

## **Chapter 70**

### **TRAFFIC AND VEHICLES\***

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**\*Cross references:** Attaching advertising materials to vehicles prohibited, § 6-6; racetracks, § 10-31 et seq.; riding horses and driving vehicles on public grounds regulated, § 54-3; streets and sidewalks, ch. 66; vehicles for hire, ch. 82.

**State law references:** Motor vehicles generally, 29 M.R.S.A. § 1 et seq.; municipal authority to enact traffic ordinances, 30-A M.R.S.A. § 3009.

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### ARTICLE I. IN GENERAL

#### **Sec. 70-1. State laws incorporated.**

All state motor vehicle laws are hereby incorporated in this chapter by reference. No person shall violate any motor vehicle law of the state within the city.

(Code 1982, § 26-1)

#### **Sec. 70-2. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Whenever any words, terms and phrases used in this chapter are not defined in this section but are defined in the laws of the state regulating the operation of vehicles, then such definition shall be deemed to apply to such words and phrases used in this chapter.

*Abandoned vehicle* means a vehicle that has been left parked on any street in the city for a period of over 24 hours.

*Alley* means a narrow way between buildings or giving access to the rear of buildings.

*Authorized emergency vehicle* means vehicles of the fire department, police vehicles, public traffic emergency repair vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are designated or authorized by the state commissioner of transportation.

*Business or residence district* means the territory of the city contiguous to any way which is built up with structures which are situated less than 150 feet apart for a distance of one-fourth of a mile.

*Commercial vehicle* means any motor vehicle whose gross weight or registered weight exceeds 6,000 pounds.

*Crosswalk* means 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; any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

*Curb* means the outer edge of a defined sidewalk, or either edge of the wrought or usually traveled part of a way.

*Curb loading zone* means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

*Handicapped* means a vehicle which is registered and is being used by a person who is permanently confined to a wheelchair or restricted to the permanent use of crutches or braces or otherwise handicapped in such a way that his mobility is seriously restricted.

*Individual parking space* means a portion of the paved surface of the street, of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked as shall be specified and marked off by the chief of police.

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*Intersection* means:

- (1) The area embraced within the prolongation or connection of the lateral curblines, 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; or
- (2) 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. If 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.

*Motor vehicle* means any self-propelled vehicle not operated exclusively on tracks, but not including motorized wheelchairs, snowmobiles as defined in 12 M.R.S.A. § 7821, and all-terrain vehicle as defined in 12 M.R.S.A. § 7851, unless the all-terrain vehicle is registered for highway use by the secretary of state, provided that whenever an all-terrain vehicle is operated on a public way, it shall be considered to be a "motor vehicle" within the meaning of this provision.

*Operator* or *driver* means every person who drives or is in actual physical control of a vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

*Park*, when prohibited, means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.

*Parking meter* means a device which indicates thereon the length of time during which a vehicle may be parked in a particular place, which shall have as a part thereof a receptacle or a chamber for receiving and storing coins of United States money and a slot or place in which such coin may be deposited; a timing mechanism to indicate the passage of the interval of time during which parking is permissible and which shall have elapsed; also brief instructions as to its operation.

*Pedestrian* means any person afoot.

*Police officer* means every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

*Private road or driveway* means 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.

*Right-of-way* means the privilege of the immediate use of the roadway.

*Roadway* means that portion of a street or highway improved, designed or ordinarily used for vehicular travel.

*Sidewalk* means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Stop*, when required, means complete cessation of movement.

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*Stop, stopping or standing*, when prohibited, means any stopping or standing, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

*Street or highway* means 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.

*Through street* means every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing such street and when stop signs are erected as provided in this chapter.

*Time*. Whenever certain hours are named in this chapter they shall mean standard time or daylight saving time, as may be in current use in this city.

*Traffic* means pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel.

*Traffic control devices* means all signs, signals, markings and devices, whether immovable or whether manually, electrically or mechanically operated, placed or erected by authority of the council or the police chief for the purpose of regulating, warning or guiding traffic.

*Vehicle* means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks or snowmobiles as defined in 12 M.R.S.A. § 1971.

(Code 1982, § 26-2; Ord. No. 02-04, 4-18-02)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 70-3. Emergency or temporary regulations.**

Whenever the chief of police and public works director, or their designees, shall deem it advisable during an emergency, and only for such a period of time as is necessitated for public safety or convenience, they shall have the power and authority to temporarily impose a parking ban on any and all streets within the city. The chief of police shall notify the public through any means reasonably available, at least four hours prior to when the ban is to take effect, in addition to the imposition of a fine, the chief of police may cause any vehicle parked in violation of this section to be removed and stored at the owner's expense. The chief of police, the director of the department of public works, or their designees are empowered and authorized to temporarily close Lisbon Street between Chestnut and Main Streets to vehicular traffic for the purpose of removing snow.

Any vehicle of any kind or description parked upon a public street of the city at any place or in any manner during any emergency parking ban declared under this chapter may be removed by, or under the direction of or at the request of, any police officer of the city to an authorized wrecker impound lot until all the requirements of this chapter are met. Such police officer may use such force as may be necessary to enter the vehicle and cause the same to be placed in a condition to be moved and may summon a licensed tow operator pursuant to the provisions of article IV of this chapter for such purpose. (Code 1982, § 26-3; Ord. No. 99-2, 3-4-99; Ord. No. 12-10, 10-4-12)

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### **Sec. 70-4. Authority of police and fire department officials.**

Officers of the police department 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 this chapter. Members of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

(Code 1982, § 26-4)

### **Sec. 70-5. Obedience to police and fire department members.**

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department member.

(Code 1982, § 26-5)

### **Sec. 70-6. Public employees to obey regulations.**

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state, county or city, and it shall be unlawful for any such driver to violate any of the provisions of this chapter, except as otherwise permitted in this chapter or by state statute.

(Code 1982, § 26-6)

### **Sec. 70-7. Duty to report accident.**

The driver of any vehicle involved in an accident reportable under state law shall give immediate notice and make a written report within the period provided by 29 M.R.S.A. § 891.

(Code 1982, § 26-14)

### **Sec. 70-8. Regulations apply to emergency vehicles; duty of drivers; exceptions to regulations.**

- (a) The provisions of this chapter regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles.
- (b) An operator of an emergency vehicle, except when otherwise directed by a police officer, may do the following:
  - (1) Park or stand notwithstanding the provisions of this chapter.
  - (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 prima facie speed limits so long as he does not endanger life or property.
  - (4) Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.



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- (c) The exceptions enumerated in this section shall apply to authorized emergency vehicles only when the driver of such vehicle sounds a siren, bell or exhaust whistle as may be reasonably necessary, and such vehicle displays proper emergency lights visible from the front as a warning to others.
- (d) The foregoing exemptions in this section shall not, however, protect the driver of any emergency vehicle from the consequences of his reckless disregard of the safety of others.

(Code 1982, § 26-7)

**State law references:** State authorization of emergency lights on emergency vehicles, 29 M.R.S.A. § 1368.

### **Sec. 70-9. Pushing carts, riding animals, driving animal-drawn vehicles regulated.**

Every person propelling any pushcart or riding any animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter, excepting those provisions which by their very nature can have no application.

(Code 1982, § 26-8)

**Cross references:** Animals, ch. 14.

### **Sec. 70-10. Removal of traffic ticket.**

No person shall remove from any vehicle a traffic law violation ticket, notice or citation placed on or in such vehicle by a police officer, except for the purpose of answering such notice or citation as required therein.

(Code 1982, § 26-15)

### **Sec. 70-11. Noisy loading and unloading prohibited.**

No person shall so load or unload a vehicle with iron or other material that may strike together without properly deadening it so that it will cause no unnecessary noise.

