

City Ordinances
Chap. 19-Art. 1
Sec. 101

CHAPTER #19- TRAFFIC CODE

ARTICLE 1. WORDS AND PHRASES DEFINED

SECTION 101. 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.

(a) Vehicle- Every device in upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Motor Vehicle-" Motor Vehicle" means a self-propelled vehicle not operated exclusively on tracks but does not include:

1. A snowmobile as defined in Title 12, M.R.S.A., § 7821
2. An all-terrain vehicle as defined in Title 12, M.R.S.A. § 7851, unless the all-terrain vehicle is registered for highway use or is operated on a way and § 2080 applies; and
3. A motorized wheelchair. (Title 29-A, M.R.S.A.)

(c) Authorized Emergency Vehicle - Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments as are designated or authorized by the Police Chief.

(d) Traffic - Pedestrians, ridden or herded animals, vehicles, buses, and other conveyances either singularly or together while using any street for purposes of travel.

(e) Driver - every person who drives or is in actual physical control of a vehicle.

(f) Pedestrian - Pedestrian means "A person on foot or an operator of a wheelchair, a 4-wheeled or 3-wheeled motorized wheelchair, or a battery driven 3 or 4 wheel scooter specifically designed as an aid to those with mobility restrictions." (#2)

(g) Police Officer-Every officer of the municipal police department authorized to direct or regulate traffic, or make arrests for violations of traffic regulations.

(h) Street or highway - The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(i) Roadway-That portion of a street improved, designed, or ordinarily used for vehicular travel.

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(j) Sidewalk - That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent lines intended for the use of pedestrians.

(k) Crosswalk -

(1) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks.

(2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(l) Official Traffic Control Devices - All signs, signals, markings, and devices not inconsistent with this ordinance placed for the purpose of regulating, warning or guiding traffic.

(m) THROUGH WAYS - Public ways designated by the State Highway Commission and/or the Municipal Officers on which vehicles shall have the right-of-way over all vehicles entering or crossing such ways, as stipulated in Title 29, M.R.S.A., § 948

(n) SNOWMOBILE - any vehicle propelled by mechanical power that is primarily designed to travel over ice or snow supported in part by skis, belts, or cleats (Title 12, M.R.S.A., § 7821)

(o) MINI-BIKE - any bicycle-style vehicle propelled by mechanical power that is primarily designed to travel over fields and on private property, but not designed or licensed for public road travel.

ARTICLE 2 TRAFFIC REGULATIONS

SECTION 201. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated as required in this ordinance. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers.

SECTION 202. No funeral, procession, or parade containing two hundred (200) or more persons or fifty (50) or more vehicles excepting the forces of the United States Army or Navy, the military forces of this state, and the forces of the police and fire

departments, shall occupy, march, or proceed along any street except in accordance with a permit issued as are set forth herein which may apply.

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SECTION 203. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and follow the vehicle ahead as close as practical and safe.

SECTION 204. Upon those public ways and parts of public ways designated as "Through ways" and described in Schedule 2, attached hereto and made a part hereof, vehicular traffic shall have the right of way. All vehicular traffic on public or private ways intersecting designated "Through ways" will stop before proceeding onto or across same. No such designation of a "Through way" shall become effective as to regulation of traffic at such a point of intersection until said commission or Municipal Officers shall have caused suitable stop signs to be erected at or near such point.

SECTION 205. RESIDENTIAL STREETS On those streets and portions of streets designated by the City Manager and approved by order of the City Council, no through traffic, including trucks in excess of 3½ tons gross weight and busses shall be allowed to pass over said streets at any time of the day or night. There shall be a sign posted at each end of the streets so designated, showing that the same is a residential street and that through heavy traffic is not allowed. This provision shall not apply to school buses or buses providing public transportation services on a regular schedule, City snowplowing trucks, ambulances and fire trucks.

ARTICLE 3 STOPPING, STANDING AND PARKING

SECTION 301. No vehicle shall stop with its left side to the curb, except on one-way streets.

SECTION 302. No vehicle shall remain backed up to the curb except when actually loading or unloading, and then for not more than fifteen (15) minutes at any one time; and in no event shall such vehicle block buses for a longer period than five (5) minutes at any one time.

SECTION 303. No vehicle shall stop in such a way as to obstruct any street or crossing for the purpose of taking on or setting down a passenger or for loading or unloading freight or for any other purpose, except in case of emergency, or when directed to do so by a police officer.

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SECTION 304. No vehicle shall stop, stand or park within the intersection of any street nor within twenty (20') feet of a street corner.

SECTION 305. No person having charge of a vehicle in a public street shall stop the same abreast of another vehicle lengthwise of the street, except in case of accident or emergency.

SECTION 306. No person having charge of a vehicle shall place the same in any public street so as to prevent or obstruct the passing of other vehicles for more than a reasonable time.

SECTION 307. No vehicle, unless in an emergency or to allow vehicles or pedestrians to pass, shall stop in any public way except close to the curb and within six (6) inches thereof.

SECTION 308. No person having charge of a vehicle in a public street shall refuse or neglect to stop the same as directed by a police officer, any of these rules to the contrary notwithstanding.

SECTION 309. When signs prohibiting parking are erected on narrow streets, no person shall park a vehicle in any such designated place.

SECTION 310. When signs are erected upon approach to hazardous or congested places, no person shall stop, stand or park a vehicle in any such designated place.

SECTION 311. When signs are erected, indicating no parking upon that side of the street adjacent to any school property, no person shall park a vehicle in any such designated place.

SECTION 312. No person shall stop, stand or park any vehicle upon a street, other than an alley, in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic sign or signals or a police officer.

SECTION 313. No person, corporation, other legal entity, shall park or cause to be parked, a vehicle other than a truck trailer, camper trailer, house trailer, other trailer, commercially licensed vehicle, farm licensed vehicle, or construction equipment on any

street for a period of time longer than thirty minutes between the hours of 11:00 P.M. and 7:00 A.M. on any day from November 1 to April 15. No person, corporation, other legal entity, shall park or cause to be parked, a truck trailer, camper trailer, house trailer, other trailer, commercially licensed vehicle, farm licensed

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vehicle, or construction equipment on any street for a period of time longer than thirty (30) minutes between the hours of 11:00 P.M. and 7:00 A.M. during each day of the year. The intent of this Section is to prohibit the parking of truck trailers, camper trailers, house trailers, other trailer, commercially licensed vehicle, farm licensed vehicle, or construction equipment on any street for a period of time longer than thirty (30) minutes between the hours of 11:00 P.M. and 7:00 A.M. during each day of the year and to prohibit other vehicles from parking on any street for more than thirty (30) minutes between 11:00 P.M. and 7:00 A.M. on any day from November 1 to April 15. Any police officer of the Brewer Police Department is hereby authorized to remove and tow away or have removed and towed away by any commercial towing service any vehicle, truck trailers, camper trailers, house trailers, other trailer, commercially licensed vehicle, farm licensed vehicle, or construction equipment so parked in violation of this section and to have said vehicle, truck trailers, camper trailers, house trailers, other trailer, commercially licensed vehicle, farm licensed vehicle, or construction equipment placed in a suitable place, all at the expense of the owner of such vehicle, truck trailer, camper trailer, house trailer or other trailer.

314.1 CONTINUOUS PARKING PROHIBITED. It shall be unlawful to park a vehicle on any public way, parking area or public land for a continuous period exceeding seventy-two (72) hours. Any officer of the Brewer Police

Department is hereby authorized to remove and tow away, or have removed and towed away by any commercial towing service, any vehicle parked in violation of this subsection, and to have said vehicle placed in a suitable place, all at the expense of the owner of such vehicle.

