Morrison Avenue S at Main Street.
- jj. Mutton Lane S at Railroad Street.
- kk. Mutton Lane N at Johnson Flat Road.
- ll. Old Leonard Wood Road N at Bangor Road.
- mm. Pearl Street W at Pleasant Street.
- nn. Pease Road S at Johnson Flat Road.
- oo. Peavey Road SE at Tardiff Road.
- pp. Peavey Road W at River Road.
- qq. Pishon Ferry Road W at River Road.
- rr. Pishon Ferry Road SW at Canaan Road.
- ss. Pleasant Street N at Main Street.

tt. Railroad Street S at Main Street.

uu. River Road S at Canaan Road.

vv. River Road N at Canaan Road.

ww. Rogers Road W at Hill Road.

xx. Rogers Road E at Horse Back Road.

yy. Seabasticook Drive W at Pleasant Street.

zz. Silver Street S at Main Street.

aaa. Spring Street E at Railroad Street.

bbb. Spring Street S at Main Street.

ccc. Tardiff Road SW at River Road.

ddd. Tardiff Road E at Hinckley Road.

eee. True Road S at Hinckley Road.

fff. Victor Lane S at Hill Road.

ggg. Water Street SW at Pleasant Street.

hhh. Water Street N at Main Street.

iii. Winn Avenue E at Morrison Avenue.

jjj. Winn Avenue W at Railroad Street.

kkk. Wright Road E at Horseback Road.

2. Schedule of Yield Signs. Yield signs shall be placed at the following locations.

a. I-95 N 138 Exit Ramp NE at Hinckley Road.

b. I-95 S 138 Exit Ramp SW at Hinckley Road.

3. Pedestrian Crosswalks. Crosswalks shall be provided at the following locations:

a. Main Street at Baker Street.

b. Spring Street at Main Street.

- c. Main Street at Spring Street.
- d. Lamb Avenue at Spring Street.
- e. Railroad Street at the Library.
- f. Winn Avenue at Railroad Street.
- g. Railroad Street at Lamb Avenue.
- h. Lamb Avenue at Railroad Street.
- i. Railroad Street at Church Street.
- j. Church Street at Railroad Street.
- k. Railroad Street at the Post Office.
- l. Railroad Street at Main Street.
- m. Main Street at Rail Road and Pleasant Street.
- n. Pleasant Street at Pearl Street.
- o. Pearl Street at Pleasant Street.
- p. Church Street at Main Street
- q. Morrison Avenue at Main Street.
- r. Morrison Avenue at the School.
- s. Cindy Blodgett Drive at Morrison Avenue.
- t. Silver Street at Main Street.

SECTION 6 Stopping at Intersections, Hydrants

No vehicle shall stop or stand within the intersection of any streets or within ten (10) feet of a corner, or within seven (7) feet of any hydrant, wherever located, provided, however, that the foregoing provisions of this section shall not apply to the United States Mail, emergency and public utility vehicles on duty.

SECTION 7 Parking to Obstruct Traffic, Block Driveways; Removal Authorized

The parking of a motor vehicle in such a manner as to obstruct traffic or block a driveway or sidewalk is prohibited. Such cars may be removed in accordance with the provisions of the ordinance.

SECTION 8 Obstructing Traffic, Failure to Obtain Snow Tires, Chains

Between the dates of December 1 and April 1 annually, it shall be unlawful and a violation of the provisions of this section for any person to cause an obstruction to traffic by reason of inability to move a vehicle being operated by him or her because of snow or ice accumulation in a street when such vehicle has not been equipped with either snow tread or all-season tires or chains.

SECTION 9 Stopping Near Curb Required

Unless in an emergency, or to allow another vehicle or pedestrian to cross in its way, no vehicle shall stop in any public street except close to the curb and no more than twelve (12) inches, provided, however, that this section shall not apply to United States Mail, emergency or public utility vehicles on duty.

SECTION 10 Pedestrian Required Use of Sidewalks

Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

SECTION 11 Walking On Highway in Absence of Sidewalks

Where sidewalks are not provided, any pedestrian walking along and upon the highway shall, when practicable, when only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

SECTION 12 Right-of-Way

All pedestrians using the crosswalks in the Town, which are painted and posted by legal highway signs, shall yield the right-of-way over oncoming traffic. The driver of a vehicle shall yield right-of-way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

SECTION 13 Manner of Crossing Roadway

No pedestrian shall cross a roadway by any other route than at right angles to the curb or by the shortest route to the opposite curb.

SECTION 14 Parking in Excess of Seventy-Two Hours; Notice to Move; Removal

It shall be unlawful to leave a vehicle in a designated parking space or lot for a period in excess of seventy-two (72) hours. If a vehicle is parked in violation, a notice shall be placed on the windshield of such vehicle ordering its removal within twenty-four (24) hours. If after the expiration of such notice the vehicle is still in violation, such vehicle may be removed in accordance with the provisions of Section 20.

