

CHAPTER XVII - TRAFFIC AND VEHICLES

Article 1. - General

Sec. 17-1. Sledding on streets.

No person shall coast upon a sled on any street in the town except upon such streets as may be designated by the board of police commissioners for such purposes.

(Ord. of 2-20-1961)

Cross reference—Streets, sidewalks and other rights-of-way, chapter XIV § 14-11 et seq of this code book.

Secs. 17-2—17-29. Reserved.

Article 2. - Parking

Part A. - Generally.

Sec. 17-30. Board of police commissioners; powers and duties.

- (a) The town board of police commissioners shall have the power to prohibit, limit, or restrict the parking of vehicles and to erect and maintain signs in each block designating the time or terms of such prohibitions, limitations or restrictions on any highway or thoroughfare coming under the jurisdiction of the town, or any highway or thoroughfare within the town, and may remove from any highway or thoroughfare under its jurisdiction any vehicle parked in violation of any regulation of this article.
- (b) The board of police commissioners shall be empowered, at a regular or special meeting, to establish, reestablish, change or modify a schedule of fines not to exceed one hundred dollars (\$100.00) for each violation of any such prohibition, limitation or restriction in this article 2 of the code book. Any person charged with any such violation shall pay such fine as provided in the town fee schedule.
- (c) The board of police commissioners shall issue or cause to be issued a form of notice to any persons violating such prohibitions, limitations or restrictions. The notice shall be served by any duly authorized police officer of the town on the person by leaving a copy in or on his vehicle. The notice shall specify the amount of the fine established for the violation charged and place where the fine may be paid. All fines will double if not paid within seven (7) days from the date of the violation.

(Ord. of 1-11-1960, §§ 1—3; Ord. No. 2-72, 7-5-1972; Ord. No. 1-83, §§ I—III, 2-28-1983; Ord. of 9-21-2004; Ord. of 2-7-2006)

Cross reference—Boards, committees and commissions, chapter II § 2-10 et seq. of this code book.

Charter reference—§§ 2-4; 4-3-1 et seq.

Sec. 17-31. Towing and storing charges.

Vehicles towed for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of a fee to the town police headquarters of the

appropriate fine. The owner or operator shall, at the same time, pay to the town the towing and storage charge in effect at the time of removal, which is not to exceed an amount listed in the town fee schedule.

(Ord. of 1-11-1960, § 4; Ord. No. 1-83, § IV, 2-28-1993)

Sec. 17-32. No parking ban.

- (a) *Determination of emergency.* Whenever, in the opinion of the town manager in consultation with the director of public works, an emergency arises, or in their opinion is imminent, calling for the cessation or limitation of parking of cars and other vehicles on any of the streets of the town, street parking will terminate until such time as the town manager in consultation with the director of public works declares an emergency no longer exists, or whenever there is an accumulation of four (4) inches or more of snowfall during any one storm, there will be an automatic cessation of parking of all vehicles on any of the streets of the town. Such parking shall terminate until eight (8) hours after the storm has stopped, or the director of public works declares the parking ban lifted.
- (b) *Notification.* Immediately upon making such a determination that a no parking ban should be ordered, the director of public works shall notify the news media, including radio, television, and newspapers, as to when such parking ban shall go into effect. In the case of snowstorms, the director of public works shall notify the news media when such parking ban is lifted.
- (c) *Enforcement and penalties.* Any vehicle left parked upon the street after such parking ban becomes effective, which may be considered a detriment under the existing emergency, or to snow plowing, snow removal or sanding operations, will be ticketed and then towed away at the owner's expense. The assessment to the owner of such vehicle will include a fine for violation of this section, as well as the charges for towing and storage. It shall be the duty of the chief of police, upon being notified of the emergency requiring temporary no parking, to enforce this section.

(Ord. No. 3-90, §§ 1—4, 9-18-1990; Ord. of 2-7-2006)

Sec. 17-33. Street parking violations.