SECTION 315. PARKING LIMITED AND PROHIBITED. No person in charge of a vehicle shall leave same in any of the streets or highways or portions thereof named in the schedules hereinafter set forth after being requested by a police officer to move said vehicle, even though the time limit has not expired.

SCHEDULE A

No person in charge of a vehicle shall stand, park or leave the same longer than ninety (90) minutes during the hours of 7:00

A.M. and 7:00 P.M. except Sundays and holidays in the following named streets and highways or portions thereof:

GENERAL

In any public parking lot owned or leased by the City of Brewer in parking spaces set aside, by order of the City Council, from other parking spaces by a sign

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indicating that such spaces are restricted to ninety (90) minute parking.

CENTER STREET

- (1) On the easterly side of Center Street, directly in front of 185 Center Street, one (1) parallel parking space designated by a sign indicating that space is restricted to ninety (90) minute parking within painted lines.

NORTH MAIN STREET

- (1) On the northerly side of North Main Street beginning at a point 100' southwesterly from the westerly side of the intersection of Betton St and North Main Street, southwesterly to a point 55' northeasterly of the easterly side of the intersection of Union Street and North Main Street. #6

PENOBSCOT STREET

- (1) On the southerly side of Penobscot Street from the intersection of the easterly sideline of Center Street with the southerly sideline of Penobscot Street thence easterly along the southerly sideline of Penobscot Street for a distance of one hundred twenty (120') feet.

SOUTH MAIN STREET

- (1) On South Main Street between South Brewer Drive and DeRusha Lane.

SCHEDULE B

No person in charge of a vehicle shall stand, park or leave the same longer than one hundred twenty (120) minutes during the hours of 7:00 A.M. and 7:00 P.M. except Sundays and holidays in the following names streets and highways or portions thereof:

GENERAL

In any public parking lot owned or leased by the City of Brewer in parking spaces set aside, by order of the City Council from other parking spaces by a sign indicating that

such spaces are restricted to one hundred twenty (120) minute parking.

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SCHEDULE C

No person in charge of a vehicle shall stand, park or leave the same at any time in the following streets:

GENERAL

- (1) In any street or portion of street that the Police Chief has designated as no parking. The authority of the Police Chief in designating no parking areas is limited to times of emergencies and special occasions such as parades and festivals. When the Police Chief closes a street or a portion of a street to parking, said Police Chief, or his agent, shall notify the public of such closing by which clearly point out to the public that said street or portion of a street is closed to parking. The presence of a police officer or other City official or employee at the scene to verbally inform motorists of the parking prohibition shall be considered sufficient public notice of the prohibition. The Police Chief's authority to close streets or portions of streets to parking is limited to periods of time not to exceed seventy two (72) consecutive hours for any one street or portion of street.

- (2) In any public parking lot owned or leased by the City of Brewer in parking spaces set aside, by order of the City Council, from other parking spaces by signs marked with the title of officials or employees of the City of Brewer or marked with the title of an office or department of the City of Brewer. Any orders of the City Council setting aside such parking spaces shall specify the days of the week and the times during the day when parking shall be restricted. The City Clerk shall maintain a list of such designated parking spaces and shall make the list available for public inspection during City Hall office hours.

ACME ROAD

- (1) On the generally southerly side of Acme Road from the center of the intersection of Acme Road and Wilson Street, generally westerly for a distance of three hundred (300') feet.

AYERS COURT

- (1) On both sides of the street for its entirety.

BAKER BOULEVARD

- (1) On both sides of the street for its entirety.

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BETTON STREET

- (1) On either side of Betton Street between Penobscot Street and North Main Street except in the designated public parking areas outside the normal travel way.

BRIMMER STREET

- (1) On the easterly side of Brimmer Street from the intersection of the southerly sideline of Fling Street with the easterly sideline of Brimmer Street, thence southeasterly along the easterly sideline of Brimmer Street one hundred thirty (130') feet, more or less to the southerly line of Fling Street Park.
- (2) On the generally northerly and southerly sides of Brimmer Street from the generally easterly sideline of South Main Street, thence easterly for a distance of twenty (20') feet. And on the northerly and southerly side of Brimmer Street from a point twenty (20') feet from the generally easterly sideline of South Main Street to Fling Street from November 1st through April 15th with parking prohibited on the easterly side during even numbered days and on the southerly side during odd numbered days.

CALLAGHAN COURT

- (1) On both sides of the street for its entirety.

CENTER STREET

- (1) On the easterly side of Center Street from the center of the intersection of Center Street and Somerset Street, easterly for a distance of three hundred (300') feet.
- (2) On the easterly side of Center Street from the Maine Central Railroad tracks to the intersection of Somerset Street.
- (3) On the easterly side of Center Street beginning at a point one hundred twenty five (125') feet from the intersection of the easterly line of Center Street with the southerly line of North Main Street and extending southerly for a distance of seventy one (71') feet.

CENTRAL AVENUE

- (1) On both sides of the street for its entirety.

CHAMBERLAIN STREET

- (1) On the southerly side of Chamberlain Street between North Main Street and Washington Street during even numbered days of the

week. On the northerly side of Chamberlain Street between North Main Street and Washington Street during odd numbered days of the week.

CHAMBERS STREET

- (1) On both sides of the street for its entirety.

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CHURCH STREET

- (1) On the northwesterly portion of Church Street along the northerly side of said street for a distance of two hundred thirty five (235') feet northwesterly from the northwest curb of the North Main Street - Church Street intersection.
- (2) On the northwesterly portion of Church Street along the southerly side of said street for a distance of one hundred thirty five (135') feet northwesterly from the southwesterly curb of the North Main Street - Church Street intersection.
- (3) On the southeasterly portion of Church Street from No. Main Street to the terminus of Church Street.

CLISHAM ROAD

- (1) Along the westerly portion of Clisham Road, beginning at the intersection of the northerly side of Wilson Street and the westerly side of Clisham Road a distance of four hundred fifty (450') feet.

COFFIN AVENUE

- (1) On the generally Westerly side of Coffin Avenue.

COLONIAL CIRCLE

- (1) On the generally northerly side of Colonial Circle from the center of the intersection of Colonial Circle and Chamberlain Street, generally easterly for a distance of two hundred and sixty (260') feet.

COVE STREET

- (1) On both sides of the street for its entirety.

DARBY LANE

- (1) On both sides of the street for its entirety.

DERUSHA LANE

- (1) On both sides of the street for its entirety.

DIRIGO DRIVE

- (1) On both sides of the street for its entirety

DOYLE COURT

(1) On both sides of the street for its entirety.

EAST ROAD

(1) On the westerly side of East Road

ELMWOOD STREET

(1) On both sides of the street for its entirety.

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FIRST STREET

(1) On both sides of the street for its entirety.

FLING STREET

- (1) On the southerly side of Fling Street from the intersection of the easterly sideline of Brimmer Street with the southerly side of Fling Street, thence easterly along the southerly sideline of Fling Street, one hundred eighty six (186') feet, more or less, to the easterly line of the Fling Street Park.
- (2) On the generally northerly side Fling Street, beginning at the northeasterly intersection of Fling Street and Spring Street for a distance of 100' in an northeasterly direction.
- (3) Parking is permitted on the easterly side of Fling Street between the intersection of School Street to the intersection of Brimmer Street during even numbered days of the week. On the westerly side of Fling Street between the intersection of School Street to the intersection of Brimmer Street during odd numbered days of the week.

GARFIELD AVENUE

(1) On both sides of the street for its entirety

GETCHELL STREET

(1) On both sides of the street for its entirety.

