

MOTOR VEHICLES AND TRAFFIC\*

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## SOUTH PORTLAND CODE OF ORDINANCES

## Chapter 15

## MOTOR VEHICLES AND TRAFFIC\*

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 \* **Cross reference(s)**--Bicycles, Ch. 4; taxicabs, § 14-56 et seq.  
**State law reference(s)**--General authority to regulate traffic, 30 M.R.S.A. § 2151(2).  
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**ARTICLE I. IN GENERAL****Sec. 15-1. Definitions.**

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this section.

*Alley or alleyway:* A narrow lane between buildings giving access to the rear of buildings.

*Authorized emergency vehicles:* Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments or public service corporations as are designated or authorized by the chief of police.

*Bicycle:* Every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than twenty (20) inches in diameter.

*Bus:* A vehicle used for transporting the public or private persons.

*Business district:* The territory contiguous to and including a highway when, within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

*Central business or traffic district:* All streets and portions of streets within the area described as follows: All that area described in the preceding definition.

*Commercial vehicle:* Every vehicle designed, maintained or used primarily for the transportation of property.

*Controlled-access highway:* Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

*Crosswalk:*

- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway;
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

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

*Driver:* Every person who drives or is in actual physical control of a vehicle.

*Driveway:* A road for vehicles connecting a street or part thereof to private property.

*Freight curb loading zone:* A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

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

*Intersection:*

- (a) 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 (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

*Laned roadway:* A roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

*Motor vehicle:* A vehicle which is self-propelled and not operated on tracks, but not including:

- A. A snowmobile as defined in 12 M.R.S.A. §13001;
- B. An all-terrain vehicle as defined in 12 M.R.S.A. §13001, unless the all-terrain vehicle is registered for highway use or is operated on a way and section 2080 applies;
- C. A motorized wheelchair or a personal assistive mobility device used by a person with a disability.

*Motorcycle:* Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.

*Official time standard:* Whenever certain hours are named, they shall mean standard time or daylight-saving time as may be in current use in the city.

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

*Outstanding parking ticket:* Any Notice of Illegal Parking detailing a violation of any parking ordinance of the city where: (a) the owner of the offending vehicle has been finally determined to be in violation by reason of the owner's failure to timely contest the violation or to otherwise request a hearing in accordance with this chapter; and (b) the resultant fine or waiver fee established pursuant to Sec. 15-25 of this chapter and 30-A M.R.S.A § 3009(1)(C), as may be amended from time to time, has not been paid.

*Park or parking:* The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

*Passenger curb loading zone:* A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

*Pedestrian:* Any person afoot.

*Plowing:* The removal of snow on behalf of the city whether by city-owned machinery or by private contractors hired by the city.

*Police officer:* Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

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

*Public parking area:* an area on publicly-owned or privately-owned property which has been designated by the property owner as parking for the general public.

*Railroad:* A carrier of persons or property upon cars operated upon stationary rails.

*Railroad train:* A steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

*Residence district:* The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred (300) feet or more is in the main improved with residences or residences and buildings in use for business.

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

*Roadway:* That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

*Safety zone:* The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

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

*Stand or standing:* The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

*Stop:* When required "stop" means complete cessation from movement.

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

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

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

*Traffic:* Pedestrians, ridden or herded animals, vehicles, buses and other conveyances either singly or together while using any highway for purposes of travel.

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

*Traffic division:* The traffic division of the police department of the city, or in the event a traffic division is not established, the term shall be deemed to refer to the police department of the city.

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

(Code 1966, § 4-1; Ord No. 11-01/02, 5/20/02 [Fiscal Note: Less than \$1000]; Ord. No. 8-04/05, 11/15/04 [Fiscal Note: Less than \$1000]; Ord. No. 5-12/13, 11/19/12 [Fiscal Note: Less than \$1000])

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**State law reference(s)**--For similar definitions, see 29 M.R.S.A. § 1.  
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**Sec. 15-2. Applicability of chapter to government, public utility vehicles; authority to prohibit temporary parking where vehicles needed.**

- (a) 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, country 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.
- (b) Vehicles operated by the city or by public utility companies, used for installation, repair and maintenance purposes, may be exempted from the provisions of this chapter by the police chief upon application to him, temporarily for the period while actually at work at a definite location, from any of these requirements; provided, that during such exemption period, work will be conducted with all reasonable dispatch, and that such precautions as the chief may require in the interest of public safety shall be taken.
- (c) The 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.

(Code 1966, § 4-3-6)

**Sec. 15-3. Applicability of chapter to persons propelling pushcarts, riding animals.**

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

(Code 1966, § 4-3-4)

**Sec. 15-4. Opening vehicle doors restricted.**

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

(Code 1966, § 4-9-9)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 957.  
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**Sec. 15-5. Manner of riding on vehicles restricted.**

- (a) No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers.
- (b) This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

(Code 1966, § 4-10-2)

**Sec. 15-6. Boarding, alighting from vehicles in motion.**

No person shall board or alight from any vehicle while such vehicle is in motion.  
 (Code 1966, § 4-10-1)

**Sec. 15-7. Funerals, parades, processions to be in accordance with permit, regulations.**

- (a) No funeral, procession or parade containing fifty (50) or more persons or ten

(10) or more vehicles, except the forces of the United States Armed Services, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street, except in accordance with a permit issued by the chief of police and such other regulations of the city as may apply.

- (b) Any person, group, association or other entity conducting and/or sponsoring a parade within the City of South Portland shall be required to reimburse said city for the cost of all police services provided by the city required as a result of the conducting of such parade. Excluded from the provisions of this subsection shall be the annual South Portland Memorial Day Parade.
- (c) The chief of the police department or his authorized representative shall have sole discretion to determine the police services required for any such parade, and the costs for such services shall be billed to the responsible party at any amount equal to the cost of such services to the City of South Portland.

(Code 1966, § 4-96; Ord. No. 1275, 5-19-75)

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**Cross reference(s)**--Driving in funeral or other processions regulated, § 15-143; driving through funeral processions, § 15-144.  
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#### **Sec. 15-8. Vehicles in funeral procession to be identified as such.**

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 traffic division.

(Code 1966, § 4-9-5)

#### **Sec. 15-9. Clinging to vehicles.**

No person riding upon any bicycle, motorcycle, coaster of any type or description, sled, roller skates, go-cart or other toy vehicle shall attach the same or himself to any moving vehicle upon any roadway, private roadway, sidewalk or parts thereof.

(Code 1966, § 4-9-11)

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**State law reference(s)**--See 29 M.R.S.A. § 1961.  
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#### **Sec. 15-10. Noise.**

- (a) 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.
- (b) 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.
- (c) 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 1966, § 4-20-2)

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**State law reference(s)**--Mufflers required, 28 M.R.S.A. § 1364.  
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#### **Sec. 15-11. Reserved.**

#### **Sec. 15-12. Blocking of streets by trains.**

It shall be unlawful for the directing officer or the operator of any railroad train to direct the operation of or to operate the same in such a manner as to prevent the use of any street for purposes of travel for a period of time longer than three (3) minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching.

(Code 1966, § 4-10-3.1)

**Sec. 15-13. Use of coasters, skates, etc., restricted.**

- (a) No person upon roller skates, skateboards, or riding in or by means of any coaster, go-cart, toy vehicle or similar device, shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing such person shall be granted all the rights and shall be subject to all the duties applicable to pedestrians.
- (b) This section shall not apply upon any street while set aside as a play street as authorized by ordinance of the city.

(Code 1966, § 4-3-5)

**Sec. 15-14. Riding on motorcycles.**

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle, unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two (2) persons, or upon another seat firmly attached to the rear or side of the operator.

(Code 1966, § 4-9-10, 4-12-12)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 960.  
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**Sec. 15-15. Operator's License required**

- (a) No person may operate a motor vehicle without a valid operator's license on any way open to the general public or publicly-owned parking lot. No person may operate a motor vehicle without a valid operator's license in any privately-owned parking lot open to the general public, unless the operator has written permission from the property owner and no license is required by state law.
- (b) No parent or guardian of a minor may permit the minor to operate a motor vehicle in violation of subsection (a) above. Any parent or guardian of a minor who violates subsection (a) above shall be subject to the penalty provisions of Sec. 15-25 as a separate offense.

**Sec. 15-16. Operation of unregistered motor vehicles prohibited**

- (a) No person may operate an unregistered motor vehicle on any way open to the general public or publicly-owned parking lot. No person may operate an unregistered motor vehicle in any privately-owned parking lot open to the general public, unless the operator has written permission from the property owner and no registration is required by state law.
- (b) No parent or guardian of a minor may permit the minor to operate a motor vehicle in violation of subsection (a) above. Any parent or guardian of a minor who violates subsection (a) above shall be subject to the penalty provisions of Sec. 15-25 as a separate offense.
- (c) This section shall not apply to the Segway Human Transporter or equivalent.

**Sec. 15-17. Operation of motor vehicles in city parks prohibited**

- (a) No person may operate a motor vehicle, snowmobile or all-terrain vehicle on any city sidewalk, beach, or in any city park, including the Greenbelt Walkway, or on any city recreational property or open space, unless the city has authorized in writing the operation of the motor vehicle, snowmobile or all-terrain vehicle in that location. This prohibition shall not apply to municipal employees engaged in emergency or maintenance operations.
- (b) No parent or guardian of a minor may permit the minor to operate a motor vehicle in violation of subsection (a) above. Any parent or guardian of a minor who violates subsection (a) above shall be subject to the penalty provisions of Sec. 15-25 as a separate offense.

(Ord. No. 8-04/05, 11/15/04 [Fiscal Note: Less than \$1000])

**Secs. 15-18--15-24.          Reserved.**



**ARTICLE II. ADMINISTRATION AND ENFORCEMENT\***

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\* **Cross reference(s)**--Police chief to establish a city-wide plan of traffic regulation, together with traffic board, traffic engineer and director of public works, § 21-2.  
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**DIVISION 1. GENERALLY**

**Sec. 15-25. Penalty; special procedures for parking tickets.**

(a) Penalties generally. Unless another penalty is expressly provided by state law, every person adjudicated in a court of law to be in violation of any provision of this chapter shall be punished by a fine of not more than three hundred dollars (\$300.00) and not less than one hundred dollars (\$100.00).

(b) Waiver fee for parking tickets. Notwithstanding Sec. 15-25(a) above, for parking violations, a person may elect, in lieu of such penalty, to waive his right to a court appearance by paying the applicable parking ticket waiver fee listed below:

- (1) No parking . . . . . \$20.00
- (2) One-hour parking . . . . . 20.00
- (3) Night parking . . . . . 20.00
- (4) Double parking . . . . . 20.00
- (5) Fire hydrants . . . . . 50.00
- (6) Bus stop . . . . . 15.00
- (7) Fire lanes . . . . . 50.00
- (8) Handicapped space. . . . . 100.00
- (9) No Truck Parking . . . . . 50.00
- (10) Other . . . . . 15.00

Payment of this waiver fee must be received within 15 calendar days of the date of the violation. If the waiver fee is not received within 15 calendar days of the violation and the registered owner of a motor vehicle that has been issued a Notice of Illegal Parking has not filed an appeal pursuant to Sec. 15-25(c) below within 15 calendar days, the stated waiver fee shall be doubled.

