

TRAFFIC ORDINANCE

Adopted 1998
Amended May 2, 2000

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ARTICLE I. IN GENERAL

Sec. 1. Purpose and Authority

The purpose of this Ordinance is to regulate traffic in Raymond. It is enacted pursuant to 30-A M.R.S.A. § 3009.

Sec. 2. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Undefined words shall be given their common and ordinary meaning.

All-day parking shall mean the occupancy of a parking stall by a vehicle between the hours of 8:00 a.m. and 5:00 p.m.

Emergency vehicle shall mean vehicles of the fire department, police department, ambulance and other vehicles of municipal departments or public service corporations which are designated by the commissioner of public safety as emergency vehicles.

Motorcycle shall mean an open vehicle with one (1) front wheel and one (1) or two (2) rear wheels.

Motor vehicle shall mean any vehicle which is self-propelled.

Law enforcement officer includes any member of the Cumberland County Sheriff's Department or the Maine State Police.

Restricted parking areas shall mean those areas in which no parking or limited parking is

allowed.

Vehicle shall mean any device in or on which a person or thing may be conveyed from one (1) place to another along a way.

Sec. 3. Enforcement.

Authorized law enforcement officers shall enforce this ordinance and shall regulate the flow of traffic on all public ways. When necessary to meet an emergency situation in the interest of the health, safety or general welfare of the residents of the town, a law enforcement officer may temporarily suspend any provision of this ordinance. He or she may restrict and divert vehicular and pedestrian traffic, and he or she may restrict or regulate parking.

Sec. 4. Obedience to law enforcement officers.

All persons shall comply with any order of a law enforcement officer authorized by this ordinance.

Sec. 5. Obedience to ordinance.

The operator of any vehicle shall obey this ordinance unless otherwise directed by a law enforcement officer.

Sec. 6. Push carts and animals subject to regulations.

Any person propelling a push cart, riding an animal, or driving an animal-drawn vehicle on a public way is subject to the provisions of this ordinance which are applicable to the driver of any vehicle, except those which by their nature cannot apply.

Sec. 7. Public vehicles subject to regulations.

This ordinance also applies to all public vehicles and their drivers.

Sec. 8. Authority to remove vehicles.

When a vehicle is left unattended or disabled on a public way in such a manner as to obstruct traffic, and the owner or operator fails to remove it immediately, a law enforcement officer may order it removed to the nearest garage or other safe place at the expense of the owner.

Sec. 9. Parking penalty.

A person who parks a motor vehicle in violation of Article IV, Section 15 will be subject to a civil forfeiture of one hundred dollars (\$100.00), plus attorneys' fees and costs.

Any person who parks a motor vehicle in violation of Article IV Section 18 will be subject to a civil forfeiture as set forth in Title 30A M.R.S.A., Section 3009, Subsection 1, paragraph D, plus attorneys' fees and costs.

Any person may waive court action by paying the civil forfeiture pursuant to the paragraph below. Except for violation of Article IV, Section 18 and not forgiving towing charges under Section 19, the civil forfeiture amount shall be twenty dollars (\$20.00).

Payments for all violations must be made at the Town Office. The treasurer shall give the violator a receipt for each payment and shall send a copy of it to the Town Treasurer. If payment is not made at the Town Office within seven (7) days after the notice of violation, the penalty provided by Article I, section 10 shall be imposed.

Sec. 10. General penalty.

Except where specifically indicated, a person who violates this ordinance shall be punished by a civil forfeiture of not more than one hundred dollars (\$100.00), plus attorneys' fees and costs.

ARTICLE II. TRAFFIC-CONTROL DEVICES

Sec. 11. Installation and maintenance of traffic signs.

The public works department shall place and maintain all traffic signs authorized by the municipal officers and this ordinance.

Sec. 12. Official traffic signs required.

Any provision of this ordinance for which signs are required may not be enforced if at the time and place of the alleged violation an official traffic sign is not properly positioned and sufficiently legible to be seen and read by an ordinarily observant person, or the person on whom the ordinance is to be enforced know of the existence of this sign.

ARTICLE III. SPECIFIC STREET REGULATIONS

Sec. 13. Designation of crosswalks.

Crosswalks are established at the approximate locations as designated by the Municipal officers and are on file in the Town Clerk's Office.

Sec. 14. Crosswalk signs.

Crosswalk signs must be placed on all designated crosswalks.

