

# **CHAPTER 298**

## **VEHICLE WEIGHT RESTRICTIONS ON POSTED TOWN WAYS ORDINANCE**

### **TOWN OF GRAY**

*Adopted October 5, 2021*

#### **SECTION 298.1 – PURPOSE AND AUTHORITY**

The purpose of this “Vehicle Weight Restrictions on Posted Town Ways Ordinance” (the “Ordinance”) is to prevent damage to town ways and bridges in the Town of Gray, 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 Town's expense of their maintenance and repair.

This Ordinance is adopted pursuant to 30-A M.R.S. § 3009 and 29-A M.R.S. §§ 2395 and 2388, as amended.

#### **SECTION 298.2 – DEFINITIONS**

Except as otherwise provided herein, the definitions contained in 29-A M.R.S. § 101 shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

#### **SECTION 298.3 – RESTRICTIONS AND NOTICE**

- A. The Gray Town Council may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in its judgment, be necessary to protect the traveling public and prevent abuse of the highways. In doing so, the Town Council may, in its sole and reasonable discretion, designate the town ways and bridges to which such restrictions shall apply.
- B. Subject to all applicable exceptions in this Ordinance, or the issuance of a permit by the Town Council or its designee, the operation of any motor vehicle with a gross registered weight in excess of 10,000 pounds shall be prohibited on a particular town way or portion of a town way upon the posting of a notice on both ends of said town way or portion of said town way, following an affirmative vote of the Town Council (the “Notice”).
- C. Pursuant to 29-A M.R.S. § 2395, the Notice shall contain, at a minimum, the following information: the name of the town way or bridge, the gross registered weight limit, the time period during which the restriction applies, or in the case of roads where the gross registered weights of vehicles is permanently restricted, a note that such restriction is permanent as noted in Chapter 298. 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.
- D. 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.
- E. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

## SECTION 298.4 – EXEMPTIONS

The following vehicles are exempt from all gross weight restrictions imposed by this Ordinance:

- A. Any vehicle or combination of vehicles registered for a gross weight of 10,000 pounds or less.
- B. Any vehicle transporting well-drilling equipment for the purpose of drilling a replacement water well, or for improving an existing water well on property where that well is no longer supplying sufficient water for residents or agricultural purposes, provided that such vehicles comply with all conditions stated in 29-A M.R.S. § 2395(4-A) (A) – (C), as amended.
- C. MaineDOT vehicles or other vehicles authorized by MaineDOT or a municipality or county to maintain the roads under their authority.
- D. “Authorized emergency vehicles” as defined in 29-A M.R.S.A. § 2054(1)(B), as amended, including but not limited to, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or fewer under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
- E. Any two axle vehicles registered for a gross weight in excess of 10,000 pounds and less than or equal to 34,000 pounds that is carrying any of the following:
  - i. Home delivered heating fuel (oil, gas, coal, stove size wood that is fewer than 36” in length, propane and wood pellets);
  - ii. Petroleum products;
  - iii. Groceries;
  - iv. Bulk milk;
  - v. Bulk feed;
  - vi. Solid waste;
  - vii. Organic animal bedding;
  - viii. Returnable beverage containers;
  - ix. Sewage from private septic tanks or porta-potties; or
  - x. Medical gases.

## SECTION 298.5 – PERMITS

- A. The owner or operator of any vehicle not otherwise exempt from the gross registered weight restrictions imposed by this Ordinance, pursuant to Section 4, above, may apply in writing to the Town Council for a permit to operate on a posted town way or bridge notwithstanding the restriction. The Town Council, or its designee may issue a permit only upon all of the following findings:
  - i. no other route is reasonably available to the applicant;
  - ii. it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and

- iii. the applicant has tendered cash, a bond or other suitable security running to the Town of Gray, 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.
- B. Even if the Town Council, or its designee makes 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.
- C. In determining whether to issue a permit, the Town Council, or its designee shall consider the following factors:
  - i. the gross registered weight of the vehicle;
  - ii. the current and anticipated condition of the town way or bridge;
  - iv. the number and frequency of vehicle trips proposed;
  - iv. the cost and availability of materials and equipment for repairs;
  - v. the extent of use by other exempt vehicles; and
  - vi. such other circumstances as may, in their judgment, be relevant.
- D. The Town Council, or its designee 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 298.6 – ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be administered and may be enforced by the Town Council or its designee.

#### SECTION 298.7 – SPECIFIC ROADS WHERE EXCESSIVE WEIGHT PROHIBITED

The operation of any vehicle with a registered gross weight in excess of 10,000 pounds, which: (1) does not fall under any exemption listed in Section 298.4 of this Ordinance, and (2) has not received a permit from the Town of Gray pursuant to Section 298.5 of this Ordinance, on the following town ways, or sections of town ways is **permanently** prohibited:

- i. Mayall Road from Depot Road to Yarmouth Road.

#### SECTION 298.8 – PENALTIES

Any violation of this Ordinance shall be a civil violation 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 Town of Gray 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 of Gray and shall be brought in the Maine District Court.

#### **SECTION 298.9 – AMENDMENTS**

This Ordinance may be amended by the Town Council at any properly noticed meeting.

#### **SECTION 298.10 – 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, and any amendments thereto, shall take effect thirty (30) days after adoption by the Town Council, pursuant to Section 14(C) of the Charter of the Town of Gray.