(c) Appeal of issuance of a parking ticket. A registered owner of a motor vehicle that has been issued a Notice of Illegal Parking for parking in violation of this ordinance may request that the issuance of the parking ticket be rescinded by appealing the issuance of the ticket. An appeal shall be made by delivering to the police department, within 15 calendar days of the issuance of the ticket, a written appeal on a form to be provided by the police department. Delivery of the appeal shall be accomplished by hand delivery to the police department or by deposit in the United States mail, postage prepaid, properly addressed to the police department and post marked within 15 calendar days of the issuance of the ticket. The chief of police or his designee shall render a written decision granting or denying the appeal within 10 calendar days of the submission of the appeal. Written notice of the decision shall be sent by first class mail to the registered owner of the motor vehicle.

If the appeal is denied, the chief of police or his designee will treat the denial as a request for a court appearance and assign a court date for the registered owner of the motor vehicle to contest the charge, such assignment of a court date to be evidenced in writing by the issuance of a summons and complaint. If the registered owner of the motor vehicle wants to waive his right to a court appearance by paying the applicable parking ticket waiver fee once an appeal is denied, the stated waiver fee set forth in Sec. 15-25(b) shall be doubled.

(d) Procedures and prohibitions on renewal of registration.

(i) The city shall maintain a database containing a record of outstanding

- parking tickets, organized by registration plate in numeric and alphabetic order as well as alphabetically by last name.
- (ii) In the course of registering vehicles, the finance department shall compare registration plate numbers and letters and the name of the applicant against the outstanding parking ticket database to determine whether the status of the registration plate or name is that of an outstanding parking ticket.
  - (iii) If the status of the registration plate or name is that of an outstanding parking ticket, the finance department shall inform the registrant that unless he immediately pays the outstanding parking ticket waiver fee(s) or confirms that a court appearance date on the outstanding parking ticket(s) has been scheduled, the city will not register the vehicle sought to be registered.
    - (a) The finance department is authorized to confirm with the police department that a court appearance date on the outstanding parking ticket(s) has been scheduled, and having done so, the finance department is authorized to register the vehicle in question. The police department shall immediately provide the vehicle owner with evidence of the assignment of a court date by the issuance of a summons and complaint.
    - (b) The finance department is authorized to accept payment of the outstanding parking ticket waiver fee, and having done so, the finance department is authorized to register the vehicle in question.

(Code 1966, § 4-18-1; Ord. No. 10-81/82, 10-19-81; Ord. No. 2-84/85, 9-17-84, Ord. No. 1-91/92, 7-15-91; Ord. No. 11-01/02, 5/20/02 [Fiscal Note: Less than \$1000]; Ord. No. 7-06/07, 11/20/06 [Fiscal Note: Less than \$1000]; Ord. No. 5-12/13, 11/19/12 [Fiscal Note: Less than \$1000]; Ord. No. 14-12/13, 4/17/13 [Fiscal Note: Less than \$1000])

**Sec. 15-26. Obedience to chapter required.**

It shall be unlawful and in violation of this chapter for any person to cause, allow, or suffer any vehicle registered in the name of or operated by such person to do any act forbidden or fail to perform any act required in this chapter; provided, 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. Further, any vehicle parked in violation of this chapter (whether because of length of time, place, or the manner in which said vehicle is parked) is declared to be an obstruction in such street or public way and a menace to the safe and proper regulation of traffic.

(Code 1966, § 4-3-2; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-27. Obedience to police, fire officials required.**

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

(Code 1966, § 4-3-3)

**Sec. 15-28. General authority of police, fire department officials to enforce laws and direct traffic.**

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
- (b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

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

(Code 1966, § 4-3-1)

**Sec. 15-29. City to provide books and electronic devices containing notice and citation forms; police chief's duties regarding books and electronic devices.**

- (a) The city shall provide books or electronic devices with Notice of Illegal Parking forms for notifying alleged violators of parking laws and ordinances. Such books or electronic devices shall include serially numbered notices in the form prescribed by the chief of police.
- (b) The city shall provide books or electronic devices with summons and complaint forms (citation forms) for notifying alleged violators to appear and answer charges of violating traffic laws and ordinances in the district court. Such books or electronic devices shall include serially numbered citations in the form prescribed by the chief of police.
- (c) The chief of police shall be responsible for the issuance of such books or electronic devices to individual members of the police department. The chief shall require a written receipt for every book or electronic device so issued and shall maintain a record of every such book or electronic device and the notices or citations contained therein.

(Code 1966, § 4-18-2; Ord. No. 5-12/13, 11/19/12 [Fiscal Note: Less than \$1000])

**Sec. 15-30. Procedure of police upon stopping alleged violator; citation to specify violation.**

Except when authorized or directed under state law to immediately take a person before a magistrate for the violation of any traffic laws, a police officer who halts a person for such violation, other than for the purpose of giving him a warning or warning notice, and does not take such person into custody under arrest shall take such person's name, address, the operator's license number, the registered number of the motor vehicle involved and such other pertinent information as may be necessary. The officer shall then issue to such person in writing on the original form provided by the city a traffic citation containing a notice to answer to the charge against him in the district court as soon as practicable after such alleged violation. The alleged violation shall be specified in the citation.

(Code 1966, § 4-18-3)

**Sec. 15-31. Duty to deposit copy of citation with superior officer; disposition of citation; chief to record disposition of charges, warrants; altering, defacing citations, records.**

- (a) Every police officer upon issuing an original traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of the city shall deposit the copy of the citation with his immediate superior officer, who shall make a police blotter record of it.
- (b) The citation shall be disposed of in accordance with those laws of the state which govern the procedures in the district court.
- (c) The chief of police shall also maintain or cause to be maintained in connection with every traffic citation issued by a member of the police department a record of the disposition of the charge by the district court or its traffic violations bureau.
- (d) The chief of police shall also maintain or cause to be maintained a record of all warrants issued by the district court or by any other court on traffic violation charges and which are delivered to the police department for service, and of the final disposition of all such warrants.

- (e) It shall be unlawful and official misconduct for any member of the police department or other officer or public employee to dispose of, alter or deface a traffic citation or any copy thereof, or the record of the issuance or disposition of any traffic citation, complaint or warrant, in a manner other than as required by this section.

(Code 1966, § 4-18-4)

**Sec. 15-32. Cancellation of citations.**

It shall be unlawful for any person to cancel or solicit the cancellation of any traffic citation in any manner other than as provided by this article.

(Code 1966, § 4-18-5)

**Sec. 15-33. Removal of tickets, notices or citations from vehicles.**

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 of the city, except for the purpose of answering such ticket, notice or citation as required therein.

(Code 1966, § 4-18-6; Ord. No. 5-12/13, 11/19/12 [Fiscal Note: Less than \$1000])

**Sec. 15-34. Police officer's duty upon finding illegally parked vehicle without driver.**

Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of the city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a Notice of Illegal Parking, on a form provided by the city, for the driver to answer to the charge against him within the time specified in the parking ticket and at a place specified in the ticket.

(Code 1966, § 4-18-7; Ord. No. 5-12/13, 11/19/12 [Fiscal Note: Less than \$1000])

**Sec. 15-35. Reserved.**

(Code 1966, § 4-18-8 ; Ord. No. 5-12/13, 11/19/12 [Fiscal Note: Less than \$1000])

**Sec. 15-36. Impoundment.**

- (a) Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the city under the circumstances hereinafter enumerated:
- (1) When any vehicle is left unattended upon any bridge, viaduct or causeway, where such vehicle constitutes an obstruction to traffic;
  - (2) When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
  - (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
  - (4) When a vehicle is parked in a manner obstructing snow removal.
- (b) Whenever an officer removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall

immediately give or cause to be given notice in writing to such owner of the fact of such removal, the reasons therefor and the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.

- (c) Whenever an officer removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.

(Code 1966, § 4-18-9)

**Secs. 15-37--15-41. Reserved.**

## **DIVISION 2. TOWING OF VEHICLES IN VIOLATION.\***

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 \* **Editor's note**--Ord. No. 6-80/81, adopted July 21, 1980, repealed Div. 2, §§ 15-42--15-52, pertaining to the traffic bond, derived from Code 1966, §§ 2-20-1--2-20-8, and Ord. No. 9-73 enacted Feb. 21, 1973. Ord. No. 2-91/92, adopted 7-15-91 enacted Division 2 as "Towing of Vehicles in Violation"  
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### **Sec. 15-42. Applicability**

Any vehicle which has accumulated three (3) or more notices of violation of any parking regulation or regulations made pursuant to this chapter issued after September 1, 1991, for which there has been neither payment of waiver fees nor issuance of court process and which is then parked in violation of any such provisions shall be removed and stored pursuant to the provisions of Ordinance Section 15-36, this division and Article VIII of this chapter until all waiver fees established pursuant to 30-A M.R.S.A. §3009 for all such outstanding notices of violations and also the charges authorized by Article VIII of this chapter have been paid or requirements of section 15-44(b) or 15-44(c) have been met.

(Ord. No. 2-91/92, 7-15-91)

### **Sec. 15-43. Procedure for Removal; Notice to Owner**

The police officer requesting removal of a vehicle shall notify the dispatcher and request that a wrecker be dispatched from the approved city towing list. Such information shall be recorded by the dispatcher for the use of the chief of police or director of finance. The chief of police shall notify by registered mail the owner of such vehicle within five (5) business days of the impoundment thereof, the storage location of such vehicle and the requirements for release as set forth in section 15-44.

(Ord. No. 2-91/92, 7-15-91)

### **Sec. 15-44. Release of Vehicles**

Any person having custody of a motor vehicle pursuant to the provisions of this chapter shall not release it until the individual requesting its release presents satisfactory evidence of his or her right to possession and signs a receipt therefore, and:

- (a) The director of finance or the chief of police certifies that all waiver fees and all charges described in section 15-42 have been paid, including all costs for towing, notice preservation and storage of the vehicle as established pursuant to section 15-46; or
- (b) Until the director of finance shall certify the posting of a bond equal to the total waiver fees which should have been remitted for the overdue notices of violations and other charges set forth in subsection (a) hereinabove, or
- (c) Upon certification of the chief of police that such person has both demonstrated that he or she is unable to pay the accumulated waiver fees by reason of poverty, having provided satisfactory proof of such status, and accepted service of process initiating a court proceeding to determine his or her liability for the prescribed penalty for such alleged violations of this chapter and such person pays all charges set forth above.