Parking of motor vehicles, on roads within the boundaries of the town, in any of the following ways is prohibited:

- (1) *In opposite direction of traffic.* Facing against oncoming traffic on the side of the street on which the vehicle is parked.
- (2) *Close to curb.* More than twelve (12) inches from a curb.
- (3) *Fire hydrant.* Within ten (10) feet of a fire hydrant.
- (4) *Crosswalk.* Within ten (10) feet of a marked crosswalk.
- (5) *Intersection.* Within twenty-five (25) feet of an intersection.
- (6) *Stop sign.* Within twenty-five (25) feet of a stop sign.
- (7) *Restricted area.* In a restricted area.
- (8) *Bus stop.* Within a bus stop.
- (9) *Loading zone.* Within a loading and reloading zone.
- (10) *Traffic hazard zone.* In such a manner as to constitute a traffic hazard or to obstruct the free movement of traffic.
- (11) *Double parking.* Upon a traveled portion of the highway adjacent to parked cars.
- (12) *Driveway.* In such a manner as to obstruct a driveway.

(13) *Curb and sidewalk.* Within the area between the curb and the sidewalk.

(14) *Parking ban.* Violation of parking ban due to snow or emergency.
(Ord. of 2-7-2006)

Sec. 17-34. Registration plate prima facie evidence of ownership.

In any prosecution or proceeding under this article, the registration plate displayed on the motor vehicle shall constitute a prima facie presumption that the owner of such vehicle was the person who parked such vehicle at the place where such violation occurred.
(Ord. of 2-7-2006)

Sec. 17-35. Violations of parking regulations; citations; fines.

Wherever any vehicle is found parked or stopped in violation of any of the provisions of this article, or rule or regulation of the traffic authority concerning parking, a police officer shall attach to such vehicle a notice to the owner or operator stating that the vehicle has been parked unlawfully. The notice, or citation shall state time, place and nature of the violation and the registration number of the vehicle involved.
(Ord. of 2-7-2006)

Sec. 17-36. Authority to tow violating vehicles; reclaiming; charges.

Whenever any vehicle shall be found parked in violation of any provision of this article, in addition to the issuance of a parking citation, such vehicle may be removed under the direction of a member of the police department.
(Ord. of 2-7-2006)

Sec. 17-37. Truck idling prohibition; citations; fines.

(a) *Truck idling prohibition:* No person shall operate an engine or any standing motor vehicle with a weight in excess of 10,000 pounds manufacturer's gross vehicle weight (GVW) for a period in excess of 10 minutes when such vehicle is parked on a residential premises or on a Town road next to a residential premises.

(b) *Citations and fines:* If a motor vehicle is found standing or parked in violation of this Section, a police officer may attach to such vehicle a notice or citation to the owner or operator, or issue a notice or citation to the operator of the motor vehicle, stating that the vehicle has been parked unlawfully. The notice/citation shall state the time, place, and nature of the violation and registration number of the vehicle involved. The notice/citation shall also impose a fine in accordance with the town fee schedule. The fine will double if not paid within seven (7) days from the date of the violation.

(Ord. 08-18, 07-24-2018)

Secs. 17-38—17-49. Reserved.

Part B. - Handicapped Parking.

Sec. 17-50. Applicability of part provisions.

This part shall apply to all new and existing nonresidential sites that have a parking area for twenty (20) or more vehicles including, but not limited to, shopping centers, office buildings, commercial buildings, mercantile buildings, warehouses, storage buildings, manufacturing

buildings, convalescent homes, schools and public buildings. In addition, the traffic authority may designate handicapped parking spaces on town roads which shall be of such size and location as he may specify.

(Ord. No. 2-80, § 1, 1-30-1980)

Sec. 17-51. Use of specially designated spaces.

After establishment of specially marked parking spaces for handicapped persons, no person shall park a motor vehicle in such space unless a handicapped person is either a passenger or occupant of the vehicle, and the vehicle contains a designation issued by the commissioner of motor vehicles pursuant to the state statutes, which designation shall be visible as per the state statutes (or a handicapped designation issued by other governmental authority).

(Ord. No. 2-80, § 2, 1-30-1980)

Sec. 17-52. Number of spaces to be provided; location.

