

**TOWN OF CLINTON, MAINE
ORDINANCE
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 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.

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 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 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. 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

4. Streets/Roads to be Posted: The following streets and roads will be posted seasonally: Battleridge Road, Beaudoin Road, Bellsqueeze Road, Bush Road, Church Street, Dean Road, Dixon Road, Goodrich Road, Gustafson Road, High Street, Hill Road, Hillcrest Drive, Holt Road, Horseback Road, Johnson Flat Road, Road, McKenney Road, McNally Road, Morrison Avenue, Mutton Lane, Pearl Street, Peavey Road, Pishon Ferry Road, Railroad Street, River Road, Rogers Road, Seabastcook Drive, Silver Street, Spring Street, Tardiff Road, True Road, Water Street, and Wright Road.

5. Exemptions: The following vehicles are exempt under State law:

Any vehicle delivering home heating fuel or organic animal bedding and operating in accordance with a permit issued by the 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 the MDOT under 29-A M.R.S.A. § 2395 (4-A).

The following vehicles are also exempt under the specific provisions of this ordinance:

1. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
2. 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. It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.
3. Any vehicle engaged in highway operation, repair, or maintenance under the direction of the Clinton Road Commissioner/Town Maintenance Contractor or the Maine Department of Transportation.
4. Authorized emergency vehicles as defined in 29-A M.R.S.A. § 2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
5. Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities may operate without a permit. Special Commodities includes any of the following:
 - a. Home delivered heating fuel (oil, gas, coal, stove size wood that is less than 36" in length, propane and wood pellets);
 - b. Petroleum products;
 - c. Groceries;
 - d. Bulk milk;
 - e. Solid waste;
 - f. Animal bedding;
 - g. Returnable beverage containers;
 - h. Sewage from private septic tanks or porta-potties; or
 - i. Medical gases.

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 factors:

- 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 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 material 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 municipal officials (Board of Selectmen) and may be enforced 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 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 Clinton and shall be brought in the Maine District Court.

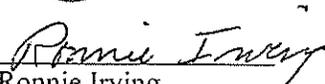
9. Amendments: This Ordinance may be amended by the municipal officers (Board of Selectmen) at any properly noticed meeting.

10. Severability: 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 become effective thirty (30) days after adoption by a majority of the municipal officers (Board of Selectmen).

Adopted by the Municipal Officers (Board of Selectmen) of the Town of Clinton, Maine on June 9, 2008 and revised September 12, 2017 and November 28, 2017.



Jeffrey Towne



Ronnie Irving



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