

**TRAFFIC ORDINANCE  
FOR  
THE TOWN OF FAYETTE**

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**ARTICLE I: GENERAL PROVISIONS**

**1.1 TITLE**

- A. This ordinance shall be known as the "Traffic Ordinance of the Town of Fayette, Maine" and shall, hereinafter, be referred to as the "Ordinance."

**1.2 AUTHORITY:**

- A. This Ordinance is adopted by the Municipal Officers of the Town of Fayette (hereinafter referred to as "Selectmen") in accordance with the Constitution of the State of Maine, Article VIII-A and 30-A M.R.S.A. §3009.

**1.3 PURPOSE:**

- A. The Selectmen find that there is a need to protect the health, safety and general welfare of the inhabitants of the Town of Fayette. The purpose of this Ordinance is to promote public safety, facilitate traffic flow and control speed on the travel ways and streets in the Town of Fayette. This Ordinance does not exempt any person from compliance with all other applicable laws and regulations.

**1.4 DEFINITIONS:**

- A. Words used in this Ordinance shall be defined in accordance with 29 M.R.S.A. §1; any undefined word shall have its common, ordinary meaning.

**1.5 SEVERABILITY.**

- A. In the event that any section, subsection or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, that declaration shall not be deemed to affect the validity of any other section, subsection or provision of this Ordinance. To this end, the provisions of this Ordinance are hereby declared to be severable.

AS APPROVED BY THE BOARD OF SELECTMEN  
JUNE 15, 2009

## **ARTICLE II: PARKING RESTRICTIONS:**

### **2.1 PARKING IN EXCESS OF TWENTY FOUR HOURS; NOTICE TO MOVE; REMOVAL BY TOWN.**

- A. It shall be unlawful to leave a motor vehicle parked on a public way or in a municipal parking lot for a period in excess of twenty-four (24) hours without permission of the Town Manager or Road Commissioner. If a vehicle is parked in violation of this section, a notice shall be placed on the windshield of such vehicle ordering its removal within twenty-four (24) hours. If after the expiration of such notice the vehicle is still in violation of this section, such vehicle may be removed in accordance with the provisions of this article.

### **2.2 POSTED RESTRICTIONS.**

- A. No person may park a motor vehicle on any public way or portions of public way, where "No Parking" signs or signs bearing substantially similar language have been erected by the municipality.

### **2.3 SNOW AND ICE REMOVAL.**

- A. No person shall park or permit a vehicle to remain parked on any street in the Town between the hours of 12:00 A.M. and 7:00 A.M. from November 15 to April 15, since such parking may interfere with snowplowing or the loading or removal of snow from such street.

### **2.4 STOPPING NOT TO OBSTRUCT ROAD OR CROSSING, OBEDIENCE TO POLICE OFFICER;**

- A. No vehicle shall stop in such a way as to obstruct any street or crossing except for the purpose of taking on or letting off a passenger, or for loading or unloading freight, for a period of up to one (1) minute, or except in case of accident, or when directed to do so by a police officer.
- B. No person shall fail to stop or place his vehicle as directed by a police officer on duty.
- C. No vehicle, except for an emergency vehicle on an emergency call, or any authorized construction vehicles involved in actual construction, repair or re-paving, shall stop, stand or park in such a way as to obstruct any arterial street or way.

### **2.5.1 STOPPING AT INTERSECTIONS AND HYDRANTS.**

- A. No vehicle shall stop or stand within the intersection of any streets or within ten (10) feet of a street corner, nor within seven (7) feet of any

hydrant wherever located; provided, however, that the foregoing provisions of this section shall not apply to the United States mail, emergency and public utility vehicles.

## **2.6 PARKING CLOSE TO FIRES.**

- A. No person shall park a vehicle, with or without occupants, other than a fire or police vehicle or an ambulance, on a public highway within one hundred (100) yards of a fire in which fire personnel are engaged.
- B. If a vehicle parks more than one hundred (100) yards from the fire and within one-quarter mile thereof, it shall park on the right-hand side of the highway and parallel to and within two (2) feet of the curb or edge of the highway.

