

TOWN OF BRUNSWICK

RULES FOR TEMPORARY CLOSING OF WAYS

Adopted by the Town Council on March 15, 1993

Amended on April 5, 1993

Section 1. PURPOSE AND AUTHORITY

- A. The purpose of these Rules is to insure proper use and prevent abuse of Town ways and bridges whenever those Town ways and bridges require special protection.
- B. These rules are adopted pursuant to 29 MRSA §902

Section 2. DEFINITIONS

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

Section 3. RESTRICTIONS AND NOTICES

- A. The Public Works Director may, between November 15 and June 1 of each year, close or impose such restrictions on the gross registered weight of vehicles as may, in his/her judgment, be necessary to insure proper use and prevent abuse of Town ways and bridges designed on Exhibit A to these Rules.
- B. Whenever the Public Works Director closes or places restrictions on a Town way or bridge, the Public Works Director shall conspicuously post each end of the closed or restricted portion of the way or bridge. Whenever the 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. The notice shall contain, at a minimum, the following information: the name of the way or bridge; the portions of the Town way or bridge closed or restricted; the substance of the restrictions; the time period during which the restriction applies; the date on which the notice was posted; and the signature of the Public Works Director.
- D. Whenever notice has been posted as provided herein, no person may operate any vehicle in violation of the notice on any way or bridge so posted unless otherwise exempt as provided herein or unless a permit has been obtained under Section 5.
- E. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein

Section 4. EXEMPTIONS

- A. The following vehicles are exempt from this Article:
 - 1. any two-axle vehicle while delivering home heating fuel;

2. any Public Works Department vehicle or other vehicle where such other vehicle is performing services under the direction of the Public Works Department;
3. any emergency vehicle (such as firefighting apparatus or ambulances) while responding to an emergency;
4. any school transportation vehicle while transporting students;
5. any public utility vehicle while providing emergency service or repairs;
6. any vehicle transporting bulk feed or bulk milk;
7. any vehicle whose owner or operator holds a valid permit from the Public Works Director as provided herein.

Section 5. PERMITS

- A. The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Public Works Director for a permit to operate on a posted way or bridge notwithstanding the restriction. The Public Works Director 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 use the Town way or bridge;
 3. The applicant has tendered cash, a bond or other suitable security running to the Town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.
- B. Even if the Public Works Director makes the foregoing findings, the Director need not issue a permit if he/she determines the applicant's use of the Town way or bridge could reasonably be expected to abuse the Town way or bridge. The Public Works Director may also limit the number of permits issued or outstanding as may, in her/her judgment, be necessary to insure the proper use and prevent abuse of the Town way or bridge.
- C. In determining whether to issue a permit, the Public Works Director 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; such other circumstances as may, in their judgment, be relevant.

- D. The Public Works Director may issue permits subject to reasonable conditions, including but not limited to restriction 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

- A. These Rules shall be administered and may be enforced by the Public Works Director or any law enforcement officer.

Section 7. PENALTIES

- A. Any violation of these Rules shall be a traffic infraction punishable by a fine of not less than \$250.00, which may not be suspended. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge, reasonable attorney fees and costs.
- B. Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.