- (a) On each site having parking spaces for at least twenty (20), but not more than twenty-five (25) spaces, at least one (1) space shall be specifically designated and reserved for handicapped parking. Additional spaces for handicapped parking shall be in accordance with the following table:

<i>Total Parking On Site</i>	<i>Required Number of Handicapped Parking Spaces</i>
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total
Over 1,000	20, plus 1 for each 100 over 1,000

- (b) Parking spaces for the handicapped shall be located as close as possible to elevators, ramps, walkways and entrances, and so located that the handicapped person is not compelled to wheel or walk behind parked vehicles to reach the entrances, ramps, walkways and elevators.

- (c) The exact location of the parking spaces shall be designated by the town traffic authority or his designee.

(Ord. No. 2-80, § 3, 1-30-1980)

Sec. 17-53. Marking of spaces.

Each such space designated for handicapped parking shall be not less than fifteen (15) feet in width, including three (3) feet of cross hatch, unless the space would create a nonconforming condition, in which event, the existing parking stall width shall be permitted. Each space shall be designated by abovegrade signs with white lettering against a blue background and shall bear the words “HANDICAPPED PARKING—STATE PERMIT REQUIRED.” Such signs shall be erected, installed and maintained by and at the expense of the owner, operator, lessee or tenant of

such site and shall further indicate that unauthorized use of such space shall subject the violator to a fine. If the signs and markings called for in this section are not installed within thirty (30) days after written request by the town traffic authority, the town may proceed to install the same and impose the costs against the owner of the site.
(Ord. No. 2-80, § 4, 1-30-1980)

Sec. 17-54. Violations; citations.

Whenever any vehicle shall be found parked in violation of this part, any town police officer may issue a citation for such violation, which citation shall provide for a fine as set by the board of police commissioners, payable to the town and remitted to the town police department within seven (7) days of the citation date. If any fine is not paid within seven (7) days, a penalty in an amount equal to the fine shall immediately become due and payable, in addition to the original fine.
(Ord. No. 2-80, § 5, 1-30-1980; Ord. No. 4-92, 5-7-1992; Ord. of 2-7-2006)

Sec. 17-55. Owner's responsibility for violations.

The registered owner of any vehicle parked in violation of this part shall be presumed to be the operator at the time of the violation.
(Ord. No. 2-80, § 6, 1-30-1980)

Secs. 17-56—17-69. Reserved.

Part C. - Fire Lanes

Sec. 17-70. Definitions.

The following words, terms and phrases, when used in this part, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Fire lane means the traffic lane or other area sufficient in width adjacent to the front, rear, or sides of public buildings or private buildings devoted to public use with a capacity of twenty (20) or more persons to permit free passage of heavy fire apparatus and other emergency equipment to all necessary areas in all seasons and all kinds of weather. Nothing in this part is intended to designate any portion of a public street, even though such street may be used for parking, as a fire lane.

(Ord. No. 4-74, § 1, 10-21-1974)

Cross reference—Definitions generally, chapter I § 1-2 of this code book.

Sec. 17-71. Designation.

Whenever the chief fire marshal shall determine that the reasonable safety of persons occupying or using any such building requires the establishment of a fire lane for orderly access of fire and other emergency equipment, he shall establish such fire lane by written order. He shall cause a copy of such order to be delivered to the owner, or agents thereof, of any land on which such fire lane is established.

(Ord. No. 4-74, § 2, 10-21-1974)

Sec. 17-72. Notice.

Whenever the chief fire marshal establishes a fire lane, he shall file one (1) copy of his order with each of the following: the town clerk, the four (4) fire chiefs, and the traffic division of the police department. Any person aggrieved by such order may file with the town clerk a written notice of appeal, within fifteen (15) days after the date of such order, setting forth therein reasons of aggrievement. After a hearing before the town manager with the aggrieved, the chief fire marshal and the fire chief whose district is involved, the town manager may affirm, modify, or rescind such order.

(Ord. No. 4-74, § 3, 10-21-1974; Ord. of 2-7-2006)

Sec. 17-73. Sign designation.

Upon establishment of a fire lane, the traffic division of the police department shall cause to be erected or installed adequate signs, markings and other devices to delineate such fire lane. Signs, markings and other devices erected or installed on privately owned premises shall be at the cost of the owner. In lieu of the foregoing, the owner may install, or cause to have installed, adequate signs, markings, and other devices under the direction of the traffic division.

