

CHAPTER 13
TRAFFIC REGULATIONS

(Adopted effective March 10, 2004 and with amendments effective through July 13, 2016)

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Article I. In General.

Sec. 13-1-1. Definitions.

- a. The words "motor vehicle" means every vehicle that is self-propelled but does not include electric personal assistive mobility devices motorized wheelchairs or vehicles operated on rails.
- b. The word "park" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading.
- c. The word "standing" means any stopping of a vehicle, whether occupied or not.
- d. The words "street, way or road" means 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 purposes of traffic.
- e. The word "roadway" means that portion of a street, way or road, designated or ordinarily used for vehicular traffic.
- f. The word "person" means every natural person, firm, co-partnership, association or corporation.
- g. The words "all-terrain vehicle" means a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motorcycle or related two-wheel, three-wheel or belt driven vehicle; an amphibious machine; or other means of transportation deriving motion power from a source other than muscle or wind. For purposes of this ordinance, "all-terrain vehicle" does not include a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.
- h. The term "school complex" means the portion of Cape Elizabeth that includes (i) Cape Elizabeth High School, (ii) Cape Elizabeth Middle School, (iii) Pond Cove Elementary School, (iv) the Donald Richards Community Pool, (v) the roadways, except Jordan Way, extending from Scott Dyer Road and Ocean House Road leading to and around the schools, and (vi) the sidewalks, athletic fields, tennis courts, basketball courts, playgrounds, parking lots and other improved areas accessed from the roadways described in (v). The "school complex" does not include the Cape Elizabeth Community Center.
- i. The term "impound" means to tow a motor vehicle for storage on the premises of the towing company.

j. The term “immobilize” means to render a motor vehicle inoperable by affixing a device, commonly referred to as a boot.

13-1-2. Signs Required. No provision of this Ordinance 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. Whenever a particular section does not state that signs are required, such section shall be effective without signs being erected to give notice thereof.

Sec. 13-1-3. Unauthorized Signs, Signals or Markings. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device, which purports to be or is an imitation of or resembles an official traffic control device or sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic control device or any sign or signal, and no person shall place or maintain any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

Sec. 13-1-4. Penalty. Any person who violates any provision of this Chapter 13, with the exception of the parking provisions of Articles II, VI or VII, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars (\$100.00) to be recovered for the use of the Town for each such violation. The registered owner of a motor vehicle that is in violation of the parking provisions of Articles II, VI or VII of this Chapter shall be guilty of an infraction and shall be punished by a fine in an amount to be established by order of the town council as provided in Section 13-2-6 (a).

Article II. Parking Regulations.

Sec. 13-2-1. Prohibited Purposes. No person shall stand or park a vehicle upon any street, way or road for the principal purpose of:

- a. Displaying it for sale;
- b. Washing, greasing or repairing such vehicle except for repairs necessitated by an emergency; or
- c. Advertising.

Sec. 13-2-2. Prohibited Locations. No person shall stand or park a vehicle in any of the following places except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or other authorized person, or traffic control device:

- a. On a sidewalk;
- b. In front of a public or private driveway;
- c. Within an intersection;
- d. Within 10 feet of a fire hydrant;
- e. On a crosswalk;
- f. Within 20 feet of the near corner of the curbs at an intersection;
- g. Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
- h. Along or within any bikeway within a business zone or in any specially designated safety zone reserved by order of the Town Council for a specific purpose, including but not limited to, foot paths, jogging trails, and ways created for recreational use;
- i. Within 20 feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station;
- j. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
- k. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, or double parked, so-called;
- l. On the left side of any street, way or road so that it is facing oncoming traffic;
- m. At the terminus of extensions of T-type turnarounds and at the end of any dead-end street;
- n. Upon any bridge or other elevated structure upon a highway; or
- o. At any place designated from time to time by Order adopted by the Town Council and which regulations shall be effective from and after the erection of signs giving notice thereof and until revoked by further Order of the Town Council.

