

AGENDA

ITEM

4.

PUBLIC

HEARING

Public Notice

To Shirley Bailey, a resident of the Town of Clinton, Maine, in the County of Kennebec.

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Clinton, Maine that the Municipal Officers of said Town will meet at the Selectmen's Room, Clinton Town Office, 27 Baker Street, Clinton, Maine on Monday, the 9th day of June, 2008 at 6:30 PM and then and there consider the enactment of the following ordinance:

AN ORDINANCE RELATING TO RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

"The Town of Clinton Hereby Ordains that the Town of Clinton Ordinance Restricting Vehicle Weight on Posted Ways is enacted as follows:

RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

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 Clinton 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 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.
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.
3. **Restrictions and Notices:** The municipal officers (Board of Selectmen) may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in its 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 period on any way or bridge so posted unless that person or vehicle is exempt as provided herein, or holds a valid permit issued in paragraph 6.

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 signature of the Chair, Board of Selectmen, or if designated by majority vote of the Board of Selectmen, the signature of the Road Commissioner.

or is lifted, the notices shall be removed. If a restriction is revised or extended, existing notices shall be replaced with new notices. No person may remove or tamper with any notice so posted except as provided herein.

The following streets and roads will be posted seasonally: Beaudoin Road, Bellsqueeze Road, Bush Road, Dixon Road, Goodrich Road, Gustafson Road, Hillcrest Drive, Holt Road, Horseback Road, Johnson Road, McKenney Road, McNally Road, Peavey Road, Pearl Street, Peavey Road, Pishon Road, Rogers Road, Sebasticook Drive, True Road, Water Street, and Wright Road.

Any vehicle exempt from the Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, and is hereby incorporated as part of this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by 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 MDOT under 29-A M.R.S.A. § 2395 (4-A).

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers (Board of Selectmen) for a permit to operate on a posted way or bridge notwithstanding the restriction. The Board of Selectmen 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;

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 replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

4. **Streets / Roads to be Posted:** The following streets and roads will be posted seasonally: Battleridge Road, Bush Road, Church Street, Dean Road, Dixon Road, Goodrich Road, Gustafson Road, Hill Road, Johnson Flat Road, McCallister Road, Morrison Avenue, Mutton Lane, Peavey Road, Pishon Road, Rogers Road, Silver Street, Spring Street, Taft Road, and Wright Road.

5. **Exemptions:** 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 on March 4, 1998, and 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 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 MDOT under 29-A M.R.S.A. § 2395 (4-A).

6. **Permits:** The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers (Board of Selectmen) for a permit to operate on a posted way or bridge notwithstanding the restriction. The Board of Selectmen 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;

- c. the applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in the judgment of the municipal officers, 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 (Board of 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. The municipal officers (Board of Selectmen) may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the ways and bridges.

In determining whether to issue a permit, the municipal officers (Board of Selectmen) shall consider the following factors:

- aa. the gross registered weight of the vehicle;
- bb. the current and anticipated condition of the way or bridge;
- cc. the number and frequency of vehicle trips proposed;
- dd. the cost and availability of materials and equipment for repairs;
- ee. the extent of use by other exempt vehicles; and
- ff. such other circumstances as may, in their judgment, be relevant.

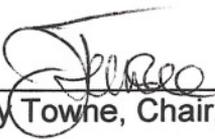
The municipal officers (Board of Selectmen) may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

7. **Administration and Enforcement:** This Ordinance shall be administered by the municipal officers (Board of Selectmen) and may be enforced by the municipal officers (Board of Selectmen) or their duly authorized designees: law enforcement officers, code enforcement officer, or road commissioner,
8. **Civil Penalties:** Any violation of this Ordinance shall be a civil violation subject to a civil penalty of not less than \$250.00 nor more than \$1,000.00. Each unlawful passage of a vehicle over a posted way or bridge is a separate violation. In addition to any civil penalty, the Town of Clinton may seek restitution for the costs of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the Town of Clinton and shall be brought in the Maine District Court.
9. **Amendments:** This Ordinance may be amended by the municipal officers (Board of Selectmen) at any properly noticed meeting.
10. **Severability and 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 thirty (30) days from the date the municipal officers (Board of Selectmen) voted to adopt the Ordinance.”

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 13th day May, 2008



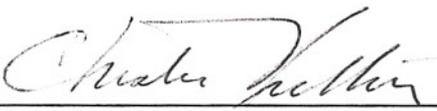
Jeffrey Towne, Chair, Board of Selectmen



Stephen Hatch, Selectman



Randy Clark, Selectman

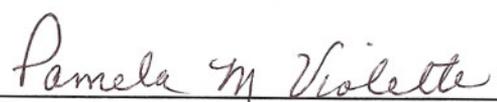


Chester Nutting, Selectman

Joseph Massey, Selectman

Municipal Officers of the Town of Clinton.

A True Copy of the Public Notice Attested:



Town Clerk



RETURN

Town of Clinton, Maine

May 14, 2008

Pursuant to the within order of notice, I have notified and warned the inhabitants of the Town of Clinton, 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:

Places Listed

Town of Clinton Office - 10:00 AM
Post Office - 10:03 AM
Library 4:00 PM
Salusha's Mkt. - 10:05 AM
Dick's Mkt. - 10:00 AM

Shirley Bailey

Shirley Bailey
Resident
Town of Clinton, Maine

State of Maine

Kennebec County, ss

Then personally appeared before me the above-named Shirley Bailey, known to me and swore that the representations set forth in the above Return of Public Notice are true to her own knowledge; and acknowledged the signature appearing thereon to be hers, and that she executed the Return of her own free will and who signed the above Return in my presence.

Date: 5/14/08

Pamela M. Violette

Notary Public

Pamela M. Violette

Printed name of Notary Public

Notary Seal

My Commission Expires: _____

Pamela M. Violette
Notary Public
State of Maine
My Commission Expires
May 22, 2014