(Ord. No. 2-91/92, 7-15-91)

#### **Sec. 15-45. Bond**

Whenever any person requests the right to post bond pursuant to section 15-44(b), such bond shall be given in cash and a receipt given therefor. Such bond money shall be refunded in the amount of the waiver fee for each alleged violation of this chapter upon acceptance by such person of service of process initiating a court proceeding to determine his or her liability for the prescribed penalty for such alleged violation of this chapter. Any bond shall be forfeited unless the person posting it requests and accepts service of such process from the chief of police within thirty (30) days of posting unless prevented from doing so by the actions or inactions of the city.

(Ord. No. 2-91/92, 7-15-91)

#### **Sec. 15-46. Refund of Charges for Impoundment**

Whenever any person obtains a determination from a court of competent jurisdiction that the vehicle was not parked in violation of this chapter at the time it was impounded pursuant to this ordinance, such person shall be reimbursed for the charges for towing and storage pursuant to Article VIII of this chapter if paid, and if such charges have not then been paid they shall be promptly paid or canceled by the city.

(Ord. No. 2-91/92, 7-15-91)

#### **Sec. 15-47. Interference with Enforcement**

It shall be unlawful for any person to obstruct or attempt to prevent the removal of a vehicle as provided in this division.

(Ord. No. 2-91/92, 7-15-91)

#### **Secs. 15-48--15-57. Reserved.**

### **DIVISION 3. TRAFFIC DIVISION**

#### **Sec. 15-58. Established; control of police officer.**

There is hereby established in the police department of the city a traffic division to be under the control of an officer of the police appointed by and directly responsible to the chief of police.

(Code 1966, § 4-2-1)

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**Charter reference(s)**--Authority for council to create departments and agencies, § 203.  
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**Sec. 15-59. General duties.**

It shall be the duty of the traffic division, with such aid as may be rendered by other members of the police department, to enforce the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate accidents, to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon the division by the traffic regulations of the city.

(Code 1966, § 4-2-2)

**Sec. 15-60. Duty to keep records of alleged offenses and disposition of charges; numbering of forms; records, reports to be public records.**

- (a) The traffic division shall keep a record of all violations of the traffic ordinances of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Such record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.
- (b) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.
- (c) All such records and reports shall be public records.

(Code 1966, § 4-2-3)

**Sec. 15-61. Duty to investigate accidents, make arrests and assist in prosecution.**

It shall be the duty of the traffic division, assisted by other police officers of the department, to investigate traffic accidents, to arrest and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

(Code 1966, § 4-2-4)

**Sec. 15-62. Duty to conduct accident studies and determine remedial measures.**

Whenever accidents at any particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and determining remedial measures.

(Code 1966, § 4-2-5)

**Sec. 15-63. Duty to maintain system of filing accident reports; reports or reference cards to be filed alphabetically; reports to be available to traffic engineer.**

- (a) The traffic division shall maintain a suitable system of filing traffic accident reports.
- (b) Accident reports or cards referring to them shall be filed alphabetically by location.
- (c) Accident reports shall be available for the use and information of the traffic engineer.

(Code 1966, § 4-2-6)

**Sec. 15-64. Drivers' files to be maintained.**

- (a) The traffic division shall maintain a suitable record of all traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.
- (b) Such records shall accumulate during at least a five (5) year period and from that time on such records shall be maintained complete for at least the most recent five (5) year period.

(Code 1966, §§ 4-2-7.1, 4-2-7.3)

**Sec. 15-65. Duty to study cases of drivers charged with violations, making observations and take corrective steps.**

The traffic division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, shall attempt to discover the reasons therefor and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

(Code 1966, § 4-2-7.2)

**Sec. 15-66. Duty to designate identifying insignia for funeral procession vehicles.**

The traffic division shall designate a type of pennant or other identifying insignia to be displayed upon, or other method to be employed to identify, the vehicles in funeral processions.

(Code 1966, § 4-2-9)

**Sec. 15-67. Duty to prepare, submit monthly report; contents of report.**

The traffic division shall monthly prepare a traffic report which shall be filed with the city manager. Such report shall contain information on traffic matters in the city as follows:

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (3) The plans and recommendations of the division for future traffic safety activities.

(Code 1966, § 4-2-8)

**Secs. 15-68--15-72. Reserved.****DIVISION 4. TRAFFIC ENGINEER****Sec. 15-73. Office created.**

The office of traffic engineer is hereby established.

(Code 1966, § 2-21)

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**Charter reference(s)**--Authority for council to create offices, § 203.  
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**Sec. 15-74. Appointment.**

The traffic engineer shall be appointed by the city manager.

(Code 1966, § 2-21)

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**Charter reference(s)**--Authority to appoint officers, § 302.1.  
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**Sec. 15-75. Powers, duties generally.**

It shall be the general duty of the traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic conditions, to plan the operation of traffic on the streets and highways in the city, to cooperate with other city officials in the development of ways and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of the city. The traffic engineer shall also be entrusted with those functions previously performed by the traffic board.  
 (Code 1966, §§ 2-21, 4-2-10.2; Ord. No. 6-80/81, 7-21-80)

**Sec. 15-76. Authority to make and enforce temporary or experimental regulations to cover emergencies, special conditions; termination of regulations.**

The traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) days.

(Code 1966, § 4-2-11.1; Ord. No. 6-80/81, 7-21-80)

**Sec. 15-77. Authority to test traffic-control devices.**

The traffic engineer may test traffic-control devices under actual conditions of traffic.

(Code 1966, § 4-2-11.2)

**Secs. 15-78--15-82. Reserved.****DIVISION 5. ACCIDENTS\***

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 \* **State law reference(s)**--Accidents, generally, 29 M.R.S.A. § 891 et seq.  
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**Sec. 15-83. Duty to give immediate notice of accident.**

The driver of a vehicle or bus involved in an accident resulting in injury to or death of any person or total damage to all property to an apparent extent of one thousand dollars (\$1000.00) or more shall immediately by the quickest means of communication give notice of such accident to the police department if such accident occurs within the city.

(Code 1966, § 4-3-9; Ord. No. 11-01/02, 5/20/02 [Fiscal Note: Less than \$1000])

**Sec. 15-84. Duty to submit written report of accident; when report not required.**

(a) The driver of a vehicle or bus which is in any manner involved in an accident resulting in bodily injury to or death of any person or total damage to all

property to an apparent extent of one thousand dollars (\$1000.00) or more shall, within twenty-four (24) hours after such accident, forward a written report of such accident to the police department.

- (b) The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while such driver was present thereat.

(Code 1966, § 4-3-10; Ord. No. 11-01/02, 5/20/02 [Fiscal Note: Less than \$1000])

**Sec. 15-85. Duty to give notice, report of accident upon driver's incapacity.**

- (a) Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in section 15-83 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.
- (b) Whenever the driver is physically incapable of making a written report of an accident as required in section 15-84 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within twenty-four (24) hours after the accident make such report not made by the driver.

(Code 1966, § 4-3-11)

**Sec. 15-86. Reports to be made without prejudice; nature of reports; use of contents of reports.**

- (a) All written accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the police department or other governmental agencies having use for the records for accident prevention purposes, except that the police department or other governmental agency may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident.
- (b) No written reports forwarded under the provisions of this section shall be used as evidence in any civil or criminal trial, arising out of an accident, except that the police department shall furnish upon demand of any party to such trial, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the department in compliance with law, and, if such report has been made, the date, time and location of the accident, the names and addresses of the drivers, the owners of the vehicles involved and the investigating officers. The chief of police may upon written request furnish a photo copy of any report at the expense of the person making the request.

(Code 1966, § 4-3-12)

**Secs. 15-87--15-91. Reserved.**

**DIVISION 6. TRAFFIC-CONTROL DEVICES GENERALLY\***

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 \* **State law reference(s)**--Highway signs and markers, generally, 23 M.R.S.A. § 1151 et seq.; authority to regulate traffic by means of signal devices, 29 M.R.S.A. § 1256.  
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**Sec. 15-92. Manual and specifications.**

All traffic-control signs, signals and devices shall conform to the manual and

specifications approved by the state highway commission. All signs and signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic-control devices so erected and not inconsistent with the provisions of state law or this chapter shall be official traffic-control devices.

(Code 1966, § 4-4-2)

**Sec. 15-93. Traffic engineer authorized to place, maintain traffic-control devices.**

The traffic engineer shall place and maintain traffic-control signs, signals and devices when and as required under the traffic ordinances of the city to make effective the provisions of such ordinances, and may place and maintain such additional traffic-control devices as he and the traffic board may deem necessary to regulate, guide or warn traffic under the traffic ordinances of the city or under the laws of the state.

(Code 1966, § 4-4-1)

**Sec. 15-94. Engineer authorized to designate, maintain crosswalks and establish safety zones.**

The traffic engineer is hereby authorized to:

- (1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary;
- (2) Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

(Code 1966, § 4-4-12)

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**State law reference(s)**--Authority to establish crosswalks and safety zones, 30 M.R.S.A. § 2151(2).  
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**Sec. 15-95. Traffic engineer to recommend and mark play streets.**

The traffic engineer shall recommend to the municipal officers any street or part thereof as a play street and shall place appropriate signs or devices in the roadway indicating and helping to protect the same, when so authorized by the municipal officers.

(Code 1966, § 4-4-10)

**Sec. 15-96. Authority of engineer to mark traffic lanes.**

The traffic engineer is hereby authorized to mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary.

(Code 1966, § 4-4-13.1)

**Sec. 15-97. The council to establish, designate bus stops, taxi stands, etc.**

The council shall establish by order a schedule of "Bus Stops and Taxi Stands" which shall be designated as Traffic Schedule No. 16 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order. The traffic engineer shall mark every bus stop, bus stand, taxicab stand and other stand by appropriate signs.

(Code 1966, §§ 4-10-5.1, 4-15-4; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-98. Authority of the council to determine location of and designate curb**

**loading zones; signs to state hours.**

The council shall establish by order a schedule of "Curb Loading Zones" which shall be designated as Traffic Schedule No. 15 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order. The traffic engineer shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this section are applicable.

(Code 1966, § 4-15-1; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-99. Authority to place signs to facilitate snow removal; obedience to signs.**

- (a) For the purpose of facilitating the removal of snow, the director of public works or the police chief may cause to be placed properly marked signs to restrict the use of space along such streets as he shall deem necessary.
- (b) It shall be unlawful for the operator of any vehicle to enter upon, store or park within the spaces indicated by such signs.

(Code 1966, § 4-14-9)

**Sec. 15-100. Devices to be in proper place and legible for enforcement purposes; enforceability of provision not requiring devices.**

No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or are in place.