Sec. 13-2-3. No Parking at Any Time. There shall be no parking at any time:

- a. On the northerly side of Scott Dyer Road from Ocean House Road to Dearborn Drive;
- b. On the southerly side of Scott Dyer Road from the westerly entrance to the school buildings to its terminus at Ocean House Road; however, parking may be allowed in signed areas during any school construction project with the placement of signs authorized by the Chief of Police and the Fire Chief;
- c. On the easterly side of Shore Road, for a distance of 1600 feet southerly from its intersection with Lawson Road;
- d. On either side of paved way on Shore Road northerly from Route 77 to the northerly property line of 1226 Shore Road;
- e. On either side of Kettle Cove Road northerly from the Kettle Cove parking area to a point 150 feet northerly of the Kettle Cove Road/Fessenden Road intersection;
- f. on either side of Fessenden Road from its intersection with Kettle Cove Road northeasterly 600 feet toward Two Lights Road;

- g. On the easterly side of Ocean House Road between the driveway entrances on the northerly and southerly sides of the Town Hall;
- h. On either side of Two Lights Road easterly from its intersection with Dyer Lane, so-called, excepting within the Lobster Shack parking area;
- i. On either side of Two Lights Road between a point 500 feet easterly of the intersection of Two Lights Road and Tower Drive and a point some 600 feet easterly of the intersection of Beacon Lane (so-called) and Two Lights Road at the crest of the rise in Two Lights Road;
- j. On the southerly or non-beach side of Cottage Lane from Shore Road Surf Road;
- k. In a fire lane designated by the Fire Chief and the Police Chief and approved by the Town Manager;
- l. On either side of Woodland Road beginning at Mitchell Road and extending 390 feet in an easterly direction;
- m. On either side of Shore Road from the Chapel Road entrance of Fort Williams Park to Dyer Pond Road;
- n. On the southwesterly driveway connecting the Town Hall lot with Shore Road;
- o. On the westerly side of Preble Street, beginning at the intersection of Shore Road and extending 100' in a northerly direction; or
- p. On the southerly side of Gull Crest Drive. (The right hand side of Gull Crest Drive from Spurwink Ave until parking area)
- q. On the southeasterly side of Surf Road beginning at Shore Road and extending to Garden Circle and on either side of Surf Road 60 feet northerly of Keyes Lane to the terminus of Surf Road at Garden Circle.
- r. On the northerly side of Cottage Lane from Maiden Cove lane to Garden Circle.

Sec. 13-2-4. Limited Parking. Limited parking shall be as follows:

- a. During the months of May through November, no motor vehicle shall be parked on Crescent Beach, except that commercial fishermen may, in the pursuit of their calling, park there for the reasonably necessary purposes of loading and unloading.
- b. After sunset, each day until sunrise, no vehicle shall be parked on either side of Sea View Avenue from its intersection with Glen Avenue northeasterly to its terminus.
- c. There is no parking on any public road where emergency no parking signs have been placed after authorization of such sign placement by the Chief of Police with the approval of the Town Manager.
- d. From 9:00 a.m. to 6:00 p.m., from May 1 through October 1, no vehicle shall be parked on either side of Kettle Cove Road.

e. The parking spaces and areas available for parking at the Town Center Fire Station and the Cape Elizabeth Police Station may be used only in connection with business or activities in those buildings. The parking spaces and areas available for parking at the Thomas Memorial Library, during Library business hours or activities in the Library building, may be used only in connection with business or activities in the Library building. The town manager may also authorize the placement of signs at spaces at the Town Center Fire Station indicating that spaces are to be used only for emergency public safety purposes, and signs at the Cape Elizabeth Police Station indicating that spaces are to be used only for authorized vehicles

f. The parking area at Plaisted Park may be used only in connection with activities at Plaisted Park. The town council may authorize the collection of parking fees at Plaisted Park in conjunction with an approved special event at Fort Williams Park.

