TOWN OF WARREN ORDINANCE
RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

Section 1. Purpose and Authority

The purpose of this ordinance is to prevent damage to town ways and bridges in the Town of Warren 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. Section 3009 and 29-A M.R.S.A. Section 2388 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 Municipal Officers or designated representative may, either permanently or seasonally, impose such restrictions on the gross registered vehicle 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. NO RESTRICTION IF ROAD IS SOLIDLY FROZEN FOR TEMPORARY POSTINGS IF SO NOTED ON THE POSTING, SEE NOTE 1 BELOW.**

** NOTE 1: "Solidly Frozen" means that the air temperature is below 32 F and no water is showing in the cracks of the road.

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 a majority of the municipal officers or designated representative.
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 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.

Section 4. **Exemptions**

The following vehicles are exempt from this ordinance:

(a) any vehicle while delivering home heating fuel;

(b) any vehicle while engaged in highway maintenance or repair under direction of the State or Town;

(c) any emergency vehicle (such as firefighting apparatus or ambulances);

(d) any school transportation vehicle;

(e) any public utility vehicle while providing service or repairs; and

(f) any vehicle whose owner or operator holds a valid permit from the municipal officers or designated appointee as provided herein.

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 or representative 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 of Warren 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 (if applicable).
Even if the municipal officers or designee 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. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve or protect the highways.

In determining whether to issue a permit, the municipal officer 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 or designee 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 Town of Warren 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 Town of Warren 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.

Given under our hands, this Restricting Vehicle Weight on Posted Roads Ordinance is enacted on the 3rd day of November in the year nineteen hundred ninety-nine.

John Crabtree, Chairman

Richard Parent Jr., Selectmen

Edmund LaFlamme, Selectmen

Craig Stewart, Selectmen

Roger Peabody, Selectmen