

Chapter 6
Municipal Roads Manual
[Includes Supplement #3 June 2004]

Control of the Roads

This Chapter concerns control over the use of municipal roads. Among the topics discussed are traffic and parking ordinances, setbacks, excavations, road standards ordinances, barriers and obstructions.

Traffic and Parking Ordinances

Authority to Regulate Traffic on Town Ways. Title 30-A M.R.S.A. § 3009 authorizes the municipal officers exclusively (not the voters) to enact ordinances regulating traffic and parking on public ways. Traffic regulation includes the power to erect yield signs, stop signs and other traffic control devices; to designate ways and portions of ways as being closed to through trucks; and to designate which roads are one-way or two-way. It also includes control of pedestrian traffic on the public ways, and the placement of crosswalks. (Control over the weights of vehicles used on roads is discussed in Chapter 5.) However, in order to exercise this authority to regulate traffic and parking on public roads, a municipality must enact an ordinance – in the absence of an ordinance, the placement of "stop," "yield" and "no parking" signs on public roads has no effect.

Parking ordinances can designate where and when parking is allowed on municipal public ways. Parking ordinances can include provisions for towing illegally parked cars (see *Towing illegally parked vehicles*, below). Parking ordinances *must* comply with the handicapped access provisions of 30-A M.R.S.A. § 3009. Owners of private off-street parking areas must arrange for private enforcement of handicapped parking restrictions or contract with local or county law enforcement officials for enforcement of the same. Violation of a local parking ordinance is a civil violation, but the ordinance can allow for payment of a waiver fee by the violator to the municipality in lieu of court action; for example, if a ticket for illegal parking is paid within 1 week the fee is \$5.00, but if court action is taken the minimum fine is \$25.00. Appendix L contains a sample parking ordinance.

Authority to Regulate Traffic on State and State-Aid Roads. Under 29-A M.R.S.A. § § 2068-2069, municipalities have the authority to regulate parking on public ways within their borders, which for purposes of that title includes all ways owned and maintained by the State, a county or a municipality, including state and state-aid highways. DOT also has this authority but generally defers to municipal regulation. Traffic control devices (such as stop signs and traffic lights) on state and state-aid highways are within the jurisdiction of DOT (23 M.R.S.A. § 1351). Municipal officers wishing to locate or regulate traffic control devices on state and state-aid highways can do so with DOT's permission; for details, call DOT's Traffic Engineering Division at (207) 287-3775 or your local DOT Division Office Traffic Engineer.

Manual on Uniform Traffic Control Devices (MUTCD). This Manual serves as the national standard for all traffic control on all public ways in the United States. It is applicable to all streets and highways open to public travel and serves as the standard for all government and public agencies. It sets forth basic principles and prescribes standards for the design, application, installation, and maintenance of the various types of traffic control devices used on public streets and highways. Included are requirements for color, size, shape, location and need for the control devices. It contains nine "parts" which deal with matters such as highway signs, pavement markings, signals, work zones, grade crossings and bicycle facilities.

Although there is no specific Maine law requiring a municipality to follow the MUTCD, there is no other "standard" when it comes to traffic control devices. The MUTCD has been in existence in some form since the 1930's and all states have adopted this Manual, or a stricter version, as the State standard. Maine DOT adopted it on January 1, 1972 and it serves as the standard on all State roads. The Federal government's Uniform Vehicle Code also requires all States to adopt a uniform manual. In 1966, the Secretary of Transportation decreed that "all traffic control devices on all streets and highways in each State shall be in substantial conformance with standards issued or endorsed by the Federal Highway Administration."

When Maine towns and cities require guidance in town way markings and traffic control devices, they should follow the standards in this Manual. ***However, in order to require compliance with this Manual, a municipality should, through its traffic regulation ordinance enacted under 30-A M.R.S.A. § 3009, adopt the Manual by reference.*** Whether it is traffic signs, or pavement markings, or work zone devices, or deciding to replace a "yield" sign with a "stop" sign, or any other aspect of traffic control, the Manual should be consulted for the proper applications. Details on this Manual's availability can be obtained from the Maine Local Roads Center at (207) 287-2152.