g. There shall be resident parking only on Maiden Cove Lane, Garden Circle, and Garden Lane. For purposes of this section only, "resident" is defined as persons occupying homes on Maiden Cove Lane, Garden Circle and Garden Lane.

h. A box truck, cargo van or tractor trailer may be parked overnight on any public road for not more than one night each year. Any such parking shall not be in violation of any other section of these parking regulations.

i. An equipment trailer, boat trailer or other hauling trailer may not be parked overnight on any public road for more than four consecutive days or for eight days in any calendar year. Any trailer parked on any public road at any time shall have a wooden block or similar device in place under the trailer tongue to avoid pavement damage.

Sec. 13-2-5. Snow Removal. No vehicle shall be parked at any time on any street, way or road within the Town between the hours of 1:00 am and 5:00 am from December 1 to April 1. In the event of inclement weather or a public safety emergency, the Chief of Police or his/her designee, may institute a parking ban upon any street, way, or road.

Sec. 13-2-6. Penalty.

a. A motor vehicle in violation of any provision of this Article II (Parking Regulations), the parking provisions of Article VI, (Fort Williams Park Regulations) or the parking provisions of Article VII (School Property Regulations) may be issued a ticket by a law enforcement officer. In addition, a motor vehicle in violation of any parking provision of Article VI (Fort Williams Park Regulations) may be issued a ticket by a municipal employee authorized to do so by the Chief of Police. The dollar amount of the fine to be paid in conjunction with a ticket issued for a parking violation shall be set by order of the

town council. If payment of a ticket is not received at the Public Safety Building within 30 days after the date of the issuance of the ticket, the fine shall double.

b. A registered owner of a motor vehicle that has been issued a ticket under this Ordinance for a parking violation may request that the issuance of the ticket be rescinded by appealing the issuance of the ticket. An appeal shall be made by delivering to the Cape Elizabeth Police Department, within seven business days of the issuance of the ticket, a written appeal on a form to be provided by the Police Department. Delivery of the appeal shall be accomplished by hand delivery to the Police Department or by deposit in the United States mail, postage prepaid, properly addressed to the Chief of Police and post marked within seven business days of the date of issuance of the ticket. The Chief of Police or his designee shall render a written decision granting or denying the appeal within ten business days of the submission of the appeal. Written notice of the decision shall be sent by regular mail to the registered owner of the motor vehicle. The failure of the Chief of Police or his designee to timely render a decision granting or denying the appeal shall be deemed a denial of the appeal.

c. If a motor vehicle has received two tickets in violation of parking provisions of this Ordinance , both of which tickets were issued after December 31, 2002 and which remain unpaid for more than thirty (30) days, and neither of which tickets is currently under appeal as permitted under paragraph b. of this Section, the Chief of Police may release the name of the registered owner of the vehicle to one or more local newspapers and / or the Town webmaster, for publication of notice that the motor vehicle may be immobilized and / or impounded if the vehicle is found to be in further violation of this Article II while the two tickets remain unpaid.

d. If a motor vehicle has two tickets in violation of parking provisions of this Ordinance , both of which tickets were issued after December 31, 2002 and which remain unpaid for more than thirty (30) days, and neither of which tickets is currently under appeal as permitted under paragraph b. of this Section, and the vehicle is found to be in further violation of this Ordinance, the motor vehicle may be immobilized or impounded. If the motor vehicle is immobilized or impounded, a reasonable attempt shall be made by telephone to contact the registered owner in order to make the owner aware of the immobilization or impoundment.

e. If a motor vehicle has been immobilized and remains at such location for twenty four hours the vehicle may be impounded.

f. Before an immobilized or impounded motor vehicle may be released from the immobilization or impoundment, all outstanding tickets must be paid, along with a \$50.00 “boot” disengagement fee, if applicable, and any applicable towing fee and storage fee. The registered owner shall have the right to appeal the ticket issued when the motor vehicle was immobilized or impounded. If the registered owner is successful in appealing the ticket, the owner shall not be entitled to either reimbursement of fees paid or waiver of fees otherwise due under this paragraph.

g. This Section shall not be construed to mean that a motor vehicle must be immobilized before it may be impounded.

