

CHAPTER 7  
TRAFFIC CODE

ARTICLE 1. DEFINITIONS

Section 101. **Words and Phrases Defined.** The following words and phrases, when used in this ordinance, shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this article.

101.1. **Alley.** A narrow way between buildings or giving access to the rear of buildings.

101.2. **Authorized Emergency Vehicle.** Vehicles of the Fire Department, Police Department, ambulances, and any other emergency vehicles.

101.3 **Crosswalk.** That part of a roadway at an intersection included within the connections of 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; or, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface,

101.4. **Curb.** The outer edge of a defined sidewalk, or either edge of the wrought and usually traveled part of a street.

101.5. **Driver.** Every person who drives or is in any manner in control of a vehicle.

101.6. **Intersection.** The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadway of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angles may come in conflict.

101.7 **Individual Parking Space.** A portion of the paved surface of the street of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked as shall be specified and marked off by the City Manager or an agent designated by him.

101.8 **Official Traffic Signs.** All signs, signals, markings and devices placed or erected by officials having jurisdiction for the purpose of regulating, warning or guiding traffic.

101.9 **Parking Meters.** A device or devices which shall indicate thereon the length of time during which a vehicle may be parked in a particular place, which shall have as a part thereof a receptacle or chamber for receiving and storing coins of United States money, a slot or place in which said coin or coins may be deposited, a timing

mechanism to indicate the passage of the interval of time during which parking is permissible and which shall also display an appropriate signal when the aforesaid interval of time shall have elapsed; also brief instructions as to its operation.

101.10. **Pedestrian.** Any person afoot.

101.11. **Police Officer.** Every sworn officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of the law or ordinances.

101.12. **Right-of-Way.** The privilege of immediate use of the roadway.

101.13. **Sidewalk.** That portion of a street, between the curb or ditch line and the adjacent property lines, intended for the use of pedestrians.

101.14. **Stop.** When required, means complete cessation of movement.

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

101.16. **Through Street.** Every street or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required to stop before entering or crossing the same and when stop signs are erected as provided in this ordinance.

101.17. **Traffic.** Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together, while using any street for purposes of travel.

101.18. **Traffic-Control Devices.** All signs, signals, markings and devices, whether immovable or whether manually, electrically or mechanically operated, placed or erected by authority of the City Council or City Manager by which traffic is alternately directed to stop and to proceed or for the purpose of regulating, warning or guiding traffic.

101.19. **Vehicle.** Any device in, upon or by which any person or property is or may be transported or drawn upon a highway, except those operated by human power, or upon rails or tracks.

## ARTICLE 2. POLICE AUTHORITY

Section 201. **Authority of Police Officers.** 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, police officers may direct traffic as conditions may require, notwithstanding the provisions of this ordinance.

201.1 **Emergency Rule by Police Officer.** Whenever a police officer shall deem it advisable, during the time of a fire or at the time of any accident, special emergency or for the public safety and convenience, he may temporarily close any way or part thereof to vehicular traffic, or to vehicles of a certain description, or to divert traffic thereof, or to divert or break a course of pedestrian traffic.

Section 202. **Compliance.** No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

Section 203. **Exemptions to Authorized Emergency Vehicles.** The provisions of this ordinance regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles, as defined in Section 101, while the driver of any such vehicle is operating the same in the necessary performance of public duties providing said driver sounds a siren, bell or exhaust whistle as a warning to others. This exemption does not protect the driver of any such vehicle from the consequences of reckless disregard of the safety of others.

## ARTICLE 3. TRAFFIC CONTROL DEVICES

Section 301. **Authority to Install.** The City Manager shall place and maintain or cause to be placed and maintained, traffic control signs, signals, and devices when and as required or authorized under this ordinance, and may place and maintain such additional traffic control devices as he may deem necessary to regulate traffic under this ordinance or under State law, or to guide or warn traffic, including angle parking signs and markings, turning markers and signs prohibiting left, right or U turns, the location of which he is authorized to determine.

Section 302. **Obedience to Official Traffic Control Devices.** The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this ordinance, unless otherwise directed by a police officer, subject to the exceptions granted to the driver of an authorized emergency vehicle in this ordinance.

Section 303. **Designation of Crosswalks and Traffic Lanes.** The City Manager is hereby authorized:

303.1 **Crosswalks.** To 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.

303.2 **Lanes.** To make lanes for parking and for traffic on street pavements at such places as he may deem advisable consistent with this ordinance.

Section 304. **Stop Signs.**

304.1 **Authority to Erect.** Whenever this ordinance designates and describes a through street, it shall be the duty of the City Manager to place and maintain, or cause to be placed and maintained, a stop sign on each and every street intersection such through street. Every such sign shall bear the word "Stop" in letters not less than six inches in height, and shall be located as near as practicable at the nearest line of crosswalk on the near side of the intersection or, if none, at the nearest line of the roadway.

304.2 **Stop Required.** When stop signs are erected as herein provided at or near the entrance to any intersection, every driver of a vehicle shall stop such vehicle at such sign or at a clearly marked stop line before entering the intersection except when directed to proceed by a police officer or traffic control signals.