## **2.7 EXCEPTIONS TO PARKING REGULATIONS FOR REGULAR WORSHIP SERVICES.**

- A. Notwithstanding any other provisions other Ordinances regarding parking bans, parking shall be allowed in the immediate area of places of worship one-half ( 1/2) hour before services until one-half ( 1/2) hour after services on Saturday or Sunday on all city streets except for on State Numbered Routes where parking is prohibited, on crosswalks, in the immediate area of fire hydrants, and on streets where parking is prohibited because the width of the street will not allow firefighting equipment to travel over the street if vehicles were parked on same.

**State law references:** Parking on paved or improved portions of ways, 29 M.R.S.A. § 1111; municipal authority to regulate the parking of motor vehicles, 30-A M.R.S.A. § 3009(1)(c).

## **2.8 SCHOOL FIRE LANES.**

- A. In the interest of providing proper safety services to school buildings within the city, the Fire Chief or designee, in conjunction with the Superintendent of Schools or designee, is hereby authorized to establish fire lanes at and around school buildings within the city; such fire lanes shall be clearly marked with signs indicating the existence of the fire lane and the prohibition against parking in same.
- B. Any vehicle found to be parked, standing or in any other way blocking any designated fire lane shall be in violation of this article and as such shall be subject to a fine of fifteen dollars (\$15.00) for each offense and, in addition, any vehicle in violation may be removed and impounded as provided for in section 2.11.

**2.9 PRESUMPTIVE EVIDENCE OF UNLAWFUL PARKING.**

- A. Whenever in this Ordinance it is provided that it shall be unlawful for a person to park a vehicle, the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered.

**2.10 WAIVER OF COURT ACTION; FEE SCHEDULE.**

- A. Any person charged with a violation of any parking ordinance may waive all court action by payment of the appropriate current fine for the particular parking violations to the Town Office within five (5) days of the offense. The schedule of fines for parking violations shall be set from time to time and a copy of such schedule is on file in the Town Clerk's office.

**State law references:** Municipal authority to waive court action upon payment to a fee, 30-A M.R.S.A. § 3009(A)(2).

**2.11 REMOVAL OF VEHICLES IN VIOLATION.**

- A. Any vehicle of any kind or description parked upon a public street of the Town of Fayette at a place, in a manner, or for a length of time prohibited by an ordinance of the city, or so as to impede the city's snow removal operations or traffic in the public street, is hereby declared to be an obstruction in such street and a menace to the safe and proper operation of traffic.
- B. Any vehicle parked in such a manner as described in this section may be removed by and under the direction of or at the request of the Road Commissioner or the public works foreman to a garage or storage place within the Town of Fayette and impounded therein.
- C. Notwithstanding any language contained herein, the removal and storage of a vehicle pursuant to this section, and the payment of the charges specified in this division, shall in no way relieve or prevent prosecution for the violation of any provisions of the ordinances of the town.

**State law references:** Similar provisions, 29 M.R.S.A. § 1111.

**2.12 PRIMA FACIE EVIDENCE OF OPERATION**

- A. No person shall cause, allow or permit a motor vehicle registered in his or her name to park in violation of this Ordinance. The fact that a motor vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person, or with the knowledge or consent of the person, in whose name such vehicle is registered.

## ARTICLE III TRAFFIC CONTROL

### 3.1 CROSSWALKS

- A. Vehicles shall stop for pedestrians in designated pedestrian crosswalks at the following locations:

[M1]

### 3.2 PASSING VEHICLE STOPPED AT A CROSSWALK

- A. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- B. A marked crosswalk is a crosswalk in the road from curb to curb marked with painted lines.

**State law references:** Similar provisions, 29 M.R.S.A. § 954.

### 3.3 FOLLOWING A FIRE APPARTATUS

- A. The driver of any motor vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet.