Enforcement of Local Parking and Traffic Ordinances. 30-A M.R.S.A. § 3009 now designates parking and traffic ordinances as civil violations. The District Attorney has the authority, but has no duty, under 30-A M.R.S.A. § 282 to prosecute civil actions on behalf of a municipality. Civil actions are prosecuted in District Court, and the municipality must be represented either by an attorney or by a police officer certified to represent the municipality in accordance with 30-A M.R.S.A. § 2671. All traffic and parking ordinances should state that, in addition to any fine imposed on a violator, the municipality is entitled to recover reasonable attorney's fees and court costs incurred in the prosecution of a violation. There is no guarantee that the court will award attorney's fees, but it cannot hurt to ask.

Towing Illegally Parked Vehicles. Some parking ordinances contain a provision allowing the municipality to tow a vehicle which is illegally parked, or has outstanding tickets, or obstructs snowplowing. To avoid constitutional problems, such ordinances should contain a provision by which owners of towed cars receive timely notice of the tow (through announcement of parking bans, for example), and are allowed to be heard on the matter after the tow. Appendix L contains sample language that may be added to a parking ordinance to provide for towing of illegally parked vehicles.

Even without an ordinance, it is possible to tow vehicles in certain situations. Title 29-A M.R.S.A. § § 2068-2069 authorizes a law enforcement officer (including a police officer or a constable, if authorized by the municipal officers) to tow vehicles which interfere with snow removal or with the normal movement of traffic (for example, a car parked in the travel way). The towed vehicle is to be removed and placed in a suitable parking place. Towing and storage charges are the owner's responsibility. No fine should be charged in this situation unless the owner is provided (after the tow) with notice and a hearing in accordance with 29-A M.R.S.A. § 1851, *et seq.*

Motor Vehicles on Icebound Lakes. 30-A M.R.S.A. § 3009 allows the municipal officers to regulate motor vehicles on icebound lakes. An ordinance of this nature is not enforceable unless all municipalities abutting the lake have the identical ordinance in effect. Snowmobiles and ATVs cannot be regulated under this provision, as they are not "motor vehicles" as defined in 29-A M.R.S.A. § 101 (42).

Speed Limits. Until recently, the regulation of speed limits on public ways has been solely a State activity; a municipality could ask MDOT to set or change speed limits, but MDOT would make the final decision with the approval of the Maine State Police (29-A M.R.S.A. § 2075). For many municipalities, this remains the law. However, as a result of the Maine Legislature's passage of P.L. 2001, c. 313

(effective September 21, 2001), "qualifying municipalities" will have full responsibility and authority to set speed limits on "qualifying roads" (town ways classified by MDOT as "local" - not State or state-aid highways). A "qualifying municipality" is one that has a population of 2,500 or more (as measured in the last U.S. census) or that employs a State-licensed professional engineer. If a qualifying municipality decides to set speed limits, it must notify the Commissioner of Transportation in writing of that decision and thereafter shall set speed limits for all local roads within the municipality. The municipal officers must adopt or amend a traffic ordinance under 30-A M.R.S.A. § 3009 to support the establishment of speed limits, must perform a traffic investigation in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) before establishing speed limits and must post standard traffic signs in accordance with the MUTCD. MDOT may require a municipality with a population of 5,000 or more that has not sent written notice to the Commissioner of intent to adopt speed limits to provide MDOT with all data necessary to set speed limits.

No-passing Zones. With the approval of a municipality's legislative body, that municipality may request DOT's Commissioner to designate a segment of a 2-lane roadway located in a primarily residential area as a "no-passing zone" (29-A M.R.S.A. § 2085).

Regulation of Roadside Signs. Title 23 M.R.S.A. §§ 1901-1925, more commonly known as the "billboard law," controls the types of signs which may be located on public ways, including municipal roads. The billboard law does not apply to traffic control signs, but focuses primarily on business advertisements. It also regulates political campaign signs inside the road right of way. A municipality may enact its own billboard ordinance as long as the ordinance is stricter than State law.