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

305. **Interference.** No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device, or any inscription, shield or insignia thereon, or any part thereof.

ARTICLE 4. PARKING REGULATED

Section 401. **CITY MANAGER'S POWER TO REGULATE PARKING.**

The City Manager and Chief of Police are hereby authorized and directed to designate and mark off or cause to be marked off, such individual parking spaces as either deems proper along any street in the business or industrial areas of the City for the parking of vehicles. Where individual parking is so marked off, each vehicle shall be parked entirely within an individual parking space.

The City Manager and Chief of Police are hereby authorized to determine and designate by proper signs, places not exceeding 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. When official signs are erected, no person shall stop, stand or park a vehicle in any such designated place.

The City Manager and Chief of Police are hereby authorized to cause temporary or permanent signs to be erected indicating no parking adjacent to any school property when such parking would, in either's opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.

The City Manager and Chief of Police are hereby authorized to designate specific areas or streets as prohibited parking areas and shall mark or cause to be marked such areas.

The Municipal Officers have the exclusive authority to enact all traffic and parking ordinances in the municipality in accordance with Title 30-A M.R.S.A. Section 3009.

Section 402. **ENFORCEMENT.** It shall be the duty of the police officers of the City of Ellsworth, acting in accordance with instructions by the City Manager and Chief of Police, to report:

402.1 The state license number of any vehicle that is or has been parking in violation of any provisions of this ordinance.

402.2 The time at which such vehicle is parking in violation of any provision of this ordinance.

402.3 Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

402.4 Each officer shall attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the provisions of this ordinance.

SECTION 403. **EVIDENCE.** The fact that any vehicle is illegally parked is

prima facie evidence that the vehicle has been parked illegally by the person in whose name the vehicle is registered. (30-A M. R. S. A. Sec. 3009 (C))

SECTION 404. **HOLIDAYS DEFINED.** The term "holidays" as used in this ordinance shall mean all State of Maine legal holidays and holidays accepted by the City Council.

<sup>1</sup> SECTION 405. **PARKING ON CERTAIN STREETS LIMITED.**

405.01 No person shall park, stand, or leave a motor vehicle for more than the prescribed time period, between eight a.m. and five p.m., Monday through Saturday, except recognized State of Maine holidays, at the locations specified.

405.02 Any vehicle that remains in a parking space longer than the time prescribed for parking in Section 405 of this chapter is hereby determined to be illegally parked.

405.03 Each time period during which a vehicle is parked in violation of the timed parking shall be construed to be a separate violation.

405.10 **One Hour Parking**

405.11 Main Street – South side from State Street east to a point that measures 495 feet west of High Street. North side from State Street to School Street.

**405.20 Two Hour Parking**

405.21 Franklin Street – Either side from Pine Street to Store Street

405.22 <sup>2</sup>State Street – West side from Main Street to the northeast corner of the Hancock County Courthouse; East side from Main Street to Church Street..

405.23 School Street Parking Lot – All spaces

405.24 City Hall Parking Lot – Southerly row of parking spaces (fronting Store Street)

405.30 **20 Minute Parking**

405.31 Church Street City Hall Parking Lot – four designated parking spaces for city business only.

405.32 City Hall Parking Lot – four designated parking spaces on the north side between the front city hall steps and the Fire Station handicap entrance.

SECTION 406. Repealed

SECTION 407. **PROHIBITED PARKING AREAS.** No person shall park, stand, or leave a motor vehicle in the following specified areas:

407.1 Either side of High Street from Main Street to Short Street.

407.2 South side of Main Street from High Street west over a distance of 495

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<sup>1</sup> Section 405 repealed & replaced 2/28/00

<sup>2</sup> Section 405.22 repealed & replaced 3/20/00

feet. North side of Main Street from Oak Street to School Street.

407.3 Either side of Main Street and West Main Street from the intersection of Water, Main and State Streets to the south driveway of the Colonel Black Estate.

407.4 Either side of South Street from the intersection of Laurel Street to a point 490 feet from West Main Street.

407.5 East side of Oak Street from Main Street to State Street.

407.6 Either side of Fourth Street from Wood Street to Forest Avenue.

407.7 Either side of Court Street from Route #172 to the Christian Ridge Road.

407.8 South side of Church Street from State Street to Oak Street. North side of Church Street from School Street to Oak Street.

407.9 South side of Pine Street from High Street to Water Street; and north side of Pine Street from Water Street easterly 213 feet and High Street westerly to United Baptist Church parsonage, a distance of 690 feet.

407.10 East side of State Street from the south entrance of the Bryant E. Moore School to Oak Street.

407.11 Either side of Water Street from Card's Brook to Franklin Street.

407.12 Either side of Grant Street from West Main Street to Liberty Street.

407.13 West side of State Street from Church Street to Central Street. East side of State Street from a point 180 feet north of the Church Street intersection proceeding northerly over a distance of 288 feet (north edge of the lot at 77 State Street).

407.14 West side of Hancock Street from the intersection of Main and Hancock Streets to a point 149 feet south on Hancock Street.