**State law references:** Similar provisions, 29 M.R.S.A. § 1033.

### 3.4 STOP REQUIRED AT STOP SIGN

- A. Except when directed to proceed by a police officer or traffic-control signal, every driver of a motor vehicle approaching a stop intersection indicated by a stop sign or flashing red light shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

### 3.5 SCHEDULE OF STOP SIGNS

- A. Stop signs shall be erected and maintained in accordance with the following schedule:[M2]

Asa Hutchinson Road  
Baldwin Hill Cut  
Baldwin Hill Road

Bamford Hill Road  
Bamford Pond Road  
Fayette Corner Road  
Campground Road  
Charles Ham Road  
Clyde Wells Road  
East Road Road  
Echo Lake Road  
Ellis Road Road  
Fayette Ridge Road  
Folsom Road  
Gail Road  
Gile Road  
Jackman Mill Road  
Jed Davis Road  
Knox Road  
Limberlost Road  
Lovejoy Pond Road  
Lovejoy Shores Road  
Maple Lane Road  
Moose Hill Road  
Morris Springer Road  
Mosher Pond Road AKA  
Chesterville Ridge Road)  
North Road  
Norton Road  
Oak Hill Road  
Palmer Road  
Philip Davis Road  
Richmond Mill Road  
Russell Road  
Sandy River Road  
South Road  
South Road Ext  
Bog Road  
Tom Surrey Road  
Watson Heights Road  
West Road

### 3.6.1 DUTY AT YIELD SIGN

- A. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for existing conditions, or shall stop if necessary and shall yield the right-of-way to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Such driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield to the vehicle so proceeding; provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or a vehicle in the

intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right-of-way.

### **3.7 SCHEDULE OF YIELD RIGHT OF WAY SIGNS**

- A. Yield right-of-way signs shall be erected in accordance with the following schedule:<sup>[M3]</sup>  
Jackman's Mill Road onto Route 17

### **3.8 CLOSING ROADS TO TRAVEL OF CERTAIN TRUCKS**

- A. No vehicles registered for a gross weight in excess of twenty-three thousand (23,000) pounds, except exempt vehicles as provided for below, shall be operated on the roads and streets of the city after a road or street has been closed to heavy vehicles during any period of time from November 14 to June 1. The Road Commissioner has the authority to determine which roads and streets shall be closed to heavy vehicles and when such closure shall be in effect.
- B. Notice of closing of a road or street to heavy vehicles shall be given by erecting at each end of the closed road or street a poster indicating the following:
- (1) The date of the posting;
  - (2) A description of the street or road closed;
  - (3) A summary of the vehicles exempt from the closing; and
  - (4) The name, business address and telephone number of the Director of Public Works for the city.
- C. The following vehicles are exempt from this section:
- (1) Any vehicle or combination of vehicles registered for a gross weight of twenty-three thousand (23,000) pounds or less.
  - (2) Any vehicle or combination of vehicles registered for a gross weight in excess of twenty-three thousand (23,000) pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle. It shall be a defense to alleged violation of this subsection if the combined actual weights of any vehicle or combination of vehicles is registered for a gross weight in excess of twenty-three thousand (23,000) pounds and its load is in fact less than twenty-three thousand (23,000) pounds.

- (3) Town of Fayette vehicles.
- (4) Vehicles operating under an exemption certificate issued by the Director of Public Works. The allowable axle weights shall be shown on the exemption certificate and will be calculated based upon the following schedule of reduced loads per inch tire width and manufacturer's rating:

- Two-axle truck--420 pounds per inch
- Three-axle truck--420 pounds per inch
- Four-axle truck--385 pounds per inch
- Five-axle truck--350 pounds per inch

The gross weight for any vehicle operating under an exemption certificate shall not exceed sixty thousand (60,000) pounds.