SECTION 15 Night Time Parking Not to Hinder Snow Removal

No person shall park or permit a vehicle to remain parked, in any street of the Town between 12:00 Midnight and 6:00 AM from November 15 thru April 1st.

SECTION 16 Parking Close to Fires

No person shall park a vehicle, with or without occupants, other than a fire department or police department vehicle or ambulance, on a public highway within one hundred (100) yards of a fire in which fire department personnel are engaged.

If a vehicle parks more than one hundred (100) yards from a fire and within one-quarter (1/4) mile thereof, it shall park on the right hand side of the highway and parallel with and within twelve (12) inches of the curb or edge of the highway.

SECTION 17 No Parking Zones

It shall be unlawful for any person to park a vehicle in a designated no parking zone.

The no parking zones in the Town of Clinton are as follows:

1. On any street within ten (10) of its intersection with another street.
2. On any street or highway within twenty-five (25) feet of the nearest railroad crossing.
3. On the I-95 Overpass on Hill Road and Mutton Lane.
4. In the Town Office Parking Lot at the main door entrance to the Town Office and Selectmen's Room entrance designated by 2 no parking at any time signs and no parking painted on the asphalt.
5. Within seven (7) feet of any fire hydrant wherever located.
6. On the north side of Church Street.
7. In front of Bay doors at the Fire Station.

SECTION 18 Parking Restrictions Zones

1. No person shall park a motor vehicle on the east side of railroad street in front of the post office for a period longer than twenty (20) minutes between the hours 8:00 AM to 4:00 PM Monday through Friday and 8:00 AM to 11:00 AM on Saturday.
2. The four parking spaces on Main Street between the signs are for cars only. No Trucks, SUVs or Vans.

SECTION 19 Parking of Unregistered and Uninspected Vehicles and Motor Cycles

No person shall allow an unregistered and / or uninspected motor vehicle or motor cycle or any part thereof of said vehicle or cycle to be parked upon public property for a period of longer than seventy-two (72) hours. Exceptions may be made upon securing a written permit from the Chief of Police. Said permit shall grant on a one time basis only, an extension of the seventy-two (72) hour period for an additional seventy-two (72) hours. A separate permit must be obtained for each vehicle, cycle or part of same and shall cost \$10.00.

SECTION 20 Removal of Violating Vehicles

1. Any vehicle of any kind or description parked upon a public street of the Town at a place, in a manner, or for a length of time prohibited by an ordinance of the Town, or so as to impede the Town's snow removal operations or traffic in the public street, is hereby declared to be an obstruction in such street and a menace to the safe and proper regulation of traffic.
2. Any vehicle parked in such manner as described in this section may be removed by and under the direction of, or at the request of the Chief of Police, the senior police officer in charge of any shift, the Road Commissioner or Highway Foreman, to a garage or storage place within a twenty (20) mile limit of the municipal boundary of the Town and impounded therein.
3. Any person named in subsection 2 may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved and may employ any reputable person, engaged in the business of towing and storing of vehicles, for such purpose.
4. Notwithstanding any language herein contained, the removal and storage of a vehicle, pursuant to this section, and the payment of the charges specified in this ordinance, shall in no way relieve or prevent prosecution for violation of any provisions of the ordinances of the Town.

SECTION 21 Notification of Impoundment; Recover Procedure

The Police Department shall make every effort to notify, as promptly as possible, the owner of any vehicle of its removal from the streets of the Town, and as soon as possible a written notice that such vehicle has been impounded shall be sent to the owner at his / her last known address as shown by the records of the Secretary of State. If the owner is unknown, the Chief of Police shall cause to be published in the local newspaper serving the Town of Clinton notice of such impounding, giving the vehicle identification number, motor number and the name, type and year of vehicle.

Before the owner of an impounded vehicle may remove it from the possession of the person towing or storing it, shall:

1. Furnish satisfactory evidence of his / her identity and all of his ownership of such vehicle to the Police Department and pay the established charges for advertising, towing and storage and the fine to the Town Clerk's Office.
2. Be furnished a two-part receipt upon payment of such charges, part one: a receipt for such payment, and part two: a release to be presented to the person having towed and stored such vehicle. The owner shall sign part two upon receipt of such vehicle.

SECTION 22 Handicapped Parking Area

It shall be unlawful to park a vehicle in any parking space designated as reserved for the handicapped, by symbol or otherwise as provided by 30-A M.R.S.A. § 3009 (1)(D), unless the vehicle has affixed thereon license plates identifying the registered owner as a handicapped person.

SECTION 23 Designated Parking Spaces Reserved for the Handicapped

The following parking spaces are designated for exclusive use of handicapped persons pursuant to 30-A M.R.S.A. § 3009:

1. Two parking spaces at the main entrances to the Town Office Building.
2. One parking space at the fire station.

SECTION 24 Evidence of Unlawful Parking

Wherever in this Ordinance it is provided that it shall be unlawful for a person to park a vehicle or cycle, the fact that a vehicle or cycle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle or cycle by the person in whose name such vehicle is registered.