(Code 1982, § 26-63)

### **Secs. 70-12--70-18. Reserved.**

### **Sec. 70-19. Habitual parking violators--Statement of policy.**

The owner of a motor vehicle is responsible for the operation of the vehicle both by the owner and by others to whom the owner has entrusted the vehicle; this includes the responsibility for properly and legally parking the vehicle.

(Ord. No. 96-9, 9-12-96)

### **Sec. 70-20. Same--Definitions.**

*Habitual violator* shall mean the owner of a vehicle which has accumulated:

- (1) More than \$200.00 in unpaid penalties arising out of outstanding parking tickets arising in the city.

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*Outstanding parking ticket* means any notice of violation of any parking ordinance of the city where:

- (1) The owner of the offending vehicle has been finally determined to be in violation by reason of the owner's failure to timely request a hearing or otherwise to timely contest the violation in accordance with the laws of the state or the ordinances of the city; and
- (2) The resultant fine or waiver charge established pursuant to 30-A M.R.S.A §§ 3001 and 3009 has not been paid.

*Towing list* means a list maintained by the police department containing the names of those wreckers approved by the city to respond to requests for the towing of vehicles made by the police department.

*Wrecker* means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise removed from one place to another by the use of a motor vehicle adapted to and designed for that purpose.

(Ord. No. 96-9, 9-12-96; Ord. No. 99-4, 3-18-99; Ord. No. 17-03, 5-4-17)

**Cross references:** Definitions and rules of construction, § 1-2.

### **Sec. 70-21. Same--Removal and impoundment of vehicles.**

The police department is authorized, subject to the requirements of this article, by use of a wrecker, to remove and impound the vehicle of an habitual violator wherever found on any public way or public property, and is authorized to take whatever action is reasonably necessary to carry out the provisions of this article.

(Ord. No. 96-9, 9-12-96; Ord. No. 99-4, 3-18-99)

### **Sec. 70-22. Same--Identification of habitual violators.**

The police department is hereby authorized to rely upon records of the police department and of the secretary of state, motor vehicle division, regularly kept and maintained, in determining whether a vehicle is a vehicle of an habitual violator. Where the records of the police department and/or secretary of state, motor vehicle division indicate that such a vehicle is the vehicle of an habitual violator, there shall be a rebuttable presumption that such records are correct.

(Ord. No. 96-9, 9-12-96)

### **Sec. 70-23. Same--Procedure for removal; notice to owner.**

Any police officer requesting removal of a vehicle under this article shall, at the time of such removal, or within a reasonable time thereafter, if the police officer determines that a delay is justifiable, notify the dispatcher of the intended storage location of the subject motor vehicle. Such information shall be recorded by the dispatcher for use by the chief of police or his/her designated representative. The chief of police, or his/her authorized representative, shall, within five business days of the impoundment, notify the owner of such vehicle of such impoundment, the storage location of such vehicle, and the prerequisites for release of the vehicle as set forth in section 70-24. Such notification shall be given by mail requiring a return receipt. This section

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shall not apply where an impounded vehicle has been released prior to the mailing of such notice.

(Ord. No. 96-9, 9-12-96)

### **Sec. 70-24. Same--Conditions for release of vehicle.**

The vehicle shall not be released until:

- (1) The individual requesting the release presents satisfactory evidence of his or her right to possession of the vehicle and signs a receipt therefor; and
- (2) The chief of police, or his or her authorized representative, certifies that all fees and charges described in this article, including the fees for towing and storage, have been paid; or
- (3) Upon the certification by the chief of police, or his or her authorized representative; (a) that such person is, by reason of poverty, upon satisfactory proof thereof, unable to pay accumulated waiver fees or fines; and (b) that such person has accepted service of summons initiating a court proceeding to determine his or her liability for the alleged violations.

(Ord. No. 96-9, 9-12-96)

### **Sec. 70-25. Same--Procedures applicable to towing and impoundment.**

Once the process of towing the vehicle has been initiated by a call to the towing contractor:

- (1) If a wrecker is assigned to pick up a vehicle, and has performed a substantial step towards recovery of the vehicle, the wrecker service will have been considered to have performed a service and will be allowed to charge a fee not to exceed 50 percent of the normal towing fee. To effect an immediate release of the vehicle at that point the towing fee must be paid and also to the chief of police, in accordance with the provisions of subsection (3) below, an amount equal to all outstanding parking ticket waiver fees or fines. Should the owner/representative fail to compensate the towing service at that time, the towing service shall continue to remove the vehicle from that location and transport it to the wrecker's holding facility unless otherwise directed by the police department.
- (2) Once the vehicle has actually been towed away for impoundment, then the vehicle owner or his or her designee must, to recover the vehicle, pay; (a) to the wrecker an amount equal to the towing charge and storage charges; and (b) to the chief of police, in accordance with the provisions of subsection (3) below, an amount equal to all outstanding parking ticket waiver fees or fines.
- (3) Payment to the chief of police shall be made to the front desk or the records division of the police department at offices of the police department, and such payment shall be evidenced by a receipt issued by the department to the person paying. No payment shall be made to or accepted by the patrol or other officer supervising the towing process.

In all cases, the individual requesting the release must present satisfactory

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evidence of his or her right to possession of the vehicle and must sign a receipt therefor.

(Ord. No. 96-9, 9-12-96; Ord. No. 05-09, 4-8-05)

### **Sec. 70-26. Same--Interference with enforcement.**

It shall be a violation of this article for any person to obstruct or attempt to prevent the removal of a vehicle as provided in this article. The penalty for such violation will be in accordance with the city's policy manual as approved by the city council as outlined in section 1-8 of this Code.

(Ord. No. 96-9, 9-12-96; Ord. No. 08-06i, 8-14-08)

### **Sec. 70-27. Same--Collection of out-of-town violations.**

The office of the city finance director may designate an appropriate commercial collection agency and forward to that agency for proper collection on behalf of the city any violation of section 70-21 not otherwise collected under this article. (Ord. No. 96-9, 9-12-96)

### **Sec. 70-28. Same--Procedures and prohibitions on renewal of registration.**

- (a) The police department shall periodically, but not less often than quarterly, provide to the office of the tax collector (the "collector") a list of habitual violators, organized by registration plate in numeric and alphabetic order, and a list of habitual violators, organized alphabetically by last name.
- (b) In the course of reregistering vehicles, the collector shall compare registration plate numbers and letters and the name of the applicant against the habitual violator lists, and if the registration plate sought to be reregistered or the name of the applicant appears on the list, the collector shall telephone the police department to confirm that the status of the registration plate or name continues to be that of a habitual violator.
- (c) If the status of the registration plate or name continues to be that of a habitual violator, the collector shall inform the registrant that unless they immediately pay the outstanding parking violations or waiver fees, the city will not reregister the vehicle sought to be registered.
- (d) The collector is authorized to accept payment of the outstanding parking violations or waiver fees, after having confirmed the amount with the police department, and having done so, the collector is authorized to reregister the vehicle in question.

(Ord. No. 96-9, 9-12-96)

### **Secs. 70-29--70-35. Reserved.**

## **ARTICLE II. TRAFFIC CONTROL DEVICES\***

\*State law references: Municipal authority to regulate traffic by means of signal devices, 29 M.R.S.A. § 1256.

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### **Sec. 70-36. Authority to install.**

- (a) The police chief with the approval of the council shall place and maintain or cause to be placed and maintained traffic control signs, signals and devices when and as required or authorized under this chapter, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under this chapter or under state law, or to guide or warn traffic, including angle parking signs, and markings, turning markers, and signs prohibiting left, right or u-turns, the location of which he is authorized to determine.
- (b) The police chief shall report action he proposes to take pursuant to the provisions of subsection (a). If the council fails to approve or disapprove of such action within 30 days of such report, the council shall be deemed to have approved of the proposed action of the chief.

