

Town of Fryeburg
Ordinance
Restricting Vehicle Weight on Posted Ways

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Fryeburg 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. Section 3009 and 29-A M.R.S.A. Sections 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 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 of the highways, and designate the town ways and bridges to which the restrictions shall apply.

The municipal officers may permanently restrict through-traffic of vehicles on designated roads, as may, in their judgement, be necessary to protect the traveling public and prevent unreasonable damage to highways. Such determination will include, for all newly designated permanent restrictions, notice of such decision to be published, etc. and marking of such designated roads or bridges with permanent signage indicating the specific restriction (i.e. No Through Trucks Over 28,000 GVW or No Through Trucks).

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 following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restrictions apply, and the date on which the notice was posted. 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.

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 regulation:

- A. Any vehicle 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 vehicle 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.
- C. Maine Department of Transportation highway maintenance vehicles or vehicles under the direction of a public jurisdiction with permission of the Department engaged in emergency maintenance of public highways or appurtenances thereto.
- D. Passenger cars, pickup trucks, emergency vehicles, school busses, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair.
- E. Any vehicle transporting home heating fuel (oil, gas, coal, stove-size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gasses may apply for an exemption certificate. These vehicles must be registered in excess of 23,000 pounds and must be carrying a partial load with weight equal to or less than that indicated on the exemption certificate. This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried.
- F. Any combination vehicle of five axles or more weighing 80,000 pounds gross or less hauling perishable products.
- G. The municipal officers, or their desingee, at their discretion and in extraordinary circumstances, may allow heavy loads over posted roadways involving singular, nonrecurring moves.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers or their designated agent (road commissioner or town manager) for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit based upon 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 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. Said security shall be returned, if appropriate, after inspection of the roadway by the Municipal Officers or their designee.

Even if the municipal officers 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.

In determining whether to issue a permit, the municipal officers 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 their judgment, may be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number of 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, the town's Code Enforcement Officer..

Section 7. Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of \$500.00. Each violation shall be deemed a separate offense. In addition to any fine, which shall be payable to the municipality, the municipality 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 municipality 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. Fees.

A fee of \$75.00 shall be assessed for each permit issued regardless and separate from required posting of bonds or cash to insure the town from damages sustained to a permitted use.

Section 10. Severability; Effective Date

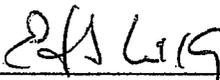
In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

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

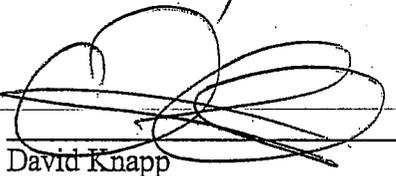
As adopted by the Town of Fryeburg Board of Selectmen this 6th day of July, 2006.



James Dutton, Chairman



Edward Wilkey



David Knapp