

Chapter 801

Restricted Vehicle Weight on Posted Ways

§801-1. Authority

This Ordinance is adopted pursuant to M.R.S.A. 30-A Section 3009 and M.R.S.A. 29-A Sections 2395 and 2388.

§801-2. Purpose

The purpose of this Ordinance is to prevent damage to Town ways and bridges in the Town of Damariscotta which may be caused by vehicles of excessive weight, to lessen safety hazards and risk of injury to the traveling public, to extend the life expectancy of Town ways and bridges, and to reduce the public expense of road and bridge maintenance and repair.

§801-3. Effective Date

This Ordinance shall take effect immediately upon enactment by the Selectmen at any properly noticed meeting.

§801-4. Definitions

The definitions contained in M.R.S.A. 29-A shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

§801-5. Restrictions and Notices

(a) The Selectmen may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles which 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.

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

(c) The notice shall contain, at a minimum, the following information:

- (1) the name of way or bridge
- (2) the gross registered weight limit
- (3) the time period during which the restriction applies
- (4) the date on which the notice was posted
- (5) the signatures of the Selectmen or their designees.

(d) 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.

(e) Whenever a restriction expires or is lifted, the notices shall be removed from wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with the new notices. NO person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

§801-6. Exemptions

(a) Vehicles that are exempt from the Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended March 4, 1998, as may be amended from time to time, a copy of which is attached hereto and hereby incorporated as part of this Ordinance, are exempt from this Ordinance.

(b) Vehicles delivering home heating fuel and operating in accordance with a permit issued by the MDOT under M.R.S.A. 29-A Section 2395(4) are exempt from this Ordinance.

(c) When necessary during a period of drought emergency declared by the Governor, and when operating in accordance with a permit issued by MDOT under M.R.S.A. 29-A Section 2395(4)(A), vehicles 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 purposes, are exempt from this Ordinance.

§801-7. Permit

(a) Owners or operators of any vehicle not otherwise exempt as provided herein may apply in writing to the Selectmen for a permit to operate on a posted way or bridge notwithstanding the restriction. The Selectmen may issue a permit only upon all of the following findings:

(1) no other route is reasonably available to the applicant,

(2) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge, and

(3) 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 reasonable result from the applicant's use of same.

(b) Even if the Selectmen 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.

(c) In determining whether to issue a permit, the Selectmen shall consider the following:

- (1) the gross registered weight of the vehicle
- (2) the current and anticipated condition of the way or bridge
- (3) the number and frequency of vehicle trips proposed
- (4) the cost and availability of materials and equipment for repairs
- (5) the extent of use by other exempt vehicles, and
- (6) such circumstances as may, in their judgment, be relevant

(d) The Selectmen may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and number or frequency of vehicle trips, which shall be clearly noted on the permit.

§801-8. Administration and Enforcement

Unless otherwise determined by the Selectmen, this Ordinance shall be administered by the Town's Road Commissioner and may be enforced by the Damariscotta Police Department.

§801-9. 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 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 Town and shall be brought in the Maine District Court.

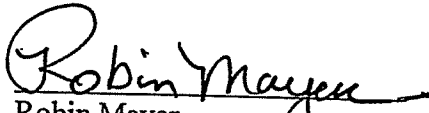
§801-10. Amendments

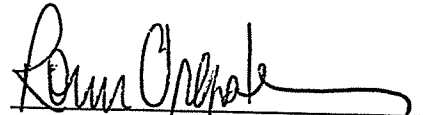
This Ordinance may be amended by the Selectmen at any properly noticed meeting.

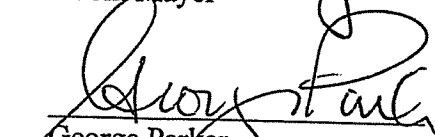
§801-11. Severability

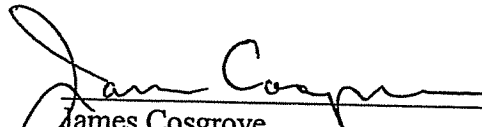
In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect.

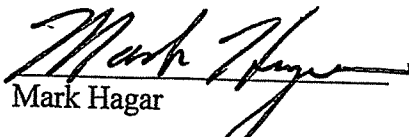
Board of Selectmen


Robin Mayer

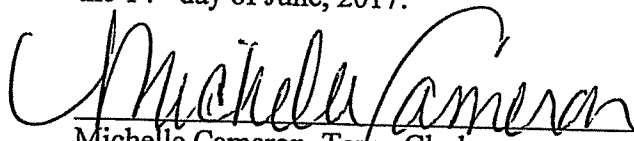

Ronn Orenstein

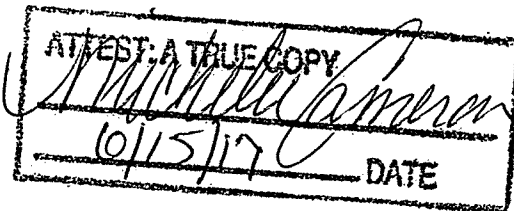

George Parker


James Cosgrove


Mark Hagar

Attest: A true copy of an Ordinance entitled: "Restricted Vehicle Weight on Posted Ways."
Enacted June 14, 2017, as certified to me by the Municipal Officers of Damariscotta, Maine on
the 14th day of June, 2017.


Michelle Cameron, Town Clerk
Damariscotta, Maine



Legislative History

Enacted June 14, 2006; effective June 14, 2016
Revised June 14, 2017, effective June 14, 2017