(Code 1966, § 4-4-4)

**Sec. 15-101. Presumption of legality of devices.**

- (a) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.
- (b) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(Code 1966, § 4-4-4.1)

**Sec. 15-102. Obedience to devices required.**

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto, placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(Code 1966, § 4-4-3)

**Sec. 15-103. Traffic-control signal legend.**

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend. Such lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

- (1) *Green indication:*

- (a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
  - (b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.
  - (c) Unless otherwise directed by a pedestrian-control signal, as provided in section 15-104, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.
- (2) *Steady yellow indication:*
- (a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
  - (b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 15-104, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.
- (3) *Steady red indication:*
- (a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown.
  - (b) Unless otherwise directed by a pedestrian-control signal as provided in section 15-104, pedestrians facing a steady red signal alone shall not enter the roadway.
- (4) *Official traffic-control signal:* In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.
- (5) *Red and yellow (pedestrian signal):* While the red and yellow lenses are illumined together, drivers shall not enter the intersection and the intersection shall be reserved for the exclusive use of pedestrians.

(Code 1966, § 4-4-5)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 947.  
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#### **Sec. 15-104. Pedestrian-control signals.**

Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

- (1) *Walk:* Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all

vehicles.

- (2) *Don't Walk*: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "Don't Walk" signal is showing.

(Code 1966, § 4-4-6)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 951.  
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### **Sec. 15-105. Flashing signals.**

- (a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:
- (1) *Flashing red (stop signal)*: When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (2) *Flashing yellow (caution signal)*: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- (b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section 15-128.

(Code 1966, § 4-4-7.1)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 952.  
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### **Sec. 15-106. Lane-direction-control signals.**

When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

(Code 1966, § 4-4-7.2)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 953.  
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### **Sec. 15-107. Maintaining, displaying, placing unauthorized devices.**

- (a) No person shall place, maintain or display upon or in view of any highway an unauthorized sign, signal, marking or device which purports to be or is in imitation of or resembles an official traffic-control device or railroad sign or signal, 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 or any railroad sign or signal.
- (b) 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.
- (c) This section 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.
- (d) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice.

(Code 1966, § 4-4-8)

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**State law reference(s)**--Unauthorized signs or marks forbidden, 23 M.R.S.A. § 1151.  
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**Sec. 15-108. Interfering with, defacing, removing devices prohibited.**

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 railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

(Code 1966, § 4-4-9)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 948.  
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**Secs. 15-109--15-118. Reserved.**



**ARTICLE III. OPERATION\***

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 \* **Cross reference(s)**--Transportation of garbage and refuse over streets regulated, § 9-38; carrying, carting night soil through streets, § 17-8.  
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**DIVISION 1. GENERALLY****Sec. 15-119. Drivers to exercise 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 1966, § 4-11-9)

**Sec. 15-120. Traffic engineer's authority to determine, designate hazardous intersections on other than through streets and require stop or yield.**

In accordance with the provisions of section 15-76, the traffic engineer is hereby authorized to determine and designate, on an emergency basis, intersections whereby a particular hazard exists upon other than through streets and to determine:

- (a) Whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop sign is required; or
- (b) Whether vehicles shall yield the right-of-way to vehicles on a different street at such intersections, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

(Code 1966, § 4-8-3; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-121. Engineer to place signs at through streets.**

Whenever by order pursuant to section 15-126 the council designates and describes a through street, or by order pursuant to section 15-125 requires the placement of a stop sign, or by order pursuant to section 15-123 requires the placement of a yield sign, it shall be the duty of the traffic engineer to place and maintain a stop sign or, on the basis of engineering and traffic investigation at any such intersection, a yield sign on each and every street intersecting such through street unless traffic at such intersection is controlled at all times by traffic-control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of the streets as may be determined by the traffic engineer upon the basis of the engineering and traffic study and as required by council order pursuant to section 15-125.

(Code 1966, § 4-8-2; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-122. Duty of driver upon approach of yield sign.**

- (a) The driver of a vehicle approaching a yield sign shall, in obedience to such sign, slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed

prima facie evidence of his failure to yield the right-of-way.

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

(Code 1966, §§ 4-8-4.1, 4-8-6)

**Sec. 15-123. Schedule of yield signs.**

The council shall establish by order a schedule of "Yield Signs" which shall be designated as Traffic Schedule No. 7 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-124. Duty of driver approaching, entering intersection.**

- (a) Except when directed to proceed by a police officer or a traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by the following subsection, and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.
- (b) Except when directed to proceed by a police officer or a traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(Code 1966, § 4-8-4.2, 4-8-5)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 949.  
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**Sec. 15-125. Schedule of stop signs.**

The council shall establish by order a schedule of "Stop Signs" which shall be designated as Traffic Schedule No. 5 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-126. Schedule of through streets.**

The council shall establish by order a schedule of "Through Streets" which shall be designated as Traffic Schedule No. 2 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-127. Duty upon approaching intersection without traffic device.**

All vehicles not controlled by traffic devices approaching an intersection from the left 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.

(Code 1966, § 4-20-3)

**Sec. 15-128. Duty upon approaching railroad grade crossing.**

- (a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty (50) feet, but not less than fifteen (15) feet, from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
- (1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  - (2) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;
  - (3) A railroad train approaching within approximately one thousand five hundred (1,500) feet of the highway crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;
  - (4) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.
- (b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a drawbridge crossing while such gate or barrier is closed or is being opened or closed.

(Code 1966, § 4-8-9)

**Sec. 15-129. Operation within marked traffic lanes required.**

Where traffic lanes have been marked by the traffic engineer, it shall be unlawful for the operator of any vehicle to fail or refuse to keep such vehicle within the boundaries of any such lane, except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

(Code 1966, § 4-4-13.2)

**Sec. 15-130. Operation of vehicle in manner which litters streets.**

No person shall operate a vehicle upon any street in such a manner that material, rubbish, refuse, junk or litter of any kind drips, sifts, leaks, drops or otherwise escapes therefrom or drops upon the surface of such highway, street or alley.

(Code 1966, § 4-20-1)

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**State law reference(s)**--Loads to be fastened, 29 M.R.S.A. § 1752.  
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**Sec. 15-131. Riding, driving on sidewalks.**

No person shall ride, drive, wheel or operate any motorized or motor-driven vehicle upon any sidewalk except at a permanent or temporary driveway. No person shall ride or drive any horse or other animal upon any sidewalk, except at a permanent or temporary driveway. All portions of streets or ways constructed in such a manner as to be adapted to the use of pedestrians and not to the use of motor vehicles shall be considered sidewalks within the meaning of this section. No person shall cause or permit any person over whom he or she has custody, control or supervision to carry out any activity prohibited by this section.

(Code 1966, §§ 4-9-7, 6-6-1.8; Ord. No. 27-78, 11-6-78)

**Sec. 15-132. Obstructing crosswalks, intersections.**

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 1966, § 4-8-8)

**Sec. 15-133. Emerging from alley, driveway, curb.**

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

(Code 1966, § 4-8-7)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 944.  
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**Sec. 15-134. Driving on play streets.**

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

(Code 1966, § 4-4-11)

**Sec. 15-135. Driving through or within safety zones.**

No vehicle shall at any time be driven through or within a safety zone.

(Code 1966, § 4-10-t)

**Sec. 15-136. Privileges of drivers of emergency vehicles responding to calls.**

- (a) The driver of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.
- (b) The driver of an authorized emergency vehicle may:
  - (1) Park or stand, irrespective of the provisions of this 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 maximum speed limits so long as he does not endanger life or property;
  - (4) Disregard regulations governing direction of movement or turning in specified directions.
- (c) The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle, except that an authorized emergency Vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- (d) The foregoing provisions of this section shall not relieve the driver of an

authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Code 1966, § 4-3-7)

**Sec. 15-137. Duty on approach of authorized emergency vehicle.**

- (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of the laws of this state, or of a police vehicle properly and lawfully making use of an audible signal only, 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 right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (b) Upon the approach of an authorized emergency vehicle, as above stated, the driver of every bus shall immediately stop such bus clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (c) 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 1966, § 4-3-8)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 946.  
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**Sec. 15-138. Driving over fire hose.**

No bus, railroad train or vehicle shall be driven over any protected hose of the fire department when laid down on any street, private driveway or railroad track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(Code 1966, § 4-9-2)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 996.  
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**Sec. 15-139. 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 five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(Code 1966, § 4-9-1.1)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 1033.  
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**Sec. 15-140. Following snowplow.**

The driver of any vehicle other than one on official business shall not follow closer than two hundred (200) feet to any snowplow engaged in plowing.

(Code 1966, § 4-9-1.2)

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**State law reference(s)**--Following vehicles too closely, 29 M.R.S.A. § 1032.  
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**Sec. 15-141. Duty upon approach of snowplow.**

The driver of any vehicle meeting a snowplow on a roadway plowing shall turn off on another street if practicable, or if not practicable, he shall come to a complete

stop at least fifty (50) feet away from the plow and not start again until the plow has passed.

(Code 1966, § 4-9-1.2)

**Sec. 15-142. Obstructing traffic with vehicle improperly equipped for snow travel.**

No person shall cause an obstruction to traffic by reason of inability to move a vehicle being operated by him because of snow or ice accumulation in a street when such vehicle is not equipped with either snow tread tires or tire chains.

(Code 1966, § 4-20-6)

**Sec. 15-143. Driving in funeral or other procession regulated.**

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

(Code 1966, § 4-9-4)

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**Cross reference(s)**--Parades to be in accordance with permit, regulations, § 15-7.  
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**Sec. 15-144. Driving through funeral or other procession.**

(a) No driver of a vehicle or a bus 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 chapter.

(b) This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

(Code 1966, § 4-9-3)

**Sec. 15-145. Limitations on backing.**

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

(Code 1966, § 4-9-8)

**Sec. 15-146. Driving onto, from restricted access roadways.**

No person shall drive a vehicle onto or from any restricted access roadway except at such entrances and exits as are established by public authority.

(Code 1966, § 4-9-12)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 992.  
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**Sec. 15-147. Schedule of restricted access ways.**

The council shall establish by order a schedule of "Restricted Access Ways" which shall be designated as Traffic Schedule No. 6 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-148. Passing.**

No driver of a vehicle shall leave the lane on the right for the purpose of overtaking another vehicle unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing

to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle so overtaken. 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.

(Code 1966, § 4-9-13)

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**State law reference(s)**--Passing, generally, 29 M.R.S.A. § 1152.  
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**Sec. 15-149. Obedience required to truck route signs.**

- (a) Where truck routes are 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 routes.
- (b) This section shall not apply to vehicles operated by either the state highway department or public utility firms in the performance of their official duties.