407.15 No parking on Store Street, so called, a public way situated behind and on the northerly side of the stores on Main Street extending from the westerly side of Franklin Street west 206 feet. No parking on Store Street from the easterly side of Franklin Street and extending 100 feet east. Vehicles may be parked on Store Street in these locations for the purpose of loading and unloading material to or from the business having direct access to this street.

Vehicles which are parked on Store Street for the purpose of loading or unloading shall display a loading permit on the dashboard or visor. The loading permits are issued at the Police Department and are valid for 15 minutes.

407.16 South side of East Main Street from the intersection of High and Main Streets to the entrance of the St. Joseph's Church parking lot, a distance of 153 feet.

407.17 North side of Birch Avenue from Oak Street to School Street.

407.18 East side of Cross Street from Court Street to West Main Street.

407.19 Both sides of Outer State Street from Oak Street to Infant Street.

<sup>3</sup>407.20 Both sides of Garden Street from Birch Avenue to Park Street.

<sup>4</sup>407.21 Franklin Street both sides from Pine Street southerly to Water Street

407.22 Both sides of Red Bridge Road from Christian Ridge Road to Bangor Road. This article shall automatically repeal on January 1, 2012 unless earlier repealed.<sup>5</sup>

**SECTION 408. STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES.** No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or with the direction of a police officer or traffic control device, in any of the following places:

408.1 On a sidewalk;

408.2 In front of any driveway or lane;

408.3 Within an intersection;

408.4 Within eight feet of a fire hydrant;

408.5 On a crosswalk;

408.6 Within ten feet of an intersection;

408.7 Within 15 feet upon the approach to any stop sign located at the side of the roadway;

408.8 On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking, so called)

408.9 Upon any bridge;

408.10 At any place where official signs or curb painting so prohibit. Any curb which is painted yellow shall be deemed to be a non parking area;

408.11 In fire lanes so designated by signs.

**SECTION 409. OBSTRUCTING TRAFFIC.** No person shall stop, stand, park or leave his vehicle on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by a police officer or so as to leave available less than 10 feet of the width of the roadway

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<sup>3</sup>Added 5/20/96

<sup>4</sup>Added 04/21/97

<sup>5</sup> Added 09/21/2009

for free movement of vehicular traffic.

**SECTION 410. 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 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 position as to block the driveway entrance to any abutting property.

**SECTION 411. HANDICAPPED PARKING**

411.1 The City manager or Chief of Police is hereby authorized to determine and designate by proper signs, certain parking spaces for handicapped parking.

411.2 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 Title 29, Section 252, 252-A or 252-C, or a similar plate issued by another state, shall be cited for a forfeiture of not less than \$50.00. "Clearly marked" includes painted signs on pavement and vertical standing signs which are visible in existing weather conditions. Any police officer may cause any vehicle so parked to be removed from the parking space and placed in a suitable parking space 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.

**SECTION 412. BUS STOPS AND TAXICAB STANDS.** The City Manager shall designate spaces as bus stops and taxicab stands on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. The City Manager shall cause such spaces to be designated by appropriate signs or curb markings or both.

412.1 The driver of a bus or taxicab is hereby authorized to park the same in any such place without restriction as to time.

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

**SECTION 413. METHOD OF PARKING.** All parking shall be parallel to the curb or the edge of the roadway where a curb does not exist, right wheels resting within 18 inches of the curb or edge of the roadway, except where individual parking spaces provided with parking meters or lines indicate otherwise.

**SECTION 414. PLACES OF ASSEMBLAGE.** The City Manager or Police Chief hereby is authorized to place temporary or permanent traffic control signs in front of the entrance to places of assemblage or any building in which entertainments, plays, shows, exhibitions and the like are given, either regularly or otherwise, and for such period as the City manager or Police chief in his discretion may deem wise under the circumstances.

The City Manager or Chief of Police is hereby authorized to place temporary traffic control signs on any street or public way under control of the City where parking for any event or gathering will create a traffic hazard.

**SECTION 415. SNOW REMOVAL.** No vehicle shall be parked at any time on any public street or way or city-owned parking area so as to interfere with or hinder the removal of snow from the street or way or city-owned parking area by the City plowing or loading and hauling. Any police officer may cause any vehicle so parked to be removed from the street 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. For the purpose of facilitating the removal of snow the City manager may cause to be placed properly marked signs along any street or streets as he shall from time to time deem necessary.

**SECTION 416. STREET SWEEPING.** The foreman of the City Highway Department shall mark or cause to be marked with temporary signs, public ways or city-owned parking areas for which the highway department wishes to sweep. The signs shall specify the date and times during which parking shall be unlawful. The signs shall be placed at the locations a minimum of 24 hours prior to the period during which parking becomes illegal. The signs shall be removed as soon as possible after the sweeping is completed. Any police officer may cause any vehicle parked in violation to be removed from the parking space and placed in a suitable parking space 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.

**SECTION 417. ALL NIGHT PARKING PROHIBITED.** No person shall park a vehicle on any street or way for a period of longer than thirty (30) minutes between the hours of twelve midnight and 6:00 a.m. of any day from November 1 of each year to April 1 of the following year, except physicians on emergency calls.