(Ord. No. 4-74, § 4, 10-21-1974)

Sec. 17-74. Violations.

No person shall park, or permit to stand, a motor vehicle in a fire lane which has been established in accordance with this part, except when loading or unloading at which time such motor vehicle shall not be unattended. Any person violating this section shall be fined in accordance with the schedule of fines set by the board of police commissioners. The registered owner of a motor vehicle shall be presumed to be the operator of such vehicle.

(Ord. No. 4-74, § 5, 10-21-1974; Ord. of 1-7-2006)

Sec. 17-75. Maintenance.

Fire lanes, established under this part, shall be kept free of ice and snow by the owner, and fire hydrants located on private property shall be accessible from such fire lanes and also kept free of snow by the owner.

(Ord. No. 4-74, § 6, 10-21-1974)

Sec. 17-76. Removal.

Any motor vehicle found standing in a fire lane, which has been established in accordance with this part, may be towed, upon the direction of a police officer, to any public or private parking facility, and all expense of such towing, and any subsequent storage, shall be borne by the registered owner of such vehicle.

(Ord. No. 4-74, § 7, 10-21-1974)

Sec. 17-77. Penalties for violation of part.

Whenever a vehicle is found standing in violation of § 17-74, a police officer shall serve upon the owner or operator of such vehicle, or place upon such vehicle, a notice directing the owner or operator to a fine as specified in such notice in accordance with the schedule of fines set by the board of police commissioners.

(Ord. No. 4-74, § 8, 10-21-1974; Ord. No. 3-92, 5-7-1992; Ord. of 2-7-2006)

Secs. 17-78—17-89. Reserved.

Article 3. - Towing*

Sec. 17-90. From private property where parking is prohibited.

Whenever any vehicle is found parked on private property where parking is not permitted, provided that the owner of such private property, or his authorized agent, has posted such restriction on such property in a manner calculated to put persons on notice of such no parking of vehicles, such vehicles may be removed and conveyed by, and/or under the direction of a member of the police department by means of towing, or otherwise, to a vehicle pound.
(Ord. No. 5-80, § I, 8-4-1980)

Sec. 17-91. Storage; fees for reclaiming towed vehicles.

- (a) Vehicles so towed for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of a fee to the town police headquarters of an amount listed in the town fee schedule. The owner or operator shall, at the same time, pay to the town the towing charge in effect at the time of removal.
 - (b) The board of police commissioners shall be empowered at a regular meeting held annually during the month of January to reestablish, change or modify the penalties of not less than thirty-five dollars (\$35.00), nor more than fifty dollars (\$50.00), which change shall be filed in the office of the town clerk
- (Ord. No. 5-80, § II, 8-4-1980; Ord. No. 2-92, 5-7-1992)

Sec. 17-92. Payment upon failure of vehicle owner or operator to remove vehicle.

If the owner of private property requests the removal of a vehicle, he shall pay the town for such removal if the vehicle owner or operator fails to do so.
(Ord. No. 5-80, § III, 8-4-1980)

Sec. 17-93. Recordkeeping.

When a motor vehicle is authorized to be towed away, the police department shall keep and maintain a record of the vehicle towed, list the color, year of manufacturer's trade name, body style, vehicle identification number and license plate displayed on the vehicle. The record shall also include the date and hour of towing, location towed to, reason for towing and the name of the officer authorizing the tow.
(Ord. No. 5-80, § IV, 8-4-1980)

Secs. 17-94—17-109. Reserved.

Article 4. - Truck Routes

Sec. 17-110. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* **State law reference**—Towing or removal of vehicle, state statutes §§ 14-145—14-145c.

Truck means any motor vehicle solely registered as a commercial vehicle and has a gross vehicle weight of at least one thousand (1,000) pounds. Public safety, educational, municipal and municipal purpose vehicles are exempt from the provisions of this article.

(Ord. No. 4-88, § 1, 8-22-1988)

Cross reference—Definitions generally, chapter I § 1-2 of this code book.

Sec. 17-111. Prohibited acts.