GIBBONS COURT

(1) On both sides of the street for its entirety.

GOUPEE STREET

(1) On both sides of the street for its entirety.

GREENPOINT ROAD

(1) On both sides of Green Point Road between Wilson Street and the Interstate 395 overpass.

HARDY STREET

(1) On both sides of the street for its entirety

HARLOW STREET

- (1) On the generally easterly and westerly sides of Harlow Street from the intersection of North Main Street southerly for a distance of seventy-five (75) feet.

HARRIS STREET

- (1) On both sides of the street for its entirety.

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HIGH STREET

- (1) On both sides of the street for its entirety

HOWARD STREET

- (1) On both sides of the street for its entirety.

IVERS STREET

- (1) On the northerly side of Ivers Street

JORDAN STREET

- (1) On the southerly side of Jordan Street between Center Street and State Street.
- (2) On the northerly side of Jordan Street from the intersection of the northerly line of Jordan Street with the southerly line of State Street and extending westerly for a distance of sixty-six (66') feet.

KING'S COURT

- (1) On King's Court from the intersection of King's Court and South Main Street to First Street

MANN'S COURT

- (1) On both sides of the street for its entirety.

MIDDLE COURT

- (1) On both sides of the street for its entirety.

MULLEN WAY

- (1) On both sides of the street for its entirety

NORTH MAIN STREET

- (1) From Wilson Street northeasterly to Union Street on both sides of the road
- (2) On the westerly side of North Main Street between Riverview Terrace and Gilmore Street, a distance of five hundred (500') feet, more or less.
- (3) On the easterly side of North Main Street between Silk Street and the entrance to North Brewer Shopping Center, a

distance of about seven hundred fifty (750') feet, more or less.

- (4) On the either side of North Main Street from the center of the intersection of State Street and North Main Street to the center of the intersection of Chamberlain Street.
- (5) On either side of North Main Street from State Street to Betton/Parker Streets.
- (6) On the easterly side of North Main Street between Parker Street and Church Street. #6

NORTH ROAD

- (1) On the northerly side of North Road

OAK STREET

- (1) On the northeasterly side of Oak Street from South Main Street northerly for a distance of forty (40') feet.
- (2) On the southwesterly side of Oak Street from South Main Street northerly for a distance of two hundred twenty (220') feet.

PARKER STREET

- (1) On the northeasterly side of Parker Street from the Maine Central Railroad tracks to East Summer Street except where parking spaces have been provided by curbing on the northeasterly side of Parker Street. These areas are to be for residential parking only, no parking of trailers or commercial vehicles or for more than a continuous period of 24 (twenty-four) hours.
- (2) On the northeasterly and southwesterly sides of Parker Street from the Maine Central Railroad tracks to Somerset Street except that there shall be a fifteen (15) minute loading zone, Fifty (50') feet in length, adjacent to the entrance to the business at 93 Parker Street.
- (3) On the southwesterly side of Parker Street from Somerset Street to Wilson Street.
- (4) On both sides of Parker Street from East Summer Street to North Main Street. (#8)
- (5) On the northeasterly side of Parker Street from the intersection of Somerset Street, southerly for a distance of 100 feet.

PARKWAY SOUTH

- (1) On either side of Parkway south from the intersection of Parkway South and Wilson Street to the intersection with Robertson Boulevard.
- (2) On the Easterly and Westerly side of Parkway South between Grove Street and Robinhood Drive.

PATTEN COURT

- (1) On both sides of the street for its entirety.

PENDLETON STREET

- (1) On the generally westerly side of Pendleton Street from the corner of the intersection of Pendleton Street and So. Main Street for a distance of sixty two (62') feet.
- (2) On the Northerly and Southerly side of Pendleton Street between Parkway South and Sky View Avenue between the hours of 7:00 a.m. until 3:00 p.m. Monday through Friday while school is in session.

PENOBSCOT STREET

- (1) On Penobscot Street from the intersection of Church Street
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Northeasterly to the beginning of the 19-space municipal parking lot on both sides of the street.

- (2) On the north side of Penobscot Street between State Street and Betton Street.
- (3) On the south side of Penobscot Street between Center Street and Betton Street.

PIERCE ROAD

- (1) On the generally southerly side of Pierce Road from the center of the intersection of Pierce Road and Wilson Street, generally easterly for a distance of one thousand (1,000') feet.

PLEASANT STREET

- (1) On both sides of the street for its entirety.

RAYMOND STREET

- (1) On both sides of the street for its entirety.

RINFRET DRIVE

- (1) On both sides of the street for its entirety

ROONEY STREET

- (1) On both sides of the street for its entirety

ROOSEVELT AVENUE

- (1) On both sides of the street for its entirety

SCHOOL STREET

- (1) On the generally northerly side of School Street from the generally easterly sideline of So. Main Street, thence easterly for a distance of seventy five (75') feet.

SILK STREET

- (1) On the easterly side of Silk Street from the southeasterly

corner of the intersection of North Main Street and Silk Street, for a distance of one hundred ninety (190') feet in a southerly direction.

SOMERSET STREET

- (1) On the generally northwesterly side of Somerset Street from the generally northerly sideline of Parker Street, two hundred sixty four (264') feet northeasterly to the generally southerly sideline of Center Street.

SOUCIE LANE

- (1) On both sides of the street for its entirety

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SOUTH MAIN STREET

- (1) On the northerly side of South Main Street from the center of the intersection of North Main - South Main - Wilson Street, southwesterly for a distance of two hundred fifteen (215') feet.
- (2) On the southerly side of South Main Street from the center of the intersection of North Main - South Main - Wilson Street, southwesterly to Brimmer Street, except that parking will be permitted between 6:00 P.M. and 7:00 A.M. on weekdays and on Saturdays, Sundays and holidays from a point one hundred seventy five (175') feet from the center of the intersection of North Main - South Main - Wilson Street southwesterly to Brimmer Street.
- (3) On the generally northerly side of South Main Street, beginning at the centerline of Hardy Street and ending at a point two hundred (200') feet northeasterly of the centerline of Hardy Street and also from a point four hundred eighty (480') feet northeasterly from the centerline of Hardy street to a point six hundred and five (605') feet northeasterly of the centerline of Hardy Street. (#3)
- (4) On the westerly side of South Main Street from the intersection of South Main Street with the northerly side of the entrance road to the former Eastern Fine Paper Co., for a distance of forty (40') feet in a northerly direction.
- (5) On the westerly side of South Main Street from the intersection of Oak Street, southerly for a distance of forty (40') feet.
- (6) On the westerly side of South Main Street from the intersection of Oak Street, northerly for a distance of fifty three (53') feet.
- (7) On the generally westerly side of So. Main Street from the corner of So. Main Street, and Chambers Street intersection northerly for a distance of forty (40') feet.

- (8) On the easterly side of South Main Street from a point 133 feet from the southerly corner of the intersection of South Main Street and DeRusha Lane for a distance of 67 feet in a southerly direction. The intent of this section is to prohibit parking in front of the properties at 512 and 514 South Main Street.

SOUTH ROAD

- (1) On either side of the median strip on South Road

SPARKS AVENUE

- (1) On both sides of the street for its entirety

SPRING STREET

- (1) On the generally northerly side of Spring Street from the generally easterly sideline of So. Main Street, thence easterly for a distance of seventy five (75') feet.
- (2) On the generally northerly side of Spring Street, beginning two hundred fifty (250') feet generally westerly of the northwest corner of the Fling Street and Spring Street intersection and continuing generally northerly for a distance of one hundred sixty five (165') feet.