**SECTION 418. UNLAWFUL PARKING.** No person shall park a vehicle upon any roadway for the principal purpose of: (1) advertising; (2) displaying such vehicle for sale; or (3) greasing or repairing such vehicle except repairs necessitated by an emergency.

**SECTION 419. PENALTIES.** The operator or owner of any vehicle charged with a violation of Section 405 (Overtime Parking) of this Article may waive all court action by the payment of a waiver fee of ten dollars (\$10.00) at the Police Department prior to the expiration of the 30 day period proceeding the issuance of the parking ticket as stated on the Notice of Illegal Parking.

The operator or owner of any vehicle charged with a violation of Section 411 (Handicapped Parking) of this Article may waive all court action by the payment of a waiver fee of fifty dollars (\$50.00) at the Police Department prior to the expiration of the 30 day period proceeding the issuance of the parking ticket as stated on the Notice of Illegal Parking.

The operator or owner of any vehicle charged with a violation of any other section of this Article may waive all court action by the payment of a waiver fee of twenty-five (\$25.00) at the Police Department prior to the expiration of the 30 day period proceeding the issuance of the parking ticket as stated on the Notice of Illegal Parking.

In addition to sections of this ordinance which specifically allow for towing violations, a police officer may tow any vehicle parked in violation of this article at the expense of the owner of such vehicle and without the City being liable for any damage caused by such removal when that vehicle is parked in a fire lane, blocking a fire hydrant, parked and left unattended in a bus stop, parked on a sidewalk so as to obstruct pedestrian traffic or parked in such a manner as to create a traffic hazard.

Any owner or operator of any vehicle charged with five (5) or more violations of any of the parking regulations set forth in this Article in any consecutive 30 day period may be required to forfeit the court waiver fees, and be ordered to appear in court. Any person summonsed to District Court for a parking violation and found guilty of the alleged violation may be required to pay for court costs in addition to the fine for the violation.

**\*\* SECTION 420. FINES.** Any person, firm or corporation who shall violate any provision of this ordinance shall be punished by a fine of not more than \$100 nor less than \$25.00 for each offense, to be recovered by complaint of any police officer of the City of Ellsworth.

Article 4 & 5 Repealed and Replaced With New Article 4 11/19/90

**\*\* Added 05/20/91**

ARTICLE 6. OPERATION OF VEHICLES

SECTION 601. **BACKING LIMITATION.** 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.

SECTION 602. **CLINGING TO MOTOR VEHICLES.** No person riding upon any motorcycle, coaster, sled, roller skates, or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

SECTION 603. **ENTERING TRAFFIC FROM CURB.** The driver of vehicle starting from a curb or roadway edge shall yield the right-of-way to all moving traffic on the roadway. He shall not enter or attempt to enter such moving traffic until he can do so safely.

SECTION 604. **ENTERING TRAFFIC FROM ALLEY OR PRIVATE DRIVEWAY.** The driver of a vehicle emerging from any alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding 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 said roadway.

SECTION 605. **FOLLOWING FIRE APPARATUS.** The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block, and not closer than 500 feet to where fire apparatus has stopped in answer to a fire alarm.

SECTION 606. **FIRE HOSE.** No person shall drive a vehicle over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department or police department.

SECTION 607. **LITTER.** No person shall drive a vehicle over 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.

SECTION 608. **NOISE.** No person shall sound an automobile horn, bell or other sound device on any vehicle anywhere in the City at any time, except when necessary for safe driving. 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 cut-out on any vehicle, except a fire department vehicle, upon any street.

**SECTION 609. OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES.** Upon the immediate approach of an authorized emergency vehicle, when the driver thereof is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position as close as possible to the right hand curb or edge of the roadway, clear of intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section shall not 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.

**SECTION 610. REPORT OF ACCIDENT.** The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the estimated amount of \$200 or more shall give immediate notice to the Ellsworth Police Department as is provided by Section 891 of Chapter 11, Title 29 of the Public Laws of Maine.

**SECTION 611. RIGHT-OF-WAY, INTERSECTING WAYS AND ENTRANCES OF PRIVATE ROADS.** All vehicles shall have the right-of-way over other vehicles approaching at intersecting public ways, except traffic circles or rotary intersections, from the left and shall give the right-of-way to those approaching from the right, except that traffic officers stationed at such intersections may otherwise regulate traffic threat. The drive of a vehicle entering a public way from a private road, alley, driveway or building shall yield the right-of-way to any pedestrian approaching on said public way or sidewalk and before crossing any sidewalk or before entering such public way where no sidewalks shall exist, shall proceed cautiously across said sidewalk or into said public way. "Private Road" as used in this section shall be construed to include a private road, a private way of any description, an alleyway or a driveway.

**SECTION 612. SIDEWALKS.** The driver of a vehicle shall not drive or ride within any sidewalk area except at a permanent or temporary driveway.

**613.1 CAREFUL SPEED.** Any person driving a vehicle on a way or in any other place 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 way or place, and of any other conditions then existing.

