

Ordinance Regulating the Use and Weight of Certain Vehicles on Town Ways and Public Easements

Adopted August 14, 1986

Amended July 16, 2012

Section I. Title, Purpose, Authority and Definitions, Rules of Construction

A. Title

This ordinance shall be known and may be cited as the Vehicular Use and Weight Control Ordinance of the Town of Dayton.

B. Purpose.

The purpose of this ordinance is to regulate the weight of vehicles and the use of certain vehicles on certain town ways and public easements within the Town of Dayton. The restrictions imposed prevent safety hazards and damage, which damage has been or will be caused by the passage of vehicles which are too heavy for the designated town ways and public easements. Preventing safety hazards and damage to the roads reduces any cost of maintenance, reduces the danger of injury to the traveling public, and generally improves the use of roads by the public.

C. Authority.

This ordinance is enacted pursuant to Title 30A MRSA § 3001, and 3009, and Title 29A MRSA § 1611, 2352, and 2381.

D. Definitions.

1. **Commercial Vehicle:** a vehicle greater than 16" in length including any attached trailer or semi-trailer which is being used or is normally used to earn money or for some other business purpose. Vehicles used to make residential deliveries or rented on an occasional basis for some purpose other than earning money or use in a business shall not be considered commercial vehicles.
2. **Gross Vehicle Weight:** shall mean the total weight of the vehicle and its load. A vehicle and any attached trailer or semi-trailer shall be considered one vehicle for purposes of determining gross weight.
3. **Public Easement:** an easement held by a municipality for purposes of public access to land or water not rights enjoyed by the public with respect to private

ways created by statute prior to the effective date of this ordinance. Private ways created pursuant to 23 MRSA § 3022 and 3026 prior to the effective date of this ordinance are public easements.

4. **Town Way:** an area or strip of land designated and held by a municipality for the passage and use of the general public by motor vehicle and all town or county ways not discontinued or abandoned before the effective date of this ordinance.
5. **Other Words:** The definitions contained in Title 29A § 101 of the Maine Revised Statutes Annotated shall govern the construction of other words contained in this ordinance.

E. Rules of Construction:

Any reference to a Title and Section of the Maine Revised Statutes Annotated shall include any amendments, whenever enacted, to the referenced Title and Section unless the amendments support a result which is inconsistent with the purposes of this ordinance, in which case the amendments shall be disregarded.

Section II. Rules and Regulations:

A. Permanent Load Restrictions upon Vehicles Using Certain Ways:

1. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of 50,000 lbs. at any time upon any of the following town ways or public easements:
 - a) Mast Road from Lyman town line to Goodwins Mills Road
 - b) Hollis Road from Hight Road to Dyer Road
 - c) Dyer Road from Hollis Road to Hollis town line
 - d) Hight Road
 - e) Union Falls Road
 - f) Gould Road
 - g) Company Road
 - h) Buzzell Road

2. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of 69,000 lbs Gross Vehicle Registered Weight (GVRW), at any time upon any of the following town ways or public easements:
 - a) Hollis Road from New County Road to Hight Road

B. Certain Ways Closed to Commercial Vehicles:

When signs are erected giving notice thereof, no person shall operate any commercial vehicle on any town way or public easement so posted.

C. Enactment of Restrictions:

1. Any restriction, alteration, amendment, or removal of a restriction proposed by the municipal officers pursuant to this ordinance shall be enacted after notice and a public hearing.
2. The public hearing may be held as part of a regularly scheduled meeting of the municipal officers.
3. The notice of the public hearing shall be posted at least seven days before the hearing in the same manner and place required for posting the warrant for calling a town meeting.

D. Emergency Enactment:

If the municipal officers determine that an emergency exists which requires the immediate enactment or removal of a restriction, alteration, or amendment, the municipal officers may enact the necessary restriction, alteration or amendment without notice and a public hearing as required by Section II (D) and any restriction, alteration, or amendment so enacted shall be effective as soon as signs are erected giving notice thereof. Any restriction, alteration, or amendment enacted or removed as an emergency measure shall only remain in effect for 20 days from the date signs are erected.