No person shall operate a truck on any public road where the town has erected a sign in a conspicuous place on such road, which effectively states that trucks are prohibited from operating on such road, unless the truck has a point of origin or destination point on such road or an intersecting road which has no alternative access.

(Ord. No. 4-88, § 2, 8-22-1988)

Sec. 17-112. Penalty for violation of article.

Any person violating the terms of this article shall be fined in accordance with the town fee schedule for each offense.

(Ord. No. 4-88, § 3, 8-22-1988)

Secs. 17-113—17-119. Reserved.

Article 5. - Regulating Off-Road Vehicles

Sec. 17-120. Policy.

The state legislature has found and declared that:

- (1) excessive noise is a serious hazard to the health, welfare and quality of life of residents of the state;
- (2) exposure to certain levels of noise can result in physiological, psychological and economic damage;
- (3) a substantial body of science and technology exists by which excessive noise may be abated;
- (4) the primary responsibility for control of noise rests with the state and the political subdivisions thereof; and
- (5) each person has a right to an environment free from noise that may jeopardize his or her health, safety or welfare. The town council adopts these findings and policy statement.

This article is intended to protect, preserve and promote the health, safety, welfare and quality of life of the residents of the town through the regulation of noise, disturbance and inconvenience caused by the use of off-road vehicles as defined herein.

(Ord. 5-10, 10-19-2010)

Sec. 17-121. Definitions.

- a) “Off-Road Vehicle” (hereinafter “ORV”) as used in this article shall include the following: “Snowmobiles” as defined in state statute § 14-379; “All-terrain vehicles” as defined in state statute § 14-379; Motorcycles, motorized dirt bikes, motorized go-carts,

or any other motorized vehicle, registered or unregistered, which is being used for off road recreational purposes.

- b) "Operate" means to control the course of or otherwise use an ORV;
- c) "Operator" means the person who controls the course of and operation of an ORV;
- d) "Owner" means the owner of the ORV;
- e) "dB(A)" means the standard abbreviation for "A weighted sound level in decibels";
- f) "Lot" means a parcel of land which is part of an approved subdivision as a designated lot, the map of which has been recorded with the town clerk or a parcel of land described by metes and bounds, the deed of which has been recorded with the town clerk;
- g) "Immediate family" means a spouse, child, grandchild, parent or grandparent.

(Ord. 5-10, 10-19-2010)

Cross reference—Definitions generally, chapter 1 § 1-2 of this code book.

Sec. 17-122. Prohibition on town owned property.

It is illegal to operate or possess an ORV on any town owned land, including all parks and open space land.

(Ord. 5-10, 10-19-2010)

Sec. 17-123. Vehicle registration and written land owner permission.

- a) The written permission of the landowner or his duly authorized agent shall be carried by any person operating an ORV and shall be available for inspection whenever such person operates an ORV.
- b) No person operating an ORV shall refuse to produce their vehicle registration (as required under state statute § 14-386) and/or the written permission of the landowner or his agent when requested by an authorized law enforcement officer.
- c) Upon the request by an authorized law enforcement officer and upon the failure to produce required vehicle registration and/or written permission from the landowner (or his agent) upon whose property the vehicle is being operated, the law enforcement officer shall stop the operator from further use of said ORV and shall escort the operator with the vehicle to a location accessible to a commercial towing service. From this location the ORV shall be moved at the vehicle owner's expense to a location designated by the police department. The ORV shall remain at this designated location until the owner of the vehicle claims it by providing valid proof of ownership and by paying all applicable towing and storage charges. In addition to said towing and storage charges, the owner (or parent of the owner if he or she is a minor) shall pay the fines listed in the town fee schedule for failure to produce valid registration and/or written permission to operate on the private property of another.
- d) The provisions of this section requiring written permission of the landowner or his agent do not apply to the operation of an ORV on premises owned or leased by the owner of said vehicle or his or her immediate family.

(Ord. 5-10, 10-19-2010)

Sec. 17-124. Operational restrictions.

- a) *Proximity to Adjoining Land:* No person shall operate an ORV less than twenty five (25) feet from the adjoining property line unless such person owns the abutting property or has

written permission from the owner of such abutting property (which written permission must be with the operator at all times).