STATE STREET

- (1) On both sides of the street for its entirety

TIBBETTS STREET

- (1) On both sides of Tibbetts Street from the Maine Central Railroad right-of-way, southeasterly to the terminus of Tibbetts Street.

WASHINGTON STREET

- (1) On the northerly and southerly sides of Washington Street northeasterly for distances of eighty-three (83') feet and one hundred thirty-three (133') feet, respectively, from the center of the intersection of Washington Street, and State Street.
- (2) On the generally northerly and southerly sides of Washington Street from the generally easterly sideline of Chamberlain Street, thence easterly for a distance of one hundred eight (108') feet and on the generally northerly and southerly sides of Washington Street from the generally westerly sideline of Chamberlain Street, thence westerly for a distance of one hundred eight (108') feet.

WEST ROAD

- (1) On the easterly side of West Road

WILSON STREET

- (1) From the intersection of North and South Main Streets to the Joshua Chamberlain Bridge on both sides of the street.

- (2) On the westerly side of Wilson Street from the center of the intersection of North Main - South Main- Wilson Street southeasterly to Fling Street.
- (3) On the easterly side of Wilson Street from the Wilson Street - State Street intersection northerly to the southerly corner of the southerly entrance to the municipal auditorium lot.
- (4) On the easterly side of Wilson Street from Blake Street to Highland Avenue.
- (5) On the easterly and westerly sides of Wilson Street from the Maine Central Railroad tracks to Blake Street.
- (6) On the westerly side of Wilson Street from the northerly corner of the Wilson Street and Acme Road intersection generally northerly for a distance of One Hundred Twenty Six (126') feet.
- (7) On the easterly side of Wilson Street from the center of the intersection of North Main-South Main-Wilson Street to a point two hundred twenty-five (225') feet southeasterly from the center of the intersection of Summer Street and Wilson Street.

UNION STREET

- (1) On the easterly side of Union Street between North Main Street and East Summer Street.
- (2) On the westerly side of Union Street from North Main Street in a northerly direction to the terminus of Union Street.
- (3) On the easterly side of Union Street from North Main Street northerly for a distance of one hundred fifty six (156') feet, except for City Hall use only.

SCHEDULE D

No person in charge of a vehicle shall stand, park or leave the same longer than sixty (60) minutes during the hours of 8:00 A.M. and 6:00 P.M. except Sundays and holidays in the following named Streets and highways or portions thereof:

GENERAL

- (1) In any public parking lot owned or leased by the City of Brewer in parking spaces set aside, by order of the City Council, from other parking spaces by a sign indicating that such spaces are restricted to sixty (60) minute parking.

CENTER STREET

- (1) On both sides of Center Street between Penobscot Street and North Main Street.

CHURCH STREET

- (1) On the northwesterly side of Church Street beginning at a point one hundred thirty-five (135') feet from the intersection of the westerly line of Church Street with the northerly line

of North Main Street and extending northerly for a distance of forty-six (46') feet.

NORTH MAIN STREET

- (1) On the northerly side of North Main Street in the public parking lot adjacent to 222 North Main Street and 101-103 Center Street.

WASHINGTON STREET

- (1) On the southerly side of Washington Street from the intersection of Washington Street and State Street, westerly to a point ten (10') feet easterly of the fire hydrant installed on Washington Street in 1998. The intent of this amendment is to limit parking adjacent to the Washington Street side of the property shown on City Tax Map 30 as Lot 139.

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SCHEDULE E

- (1) No person in charge of a vehicle shall allow the vehicle to stand, be parked, or left between the hours of 1:00 A.M. and 6:00 A.M. in the following named streets, highways or places between November 1 and March 31 of each year.

CHURCH STREET

- (1) The lot on Church Street leased by the City from the First Congregational Church of the United Church of Christ and used for public off-street parking.

- (2) The City Hall parking lot on Church Street.

- (2) No person in charge of a vehicle shall allow the vehicle to stand, be parked or left in any of the following named streets, highways or places, between April 1 and October 31 for more than forty-eight (48) consecutive hours:

CHURCH STREET

- (1) The lot on Church Street leased by the City from the First Congregational Church of the United Church of Christ and used for public off-street parking.

- (2) The City Hall parking lot on Church Street.

- (3) Any vehicle left in violation of this schedule may be towed and stored at the owner's expense and/or the person in charge of the vehicle shall be subject to the penalties as provided in this Chapter.

SCHEDULE F

- (1) No person in charge of a vehicle shall allow the vehicle to stand, be parked or left in the following named streets, highways or places except vehicles bearing special registration plates or placards issued by the Maine Secretary of State or a similar plate or placard issued by another state or Canada, bearing the international symbol for accessibility.

GENERAL

- (1) In any public parking lot owned or leased by the City of Brewer in parking spaces set aside, by order of the City Council from other parking spaces by a sign indicating that such spaces are reserved for the vehicles of handicapped persons.
- (2) In any private off-street parking lot where parking spaces have been set aside for vehicles of handicapped

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persons and are so designated by sign and/or pavement markings indicated that such spaces are reserved for handicapped persons and the City has written authorization to enforce disability parking on private property from the property owner or the property owner's agent.

IVERS STREET

- (h) On the south side of Ivers Street, starting at a point ninety five (95') feet from the west side of South Main Street and ending at a point one hundred forty five (145') feet from the west side of South Main Street.

NORTH MAIN STREET

- (1) One parking space adjacent to the property at 98 North Main Street. #7

SOUTH MAIN STREET

- (1) Two parking spaces on the westerly side of South Main Street, adjacent to the Second Congregational Church, 607 South Main Street.
- (2) One parking space on South Main Street in front of 451 So. Main Street.
- (3) One parking space adjacent to the property at 513 South Main Street.

UNION STREET

- (1) One parking space on the north side of Union Street adjacent to the Brewer City Hall. Said space shall be the existing designated space closest to North Main Street.
- (2) Any vehicle left in violation of this schedule may be towed and stored at the owners expense and/or the person in charge of the vehicle shall be subject to a fine of two hundred (\$200.00) dollars upon a complaint filed with any court against such owner and/or person in charge. Any person accused of a violation of this Schedule may voluntarily waive his or her right to appear and defend before any court the charges made against him or her for such illegal parking by paying to the City the sum of one hundred(\$100.00) dollars within thirty (30) days following the date such alleged offense was committed.

SCHEDULE G

No person in charge of a vehicle shall allow the vehicle to stand, be parked, or left in the following named streets, highways or places longer than thirty (30) minutes during the hours of 8:00 A.M. and 6:00 P.M. except Sundays and Holidays:

GENERAL

- (1) In any public parking lot owned or leased by the City of Brewer in parking spaces set aside by order of the City Council, from other parking spaces by a sign indicating that such spaces are restricted to thirty (30) minute parking.

NORTH MAIN STREET

- (1) On the southerly side of North Main Street from Church Street westerly to Union Street

SCHEDULE H

No person in charge of a vehicle shall allow the vehicle to stand, be parked, or left in the following named streets, highways or spaces longer than then ten (10) minutes during the hours of 8:00 A.M. and 6:00 P.M. except Sundays and holidays.

GENERAL

- (1) In any public parking lot owned or leased by the City of Brewer in parking spaces set aside by order of the City Council, from other parking spaces by a sign indicating that such spaces are restricted to ten (10) minute parking.

SECTION 316. No person shall stop, stand or park a vehicle for

any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger zone or loading zone during hours when the regulations applicable to such passenger and loading zones are effective, and then only for a period not to exceed three (3) minutes.