- D. When operating a vehicle under an exemption certificate carrying a partial load with a weight equal to or less than indicated on the exemption certificate, the vehicle operator shall have in the vehicle delivery slips or bills of lading documenting the entire amount or weight of the commodities being transported. The vehicle operator shall present the delivery slips, bills of lading and exemption certificate to any law enforcement officer upon request.
- E. Any vehicle operating under an exemption certificate shall proceed to the nearest operating public scale when directed by a law enforcement officer for weighing. Failure to proceed as directed shall be a violation of 29 M.R.S.A. § 1805 and this section.
- F. The Road Commissioner may revoke the exemption certificate for any vehicle found to be operating with axle or gross weights in excess of those shown on the exemption certificate.
- G. The Road Commissioner shall not issue exemption certificates to haul forest products, such as, but not limited to bark, bolts, logs, pulpwood, sawdust, and wood chips, and soils, such as, but not limited to sand, gravel, stone and loam. Exempt vehicles for the purpose of this Ordinance may include vehicles used to pick up or deliver agricultural products, vehicles necessary to delivering heating fuels to homes and businesses within the town of Fayette.

**3.9 RIGHT OF WAY AT CROSSWALKS; SUDDEN MOVEMENT PROHIBITED.**



- A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, 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.

**State law references:** Similar provisions, 29 M.R.S.A. § 954.

### **3.10 CROSSING ROADWAY AT OTHER THAN CROSSWALKS.**

- A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk shall yield the right-of-way to all vehicles upon the roadway, subject to traffic-control lights at an intersection so controlled.

**State law references:** Similar provisions, 29 M.R.S.A. § 954.

### **3.11 MANNER OF CROSSING ROADWAY.**

- A. No pedestrian shall cross a roadway by any other route than at right angles to the curb or by the shortest route to the opposite side.

### **4.0 ADVISORY SIGNS**

- A. The current location of all Advisory Signs shall be listed in this section; however, the placement or removal of Advisory Signs shall not be considered an amendment to this Ordinance and may be ordered by the Board of Selectmen without holding a public hearing.

- (1) ***Dead End***  
Asa Hutchinson, Bamford Pond, Ellis, Fayette Ridge, Folsom, Gail, Gile, Knox, Limberlost, Maple Lane, Morris Springer, Norton, Oak Hill, Palmer, Philip Davis
- (2) ***Hidden Driveway***  
Moose Hill, Richmond Mill, Lovejoy Pond Road.
- (3) ***Children at Play***  
East, Echo Lake, Ellis, Gail, Gile, Lovejoy Shores, North, Sandy River, South, Watson Heights Road.
- (4) ***Horse Crossing***  
Moose Hill, Richmond Mill, Bamford Hill

- (5) *Alpaca Crossing*  
Watson Heights
- (6) *Handicap Person in Area*  
North Road, Baldwin Hill
- (7) *STOP AHEAD*  
Jackman Mill, Mosher Pond, North, Bamford Hill,
- (8) *YIELD AHEAD*  
Jackman Mill.
- (9) *Speed Bump Caution*  
Echo Lake Road
- (10) *No Parking 10 Feet from Pavement*  
North Road  
Watson Heights Road  
Echo Lake Road

#### **4.9 PRIVATE ROADS**

- A. It is the responsibility of the owner of a private road to post traffic control signage where said road intersects with a town road. In the absence of signage, it is the implied responsibility of vehicles on the private road to stop before entering the public road.

#### **4.10 SPEED HUMPS**

- A. Physical obstructions used to control vehicle speed, commonly called “speed Humps,” speed tables,” etc., may not be constructed on any town street without the approval of the Board of Selectmen. The first time approval for the installation of a speed bump shall be considered an amendment to the Ordinance.
- B. Speed humps are authorized at the following roads:
  - (1) Echo Lake Road

Prepared by Selectman Joseph Young  
Presented by Town Manager, Mark Robinson on January 12, 2009  
Revised by Selectman Joseph Young 3/23/2009  
Revised by Selectman Mary Wright 4/20/2009  
Revised by Selectman Joseph Young 7/13/2009