(Code 1982, § 26-9)

### **Sec. 70-37. Devices to be uniform; official devices.**

All signs or signals required or authorized by this chapter shall, so far as practical, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with state law or this chapter shall be official traffic control devices.

(Code 1982, § 26-10)

**State law references:** Traffic-control signal legend, 29 M.R.S.A. § 947.

### **Sec. 70-38. Obedience to devices; missing and illegible signs.**

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this chapter, unless otherwise directed by a police officer, subject to the exceptions granted to the driver of an authorized emergency vehicle in this chapter. No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(Code 1982, § 26-11)

### **Sec. 70-39. Display of unauthorized signs, signals or markings; nuisance, removal.**

- (a) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device. No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

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- (b) Every sign, signal or marking prohibited by this section is hereby declared to be a public nuisance, and the authority having jurisdiction over the highway is hereby empowered to remove such prohibited sign, signal or marking or cause it to be removed without notice.

(Code 1982, § 26-12)

### **Sec. 70-40. Interference with devices.**

No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device, or any inscription, shield, or insignia thereon, or any part thereof. (Code 1982, § 26-13)

**State law references:** Similar provisions, 29 M.R.S.A. § 2186.

### **Sec. 70-41. Existing signs, signals, devices confirmed.**

All signs, signals, devices and markings in place on the adoption date of this Code are hereby ratified and confirmed.

(Code 1982, § 26-18)

### **Sec. 70-42. Location of light signals.**

Traffic control light signals shall be established at such street intersections as are specified by the council.

(Code 1982, § 26-29)

### **Sec. 70-43. Location of stop signs.**

Stop signs shall be established on the streets specified by the council.

(Code 1982, § 26-32)

### **Sec. 70-44. Location of slow signs.**

Slow signs shall be established on such streets as are specified by the council.

(Code 1982, § 26-34)

### **Sec. 70-45. Location of yield signs.**

Yield signs shall be established on such streets as are specified by the council.

(Code 1982, § 26-35)

### **Sec. 70-46. Location of one-way streets.**

One-way streets shall be established as specified by the council.

(Code 1982, § 26-38)

### **Sec. 70-47. Establishment of taxicab zones.**

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A taxicab zone created by the city council shall be considered established when signs indicating such establishment are erected and maintained at each end of such space, which signs the chief of police is hereby authorized to erect and maintain. Such zones shall be as specified by the city council.

(Code 1982, § 26-127)

### **Sec. 70-48. Establishment of bus stops.**

A bus stop created by the city council shall be considered established when signs indicating such establishment are erected and maintained at each end of such space, which signs the chief of police is hereby authorized to erect and maintain. Such zones shall be as specified by the city council.

(Code 1982, § 26-129)

### **Sec. 70-49. Authority to designate temporary one-way streets.**

The police chief shall have the power to designate streets or parts thereof as subject only to one-way traffic, such designation to be effective only if suitable signs are conspicuously placed on or about the entrances to and exits from the affected areas, in the event of an emergency requiring such one-way traffic for the avoidance of traffic congestion which would be prejudicial to the health, safety and welfare of the inhabitants of the city or property located therein, such designation and signs to be removed at the termination of such emergency. In addition to emergency conditions, the following occasions shall be proper ones for the application of the above power to designate temporary one-way traffic in areas affected by such occasions, such designation and signs to be removed after such conditions cease to exist:

- (1) Church services.
- (2) Parades.
- (3) Athletic events.
- (4) Any event, meeting or occasion attracting or likely to attract a large number of persons.
- (5) Excavations or other repairs to streets.

(Code 1982, § 26-39)

### **Sec. 70-50. Authority to place signs at places of assemblage.**

The police chief is authorized to place temporary or permanent traffic control signs in front of the entrances to places of assemblage or any building in which entertainments, plays, shows, exhibitions and the like are given and for such period as the police chief in his discretion may deem wise under the circumstances.

(Code 1982, § 26-100)

### **Secs. 70-51--70-70. Reserved.**

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### ARTICLE III. OPERATION\*

\*State law references: Operation of vehicles, 29 M.R.S.A. § 891 et seq.

#### **Sec. 70-71. Processions; funeral identification.**

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police chief.

(Code 1982, § 26-16)

#### **Sec. 70-72. Driving in processions.**

Each driver in a funeral or other procession shall drive as near to the righthand edge of the roadway as practical and follow the vehicle ahead as closely as is practical and safe.

(Code 1982, § 26-58)

#### **Sec. 70-73. Driving through processions prohibited; exception.**

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 article. This section shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

(Code 1982, § 26-59)

#### **Sec. 70-74. Limitation on transporting mobile, modular or prefabricated homes.**

No mobile home, modular or prefabricated home, except those homes licensed or registered as campers, shall be transported within the city limits between the hours of 3:00 p.m. and 5:30 p.m.

(Code 1982, § 26-17)

#### **Sec. 70-75. Warning devices.**

No person shall sound an automobile horn, bell or other sound device on a vehicle anywhere in the city at any time, except when necessary for safe driving.

(Code 1982, § 26-28)

#### **Sec. 70-76. Entering through street.**

After the driver of a vehicle has stopped in obedience to a stop sign at the entrance to a through street, such driver shall then proceed cautiously, yielding the right-of-way to vehicles which have entered the intersection from such through street or which are approaching so closely on such through street as to constitute an immediate hazard, but may then proceed.

(Code 1982, § 26-30)

**State law references:** Similar provisions, 29 M.R.S.A. § 949.



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### **Sec. 70-77. Obedience to stop signs.**

The operator of a vehicle shall bring such vehicle to a full stop, yielding the right-of-way to all vehicles or pedestrians approaching from either direction on the intersecting street immediately before entering or crossing an intersection at which a stop sign has been erected; provided however, that whenever a traffic officer is stationed at such intersection, such officer shall have the right to regulate traffic thereat.

(Code 1982, § 26-31)

**State law references:** Similar provisions, 29 M.R.S.A. § 949.

### **Sec. 70-78. Obedience to slow signs.**

The operator of a vehicle shall proceed slowly immediately before entering and while crossing an intersection at which a slow sign has been erected; provided, however, that whenever a traffic officer is stationed at any intersection, such officer shall have the right to regulate traffic thereat.

(Code 1982, § 26-33)

### **Sec. 70-79. Obedience to yield signs.**

The operator of a vehicle shall yield the right-of-way before entering or crossing an intersection at which a yield sign has been erected; provided, however, that whenever a traffic officer is stationed at such intersection, such officer shall have the right to regulate traffic thereat.

(Code 1982, § 26-36)

**State law references:** Failure to yield the right-of-way, consequences, 29 M.R.S.A. § 948.

### **Sec. 70-80. Obedience to one-way streets.**

Upon those streets which are designated by the council as one-way streets, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited, which signs the police chief is hereby authorized and directed to erect and maintain.

(Code 1982, § 26-37)

**State law references:** Similar provisions, 29 M.R.S.A. § 993.

### **Sec. 70-81. Speed regulations generally.**

Any person driving a vehicle on a street shall drive such vehicle at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway, and of any other conditions then existing, and no person shall drive any vehicle upon a street at such a speed as to endanger any person or property.

(Code 1982, § 26-41)

**State law references:** Similar provisions, 29 M.R.S.A. § 1252(1); municipal authority to regulate the speed, 29 M.R.S.A. § 1256.

