

Restricting Vehicle Weight on Posted Ways Ordinance



Town of York, Maine

Most Recently Amended: May 11, 2015

Prior Dates of Amendment:

Date of Original Enactment: Not Known

ENACTMENT BY THE BOARD OF SELECTMEN

Date of the vote to enact/amend this Ordinance: May 11, 2015

Certified by the Town Clerk: May Anne Gryniewski on June 19, 2015

(signature) (date)

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TOWN OF YORK ORDINANCE

RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Section 1. Purpose and Authority

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of YORK 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. §3009 and 29 M.R.S.A. U902 and 1611.

Section 2. Definitions

The definitions contained in Title 29 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.

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, SEE NOTE 1 BELOW)

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 municipal officers.

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 travelway. 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.

*****NOTE 1: "Solidly Frozen" means that the air temperature is below 32° F and no water is showing in the cracks of the road.

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 firefighting 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; and
- (f) any vehicle whose owner or operator holds a valid permit from the municipal officers as provided herein.

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers 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 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. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.

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;
- (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 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 road commissioner, code enforcement officer or law enforcement officer).

Section 7. Penalties

Any person who violates this ordinance shall be subject to a civil penalty of \$250.00 for the first offense, \$350.00 for the second offense, and \$500.00 for the third and subsequent offenses. Each violation of this ordinance shall be deemed a separate offense.

Section 8. Waiver/Payment of Fines

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Section 9. Amendments

This ordinance may be amended by the municipal officers at any properly noticed meeting.

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.

NOTICE OF ROAD POSTING

THE TOWN OF YORK PURSUANT TO TITLE 29 SECTION 902 . OF THE MAINE REVISED STATUTES ANNOTATED, WILL BE RESTRICTING ANY VEHICLE OR COMBINATION OF VEHICLES EXCEEDING 24,000 POUNDS GROSS VEHICLE WEIGHT FROM USING ANY TOWN MAINTAINED HIGHWAY.

THIS RULE DOES NOT APPLY WHEN THE ROADWAY IS SOLIDLY FROZEN OR TO ANY VEHICLE ENGAGED IN HIGHWAY MAINTENANCE UNDER THE DIRECTION OF THE TOWN YORK.

THIS CLOSING IS EFFECTIVE BEGINNING ON ABOUT MARCH 3, 2008 DEPENDING ON CONDITIONS AND UNTIL FURTHER NOTICE.

PERSONS DESIRING INFORMATION ON THE STATUS OF A GIVEN ROAD OR ARE PREPARING TO HAUL ANY LOADS INTO YORK VIA TRUCK MUST CALL 363-1011 MONDAY-THURSDAY 7:00 A.M. - 4:30 P.M. AND AT LEAST ONE DAY IN ADVANCE OF ANY TRUCKING. AT THAT TIME THE PUBLIC WORKS SUPERINTENDENT OR HIS AGENT WILL ADVISE IF ROAD MAY BE USED.

DEAN LESSARD, P.E., DIRECTOR
PUBLIC WORKS DEPARTMENT
TOWN OF YORK