

Ordinance Restricting Vehicle Weight on Posted Ways

TOWN OF BLUE HILL

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 Blue Hill, Maine 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.

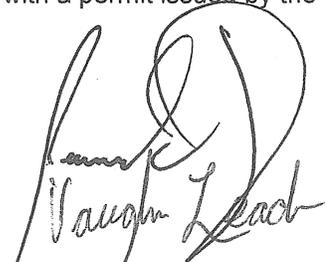
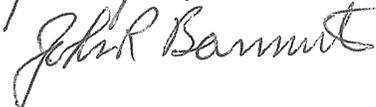
Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

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

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (Maine DOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, 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 Maine DOT 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 Maine DOT under 29-A M.R.S.A. § 2395 (4-A).


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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

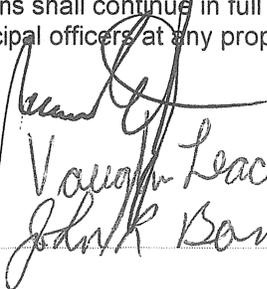
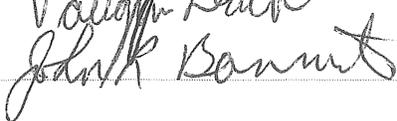
Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and 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

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 by the municipal officers at any properly noticed meeting.


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Maine Revised Statutes

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| <input checked="" type="checkbox"/> | STATUTE SEARCH |
| <input checked="" type="checkbox"/> | CH. 21 CONTENTS |
| <input checked="" type="checkbox"/> | TITLE 29-A CONTENTS |
| <input checked="" type="checkbox"/> | LIST OF TITLES |
| <input checked="" type="checkbox"/> | DISCLAIMER |
| <input checked="" type="checkbox"/> | MAINE LAW |
| <input checked="" type="checkbox"/> | REVISOR'S OFFICE |
| <input checked="" type="checkbox"/> | MAINE LEGISLATURE |

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| §2387 | Title 29-A: MOTOR VEHICLES HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF) | §2389 |
| | Chapter 21: WEIGHT, DIMENSION AND PROTECTION OF WAYS HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF) | |
| | Subchapter 2: DIMENSION HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5 (AFF) | |

§2388. Violations; bond; appeals

1. Violation. Except as otherwise provided, an operator who violates a provision of this subchapter commits a traffic infraction for which a forfeiture of not less than \$25 nor more than \$1,000 for each offense may be adjudged.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

2. Bond. In granting a permit under this subchapter, an operator may be required to post a satisfactory bond to reimburse for expenses necessarily incurred in repairing damage caused to the way or bridge by the operator's use.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

3. Appeals. An appeal in writing may be taken to the Department of Transportation from an order or decision of a municipal official under sections 2380 to 2382, 2387 and 2395.

The Department of Transportation may hear and decide the matter in a summary manner, modifying, affirming or vacating the action and may issue any order necessary to carry out its decision.

An appeal does not suspend the order or decision of the municipal official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an action by a railroad corporation under section 2387 in respect to a highway bridge maintained by the corporation. The commission, after notice and hearing, may confirm or modify that action.

[1995, c. 65, Pt. A, §112 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §SA153, C15 (AFF). 1995, c. 65, §A112 (AMD).

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**The Revisor's Office cannot provide legal advice or interpretation of
Maine law to the public.**

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007

Public Notice

To: David N. Gulya, Jr., a (constable)/ (resident) of the Town of Blue Hill, Maine, in the County of Hancock.

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Blue Hill that the municipal officers of said town will meet at the Blue Hill Town Office, on Friday, the 14th day of June, 2013 at 1:15 p.m. o'clock in the forenoon and then and there consider the enactment of the following ordinance:

An Ordinance Relating to Parking and Traffic Control

(See attached)

The public will be given an opportunity to be heard prior to the consideration of the above ordinance by the Municipal Officers.

Given under our hands this 31st day of May, 2013

/s/ [Signature] /s/ John B. Barnister

/s/ Vaughn Leggin /s/

Municipal Officers of Blue Hill, Maine

Attest: /s/ Etta E. Perkins

Return

Town of Blue Hill, Maine, May 31, 2013

Pursuant to the within order of notice, I have notified and warned the inhabitants of the Town of Blue Hill, Maine, that the municipal officers will meet at the time and place and for the purpose therein named, by posting this day an attested copy of that notice in the following public and conspicuous places in town:

Post Office

Town Hall

State of Maine

/s/ [Signature] (Constable) (Resident) Blue Hill, Maine (Name of Municipality) Hancock, ss (County)

Then personally appeared before me the above-named David Gulya Jr. known to me (or, who satisfactorily identified him/herself to me,) and swore that the representations set forth in the above Return of Warrant are true to his/her own knowledge; and acknowledged the signature appearing thereon to be his/hers, and that he/she executed the Return of his/her own free will (and who signed the above Return in my presence).

Date: 5/31/13

[Signature] Notary Public/Attorney at Law

(Notary's seal)

Printed name of Notary Public/Attorney If Notary Public, my commission expires ___/___/___

ETTA E. PERKINS Notary Public, Maine My Commission Expires March 5, 2017