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### **Sec. 70-82. Excess speed; prima facie evidence.**

Any speed in excess of the limits established by law shall be prima facie evidence that the driver's speed is not reasonable and proper as defined in this article.

(Code 1982, § 26-40)

### **Sec. 70-83. Speed limits at specific locations.**

The rates of speed and speed limits on all streets and roads within the municipality shall be determined and defined by state statute. As authorized by the Maine Department of Transportation, exceptions to the standard speed limits shall be maintained in the City of Lewiston's Traffic Schedule and may be incorporated into the Schedule based upon administrative authority and does not require action by the municipal officers.

(Code 1982, § 26-42; Ord. No. 14-02, 03-27-14)

**State law references:** Similar provisions, 29 M.R.S.A. § 1252.

### **Sec. 70-84. Right-of-way.**

All vehicles shall have the right-of-way over other vehicles, except authorized emergency vehicles when operated on official business and the drivers thereof sound audible signals by bell, siren or exhaust whistle, approaching at intersecting public ways, except traffic circles or rotary intersections, from the left and shall give the right-of-way to those approaching from the right; except that traffic officers stationed at such intersection may otherwise regulate traffic thereat, and except at intersections where traffic is controlled by traffic control signals in operation or by stop signs. (Code 1982, § 26-43)

**State law references:** Similar provisions, 29 M.R.S.A. § 944.

### **Sec. 70-85. Entering traffic from curb.**

The driver of a vehicle starting from a curb or roadway edge shall yield the right-of-way to all moving traffic on the roadway; he shall not enter or attempt to enter such moving traffic until he can do so safely. (Code 1982, § 26-44)

### **Sec. 70-86. Entering from alley or private driveway.**

The driver of a vehicle entering a public way from a private road, alley, driveway or building shall yield the right-of-way to all vehicles approaching on such public way and shall yield the right-of-way to any pedestrian approaching on such public way or sidewalk; and before crossing any sidewalk, or before entering such public way where no sidewalk shall exist, shall proceed cautiously across such sidewalk or into such public way.

(Code 1982, § 26-45)

**State law references:** Similar provisions, 29 M.R.S.A. § 944.

### **Sec. 70-87. Yielding right-of-way to pedestrians.**

When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian

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crossing the roadway within any 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.

(Code 1982, § 26-46)

**State law references:** Similar provisions, 29 M.R.S.A. § 954.

### **Sec. 70-88. Obstructing traffic at intersection, crosswalk.**

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

(Code 1982, § 26-47)

**State law references:** Approaching stop intersection regulated, 29 M.R.S.A. § 949.

### **Sec. 70-89. Procedure for right turn.**

The driver of a vehicle intending to turn to the right at an intersection or into an alley or private road or driveway shall approach such intersection or point of turning as closely as practicable to the righthand curb or boundary of the street, in the lane for traffic nearest to the righthand side of the street, and in turning shall keep as closely as practicable to the righthand curb.

(Code 1982, § 26-48)

**State law references:** Similar provisions, 29 M.R.S.A. § 994.

### **Sec. 70-90. Procedure for left turns.**

The driver of a vehicle intending to turn left at an intersection or into an alley or a private road or driveway shall approach such intersection or point of turning in the lane for traffic to the right of and nearest to the centerline of the street, with the left side of the vehicle as near as possible to, and to the right of, the centerline of the street on which he is proceeding, and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purpose of this section, the "center of the intersection" shall mean the meeting point of the medial line of the streets intersecting one another. On one-way streets, such turn shall be made from the left lane of traffic.

(Code 1982, § 26-49)

**State law references:** Similar provisions, 29 M.R.S.A. § 994.

### **Sec. 70-91. Left turn prohibited at certain intersections.**

It shall be unlawful for traffic to make a lefthand turn at such intersections as are specified by the council.

(Code 1982, § 26-50)

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### **Sec. 70-92. Turning around restricted.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction in the central business district and shall not upon any other street so turn a vehicle unless such movement can be made in safety and without interfering with other traffic. This section shall be effective where proper signs so indicate.

(Code 1982, § 26-51)

### **Sec. 70-93. Passing.**

No driver of a vehicle shall leave the line on the right for the purpose of overtaking another vehicle unless there is a clear way in advance on the left. When overtaking another vehicle proceeding in the same direction, the driver of any vehicle shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the roadway until safely clear of such overtaken vehicle. The driver of a vehicle on a street about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any intersection of highways or streets.

(Code 1982, § 26-52)

**State law references:** Similar provisions, 29 M.R.S.A. §§ 1151, 1152.

### **Sec. 70-94. Backing limitation.**

The driver of a vehicle shall not back such vehicle unless such movement can be made with reasonable safety and without interfering with other traffic.

(Code 1982, § 26-53)

### **Sec. 70-95. Passing vehicle stopped for pedestrians.**

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(Code 1982, § 26-54)

**State law references:** Similar provisions, 29 M.R.S.A. § 954.

### **Sec. 70-96. Duty on approach of emergency vehicles.**

Upon the immediate approach of an authorized emergency vehicle, when the driver thereof is giving an audible signal by siren, exhaust whistle or bell and emitting a flashing light, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the righthand 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. 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. (Code 1982, § 26-55)

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**State law references:** Similar provisions, 29 M.R.S.A. § 946.

### **Sec. 70-97. Following and meeting snowplows.**

The driver of any vehicle other than one on official business shall not follow closer than 200 feet to any snowplow engaged in plowing. The driver of any vehicle meeting a snowplow engaged in plowing on a street shall turn off on another street, if practicable; otherwise, he shall come to a complete stop at least 50 feet away from such plow and not start again until the plow has passed. (Code 1982, § 26-56)

### **Sec. 70-98. Following, parking near fire apparatus.**

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 such fire apparatus has stopped in answer to the fire alarm.

(Code 1982, § 26-57)

**State law references:** Similar provisions, 29 M.R.S.A. § 1033.

### **Sec. 70-99. Authority to establish truck routes; use required.**

Truck traffic routes to be identified by signs and markings erected and maintained by the police department, as directed by the city council, may be established within the city limits; when established and posted, all persons driving motor vehicles into the city limits for the transportation of property through the city shall drive such vehicles over and along such established truck traffic routes.

(Code 1982, § 26-60)

### **Sec. 70-100. Heavy loads.**

During any part of the period between November 15 and April 15 of each year, except when the surface of the road is solidly frozen, no driver of a vehicle, the gross weight of which (vehicle and load combined) exceeds 3 1/2 tons, shall drive such vehicle on those streets duly posted to that effect at each end thereof.

(Code 1982, § 26-61)

### **Sec. 70-101. Crossing fire hose.**

No person shall drive a vehicle over any unprotected hose of the 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.

(Code 1982, § 26-62)

**State law references:** Similar provisions, 29 M.R.S.A. § 996.

### **Sec. 70-102. Littering the streets prohibited.**

- (a) No person shall operate a vehicle upon any public street in such a manner that material, refuse, feathers, junk or litter of any kind drips, sifts, leaks, drops or otherwise escapes

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therefrom and lands upon the surface of any street.

- (b) No person shall operate any truck or other vehicle carrying waste, feathers, trash, refuse or loose materials of any nature whatsoever, excepting trucks hauling sand, gravel or dirt, unless such truck or vehicle is equipped with a device suitable to prevent any of the aforementioned materials from escaping the truck or vehicle in any way. For a violation of this section to occur, there need not be proof that such material did escape and land on the roadway.
- (c) Any person found in violation of this provision shall be subject to the following penalties:
  - (1) A person who disposes of less than 15 pounds or 27 cubic feet of litter as defined above is subject to a forfeiture of not more than \$500.00 nor less than \$100.00 for the first violation and a forfeiture of not more than \$500.00 nor less than \$200.00 for a subsequent violation.
  - (2) A person who disposes of more than 15 pounds or 27 cubic feet of litter but less than 500 pounds or 100 cubic feet of litter, is subject to a forfeiture of not more than \$500.00 nor less than \$200.00 for the first violation and a forfeiture of not more than \$1,000.00 nor less than \$500.00 for a subsequent violation.