(Code 1966, § 4-17-2; Ord. No. 24-71, 9-18-71)

**Sec. 15-150. Truck route schedule.**

The council shall establish by order a schedule of "Truck Routes" which shall be designated as Traffic Schedule No. 9 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-151. Schedule of streets where large trucks prohibited.**

The council shall establish by order a schedule of "Prohibiting Trucks in Excess of Three-Quarter Ton" which shall be designated as Traffic Schedule No. 10 kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-152. Operating commercial vehicles in excess of four thousand five hundred pounds on streets.**

No person shall operate any commercial vehicle exceeding four thousand five hundred (4,600) pounds gross weight at any time upon any of the streets or parts of streets of the city, except that such vehicles may be operated thereon for the purpose of delivering or picking up materials or merchandise and then only by entering such streets at the intersection nearest the destination of the vehicle and proceeding therein no further than the nearest intersection thereafter.

(Code 1966, § 4-17-1)

**Sec. 15-153. Driving heavy loads over streets between November and June.**

During any part of the period between the first day of November and the first day of June, except when the surface of the road is solidly frozen, no driver of any vehicle, the gross weight of which (vehicle and load combined) exceeds three and one-half (3 1/2) tons shall drive the same on those streets duly posted to that effect at each end thereof.

(Code 1966, § 4-17-4)

**Secs. 15-154--15-158. Reserved.**

**DIVISION 2. SPEED\***

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 \* **State law reference(s)**--Speed, generally, 29 M.R.S.A. § 1251 et seq.  
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**Sec. 15-159. Applicability of state regulations.**

The state traffic laws regulating the speed of vehicles shall be applicable upon all streets within the city, except as this chapter, as authorized by state law, hereby declares and determines upon the basis of engineering and traffic investigation that certain speed regulations shall be applicable upon specified streets or in certain areas.

(Code 1966, § 4-5-1)

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**State law reference(s)**--Authority for municipalities to change limits, 29 M.R.S.A. § 1256.  
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**Sec. 15-160. Operation of vehicle to be at careful, prudent speed.**

Any person driving a vehicle on a street shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the street, 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 1966, § 4-21-8.2)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 1252.  
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**Sec. 15-161. Unlawful to exceed speed limits.**

Any speed in excess of the limits established by law shall be unlawful.

(Code 1966, § 4-21-8.7)

**Sec. 15-162. Schedule of speed zones.**

The council shall establish by order a schedule of "Speed Zones" which shall be designated as Traffic Schedule No. 8 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-163. Commercial vehicles, buses.**

Speed of commercial vehicles, registered for over six thousand (6,000) pounds, and school buses conveying children to and from school or a school event, in excess of fifty (50) miles an hour in the daytime or nighttime under any conditions shall be unlawful.

(Code 1966, § 4-21-8.6)

**Sec. 15-164. Maximum limit when passing school.**

Speed in excess of fifteen (15) miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours shall be unlawful.

(Code 1966, § 4-21-8.3)

**Sec. 15-165. Maximum limit in business or residential districts or built-up portions of city.**

Speed in excess of twenty-five (25) miles an hour in a business or residential district, or built-up portion, defined as the territory of the city contiguous to any street which is built up with structures devoted to business or where the dwelling houses are situated less than one hundred fifty (150) feet apart for a distance of at least one-quarter ( 1/4) of a mile, shall be unlawful.

(Code 1966, § 4-21-8.5)

**Sec. 15-166. Maximum limit when approaching, traversing intersections.**

Speed in excess of fifteen (15) miles an hour when approaching within fifty (50) feet and in traversing an intersection of streets when the driver's view is obstructed shall be unlawful. A driver's view shall be deemed to be obstructed when at any time during the last fifty (50) feet of his approach to such an intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all the streets entering such intersection for a distance of two hundred (200) feet from such intersection.

(Code 1966, § 4-21-8.4)

**Secs. 15-167--15-171. Reserved.**

**DIVISION 3. ONE-WAY STREETS AND ALLEYS\***

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 \* State law reference(s)--Traffic to flow in direction indicated by one-way devices, 29 M.R.S.A. § 993.  
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**Sec. 15-172. Duty to place, maintain one-way signs; where signs to be placed.**

- (a) Whenever the council by order pursuant to section 15-174 designates any one-way street or alley, the traffic engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place.
- (b) Signs indicating the direction of unlawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Code 1966, § 4-7-1; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-173. The council's authority to restrict direction of traffic during certain period.**

The council by order pursuant to section 15-174 is hereby authorized to determine and designate streets, parts of streets and specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and opposite direction during another period of the day, and the traffic engineer shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. In accordance with the provisions of section 15-76, the traffic engineer may erect signs

temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

(Code 1966, § 4-7-3; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-174. Schedule of one-way streets, alleys.**

The council shall establish by order a schedule of "One-Way Streets" which shall be designated as Traffic Schedule No. 1 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Secs. 15-175--15-179. Reserved.**

**DIVISION 4. TURNING MOVEMENTS**

**Sec. 15-180. The council authorized to determine location and place signs restricting turns.**

The council shall establish by order a schedule of "Right Turn Only Intersections" which shall be designated Traffic Schedule No. 12 and a schedule of "Left Turn Only Intersections" which shall be designated Traffic Schedule No. 11, both of which shall be kept on file in the office of the city clerk. Said schedules may be amended from time to time by council order. The traffic engineer shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the sign or they may be removed when such turns are permitted.

(Code 1966, § 4-6-3; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-181. Required position, method of turning at intersections.**

The driver of a vehicle intending to turn at an intersection shall do as follows:

- (1) *Right turns:* Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.
- (2) *Left turns on two-way roadways:* At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, and approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (3) *Left turns on over than two-way roadways:* At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection of the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(Code 1966, § 4-6-1)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 994.  
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**Sec. 15-182. Turning restricted.**

The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction upon any street in a 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.

(Code 1966, § 4-6-5)

**Sec. 15-183. Authority to place devices indicating turning movements; obedience to devices required.**

- (a) The traffic engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.
- (b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.
- (c) When official signs are installed designating traffic lanes as turning lanes, vehicular traffic moving in such lanes shall make the prescribed movement at the next available intersection.

(Code 1966, § 4-6-2)

**Secs. 15-184--15-193. Reserved.**



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

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 \* **Cross reference(s)**--Permitting vehicles carrying substances having offensive odors to remain on streets restricted, § 9-21.  
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**Sec. 15-194. Applicability of article.**

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

(Code 1966, § 4-16-1)

**Sec. 15-195. More restrictive provisions applicable.**

The provisions of this article imposing a time limit on parking 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 in specified places or at specified times.

(Code 1966, § 4-16-2)

**Sec. 15-196. Traffic engineer to erect parking signs; effect of absence of signs.**

Whenever by this chapter or any ordinance of the city any parking time limit is imposed or parking is prohibited on designated streets or other areas available for use by the public as defined in section 8-101, it shall be the duty of the traffic engineer to erect appropriate signs giving notice thereof, and no such regulations shall be effective unless such signs are erected and in place at the time of the alleged offense.

(Code 1966, § 4-16-6; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-197. Authority of engineer to erect signs prohibiting parking adjacent to school or church property.**

The traffic engineer, when authorized by the traffic board, shall erect signs indicating no parking upon either or both sides of any street adjacent to any school or church property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

(Code 1966, § 4-14-6)

**Sec. 15-198. Traffic engineer to erect no parking signs on one-way streets.**

The traffic engineer by and with the approval of the traffic board is authorized to erect signs upon the left-hand side of any one-way street to prohibit the standing or parking of vehicles.

(Code 1966, § 4-14-7)

**Sec. 15-199. Engineer to determine, designate areas where stopping, standing and parking would create hazardous conditions, cause traffic delays.**

The traffic engineer is hereby authorized to determine and designate by proper signs places not exceeding one hundred (100) feet in length in which the stopping,

standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

(Code 1966, § 4-14-8)

**Sec. 15-200. Prohibited in certain places.**

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

(1) Stop, stand or park a vehicle:

- a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- b. On the sidewalk;
- c. Within an intersection;
- d. On a crosswalk;
- e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic engineer indicates a different length by signs or markings;
- f. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- h. On any railroad tracks;
- i. At any place where official signs prohibit stopping;
- j. Between signs or in spaces designated "Handicapped Parking," except the handicapped.
  1. The City shall post a sign adjacent to and visible from each handicapped parking space established by the City. The sign shall display the international symbol for accessibility.
  2. Owners of private off-street parking shall arrange for enforcement with local law enforcement to enforce handicapped parking restrictions. Under these agreements, unauthorized vehicles shall be ticketed. An owner of private off-street parking fails to enter into an agreement with local law enforcement commits a civil violation for which a forfeiture of not less than fifty dollars (\$50.00 may be adjudged.

Under these agreements, public law enforcement officials may ensure that parking spaces designated for the handicapped are used appropriately by handicapped persons, whether the designated handicapped parking spaces are located on public lots or on private lots open to the public.

3. Any vehicle or motorcycle parked in a parking space clearly marked as a handicapped parking space and which does not bear a special registration plate or placard issued under M.R.S.A., Title 29, section 252, 252-A or 252-C, or a similar plate issued by another state, shall be cited for a forfeiture of one hundred dollars (\$100.00), which penalty shall be paid to the city. "Clearly marked" includes painted signs on pavement and vertical standing signs which are visible in existing weather conditions.

- (2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
- a. In front of a public or private driveway;
  - b. Within fifteen (15) feet of a fire hydrant;
  - c. Within twenty (20) feet of a crosswalk at an intersection;
  - d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;
  - e. Within twenty (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 seventy-five (75) feet of such entrance (when properly signposted);
  - f. At any place where official signs prohibit standing.
- (3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:
- a. Within fifty (50) feet of the nearest rail of a railroad crossing;
  - b. At any place where official signs prohibit parking.

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

(Code 1966, § 4-14-1; Ord. No. 32-80/81, 2-18-81; Ord. No. 7-82/83, 11-15-82; Ord. No. 15-92/93, 2-1-93; Ord. No. 7/06/07, 11/20/06 [Fiscal Note: Less than \$1000])

**Sec. 15-201. Stopping, standing and parking in alleys.**

No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) 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 a position as to block the driveway entrance to any abutting property.

(Code 1966, § 4-14-3)

**Sec. 15-202. Loading, unloading passengers in curb loading zones.**

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to such curb loading zone are effective, and then only for a period not to exceed three (3) minutes.

(Code 1966, § 4-15-2)

**Sec. 15-203. Loading, unloading freight in curb loading zones.**

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pickup and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.

