

Town of Etna

Restricting Vehicle Weight on Posted Ways

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Etna, 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-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 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.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the period during which the restriction applies, the date on which the notice was posted, and the signatures of Road Commissioner. 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.

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, a copy of which is attached hereto and is hereby incorporated as part of this Ordinance, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 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 a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4-A).

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 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:

- (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; and
- (f) 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.

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 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 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 8. Amendments

The municipal officers may amend this Ordinance 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 municipal officers at any properly noticed meeting.

Approved Ordinance adopted at the January 16, 2007 Select Board Meeting

Attested by the Town Clerk

Glenn A. McSorley

Robert L. Tashir
Mike Dillon
Victoria Donald

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. Maine Department of Transportation highway maintenance vehicles or vehicles under the direction of a public jurisdiction with permission of the Department engaged in emergency maintenance of public highways or appurtenances thereto.

D. Passenger cars, pickup trucks, emergency vehicles, school buses, and vehicles with three axles or less under the direction of a public utility and engaged in plant maintenance or repair. See: Amendment, Posted Road Rules

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 (included). 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 (included). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table included. Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.

F. Any combination vehicle of five axles or more weighing 80,000 pounds gross or less hauling perishable products. A permit issued by the Department of Transportation shall accompany any load of perishable products. (See STATE OF MAINE Trip Ticket for Perishable Products).

G. Division Engineers, at their discretion and in extraordinary circumstances, may allow heavy loads over posted roadways involving singular, nonrecurring moves. Such permission shall be made in writing and shall accompany the vehicle at all times.

6. PROCEDURES FOR OBTAINING AND USING TRIP TICKETS FOR HAULING PERISHABLE PRODUCTS OVER SEASONALLY POSTED ROADS

A. It is now possible for a shipper to haul perishable products over seasonally closed ways by securing a *permit* from the Maine Department of Transportation at any one of MDOT's seven Division Offices.

Department Of Transportation

RULES AND REGULATIONS RESTRICTING HEAVY LOADS ON CLOSED WAYS

SUMMARY: The following rules and regulations restrict heavy loads on posted State and State Aid Highways from November 15 to June 1, pursuant to the Department's authority under Title 29-A M.R.S.A., Section 2395.

1. DEFINITIONS

A. The definitions contained in Title 29-A, Section 101 of the Maine Revised Statutes Annotated shall govern the construction of the words contained in this regulation.

B. Gross weight is the combined weight of the vehicle and its load.

C. Special Mobile Equipment. "Special Mobile Equipment" shall mean every self-propelled vehicle not designed or used primarily for the transportation of persons or property but which is operated over the highways, including road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only as snowplows and for carrying sand for ballast only, well drillers and wood-sawing equipment used for hire. This enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section.

2. DESIGNATED CLOSED WAYS

In order to prevent excessive damage to State and State-Aid Highways, the Director of Bureau of Maintenance and Operations or the Division Engineer in whose Division the highway lies may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No vehicles shall travel over closed ways except those permitted by this regulation.

3. NOTICE

Notice shall be given by erecting at each end of the closed highway a poster indicating the following: (1) the date of the posting, (2) a description of the highway closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Division Engineer and (5) statutory and regulatory references.

4. EXEMPTION - FROZEN HIGHWAYS

This regulation shall not apply to any closed highway which is solidly frozen. The highway is considered "solidly frozen" only 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.

5. EXEMPT VEHICLES

The following vehicles are exempt from this regulation:

B. The permit issued will be in the form of individual pre-numbered trip tickets for hauling of perishable products by *5-axle-or-more combination vehicles* and will be limited to a combined weight of 80,000 lbs. and may, on occasion, be further limited by time, route, and temperature.

C. These trip tickets for hauling perishable products over seasonally closed ways will cost \$5.00 each. (Checks payable to Treasurer, State of Maine). These trip tickets will consist of three copies each with the following distribution: (1) original copy (white) - for driver, (2) second copy (green) - to be returned immediately to the Maine Department of Transportation, and (3) third copy (pink) - to be retained by the shipper.

D. The shipper or shipper's agent will call the appropriate Division Office and complete his/her form simultaneously with, and under guidance of the Permit Clerk. The customer is to have all the information that is required on the trip ticket *before he/she makes the call*. Trip tickets are to be made out in ink.

E. After routing check and verification, the customer will be given a permit number which must be entered on the form in order to make it valid for law enforcement purposes. When the required information is entered and the call is completed, the Permit is issued and the move may be made. The original trip ticket *must* accompany the load.