(Code 1982, § 26-64)

**State law references:** Maine Litter Control Act, 17 M.R.S.A. § 2261 et seq.

### **Sec. 70-103. Mufflers regulated.**

No person shall drive a motor vehicle, except a fire department vehicle, on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive noise and annoying smoke, nor use a muffler cutout on any vehicle, except a fire department vehicle upon any street.

(Code 1982, § 26-65)

### **Sec. 70-104. Riding on motorcycles.**

No person operating a motorcycle shall ride other than upon the permanent and regular seat attached thereto, or carry any other person, nor shall any other person ride upon such motorcycle, other than upon a firmly attached seat to the rear or side of the operator.

(Code 1982, § 26-66)

### **Sec. 70-105. No through traffic.**

Whenever authorized signs are erected indicating any street or part thereof to be for no through traffic, as authorized by the city council, no person shall drive a vehicle upon any such street or portion thereof except drivers of vehicles having business or whose residences are within such restricted area.

(Code 1982, § 26-67)

### **Sec. 70-106. Trucks and buses prohibited on certain streets.**

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No truck which exceeds a gross weight as determined by the city council and no bus other than a local passenger bus picking up and discharging passengers along designated routes at specified stops shall travel over the streets or parts of streets designated as restricted to such vehicles being so, as authorized by the city council, except when necessary to render service to or to deliver supplies to persons residing or businesses and industries located adjacent thereto.

(Code 1982, § 26-68; Ord. No. 98-9, 10-15-98)

**Secs. 70-107--70-130. Reserved.**

### ARTICLE IV. STOPPING, STANDING AND PARKING\*

\***State law references:** Municipal authority to lay out and regulate parking places, 23 M.R.S.A. § 2802; municipal authority to regulate traffic by means of signal devices or other methods, 29 M.R.S.A. § 1256.

#### DIVISION 1. GENERALLY

**Sec. 70-131. Regulations not exclusive.**

The provisions of this article imposing a time limit on parking or governing loading and unloading shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles or governing loading and unloading in specified places or at specified times.

Notwithstanding the imposition of a fine, at the discretion of the officer, the police may require the operator to immediately move the vehicle from a location in violation to a location where parking is permitted; or cause any vehicle parked in violation of these prohibitions to be removed and stored at the owner's expense, if it presents a danger to those using the public way, or would unduly interfere with the free movement of traffic. (Code 1982, § 26-81; Ord. No. 13-13, 2-6-14)

**Sec. 70-132. Liability of vehicle registrant.**

The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

(Code 1982, § 26-82)

**Sec. 70-133. Exception for nonresidents.**

Anything in this article to the contrary notwithstanding, the police chief is authorized to waive payment on any parking violation ticket issued to a nonresident when in the opinion of the police chief such violation is due to lack of knowledge of the violated provision of this chapter; provided, however, that this benefit shall not be extended to any violation deemed by the police chief to be deliberate, continued or flagrant, and provided that in no event shall this benefit extend to violation of the provision prohibiting parking in front of a hydrant area.

(Code 1982, § 26-83)

**Sec. 70-134. Alternate penalty provision, payment schedule.**

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- (a) Persons violating any provision of this chapter relating to parking are subject to the general penalty provisions of section 1-8 of this Code. They may, however, if a summons to court has not been issued, elect, in lieu of such penalty, to pay for each violation in accordance with the city's policy manual as approved by the city council.
- (b) Payments for parking violations shall be made to such bureau as the city administrator shall designate. Such payments shall in no event be construed as an enforced imposition of a fine or penalty, but on the other hand shall be construed to be an amount which an offender may voluntarily contribute toward the cost and expense of furnishing to the public a less expensive alternative method of regulating and administering traffic law violations.
- (c) The fee[s] set forth in accordance with the city's policy manual as approved by the city council will double if not paid within 15 days.

(Code 1982, § 26-84; Ord. No. 99-5, 3-18-99; Ord. No. 02-22, 11-12-02; Ord. No. 04-14, 7-1-04; Ord. No. 08-06i, 8-14-08 Ord. No. 10-04, 3-18-10)

### **Sec. 70-135. Parking not to obstruct traffic.**

No person shall stop, stand, park or leave his vehicle on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction, unless specifically permitted by a police officer, or so as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(Code 1982, § 26-85)

### **Sec. 70-136. Obstructing sidewalk.**

No person shall stop with any horse, team, cart, carriage, truck, automobile, motor vehicle or other vehicle on or across any sidewalk in the city in such manner as to hinder or obstruct travel over such sidewalk.

(Code 1982, § 26-86)

### **Sec. 70-137. Fire zones.**

No vehicle shall remain backed up to a curb in the fire zone, except when actually loading or unloading, provided the same can be done without obstructing travel, and only between the hours of 7:00 p.m. and 10:00 a.m.

(Code 1982, § 26-87)

**Cross references:** Fire prevention and protection, ch. 38.

### **Sec. 70-138. Parallel parking required, exception.**

- (a) No person shall allow, permit or suffer any vehicle registered in his name to stand or be parked on any street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and within 12 inches of the curb or edge of the roadway.
- (b) When specifically authorized by a police officer, any person may back a vehicle to the



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curb for the purpose of loading or unloading merchandise or materials for a period not in excess of 30 minutes. No person shall so back a vehicle to a curb unless specifically authorized by a police officer, and no person shall in any event back a vehicle onto any curb or sidewalk in this city.

(Code 1982, § 26-88)

### **Sec. 70-139. Diagonal parking.**

Diagonal parking is hereby prohibited, except as otherwise provided by the city council.

(Code 1982, § 26-89)

### **Sec. 70-140. Parking prohibited in specified places.**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk.
- (2) In front of a public or private driveway or alleyway.
- (3) Within an intersection.
- (4) Within 15 feet of a fire hydrant.
- (5) On a crosswalk.
- (6) Within 25 feet of the near corner of the curbs at an intersection, except where otherwise designated.
- (7) Within 15 feet upon the approach to any stop sign located at the side of a roadway.
- (8) 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 such entrance when properly signposted.
- (9) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (10) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street.
- (11) Upon any bridge.
- (12) At any place where official signs or curb painting so prohibit.
- (13) On or within 25 feet of any railroad tracks.

(Code 1982, § 26-104)

### **Sec. 70-141. Parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions

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as to leave available less than ten feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

(Code 1982, § 26-90)

### **Sec. 70-142. Standing of large vehicles regulated.**

No owner, driver or person in charge of any vehicle which has a carrying capacity of more than 6,000 pounds, or which including load is more than 25 feet in length, or which including load is more than eight feet in width, or which including load is more than 12 feet and six inches in height, shall permit such vehicle to stand upon any public street in the city for a longer period than one hour at any one time.

(Code 1982, § 26-91)

### **Sec. 70-143. Truck loading and unloading in fire zone.**

From 9:00 a.m. to 5:00 p.m. on any day except on Sundays and public holidays, trucks and drays are prohibited from loading or unloading freight, goods and merchandise at all places, stores and buildings in the fire zone when it is reasonably feasible to perform such work off the street or in an adjacent alley, unless such loading or unloading can be done within five minutes.

