



## Town of Whitefield

# Restricting Vehicle Weight on Posted Ways Ordinance

### Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to lessen damage to, and extend the life expectancy of, town ways and bridges in the Town of Whitefield 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, 2387 and 2388.

### 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 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 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 weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

A notice specifying vehicle weight restrictions or exclusions must be conspicuously posted at the ends of the public way or bridge requiring protection under this ordinance.

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. General weight restrictions.

The Town Ways listed below are permanently restricted to a vehicle weight of not more than 23,000 pounds for through trucking. Exemptions to this are listed in Section 5.

Hunts Meadow Road south  
Hunts Meadow Road center  
Hunts Meadow Road north  
Townhouse Road

Thayer Road  
Palmer Road  
Vigue Road

Additional Town Ways may be seasonally posted with a weight restriction. The same exemptions of Section 5 apply for these posted roads.

## Section 5. Exemptions

A. The following vehicles are exempt from the general weight restriction: Any vehicle delivering home heating fuel or organic animal bedding 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).

B. The following vehicles are also exempt from the general weight restriction:

1. Any vehicle performing snow removal or ice control.
2. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
3. 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.
4. MaineDOT vehicles or other vehicles authorized by MaineDOT or a municipality or county to maintain the roads under their authority.
5. Authorized emergency vehicles as defined in 29-A M.R.S.A. § 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.
6. Any two axle vehicles registered for a gross weight in excess of 23,000 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 includes any of the following:
  - a. Home delivered heating fuel (oil, gas, coal, stove size wood that is fewer than 36" in length, propane and wood pellets);
  - b. Petroleum products;
  - c. Groceries;
  - d. Bulk milk;
  - e. Bulk feed;
  - f. Solid waste;
  - g. Organic animal bedding;
  - h. Returnable beverage containers;
  - i. Sewage from private septic tanks or porta-potties; or
  - j. Medical gases.

## Section 6. 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;  
The extent of use by other exempt vehicles; and 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 7. 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 8. Penalties**

Any violation of this Ordinance shall be a civil infraction subject to a fines as set forth in 29-A M.R.S.A. § 2387 or §2395 as applicable. 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 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.

**Originally Adopted April 10, 2018**

Approved & Signed this day: April 27, 2021

Town of Whitefield Select Board,

  
Lester Sheaffer Jr – Chairman

  
Charlene Donahue – Vice Chairman

  
Lise Hanners

  
William McKeen

  
Keith Sanborn

Amended Date April 27, 2021