

## ARTICLE VI, Closing of Ways

### § 186-48. Findings; purpose; statutory authority.

- A. Temporary closings are necessary at different times of the year and are not limited to springtime or mud season.
- B. The following rules and regulations are necessary to ensure the proper use and to prevent abuse of all highways under our maintenance or supervision by motor-driven vehicles for the protection of public safety, health and property, to extend and retain the life expectancy of city ways and bridges and to reduce the public expense of their maintenance and/or repair.
- C. This article is adopted pursuant to 30-A M.R.S.A. § 3009 and 29 M.R.S.A. §§ 902 and 1611.EN

### § 186-49. Definitions.

The definitions contained in Title 29 of the Maine Revised Statutes Annotated shall govern the construction of words contained in this article. Any words not defined therein shall be given their common and ordinary meaning.

### § 186-50. Restrictions and notices.

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

- A. The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted and the signature of the posting official.
- B. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the travel way. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.
- C. No person may remove, obscure or otherwise tamper with any notice so posted, except as provided herein.

### § 186-51. Designation of ways and bridges.

The Director of Public Works is hereby directed and authorized to designate such city ways and bridges or portions thereof, over which, during such periods of time as he/she may determine are necessary for the protection of such ways and bridges in implementing the within rules for the purpose herein stated.

### § 186-52. Signs.

The Director of Public Works is further directed and authorized to cause the construction and painting of conspicuous signs for the posting of the closed portions of ways and bridges with the information as provided herein.

### § 186-53. Exemptions.

The following vehicles are exempt from this article:

- A. Any two-axle vehicle while delivering home heating fuel.
- B. Any emergency vehicle (such as fire-fighting apparatus or ambulances) while responding to an emergency or routine training or maintenance activities.
- C. Any vehicle while engaged in highway maintenance or repair under the direction of the city or state.
- D. Any school transportation vehicle while transporting students.
- E. Any public utility vehicle while providing emergency service or repairs.
- F. Any vehicle whose owner or operator holds a valid permit from the Director of Public Works or his/her designee as provided herein.

§ 186-54. Permits.

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

- (1) No other route is reasonably available to the applicant.
- (2) It is a matter of economic necessity and not mere convenience that the applicant uses the way or bridge.
- (3) The applicant has tendered cash, a bond or other suitable security running to the city in an amount sufficient, in the official's judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of the same.

B. Even if the Director of Public Works or designee makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. The Director of Public Works may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the highways.

C. In determining whether to issue a permit, the municipal officers shall consider the following factors:

- (1) The gross registered weight of the vehicle.
- (2) The current and anticipated condition of the way or bridge.
- (3) The number and frequency of vehicle trips proposed.
- (4) The cost and availability of materials and equipment for repairs.
- (5) The extent of use by other exempt vehicles.
- (6) Such other circumstances as may, in their judgment, be relevant.

D. The municipal officials may issue permits subject to reasonable conditions, including, but not limited to, restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

§ 186-55. Administration and enforcement.

This article shall be administered and may be enforced by the municipal officers or their duly authorized designee.

§ 186-56. Violations and penalties.

A. Any violation of the provisions of this article shall be considered a civil infraction and subject to a minimum mandatory fine of \$250 up to a maximum of \$1,000. In addition to any fine, the city may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. All penalties shall accrue to the municipality.

B. Prosecution shall be in the name of the city and shall be brought in the Maine District Court.