



Town of Newcastle

TRAFFIC & PARKING ORDINANCE

1 AUTHORITY

1.1 This ordinance is adopted pursuant to 30-A M.R.S.A. §3009, 29-A M.R.S.A. §2395 and §2388.

2 PURPOSE

2.1 This ordinance is designed to protect public health, welfare, and infrastructure by regulating the parking and operation of motor vehicles on public ways.

2.2 Restricting vehicle weight extends infrastructure life expectancy on town ways and bridges.

2.3 Reduces safety hazards and the risk of injury to the traveling public.

3 DEFINITIONS

3.1 The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance.

3.2 Any words not defined therein shall be given their common and ordinary meaning.

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4 SIGNAGE & MEDIA

- 4.1 It shall be the duty of the Town Manager, Road Commissioner or their designee to erect appropriate signs giving notice of any parking time limit imposed or parking prohibition and no such regulations shall be effective unless said signs are erected and in place at the time of the alleged offense.
- 4.2 The notification of any prohibition may be immediate as determined by the Town Manager, Road Commissioner or their designee. The notification does not require any public notification by means of public notice requirements or other advance warning or permission by the Board of Selectmen. This notice may or may not be published digitally by means of the town website or other social media platforms.
- 4.3 The winter parking ban is a notice and does not require street signage. This parking ban will remain in effect annually.

5 REGULATED AREAS – PARKING

- 5.1 Between November 1 and April 15, no vehicle or motorcycle shall be parked on any public street or way from 9:00 p.m. to 7:00 a.m., so as to interfere with or hinder the removal of snow from said street or way by the Town plowing / sanding / salting or loading and hauling.
- 5.2 Parking may be prohibited with notification to facilitate daytime snow removal.
- 5.3 When signs are erected giving notice thereof, no person shall park any motor vehicle at any time on the following public ways or specified portions thereof:
 - 5.3.1. South bound side of Route One from the intersection of Hopkins Hill Road to Lewis Hill Road.
 - 5.3.2. Both sides of Route 215 (Mills Road) from the Nobleboro Town Line to the intersection with Academy Hill Road.
 - 5.3.3. Both sides of River Rd from the intersection of Bus. Rt. 1 to Snead Spur.
 - 5.3.4. Any place where an official sign or curb painting so prohibit.

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5.4 Under no circumstances shall a person park any motor vehicle on the following public ways or specified portions thereof:

5.4.1. On a sidewalk.

5.4.2. Within 10 feet of a fire hydrant.

5.4.3. In front of or preventing any access to fire department emergency equipment i.e. sprinkler connections, dry hydrants, designated landing zones.

5.4.4. On the opposite side of a roadway direction of traffic.

5.4.5. Upon a bridge.

5.4.6. Within 20 feet of the nearest corner of the curb at an intersection.

5.4.7. In front of a public or private driveway or alleyway.

6 PARKING EXCEPTIONS

6.1 This ordinance does not apply to motor vehicles parked in prohibited areas for the following reasons:

6.1.1. Mechanical problems or breakdown.

6.1.2. Emergency situations as verified by Emergency Services, the Town Manager, Road Commissioner or designee.

6.1.3. Maintenance, construction, repair or installation of utilities or the public way by any State or municipal agency or utility company.

7 TOWING – PARKING

7.1 Any motor vehicle parked upon a public street or municipal parking lot of the Town of Newcastle in a place, manner or for a length of time prohibited by this Ordinance, or during any parking ban declared by the Municipal Officers/Town Manager/Road Commissioner or their Authorized Designee(s) is hereby declared to be an obstruction in the public way and a menace to the safety of the traveling public.

7.2 Any motor vehicle parked which constitutes an obstruction under this section of this Ordinance may, at the request and under the direction of the Town Manager, Road Commissioner or their Authorized Designee(s) be towed to a suitable garage or storage space and impounded thereon until all towing, storage fees, and fines are

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paid. Towing will be at the expense of the owner of said vehicle and without the Town being liable for any damage that may be caused by such removal.

