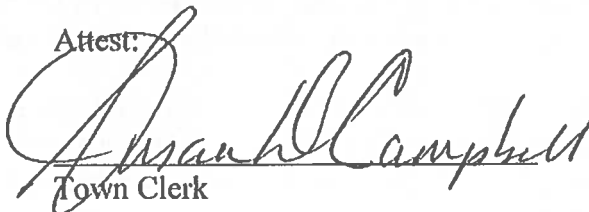


**RESTRICTING VEHICLE WEIGHT  
ON POSTED WAYS  
ORDINANCE**

**of the Town of Chebeague Island  
MAINE**

Adopted by the Town Meeting:  
Effective: 20 November 2010

Attest:

  
Town Clerk

Seal:

**SECTION 101. TITLE**

This Ordinance shall be known as and may be cited as the “Restricting Vehicle Weight on Posted Ways Ordinance in the Town of Chebeague Island, Maine,” and shall be referred to herein as “this Ordinance” or “this chapter”.

**SECTION 102. PURPOSE AND AUTHORITY**

The purpose of this Ordinance is to prevent damage to town ways and related structures in the Town of Chebeague Island 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 related structures, 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.

**SECTION 103. DEFINITIONS**

- a) **Related Structures.** The term ‘related structures’ shall refer to any and all structures that are considered to be part of the road system in the Town of Chebeague Island and including but not limited to: bridges and culverts, public parking areas, water access, the Stone Wharf, and access ways to Chandler’s Pier.
- b) **Temporary Exemption.** A temporary exemption may be granted in accordance with Section 105 of this ordinance. A temporary exemption is defined as one traverse of the posted way or related structure. A traverse may be considered the trip both to and from a destination for a specific purpose.
- c) The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance.
- d) Any words not otherwise defined therein shall be given their common and ordinary meaning.

**SECTION 104. RESTRICTIONS AND NOTICES**

The municipal officers 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 road system, and designate the town ways and related structures 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 related structure so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way(s) or related structure(s), the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers or their designee. The notice shall be conspicuously posted at

each end of the restricted portion of the way or related structure 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.

#### SECTION 105. EXEMPTIONS

The following vehicles are exempt from this ordinance:

- a) Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
- b) Any two-axle vehicle while delivering any form of home heating fuel;
- c) Any vehicle while engaged in highway maintenance, solid waste hauling or repair under the direction of the State or Town;
- d) Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- e) Any school transportation vehicle while transporting students;
- f) Any public utility vehicle while providing emergency service or repairs;
- g) Any vehicle detoured by a law enforcement officer at an accident scene; and
- h) Any owner or operator granted a temporary exemption by the road commissioner.

The owner or operator of any vehicle may request a temporary exemption by written request to the road commissioner. In determining whether to allow a temporary exemption, the road commissioner shall consider the following factors:

- a) the gross registered weight and the type of vehicle;
- b) the current and anticipated condition of the way or related structure;
- 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 their judgment, be relevant.

The road commissioner may require the applicant to tender cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage incurred as a result of granting a temporary exemption.

For cases where restrictions are imposed to protect roads during spring thaw conditions the criteria of ambient temperatures below 32°F and no visible unfrozen water on the surface or in road defects may be used to grant a temporary exemption.

The road commissioner shall record all exemptions granted stating the applicants name, vehicle weight, date and times of the temporary exemption, public ways involved and the reason for the temporary exemption.

**SECTION 106. ADMINISTRATION AND ENFORCEMENT**

This Ordinance shall be administered and may be enforced by the municipal officers, the road commissioner, code enforcement officer or law enforcement officer with jurisdiction in the Town of Chebeague Island.

**SECTION 107. PENALTIES**

Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or related structure and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

**SECTION 108. AMENDMENTS**

This Ordinance may be amended by the municipal officers or Town Meeting at any properly noticed meeting.

**SECTION 109. SEVERABILITY**

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.