(Code 1982, § 26-92)

### **Sec. 70-144. Public utility vehicles.**

Vehicles operated by the city or by public utility companies, used for installation, repair and maintenance purposes, may be exempted by the police chief upon notice to the city clerk, in each case, temporarily for the period while actually at work at a definite location, from any of the requirements of this article, provided that during such exemption period, work will be conducted with all reasonable dispatch, and that such precautions as the police chief may require in the interest of public safety shall be taken. The police chief is authorized to place temporary signs prohibiting parking in such places at the scene of work as in his discretion he deems necessary to facilitate traffic and the work in progress. Subject to the necessary exceptions provided by this section, this article shall nevertheless be observed insofar as practicable. Upon receipt of such notice, the city clerk shall notify the police chief, the fire chief, and the director of public works of such operations.

(Code 1982, § 26-93)

### **Sec. 70-145. Interference with snow removal and sweeping, street paving, repairs.**

No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the plowing or removal of snow, sweeping, street paving and/or street repairs by the city. Any person parking a vehicle in violation of a no parking sign, provided such signs shall have been posted for a period of four hours except in case of snowplowing when such signs shall have been posted for a period of two hours, shall be in violation of this section. Notwithstanding the imposition of a fine, the chief of police may also cause any vehicle parked in violation of this section to be removed and stored at the owner's expense.

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(Code 1982, § 26-94)

**State law references:** Similar provisions, 29 M.R.S.A. § 1111.

### **Sec. 70-146. Parking to advertise, perform maintenance.**

No person shall park a vehicle upon any roadway for the principal purpose of advertising, displaying such vehicle for sale or washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(Code 1982, § 26-95)

**Cross references:** Advertising, ch. 6.

### **Sec. 70-147. Parking in front of theaters.**

No person shall park a vehicle between the hours of 1:00 p.m. and 11:00 p.m. within a space of 30 feet measured by the police chief along the curblin in front of the main entrance of any theater and marked by a sign. (Code 1982, § 26-96)

### **Sec. 70-148. Duty when leaving vehicle unattended.**

No person driving or in charge of a motor vehicle shall permit it to stand on any roadway unattended without first effectively setting the brakes thereon and stopping the motor of such vehicle. No person shall allow an animal-drawn vehicle to be unattended unless it is reasonably fastened. No person shall leave an unattended vehicle with an ignition key in the vehicle.

(Code 1982, § 26-97)

**State law references:** Similar provisions, 29 M.R.S.A. § 942.

### **Sec. 70-149. Abandonment of a vehicle; removal, expense.**

- (a) No person shall abandon any vehicle of any kind on any street of the city. The chief of police is hereby authorized to remove and arrange for the storage of any such abandoned vehicle from any street. The owner shall be responsible for the expense of towing and storage of a vehicle which has been removed pursuant to this provision.
- (b) Removal of a vehicle described in subsection (a) of this section or any part or accessory from the vehicle without the written consent of the owner or person in charge of the premises or property where the vehicle is located is a class E crime. This subsection applies to all persons, including the owner of the vehicle.

(Code 1982, § 26-98)

**State law references:** Similar provisions, 29 M.R.S.A. §§ 1111, 2610(7).

### **Sec. 70-150. Authority to designate hazardous or congested places; parking restricted.**

- (a) The police chief with the approval of the council is hereby authorized to determine and designate by proper signs places in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized in this

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section, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1982, § 26-99; Ord. No. 13-13, 2-6-14)

### **Sec. 70-151. Authority to regulate parking adjacent to school property.**

The police chief is hereby authorized to cause temporary or permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.

(Code 1982, § 26-101)

### **Sec. 70-152. Lights on parked vehicles.**

Whenever a vehicle is lawfully parked in a place and under conditions where there is sufficient artificial light to make such vehicle clearly visible from a distance of not less than 500 feet in each direction, no lights need be displayed upon such parked vehicle; otherwise, lights must be displayed during the period from one-half hour before sunset to one-half hour before sunrise. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(Code 1982, § 26-102)

**State law references:** Similar provisions, 29 M.R.S.A. § 1071.

### **Sec. 70-153. Reserved.**

### **Sec. 70-154. Parking prohibited on even-numbered sides of certain streets.**

During the period commencing December 1 and terminating March 31 of the following year, it shall be unlawful for any person to stop, park or stand any vehicle or leave such vehicle unattended on the even-numbered side of the public streets specified by the city council; provided, however, that metal signs at least 18 inches by 12 inches, with red printing on white background, be installed 150 feet apart on such streets giving notice of this restriction.

(Code 1982, § 26-105; Ord. No. 02-22, 11-12-02; Ord. No. 08-11, 1-15-09)

### **Sec. 70-155. Parking prohibited on odd-numbered sides of certain streets.**

During the period commencing December 1 and terminating March 31 of the following year, it shall be unlawful for any person to stop, park or stand any vehicle or leave such vehicle unattended on the odd-numbered side of the public ways or streets specified by the city council; provided, however, that metal signs 18 inches by 12 inches, with red printing on white background, be installed 150 feet apart on such streets giving notice of this restriction.

(Code 1982, § 26-106; Ord. No. 02-22, 11-12-02; Ord. No. 08-11, 1-15-09)

### **Sec. 70-156. Places where parking prohibited at all times, fire lanes.**

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets as specified by the city council, nor shall any person

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stop, stand or park a vehicle at any time in any fire lane enumerated in this section or as specified by ordinance:

- (1) Any corner: No parking within 25 feet of any corner.
- (2) Bridge: No parking on any bridge.
- (3) Driveways: No person shall park a vehicle so as to block any driveway.

(Code 1982, § 26-107)

### **Sec. 70-157. Limited daytime parking in business area.**

No person shall stop, stand or park any vehicle for more than one hour between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and legal holidays in front of any store, shop or place of business offering services to the public; provided, that this restriction shall not apply in those areas where parking is otherwise limited or restricted to less than one hour, or where parking is forbidden, or within any loading zone, taxi stand or bus stop.

(Code 1982, § 26-108)

### **Sec. 70-158. Parking time limited on streets.**

- (a) No person shall park a vehicle on streets or sections of streets for longer than the period of time specified by the city council and identified by signs erected in each block.
- (b) No person shall park a vehicle on streets or sections of streets between dates or during times specified by the city council and identified by signs erected in each block.

(Code 1982, §§ 26-109--26-115; Ord. No. 99-6, 4-1-99; Ord. No. 08-11, 1-15-09; Ord. No. 11-03, 4-14-2011; Ord. No. 12-10, 10-4-12)

### **Secs. 70-159--70-165. Reserved.**

### **Sec. 70-166. Parking in alleys prohibited.**

Parking shall be prohibited in all alleys in the city.

(Code 1982, § 26-121)

### **Sec. 70-167. Overnight parking prohibited.**

No vehicle shall be parked, stopped or allowed to stand on such streets as are specified by the city council between the hours of 11:00 p.m. and 6:00 a.m., during the period commencing September 1 and ending May 31, except in cases of emergency. (Ord. No. 17-10, 10-5-17)

### **Sec. 70-168. All-night parking.**

On such streets as are specified by the city council, vehicles may be parked, stopped or allowed to stand between the hours of 6:00 p.m. and 9:00 a.m. the following day with the exception of areas adjacent to fire hydrants, warehouse doors, and any loading zones which may be appropriately designated.

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(Code 1982, § 26-123)

### **Sec. 70-169. Daytime parking prohibited.**

No vehicle shall be parked, stopped or allowed to stand on such streets as are specified by the city council between the hours of 9:00 a.m. and 6:00 p.m., except in cases of emergency.

(Code 1982, § 26-124)

### **Sec. 70-170. Parking prohibited on Monday through Saturday.**

Parking is prohibited from Monday through Saturday upon such streets as are specified by the city council.

