

## **TEMPORARY CLOSING OF TOWN ROADS ORDINANCE**

### **Section 1. Purpose and Authority**

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Chelsea which may be caused by vehicles excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §902 and 1011

### **Section 2. Definitions**

The definitions contained in Title 29-A M.R. S.A. shall govern the construction of words contained in this ordinance. Any words not defined therein shall be given their common and ordinary meaning.

### **Section 3. Restrictions and Notices**

The Municipal Officers or Road Commissioner may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgement, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

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.

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 time on which the notice was posted, and the signatures of the Municipal Officers or Road Commissioner.

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 traveled-way. Whenever a restriction expires or is lifted the notices shall be removed wherever posted. Whenever a restriction is revised or extended the existing notices shall be removed and replaced with new notices.

No person may remove, obscure, or otherwise tamper with any notice so posted except as provided herein.

### **Section 4. Exemptions**

The following vehicles are exempt from this ordinance.

- (a) Any two-axle vehicle while delivering home heating fuel

- (b) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- (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 Municipal Officers or Road Commissioner as provided herein.

**Section 5. Permits**

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Municipal Officers or Road Commissioner for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- (a) No other route is reasonably available to the applicant;
- (b) It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- (c) The owner or operator has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient to repair any damage to the way or bridge which may reasonably result from the owner or operator's use of the same. The Municipal Officers or Road Commissioner will determine the amount of the bond depending on the circumstances.

Even if the Municipal Officers or Road Commissioner make the foregoing findings, a permit need not be issued if it is determined the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highway.

In determining whether to issue a permit, the Municipal Officers or Road Commissioner shall consider the following factors:

- (a) The gross registered weight of the vehicle;
- (b) The current and anticipated condition of the way or bridge;
- (c) The number and frequency of vehicle trips proposed;

- (d) The cost and availability of materials and equipment for repairs;
- (e) The extent of use by other exempt vehicles; and
- (f) Such other circumstances as may, in their judgment, may be relevant.

The Municipal Officers or Road Commissioner 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.

**Section 6. Administration and Enforcement**

This ordinance shall be administrated and may be enforced by the Municipal Officers or the Road Commissioner.

**Section 7. Penalties**

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250.00 or more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the Town may pursue legal action to recover the cost of repairs to any damaged way or bridge and will be entitled to reasonable attorney fees and costs.

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

**Section 9. Severability; Effective Date**

In the event any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

This ordinance shall take effect immediately upon enactment by the Municipal Officers at any properly noticed meeting.

Adopted by the Municipal Officers this 23<sup>rd</sup> day of March 2016

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Benjamin Smith

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Michael Pushard

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Richard Danforth

Attested: