

VEHICLES AND TRAFFIC

Chapter 227

From the

CODE

of the

TOWN OF WINDHAM

COUNTY OF CUMBERLAND

STATE OF MAINE

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VEHICLES AND TRAFFIC

Chapter 227

ARTICLE I
Speeding

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[HISTORY: Adopted by the Town Council of the Town of Windham: Art. I, 8/29/78; Art. II, 7/16/85. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and Sidewalks....See Chapter 210.
Vehicles Off-road..... See Chapter 229.

ARTICLE I
Speeding
[Adopted 8/29/78]

§ 227-1. State Laws Applicable.

The state traffic laws regulating the speed of vehicles shall be applicable upon all roads within the town, except as this Article as authorized by state law hereby declares and determines that certain speed regulations shall apply either to specific roads or to certain areas.

§ 227-2. Reasonable and Proper Speed.

Any person driving a vehicle on a road 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 road and of any other conditions then existing, and no person shall drive any vehicle upon a road at such a speed as to endanger any person or property.

§ 227-3. Prohibited Acts.

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

§ 227-4. Authority to Establish Maximum Speed Limits.

The municipal officers, with the approval of the Department of Transportation and also with the consent and approval of the Chief of the Maine State Police, may establish maximum speed limits in compact and built-up portions of the town.

§ 227-5. Signs.

Such compact or built-up areas of the town shall be designated by appropriate signs which set forth the established speed limit.

§ 227-6. Violations and Penalties.

Violation of the speed limits established by this Article shall be considered a traffic infraction and subject the offender to a civil penalty in an amount of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100).

§ 227-7. Designated Built-up Areas.

Smith Street from _____ to _____ is hereby designated as a compact and built-up area of the town, and the speed limit for the portion of Smith Street identified herein is established at twenty-five (25) miles per hour.

ARTICLE II
Traffic and Parking
[Adopted 7/16/85]

§ 227-8. Definitions.

For the purpose of this Article, the following words and terms as used herein shall have the meanings or limitations of meaning, defined, explained or assigned hereunder.

AUTHORIZED EMERGENCY VEHICLE – Vehicles of the Fire and Police Departments and such ambulances and emergency vehicles as are designated by the Chief of Police.

HANDICAPPED PARKING SPACE – An on- or off-street parking space set aside for the use of handicapped persons and posted with a visible sign consisting of a profile view of a wheelchair with occupant in white on a blue background, and bearing the following warning: “Handicapped Parking: Special Plate Required. Unauthorized vehicles are subject to fine.”

OFFICIAL TRAFFIC CONTROL DEVICES – All signs, signals, markings and devices, whether immovable or whether manually, electrically or mechanically operated, placed or erected by authority of a public body or official having jurisdiction, by which traffic is alternately directed to stop, and proceed, or for the purpose of regulating, warning or guiding traffic.

PRIVATE ROAD OR DRIVEWAY – Every way or place in private ownership and used for vehicular travel by the owner and those having implied permission from the owner, but not by other persons.

PUBLICLY OWNED PROPERTY – Property owned by the town, when any part thereof is open to the use of the public for purposes of vehicular or pedestrian travel.

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.

STREET or HIGHWAY – The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purposes of traffic.

§ 227-9. Traffic-control Devices.

- A. The Chief of Police, with approval of the Town Council, shall place and maintain traffic control devices when and as required under the ordinances of this town to make effective the provisions of said ordinances and may place and maintain such additional traffic control devices as he may deem necessary and as approved by the Town Council to regulate traffic under the ordinances of this town or under state law or to guide or warn traffic.
- B. All traffic control devices shall conform to the manual and specifications which may be approved by the State Highway Commission; but, on such devices as the State Highway Commission has issued no regulation, they shall be such devices as are approved by the Chief of Police. All traffic control devices so erected and not inconsistent with the provisions of state law or this Article shall be official traffic control devices.

§ 227-10. Stopping, Standing and Parking.

The stopping, standing and/or parking of motor vehicles and movement of traffic are hereby regulated on the streets or parts of streets and ways and on publicly owned property as set forth in the Traffic Ordinance scheduled prepared by the Chief of Police pursuant to the authority of this Article and approved by the Town Council; and, when signs are erected giving notice thereof, the stopping, standing and/or parking of motor vehicles and movement of traffic shall be regulated as set forth on said schedules for such streets or parts of streets and ways and on such publicly owned property.