SECTION 25 Waiver of Court Action, Fee Schedule

Any person charged with a violation of any provision of this Ordinance relating to violation of traffic control signs or unlawful parking may waive court action by payment of a civil penalty as provided in Section 26 to the Police Department and Town Clerk's Office within seven (7) days of the violation.

The Chief of Police shall design and require use of a standard form parking ticket that provides notice to the person in violation, of the following:

1. The time, date, and place of violation.
2. The license plate number, vehicle identification number, and description of the vehicle.
3. The nature of the parking violation, referencing the Town of Clinton Traffic Control and Parking Ordinance Section number.
4. The opportunity to waive all court action by payment of the civil penalty within seven (7) days of the violation.
5. The schedule of civil penalties for parking violations as provided in Section 26.
6. The number of prior violations of record, and the opportunity to review that record.
7. The amount of the civil penalty for the current violation.
8. The place where the civil penalty may be paid.

SECTION 26 Civil Penalty

The civil penalty for violation of this Ordinance, relating to unlawful parking and traffic control violations, shall be as follows:

1. Unlawfully parked	\$ 15.00
2. Handicap parking violation	\$ 200.00
3. Overtime parking	\$ 15.00
4. Parking in prohibited area	\$ 15.00
5. Left side to curb	\$ 15.00
6. Blocking/obstructing entrance to public way	\$ 15.00
7. Blocking sidewalk	\$ 15.00
8. Parking in crosswalk	\$ 15.00
9. Obstructing a street	\$ 15.00
10. Double parking	\$ 15.00
11. Parking within 10 feet of intersection	\$ 30.00
12. Parking within 7 feet of a fire hydrant	\$ 30.00

SECTION 27 Administration and Enforcement

This Ordinance shall be administered by the municipal officers (Board of Selectmen) and enforced by the Police Department.

SECTION 28 Amendments

This Ordinance may be amended by the municipal officers (Board of Selectmen) at any properly noticed meeting.

SECTION 29 Supersession / Repeal

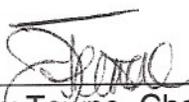
This ordinance supercedes and repeals Parking Ordinance-Town of Clinton adopted July 13, 2004.

SECTION 30 Severability and Effective Date

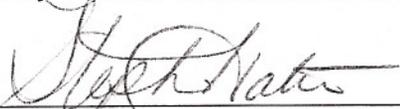
In the event that any provision or section of this ordinance is declared by a court to be unenforceable, the remaining provisions or sections continue in full force and effect. This ordinance shall become effective thirty (30) days after adoption by a majority of the Municipal Officers (Board of Selectmen).

The public will be given an opportunity to be heard prior to the consideration of the above ordinance by the Municipal Officers.

Given under our hands this 27th day May, 2008



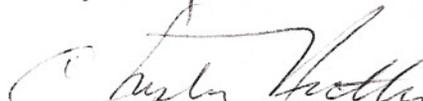
Jeffrey Towne, Chair, Board of Selectmen



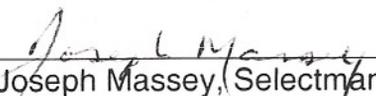
Stephen Hatch, Selectman



Randy Clark, Selectman

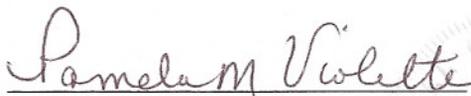


Chester Nutting, Selectman



Joseph Massey, Selectman

A True Copy of the Public Notice
Attested:



Pamela M. Violette
Town Clerk

Municipal Officers of the Town of Clinton.

RETURN

Town of Clinton, Maine

May 28, 2008

Pursuant to the within order of notice, I have notified and warned the inhabitants of the Town of Clinton, Maine that the municipal officers will meet at the time and place and for the purpose therein named, by posting this day an attested copy of that notice in the following public and conspicuous places in town:

Places Listed

Town Office	- 5/27/08	7:30pm
Post Office	- 5/28/08	9:03AM
Salushas Mkt.	"	9:09AM
Dick's Mkt.	"	9:11AM
Library	"	12:52pm

Shirley J. Bailey
 Shirley Bailey
 Resident
 Town of Clinton, Maine

State of Maine

Kennebec County, ss

Then personally appeared before me the above-named Shirley Bailey, known to me and swore that the representations set forth in the above Return of Public Notice are true to her own knowledge; and acknowledged the signature appearing thereon to be hers, and that she executed the Return of her own free will and who signed the above Return in my presence.

Date: 5/28/08

Pamela M Violette
 Notary Public

Pamela M Violette
 Printed name of Notary Public

Notary Seal

My Commission Expires: 5/22/2014

Pamela M. Violette
 Notary Public
 State of Maine
 My Commission Expires
 May 22, 2014