Article III, Miscellaneous Traffic Regulations.

Sec. 13-3-1. Obstruction in Streets. Any vehicle of any kind or description parked upon a street, way or road at a place, in a manner, or for a length of time prohibited by an ordinance of the Town is hereby declared to be an obstruction in such street, way or road and a menace to the safe and proper regulation of traffic, and may be removed by the following procedure:

a. Authority to Remove. Any such vehicle may be removed by, or under the direction of, or at the request of the Chief of Police, or any police officer of the Town, to a garage or storage place within the limits of the Town, or outside the Town if none within are available, and impounded therein. Such police officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles, for such purposes.

Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this Ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provision of the Ordinance.

b. Notice to Owner. The Police Department shall make every effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways, or roads, and as soon as possible a written notice that such vehicle has been impounded shall be sent to the Chief of Police to the owner at his last known address as shown by the records of the Secretary of State. If the owner is unknown, the Chief of Police shall cause to be published, in any newspaper printed in the City of Portland, notice of such impounding, giving the registration number, the motor number, and the name, type and year of said vehicle.

c. Release of Vehicle. Before the owner of such vehicle, or his representative, may remove it from the possession of the person towing or storing it, he shall:

1. Furnish satisfactory evidence of his identity and of his ownership of said vehicle to the Chief of Police and to the person having possession of said vehicle;

2. Pay to the person having possession of said vehicle reasonable charges for the towing and storing of said vehicle; and

3. Sign a receipt for said vehicle.

d. Charges. The Chief of Police shall establish a schedule of charges for towing

and storage, subject to approval of the Town Council, and only those persons agreeing to such schedule shall be called to remove and store vehicles.

13-3-2 Emerging from Driveways. The driver of a vehicle emerging from a private driveway, automobile service station or building shall stop such vehicle immediately prior to driving across a sidewalk, or if none, upon entering the roadway, and shall yield the right-of-way to all vehicles approaching on said roadway.

Sec. 13-3-3. Following Traffic Directions. No person shall refuse, fail or neglect to follow the directions of a constable or police officer directing traffic on a street, way or road.

Sec. 13-3-4. Required Obedience. Except when otherwise directed by a police officer, or other authorized person, the driver of any vehicle and every pedestrian shall obey the instructions under the provisions of this Ordinance or State law, and every such person shall obey each and every provision of this Ordinance.

Sec. 13-3-5. Driving on Sidewalks Prohibited. No person shall operate any motor vehicle along, nor shall any motor vehicle in any way occupy or obstruct, any town sidewalk except for municipal vehicles and agents of the municipal government in conjunction with maintenance activities.

Sec. 13-3-6. Prima Facie Evidence of Operation. No person shall allow, permit or suffer any vehicle registered in his name to stand or park in any street, way or road in violation of any provisions of this Ordinance. The fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person whose name such vehicle is registered.

Sec. 13-3-7. True Name to be Given. It shall be unlawful for any person, when given a notice by any police officer or other authorized person, to appear for an offense against any provision of this Ordinance, to give other than his true name and true place of residence or address, upon the request of such police officer or other authorized person.

Sec. 13-3-8. All-Terrain Vehicles. No person shall operate an all-terrain vehicle within the Town of Cape Elizabeth upon public land, including park lands, owned or leased to the Town of Cape Elizabeth. This provision shall supplement and shall not in any manner limit the restrictions upon the use of all-terrain vehicles upon private property, or over public or private ways, as provided by 12 M.R.S.A., Sec. 7851, (1983) as may be amended. It shall also not prohibit the use of all terrain vehicles by the municipal government in conjunction with maintenance and/or public safety.