8 DAMAGE - PARKING

- 8.1 Should damage occur to personal property as a result of owners placing obstructions or objects in a town road right of way, said damages shall be at the owner's expense.
- 8.2 Should a registered owner of a motor vehicle prevent the town from snow removal due to obstruction, the contractor shall file a claim through the Town Office to the Town Manager for approval. Upon approval, the registered owner of any motor vehicle found in violation of this ordinance shall be responsible for the costs of said snow removal if additional claims are brought forth.

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9 RESTRICTIONS & NOTICES – POSTED ROADS

- 9.1 The Town Manager, Road Commissioner or designee may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, 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.
- 9.2 Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of 23,000 pounds during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.
- 9.3 Pursuant to 29-A M.R.S.A. § 2395, the notice shall contain, at a minimum, the following information:
- 9.3.1. The name of the way or bridge
 - 9.3.2. The gross registered weight limit
 - 9.3.3. The time period during which the restriction applies
 - 9.3.4. The date on which the notice was posted
 - 9.3.5. The signature of the Town Manager, Road Commissioner or designee
 - 9.3.6. 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
- 9.4 Whenever a restriction expires or is lifted, the notices shall be removed wherever posted.
- 9.5 Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.
- 9.6 No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

10 POSTED ROAD EXEMPTIONS

The following vehicles are exempt under State law:

- 10.1 Any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for

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improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4-A).

10.2 The following vehicles are also exempt under the specific provisions of this ordinance:

10.2.1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.

10.2.2. Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle.

a. This exemption does not apply to special mobile equipment

b. It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.

10.2.3. MaineDOT vehicles or other vehicles authorized by MaineDOT or a municipality or county to maintain the roads under their authority.

10.2.4. Authorized emergency vehicles as defined in 29-A M.R.S.A. § 2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted roadway, and vehicles with three axles or less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.

10.2.5. Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities may operate without a permit. Special Commodities includes any of the following:

a. Home delivered heating fuel (oil, gas, coal, stove size wood that is less than 36" in length, propane and wood pellets);

b. Petroleum products;

c. Groceries;

d. Bulk milk;

e. Waste;

f. Animal bedding;

g. Returnable beverage containers;

h. Sewage from private septic tanks or porta-potties;

i. Medical gases;

j. Animal feed.

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11 PERMITS – POSTED ROADS

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

11.1.1. No other route is reasonably available to the applicant;

11.1.2. It is a matter of economic necessity and not mere convenience that the applicant uses the way or bridge; and

11.1.3. The applicant has tendered cash, a bond or other suitable security running to the municipality 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.

11.2 Even if the Town Manager, Road Commissioner, or designee make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

11.3 In determining whether to issue a permit, the Town Manager, Road Commissioner, or designee shall consider the following factors:

11.3.1. the gross registered weight of the vehicle;

11.3.2. the current and anticipated condition of the way or bridge;

11.3.3. the number and frequency of vehicle trips proposed;

11.3.4. the cost and availability of materials and equipment for repairs;

11.3.5. the extent of use by other exempt vehicles; and

11.3.6. such other circumstances as may, in their judgment, be relevant.

11.4 The Town Manager, Road Commissioner, or designee 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.

12 PENALTIES – OVERWEIGHT VEHICLES

12.1 Each violation shall be deemed a separate offense.

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- 12.2 Any violation of this Ordinance for being overweight on posted roads shall be a civil infraction - Class E crime and handled as a traffic violation. See Town Fee Schedule.
- 12.3 In addition to any fine, the Town of Newcastle may seek restitution for the cost of repairs to any damaged town property, damaged way or bridge and reasonable attorney fees and costs.
- 12.4 Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

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13 ADMINISTRATION & ENFORCEMENT

13.1 This Ordinance shall be administered and may be enforced by the Town Manager, Road Commissioner, or a duly authorized designee such as a law enforcement officer.

14 SEVERABILITY

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

15 EFFECTIVE DATE

15.1 This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

This Ordinance is hereby approved and signed by the Municipal Officers on June 20, 2023:

Joel Lind, Select Board Chair

Tor Glendinning, Select Board

Robert Nelson, Select Board

Karen Paz, Select Board

Thomas Kostenbader, Select Board

A true & attested copy by: _____
Lauren Allen, Town Clerk