

TOWN OF HOLDEN

RESTRICTING 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 Holden, which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk 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., Section 3009 and 29 M.R.S.A., Subsection 902 and 1611.

Section 2. Definitions

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

Section 3. Restrictions and Notices

The municipal officers 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 on 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 designated section of the way or bridge, the periods of closing and the prescribed restrictions or exclusions.

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 of 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 detoured by a law enforcement officer at an accident scene; and
- (g) Any vehicle whose owner or operator holds a valid permit from the Town Manager or his designee.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Town Manager for a permit to operate on a posted way or bridge notwithstanding the restriction. The Town Manager 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 Town Manager makes the forgoing findings, he need not issue a permit if he 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 may also limit the number of permits issued or outstanding as may, in his judgment, be necessary to preserve and protect the highway.

In determining whether to issue a permit, the Town Manager 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 judgment, may be relevant.

- (g) The Town Manager may issue permit 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.

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 \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fines, the Town shall be awarded restitution for the cost of repairs to any damaged way or bridge and a reasonable attorney fees and costs. All fines inure to the benefit of the Town.

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 notice meeting.

Section 9. Sever ability; Effective Date

In the event a court of competent jurisdiction declares any portion of this ordinance invalid, 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 notice meeting.

Date Approved: September 19,1994

s/ R.Larry Varisco, Town Clerk
s/ Joel Dearborn, Chairman
s/ George McDonald,Sr., V.Chairman
s/ Michael Legasse
s/ Ralph McLeod
s/ Clare Payne