ARTICLE IV. STOPPING, STANDING, PARKING

Sec. 15. Rules governing stopping and parking.

The following rules govern the stopping and parking of vehicles:

- (1) Prohibited in certain places. Except in compliance with a statute or with this ordinance, 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 seven (7) feet of a fire hydrant, except as otherwise designated by a law enforcement officer.
 - e. On a crosswalk.
 - f. Alongside or opposite any excavation or obstruction when stopping or parking would obstruct traffic.
 - g. On the roadway side of any vehicle stopped or parked at the edge or curb of a public way.
 - h. On any bridge or other elevated structure.
 - i. At any place where official signs or yellow curbing indicates a restricted, no-stopping or no-parking area.
 - j. Within twenty (20) feet of a marked crosswalk.
 - k. Within twenty (20) feet of the near corner of the curbs at an intersection unless otherwise designated.
- (2) Not to obstruct traffic. A person shall not park any vehicle on a public way so as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic.
- (3) Oversize vehicles. A driver of a vehicle having an overall length of twenty (20) feet or more shall not stop or park diagonally on any public way, but may park parallel with the curb, where parallel parking is permitted, for not more than thirty (30) minutes.
- (4) 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.

- (5) Owner liable. A person shall not allow any vehicle registered in his name to be parked on any public way in violation of this ordinance.
- (6) Temporary parking restrictions. When a law enforcement officer believes circumstances require it, he or she may temporarily prohibit the parking of vehicles at the entrance to any place of public assembly, or any other place, 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.
- (7) Interfering with snow removal. A person shall not park a vehicle at any time on any public way so as to interfere with the snow plowing or removal of snow from it by the town. A law enforcement officer may cause to be removed any such vehicle and place it in a suitable parking space, at the expense of the owner. For the purpose of facilitating snow removal, the road commissioner may place temporary signs along any public way from which the snow is about to be removed, indicating that parking a vehicle is prohibited. A person shall not park a vehicle within the area indicated by the signs.
- (8) Interfering with parking ban. A person shall not park a vehicle at any time on any public way in violation of a winter parking ban promulgated by the road commissioner.

A winter parking ban shall be declared and reduced to writing at least six hours prior to its starting time. It shall also be communicated to representatives of the communications media at least six hours prior to its starting time.

- (9) Abandoned Vehicle. For the purposes of this section, a vehicle parked or stopped on any public way, private way, or which a law enforcement officer has determined has not been moved within a seven (7) day period, may be ordered removed by a law enforcement officer, and placed in a suitable location at the expense of the owner, after reasonable attempts have been made by the law enforcement officer to contact the owner or operator.
- (10) 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. A law enforcement officer, at the vehicle owner's expense, may order the immediate removal of said vehicle.

Sec. 16. No Parking areas.

The following areas are designated as no parking areas:

The portion of Route 302 between the intersection of Route 302 and the east end of Maine Street and the intersection of Route 302 and the west end of Main Street including the traveled way, paved shoulders and gravel shoulders.

Sec. 17. No-parking signs.

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. In the case of a missing sign, enforcement may take place against a person who knew of the existence of the sign.

Sec. 18. Handicapped parking.

A person shall not park a vehicle in a parking stall on a public way or a town-owned public parking lot specifically designated by the municipal officers to be used for "Handicapped Parking Only," unless the vehicle is equipped with a special designating plate or placard issued by the secretary of state under the provisions of Title 29A M.R.S.A., Section 521.

Sec. 19. Parking Violations - Towing.

- (1) Purpose. The purpose of these sections is to improve the enforcement of the Raymond parking ordinances and to discourage habitual violators.
- (2) Definitions. The following words and terms as used in these sections shall have the meanings ascribed thereto, unless the context otherwise indicates:
 - A. *TOWING LIST* means a list maintained by a law enforcement agency containing the names of those wreckers approved by the Town to respond to requests for the towing of vehicles made by a law enforcement officer.
 - B. *WRECKER* means a person engaged in the business of, or offering the services of, a vehicle wrecker or towing service, whereby motor vehicles are or may be towed or otherwise moved from one place to another by the use of a motor vehicle adapted to and designated for that purpose.
 - C. *WAIVER CHARGES OR CHARGES* means the fees a violator may pay to waive court action plus all expenses the Town of Raymond incurs specifically enumerated in this ordinance or State law to collect fees or fines, including but not limited to certified mail fees.
- (3) Towing. A law enforcement officer is authorized, subject to the requirements of these Sections, to remove by use of a wrecker, and impound any vehicle found in a handicapped parking area, and is authorized to take whatever action is reasonably necessary to carry out the provisions of these sections.
- (4) Procedure for Towing and Impoundment. A law enforcement officer ordering towing and impoundment of a vehicle under these sections shall, at the time of such towing and impounding, or within a reasonable time thereafter, notify the dispatcher of the storage location of the vehicle. Such information shall be recorded by the dispatcher for use by the law enforcement officer and the Town. The Town shall notify the owner or operator by certified mail, return receipt requested, of the towing and impoundment of the vehicle within five (5) business days of the towing and impoundment thereof, the storage location of such

