

Falmouth Ordinance

ARTICLE IV. REGULATION OF MOTOR VEHICLE WEIGHT ON POSTED WAYS AND BRIDGES

Sec. 17-100. Purpose and authority.

The purpose of this article is to prevent damage to town ways and bridges 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 article is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2387.

(Ord. of 3-21-2005)

Sec. 17-101. Restrictions and notices.

The town council may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles traveling over designated town ways and bridges as, in their judgment, may be necessary to protect the traveling public and to prevent excessive damage to town ways and bridges.

A notice specifying the designated sections of the town way or the bridge, the prescribed restrictions, the periods of restrictions, the date of posting and the signature of the town manager or the public works director must be conspicuously posted at each end of the town 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 removed and replaced with new notices.

(Ord. of 3-21-2005)

Sec. 17-102. Prohibition; exemptions.

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 or the possession of a special permit.

All town and school vehicles are exempt from this article. Heating fuel delivery trucks operating with a Maine Department of Transportation permit and vehicles transporting well drilling equipment operating during a drought emergency declared by the governor are exempt from this article, as provided in 29-A M.R.S.A. § 2395 (4-A).

(Ord. of 3-21-2005)

Sec. 17-103. Special permits.

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing for a permit to operate notwithstanding the restrictions imposed pursuant to this article. The town council may issue a special permit if it finds that: (a) no other route is reasonably available to the applicant and (b) the applicant has tendered suitable security running to the town in an amount sufficient to repair any damage to the town way or bridge which may result from the applicant's use. Notwithstanding making such findings, the town council may refuse to issue a special permit if

determines that the proposed use will pose an unacceptable risk to public safety or to the condition of the way or bridge.

(Ord. of 3-21-2005)

Sec. 17-104. Enforcement; penalties.

This article may be enforced by the code enforcement officer or any law enforcement officer.

Any violation of this article shall be punishable in accordance with section 17-11, provided that the fine provided therein shall be assessed for each one thousand (1,000) pounds of registered gross vehicle weight over the posted weight limit. In addition, the town may seek restitution for the cost of repairs to any damaged way or bridge necessitated by the unlawful use and may seek reasonable attorney's fees and costs.

(Ord. of 3-21-2005)