

**TOWN OF PHIPPSBURG
ORDINANCE FOR
RESTRICTING VEHICLE WEIGHT ON POSTED WAYS
Adopted September 23, 1998 as amended through January 3, 2007**

1. **AUTHORITY:** This ordinance is adopted pursuant to 30-A M.R.S.A. §3009 and 29-A M.R.S.A. § 2395 and 2388.
2. **PURPOSE:** The purpose of this ordinance is to prevent damage to town ways in the Town of Phippsburg 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 to reduce the public expense of their maintenance and repair.
3. **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.
4. **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 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 so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way, 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 or Road Commissioner.

The notice shall be conspicuously posted at each end of the restricted portion of the way in a location clearly visible from the travelway. 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.

5. EXEMPTIONS: The following vehicles are exempt from this ordinance:

- (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;
- (c) Any two-axle vehicle while delivering home heating fuel;
- (d) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (e) Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- (f) Any school transportation vehicle while transporting students;
- (g) Any public utility vehicle while providing emergency service or repairs
- (h) Any wrecker towing a disabled vehicle
- (i) Any septic tank truck on an emergency pump, not to exceed 13,275 lbs maximum payload or 40,275 maximum permitted gross weight;
- (j) Any vehicle providing solid waste removal services to the Transfer Station while operating on Sam Day Hill Road;
- (k) Any vehicle hauling perishable products (as determined by the municipal officers) that is operating at a reduced weight and holds a valid permit in accordance with section 6;
- (l) Any vehicle whose owner or operator holds a valid permit from the municipal officers in accordance with section 6.

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 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.

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 could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways.

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;

- (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) 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.

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). A duly authorized law enforcement officer, in addition to issuing any charge or citation hereunder, may, for the purpose of lessening any harm caused by the unlawful use of Town roads, require that an operator found in violation of this ordinance immediately limit such unlawful use. Such officer may require that the operator and vehicle return to their point of origin or may require other reasonable action to be taken for the purpose of limiting any continued unlawful use, regardless of whether or not the business purpose of such use has then been completed.
8. **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 Town may seek restitution for the cost of repairs to any damaged way and reasonable attorney fees and costs. Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.
9. **AMENDMENTS:** This ordinance may be amended by the municipal officers at any properly noticed meeting.
10. **EFFECTIVE DATE:** This ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting. 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.

Given under our hands this 3rd day of January, 2007.

Alan B. Douglass
Chair, Board of Selectmen
Town of Phippsburg

Everett A. Perkins
Board of Selectmen
Town of Phippsburg

Lawrence R. Pye
Board of Selectmen
Town of Phippsburg

Town of Phippsburg, 1998 Restricting Vehicle Weight on Posted Roads Ordinance
Amended through January 3, 2007

Amendment Summary		
Date	Section	Amendment
2/25/04	5. Exemptions	(a) Added exemption for vehicles with a registered GVW of 23,000 pounds or less.
2/25/04	5. Exemptions	(b) Added exemption for vehicles with a registered GVW in excess of 23,000 pounds traveling empty.
2/25/04	5. Exemptions	(j) Added vehicles hauling perishable products operating at a reduced weight with permit.
1/03/07	5. Exemptions	(j) Added vehicles providing solid waste removal operating on Sam Day Hill Road
1/03/07	7. Administration and Enforcement	Allows law enforcement officers to require an overweight vehicle to turn around if found operating on a posted road.

Certified to be a true copy: Betty J. Herron, Town Clerk _____