Town of Stow

Ordinance Restricting Vehicle Weights on Posted Ways
Effective Date January 1, 2020

Section 1. Purpose and Authority
The purpose of this “Ordinance Restricting Vehicle Weights on Posted Ways” [hereafter, the Ordinance] is to prevent damage to Town ways and bridges in the Town of Stow, which may be caused by vehicles of excessive weight. In addition, to also 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. The Town of Stow Select Board, pursuant to Title 30-A M.R.S.A., section 3009 and Title 29-A M.R.S.A., sections 2395 and 2388, adopts this Ordinance.

Section 2. Definitions
Except as otherwise provided herein, the definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices
The municipal officers may, either permanently or seasonably, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public, 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

Select Board Initials and Dates:  

\[\text{Signatures and dates}\]
applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

Pursuant to Title 29-A M.R.S.A., section 2395, the notice shall contain, at a minimum, the following information:

1. The name of the bridge or way
2. The gross registered weight limit
3. The time limit during which the restriction applies
4. The date on which the notice was posted
5. The signatures on 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 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 such notice so posted except as provided herein.

Section 4. Exemptions
The following vehicles are exempt under State Law:

1. Any vehicle delivering home heating fuel or animal bedding and operating in accordance with a permit issued by the MDOT under Title 29-A M.R.S.A. section 2395 [4] and, when necessary during a period of drought, emergency declared by the Governor, any vehicle transporting well drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with
2. **Frozen Road Exemption:** This Ordinance shall not apply to any restricted road, which is frozen. The highway is considered "frozen" only when the air temperature is 32 degrees or below and no water is showing in the cracks of the road. Both conditions must be met.

3. **The following vehicles are also exempt under specific provisions of this Ordinance:**

   a. Any vehicle or combination of vehicles registered for a gross weight of 26,000 pounds or less.
   b. Any vehicle or combination of vehicles registered for a gross weight in excess of 26,000 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 subsection if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 26,000 pounds and its load is in fact less than 26,000 pounds.
   c. Maine DOT vehicles or other vehicles authorized by Maine DOT or a municipality or county to maintain roads under their authority.
   d. Authorized emergency vehicles as defined in Title 29-A M.R.S.A. section 2054, 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 26,000 pounds and less than or equal to 34,000 pounds that are carrying any of the **Special Commodities** may operate without a permit. **Special Commodities** include any of the following:

1. Home delivered heating fuel [oil, gas, coal, stove size wood that is fewer than 36” in length, propane and wood pellets];
2. Petroleum products;
3. Groceries;
4. Bulk milk;
5. Bulk feed;
6. Solid waste;
7. Organic animal bedding;
8. Returnable beverage containers;
9. Sewerage from private septic tanks or porta-potties; or
10. Medical gases.

**Section 5. Permissions**

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 not withstanding the restriction. The municipal officers may issue a permit 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 an applicant use the way or bridge and
3. 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.

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:

1. The gross registered weight of the vehicle;
2. The current and anticipated condition of the 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.

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.

6. Permits and Bonding

a. The permit fee shall be $25.00. The permitted time period shall not exceed 6 months. The permission to travel over ways and bridges may be canceled, for cause, and in the municipal officer's reasonable judgment.
b. The permit shall be valid when accompanied by a $1,000,000 liability bond. This bond shall remain in force for the length of the permit period.

Section 7. Administration and Enforcement
This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designees [such as road commissioner, code enforcement officer or law enforcement officer].

Section 8. Penalties
Any violation of this Ordinance shall be a civil infraction subject to a fine of $1,000. Each violation shall be deemed a separate offence. In addition to any fine, 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 9. Amendments
The municipal officers at any properly noticed public meeting may amend this Ordinance.

Section 9. Severability; Effective Date
In the event a court of competent jurisdiction declares any portion of this Ordinance invalid, the remaining portions shall continue in full force and effect. This Ordinance shall take effect on January 1, 2020 upon enactment by the municipal officers at any properly noticed meeting.

Signed and Dated by Select Board.

[Signatures with dates]