(Code 1966, § 4-15-3)

**Sec. 15-204. Certain weight trucks not to stand on public streets for longer than one hour.**

No owner, driver or person in charge of any vehicle which has a carrying capacity of more than three thousand (3,000) pounds, or which including load is more than eighteen (18) feet in length, or which including load is more than eight (8) feet in width, or which including load is more than twelve (12) feet and six (6) inches in height, shall permit the same to stand upon any public street in the city for a longer period than one hour at any one time. The council shall establish by order a schedule of "No Truck Parking" which shall be designated as Traffic Schedule No. 14 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Code 1966, § 4-17-3; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-205. Stopping of buses within intersections or on crosswalks.**

It shall be unlawful for any bus to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers. The council shall establish by order a schedule of "No Buses" which shall be designated as Traffic Schedule No. 13 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Code 1966, § 4-10-3.2; Ord. No. 10-81/82, 10-19-81)

**Sec. 15-206. Stopping, standing and parking of buses and taxicabs.**

- (a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- (b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- (c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone or a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.
- (d) The operator of a taxicab shall not stand or park such vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

(Code 1966, §§ 4-10-5.2, 4-15-5)

**Sec. 15-207. Use of bus stops, taxi stands by other vehicles.**

No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a hackney in a hackney stand, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, hackney or taxicab waiting to enter or about to enter such zone.

(Code 1966, §§ 4-10-5.3, 4-15-6)

**Sec. 15-208. Lamps on parked vehicles.**

- (a) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half ( 1/2) hour after sunset and a half ( 1/2) hour before sunrise, as

specified in the state statutes, and in the event there is sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such street or highway no lights need to be displayed upon such parked vehicle.

- (b) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half ( 1/2) hour after sunset and a half ( 1/2) hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred (500) feet upon such highway, such a vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred (500) feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred (500) feet to the rear of the vehicle, and the location of such lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.
- (c) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

(Code 1966, § 4-13-4)

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**State law reference(s)**--Display of lights, 29 M.R.S.A. § 1071.  
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**Sec. 15-209. Parallel parking required.**

Except as otherwise provided in this article, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within twelve (12) inches of the right-hand curb.

(Code 1966, § 4-13-1)

**Sec. 15-210. Diagonal parking.**

No vehicle shall stand or be parked diagonally upon any street within the city.

(Code 1966, § 4-13-2)

**Sec. 15-211. Schedule of streets where parking prohibited at all times.**

The council shall establish by order a schedule of "No Parking" which shall be designated as Traffic Schedule No. 3 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-212. Schedule of streets where tow-away of vehicles authorized.**

The council shall establish by order a schedule of "Tow-away Zones" which shall be designated as Traffic Schedule No. 18 and kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order. All towing and storage fees shall be the responsibility of the owner of the vehicle.

(Ord. No. 27-89/90, 6-4-90)

**Sec. 15-213. Limited parking schedule.**

The council shall establish by order a schedule of "Limited Parking" which shall be designated as Traffic Schedule No. 4 kept on file in the office of the city clerk. Said schedule may be amended from time to time by council order.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-214. Parking in streets not to obstruct traffic.**

No person shall park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.

(Code 1966, § 4-14-2)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 1111.  
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**Sec. 15-215. Parking to display motor vehicle, trailer, boat, camper or RV for sale, perform maintenance and advertise prohibited; display of used motor vehicles for sale**

(a) No person shall park a motor vehicle, trailer, boat, camper or RV upon any roadway for the principal purpose of:

- (1) Displaying it for sale;
- (2) Washing, greasing or repairing it, except repairs necessitated by an emergency;
- (3) Advertising.

(b) Used motor vehicles or boats may be displayed for sale on private property at which the owner of the motor vehicle or boat resides with the following restriction:

- (1) only one motor vehicle or boat may be displayed for sale at any one time.

For purposes of this section, the term "displayed for sale" is not limited to motor vehicles or boats with a sign advertising them for sale, but includes any motor vehicle or boat displayed for public view which is offered for sale.

(Code 1966, § 4-14-5; Ord. No. 2-03/04, 7/21/03 [Fiscal Note: Less than \$1000])

**Sec. 15-216. All-night parking between December 1 and April 1.**

No person shall leave an unattended parked motor vehicle on any accepted city street, road or way in the city for any period of time between the hours of 12:00 midnight and 6:00 a.m., from the first day of December of each year to the first day of April of the following year, except in case of emergency, or when such vehicle is left for a period of short duration and the person leaving such vehicle is available to move the vehicle immediately if necessary.

(Code 1966, § 4-14-4; Ord. No. 31-85/86, 4-23-86; Ord. No. 5-15/16, 9/21/15 [Fiscal Note: Less than \$1000])

**Sec. 15-217. Parking of vehicles not to hinder snow removal; removal of vehicles**

(a) 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 such street or way by the city's plowing or loading and hauling.

(b) The chief of police may cause any vehicle parked on any street in violation of this section to be towed away and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle, and without the city being liable for any damage that may be caused by such removal.

(Code 1966, § 4-14-9) **Sec. 15-218. Leaving unattended vehicle with key in vehicle.**

No person shall leave an unattended motor vehicle with the ignition key in the vehicle.

(Code 1966, § 4-20-4.3)

**Sec. 15-219. Procedure when leaving vehicle unattended in roadway.**

No person driving or in charge of a motor vehicle shall permit it to stand on any roadway unattended without first effectively:

- (1) Setting the brakes thereon; and
- (2) Stopping the motor of the vehicle.

(Code 1966, § 4-20-4)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 1112.  
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**Sec. 15-220. Procedure when leaving unattended animal-drawn vehicle in roadway.**

No person shall allow an animal-drawn vehicle to stand on any roadway unattended unless it is reasonably fastened.

(Code 1966, § 4-20-4.3)

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**State law reference(s)**--Teams with passengers to be fastened, 29 M.R.S.A. § 1112.  
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**Sec. 15-221. Repeal of existing traffic schedules.**

Existing ordinances and schedules designating specific one-way streets, through streets, no parking, limited parking, stop sign locations, restricted access ways, yield sign locations, speed zones, truck routes, no three-quarter ton trucks, left turns only, right turns only, no buses, no truck parking, curb loading zones, and bus and taxi stands are hereby repealed to be replaced by traffic schedules passed by city council order from time to time.

(Ord. No. 10-81/82, 10-19-81)

**Sec. 15-222. Parking in privately owned public parking areas.**

a) The traffic engineer may enter into a written agreement with a private property owner regarding parking regulations for public parking areas. When such a written agreement is executed by the traffic engineer and the owner of the private property, violation of parking regulations in the public parking area involving parking in spaces designated for handicapped persons, parking in fire lanes, or parking in areas designated as "No parking" shall be a violation of this Chapter provided that the areas so restricted are clearly marked with signs.

b) The Police Department shall have the authority to enforce parking regulations in privately owned public parking areas, but may by written agreement delegate the issuance of summonses for violation of this chapter to employees or agents of the private property owner. An agreement authorizing the delegation of the issuance of summonses must contain provisions approved by the Police Chief and Corporation Counsel (i) describing required training and supervision of persons authorized to perform the administrative acts, and (ii) requiring that any person authorized to issue the summonses must carry at the time the summons is issued a photo ID issued by the South Portland Police Department stating the person's name and the authorization to issue the summons. Any such written agreement may be suspended by the Police Chief for cause and may be revoked by the City Council after notice and hearing.

(Ord. No. 11-01/02, 5/20/02 [Fiscal Note: Less than \$1000])

**Secs. 15-223--15-230. Reserved**



**ARTICLE V. PEDESTRIANS****Sec. 15-231. Subject to traffic-control devices, restrictions.**

Pedestrians shall be subject to traffic-control signals set forth in sections 15-103 and 15-104, but at all other places pedestrians shall be granted those rights and be subject to the restrictions stated in this article.

(Code 1966, § 4-11-1)

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**State law reference(s)**--Pedestrians subject to traffic-control legend, 29 M.R.S.A. § 947.  
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**Sec. 15-232. Obedience to bridge, railroad signals required.**

- (a) No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.
- (b) No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.

(Code 1966, § 4-11-6)

**Sec. 15-233. Right-of-way in crosswalks.**

- (a) 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 the pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (b) 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.
- (c) Subsection (a) of this section shall not apply under the conditions stated in section 15-236(b).
- (d) 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 1966, § 4-11-2)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 954.  
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**Sec. 15-234. Duty to use right half of crosswalk.**

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

(Code 1966, § 4-11-3)

**Sec. 15-235. Crossing roadways.**

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

(Code 1966, § 4-11-4)

**Sec. 15-236. Crossing at other than crosswalks.**

- (a) 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.
- (b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(Code 1966, § 4-11-5)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 955.  
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**Sec. 15-237. Walking along roadways.**

- (a) Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (b) Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction.

(Code 1966, § 4-11-7)

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**State law reference(s)**--For similar provisions, see 29 M.R.S.A. § 904.  
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**Sec. 15-238. Soliciting.**

- (a) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.
- (b) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(Code 1966, § 4-11-8)

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**State law reference(s)**--Hitchhiking prohibited, 29 M.R.S.A. § 2188.  
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**Secs. 15-239--15-249. Reserved.**

(Ord. No. 15-94/95, 4-19-95, Fiscal note: less than \$1,000)

**ARTICLE VI. JUNKED MOTOR VEHICLES\***

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 \* **Cross reference(s)**--License schedule for automobile graveyards or junkyards, § 14-3.  
 General penalty for violation of Code, continuing violations, §1-8.  
**State law reference(s)**--Accumulation of junked motor vehicles deemed a nuisance, 17 M.R.S.A. § 2802.  
 Definition of "Motor Vehicle", 29-A, §101(42).  
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**Sec. 15-250. Definitions.**

- (a) *"junked motor vehicle"* shall mean a motor vehicle, as defined by 29-A M.R.S.A. §101(42), that is not registered and inspected, unless the vehicle is an antique auto, antique motorcycle, classic vehicle, horseless carriage, reconstructed vehicle or street rod, as those terms are defined in 29\_A M.R.S.A. §101~~7~~ .

(Ord. No. 15-94/95, 4-19-95, Fiscal note: less than \$1,000; Ord. No. 7-05/06, 9/7/05, [Fiscal Note: Less than \$1000])

**Sec. 15-251. Costs and penalties.**

In addition to the provisions of section 1-8, the person depositing or keeping uncovered any junked motor vehicle, or parts thereof, on public highways, public places, or private property, shall be liable to the city for the cost of removal thereof, including any court costs and use of staff time and city supplies and resources, and shall pay such costs within thirty (30) days after demand.

(Code 1966, § 11-10-7; Ord. No. 27-71, 9-20-71; Ord. No. 15-92/93, 2-1-93; Ord. No. 15-94/95, 4-19-95, Fiscal note: less than \$1,000; Ord. No. 7-05/07, 9/7/05 [Fiscal Note: Less than \$1000])

**Sec. 15-252. Unlawful to leave, deposit junked vehicles on public property; city's authority to remove vehicles.**

- (a) It shall be unlawful and a violation of this article for any person to deposit, place, leave or abandon any junked motor vehicle, or parts thereof, on any public street or any public place in the city.
- (b) The city shall have the right to remove or cause to be removed any such vehicle, or part thereof, from any public street or public place, and dispose of it as it sees fit without any liability whatsoever.
- (c) For purposes of applying sec. 1-8 to this section, the first day of violation shall be the first day the vehicle is known to be left on the public street or place. Moving the vehicle to another location that violates this article shall constitute a continuing violation; the violation shall cease upon removal to a suitable disposal site not in violation of this article.