**613.2 RATES OF SPEED.** Except where the conditions contained in subsection 613.1, the following maximum rates of speed are established.

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

B. Speed in excess of 15 miles an hour when approaching within 50 feet and in traversing an intersection of ways when the driver's view is obstructed shall be unlawful, except where preference is given to through movement of traffic in one direction at the expense of cross traffic by utilization of "Stop" signs or other control devices or by direction of a traffic officer. A driver's view shall be deemed to be obstructed when at any time during the last 50 feet of his approach to such intersection he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the ways entering such intersection for a distance of 200 feet from such intersection.

C. Speed in excess of 25 miles an hour in a business or residential district, or built-up portion, as defined in subsection 3 shall be unlawful unless a different speed is fixed by the municipal officers with the approval of the Department of Transportation, with the consent and approval of the Chief of the Maine State Police, and such speed is duly posted.

D. Speed in excess of 45 miles an hour shall be unlawful unless otherwise posted.

E. Speed of mobile homes, however drawn, in excess of 45 miles per hour in the daytime or nighttime shall be unlawful.

F. School buses shall not be operated at a speed in excess of 45 miles per hour except that when used for purposes of an educational trip or for transporting pupils to an from any extra-curricular activity a school bus may be operated at a speed not exceed 50 miles per hour.

G. Speed of any motor driven cycle in excess of 35 miles per hour at any time mentioned in section 1071, unless such motor driven cycle is equipped with a headlamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead, shall be unlawful.

In every charge of violation of a speed limit, the complaint and the summons or notice to appear shall specify the speed at which the respondent is alleged to have driven.

### 613.3 DEFINITIONS.

A. **COMPACT OR BUILT-UP PORTIONS.** The compact or built-up portions of any municipality shall be the territory of any municipality contiguous to any way which is built up with structures which are situated less than 150 feet apart for a distance of at least 1/4 mile. Municipal officers may designate such compact or built-up portions by appropriate signs.

**B. DAYTIME AND NIGHTTIME.** Daytime for purposes of this section shall mean from 1/2 hour before sunrise to 1/2 hour after sunset. Nighttime shall mean any other hour. "Sunrise" and "Sunset" shall be the time given in the Maine Farmer's Almanac.

**SECTION 614. SNOW PLOWS.** The driver of any vehicle other than one on official business shall not follow closer than 200 feet to any snow plow engaged in plowing. the driver of any vehicle meeting a snow plow on a roadway plowing shall turn off on anther street if practicable, otherwise, shall come to a complete stop at least 50 feet away from said plow and not start again until the plow has passed.

**SECTION 615. TRAFFIC LAW VIOLATION TICKETS.** 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 notice or citation as required therein.

**SECTION 616. TRAFFIC OBSTRUCTION.** 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.

**SECTION 617. TURN AROUND.** 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.

**SECTION 618. UNATTENDED VEHICLE.** No person driving or in charge of a motor vehicle shall permit it to stand on any roadway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle. No person shall allow an animal-drawn vehicle to be unattended unless it is reasonably fastened.

**SECTION 619. UNLAWFUL ACTS.** No person shall throw or place or cause to be thrown or placed upon any highway, any glass, glass bottle, nails, tacks, wire, scrap metal, crockery, cans or any other substance injurious to the feet of persons or animals or to tires or wheels of vehicles. Whoever accidentally, or by reason of accident, drops from his hand or a vehicle any such substance upon any highway shall forthwith make all reasonable efforts to clear such highway of the same.

SECTION 620. **CURB LOADING ZONE.** The City Manager may designate spaces as curb loading zones on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public. He shall cause such space to be designated by appropriate signs or curb markings or both. No person shall stop, stand or park a vehicle in any such place between the hours of 8:00 a. m. and 6:00 p. m. on any day except Sundays and public holidays when same has been officially designed and appropriately marked, except for the purpose of and while actually engaged in loading or unloading passengers for a period not to exceed three minutes, or in loading or unloading materials for a period not to exceed 30 minutes.

SECTION 621. **THROUGH STREETS.** The following streets and parts of streets, having been so designated by the Maine State Highway Commission as provided by M. R. S. A., title 29, Section 948, are hereby declared to be through streets:

621.1. **THROUGHWAY** - U. S. #1A from the Dedham town line -Ellsworth city line via S. H. 43-1 to the junction of U. S. Routes #1 and #1A, State Route #3, and State Aid Highway #3 (Main Street).

621.2 **THROUGHWAY** - State Aid Highway #7, from the junction of U. S. Route 1A and State Aid Highway 37, via State Route 179 to the Ellsworth city line - township 8 S. D. town line.

621.3 **THROUGHWAY** - State Aid Highway #8, from the junction of State Aid Highway 37 and State Aid 38, via State Route 180 to the Ellsworth city line-Otis town line.

621.4 **THROUGHWAY** - State Aid Highway #3 from the junction of U. S. Routes 1 and 1A, State Route 3, and State Highway #3, via Main Street to the Ellsworth city line-Hancock town line.