Adopt-A-Highway Program. In 1998, the Maine Legislature created the Adopt-A-Highway program to permit businesses and nonprofit community organizations to participate in litter control and beautification programs on all state highways (23 M.R.S.A. § 1117). This work is to be performed under rules promulgated by the Commissioner of Transportation, and municipalities are not liable for damages arising out of these activities. By act of the Legislature in 1999 (P.L. 1999, c. 152, § G-1), this program has been extended to include town ways. Information on this program is available from MDOT's Community Services Division at (207) 287-2152

Excavations in the Public Way

Title 23 M.R.S.A. §§ 3351-3381 pertains to excavations in public ways of towns and cities. Permits for such excavations are commonly known as "street opening" permits. Excavations also may be regulated by local ordinance adopted under the municipality's home rule power. Until 1999, State law distinguished between cities and towns, giving the former greater authority to regulate street excavations; however, P.L. 1999, c. 337 amended State statute so that cities and towns now have equal authority in this regard. Sections 3351 to 3360-A outline the procedure for issuing an excavation permit. Section 3352 provides that any person seeking to excavate in a public way first must obtain an excavation permit from the municipal public works authority, and § 3354 authorizes the municipality to set a permit fee based upon the cost of repaving (unless the municipality agrees to allow the permittee to relay pavement) and inspection.

If a municipality wants more detail or guidelines in the control of excavations, a local ordinance should be adopted. Sample ordinance and permit language for excavations is included in Appendix M. Most of these samples pertain to State roads, but can be modified for local roads.

Excavations for Underground Utilities. 35-A M.R.S.A. § 2501 *et seq.* requires a permit from the municipal officers to locate and install underground utilities (electricity, communications, sewer, water,

gas, oil, etc.) in or under any town way or public easement; this is known as a "location permit." The permit must state, at a minimum, the time during which the excavation will occur, the place of excavation, and the number of square yards of surface which may be disturbed, see 35-A M.R.S.A. § § 2507-2513 in particular. Appendix M contains a sample utility excavation permit for State roads; this can be modified for local roads.

Dig Safe. Underground facility operators (such as Central Maine Power Co. and Bell Atlantic) are required to participate in the so-called "Dig Safe" program, a damage prevention system created by the Legislature effective January 1, 1993 (23 M.R.S.A. § 3360-A). In general, this law requires anyone, whether a utility, a private contractor, a municipal public works department or a homeowner, wishing to "excavate," whether in the right-of-way of a public way or outside of it, to call the Dig Safe system at 1-888-DIGSAFE at least three days prior to excavation. The term "excavation" means any breaking of the ground surface and includes road grading, sign post installation, trenching and more. Upon receipt of notice from the Dig Safe system, the appropriate utilities will mark their facilities located in the area of the proposed excavation.

Setbacks

There is no general setback requirement for structures from town ways and public easements. There is a setback requirement from state and state-aid highways (23 M.R.S.A. § 1401). Many municipalities have setback provisions in various ordinances, such as a building ordinance, minimum lot size ordinance, zoning ordinance or subdivision ordinance. These provisions must be read carefully to determine whether they apply to all roads (public and private) or just to town ways and public easements. Also, a local setback provision should clearly state the point from which the setback is measured. For example, the setback may be measured from the edge of the travel way, the edge of the road right-of-way, or from the centerline of the travel way. These are different points of the road and will result in different points of setback.

A setback provision stating that structures must be set back a certain number of feet *from the property line* can cause problems because, in most cases, the landowner owns to the centerline of the road (33 M.R.S.A. § 465). For example, a setback that is "25 feet from the property line" could allow a structure within only 5 or 10 feet from edge of the travel way.

Sidewalks

A municipality must maintain sidewalks existing within the right-of-way of a town way, and is responsible for injuries caused by defects in the sidewalk (*Moriarty v. City of Lewiston*, 57 A. 790, 98 Me. 482 (1904), and *Morgan v. City of Lewiston*, 40 A. 54, 91 Me. 566 (1898)). However, municipalities are *not* liable for injuries caused by snow or ice or slippery conditions on sidewalks (23 M.R.S.A. § 3658).

A municipality is not responsible for the maintenance of sidewalks on public easements and may not maintain sidewalks along privately owned roads.

Falling Ice and Snow

A municipality may enact an ordinance under 30-A M.R.S.A. § 3007 that requires property owners to install roofguards as necessary to protect pedestrians and vehicles using the adjacent streets and sidewalks. The enforcement procedure is outlined in the statute.

Location Permits

Utilities are required to obtain a location permit from the municipal officers before placing utility lines, poles or pipes over, along or under public streets, town ways and state and state-aid highways in compact areas (35-A M.R.S.A. § 2501 *et seq.*). A strict reading of these statutes indicates that the municipal officers have no authority to issue location permits on, over, along or under public easements, but practically, the municipalities do issue these since utilities must obtain the issuance of a location permit in order to utilize their easement rights in public easements.