E. Permits:

Permits may be granted by the municipal officers pursuant to 29A § 2381.

F. Exempt Vehicles:

The following vehicles are exempt from this ordinance so long as their gross weight is less than 50,000 lbs.

- a) Any two axle home heating fuel delivery truck either registered for a gross weight of 50,000 lbs. or less or if registered in excess of 50,000 lbs., which has an exemption certificate issued by the Maine Department of Transportation.
- b) Any vehicle engaged in road maintenance under the direction of the municipality.

Section III. Enforcement:

- A. This ordinance may be enforced by any duly appointed law enforcement officer of the Town of Dayton, any duly appointed law enforcement officer of the Maine State Police.
- B. This ordinance shall be enforced according to the provisions of 29A MRSA § 2601, 2602, 2603, and 2605 which are hereby incorporated by reference and copies of which are attached to this ordinance.
- C. Any other provision of this ordinance notwithstanding, the operator of any vehicle entering or leaving the Town of Dayton or operating on ways designated in Section II A within the Town of Dayton, upon request or direction of any law enforcement official shall drive such vehicle upon a suitable set of platform or portable scales for the weighting of motor vehicles, and shall permit examination of the registration certificate covering such vehicle and of any load carried thereon. Whenever such examination of load carried requires the breaking of a seal previously placed on the vehicle, a new seal shall be placed thereon, and complete records made and forwarded to the Chief of the State Police concerning the seal so broken and replaced, except that seals on trucks having exposed refrigeration units shall not be broken.
- D. When an officer determines that a vehicle which is within the gross maximum weight limits is in violation of the axle weight limits, he shall permit the operator to redistribute the load once by hand before proceeding, and if it then conforms to the axle weight limits of this ordinance, no penalty for such violation shall be imposed.
- E. The operation of the vehicle shall be prima facie evidence that said operation was caused by the person, firm, or corporation holding any permit or certificate for said vehicle from the Public Utilities Commission.
- F. The Maine District Court shall have original and exclusive jurisdiction over all prosecutions for violations of this ordinance.

Section IV. Penalties:

1. Any person found guilty of violating any provision of this ordinance shall be subject to a fine of not less than \$10.00 nor more than \$500.00, according to the following schedule:
 - a) Less than 1,000 lbs. overweight ___ \$10.00 or
1,000 lbs. or more overweight ___ \$50.00 for each 1,000 lbs. or part thereof in excess of the posted limit.

Each violation shall be considered a separate offense and violation of this ordinance. All fines imposed pursuant to this ordinance shall accrue to the Town of Dayton.

2. In addition to any fines imposed pursuant to Section IV (A), any person violating this ordinance shall be responsible for all damage which said town way or public easement may sustain as a result thereof and the amount may be recovered in a civil action brought by the municipality. Any amount so recovered shall be used for repair of the ways so damaged. This section shall not be construed to limit the amount that may be recovered by the Town in a civil action. Any amount recovered in excess of the amount needed to repair the damaged way shall accrue to the town. If the Town prevails in a civil action brought pursuant to this section, it shall be entitled to an award of reasonable attorney's fees in addition to any damages awarded.

3. The operator or owner of any vehicle operating on any of the streets or ways designated in Section II (A), who refuses to permit the weighing of such vehicle shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment for not more than 90 days or by both. All fines and forfeitures collected shall accrue to the Town of Dayton.

Section V. Severability:

If any section or provision or part of this ordinance shall be judged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the ordinance as a whole or of any other section or provision or part hereof.

Section VI. Effective Date:

This Ordinance shall be effective immediately upon enactment by vote of the municipality.

Dayton Board of Selectmen – Dated _____

Ted Poirier _____

Scott Littlefield _____

Gerry Taylor _____