

**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

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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. Several formatting changes, numbering adjustments, and amendments approved on 10/27/2020 by Order 20-153.]

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).

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

**§ 227-7. 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** – As defined by 29A M.R.S.A §2054.  
[Amended 10/27/2020]

**DISABILITY PARKING** – A person shall not park a vehicle in a parking stall specifically designated and clearly marked for persons with physical disabilities unless the vehicle is equipped with a special designating plate or displays placard issued by the Secretary of State under the provisions of and in compliance with 29A M.R.S.A. §521. A person shall not park in an access aisle adjacent to a disability parking space regardless of whether the person has been issued a disability registration plate or removable placard by the State of Maine. Disability access aisles shall be marked by painting on the pavement a rectangular box with white or yellow diagonal stripes. [Amended 10/27/2020]

**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.

**§ 227-8. 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.

#### **§ 227-9. 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.

A. The following rules govern the stopping and parking of vehicles:

1. Prohibited in certain places. Except in compliance with a statute or with this chapter, a person shall not stop or park a vehicle on any public way in any of the following places:
  - a. On a sidewalk;
  - b. In front of a public or private driveway;
  - c. Within an intersection;
  - d. Within fifteen (15) feet of a fire hydrant, except as otherwise designated by the Chief of Police;
  - e. On a marked crosswalk;
  - f. Within twenty (20) feet of the near corner of the curbs at an intersection unless otherwise designated;
  - g. Alongside or opposite any excavation or obstruction when stopping or parking would obstruct traffic;
  - h. On the roadway side of any vehicle stopped or parked at the edge or curb of a public way;
  - i. On any bridge or other elevated structure or in a tunnel;
  - j. At any place where official signs or yellow striped areas or yellow curbing indicates a restricted, no-stopping or no-parking area.
  - k. Within twenty (20) feet of a marked crosswalk.
2. Public Ways. A person shall not stop or park a vehicle on any public way except on the right-hand side of the way, in the proper direction of travel and with the

curbside wheels of the vehicle within twelve (12) inches of the edge of the roadway.

3. Not to obstruct traffic. A person shall not park any vehicle on a public way so as to leave available less than twelve (12) feet of the width of the roadway for free movement of vehicular traffic.
4. Parking within lines. Where parking places are marked by painted lines, a person must park a vehicle within the lines.
5. Oversize vehicles. A driver of a vehicle having an overall length of thirty (30) feet or more shall not stop or park on any public way, for not more than eight (8) hours.
6. Parking for certain purposes prohibited. A person shall not park a vehicle on any public way for the principal purpose of washing, lubricating, or displaying it for sale, or repairing it, except for changing tires or making other emergency repairs.
7. Owner liable. A person shall not allow any vehicle registered in his name to be parked on any public way in violation of this chapter.
8. Temporary parking restrictions. When he believes circumstances require it, the Chief of Police may temporarily prohibit the parking of vehicles at the entrance to any place of public assembly and install signs so indicating. This restriction remains effective until the need for it no longer exists. A person shall not park a vehicle in an area in which parking is temporarily prohibited.

B. Parking limitation for commercial vehicles:

1. No commercial vehicle in excess of ten-thousand pounds (10,000) gross weight shall be allowed to stop, stand, or otherwise park upon any street in excess of two eight (8) hours, except when in active use for the loading or unloading of merchandise or materials, or for the construction or reconstruction of said street.
2. The fact that such a commercial vehicle is parked in violation of the provisions of this section shall be prima facie evidence of the unlawful parking of such vehicle by the owner thereof. [Amended (Addition of Sections A & B) 10/27/2020]

**§ 227-10. 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.

Permanent no-parking signs must be placed in no-parking areas in such a manner as to be seen and understood by an ordinarily observant person. [Amended 10/27/2020]

**§ 227-11. Emergency Vehicles.**

The provisions of this Article shall apply to authorized emergency vehicles as defined in this Article, except a driver operating any such vehicle in an emergency, 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.

**§ 227-12. 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 RIGHT-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.

#### **§ 227-13. 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.

**§ 227-14. Parking.**

- A. Disability parking. It shall be unlawful for any vehicle to park in a disability parking space without bearing a special registration plate or placard issued under 29A M.R.S.A. §521 or a similar plate issued by another state. [Amended 10/27/2020]
- 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.

**§ 227-15. 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.

**§ 227-16. 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.

**§ 227-17. 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.

**§ 227-18. 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.

**§ 227-19. Obstruction.**

Obstructing certain ways. A person shall not park a vehicle on any public way, private way, alley, fire lane, bridge, private drive or private road, in such a way as to obstruct any other public way, private way, alley, fire lane, bridge, private drive or private road, unless in the case of a private drive or private road the person has permission of the owner of the private drive or private road. The Chief of Police or his designee, at the vehicle owner's expense, may order the immediate removal of said vehicle. [Amended 10/27/2020]

**§ 227-20. Removal of Vehicle.**

It shall be unlawful for any vehicle to be or remain parked in a manner described in § 227-19, 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.

**§ 227-21. 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 (\$25) nor more than one hundred dollars (\$200). [Amended 10/27/2020]

**§ 227-22. 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.
- 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

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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. That portion of Haven Road from U.S. Route 302, one hundred (100) feet from the corner. [Amended 10/27/2020]
- L. On the outer circumference of Forsythia Lane, from the first entrance off of Anglers Road to the second entrance off of Anglers Road.

#### § 227-23. Bridge Schedule.

The following Bridge Schedule is established: [Amended 10/27/2020]

| <u>Bridge</u>         | <u>Weight Limit in Tons</u> |
|-----------------------|-----------------------------|
| Gambo Road Bridge     | 3                           |
| William-Knight Bridge | 3                           |
| Covered Bridge        | 4                           |

#### § 227-24. Idling Prohibited.

The idling of buses, heavy-duty vehicles, heavy-duty recovery vehicles, trucks, tractors, truck-tractor, trailers and semitrailers, as those terms as defined in Title 29A M.R.S.A.

while stopped, standing or parked in a residentially used area between the hours of 10:00 p.m. and 6:00 a.m. except as provided for in compliance with traffic signals or signs, at the direction of a police officer or while buses are in the act of loading or unloading passengers. This prohibition shall not apply to emergency vehicles of the police department, sheriff's office, fire department, nor to any public or private ambulances, nor to any public works or public utility vehicles where actually engaged in the performance of emergency or operational duties necessary to be performed by said public departments or public utilities, nor to any vehicle owned by or performing for the United States of America or the State of Maine. [Amended 10/27/2020]