

POSTED ROADS ORDINANCE

for the Town of Georgetown, Maine

Adopted 26 March 2003 Amended 26 June 2021

Section 1 Purpose and Authority

The purpose of this Ordinance, formally “An Ordinance Restricting Vehicle Weight on Posted Roads,” is to prevent damage to Town ways and bridges in the Town of Georgetown 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 30A MRSA § 3009 and 29A MRSA §§ 2395 and 2388.

Section 2 Definitions

The definitions in 29A MRSA § ~~101~~ shall govern the construction of words contained in this Ordinance. Any words not defined therein shall have their common and ordinary meanings.

Section 3 Restrictions and Notices

A The Road Commissioner 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.

B 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.

C 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 Road Commissioner. The notice shall be conspicuously posted at the beginning of the restricted way or bridge in a location clearly visible from the traveled way.

D 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 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).

Frozen road exemption: This ordinance shall not apply to any restricted road which is frozen.

The highway is considered “frozen” only when the air temperature is 32° F or below and no water is showing in the cracks of the road. Both conditions must be met

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. MaineDOT vehicles or other vehicles authorized by MaineDOT or a municipality or county to maintain the roads under their authority.
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 fewer 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 fewer than 36” in length, propane and wood pellets);
 - b. Petroleum products;
 - c. Groceries;
 - d. Bulk milk;
 - e. Bulk feed;
 - f. Solid waste;
 - g. Organic animal bedding;
 - h. Returnable beverage containers;
 - i. Sewage from private septic tanks or porta-potties; or
 - j. Medical gases.

Section 5 Permits

A The owner or operator of a vehicle not otherwise exempt as provided herein may apply in writing to the Road Commissioner for a permit to operate on a posted way or bridge despite the restriction. The Road Commissioner may issue a permit only upon all of the following findings:

- 1 that the applicant has no other route reasonably available;
- 2 that the applicant needs to use the way or bridge as a matter of economic necessity, not mere convenience; and
- 3 that the applicant has tendered cash, a bond, or other suitable security running to the Town 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 the way or bridge.

B Even if the Road Commissioner makes the foregoing findings, a permit need not be issued if it is determined that 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 Town. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the Town ways and bridges.

C In determining whether to issue a permit, the Road Commissioner shall consider the following factors:

- 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 other circumstances as may, in their judgment, be relevant.

D The Road Commissioner 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 Road Commissioner as the duly authorized designee of the Board of Selectmen.

Section 7 Penalties

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250 nor more than \$1,000. 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 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.

Section 8 Severability; Effective Date

In the event that 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 adoption at Town Meeting.