621.5 **THROUGHWAY** - State Aid Highway #12, from the junction of U. S. Route 1A and State Aid Highway #12 via Infant Street and Christian Ridge Road to the junction of State Aid Highway #12 and U. S. Route 1 and State Route 3.

621.6 **THROUGHWAY** - U. S. Route 1 and State Route 3, from the Orland town line/Ellsworth city line via State Highway 42-1 to the junction of U. S. Routes 1 and 1A, State Route 3 and State Aid Highway 3, all traffic on intersecting ways to **STOP** for traffic on U. S. Route 1 and State Route 3 with the following exception:

A) Junction of U. S. Route 1 and State Route 3 and State Route 172, eastbound traffic on U. S. Route 1 and State Route 3 to **YIELD** to traffic within or approaching the intersection.

621.7 THROUGHWAY - State Route 172, from the junction of U. S. Route 1 and State Route 3 and State Route 173 via S.H. 250-1 to the Ellsworth city line/Surry town line.

621.8 THROUGHWAY - State Route #230, from the junction of U. S. Route 1 and State Route 3 and State Route 230, via State Aid Highway #9 to the Ellsworth city line/Trenton town line.

621.9 THROUGHWAY - U. S. Route 1, from the junction of U. S. Route 1, 1A, State Route 3 and State Aid Highway #3, via S. H. 43-1 and S. H. 44-1 to the Ellsworth city line/Hancock town line. All traffic on intersecting ways to **STOP** for traffic on U. S. Route #1, with the following exception:

A) Junction of U. S. Route #1 (F.A.P. 43-1 and F.A.P. 44-1) and State Route 3 (F.A.P.. 43-1), northbound traffic on State Route 3 to **YIELD** to traffic within or approaching the intersection.

621.10 THROUGHWAY - State Aid Highway #6, from the junction of U. S. Route 1A and State Aid Highway #6, via State Street to the junction of Route 1 and State Route 3, and State Aid Highway #6.

621.11 THROUGHWAY - State Route 3, from the junction of Route 1 and State Route 3, via S. H. 43-1 to the Ellsworth city line/Trenton town line.

621.12 THROUGHWAY - Fourth Street (S. A. #14), from the junction of Fourth Street and State Street (S. A. #6) to the northerly terminus of Fourth Street.

621.13 STOP INTERSECTION - Junction of States Routes #179 and #180 (S. A. #7) and U. S. Route 1A; all traffic on State Routes 179 and 180 to **STOP** before entering the intersection.

621.14 STOP INTERSECTION - Junction of State Aid Highway #12 (Infant Street) and U. S. Route 1A; all traffic on State Aid Highway #12 to **STOP** before entering the intersection.

621.15 STOP INTERSECTION - Junction of State Street (S. A. #6) and U. S. route 1A (F. A. P. 43-1); all traffic on State Street to **STOP** before entering the intersection.

621.16 STOP INTERSECTION - Junction of State Aid Highway #12(Christian Ridge Road) and U. S. Route 1 and State Route 3; all traffic on State Aid Highway #12 to **STOP** before entering the intersection.

621.18 STOP INTERSECTION - Junction of State Route 180 (S. A. #8) and State Route 179 (S. A. #7); all traffic on State Route 180 to **STOP** before entering the intersection.

621.19 STOP INTERSECTION - Junction of Hancock Street and Pine Street (S. A. #13); all traffic on Franklin Street to **STOP** before entering the intersection.

621.20 STOP INTERSECTION - Junction of Oak Lane and Pine Street (S. A. #1); all traffic to **STOP** before entering the intersection.

621.21 STOP INTERSECTION - Junction of City Hall Avenue and Church Street (S. A. #16); all traffic on City Hall Avenue to **STOP** before entering the intersection.

621.22 STOP INTERSECTION - Junction of Church Street (S. A. #16) and School Street (S. A. #15); all traffic on Church Street to **STOP** before entering the intersection.

621.23 STOP INTERSECTION - Junction of Park Street and School Street (S. A. #15); all traffic on Park Street to **STOP** before entering the intersection.

621.24 STOP INTERSECTION - Junction of Fourth Street (S. A. #14) and State Street (S. A. #6); all traffic on Fourth Street to **STOP** before entering the intersection.

621.25 STOP INTERSECTION - Junction of State Aid Highway #11 and S. H. C. Inventory Road #358; all traffic on State Aid Highway #11 to **STOP** before entering the intersection.

621.26 STOP INTERSECTION - Junction of Birch Street and School Street (S. A. #15); all traffic on birch Street to **STOP** before entering the intersection.

621.27 STOP INTERSECTION - Junction of Winkumpaugh Road and U. S. Route 1A; all traffic on Winkumpaugh Road to **STOP** before entering the intersection.

621.28 STOP INTERSECTION - Junction of Union Street and Main Street (S. A. #3); all traffic on Union Street to **STOP** before entering the intersection.

621.29 STOP INTERSECTION - Junction of SHC Inventory Road #358 and S. A. #12; all traffic on S. H. C. Inventory Road #358 to **STOP** before entering the intersection.

