

ORDINANCE RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

This edition contains amendments through the Ordinance Restricting
Vehicle Weight on Posted Ways, enacted January 7, 2002

ORDINANCE

RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Section 1. Purpose and Authority

The Town of Jay has the obligation to repair and to keep open all Town ways and bridges so that the Town ways and bridges are safe and convenient for travelers with motor vehicles. Anyone who damages a Town way or bridge shall be liable to the Town for a fine and to reimburse the Town for the costs expended in repairing any damage.

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Jay which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 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 Selectmen 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. When the weather conditions are such that the Town ways and bridges can be damaged by certain vehicles travelling upon them, the Road Commissioner may immediately impose such restrictions on the gross registered weight of vehicles as may, in his judgment, be necessary to protect the Town ways and bridges. After imposing such conditions, the Road Commissioner shall designate by posting as herein provided, the Town ways or bridges to which the restrictions shall apply. In the event that Road Commissioner takes such action, the Selectmen shall at their next regularly scheduled meeting or at a special Selectmen's meeting called for this purpose either confirm or rescind or modify such restrictions as they deem necessary.

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 restriction applies, the date on which the notice was posted, and the signatures of the Selectmen or the Road Commissioner.

When a Town way or bridge has been posted hereunder such restriction shall not apply when the Town way or bridge is Solidly Frozen. A Town Way or bridge is considered Solidly Frozen when the air temperature is 32 degrees Fahrenheit or below, and no water is showing in the cracks of the road. Both conditions must be met. Any person who travels on a posted road or bridge with a vehicle in excess of the posted limits shall, in the event of damage to the road or bridge, be required to reimburse the Town of Jay for any and all amounts expended to repair the road or bridge on account of such travel, including without limitation, attorney's fees and court costs. A person wishing to travel on a posted road or bridge and believes that the roads or bridge is Solidly Frozen may ask the Road Commissioner for a determination. However, in any event, any person damaging the Town road or bridge shall be reimburse the Town of all costs of repairs to the road or bridge whether nor not posted and whether nor not the road or bridge is Solidly Frozen.

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.

First, Sec. 2.

Section 4. Exemptions

The following vehicles are exempt from this ordinance:

- (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 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 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.
- (c) The Town of Jay vehicles or vehicles under the direction of a public jurisdiction with permission of the Selectmen engaged in emergency maintenance of public highways or appurtenances thereto.
- (d) Passenger cars, pickup trucks, emergency vehicles, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, 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 gases 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 a weight equal to or less than that indicated on an exemption certificate issued by the Maine Department of Transportation or by the Selectmen. This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried.

Applicants for exemption certificates under this subsection must present certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate. The payload for any exemption under this subsection shall be calculated in accordance with Attachment C hereto. The application for an exemption under this subject shall be signed by the owner of the vehicle and shall contain the following information: registration number of the vehicle, make and year of the vehicle, vehicle identification number, registered gross weight, empty weight,

commodity to be transported, vehicle's configuration, tire size and the name, address, and telephone number of the applicant.

First, Sec. 3.

Section 5. Permits

First, Sec. 4, Section 5 was deleted.

Section 6. Administration and Enforcement

This ordinance shall be administered by the Selectmen, the Road Commissioner, or law enforcement officers. The ordinance shall be enforced by the Selectmen or law enforcement officers.

First, Sec. 5.

Section 7. Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the violator shall be held responsible to reimburse the Town for all of the costs to repair any damaged way or bridge and any attorney fees and costs incurred in enforcing in either the fines or reimbursement.

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 Selectmen 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 by the Selectmen.