SECTION 317. The driver of a bus or taxicab shall not stand or park upon any street in any business district at any place other than at a bus stop or taxicab stand respectively except that this provision shall not prevent the driver of any such vehicles from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

SECTION 318. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within six (6) inches of the edge of the roadway, except as provided in the following paragraphs:

- (a) Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs.
- (b) In places where and at hours when stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for transportation of merchandise or materials may back into the curb in accordance with the provisions of this ordinance.

SECTION 319. No person shall stand or park a vehicle upon any roadway for the principal purpose of:

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

SECTION 320. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places.

1. On a sidewalk
2. In front of a public or private driveway
3. Within an intersection
4. Within fifteen (15') feet of a fire hydrant
5. On a crosswalk, or within 20' of either side of a crosswalk.
6. On the roadway side of any vehicle stopped upon a highway or parked at the edge or curb of a street
7. Upon a bridge
8. At any place where official signs prohibit stopping.

9. At any place where a police officer prohibits stopping.
10. On the side of any street adjacent to a portion of said street marked with yellow paint to indicate that parking is prohibited in that location by this Ordinance.

SECTION 321. No person shall stop, park or leave any motor vehicle within five hundred(500') feet of any fire, unless so directed by a Police or Fire Department officer. This section shall not apply to fire, police or public emergency equipment.

SECTION 322. The ownership of an automobile parked in violation of any provision of this ordinance shall be prima facie evidence that it was so parked by the owner thereof.

SECTION 323. No person shall park or permit to stand a vehicle in any properly designed and marked fire lane or fire zone established in accordance with Article 3A of Chapter 9, Fire Prevention Code, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle for a period not to exceed five (5) minutes in length.

Section 323.1 Any motor vehicle found parked or standing in said fire lane or fire zone, may be towed upon the direction of the owner(s), occupants or their agent of the premises to which the fire land or fire zone serves. With the permission of the owner(s), occupant or their agent of the premises, fire personnel assigned by the Fire Chief or police officers may issue traffic citations.

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Section 323.2 Whoever violates any provision of this ordinance, prohibiting the parking or standing of a motor vehicle in a designated and marked fire lane or fire zone, shall be liable to a fine not to exceed fifty (\$50.00) dollars for the first offense and one hundred (\$100.00) dollars for each subsequent offense.

Section 323.2.1 Any person accused of a violation of any portion of this section prohibiting the parking or standing of a motor vehicle in a designated and marked fire lane or fire zone, may voluntarily waive his or her right to appear and defend before any court, the charges made against him or her, for such illegal parking, by paying to the City a waiver fee as follows:

1. Payment within thirty (30) calendar days from the time that the following violation was Committed:

Forty (\$40.00) dollars. Parking or standing in a designated and marked fire lane or fire zone longer than the period allowed, first violation.

2. Payment within thirty (30) calendar days from the time that the following violation was committed:

Forty (\$40.00) dollars. Parking or standing in a designated and marked fire lane or fire zone longer than the period allowed, second and subsequent offenses.

No waiver will be allowed after thirty-five (35) days from the time such alleged offense was committed and the owner of the vehicle involved in the alleged offense will be summoned to District Court.

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Sec. 401 - 503**

ARTICLE 4. SIGNALS OF VEHICLES, POLICE AND OTHER SIGNALS

SECTION 401. Every driver or operator of a vehicle in slowing up, or in stopping or in turning while in motion or in starting from a standstill, or in backing, shall signal to those behind either by hand or mechanical device, indicating the direction he is about to take.

SECTION 402. Driver of vehicles, when approaching any street corner where a police officer is stationed to direct traffic, shall signal to said officer either by hand or mechanical device, indicating the street or course he intends to take.

SECTION 403. Vehicles must stop so as not to interfere with or prevent the passage of pedestrians at crossings. At intersections of streets where police officers are stationed or where a guide signal device is placed or operated for the purpose

of directing traffic, pedestrians must stop when directed to do so by a police officer and drivers of vehicles must stop the same or go ahead as directed by the officer or as indicated by said guide sign or device.

SECTION 404. The City Manager is authorized and directed to erect, or cause to be erected, suitable stop signs on public ways intersecting "Through Ways" when so designated by the City Council and described in Schedule 2 of this Chapter. The City Manager is also authorized and directed to erect, or cause to be erected, suitable stop signs at "Stop Intersections" when so designated by the City Council and described in Schedule 3 of this Chapter.

ARTICLE 5 REQUIRED OBEDIENCE TO TRAFFIC REGULATIONS

SECTION 501. It is an infraction for any person to any act forbidden or fail to perform an act required in this ordinance.

SECTION 502. No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer.

SECTION 503. The provisions of this ordinance shall apply to the driver of any vehicle including those owned by or used in the service of the United States Government, this State, County or City and it shall be unlawful for any such driver to violate any of the provisions of this ordinance except as otherwise permitted in this ordinance or by State Statute.

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Sec. 504 - 506.S2**

SECTION 504. The provisions of this ordinance regulating the operation, parking and standing of vehicles shall apply to authorized emergency vehicles, as defined in this ordinance, except as follows:

- (a) A driver when operating any such vehicle in an emergency,
 - (1) Park or stand notwithstanding the provisions of this ordinance.
 - (2) Proceed past a stop signal or stop sign, but only after slowing down as may be necessary for safe operation.
 - (3) Exceed the prima facie speed limits so long as he does not endanger life or property.
 - (4) Disregard regulations governing direction of movement or turning in specified directions so long as he does not endanger life or property.

(b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his reckless disregard of the safety of others.

SECTION 505. The speed limits within the City of Brewer are subject to the direction of the Commissioner of Transportation in accordance with Title 29-A, M.R.S.A, Section 2073. (#2)

SECTION 506. PENALTY FOR VIOLATION Whoever violates any of the provisions of the foregoing ordinance, rules and regulations, shall be punished by a fine not exceeding fifty (\$50.00) dollars for each offense.

SCHEDULE 1

One (1) way streets shall be designated and traveled as follows:

- (1) Howard Street from Center Street to Parker Street in a direction toward Center Street.
- (2) Any location deemed necessary by the City Manager and the Police Chief.
- (3) Penobscot Street from Church Street to 200' before the beginning of Betton Street in a Northeasterly direction . Two way directional traffic begins at the municipal parking area.
- (4) Cove Street, with vehicles only allowed to enter Cove Street from the South Main Street entrance closest to Elm Street and only allowed to exit Cove Street where it intersects with South Main Street closest to Stone Street.
- (5) Center Street between Penobscot and North Main Street with Traffic allowed only in the direction from Penobscot Street Toward North Main Street.

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Chap. 19-Art. 5
Sec. 506.S2 - 506.S3**

SCHEDULE 2

The following public ways and parts of public ways have been designated as "through ways" by the City Council:

- (1) South Main Street from the Orrington Town line to Wilson St.
- (2) North Main Street from the Eddington Town line to Wilson St.
- (3) Wilson Street from the Penobscot River to Holden Town Line.
- (4) State St. from the Penobscot River to Wilson St.
- (5) Parkway North from North Main Street to Eastern Avenue.
- (6) Eastern Ave. from State St. to Holden Town Line.
- (7) Washington St. from State St. to Parkway North.
- (8) Parker St. from North Main St. to Wilson St.

- (9) Parkway South from Wilson St. to South Brewer Drive.
- (10) South Brewer Drive from South Main Street to Elm Street.
- (11) Grove St. from South Main St to Parkway South.
- (12) Pierce Road.
- (13) Penobscot Street from State Street to Betton Street.
- (14) Center Street from Penobscot Street to North Main Street.
- (15) Elm Street from South Main St. to Wiswell Road.
- (16) Wiswell Road from Elm Street to Holden Town Line.
- (17) Mill Street.