621.30 STOP INTERSECTION - Junction of Forest Avenue, Shore Road and Fourth Street; all traffic on Forest Avenue to **STOP** before entering the intersection.

621.31 STOP INTERSECTION - Junction of Grant Street and West Main Street (R 1 & 3)

621.32 STOP INTERSECTION - Junction of Grant Street and Christian Ridge Road (S. A. 312).

621.33 STOP INTERSECTION - Junction of South Street and West Main Street (R 1 & 3).

SECTION 622. The following streets and parts of streets are designated by the municipal officers of the City of Ellsworth as throughways and stop or yield intersections:

622.1 THROUGHWAY - Union Street from the junction of Union Street and State Aid Highway #3 (Main Street) to the Ellsworth city line/Hancock town line.

622.2 THROUGHWAY - Winkumpaugh Road, from the junction of U. S. route 1A and Winkumpaugh Road to the Ellsworth city line/Orland town line.

622.3 THROUGHWAY - S.H.C. Inventory Road #358 (Branch Lake Road), from the junction of State Aid Highway #12 (Christian Ridge Road) and S.H.C. Inventory Road #358 to the westerly terminus of S.H.C. Inventory road #358.

622.4 STOP INTERSECTION - Junction of West Maple Street and Laurel Street; all traffic on West Main Street to **STOP** before entering the intersection.

622.5 STOP INTERSECTION - Junction of Laurel Street and South Street; all traffic on Laurel Street to **STOP** before entering the intersection.

622.6 STOP INTERSECTION - Junction of Young's Avenue and Chapel Street; all traffic on Young's Avenue to **STOP** before entering the intersection.

622.7 STOP INTERSECTION - Junction of Willow Street and Chapel Street; all traffic on Willow Street to **STOP** before entering the intersection.

622.8 STOP INTERSECTION - Junction of Willow Street and Grant Street; all traffic on Willow Street to **STOP** before entering the intersection.

622.9 STOP INTERSECTION - Junction of Liberty Street and Grant Street; all traffic on Liberty Street to **STOP** before entering the intersection.

622.10 STOP INTERSECTION - Junction of Mae Street, Sterling Street and Royal Street; all traffic on Royal Street to **STOP** before entering the intersection.

622.11 STOP INTERSECTION - Junction of Mae Street and Third Street; all traffic on Mae Street to **STOP** before entering the intersection.

622.12 STOP INTERSECTION - Junction of Wood Street and Third Street; all traffic on Wood Street to **STOP** before entering the intersection.

622.13 STOP INTERSECTION - Junction of H & S Drive and Forest Avenue; all traffic on H & S Drive to **STOP** before entering the intersection.

622.14 STOP INTERSECTION - Junction of Argonne Street, Memorial Road and Forest Avenue; all traffic on Argonne Street and Memorial Road to **STOP** before entering the intersection.

622.15 STOP INTERSECTION - Junction of Memorial Road, Fifth Street and Pond Avenue; all traffic on Pond Avenue to **STOP** before entering the intersection.

622.16 STOP INTERSECTION - Junction of Jude Lane and Fifth Street; all traffic on Jude Lane to **STOP** before entering the intersection.

622.17 STOP INTERSECTION - Junction of Fox Street and Birch Avenue; all traffic on Fox Street to **STOP** before entering the intersection.

622.18 STOP INTERSECTION - Junction of Spring street and Birch Avenue; all traffic on Spring Street to **STOP** before entering the intersection.

622.19 STOP INTERSECTION - Junction of Spring Street and Park Street; all traffic on Spring Street to **STOP** before entering the intersection.

622.20 STOP INTERSECTION - Junction of Bayview Avenue and Park Street; all traffic on Bayview Avenue to **STOP** before entering the intersection.

622.21 STOP INTERSECTION - Junction of Spring Street and Lincoln Street; all traffic on Spring Street to **STOP** before entering the intersection.

622.22 STOP INTERSECTION - Junction of Lincoln Street and Bayview Avenue; all traffic on Lincoln Street to **STOP** before entering the intersection.

622.23 STOP INTERSECTION - Junction of Spring Street and Church Street; all traffic on Spring Street and westbound traffic on Church Street to **STOP** before entering the intersection.

622.24 STOP INTERSECTION - Junction of Church Street and Bayview Avenue; all traffic on Church Street to **STOP** before entering the intersection.

622.25 STOP INTERSECTION - Junction of Oak Lane and Elm Street; all traffic on Oak Lane to **STOP** before entering the intersection.

622.26 STOP INTERSECTION - Junction of Hancock Street and Dean Street; all traffic on Hancock Street to **STOP** before entering the intersection.

622.27 STOP INTERSECTION - Junction of Elm Street and Hancock Street; all traffic on Elm Street to **STOP** before entering the intersection.

622.28 STOP INTERSECTION - Junction of Spruce Street and Hancock Street; all traffic on Spruce Street to **STOP** before entering the intersection.

622.29 STOP INTERSECTION - Junction of S.H.C. Inventory Road #353 (Happytown Road) and S.H.C. Inventory Road #3205 (Branchview Drive); northbound traffic on S.H.C. Inventory Road #353 to **STOP** before entering the intersection.