(Code 1966, §§ 11-10-1, 11-10-2; Ord. No. 27-71, 9-20-71; Ord. No. 33-71, § 1, 12-6-71; Ord. No. 15-92/93, 2-1-93; Ord. No. 7-05/06, 9/7/05 [Fiscal Note: Less than \$1000])

**Sec. 15-253. Unlawful to leave, deposit junked vehicles on private residential property.**

It shall be unlawful and a violation of this article for any person to deposit, place, leave or abandon any inoperable, discarded, worn-out or junked motor vehicle, or parts thereof, on any private residential property in the city, except in duly authorized locations, unless garaged.

After receiving notification from the police department or the code enforcement officer that a junked motor vehicle is located on private property in violation of this section, the property owner must apply to the city clerk's office for a permit to keep the motor vehicle on the property. No more than one junked motor vehicle may be permitted on any one lot. The city clerk shall forward the application to the police, fire and code enforcement departments and may forward the

application to any other city department deemed appropriate for review. Upon approval by all the reviewing departments, the city clerk shall issue a permit to the property owner to keep the motor vehicle on the property for one year from the date the application was received by the city clerk's office. No extension of the one year permit period may be granted unless approved by the city council based on special need of the property owner. The property owner may appeal a denial of an application by the City Clerk to the City Council.

All vehicles or equipment used in association with farming or construction shall be exempt from the provisions of this section.  
(Code 1966, § 11-10-3; Ord. No. 27-71, 9-20-71; Ord. No. 33-71, § 2, 12-6-71; Ord. No. 15-94/95, 4-19-95, Fiscal note: less than \$1,000; Ord. No. 2-03/04, 7/21/03[Fiscal Note: Less than \$1000]; Ord. No. 7-05/06, 9/7/05 [Fiscal Note: Less than \$1000])

**Sec. 15-254. Keeping, maintaining junked vehicles on private property.**

- (a) It shall be unlawful and a violation of this article for any person owning or occupying private residential property in the city to keep or allow to accumulate any junked motor vehicle, or parts thereof, on such property other than pursuant to a permit issued in accordance with Sec. 15-253. Written notice from the city to remove the vehicle or parts thereof from the property may be served by personal delivery by a police officer or by certified mail from any city official designated by the city manager. If an attempt at personal delivery fails and certified mail is returned unaccepted to the city, the city may serve the required notice by mailing it first class to the last known address of the person owning or occupying the property.
- (b) If any person shall fail to remove any such vehicle, or parts thereof, for a period of ten (10) days after receipt of such order by personal delivery or by certified mail, or for a period of thirteen (13) days after the date of mailing to the last known address, the city shall have the right by its duly authorized agent(s) to remove the vehicle, or parts thereof, from any private property and dispose of it as it sees fit without any liability whatsoever.
- (c) For purposes of applying Sec. 15-25 to this section, the first day of violation shall be the day after the last day of the notice period prescribed in sec. 15-254(b). Moving the vehicle to another location that violates this article shall

constitute a continuing violation; the violation shall cease upon removal to a suitable disposal site not in violation of this article.

(Code 1966, §§ 11-10-4, 11-10-5; Ord. No. 27-71, 9-20-71; Ord. No. 33-71, § 3, 12-6-71; Ord. No. 15-92/93, 2-1-93; Ord. No. 2-03/04, 7/21/03 [Fiscal Note: Less than \$1000]; Ord. No. 7-05/06, 9/7/05 [Fiscal Note: Less than \$1000])

**Sec. 15-255. Enforcement.**

It shall be the joint responsibility of the chief of the police department and the code enforcement officer or their duly authorized representative(s) to enforce the provisions of this article. For purposes of applying Sec. 15-25 to this article, each day any violation of any provisions of this article shall continue shall constitute a separate offense.

(Ord. No. 33-73, 11-5-73; Ord. No. 7-05/06, 9/7/05 [Fiscal Note: Less than \$1000])

**Secs. 15-256--15-264. Reserved.**



**ARTICLE VII. EMERGENCY NO PARKING\***

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\* **Editor's note**--Ord. No. 3-75, adopted Jan. 20, 1975, amended Ch. 15 of this Code by adding Art. VII, §§ 15-265--15-268.  
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**Sec. 15-265. Declaration of emergency.**

The chief of the police department or his duly authorized representative is hereby authorized to declare a no parking emergency at any time when the "Million Dollar Bridge," so-called, being the extension of Ocean Street and Route No. 77, shall have been closed to vehicular traffic for a period of thirty (30) minutes or longer. In determining whether or not to make such declaration, the chief shall consider such factors as the length of time anticipated for the closure, the time of day, volume of traffic and weather conditions.

(Ord. No. 3-75, 1-20-75)

**Sec. 15-266. Scope and form of declaration.**

When making a declaration of no parking emergency, the chief of the police department shall prepare written notice of the area effected and length of the emergency no parking condition and shall cause said notice to be posted in city hall and be distributed and broadcast through all media reasonably available. The chief may designate all or any portion of the following public ways within the declaration of emergency no parking:

- Broadway.....from Cottage Road to Cash Corner.....Both sides
- Lincoln Street.....from Broadway to Veterans Memorial Bridge.....Both Sides
- Evans Street.....from Broadway to Highland Avenue.....Both Sides
- Highland Avenue.....from Evans Street to Cottage Road.....Both sides

(Ord. No. 3-75, 1-20-75)

**Sec. 15-267. Enforcement.**

The provisions of any emergency no parking declaration may be enforced in the same manner as other violations of this chapter. In addition, after making a reasonable effort to locate the owner of any vehicle in violation and secure compliance with the declaration, the chief of police or his authorized representative may order removal of any vehicle in violation of such declaration at the expense of such vehicle's owner.

(Ord. No. 3-75, 1-20-75)

**Sec. 15-268. Termination of declaration.**

If the "Million Dollar Bridge," so-called, shall reopen for full volume of vehicular traffic during the pendency of an emergency no parking declaration, the chief of the police department shall, within one-half ( 1/2) hour of receipt of notice of such reopening terminate the declaration and provide notice of said termination.

(Ord. No. 3-75, 1-20-75)



**ARTICLE VIII. WRECKERS AND VEHICLE TOWING.****Division 1. GENERALLY.****Sec. 15-269. Purpose**

In order to protect the safety of persons who operate motor vehicles within the corporate limits of the city, to ensure that the streets and public ways of the city remain open and free of hazard to the public and to further effectuate the efficient enforcement of the city's traffic, parking, snow removal and other regulatory ordinances, it is determined necessary to ensure by licensing and regulating persons engaged in the business of providing to the City of South Portland's police department vehicle wrecker or towing and required repair services, to establish rates for such services, to regulate the storage and disposition of vehicles so towed, and to set fees and penalties for the enforcement thereof.

(Ord. No. 2-911/92, 7-15-91)

**Sec. 15-270. Definitions**

The following words and terms as used in this article shall have the common meanings ascribed thereto, except that the definitions set forth in Chapter 1, in Article 1 of this Chapter and in this section shall apply, unless the context clearly indicates a different meaning:

*Night, weekend or holiday release hours* means weekdays between the hours of 5:00 pm and 7:00 am, Saturdays, Sundays or holidays.

*Storage and release facility* means the real property and any structures thereon to which wreckers tow or transport motor vehicles for storage until the vehicle owner claims the vehicle.

*Towing list* means a list maintained by the police department containing the names of those wreckers licensed by the city to respond to requests for the towing of vehicles made by the police department. The towing list itself shall consist of two lists:

- (1) A primary list of wreckers capable of having a wrecker vehicle at a scene within twenty (20) minutes of a towing request by the police department.
- (2) A secondary list to be used by the police department when the wreckers in the primary list are not available which shall include but not be limited to any wrecker with a history of response times of more than twenty (20) minutes or other non-responsive behavior.

*Wrecker* means a person engaged in the business of, or offering the services of, a wrecker vehicle 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.

*Wrecker vehicle* means a motor vehicle intended to be used to tow or otherwise transport other motor vehicles.

(Ord. No. 2-91/92, 7-15-91, Ord. No. 5-98/98, 9/9/98 [Fiscal Note: Less than \$1000]; Ord. No. 15-02/03, 7/7/03 [Fiscal Note: Less than \$1000]; Ord. No. 5-13/14, 2/3/14 [Fiscal Note: Less than \$1000])

**Sec. 15-271. Minimum continuous regulations.**

A. The following minimum regulations will be met on a continuous basis by all licensees:

- (1) Licensees shall operate and maintain storage and release facilities within the city, or within a radius of five (5) miles from South Portland City Hall, as may be necessary for safe and proper conduct of towing activities.
- (2) Towing equipment used by a licensee to perform services under this article shall

only be used by said licensee and not by other licensees or otherwise. Any changes in licensee's towing equipment during the license year shall be immediately provided to the City Clerk for review and approval by the chief of police or his/her designee.

- (3) Licensees shall permit the chief of police or his/her designee to conduct one (1) regular and two (2) random inspections of each wrecker vehicle during the term of the license.
- (4) Licensees shall permit the chief of police or his/her designee to conduct one (1) regular and two (2) random inspections of each storage and release facility during the term of the license.
- (5) Licensees shall maintain such records as required by this article and any regulations promulgated by the chief of police pursuant to section 15-272 and shall permit their inspection by the chief or his/her designee during normal business hours.
- (6) By the 10th day of each month, licensees shall forward copies of receipts for all services provided under this article during the prior month to the chief of police or his/her designee.
- (7) Vehicles must be towed or carried, not driven, to storage facilities.
- (8) Licensees must provide a secure storage facility as approved by the chief of police or his/her designee during the license approval process. There shall be no change in the approved storage facility during the license year without the prior approval of the chief of police or his/her designee.
- (9) No vehicle shall be towed to any storage and release facility or other property outside of the city unless pursuant to subsection (1) of this section or unless it has been unclaimed for thirty (30) days and only upon the prior written notice to the police chief or his/her designee.
- (10) The police chief or his/her designee must be notified of any unclaimed vehicle by forwarding a copy of the invoice or towslip for any unclaimed vehicle once a month to the police chief or his/her designee. Said documents shall be forwarded by the tenth day of each month and shall include documentation for each vehicle in licensee's possession that remains unclaimed on the last day of the preceding month.
- (11) In the event of any vehicle being towed or transported following an accident, Licensees shall clean the accident area of all nonhazardous vehicular debris resulting from the accident.
- (12) Licensees shall not make any repairs to vehicles without the consent of the owner.
- (13) Licensees shall advise vehicle owners at the time the owner arranges to retrieve the vehicle and prior to its release of the specific amount of any release fee that will be charged pursuant to section 15-273(d). If the licensee is going to require cash payment by any owner, the licensee must so advise the owner at the time the owner arranges to retrieve the vehicle and prior to its release.
- (14) Licensees shall defend, indemnify and hold the city harmless from all claims for damages to property and injuries to persons resulting from the licensees' negligence or intentional misconduct in the towing or storage of vehicles pursuant hereto.
- (15) Licensees shall conspicuously post current rates for services under this article at the release facility.
- (16) Licensees shall release vehicles at the approved storage and release facility within one (1) hour of the owner's request and payment of any applicable fees.
- (17) Licensee shall require owner identification when releasing a vehicle. If the release occurs outside of night, weekend or holiday release hours as defined

herein, the licensee shall make a photocopy of the owner identification provided. If the release occurs during night, weekend or holiday release hours as defined herein, the licensee shall record the driver's license number of the owner.

