

## TOWN OF MACHIAS

### Streets and Sidewalks

#### Art. I. In General, §1 -8

#### ARTICLE I. IN GENERAL

##### Section 1. Selectmen's authority to regulate sidewalks.

This Article is enacted by the Machias Board of Selectmen, in their capacity as the municipal officers of the Town, pursuant to Title 30-A MRSA section 3009(1), for the purpose of better regulating use of the Town's public sidewalks and thereby protecting the health, safety and welfare of the Town of Machias residents.

##### Section 2. Enforcement.

This Ordinance shall be enforced by the Machias Police Department, Road Commissioner, Town Manager or other official duly appointed and authorized by the Board of Selectmen.

##### Section 3. Duty to remove snow, ice; duty to cover ice with sand, etc; penalty.

This section is not in effect, and is reserved for future use.

State law reference - Authority to provide for the removal of snow and ice from sidewalks, 30-A M.R.S.A. §3009.

##### Section 4. Extending awnings, signs over sidewalks; penalty.

The owner of any building adjoining the street may extend an awning or sign therefrom over the sidewalk to the outer edge thereof and not further; provided, that no part of the awning, sign or fixture shall be lower than seven (7) feet above the sidewalk, and any person who shall extend any awning or sign over any sidewalk in any other manner, shall be subject to a civil forfeiture not to exceed fifty dollars (\$50.00) for each violation. Each day of the violation shall constitute a separate offense.

Exception: Projecting signs or awnings are allowed over public sidewalks or right of ways in Machias provided that the following provisions are met:

1. Each building may have one projecting sign oriented to each street on which the premises has frontage, identifying the building as a whole or its, predominate use.
2. Projecting signs or awnings must clear sidewalks by at least seven (7) feet, and shall project no more than four (4) feet from the building or to a point within two (2) feet of the curb line, whichever is less.
3. Projecting signs shall have a maximum area of seventeen and one half (17.5) square feet. Only one (1) side of a projecting double-faced sign shall be included in calculating surface area, providing that the two (2) display faces are joined at an angle no greater than sixty (60) degrees.
4. The owner/occupant shall have written permission from the Town Manager to install signs or awnings over the sidewalk. This includes signs or awnings that meet the allowable provisions.

Any person aggrieved by the decision of the Town Manager may appeal to the Machias Board of Selectmen. Appeals must be filed within fourteen (14) days of the Town Manager's decision.

##### Section 5. Maintaining tables, tents, booths, racks, shelving unit, carriages, or signs in streets or sidewalks for sale or exhibition; penalty.

No person shall place or maintain any table, tent, booth, stall, rack or any carriage or cart in any public street or way within the limits of the Town of Machias for any sale or exhibition without first obtaining the written permission of the Town Manager or his/her designee. This includes signs or awnings that meet the allowable provisions.

Items permitted with permission of the Town Manager include:

1. Tables, racks, shelving units or carriages that occupy a footprint of 25 square feet, or less, with a maximum width of 30 inches. Tables, racks, shelving units or carriages must be removed at the end of each business day.
2. Signs or signboards that occupy a footprint of 8 square feet or less. Signs or signboards must be removed from the sidewalk at the end of each business day.

3. Tents or booths are permitted off the sidewalks, but within the right-of way. The location of the tent or booth must be specifically approved by the Town Manager. Tents or booths must be removed from the right-of way at the end of each business day.

4. If the size of the table, rack, shelving unit, carriage or sign restricts the width of the sidewalk by more than half its width or restricts the width of the sidewalk to less than 36 inches, the item is not permitted.

Violators of this section shall be subject to a civil forfeiture not to exceed fifty dollars (\$50.00) for each violation. Each day of the violation shall constitute a separate offense. Any person aggrieved by the decision of the Town Manager may appeal to the Machias Board of Selectmen. Appeals must be filed within fourteen (14) days of the Town Manager's decision.

#### **Section 6 Transfer of merchandise over sidewalks.**

On streets not otherwise restricted, merchandise may be transferred from or to trucks or other vehicles over the sidewalk by the use of skids or planks, only when reasonably necessary and provided the sidewalk is not unreasonably obstructed, and then only for such period of time as is necessary, and if the sidewalk and travel thereon is obstructed by skids or planks for an unreasonable time, any police officer in the course of his/her duty may order such skids or planks removed, and if not removed he may remove or cause to be removed, at the expense of the offender.

Violators of this section shall be subject to a civil forfeiture not to exceed one hundred dollars (\$50.00) for each violation. Each day of the violation shall constitute a separate offense. Appeals must be filed within fourteen (14) days of the Town Manager's decision.

#### **Section 7 Accessibility to Commercial and Rental Properties**

Any private use of a Town of Machias right of way, road, sidewalk or any other town way by a commercial or rental property owner to meet handicap accessibility requirements under Maine or federal law or the town's ordinances must be approved in advance by the Machias Board of Selectmen. In approving such use, if approved, the Board of Selectmen shall include such conditions as they deem reasonably necessary protect the town's and the general public's right to use and maintain the right of way, road, sidewalk or other town way for normal vehicle and pedestrian travel. All structures or changes within a town right of way, road, sidewalk or other town way for this purpose must be approved by the Board of Selectmen in advance of any construction. If so approved, permission shall be in the form of a revocable license, and not by deed or deeded easement. All structures or changes within a town right of way, road sidewalk or other town way for this purpose must comply with all applicable provisions of the Town's land use ordinance, building codes, street openings ordinance and other applicable ordinances, with all applicable permit fees to be paid in full, in advance.

#### **Section 8. Riding bicycles, skateboards or rollerblades, ATV's, and Snowmobiles**

No person shall ride a bicycle, skateboard, rollerblades, ATV, or snowmobile on the following sidewalks Monday through Saturday between the hours of 6:00 a.m. and 6:00 p.m.. Main Street from Water Street to Short Street, Colonial Way, and Center Street from Court Street to Main Street.

##### **Penalty**

(A) For a first offense, the police officer shall issue a written warning to that person in violation of this section.

(B) For a second or subsequent offense, any person in violation of this section commits a civil violation for which a forfeiture not to exceed twenty-five dollars (\$25.00) may be adjudged, or if the person consents, the police officer may seize and hold the bicycle, skateboard or rollerblades for a time not to exceed seven (7) days.

By: Machias Board of Selectmen

Adopted this date: 3/13 2013.

Audrey v. Curtis

Wynn Bay

Dan Marchand

Blaine Davis

Lony L. Clifton

Attested by the Town Clerk on this date 3/22 2013

(seal)

Jandra N. Clifton