vehicle, and the requirements of release as set forth in subsection 5. This section shall not apply where an impounded vehicle has been released within the five (5) day period.

(5) Release of Vehicles. The vehicle shall not be released until:

- A. The individual requesting the release presents satisfactory evidence of his/her right to possession and signs a receipt therefore; and,
- B. The Town certifies that all civil forfeitures or waiver fees described in this ordinance, including the fees for towing and impoundment have been paid; or,
- C. Upon the certification by the Town that the owner or operator is unable to pay accumulated civil forfeitures or waiver charges by reason of poverty, having provided satisfactory proof of such status, and that such owner or operator has accepted a summons initiating a court proceeding to determine his/her liability for the alleged violations.

(6) Towing Conditions. Once a law enforcement officer has ordered towing, one (1) of three (3) following possibilities exist:

- A. If the towing truck is en route to the scene but has not yet arrived, and the owner or operator has arrived, or if they arrive approximately the same time, then the owner or operator must pay the wrecker, on arrival, in the amount of one-half ($\frac{1}{2}$) of the towing charge and must pay to the wrecker, to be turned over to the Town, all civil forfeitures or waiver charges to effect the on-the-scene release of the vehicle.
- B. If the wrecker has secured the vehicle before the owner or operator arrives, the owner or operator must pay the wrecker, on arrival, all the towing charges and must pay the wrecker, to be turned over to the Town, all civil forfeitures or waiver charges to effect the on-the-scene release of the vehicle.
- C. If the vehicle is actually towed away for impoundment, the vehicle owner or operator must pay the wrecker all towing and storage charges and must pay the wrecker, to be turned over to the Town, all civil forfeitures and waiver charges, in order to gain release of the vehicle

(7) Interference with Enforcement. It shall be a violation of these sections for any person to obstruct or attempt to prevent the removal of a vehicle as provided in these sections. The penalty for such violation shall not be less than fifty (\$50) dollars nor more than one-thousand (\$1,000) dollars.

(8) Hearings. The owner or operator of a towed and impounded vehicle may request a hearing on the applicability of these sections to the towing and impoundment. Such hearing shall be scheduled at the earliest possible date and be conducted by the Municipal officers.

ARTICLE V. PEDESTRIANS

Sec. 20. Right-of-way at crosswalks.

Where traffic-control signals are not in place or in operation, the operator of a vehicle shall yield the right-of-way to a pedestrian crossing a public way within any marked crosswalk or at any intersection protected by a stop sign. When any vehicle is stopped at a crosswalk or intersection to permit a pedestrian to cross, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

ARTICLE VI. VEHICLE WEIGHT RESTRICTIONS

Sec. 21. Purpose and Authority.

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Raymond which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

This portion of the ordinance is adopted pursuant to 30-A M.R.S.A. 3009 and 29-A M.R.S.A. 2395 and 2388.

Sec. 22. Definitions.

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Article. Any words not defined therein shall be given their common and ordinary meaning.

Sec. 23. Restrictions and Notices.

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the road commissioner or municipal officers.

The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travelway. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Sec. 24. Exemptions.

The following vehicles are exempt from this ordinance:

- (a) any two-axle vehicle while delivering home heating fuel;
- (b) any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
- (d) any school transportation vehicle while transporting students;
- (e) any public utility vehicle while providing emergency service or repairs; and
- (f) any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.
- (g) any vehicle engaged in solid waste pick-up or recycling.

Sec. 25. Permits.

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant;
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge;
- (c) the applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same; and
- (d) the applicant's use cannot reasonably be expected to create or aggravate a safety hazard or cause substantial damage. In making this finding, the municipal officers shall consider the cumulative effects of the permits issued to the date of the application.