SCHEDULE 3

The following intersections of public ways have been designated as "stop intersections" by the City Council:

- (1) the intersection of Lincoln St. and Madison Ave., with vehicular traffic stopping on Madison Ave.
- (2) the intersection of Silk St. and Lincoln St., with vehicular traffic stopping on Lincoln St.
- (3) the intersection of Somerset St. and Center St., with vehicular traffic stopping on Center St.
- (4) the intersection of Union St. and E. Summer St., with vehicular traffic stopping on E. Summer St.
- (5) the intersection of Union St. and Summer St., with vehicular traffic stopping on Summer St.
- (6) the intersection of Fling St. and Brimmer St., with vehicular traffic stopping on Brimmer St.
- (7) the intersection of Betton St. and Penobscot St., with northerly-bound traffic stopping on Betton St.
- (8) the intersection of Fling St. and Brimmer St., with vehicular traffic stopping on Fling St.
- (9) the intersection of Madison Ave. and Silk St., with vehicular traffic stopping on Madison Ave.
- (10) the intersection of Clover Lane and Hillcrest Drive, with vehicular traffic stopping on Hillcrest Drive.

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- (11) the intersection of Broadlawn Drive and Washington St., with vehicular traffic stopping on Broadlawn Drive.
- (12) the intersection of Tremont St., Beacon St, and Chamberlain St., with vehicular traffic stopping on Tremont St., Beacon St., & Chamberlain St.
- (13) the intersection of Lincoln St. and Capri St., with vehicular traffic stopping on Lincoln St.
- (14) the intersection of Capri St. and Washington St., with vehicular traffic stopping on Capri St.
- (15) the intersection of Elmwood St. and Grove St., with

- vehicular traffic stopping on Elmwood St.
- (16) At the intersection of Mill Street and Elm Street with vehicular traffic stopping on Mill Street.
 - (17) the intersection of Clover Lane and Broadlawn Drive with vehicular traffic stopping on Clover Lane.
 - (18) the intersection of Rotherdale Road and Friar Tuck Lane with vehicular traffic stopping on Rotherdale Road.
 - (19) the intersection of Day Road and Lambert Road, with vehicular traffic stopping on Day Road.
 - (20) the intersection of Chamberlain Street and Wilson Street with vehicular traffic stopping on Chamberlain Street and with such vehicular traffic being restricted to a right hand turn only upon entering Wilson Street from Chamberlain Street
 - (21) the intersection of Vista Way and Wilson Street with vehicular traffic stopping on Vista Way.
 - (22) the intersection of Penobscot Street and Betton Street with vehicular traffic stopping on Penobscot Street.
 - (23) the intersection of Parker Street and East Summer Street with vehicular traffic stopping on both Parker Street and East Summer Street.
 - (24) the two intersections of Park Avenue West with Grove Street with vehicular traffic stopping on Park Avenue West.
 - (25) the intersection of Jordan Street and Center Street with vehicular traffic stopping on Jordan Street.
 - (26) the intersection of Washington Street and Center Street with vehicular traffic stopping on Washington Street.
 - (27) the intersection of Cedar Street and Center Street with vehicular traffic stopping on Cedar Street.
 - (28) the intersection of South Brewer Drive-Elm Street-Parkway South with vehicular traffic stopping on South Brewer Drive, Elm Street, and Parkway South.

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- (29) the intersection of Edgewood Drive and Lorraine Avenue with vehicles traveling on Edgewood Drive stopping at Lorraine Avenue.
- (30) the intersection of Lorraine Avenue and Birchwood Boulevard with vehicles traveling on Lorraine Avenue stopping at Birchwood Boulevard.
- (31) the intersection of Nottingham Way and Robin Hood Drive with vehicles traveling on Nottingham Way stopping at Robin Hood Drive.
- (32) The intersection of Atlantic Avenue and Acme Road with

- southeasterly bound traffic on Atlantic Avenue stopping at Acme Road.
- (33) the intersection of Winter Street and Maple Street with vehicular traffic stopping on Winter Street.
 - (34) the intersection of Getchell Street and Winter Street with vehicular traffic stopping on Getchell Street.
 - (35) the intersection of Winter Street and Burr Street with vehicular traffic stopping on Winter Street.
 - (36) the intersection of School Street and Fling Street with vehicular traffic stopping on School Street.
 - (37) the intersection of Friar Tuck Lane and Summit Road with vehicles traveling on Friar Tuck Lane stopping at Summit Road.
 - (38) the intersection of Summit Road and Lorraine Avenue with vehicles traveling on Summit Road stopping at Lorraine Avenue.
 - (39) the intersection of Birchwood Boulevard and Edgewood Drive with vehicles traveling on Birchwood Boulevard stopping at Edgewood Drive.
 - (40) the intersection of Short Street and Country Way with vehicles traveling on Short Street stopping at Country Way.
 - (41) the intersection of Oak Grove Drive and Hillcrest with vehicles traveling on Oak Grove Drive stopping at Hillcrest Drive.
 - (42) the intersection of Russett Street and Hillcrest Drive with vehicles traveling on Russett Street stopping at Hillcrest Drive.
 - (43) the intersection of Deer Park Drive and Russett Street with vehicles traveling in Deer Park Drive stopping at Russett Street.
 - (44) the intersection of Lyford Drive and Rinfret Drive with vehicles traveling on Lyford Drive stopping at Rinfret Drive.
 - (45) the intersection of Oak Grove Drive and Daisy Lane vehicles traveling northwesterly and southeasterly on Oak Grove Drive stopping at Daisy Lane and vehicles traveling southwesterly on Daisy Lane stopping at Oak Grove Drive.

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- (46) the intersection of Oak Grove Drive and Clover Lane with vehicles traveling easterly on Clover Lane stopping at Oak Grove Drive.
- (47) the intersection of Clover Lane and Daisy Lane with vehicles traveling westerly on Daisy Lane stopping at Clover Lane.
- (48) the intersection of Cross Street and Skyview Avenue,

- with vehicular traffic stopping on Cross Street.
- (49) the intersection of Capri Street and Lincoln Street, with vehicular traffic stopping on Capri Street and Lincoln Street.
 - (50) the intersection of Canterbury Road and Friar Tuck Lane with vehicles stopping on Canterbury Road.
 - (51) the intersection of Tardiff Lane and Elm St. with vehicular traffic stopping on Tardiff Lane.
 - (52) Deer Park Drive at its intersection with Russett Street, with traffic stopping on Deer Park Drive.
 - (53) Deer Park Drive at its intersection with Oak Grove Drive, with traffic stopping on Deer Park Drive.
 - (54) Green Point Road at its intersection with Wiswell Road With traffic stopping on Green Point Road.
 - (55) The intersection of Bowdoin Drive and Gettysburg Avenue, With the vehicular traffic stopping on Bowdoin Drive.
 - (56) The intersection of Appomattox Road and Bowdoin Drive, With the vehicular traffic stopping on Appoxmattox Road.
 - (57) The intersection of Little Round Top Drive and Gettysburg Avenue, with the vehicular traffic stopping on Little Round Top Drive.
 - (58) The intersection of Silk Street and Crescent Street, with the vehicular traffic stopping on Crescent Street.
 - (59) The southernmost intersection of Longmeadow Drive and Washington Street, with the vehicular traffic stopping on Longmeadow Drive.

