

Chapter 13

Ordinance Restricting Vehicle Weight on Posted Ways

The Town of Bradley hereby ordains:

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 Bradley 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. Sec. 3009 and 29 M.R.S.A. Sec. 2395.

Section 2. Definitions

The definitions contained in Title 29 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 Road Commissioner may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in his/her 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. "Solidly frozen" means that the air temperature is below 32 degrees 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 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 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 two-axle vehicle while delivering home heating fuel;
- (b) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- (d) Any school transportation vehicle while transporting students;
- (e) Any public utility vehicle while providing emergency service or repairs; and
- (f) Any vehicle whose owner or operator holds a valid permit from the Road Commissioner 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 Road Commissioner for a permit to operate on a posted way or bridge notwithstanding the restriction. The Road Commissioner 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 in an amount sufficient, in the road commissioner's judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the Road Commissioner makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. He/she may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect the highways.

In determining whether to issue a permit, the Road Commissioner 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 his/her judgment, may be relevant.

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 law enforcement, officers of the Town of Bradley and Code Enforcement Officer.

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 shall be awarded 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. 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.

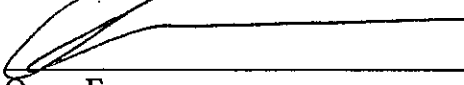
Town of Bradley

Ordinance Restricting Vehicle Weight on Posted Ways

Approved by the Bradley Town Council at a duly called meeting on 11/1/06.



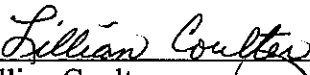
Sally Strout, Chairperson



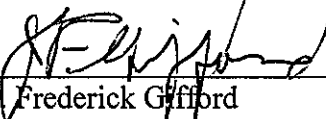
Oscar Emerson



Audrey Wilcox



Lillian Coulter



J. Frederick Gifford

A True Copy Attest:



Melissa L. Doane Bradley Town Clerk

Notice is hereby given that the Municipal Officers of the Town of Bradley will hold a public hearing on November 1, 2006 6:00 p.m. at The Municipal Building 165B Main Rd Bradley to hear public comment on the following:

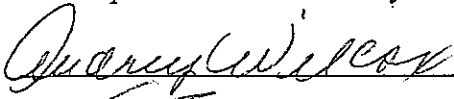
**ORDINANCE RESTRICTING VEHICLE WEIGHT ON POSTED WAYS
CULVERT ORDINANCE
SHORELAND ZONING ORDINANCE
NOTICE OF WINTER PARKING REGULATIONS
GENERAL ASSISTANCE ORDINANCES APPENDIXES A, B, & C FOR THE YEARS 2006-2007**

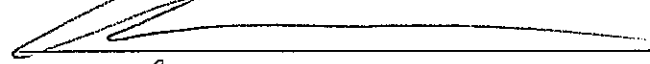
RETURN ON THE NOTICE

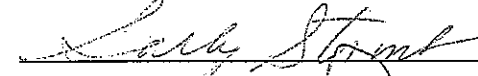
Bradley Maine
November 1, 2006

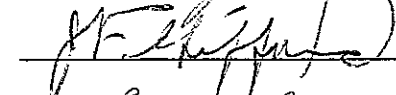
Pursuant to 30-A M.R.S.A § 2528 (5), we have notified the inhabitants of said Town of Bradley of a public hearing, to be held at said time and place, and for the purposes herein named, by posting a copy of said notice in said Town, being a public and conspicuous place (s) in said Town on the 19 day of October, being at least seven days before the hearing.

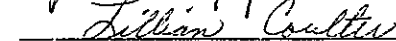
Municipal Officers of Bradley











State of Maine


Penobscot, ss

Then personally appeared before me the above-name Audrey Wilcox, J. Frederick Gifford, Oscar Emerson, Lillian Coulter, and Sally Strout, known to me (or, who satisfactorily identified him/herself to me) and swore that the representations set forth in the above Return of Notice are true of their own knowledge; and acknowledged the signatures appearing thereon to be theirs and that they executed the Return of their own free will (and who signed the above Return in my presence).

Date



Notary Public



Printed name of Notary Public
Commission expires