§ 227-11. Signs.

The provisions of this Article for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

§ 227-12. Emergency Vehicles.

The provisions of this Article shall apply to authorized emergency vehicles as defined in this Article, except as follows: A driver, when operating any such vehicle in an emergency, except when otherwise directed by a police officer, may:

- A. Park or stand notwithstanding the provisions of this Article.
- B. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
- C. Exceed the *prima facie* speed limits, so long as he does not endanger life or property.

- D. Disregard regulations governing direction of movement or turning in specified directions, so long as he does not endanger life or property.

§ 227-13. Powers and Duties of Chief of Police.

The Chief of Police, with the approval of the Town Council, shall have authority to:

- A. 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.
- B. Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.
- C. Determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and to place proper signs at such intersections.
- D. Erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.
 - 1. The width of the roadway shall be deemed not to exceed thirty (30) feet or twenty (20) feet as herein before set forth if the usable width thereof is reduced to these measurements by the piling up of snow by snow-plowing operations.
 - 2. In addition to the authority herein granted, the Chief of Police is hereby authorized, whenever the width of the roadway of any street is reduced by snow to the width as described above, to erect signs as provided above; and is also authorized to make any street temporarily a one-way street when, in his judgment, the usable roadway of said street is reduced by snow to such width as to make such action advisable.
- E. Determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection: and to erect a stop sign at every such place where a stop is required or, in the event that he determines that reduced speed rather than a stop is adequate for safe operation at any such intersection, he shall determine such safe speed by engineering investigation and erect signs upon the approaches to such intersection giving notice of such speed. Every such stop sign shall be reflectorized or self-illuminated. Every stop sign shall be located as near as practicable at the property line of the street at the entrance to which the stop must be made or at the nearest line of the crosswalk or, if none, at a limit line to be indicated by the Chief of Police. The driver of a vehicle approaching a stop sign

shall stop 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 said highway as to constitute an immediate hazard.

- F. Determine and designate intersections where traffic conditions require some type of traffic control, but where traffic volumes, both vehicular and pedestrian, and other factors indicate that neither traffic signals nor stop signs are warranted and to erect at every such place a sign stating "YIELD RIGH-OF-WAY". Every such yield-right-of-way sign shall conform in design and color to specifications adopted by the State Highway department of the State of Maine. Every such sign shall be reflectorized to provide good visibility after dark. The driver of a vehicle approaching a yield-right-of-way sign shall slow to the legal speed for such intersection, yielding the right-of-way to all traffic on the intersection street which is so close as to constitute an immediate hazard.
- G. When, in the judgment of the Chief of Police, an emergency either exists or is about to exist because of snow, ice or other cause which will create an especially hazardous condition, notwithstanding any other provisions of this Article to the contrary, the Chief of Police may, without approval of the Town Council, determine and designate, by proper emergency signs, both streets or portions of streets on which no stopping or parking of vehicles may be permitted and also to determine and designate, by proper emergency signs, streets or portions of streets on which no vehicular traffic may be permitted or on which vehicular traffic may move only in one (1) direction.

§ 227-14. Weight Restrictions.

No truck which exceeds a gross vehicle weight of nine thousand (9,000) pounds and no bus, other than a school bus picking up and discharging students, shall travel over the bridges, streets or parts of streets identified in traffic schedules, except when necessary to render service to or to deliver supplies to persons residing adjacent thereto where other means of access to such residences are not reasonably convenient.

§ 227-15. Parking.

- A. Handicapped parking. It shall be unlawful for any vehicle to park in a handicapped parking space without bearing a special registration plate or placard issued under 29 M.R.S.A. § 252 or a similar plate issued by another state. Owners of private off-street parking may enter into agreements with the Chief of Police for the policing of stalls and spaces dedicated for handicapped persons' vehicles, under which agreements unauthorized vehicles shall be tagged under the provisions of section six (6) of this ordinance and subject to a fine in the amount of fifty dollars (\$50) payable to the Town of Windham. [Amended 10/24/95]
- B. No person shall stand or park a vehicle upon any roadway for the principal reason of:

1. Displaying it for sale.
2. Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency.
3. The primary purpose of advertising.