(Code 1982, § 26-125)

### **Sec. 70-171. Parking prohibited between 2:30 p.m. and 5:30 p.m., Monday through Friday.**

No vehicle shall be parked, stopped or allowed to stand on such streets as are specified by the city council between the hours of 2:30 p.m. and 5:30 p.m., Monday through Friday, except in cases of emergency.

(Code 1982, § 26-126)

### **Sec. 70-172. Restricted use of taxi zones, emergencies.**

No person shall stop, park or stand any vehicle other than a taxi in a taxi zone, except in an emergency.

(Code 1982, § 26-128)

**Cross references:** Taxicabs, § 82-26 et seq.

### **Sec. 70-173. Restricted use of bus stop zones.**

No person shall stop, park or stand any vehicle other than a bus in a bus stop zone, except in an emergency.

(Code 1982, § 26-130)

### **Sec. 70-174. Bus and taxicab drivers regulated; time restriction.**

- (a) The driver of a bus shall not stand or park such bus upon any street in any business district at any place other than at a space which has been officially designated and appropriately marked a bus stop, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.
- (b) The driver of a taxicab shall remain in the driver's seat, except while actually engaged in admitting or discharging passengers or transporting their luggage, while such taxicab is in a space which has been officially designated a taxi zone.

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- (c) The driver of a bus or a taxicab is hereby authorized to park such vehicle in his designated space without restriction as to time.

(Code 1982, § 26-131)

### **Sec. 70-175. Other persons' use of bus stops and taxicab zones.**

No person shall stop, stand or park a vehicle other than a bus or a taxicab in any such space which has been officially designated and appropriately marked a taxi zone or a bus stop, except that the driver of any passenger car or light delivery vehicle may stop the same therein for the purpose of and while actually engaged in loading or unloading passengers or parcels and when such stopping does not interfere with any operator who desires to drive a bus into such space.

(Code 1982, § 26-132)

### **Sec. 70-176. Reserved parking spaces.**

The chief of police is hereby authorized to designate reserved parking spaces:

- (1) Where failure to do so would create traffic congestion;
- (2) When the space is to be for work in a building adjacent to such space;
- (3) For the physically handicapped; or
- (4) For city officers and employees.

(Code 1982, § 26-133)

### **Sec. 70-177. Loading zones.**

- (a) *Designation.* Loading zones shall be located at such locations as are specified by the city council, and shall have such time limitations as are specified by the city council.
- (b) *Use limited.* No person shall stop, stand, park or leave any vehicle upon any street where an officially designated loading zone space is appropriately marked, except for the purpose of and while actually engaged in the act of either loading or unloading passengers or personal property of every nature. It shall be unlawful for any person to cause, allow, permit or suffer any such vehicle registered in his name to be stopped, parked or left in a manner contrary to the above provisions. This section shall not be interpreted as a limitation upon section 70-143.

(Code 1982, §§ 26-146, 26-147)

### **Sec. 70-178. Interference with snow removal.**

No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from the street or way by the city by plowing, loading, and hauling, and any person parking a vehicle in violation of a parking ban or no parking sign placed on any street or way because of snow plowing, loading, or hauling operations shall be guilty of an offense. Notwithstanding the imposition of a fine, the chief of police or his or her designee

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may also cause any vehicle so parked to be removed from such street in accordance with the provisions of this chapter. (Ord. No. 12-10, 10-4-12)

**Secs. 70-179--70-185. Reserved.**

### DIVISION 2. PARKING METERS

**Sec. 70-186. Meter requirements.**

Each parking meter established in accordance with this division shall be so set as to display a signal showing legal parking upon the deposit of the required coin of the United States therein, for the period of time conforming to the parking limit established upon which such parking meter is placed; and each such meter shall by its mechanism indicate the legal time a vehicle may remain parked and shall continue in operation from the time of depositing such coin until the expiration of the time fixed by this division as the parking limit for the part of the street upon which such meter is placed. Each parking meter shall also be so arranged that upon the expiration of the parking limit, it will indicate by a mechanical operation and the indicating of a proper signal that the lawful parking period as fixed or authorized under this division has expired.

(Code 1982, § 26-164)

**Sec. 70-187. Authority to install.**

The installation of parking meters is hereby authorized on the streets specified by the city council.

(Code 1982, § 26-165)

**Sec. 70-188. Reserved.**

**Sec. 70-189. Correct parking position required.**

- (a) Any vehicle parked in any parking space as provided in this division shall be parked with the hood of such vehicle alongside of or next to the parking meter alongside of such parking space in parallel parking spaces, and with the radiator directed at the meter in diagonal parking spaces, and in either event he shall be parked within the lines marked on the street for such parking space, as provided in this division.
- (b) It shall be unlawful to park any vehicle across any line or mark designating the parking space for which any parking meter is to be used, or to park such vehicle in such a way that it shall not be within the area so designated by such lines or markings.

(Code 1982, § 26-167)

**Sec. 70-190. Coin required; overtime regulated.**

When any vehicle shall be parked in any space alongside of or next to a parking meter established in accordance with this division, the owner, operator, manager or driver of such vehicle shall upon entering the parking space immediately deposit in such parking meter such



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coin of the United States as is designated for deposit therein in accordance with the terms of this division. Upon the deposit of such coin and placing such meter in operation, the parking meter space may be lawfully occupied by such vehicle during the period of parking time prescribed for such parking meter space. If the vehicle shall remain parked in any such parking space beyond the established parking limit as shown by meter indication for such parking space, the parking meter shall display a sign showing illegal parking, and in that event, such vehicle shall be considered as parked overtime and beyond the time fixed by the provisions and authority of this division, and the parking of a vehicle overtime or beyond the period of time fixed by the provisions of this division in any such part of a street where any such parking meter is located shall be a violation of this division and punished as provided in this division. It shall be unlawful for any person to cause, allow, permit or suffer any such vehicle registered in his name to be parked overtime or beyond the lawful period of time as above described.

(Code 1982, § 26-168)

### **Sec. 70-191. Failure to deposit coin.**

All parking is prohibited in any parking space where a parking meter is installed, unless a deposit of the coin indicated by such meter is made as provided in this division. Any vehicle parked in violation of this section shall be deemed to be illegally parked under the provisions of this division.

(Code 1982, § 26-169)

### **Sec. 70-192. Reserved.**

### **Sec. 70-193. Extension of parking time.**

It shall be unlawful and a violation of this division for any person to deposit in a parking meter a coin for the purpose of increasing or extending the parking time of any vehicle beyond the legal parking time established for such parking meter space.

(Code 1982, § 26-171)

### **Sec. 70-194. Failure to deposit coin evidence of unlawful parking.**

The fact that a vehicle is in a metered parking space when the time signal on the parking meter for such space indicates no parking permitted without the deposit of a coin shall be prima facie evidence that such vehicle has been parked in such parking space longer than the lawfully permitted period, and the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

(Code 1982, § 26-172)

### **Sec. 70-195. Use of slugs.**

It shall be unlawful for any person to deposit in any parking meter any slug, device or metallic substitute for a coin of the United States.

(Code 1982, § 26-173)

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### **Sec. 70-196. Tampering with meter.**

It shall be unlawful for any person to deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this division.

(Code 1982, § 26-174)

### **Sec. 70-197. Fee schedule.**

The amount of the fee for the use of each parking meter space shall be based upon the length of the legal parking period for such parking space as may be designated by ordinance and shall be as specified by the city council.

(Code 1982, § 26-175)

### **Sec. 70-198. Location, time limitations.**

Parking meters shall be located at such locations as are specified by the city council, and shall have such time limitations as are specified by the city council.