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Sec. 506.S4-506.1

SCHEDULE 4

The following intersections of public ways have been designated as "yield intersections" by the City Council:

- (1) the intersection of Alan-A-Dale Road and Maid Marion Lane with vehicles traveling Alan-A-Dale yielding to right-of-way to vehicles traveling on Maid Marion Lane.
- (2) the intersection of Maid Marion Lane and Robin hood Drive with vehicles traveling on Maid Marion Lane yielding to right-of way to vehicles traveling on Robin Hood Drive.
- (3) the intersection of Locksley Lane and Canterbury Road with vehicles traveling on Locksley Lane yielding the right-of way to vehicles traveling on Canterbury Road.
- (4) the westerly intersection of Starlight Drive and Sunset Strip with vehicles traveling on Starlight Drive yielding the right-of-way to vehicles traveling on Sunset Strip.
- (5) the intersection of Genie Drive and Silk Street with vehicles on Genie Drive yielding the right-of-way to vehicles traveling on Silk Street.
- (6) the intersection of Upland Road and Tremont Street with vehicular traffic on Upland Road yielding the right-of-way to traffic in Tremont Street.
- (7) the easterly intersection of Starlight Drive and Sunset Strip with vehicles traveling on Sunset Strip yielding the right-of-way to vehicles traveling on Starlight Drive.

SECTION 506.1 Any person accused of a violation of any portion of this ordinance prohibiting parking a vehicle in a designated area, may voluntarily waive his or her right to appear and defend before any court, the charge made against him or her, for such illegal parking by paying to the City a waiver fee as follows:

1. Payment within thirty (30) days of the time that the following alleged violations were committed - forty (\$40.00)dollars
 - a. Occupying two (2) parking places
 - b. Parking or standing longer than the time permitted.
2. Payment with thirty (30) days of the time that the following alleged violations were committed - forty (\$40.00) dollars
 - a. Parking in "no parking" area
 - b. Other parking violations not specified in this section
3. Payment within thirty (30) days of the time that the following alleged violation were committed - forty (\$40.00)dollars
 - a. Double Parking
 - b. Parking in hazardous area (fire hydrant, crosswalk, sidewalk).

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c. Blocking snow removal.

No waiver will be allowed after thirty-five (35) days from the time such alleged offense was committed and the owner of the vehicle involved in the alleged offense will be summoned to the District Court.

ARTICLE 6. VEHICLE NOISE

SECTION 601. LEGISLATIVE FINDINGS: DECLARATION OF POLICY. The Brewer City Council finds that excessive vehicle noise, as defined in this Article, is detrimental to the health, welfare, safety and quality of life of Brewer's citizens. It is the policy of the City of Brewer to prohibit unnecessary, excessive and annoying vehicle noise within the City of Brewer.

SECTION 602. DEFINITIONS. Terminology used in this Article shall have the following meanings. When not defined below, terminology used in this Article shall be defined in conformance with the USA Standard Acoustical Terminology American National Standard Institute Document. §1.1-1960 (R.1971).

SECTION 602.1 AMBIENT NOISE LEVEL. "Ambient noise level" means an existing level of all-encompassing noise associated with a given environment, usually a composite of sounds from many sources near and far, without inclusion of intruding noises from isolated identifiable sources.

SECTION 602.2 A-WEIGHTED SOUND LEVEL. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighted network. The level so read is designated db(A) or dBA.

SECTION 602.3 CODE ENFORCEMENT OFFICER. "Code Enforcement Officer" means the City of Brewer's Code Enforcement Officer or his designee.

SECTION 602.4 DECIBEL (dB). "Decibel (dB)" means a unit for measuring the volume of a sound equal to twenty times the logarithm to the base ten of the ratio of the pressure of the sound measured to the reference pressure, which is (20) twenty micro-pascals.

SECTION 602.5 EQUIVALENT A-WEIGHTED SOUND LEVEL (LEG). "Equivalent A-weighted sound level (LEG)" means the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound for a given period of time. For the purpose of this Article, the "given period of time" is any continuous eight (8) hour period.

SECTION 602.6 GROSS VEHICLE WEIGHT RATING (GVWR). "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle shall be used.

SECTION 602.7 MOTOR VEHICLE. "Motor Vehicle" means any and all self-propelled vehicles, on or off road, subject to identification under Maine's Motor Vehicle Code.

SECTION 602.8 PERSON. "Person" means any individual, association, partnership, or corporation and includes any officer, employee, department, agency or entity, public or private.

SECTION 602.9 POWERED MOTOR VEHICLE. "Powered motor vehicle" means any self-propelled airborne, waterborne, or land-borne plane, vessel, or vehicle, which is not designed to carry persons, including but not limited to any model airplane, boat, car or rocket.

SECTION 602.10 SOUND LEVEL METER. "Sound level meter" means an instrument, including a microphone, an amplifier, an output meter and frequency weighing networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for Type S2 or S2A meters in American National Standards Institute specifications for sound level meters, S1.4-1971, or the most recent revision thereof.

SECTION 602.11 SOUND TRUCK. "Sound truck" means any motor vehicle, or other vehicle, regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

SECTION 602.12 VEHICLE. "Vehicle" as used in this Article means any vehicle regardless of motive power, and whether or not subject to identification under Maine's Motor Vehicle Code, including aircraft, trains or other railroad vehicles, off-road vehicles, powered motor vehicles, sound trucks, boats, vessels and ships.

SECTION 603 PROHIBITED ACTS. No persons shall unreasonably make, continue or cause to be made or continued any noise disturbance or excessive vehicle noise within the limits of the City of Brewer. Noise which exceeds the maximum noise level limit provided in Section 4 below shall be deemed unreasonable under this Article, except as provided in Section 5 below.

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Chap. 19-Art. 6
Sec. 604 - 604.2

SECTION 604 VEHICLE NOISE.

SECTION 604.1 Except as provided in Section 705 below, it shall be a violation of this Article for any person to operate or cause to be operated on any public street or highway, or upon any lake, pond, public easement or off-road area, any motor vehicle generating noise in excess of the following maximum levels:

| <u>Vehicle Type</u> | <u>A-Weighted Sound Level (dab)</u> |
|--|-------------------------------------|
| Semi, truck, bus (GVWR over 3 1/2 tons) | 85 |
| Passenger automobile; motorcycle; motor home; camper (GVWR under 3 1/2 tons) | 82 |
| Airmobile § 7801(24) | 78 see 12 M.R.S.A. |
| Snowmobile Manufactured before Feb. 2, 1975 | 82 |
| Manufactured after Feb. 1, 1975 § 7827(14) | 78 see 12 M.R.S.A. |
| All-terrain vehicle (ATV) §7857(15) | 82 see 12 M.R.S.A. |
| Sound truck; powered motor vehicle | 75 |
| Motorboat (under 5 tons burden) | 78 |
| Commercial charter, fishing, tanker, freighter or lobster boat (over 5 tons burden) | 82 |

Where the ambient noise from other than identifiable sound sources is determined to be higher than the maximums listed above, the maximum permissible noise level shall be five (5) decibels higher than the ambient noise level.

SECTION 604.2 Measurements of noise generated by a vehicle shall be taken with a sound level meter at a distance of fifty (50) feet from the vehicle engine or motor or, in the case of vehicles operating on a public street or highway, at a distance of fifty (50) feet from the center line of travel. If taken at a different distance, measurements shall be corrected as follows:

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| <u>Distance (feet)</u> | <u>Correction (dBA)</u> |
|-------------------------|-------------------------|
| 25 | -6 |
| 28 | -5 |
| 32 | -4 |
| 35 | -3 |
| 40 | -2 |
| 45 | -1 |
| 50 (preferred distance) | 0 |
| 56 | +1 |
| 63 | +2 |
| 70 | +3 |
| 80 | +4 |
| 90 | +5 |
| 100 | +6 |

SECTION 605 EXCEPTIONS. The maximum noise level limits provided in Section 4 above do not apply to the following:

SECTION 605.1 Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of an air traffic controller or being operated in response to any federal, state or local emergency including civil air patrol search and rescue operations.