Mail Routes and Mailboxes

A municipality has no particular obligation to plow roads to allow for mail delivery. Similarly, a municipality has no authority to plow privately owned roads just because mail is delivered on the road. An archaic requirement to maintain an apparatus for opening snowbound ways served by a mail route is still on the books (23 M.R.S.A. § 3202), but its applicability today is questionable at best.

A municipality is not generally liable for damage done to mailboxes located in the road right-of-way. Conversely, a municipality is responsible for damage it causes to mailboxes located outside the right-of-way (if any such mailboxes exist). To maintain good public relations, some municipalities pay a portion of the replacement cost of a damaged mailbox even if it is located inside the right-of-way.

Obstructions

Since the municipality may be liable for injuries caused by obstructions in town ways, the primary concern is to remove the obstruction. This can often be accomplished by notifying (by telephone or mail if possible) the person responsible for creating the obstruction, and demanding immediate removal. If this fails, and if the obstruction is located in the traveled portion of the town way, the road commissioner or municipal officers should have the obstruction removed and should seek to recover expenses of removal from the responsible party. A number of statutes, outlined below, provide for municipal authority to deal with obstructions. In addition, Appendix O (Sample Notice to Remove Obstruction from Public Road) contains a sample letter notifying a violator of the problem, and recommended action, and Appendix P (Sample Notice of Demand for Payment for Road Repair) is a sample notice demanding payment for road repair. If, however, the obstruction (such as a post or column) is located within the right-of-way, but outside of the traveled portion of the town way (in the road shoulder, for example), and the abutter refuses to remove the obstruction when requested to do so by the municipality, the Town should not attempt to exercise “self-help” and remove the obstruction. Instead, the Town should file suit seeking to have the abutter who constructed or placed the obstruction in the right-of-way ordered to remove it —otherwise, the abutter could sue the Town, alleging that its property was taken without due process of law and without payment of just compensation. (The Town also might remind the abutter, in the written notice to remove the obstruction, that the abutter could be liable for property damage and personal injury caused by the obstruction.) (*See Town of Naples v. Yarcheski*, CV-02-245 (Me. Super. Ct., Yor. Cty., Oct. 29, 2003), in which the Superior Court ordered defendants to remove concrete-filled lally columns from their land which was within the Town’s right-of-way and enjoined them for placing any structures within the right-of-way without permission from the Town.)

- 17-A M.R.S.A. § 505 makes it a criminal offense (a Class E crime, up to six months imprisonment and a fine of up to \$1,000) to obstruct a public way after having been ordered by a law enforcement officer to remove the obstruction. The State Police, county sheriffs, or local police authorized to handle criminal matters may enforce this law, and prosecution is handled by the District Attorney.

- 23 M.R.S.A. § 3028(3) authorizes the municipal officers (or an abutter with the municipal officers' written permission) to remove obstructions from roads which have been abandoned but which still exist as public easements. This provision is useful in situations where a person living along an abandoned road puts up gates or bars.
- 23 M.R.S.A. § 3452 authorizes the municipal officers or road commissioner to remove lumber, logs, and other obstructions from the public ways. Such obstructions are deemed nuisances by 23 M.R.S.A. § 3453, and the person responsible for creating the obstruction is responsible for costs of removal, including costs of prosecution. This is a civil matter.
- 23 M.R.S.A. § 2701 authorizes the municipal officers to take immediate action, through the road commissioner or on their own if the road commissioner should fail to act within 24 hours of their order, to remedy any safety hazard on town ways or public easements maintained by the town. This broad authority can include situations where the safety hazard is an obstruction in the road.
- 23 M.R.S.A. § § 3252 and 3253 make it a civil violation (punishable by a fine of up to \$50 and costs for the first offense and up to \$100 and costs for the second) to obstruct the flow of water in ditches or drains along the public ways. Interference with ditches, drains or culverts that are under municipal control is punishable by a fine of up to \$500, up to three months' imprisonment or both (23 M.R.S.A. § 3251).
- 29-A M.R.S.A. § 2396 prohibits any person from placing in the public way snow or slush that has not accumulated there naturally. This law also prohibits placing substances injurious to feet or tires in the public ways. Such substances include metal, glass, nails and wire, among other things. This law further requires that loads be properly secured (for example, pulp or lumber), and that loose loads be properly covered (for example, wood chips, gravel, and so on). While this section does not provide for a penalty, the general provisions of this title (29-A M.R.S.A. § § 103, 104) state that where no penalty is specified, a violation of that provision of the title is a traffic infraction, the exclusive penalty for which is a fine of not less than \$25 nor more than \$500, suspension of a license or both.
- 17 M.R.S.A. § 2802 declares that the obstruction of a public ways is a public nuisance. A nuisance of this sort can be prosecuted as a civil action in Superior Court.
- 12 M.R.S.A. § 9602 prohibits obstructions of privately owned, discontinued or abandoned but improved woods roads used for the removal of forest growth, if the road is suitable for forest fire suppression; however, this prohibition does not prohibit a landowner, private or municipal, from closing such woods roads by gates or chains.