§ 227-16. Snow Removal.

- 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 any street or way by the town, by plowing, loading or hauling; and any person parking a vehicle in violation of a no parking sign placed on any street or way because of snow plowing, loading or hauling operations shall be subject to the penalties provided in this Article.
- B. The Chief of Police may cause any vehicle so parked on any street or way so as to interfere with or hinder the removal of snow by plowing, loading or hauling to be removed from such street.

§ 227-17. Hazardous Areas.

When signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designate place.

§ 227-18. Driveways.

The driver of a vehicle emerging from a private driveway, automobile service station or building shall stop such vehicle immediately prior to driving onto a sidewalk; and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

§ 227-19. Compliance Required.

Except when otherwise directed by a police officer or other authorized person, the driver of any vehicle and every pedestrian shall obey the instructions of any traffic control device, signal, sign or marker installed under the provisions of this Article or state law, and every such person shall obey each and every provision of this Article.

§ 227-20. Obstruction.

Any vehicle of any kind or description parked upon a public street of the town at a place, in a manner or for a length of time prohibited by this Article or during any emergency declared by the Chief of Police is hereby declared to be an obstruction in such street and a menace to the safe and proper regulation of traffic.

§ 227-21. Removal of Vehicle.

It shall be unlawful for any vehicle to be or remain parked in a manner described in § 227-20, and any such vehicle may be removed by or under the direction of or at the request of any police officer of the town to a garage, storage place or municipal property within the limits of the town and impounded therein until the required fees have been paid.

§ 227-22. Violations and Penalties.

Any violation of any provision of this Article shall be a traffic infraction. A violation or a traffic infraction shall be punished by a fine of not less than fifteen dollars (\$15) nor more than one hundred dollars (\$100).

227-23. Traffic Schedule.

The following no-parking/tow-away zones are established:

- A. Seasonal zones, from May 1 through September 30 are as follows:
 - 1. On the Covered Bridge Road to extend two hundred (200) feet in an easterly direction from the entrance to the covered bridge, on both sides of the road.
 - 2. On Forest Road from Hillside Avenue to the Dundee Park gate, a distance of approximately one thousand four hundred (1,400) feet.
 - 3. On both sides of Parkview Road, entire distance. [7/26/94 affirmed Council approval of 7/12/83]
- B. On both sides of the Whites Bridge Road extending from Whites Bridge in an easterly direction for one thousand (1,000) feet to utility pole No. 23.
- C. On the northeasterly side of School road extending from its intersection with Route 202 (Gray Road) to the northwesterly corner of the former school bus garage. This no-parking zone shall also include all sides of the triangle at the aforementioned intersection.
- D. On the easterly side of Cottage Road from the point where it takes a ninety-degree turn to run parallel to Highland Lake and continuing to its terminus.
- E. That portion of Route 302 from River Road west to White's Bridge Road.

- F. Within fifteen (15) feet of any fire hydrant, including dry hydrants, unless otherwise specified by action of the Town Council. [Amended 1/10/95]
- G. On both sides of Mechanic Street and Androscoggin Street from November 1 through April 1. [Amended 9/26/95]
- H. On any public road or public easement roadway during any parking ban declared by the Public Works Department. [Amended 9/26/95]
- I. On any paved portion of Routes 302, 202, 115, and 35, except that portion of Route 202 (Main Street), westerly side between CMP pole #5 and CMP pole #14, unless otherwise specified by action of the Town Council or by special permission of the Windham Police Department. [Amended 1/27/04]
- J. A section of Depot Street from its intersection with U.S. Route 202 to Mechanic Street, both sides of the street. [Amended 11/28/95]

K. On both sides of Fox Run Road from 11:00 PM to 6:00 AM.

§ 227-24. Bridge Schedule.

The following Bridge Schedule is established:

| <u>Bridge</u> | <u>Weight Limit in Tons</u> |
|------------------------|-----------------------------|
| Gambo Road Bridge | 3 |
| Brand-Knight Bridge | 6 |
| Montgomery Road Bridge | 8 |
| Swett Road Bridge | 6 |
| Covered Bridge | 4 |