F. Each time a trip ticket is filled out, the *green* copy must be mailed immediately to the Maine Department of Transportation.

G. MDOT clerks will be available to take information for these trip tickets between the hours of 8 A.M. and 4 P.M., Monday through Friday at the appropriate Division Office.

H. Additional trip tickets will not be issued to shippers in continual violation of any of the required procedures.

I. The Department will retain the right to close any posted road to the hauling of perishable products in extreme circumstances.

EFFECTIVE DATE: _____, 1996

SIGNED _____

JOHN G. MELROSE, COMMISSIONER
MAINE DEPARTMENT OF TRANSPORTATION

Amendment, Posted Road Rules. The Commissioner concurred in the action taken by Marc H. Guimont, Director, Bureau of Maintenance and Operations when on March 3, 1998, he amended the Posted Roads Rules to specifically exempt tow trucks from hauling otherwise legal vehicles over a posted road. Such a combination of vehicles will not be considered a loaded vehicle for purposes of subsection D of the exemptions. Subsection D is amended to read: "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 and repair."

3/04/98

ITEM FOR COMMISSION RECORD

2/20/91

The Commissioner repealed rule 17-229-303 "Rules And Regulations Restricting Heavy Loads On Closed Ways" as last amended on June 26, 1985.

The Commissioner has enacted a new rule pursuant to M.R.S.A. Title 29, Sections 902 and 903 entitled "Rules and Regulations Restricting Heavy Loads On Closed Ways." This new rule replaces the old rule and is not being adopted under the Administrative Procedures Act rulemaking process because the new rule is now exempt from that process as provided by M.R.S.A. Title 29, Section 903. The old rule is rescinded and the new rule is effective as of February 20, 1991.

Approved by Commissioner of Transportation 2/20/91

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
TRANSPORTATION BUILDING - CAPITOL STREET
AUGUSTA, MAINE 04333

APPLICATION FOR EXEMPTION CERTIFICATE

TO: MAINE DEPARTMENT OF TRANSPORTATION

_____ requests consideration for an EXEMPTION Certificate, for the vehicle listed below to operate on State and State-Aid Highways which have been posted with "HEAVY LOADS LIMITED" signs, under the provisions of Department of Transportation, Rules and Regulations Restricting Heavy Loads on Closed Ways, Section 5, 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 (included). This certificate shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the exemption certificate will be based on weights listed in the table included.

Applicants for exemption certificates must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining an exemption certificate.

The applicant understands:

1. The weight limitation as indicated on the certificate, vehicle with load, does not apply when the closed sections of the highway are solidly frozen.
2. The vehicles will be subject to weighing by the Maine State Police.
3. The owner of any vehicle operating on any closed section of highway, the gross weight (vehicle and load) of which exceeds the weight indicated on the certificate will be in violation of any EXEMPTION CERTIFICATE ISSUED.
4. A violation of the requirements on the CERTIFICATE may lead to revocation.
5. The CERTIFICATE granted as a result of this application will be valid for the vehicle described below unless the registration number or ownership changes. In such cases a new application must be submitted.

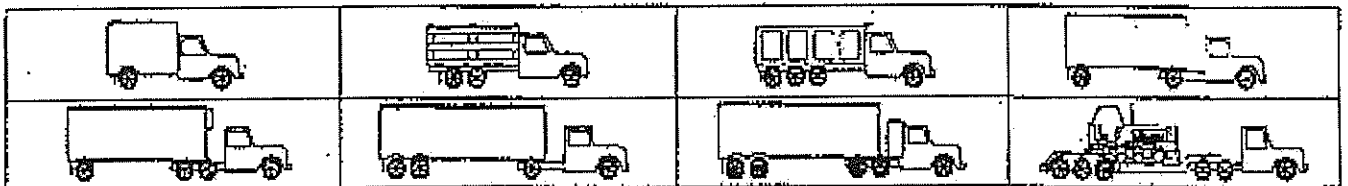
This application is for the following vehicle.

REGISTRATION _____ MAKE AND YEAR _____

VEHICLE I.D. NO. _____ REGISTERED G.V.W. _____

EMPTY WEIGHT _____ COMMODITY TRANSPORTED _____

VEHICLE CONFIGURATION (CIRCLE ONE)



TIRE SIZE: _____ (Use the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.)

I will instruct all operators and employees transporting the above indicated commodity to comply with the provisions of the Departmental Rules and Regulations and of the EXEMPTION CERTIFICATE.