Damage to Roads by Oversized and Overweight Vehicles

Title 29-A M.R.S.A. § § 2350-2383 concern regulation of the height, width, length and weight of vehicles on public ways.

Height, Width, Length and Weight Limits. Title 29-A M.R.S.A. § § 2350-2365 establish motor vehicle weight limitations. Title 29-A M.R.S.A. § 2380 establishes maximum height and width limits for motor vehicles, and § 2390 sets forth limitations upon vehicle length. Section 2381 authorizes a permit to allow motor vehicles that exceed these dimensional standards to be operated on public ways. The municipal officers may by permit allow oversized vehicles to use or cross ways and bridges maintained by the municipality (29-A M.R.S.A. § § 2382, 2383). Any such permit should include the posting of a bond (see 29-A M.R.S.A. § 2388) to pay for any damage caused to the road, or at a minimum should include a written guarantee by the vehicle owner to pay for any damage. A person is liable for damaging public roads even in the absence of an agreement or permit condition (see *Freedom v. Weed*, 40 Me. 383 (1855)).

Violations. In general, violators of these laws are subject to a fine (\$25 minimum to \$1000 maximum for each offense) under 29-A M.R.S.A. § 2388. However, several of these sections contain slightly

different penalty provisions.

Naming Streets and Roads

The authority to name streets and roads rests with the legislative body, but can be delegated to the municipal officers or some other body such as a road designation committee. The developer often names a road built by a private developer, such as a subdivision road, and that name will usually continue if the road is accepted as a public easement or town way. A municipality may change the name given a street by the developer; this is usually done when the new street is given a name already assigned to another road in the municipality. Recently, many municipalities have changed street names and have installed street signs as part of local E-911 programs to eliminate emergency response problems caused by similarly named streets. Please note that no State statute generally requires physical signage for public or private roads named by the town for **E-911** purposes. However, the presence of street signage clearly would assist the efforts of fire and rescue personnel to respond to emergency calls, particularly in a multi-town dispatch system. There certainly is a public interest and purpose served by erecting signage to support the effectiveness of the **E-911** program, and so there is a public purpose in spending public funds for this purpose, even for signs on private roads. Moreover, the purpose of having street signage would be only partially served if only town ways are identified by physical signs and private roads are not—if the purpose behind maintaining street signage is to assist fire and rescue personnel in locating a street, it should not matter whether the street is public or private. In addition, the town has the home rule authority to enact an E-911 ordinance governing the municipality's E-911 signage program. Finally in this regard, in the event that the municipality does erect signage for private roads, it should make sure that the signage is placed in the right-of-way of a town way, or if it must be placed on private property, that permission and a right of access (preferably through a written easement, accepted by the municipal legislative body and recorded in the registry of deeds) is obtained from the private landowner. In this way, the municipality will be assured legal access to the private property for placement and maintenance of the signage. *(from Supplement 3, June 2004)*

Barriers

Barriers on Town Ways and Public Easements. Some towns put cables or wires across roads that have been discontinued or closed to winter maintenance. These cables can injure snowmobilers or other off-road vehicle users. Title 23 M.R.S.A. § 3272 requires a municipality to clearly mark any cables or other barriers across a town way with fluorescent tape or similar material so as to be visible at a "reasonable stopping distance" to persons on snowmobiles, ATVs, dirt bikes and similar vehicles. The law only mentions town ways, but we recommend marking barriers across public easements as well. The statute requires the municipal officers to cause these barriers to be inspected periodically to ensure that the markings remain visible.