Sec. 13-3-9. Beach Access Restrictions. No person shall operate a motor vehicle on Crescent Beach except for the express purpose of launching a watercraft, for commercial fishing activities, for the commercial harvesting or rockweed or seaweed, or for public safety or authorized beach maintenance purposes.

Article IV. Littering Town Ways.

Sec. 13-4-1. Failing to Secure Litter. No person shall operate or cause to be operated upon any public way in Cape Elizabeth a vehicle carrying or hauling any without securing such material so as to prevent any portion of the same from falling upon the ground.

Sec. 13-4-2. Person Littering. No person shall purposely, accidentally or by reason of an accident drop or throw from his hand or a vehicle any material upon or beside any public way, without forthwith making all reasonable efforts to clear such way of the same.

Article V. Parades and Processions.

Sec. 13-5-1. Permits Required for Parades, Road Races, Processions, and Assemblages. No person, corporation, entity, or organization may hold, sponsor, or organize any parade, footrace, walk, or any competition of any kind, or any mass assemblage of any kind upon any public way, or in or upon any town owned parks, fields or lands without first obtaining approval by written permit from the chief officers of the Police and Fire Departments and the Director of Public Works, when applicable. Such permit may require further approval, depending on the event, from the Town Manager and/or Town Council; such permit shall be issued upon such conditions as the appropriate authority may prescribe. This section shall not apply to any school or municipally sponsored events, funeral processions, and military forces. Concerns of health, safety, and the general welfare will be the sole basis for determining the approval of said permit and any conditions attached thereto.

Article VI. Fort Williams Park Regulations.

Sec. 13-6-1. Traffic and Parking. The following regulations shall apply at all times to traffic circulation and parking within Fort Williams Park:

- a. No person shall stand or park a motor vehicle within Fort Williams Park except in a designated parking lot or marked parking space unless directed to a temporary parking area by an agent of the town. The town manager is authorized to designate and sign certain spaces as reserved for Portland Head Light volunteers and/or for municipal employees or lessees of the town.
- b. The sole access to and egress from Fort Williams Park for vehicles shall be through the gate at Shore Road opposite Plaisted Park except as provided for in Sec 13-6-1c.;
- c. All gated roads shall be closed to access by motor vehicles, except for travel by municipal vehicles and equipment and/or in connection with a special event when the gated areas are so signed by an authorized agent of the town. .

Sec. 13-6-2. Speed Limit. No vehicle shall travel at speeds in excess of fifteen (15) miles per hour within Fort Williams Park or through any of its entrances or exits.

Article VII. School Property Regulations.

Sec. 13-7-1. Speed Limits Within the School Complex. The maximum speed limit for all motor vehicles on all roadways within the school complex shall be 15 miles per hour.

Sec. 13-7-2. One-Way Traffic. Traffic flow shall be one-way as posted along the driveway extending from in front of the front door of Cape Elizabeth High School to the U-turn northerly of the community track and back to the high school access road. The Police Chief and Fire Chief are authorized to place additional one-way signs as may be advisable during any school construction project. These provisions shall not apply to Town snowplowing vehicles during snowplowing operations nor to mowers during mowing operations.

Sec. 13-7-3. Parking Restrictions. Within the school complex no motor vehicles may be parked:

- a. On any area that is grassed including ballfields, esplanades and lawns; or
- b. Along any driveways or access roads unless signs or pavement markings have been placed specifically permitting parking. Any such signs or pavement markings shall be authorized by the Chief of Police and the Fire Chief.

Sec. 13-7-4. Vehicle Travel Restriction. Within the school complex, registered motor vehicles except for those used for maintenance and public safety purposes are restricted to the roadways and parking lots. Vehicles are prohibited from utilizing Jordan Way for access to and egress from the school complex except for emergency vehicles or except in accordance with a traffic plan approved in writing by the town manager for the purpose of relieving traffic entering the school complex. Snowmobiles on the school complex shall be restricted to those areas immediately adjacent to the Spurwink Marsh. Unregistered motor vehicles are prohibited on the school complex.