COMPANY _____ SIGNED BY _____
DATE _____

ADDRESS _____ TITLE _____

PHONE NO _____

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
BUREAU OF MAINTENANCE & OPERATIONS
HIGHWAY MAINTENANCE DIVISION
STATE HOUSE STATION 16
AUGUSTA, ME 04333
TELEPHONE (207) 287-2661

NUMBER _____

EXEMPTION CERTIFICATE

In accordance with the provisions of Department of Transportation, Rules and Regulations Restricting Heavy Loads on Closed Ways, Section 5E., the vehicle described below is authorized to be operated loaded as indicated below on all sections of State or State-aid Highways which have been posted with "HEAVY LOADS LIMITED" signs.

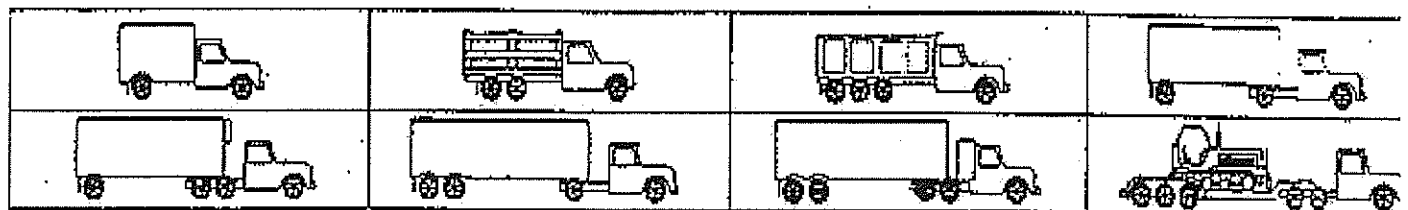
OWNER _____ REGISTRATION _____

MAKE & YEAR _____ VEHICLE I.D. NO. _____

REGISTERED GVW _____ EMPTY WEIGHT _____

COMMODITY TRANSPORTED: _____

VEHICLE CONFIGURATION: (check one)



TIRE SIZE: _____ (The most common tire size on axles other than the steering axle.
Tire widths shall be based on the manufacturer's rating.)

MAXIMUM PERMITTED PAY LOAD _____

MAXIMUM PERMITTED GROSS WEIGHT _____

This certificate is subject to the following conditions:









1. The gross weight (vehicle with load) shall not exceed that indicated above.
2. The loads shall be limited to the commodity indicated above.
3. The driver of the vehicle shall have available a copy of this certificate and delivery slips or bills of lading covering the entire amount of the commodity being transported and must present them to any investigating officer on request.
4. A violation of the requirements of this certificate may lead to revocation.
5. This certificate is valid for the above described vehicle unless the registration number or ownership changes or the tire size is not as indicated above. In such cases, a new certificate must be obtained.

Certificate is issued on: _____, 20____.

By: _____
Brian W. Pickard, Highway Maintenance Eng.

Gross Vehicle Weight Allowances For Exemption Certificate

(Weights are in Lbs.)

TRUCK TYPE		TIRE WIDTHS			
		9"	10"	12"	12" or more
	S U N G I T	24,200	25,200	26,200	27,200
		36,650	38,625	40,575	42,525
		41,325	43,750	46,200	48,625
	C O M B I N A T I O N	37,725	38,925	40,575	42,250
		45,250	48,050	50,850	53,650
		46,875	49,450	51,850	54,325
		52,375	51,350	64,300	67,250
		65,250	69,000	72,775	76,525

equation:

GVW from chart - Empty weight = Payload

Notes: (1) All axles must have four tires except for the steering axle which normally has two tires.

(2) The tire width used in the above table shall be the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.

STATE OF MAINE TRIP TICKET for Perishable Products

GIVE PERMIT OFFICE THIS NO.

No- 801

ENTER PERMIT NO. YOU RECEIVE HERE _____

DATE _____

APPLICANT _____

ADDRESS _____

VIA ROUTES _____

MOVING _____ OWNED BY _____

REGISTRATION NO. _____ REGISTERED WGT. _____ NO. OF
AXLES _____

Limited to 80,000 lbs. on a 5 axle or more Combination Vehicle.

Other limitations _____

Permission granted to haul perishable products over seasonally closed ways. Must obey Motor Vehicle & Public Utility Laws and MDOT's Procedures for Obtaining and Use of Permits for Hauling Perishable Products over Seasonally Posted Roads.

DATE OF MOVE _____ Signed by _____