B. The Police Department shall observe the following procedure for maintaining the towing list and contacting wreckers for service calls:

- (1) Notwithstanding that wreckers will initially be assigned to either the primary or secondary list based on their response time of twenty (20) minutes, the Police Department shall move wreckers with a history of unavailability or slow response time from the primary list to the secondary list and may move wreckers with a history of satisfactory response time from the secondary to the primary list.
- (2) The Police Department shall call wreckers on the primary list on a rotating basis.
- (3) The Police Department may contact wreckers on the secondary list as needed.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000]; Ord. No. 5-13/14, 2/3/14 [Fiscal Note: Less than \$1000])

**Sec. 15-272. Regulations may be promulgated by chief of police.**

The chief of police is hereby authorized to promulgate regulations not inconsistent with this article to carry out the intent of the article. All licenses issued pursuant to this article shall be subject to such applicable regulations as are adopted hereunder either prior to or after the date of the issuance thereof.

(Ord. No. 2-91/92, 7-15-91)

**Sec. 15-273. Rates for services.**

- (a) The maximum rates for services regulated under this article shall be as follows:
  - (1) Crash tows: \$100.00 per tow.
  - (2) Tows other than crash tows: \$85.00 per tow.
- (b) Recovery charges: Where a vehicle is off-road, submerged or otherwise requires special equipment for retrieval before it can be towed, a charge of \$80 may be assessed in addition to the towing fee stated in (a). If the recovery takes longer than one hour, a rate of \$80.00 per hour after the first hour may be charged.
- (c) Storage charges: \$30.00 per day, after 24 hrs.
- (d) Vehicle release: When an owner requests release of the vehicle during night, weekend or holiday release hours as defined herein, an additional charge of \$25.00 may be assessed. If a vehicle is released outside of night, weekend or holiday release hours as defined herein, no charge shall be assessed for the release.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000] Ord. No. 15-02/03 7/7/03 [Fiscal Note: less than \$1000]; Ord. No. 5-13/14, 2/3/14 [Fiscal Note: Less than \$1000])

**Sec. 15-274. Disposition of abandoned vehicles.**

- (a) The licensee shall comply with the procedures set forth in Title 29-A M.R.S.A. Sections 1851 - 1861, Abandoned Vehicles.
- (b) In the event of an unclaimed or abandoned vehicle, the licensee's sole remedy shall be as outlined in Title 29-A M.R.S.A. Sections 1851 - 1861 regarding unclaimed and abandoned vehicles.

- (c) A copy of Title 29-A M.R.S.A. Sections 1851 - 1861 shall be issued to each licensee and shall be available to the public in the city clerk's office.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000]; Ord. No. 5-13/14, 2/3/14 [Fiscal Note: Less than \$1000])

**Sec. 15-275. Release of vehicles impounded pursuant to provisions for towing parked vehicles.**

Whenever a vehicle has been removed and stored pursuant to police request, it shall not be released until the provisions of section 15-44 concerning the payment of waiver fees and charges owed to the city have been complied with.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-13/14, 2/3/14 [Fiscal Note: Less than \$1000])

**Sec. 15-276. Removal of towed vehicle or parts thereof from wreckers' lot.**

No vehicle or part or accessory thereof that has been towed by police request shall be removed from the possession or premises of the licensee or owner of the storage area by any person, including the owner of the towed vehicle, except in accordance with section 15-44. Nothing herein shall prohibit the licensee from acting in accordance with this article. Upon written application of the owner of a vehicle being held by the licensee, the chief of police or authorized representative may make suitable arrangements for the retrieval of specified property if satisfied that there are exigent circumstances requiring retrieval prior to the owner reclaiming the vehicle.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000])

**Sec. 15-277. Enforcement.**

- (a) Any violation of this division shall be punishable by a fine not exceeding one hundred dollars (\$100.00), and each day that a violation continues shall be treated as a separate offense.
- (b) The chief of police or his/her designee may, prior to commencement of court action, issue a notice of violation to any person charged with a violation of this division. Said notice shall be in a form approved by the corporation counsel and shall provide a method by which a person charged with a violation of this division may waive court action with respect to the violation by payment of a specified fee within a stated period of time.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-13/14, 2/3/14 [Fiscal Note: Less than \$1000])

**Division 2. LICENSE.**

**Sec. 15-278. Required.**

- (a) No wrecker shall tow any vehicle within the city by police request pursuant to this chapter nor shall any wrecker be placed on the towing list unless such wrecker is currently licensed.
- (b) All licenses issued pursuant to this section shall be granted, granted with conditions, denied, suspended or revoked by the City Clerk, subject to appeal to the City Council.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000])

**Sec. 15-279. Investigation; issuance or denial.**

- (a) Within thirty (30) days after receipt of an application under this division, the

Chief of Police shall conduct an investigation to determine: the truth, accuracy and adequacy of the information contained in the application; the ability of the applicant to furnish the required service and to abide by the regulations and provisions set forth herein and established pursuant to section 15-272; the applicant's past record of performance in any wrecker or towing business and the adequacy of the applicant's equipment and storage facilities. Upon completion of the investigation, the Chief of Police shall forward a report of the investigation to the City Clerk, who shall either grant, grant with conditions, or deny the license and notify the applicant in writing of such decision and the findings and reasons, if any, for denial of the license. Upon request of a licensee, the clerk shall forward to the licensee a copy of this article and any regulations adopted pursuant thereto.

- (b) The following information must be submitted prior to commencement of the investigation:
- (1) Location, size and security features of the storage facility on which towed vehicles will be stored;
  - (2) Location of release facility to which the public must come to claim stored vehicles;
  - (3) List of towing equipment, including make, model, year, VIN number, size and capacity;
  - (4) Description of the two-way mobile communications and base station to be used for each wrecker and at the office where calls are received;
  - (5) Statement of willingness to provide release of vehicles on a continuous twenty-four-hour-a-day basis each day of the year;
  - (6) Such other information as the clerk may require on the license application.

(Ord. No. 2-91/92, 7-15-92; Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000]; Ord. No. 5-13/14, 2/3/14 [Fiscal Note: Less than \$1000])

**Sec. 15-280. Insurance required.**

- (a) No wrecker shall be issued a license until the applicant has deposited with the clerk two copies of the following policies, and the clerk shall provide one copy to the chief of police:
- (1) Garagekeeper's legal liability policy covering the premises, including fire, theft, windstorm, vandalism and explosion, in the amount of at least twenty-five thousand dollars (\$25,000.00), with each vehicle suffering damage or loss being deemed a separate claim.
  - (2) Towing/wrecker service commercial liability policy covering the operation of the licensee's business, equipment or other vehicles for any bodily injury or property damage. This policy shall be in the minimum amount of four hundred thousand dollars (\$400,000.00) combined single limit for personal injury and property damage, or such other amount as may be required by the Maine Tort Claims Act (14 M.R.S.A. §8001 et seq) as amended from time to time, whichever amount shall be greater. Each wrecker insured shall be identified by make, model and vehicle identification number (VIN).
  - (3) Road service liability coverage for the lifting, hoisting and towing of vehicles must be included in the licensee's garagekeeper's legal liability policy.
- (b) Each policy required above shall name the City as an additional insured and the certificate evidencing the same shall be in a form satisfactory to the corporation counsel. The licensee shall maintain such insurance at all times during the term of the license, and the licensee shall provide the City Clerk with not less than thirty (30) days' advance written notice of the cancellation, expiration or non-renewal of said insurance.

- (c) The lapsing or cancellation of any policy as required hereinabove shall result in the immediate termination of the wrecker's license without any action on the part of the city.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 15/02/03, 7/7/03 [Fiscal Note: Less than \$1000]; Ord. No. 12-11/12, 5/7/12 [Fiscal Note: Less than \$1000])

**Sec. 15-281. Fee.**

Annual license fees shall be as provided in chapter 14, Section 14-3.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-98/99 [Fiscal Note: Less than \$1000])

**Sec. 15-282. Transferability.**

Transferability of licenses issued under this division shall be as provided in chapter 14.

(Ord. No. 2-91/92, 7-15-91)

**Sec. 15-283. Grounds for revocation, suspension or denial.**

A license issued under this division may be suspended, or revoked and an application for a license may be denied by the City Clerk upon a determination that the licensee, or applicant, or wrecker operator:

- (a) Violated any of the requirements or regulations established herein or by the chief of police under this article; or
- (b) Has provided unsatisfactory services for city-authorized towing; or
- (c) Has been convicted of any crime or has had his/her driver's license revoked or suspended by the State of Maine at any time during the five (5) years immediately preceding application; or has been imprisoned at any time during the preceding five years; provided that said conviction was for an offense which is rationally related to the purpose of licensing wreckers.

No license shall be suspended or revoked without a hearing conducted not less than seven nor more than thirty days after written notice has been served on the licensee personally or by first class mail, postage prepaid. The notice shall contain a generalized statement of complaint.

(Ord. No. 2-91/92, 7-15-91; Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000])

**Sec. 15-284. Appeals.**

- (a) An appeal to the City Council may be taken by any person aggrieved by the granting, granting with conditions, denial, suspension or revocation of a license hereunder by the city clerk by filing a written notice of appeal in the office of the City Clerk within thirty (30) days of the decision appealed from. Such notice of appeal shall state the basis for the appeal. Within twenty (20) business days after the filing of the notice of appeal, the City Council shall hear the appeal and may affirm, reverse or modify the decision appealed from.
- (b) An appeal from any final decision of the City Council may be taken by any party to the Superior Court in accordance with the provisions of Rule 80 B of the Maine Rules of Civil Procedure.

(Ord. No. 2-91/92, 7-15-91, Ord. No. 5-98/99, 9/9/98 [Fiscal Note: Less than \$1000])

**Sec. 15-285. Violations.**

Any violation of this division shall be punishable by a fine not exceeding one hundred dollars (\$100.00), and each day that a violation continues shall be treated as a separate offense.

(Ord. No. 2-91/92, 7-15-91)