622.30 STOP INTERSECTION - Junction of Western Avenue and Argonne Street; all traffic on Argonne Street to **STOP** before entering the intersection.

622.31 STOP INTERSECTION - Junction of Birch Avenue and Garden Street; all traffic on Garden Street to **STOP** before entering the intersection.

622.32 STOP INTERSECTION - Junction of Park Street and Garden Street; all traffic on Garden Street to **STOP** before entering the intersection.

622.33 On any other intersection where the City manager deems it necessary for public safety and causes a stop sign to be erected. The erection of a stop sign shall be prima facie evidence that the stop intersection is authorized.

\* 622.34 STOP INTERSECTION - Junction of Boggy Brook Road and Vittum Road; all traffic on Vittum Road to stop before entering the intersection.

\*\* SECTION 623 - ONE WAY STREETS - The following streets or parts of streets are hereby declared to be one way streets:

623.1 ONE WAY STREET - Boggy Brook Road - beginning at U. S. Route 1A and proceeding to the intersection of the Vittum Road, one way in a northerly direction.

\*\*\* SECTION 630 - LEFT TURNS PROHIBITED - No person shall operate a motor vehicle in such a manner as to permit said vehicle to turn left from the first named street onto the second named intersecting street.

630.11 East Maple Street onto High Street

630.12 South Street onto Main Street

\* Added 11/17/80

\*\* Added 11/17/80

\*\*\* Added 7/15/96

## ARTICLE 7. PEDESTRIANS

### SECTION 701. **PEDESTRIAN'S RIGHT-OF-WAY IN CROSSWALK.**

When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

SECTION 702. **CROSSING AT OTHER THAN CROSSWALKS.** 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.

SECTION 703. **CROSSING AT RIGHT ANGLES.** 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.

SECTION 704. **DRIVERS TO EXERCISE DUE CARE.** Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

## ARTICLE 8 MISCELLANEOUS

**SECTION 801. PENALTIES.** Unless another penalty is expressly provided by State law, any person convicted of a violation of any provision of this Ordinance shall be punished by a fine of not more than \$100 nor less than \$10.

**SECTION 802. SEPARABILITY.** If any part or parts of this Ordinance are held by a court of competent jurisdiction to be invalid, it is the legislative intent of the City Council that such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE 9. BEALS AVENUE RESTRICTED**

SECTION 901. No vehicle exceeding 6,000 pounds gross weight or dual-wheel vehicle shall be operated at any time upon or over Beals Avenue or any part thereof.

SECTION 902. **EXCEPTIONS.** This ordinance shall not apply as follows:

902.01. **OPERATION ON STREET OF DESTINATION.** The operation of vehicles when necessary to the conduct of business at a destination point on Beals Avenue, provided the vehicle shall enter said Beals Avenue at the intersection nearest the destination point of the vehicle. 902.2 Emergency Vehicles and School Buses.

902.3 **PUBLIC UTILITIES.** The operation of vehicles owned or operated by the City of Ellsworth, public utilities, any contractor or material man, while engaged in the repair, maintenance or construction of the street, street improvement or street utilities, within the limits of the street.

902.4 **DETOURED TRUCKS.** The operation of vehicles upon any officially established detour.

SECTION 903. **PENALTY.** Whoever violates any provision of this ordinance shall, upon conviction, be punished by a fine of not more than \$100 nor less than \$10.

SECTION 904. **GARDEN STREET RESTRICTED.** No through trucks to be allowed on Garden Street.

**ARTICLE 10. RED BRIDGE ROAD WEIGHT RESTRICTION<sup>6</sup>**

**SECTION 1001. WEIGHT LIMIT IMPOSED.**

No motor vehicle or trailer in excess of 36,000 pounds gross registered weight shall travel on Red Bridge Road except as provided herein.

**SECTION 1002. EXEMPTIONS.** The following motor vehicles and trailers are exempted from the restriction imposed by Section 1001:

1002.1 Any vehicle or trailer whose destination is a property located on Red Bridge Road or a road that may only be accessed via Red Bridge Road, whether for the purpose of providing services or delivering goods thereto or because the vehicle or trailer is principally housed thereon;

1002.2 Any emergency vehicle or trailer;

1002.3 Any vehicle or trailer operated by a municipal, state, or federal government; or

1002.4 Any vehicle or trailer as otherwise directed by the Ellsworth Police Department.

**SECTION 1003. NOTICES.**

Notices specifying the restrictions created by this Article shall be conspicuously posted at each end of Red Bridge Road.

**SECTION 1004. ENFORCEMENT.**

In accordance with 29-A M.R.S.A. § 2395(6) and (7), a violation of this Article is a traffic infraction punishable by a fine, which may not be suspended, of not less than \$250.

**SECTION 1005. SUNSET.**

This Article shall automatically repeal on January 1, 2012, unless earlier repealed. The repeal of this Article, whenever accomplished, shall not affect any pending enforcement actions.

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<sup>6</sup> Added Entire Article 10 09/21/2009