SECTION 605.2 Any police, fire or emergency rescue vehicle, including privately-owned vehicles of volunteer fire or rescue squads, when in pursuit or responding to a fire or emergency call.

SECTION 605.3 Any train or other railroad vehicle operating in interstate commerce in conformity with noise regulations promulgated by the Administrator of the U.S. Department of Environmental Protection and the Secretary of Transportation under 42 USC §4916, providing that the maximum noise limits prescribed in this Article shall apply to such railroad vehicles until such regulations have been promulgated; and prohibit municipal regulation of railroad-generated environmental noise necessitated by special local conditions as approved by the Administrator of the U.S. Environmental Protection Agency in accordance with 42 USC §4916(2).

SECTION 605.4 Public road construction projects, including reconstruction, grading and bridge projects.

SECTION 605.5 Ambient traffic noise generated by vehicles traveling on Federal Interstate Highways.

SECTION 605.6 Farming operations conducted in conformity with generally accepted agricultural practices as defined under Title 17, M.R.S.A., § 2805(2), as amended.

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SECTION 605.7 Vehicles operating solely on land owned or leased by the owner of the vehicle concerned, or with landowner permission; provided that noise generated by operation of the vehicle as measured at the property boundary does not exceed the unadjusted sound levels specified in Section 604.1 above.

SECTION 606 ENFORCEMENT: PENALTIES.

SECTION 606.1 Upon receipt of a citizen complaint or request to investigate, or upon personal observation of an apparent violation, the City's Code Enforcement Officer or other law enforcement officer equipped with an approved sound level meter may investigate the complaint. The officer's investigation may include roadside measurements of noise levels generated by the vehicle concerned as provided in Section 604.2 above. For this purpose, a city police officer who personally observes an apparent violation of this ordinance or who has probable cause to believe that a violation has occurred may require the operator of the vehicle to pull the vehicle over to curbside so as to permit the officer to investigate and take a noise measurement as provided in Section 604.2 above.

When a vehicle is stopped in this manner, noise measurements by the police officer shall be taken at engine speeds within the normal operating range for that vehicle. The officer shall record the results of all such measurements. A vehicle which has been stopped for an apparent violation of this ordinance which, upon measurement by the officer, generates noise in excess of the levels provided in Section 604.1 above shall not be operated further, but shall be towed, at the operator's expense, to a location specified by the operator. If the operator declines to pay a towing charge, the vehicle shall be towed to the city impound lot, to be released to the operator or owner upon payment of the city's towing charge. Upon release, such vehicle shall be required to be towed to a location specified by the operator or owner.

SECTION 606.2 Upon completion of the investigation, if a violation of this Article appears to have occurred, the Code Enforcement Officer or law enforcement officer may serve, or cause to be served upon the offender a summons and complaint alleging the violation and

giving notice of a hearing date. Thereafter, the matter shall be referred for prosecution in accordance with Subsection 606.3. In lieu of a summons and complaint, the officer may issue a citation to the vehicle operator stating the date, time and place of the apparent violation, as measured by the officer, and the amount of the applicable fine or waiver fee. The citation shall inform the vehicle operator of his or her right to contest the citation, or to waive court appearance, and shall provide a means for the vehicle operator to make that election. All such citations shall be

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processed in the same manner as citations for parking violations under Chapter 19 of the Brewer Code of Ordinances.

SECTION 606.3 Violations of this Article shall be punishable in the District Court as civil violations under Title 4, M.R.S.A., §152. Civil Penalties assessed for such violations shall accrue to the City of Brewer. Notwithstanding the provision of any other law or ordinance, the minimum penalty for a violation of this Article shall be one hundred (\$100.00) dollars for the first violation and two hundred and fifty (\$250.00) dollars for the second and each subsequent violation. Each occurrence of a violation after the date of an initial citation shall be deemed a separate offense.

**ARTICLE 7 - PROHIBITION AGAINST USING ENGINE COMPRESSION BRAKE,
DYNAMIC BRAKE, ENGINE RETARDER, WITHIN THE LIMITS OF THE CITY OF
BREWER.**

Section 701 - Authority to Adopt - This Ordinance is adopted pursuant to the Constitution of the State of Maine and Title 30-A M.R.S.A. § 3001, et seq.

Section 702 - Purpose - The purpose of this Ordinance is to prohibit excess noise created when vehicles traveling within the limits of the City of Brewer use dynamic brakes, engine compression brakes, or engine retarders to slow a vehicle down to protect the general health and welfare of residents of the City of Brewer.

Section 703 - Prohibition - No person shall operate or use a dynamic brake, engine compression brake, or engine retarder on any vehicle within the City of Brewer.

Section 704 - Penalty - any person violating this Ordinance shall be subject to the following penalties:

- (a) A penalty of One Hundred Dollars (\$100.00) for the first violation;

- (b) a penalty of Two Hundred Fifty Dollars (\$250.00) for the second violation;
- (c) a penalty of Five Hundred Dollars (\$500.00) for the third and subsequent violations of this ordinance.

SECTION 704.1 - WAIVER. Any person accused of a violation of any portion of this section may voluntarily waive his or her right to appeal and defend before any court the charges against him or her, for such violation, by paying to the City a waiver fee as follows:

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Payment within thirty (30) calendar days from the date that the violation was committed: one hundred (\$100.00) dollars for a first offense;

Payment within thirty (30) calendar days from the date that the violation was committed: two hundred fifty (\$250.00) dollars for a second offense;

Payment within thirty (30) calendar days from the date that a third or subsequent violation was committed: five hundred (\$500.00) dollars.

No waiver will be allowed after thirty-five (35) days from the date such alleged violation or violations was or were committed and the operator or operators of the vehicle or vehicles involved in the alleged offense or offenses will be summonsed to District Court.

Section 705 - Attorney Fees and Costs - In the event a person is found to have violated this Ordinance, the City of Brewer shall be entitled to recover from said person its reasonable attorney fees and costs to prosecute any violation hereof.

Section 706 - Prosecution - All violation of this Ordinance will be prosecuted by any duly appointed officer of the City of Brewer Police Department.

Section 707 - Exception - This Ordinance shall not apply to the operation of any vehicle owned by a governmental or quasi-governmental entity.

END OF CHAPTER NOTATIONS

1. Enacted 02/29/16 Effective 03/05/16 (2016-C002 Revised Ordinance)
2. Enacted 02/14/17 Effective 02/19/17 (2017-C001 Art. 1 & 5)
3. Enacted 06/06/17 Effective 06/11/17 (2017-C008 Art. 3 Schedule C)
4. Enacted 10/10/17 Effective 10/15/17 (2017-C016 Art 5, Sec. 506, Schedule 3)
5. Enacted 12/12/17 Effective 12/17/17 (2017-C018 Art 5, Sec. 506, Schedule 3)
6. Enacted 05/08/18 Effective 05/13/18 (2018-C004 Art 3, Sec. 315, Schedule A & C)
7. Enacted 09/11/18 Effective 09/16/18 (2018-C007 Art 3, Sec 315 Schedule F)
8. Enacted 02/09/21 Effective 02/14/21 (2020-C010 Art 3, Sec 315 Schedule A & C, and Sec 320 Line Item 5)