

CHAPTER 501
VEHICULAR USE AND WEIGHT RESTRICTION ORDINANCE
TOWN OF GRAY MAINE

Adopted July 13, 1982

Amended November 15, 2022 to incorporate Chapter 298

Amended effective July 6, 2023

SECTION 501.1 – TITLE

This Chapter shall be known and may be cited as the Vehicular Use and Weight Restriction Ordinance of the Town of Gray, Maine.

SECTION 501.2 – PURPOSE

The purpose of this Chapter is to regulate the use of certain vehicles on certain roads, and sections of roads, within the Town of Gray. The restrictions imposed herein are intended to prevent safety hazards and damage to town ways and bridges. Preventing safety hazards and damage to the roads reduces the cost of maintenance, reduces the danger of injury to the traveling public, and generally improves the use of roads by the public.

SECTION 501.3 – AUTHORITY

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

SECTION 501.4 – 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 Chapter. Any words not defined therein shall be given their common and ordinary meaning.

SECTION 501.5 – WEIGHT RESTRICTIONS AND NOTICE

1. 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. Regardless of exemptions listed in Section 501.6, but subject to any permit issued by the Town pursuant to Section 501.7 of this Chapter or issued to the vehicle owner or operator by the Maine Department of Transportation, all vehicles must adhere to applicable standards required for seasonal road postings, for the period of February 1 to May 1 of each year.
2. Subject to all applicable exemptions in this Chapter, 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 23,000 pounds, inclusive of a towed unit or units, or such lesser weight as indicated in 501.11, shall be prohibited on a particular town way or portion of a town way, effective upon the posting of such restrictions at both ends of said town way or portion of said town way, following an affirmative vote of the Town Council (the “Notice”).
3. 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.

4. Per the Notice, the restriction information shall be conspicuously posted at each end of the portion of the way or bridge, in a location clearly visible from the traveled way and shall include the weight limit, Chapter reference and time period of the restriction (if not permanent).
5. Whenever a restriction expires or is lifted, the road posting shall be removed wherever posted. Whenever a restriction is revised or extended, existing postings shall be removed and replaced with the updated information.
6. No person may remove, obscure or otherwise tamper with any posting except as provided herein.

SECTION 501.6 – EXEMPTIONS

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

- A. Any vehicle or combination of vehicles, inclusive of a towed unit or units, registered for a gross weight of 23,000 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, 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 23,000 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;

F. Vehicles owned or operated by parties living on, and/or operating a business on a specific road or road segment listed in 501.11 of this Chapter; or

G. Vehicles accessing properties or businesses located on a specific road or road segment listed in 501.11 of this Chapter, for the purpose of making deliveries or otherwise performing activities related to the vehicle owner's business.

Regardless of exemptions listed in this section, but subject to any permit issued by the Town pursuant to Section 501.7 of this Chapter or issued to the vehicle owner or operator by the Maine Department of Transportation, all vehicles must adhere to applicable standards required for seasonal road postings, for the period of February 1 to May 1 of each year, as required in Section 501.5(A).

SECTION 501.7 – PERMITS

- A. The owner or operator of any vehicle not otherwise exempt from the gross registered weight restrictions imposed by this Chapter, pursuant to Section 501.5, above, may apply in writing to the Town Council or its designee for a permit to operate on a posted town way or bridge, notwithstanding the restriction. The Town Council or designee may issue a permit only upon all of the following findings:
 - 1. no other route is reasonably available to the applicant;
 - 2. it is a matter of economic necessity and not mere convenience that the applicant use the restricted way or bridge; and
 - 3. 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:
 - 1. the gross registered weight of the vehicle, inclusive of a towed unit or units;
 - 2. the current and anticipated condition of the town way or bridge;
 - 3. the number and frequency of vehicle trips proposed;
 - 4. the cost and availability of materials and equipment for repairs;
 - 5. the extent of use by other exempt vehicles; and
 - 6. 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 501.8 – ADMINISTRATION AND ENFORCEMENT

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

In enacting this Chapter, the Town of Gray agrees to conspicuously erect signs meeting the standards of the Manual on Uniform Traffic Control Devices (MUTCD) on both ends of all town ways on which weight restrictions are in effect, per Section 501.5.

SECTION 501.9 – APPEALS

An applicant for a permit to operate on a posted town way or bridge who is denied said permit is entitled to appeal the decision to the Town Manager or the Town Manager's assignee.

SECTION 501.10 – PENALTIES

- A. Any violation of this Chapter shall be a civil violation subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense.
- B. 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. Any amount so recovered shall be used for repair of the ways so damaged. This section shall not be construed to limit the amount that may be recovered by the Town in a civil action. Any amount recovered in excess of the amount needed to repair the damaged way shall accrue to the Town. If the Town prevails in a civil action brought pursuant to this section, it shall be entitled to an award of reasonable attorney's fees in addition to any damages awarded.

SECTION 501.11 – SPECIFIC ROADS WHERE EXCESSIVE WEIGHT PROHIBITED

The operation of any vehicle with a registered gross weight in excess of 23,000 pounds (or such lesser weight as indicated below), which: (1) does not fall under any exemption listed in Section 501.6 of this Chapter, and (2) has not received a permit from the Town of Gray pursuant to Section 501.7 of this Chapter is prohibited.

Vehicles in excess of 10,000 pounds are not permitted on the following town-owned roads:

1. Mayall Road, from Depot Road to Yarmouth Road.
2. Marie Street (formerly Florence Road).

Per agreement with the MDOT, the following State highway segment in the Town of Gray is limited to a gross registered weight of 23,000 pounds:

1. Shaker Road, between Main Street and the north end of the Maine Wildlife Parkway.

SECTION 501.12 – AMENDMENTS

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

SECTION 501.13 – SEVERABILITY; EFFECTIVE DATE

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