

Town of Vassalboro
Restricted Vehicle Weight on Posted 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 Vassalboro which may be caused by vehicles of 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. Sec. 3009 and 29-A M.R.S.A. Sec. 2395 and 2388.

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 Road Commissioner/Director of Public Works may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in his/her 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.

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. (No restriction if road is solidly frozen. "Solidly frozen" means that the air temperature is below 32 degrees F and no water is showing in the cracks of the road.)

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 Road Commissioner/Director of Public Works.

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.

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 Road Commissioner/ Public Works Director as provided herein; and
- (g) any vehicle transporting bulk milk, bulk feed, and animal bedding (shavings).

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Road Commissioner/Director of Public Works for a permit to operate on a posted way or bridge notwithstanding the restriction. The Road Commissioner/Director of Public Works 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 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.

Even if the Road Commissioner/Director of Public Works 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. He/she may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the highways.

In determining whether to issue a permit, the Road Commissioner/Director of Public Works 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 his/her judgment, be relevant.

The Road Commissioner/Director of Public Works 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 administered and may be enforced by the municipal officers or their duly authorized designee (such as the Road Commissioner/Director of Public Works, Code Enforcement Officer, or law enforcement officer.)

Section 7. Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250 nor more than \$1,000. 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 and reasonable attorney fees and costs.

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

Section 8. Amendments


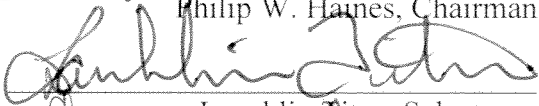
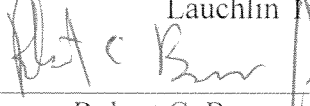
This ordinance may be amended by the Municipal Officers at any properly noticed meeting.

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, and replaces any previously adopted version of this policy.

Adopted by the Vassalboro Board of Selectmen on this 15th day of March, 2012.


Philip W. Haines, Chairman

Lauchlin Titus, Selectman

Robert C. Browne, Jr., Selectman

TOWN OF VASSALBORO

HEAVY LOADS LIMITED

Pursuant to 29-A M.R.S.A. 2395 and the provisions of Town of Vassalboro Restricted Vehicle Weight on Posted Roads Ordinance.

ROAD NAME: _____

FROM _____ TO _____

IS CLOSED UNLESS SOLIDLY FROZEN TO ALL VEHICLES OR COMBINATION OF VEHICLES EXCEPT:

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

B. 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. This exemption does not apply to special mobile equipment. It shall be a defense to a violation of this subsection if the combined weights 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.

C. Town of Vassalboro highway maintenance vehicles or vehicles under the direction of a public jurisdiction with permission from the Town Road Commissioner/Director of Public Works engaged in emergency maintenance of public highways or appurtenances thereto.

D. Passenger cars, pickup trucks, emergency vehicles, school buses, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair.

E. Any vehicle operation with a special permit to travel over posted roads. These special permit exemptions are on file at the Town of Vassalboro Public Works Garage, telephone number (207) 923-3985. Any interested party may call the above office between the hours of 7:00 a.m. to 3:00 p.m. Monday through Friday.

This closing is effective on the date of posting and shall remain in full force and effect until _____ (Month/Day/Year), except when the way is solidly frozen.

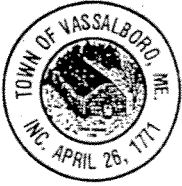
The road is considered "solidly frozen" only when the air temperature is 32 degrees F or below and no water is showing in the cracks of the road. Both conditions must be met.

TOWN OF VASSALBORO

By: _____ Date Posted _____
Road Commissioner/Director of Public Works

IT SHALL BE UNLAWFUL FOR ANY PROHIBITED VEHICLE OR COMBINATION OF VEHICLES TO PASS OVER THE SECTION OF ROAD DESCRIBED ABOVE.

TOWN OF VASSALBORO MAINE



P.O. BOX 129
NORTH VASSALBORO, MAINE 04962
TEL. (207) 872-2826
FAX (207) 872-5414

Town of Vassalboro PERMIT Traversing Posted Road

This permit must be kept with the permitted overweight vehicle, and must be presented to the officer of the law or other municipal representative upon demand.

FAILURE TO DO SO WILL RESULT IN A FINE OF \$100

Permittee: _____ Vehicle Description: _____

Permission is granted to transverse the following posted roads:

Permit valid on date/time: _____

Special limitations: _____

LAW ENFORCEMENT OFFICER TAKE NOTICE: No other permission for transverseing a posted road has been granted. This permit is valid only for the information indicated above and any deviations are in violation of said permissions.

Authorized Municipal Official

Date Issued