(Code 1982, § 26-176)

### **Secs. 70-199--70-240. Reserved.**

## **ARTICLE V. PEDESTRIANS\***

\*State law references: Pedestrians on ways, 29 M.R.S.A. § 904-A; pedestrians' right-of-way on sidewalks, 29 M.R.S.A. § 904-B.

### **Sec. 70-241. Subject to traffic control signals.**

Pedestrians shall be subject to traffic control signals, as established by law, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

(Code 1982, § 26-226)

### **Sec. 70-242. Authority to establish crosswalks.**

The chief of the police department is hereby empowered and authorized to designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

(Code 1982, § 26-227)

### **Sec. 70-243. Use of crosswalks.**

Pedestrians shall move, whenever practicable, upon the right half of a crosswalk.

(Code 1982, § 26-228)

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### **Sec. 70-244. Crossing at other than crosswalk.**

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(Code 1982, § 26-229)

**State law references:** Similar provisions, 29 M.R.S.A. § 955.

### **Sec. 70-245. Crossing in business district.**

No pedestrian shall cross a roadway at any place in the business district other than by a route at right angles to the curb or by the shortest route to the opposite curb except in the crosswalk.

(Code 1982, § 26-230)

### **Sec. 70-246. Drivers to exercise due care.**

Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(Code 1982, § 26-231)

### **Secs. 70-247--70-265. Reserved.**

## ARTICLE VI. BICYCLES\*

\***State law references:** Bicycle regulations, 29 M.R.S.A. § 1961 et seq.

### **Sec. 70-266. Defined.**

As used in this article, the term "bicycle" means any 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.

(Code 1982, § 6-1)

**Cross references:** Definitions generally, § 1-2.

**State law references:** Similar provisions, 29 M.R.S.A. § 1(1-D).

### **Sec. 70-267. Inspections.**

Any police officer may stop any bicycle for the purpose of ascertaining whether its equipment complies with the requirements of this article. If such bicycle is found to be in an unsafe mechanical condition, such police officer may refuse to permit the operation of such bicycle on any public street or any path set aside for the exclusive use of bicycles.

(Code 1982, § 6-2)

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### **Sec. 70-268. Reserved.**

### **Sec. 70-269. Applicability of traffic laws.**

Any person propelling or riding a bicycle upon any street or upon any public path set aside for the exclusive use of bicycles shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the state and the city, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature can have no application. (Code 1982, § 6-4)

### **Sec. 70-270. Obedience to traffic control devices.**

- (a) Any person operating a bicycle shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
- (b) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle shall disobey the direction of any such sign except when such person dismounts from the bicycle to make such turns, in which case, such person shall then obey the regulations applicable to pedestrians.

(Code 1982, § 6-5)

### **Sec. 70-271. Parking.**

No person shall park a bicycle upon a street other than the roadway against the curb, upon the sidewalk in a rack to support the bicycle, or against a building in such manner as to afford the least obstruction to pedestrian traffic. (Code 1982, § 6-6)

### **Sec. 70-272. General operational regulations.**

- (a) Any person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.
- (b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.
- (c) No rider of a bicycle shall remove both hands from the handlebars, or feet from the pedals, or practice acrobatics or fancy riding on any street or public path set aside for the exclusive use of bicycles.
- (d) Any person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (e) Any person riding a bicycle upon any roadway shall ride single file.
- (f) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such paths and shall not use the roadway.
- (g) Any person riding upon any bicycle, coaster, rollerskates, sled or toy vehicle shall not attach the same, or himself, to any moving vehicle upon any roadway.

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- (h) No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars.
- (i) No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.
- (j) The operator of a bicycle, when crossing a sidewalk, shall yield the right-of-way to all pedestrians, and in entering a public street shall yield the right-of-way to all approaching vehicles.

(Code 1982, § 6-7)

### **Sec. 70-273. Authority to prohibit operation on streets, sidewalks, paths; riding on sidewalks.**

The chief of police is authorized to prohibit the operation of any bicycles on any public street, sidewalk or path where such operation would seriously conflict with current automobile or pedestrian traffic. Persons operating any bicycle on a sidewalk shall keep to the street side and yield the right-of-way to pedestrians. An audible signal shall be given before overtaking and passing such pedestrians. (Code 1982, § 6-8)

### **Sec. 70-274. Equipment.**

Any bicycle, when in use in the nighttime, or at other times when motor vehicles are required to display headlamps by law, shall be equipped with and have lighted a lamp on the front which shall emit a white light visible from a distance of at least 200 feet to the front and a red reflector to the rear which shall be visible at least 200 feet to the rear. Bicycle pedals shall bear reflector strips and bicycle handlebars shall bear reflector tapes when in use in the nighttime or at other times when motor vehicles are required to display headlamps by law. Every bicycle shall be equipped with a brake which shall enable the operator to stop the bicycle within a reasonable distance.

(Code 1982, § 6-9)

**State law references:** Similar provisions, 29 M.R.S.A. § 1962.

### **Sec. 70-275. Parent's, guardian's responsibility.**

The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this article.

(Code 1982, § 6-10)

### **Sec. 70-276. Penalty for violation of article.**

Any juvenile who violates any of the provisions of this article, by the authority of the chief of police, shall have his bicycle impounded for a period not to exceed five days for the first offense, for a period not to exceed ten days for a second offense, and for a period not to exceed 30 days for any subsequent offenses.

(Code 1982, § 6-11)

**State law references:** Bicycle impoundment, 29 M.R.S.A. § 1963.

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**Sec. 70-277-- 70-299. Reserved.**

### **ARTICLE VII. VEHICLE REGISTRATION AND EXCISE TAX EXEMPTION**

**Sec. 70-300. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

*Deployed for military service* is defined by Title 26, § 814, Subsection 1, Paragraph A, of the Maine Revised Statutes, active military duty with the state military forces, as defined in Title 37-B, § 102, of the Maine Revised Statutes, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to the order of the Governor or the President of the United States, when the duty assignment is in combat theatre or in an area where armed conflict is taking place.

*Vehicle* means a motor vehicle, mobile home, camper trailer, heavier-than-air aircraft or lighter-than-air aircraft. “Vehicle” does not include any snowmobiles as defined in Maine Revised Statutes, Title 12, Section 13001.

(Ord. No. 17-23, 01-04-18)

**Sec. 70-301. Exemption granted.**

Pursuant to Title 36, § 1483-A, of the Maine Revised Statutes, the City shall exempt from the annual excise tax imposed pursuant to Title 36, Section 1482, of the Maine Revised Statutes vehicles owned by a Maine resident who is on active duty serving in the Armed Forces of the United States as defined by Title 36, § 1483-A, of the Maine Revised Statutes and who is permanently stationed at a military or naval post, station or base outside of the State of Maine or who is deployed for military service for more than 180 days. To apply for the exemption the resident must provide documentation as required pursuant to Title 36, § 1483-A, of the Maine Revised Statutes to the Tax Collector or his/her designee and comply with any policies or rules imposed by the Maine Bureau of Motor Vehicles or Maine Revenue Services in relation to registration procedures or the collection of excise tax. (Ord. No. 17-23, 01-04-18)

**Sec. 70-302. Application.**

To apply for the exemption, the resident must present to the Tax Collector or such other officials as the Finance Director may designate an official certification from the commander of the residents post, station, or base, or from the commander’s designated agent, that the resident is permanently stationed at that post, station, or base or is deployed for military service for a period of more than 180 days. Such certifications must be renewed on an annual basis.

(Ord. No. 17-23, 01-04-18)

**Sec. 70-303. Effective date.**

This exemption shall be effective for excise taxes due and payable as of the month following the effective date of this ordinance. (Ord. No. 17-23, 01-04-18)