- b) *Proximity to Public Road:* No person shall operate an ORV within twenty five (25) feet of a public road unless the operator is lawfully entering such road for travel or lawfully crossing such road;
- c) *Hours of Operation:* The operation of any ORV within two hundred and fifty (250) feet of any residential dwelling is hereby prohibited before 8:00 a.m. and after 8:00 p.m., Monday through Saturday, and before 9:00 a.m. and after 6:00 p.m. on Sunday.

(Ord. 5-10, 10-19-2010)

Sec. 17-125. Noise restrictions.

- a) *Noise Restrictions:* Municipal officers enforcing this article shall make reference to the regulations of the state department of motor vehicles, § 14-80a-1, et seq. entitled “Maximum Permissible Noise Levels for Vehicles.” Measurement of noise levels shall be done in a manner consistent with the standards and procedures set forth in these regulations promulgated by the department of motor vehicles. Noise emissions from an ORV when measured with a sound level measuring microphone located fifty (50) feet from the ORV shall not exceed eighty (80) dB(A) at any time or under any condition of surface grade, vehicle load, acceleration or deceleration, or at any speed or rpm. In addition, noise emissions from an ORV may not exceed ninety-nine (99) dB(A) at a distance of twenty (20) inches at idle.
- b) *Mufflers:* Each ORV operated by an internal combustion engine shall be provided with muffler(s) designed to prevent excessive, unusual or unnecessary exhaust noise. Each muffler shall be maintained by the vehicle owner or operator in good working order and in constant operation.

No person, including an ORV dealer or repairer, shall install or use upon said vehicle a muffler lacking interior baffle plates or other effective muffling devices, a gutted muffler, a muffler cut-out, a straight exhaust, or any other mechanical device which will amplify the noise emitted by such vehicle.

(Ord. 5-10, 10-19-2010)

Sec. 17-126. Exclusions and exceptions.

The following vehicles or activities shall be exempt from this article:

- (a) Farming equipment or farming activity, as defined in state statutes §§ 1-1 and 12-91;
- (b) Vehicles used for mowing, lawn maintenance and other yard work, provided that all equipment complies with other provisions of this article pertaining to mufflers and noise;
- (c) Vehicles used for gardening, provided that all equipment complies with other provisions of this article pertaining to mufflers and noise;
- (d) ORV used by authorized law enforcement officers, fire fighters or emergency medical personnel while on duty and acting within the scope of their employment;
- (e) Vehicles used in the normal course of snow removal from driveways or sidewalks, provided that all equipment complies with other provisions of this article pertaining to mufflers and noise;

- (f) Businesses that provide ORVs and a place to ride to the public on commercial property and are authorized to do so by all municipal and state agencies having jurisdiction over the property and activity in question.

(Ord. 5-10, 10-19-2010)

Sec. 17-127. Enforcement.

The police department is charged with enforcing the provisions of this article. With respect to privately owned land no police officer shall initiate an investigation, or attempt to enforce or issue a summons to enforce this article, except upon complaint. The chief of police may develop regulations or procedures consistent with this article for the enforcement thereof, including but not limited to the metering procedures and training of officers.

(Ord. 5-10, 10-19-2010)

Sec. 17-128. Fines.

In addition to any offenses enumerated in state statutes §§ 14-379 through 14-390, non-compliance with any section of this article shall constitute a separate offense and shall carry a fine for each violation as set forth in the town fee schedule.

(Ord. 5-10, 10-19-2010)

Sec. 17-129. Appeals.

Any person fined pursuant to this article may appeal such fine to the town manager or his/her designee within thirty (30) days of the issuance of said fine, and then, if necessary, to the superior court.

(Ord. 5-10, 10-19-2010)

Sec. 17-130. Relation to nuisance and other laws.

Nothing in this article shall be construed as authorizing or legalizing the creation or maintenance of a nuisance, and compliance with this article is not a bar to a claim of nuisance, or any other private cause of action, by any person. A violation of this article shall not be deemed to create a nuisance per se. The provisions of this article shall not be construed to prevent the enforcement of other ordinances, regulations, or statutes that prescribe other standards for the type of noise or conduct involved.

(Ord. 5-10, 10-19-2010)