

Posted Roads

An Ordinance Restricting Vehicle Weight on Posted Ways in the Town of Baldwin

Section 1. Purpose and Authority

The purpose of this ordinance " Restricting Vehicle Weight on Posted Ways" is to prevent damage to town ways and bridges in the Town of Baldwin 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. Sec. 3009 and 29-A M.R.S.A. Sec. 102,107, 2054, 2382, 2383, 2387 and 2395

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 Road Commissioner/Director of Public Works may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in his/her 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.

Pursuant to 29-A M.R.S.A 2395 The notice shall contain at a minimum the following information: the name of the way or bridge, the gross registered weight limit, the time during which the restriction applies, the date on which the notice was posted, and the signature of the Road Commissioner/Director of Public Works. 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 travel 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

The following vehicles are exempt under State law:

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).

The following vehicles are also exempt under the specific provisions of this ordinance:

Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less

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 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.

MaineDOT vehicles or other vehicles authorized by MaineDOT or a municipality or county to maintain the roads under their authority.

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: less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.

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 permit. Special Commodities includes any of the following:

- A. Home delivered heating fuel oil, gas, coal, stove size wood that is less than 36" in length, propane and wood pellets);
- B. Petroleum products;
- C. Groceries;
- D. Bulk milk;
- E. Solid waste;
- F. Animal bedding;
- G. Returnable beverage containers;
- H. Sewage from private septic tanks or porta-potties; or
- I. Medical gases.

6. Any vehicle whose owner or operator holds a valid permit from the Road Commissioner / Public Works Director as provided herein

5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Road Commissioner/Director of Public Works for a permit to operate on a posted way or bridge notwithstanding the restriction.

The Road Commissioner/Director of Public Works 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 Town 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 Road Commissioner/Director of Public Works makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. He/she may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the highways. In determining whether to issue a permit, the Road Commissioner/Director of Public Works 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;
- F. and such other circumstances as may, in his/her judgment, may be relevant.

The Road Commissioner/Director of Public Works 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. The Town of Baldwin reserves the right to rescind permits due to changes in weather and road conditions.

Permits will be issued for time periods not to exceed twenty-four (24) hours The cost of each permit is set per the selectboard and shall be reviewed annually, which must be paid for at the time the permit is issued.

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 the Road Commissioner/Director of Public Works, 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 nor more than \$1,000. Each violation shall be deemed a separate offense. In addition to any fine, the Town 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.

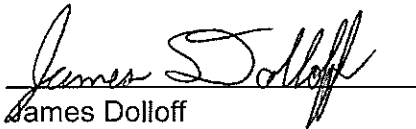
Section 8. Amendments

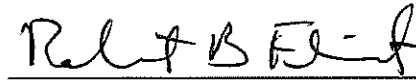
This ordinance may be amended by the Municipal Officers at any properly noticed meeting.

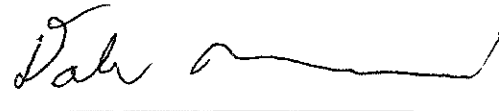
Section 9. Severability; Effective Date

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.

DATE: 4-2-2024


James Dolloff


Robert Flint


Dale Miner