Speed Bumps, Humps and Tables. Several municipalities have installed raised speed bumps or speed tables and other so-called "traffic calming" devices on public ways in an effort to slow motor vehicle traffic. Municipal officials frequently call to inquire whether a municipality has any liability for personal injury or property damage claims that might arise out of the use of such traffic control devices. The answer is that there are no Maine cases addressing the issue of whether such traffic control devices constitute a street defect that would give rise to municipal liability under the Highway Defect Act (23 M.R.S.A. § 3655, see Chapter 9, "Liability"). A court in at least one other state has held that a speed bump, even when clearly marked with a warning sign, constitutes a street defect (*Vicksburg v. Harralson*, 136 Miss. 872, 101 So. 713 (1924)). However, State law (23 M.R.S.A. § 3651(1)) provides that objects "which exist in accordance with municipal ordinances are not defects in a public way." Therefore, municipalities seeking to use speed bumps, humps or tables as traffic control devices in the right-of-way should adopt or amend ordinances to expressly authorize their location in the public way

and to thereby minimize municipal liability for these devices. (*from Supplement 3, June 2004*)

More recently, road engineers have used "speed humps" as a device for traffic control. A speed hump differs from a speed bump in that it spreads its four-inch rise over a 12-to-15 foot section of roadway, and so does not constitute a sudden bump. This design appears to be more forgiving to both car and driver, but a liability concern still exists regarding their use. For more information about this traffic control technique, call the Maine Local Roads Center at (207) 624-3270 or 1-800-498-9133. (*from Supplement 3, June 2004*)

Road Standards Ordinances

Many municipalities have enacted road standard ordinances requiring that public and/or privately owned roads meet certain dimensional and construction standards. Standards may be part of a subdivision ordinance and apply only to subdivision roads, or the standards may be part of an ordinance applicable to all roads. A municipality also may have road standards governing private roads that provide access and frontage to so-called backlots (lots with insufficient frontage, or no frontage, to be used or built upon under the local zoning ordinance or building code). It is important to review a road standards provision carefully to determine whether or not it applies to all roads.

Typically, a road standards ordinance contains a provision that a road cannot be presented for acceptance as a public way unless it meets the standards. However, even if a road is built to or beyond ordinance standards, the municipality has no legal obligation to accept it as a public easement or town way; see discussion of "conditional acceptance" in Chapter 2, "Creation of Municipal Road Interests."

Enforcing State Laws and Local Ordinances

It usually is easier to write a law than to enforce it. With luck, enforcement may be as simple as notifying the violator to correct the problem, and the violator will do so without further ado. More often, further action is needed. Where the municipality has already repaired the damage or corrected the problem at its expense, it may recover those expenses in a civil action, see *Freedom v. Weed*, 40 Me. 383 (1855).

A standard procedure may streamline enforcement, as follows:

- First, determine who in the municipality is properly in charge of the investigation and enforcement of violations. Usually the municipal officers will be in charge, but they can authorize the road commissioner to handle this. Likewise, the code enforcement officer or local law enforcement officer can be authorized by the municipal officers to enforce laws and ordinances relating to the public ways.
- Second, determine in each particular case what laws or ordinances have been violated and who is responsible for causing the violation. There may be firsthand evidence (catching the overweight truck on the posted road, for example), or there may be nothing more to start with than a suspicion, in which case further investigation is necessary.
- Third, after having identified the alleged violator, determine what course of action to take. This will vary depending on the nature of the violation. For example, if someone has obstructed the public way, the municipal officers can take immediate action (removal), or they can notify the violator in writing to remove the object within a certain time or legal action will follow. If the violation cannot be undone, such as physical damage to the road surface, the violator should be notified to pay (if no bond was posted) or risk court action. Appendix P includes a sample demand letter for this purpose.

- Fourth, if a demand letter fails, the municipality should determine whether to pursue the matter in court. Most state laws and local ordinances are civil matters, not criminal matters, so the municipality must hire a private attorney. This can be avoided if the municipality has a CEO who is Rule 80-K certified and authorized to enforce the ordinance in question (if the ordinance is among those listed in 30-A M.R.S.A. § 4452), or if the municipality has police officers certified to represent it in court under 30-A M.R.S.A. § 2671 (depending upon whether the police officers have jurisdiction over the violation).

As a final recommendation, be certain when drafting an ordinance to state who on the local level enforces it, the fine, that all fines accrue to the municipality, and that if court action is necessary, the municipality is entitled to recover reasonable attorney's fees and court costs if it prevails.