

**Town of Anson**  
**Ordinance Restricting Vehicle Weight on Posted Ways**

### **Section 1. Purpose and Authority**

The purpose of this “Ordinance Restricting Vehicle Weight on Posted Ways” (hereinafter, the “Ordinance”) is to prevent damage to town ways and bridges in the Town of Anson 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. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

### **Section 2. Definitions**

The definitions contained in Title 29-A 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 municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgement, 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.

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 traveled way.

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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**

Vehicles that are exempt from the Maine Department of Transportation's (MDOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, a copy of which is attached hereto and is hereby incorporated as part of this Ordinance, are exempt from this Ordinance.

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers 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 municipality in an amount sufficient, in their judgement, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine 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 municipality. They may also limit the number of permits issued or outstanding as may, in their judgement, be necessary to preserve and protect the highways and bridges.

In determining whether to issue a permit, the municipal officers shall consider the following factors:

- a. the gross registered weight of the vehicle;
- b. the current and anticipated condition of the way or bridge;

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- 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 judgement, be relevant.

The municipal officers 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 Anson Board of Selectmen or their duly authorized designee, the Anson Road Commissioner.

**Section 7. Penalties**

Any violation of the 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 bridge 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 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 by the municipal officers at any properly noticed meeting.

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Given under our hands this 11th day of February, 2003 at Anson, Maine

Selectmen of Anson

Arnold P. Luce

Arnold P. Luce

Inez Moody

Inez Moody

Darrol Bartlett

Darrol Bartlett

Warren Bown

Warren Bown

H. Ralph Withee

H. Ralph Withee

Attest: A true copy of an ordinance entitled "Town of Anson Ordinance Restricting Vehicle Weight on Posted Ways", as certified to me by the municipal officer of Anson, Maine on the 11th day of February, 2003.

Signature:

Robert S. Worthley

Robert S. Worthley, Town Clerk of Anson, Maine

**Chapter 308: RULES TO ESTABLISH SEASONAL LOAD RESTRICTIONS ON CERTAIN STATE AND STATE AID HIGHWAYS**

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**SUMMARY:** The following rules define the heavy load restrictions on posted State and State Aid Highways between November 15 to June 1, pursuant to the Department of Transportation's authority under Title 29-A M.R.S.A., Section 2395

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**SECTION 1. DEFINITIONS**

1. The definitions contained in Title 29-A, Section 101 of the *Maine Revised Statutes Annotated* are hereby included.
2. **Limited Load Permit** - A written permit issued by the Maine Department of Transportation authorizing the transport of certain commodities under certain specified circumstances as defined in this chapter.
3. **Exemption Certificate** – A permit that was issued by the Maine Department of Transportation prior to the establishment of Limited Load Permits and allows for a partial load defined by axle configuration.
4. **Perishable Product** – Any commodity (typically food items) that require expeditious transportation in a controlled atmosphere for protection against heat or cold to prevent deterioration.
5. **Special mobile equipment.** "Special mobile equipment" means a motor vehicle with permanently mounted equipment not designed or used primarily for the transportation of persons or property. "Special mobile equipment" includes, but is not limited to, road construction or maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels, cranes, graders, rollers, trucks used only to plow snow and for other duties pertaining to winter maintenance, including sanding and salting, well drillers and wood-sawing equipment or similar types of equipment.
6. **Special Commodity** – Includes any of the following:
  - a) Home delivered heating fuel (oil, gas, coal, stove size wood that is less than 36" in length, propane and wood pellets);
  - b) Petroleum products;
  - c) Groceries;
  - d) Bulk milk;

- e) Bulk feed;
- f) Solid waste;
- g) Animal bedding;
- h) Returnable beverage containers;
- i) Sewage from private septic tanks or porta-potties;
- j) Medical gases; or
- k) United States mail.

## **SECTION 2. DESIGNATED CLOSED WAYS**

In order to prevent excessive damage to State and State-Aid Highways, the Maine Department of Transportation Commissioner (MaineDOT) may close all or part of a highway to heavy vehicles during any time from November 15 to June 1. No heavy vehicles shall travel over closed ways except those permitted by this rule.

## **SECTION 3. NOTICE**

Notice shall be given by erecting an orange poster at each end of a closed highway indicating the following: (1) the date of the posting, (2) a description of the highway that is closed, (3) a summary of the vehicles exempt from the closing, (4) the name of the Department's Representative, and (5) the applicable statutory and regulatory references.

## **SECTION 4. EXEMPTION – FROZEN HIGHWAYS**

This rule shall not apply to a closed highway which is frozen. A highway is considered "frozen" if the air temperature is 32 degrees Fahrenheit or below and no water is showing in the cracks of the road. Alternatively, if the air temperature is 32 degrees Fahrenheit or below and there is water showing in the cracks of the highway, the highway will be considered "frozen" if the adjacent gravel driveways, shoulders, or lawns remain frozen.

## **SECTION 5. EXEMPT VEHICLES**

The following vehicles are exempt from this rule and do not require any type of permit from MaineDOT:

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 to maintain the roads under their authority.
4. Authorized emergency vehicles as defined in 29-A MRSA §2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or less 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 defined herein may operate without a permit.

## **SECTION 6. ELIGIBILITY FOR LIMITED LOADS**

A Limited Load Permit specifies a reduced weight for a truck based upon its axle configuration and tire width. Applications for a Limited Load Permit must include a copy of the vehicle registration and a certified weigh slip for the empty weight of the vehicle. Applications are located on MaineDOT's Posted Roads website found at [www.mainedot.gov](http://www.mainedot.gov). A Limited Load Permit is valid for as long as it is used to transport the same commodity and is owned by the same owner.

1. A Limited Load Permit is available for vehicles with a Gross Vehicle Weight Rating over 34,000 pounds and carrying a Special Commodity (Vehicles with a GVW from 23,000 pounds and up to 34,000 pounds are covered in Section 5). These vehicles must be carrying a partial load and the total vehicle with load weight equal to or less than that indicated on the Limited Load Permit issued by MaineDOT. This permit shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried.
2. "Exemption Permits" issued prior to the implementation of this rule remain valid as long as the vehicle owner and registration number on the permit are still consistent with the vehicle's registration.

## **SECTION 7. OBTAINING TRIP TICKETS TO HAUL BULK PERISHABLE PRODUCTS OVER SEASONALLY POSTED ROADS**

Trip Tickets are used to move bulk perishable items one time. Entities interested in obtaining a Trip Ticket must use the following process:

1. Entities intending to haul bulk perishable products over seasonally closed ways must secure a Trip Ticket from MaineDOT through its applicable region office. Information regarding the MaineDOT regions, office locations and contact information may be found on the MaineDOT web site at [www.mainedot.gov](http://www.mainedot.gov).

2. Upon receipt of information regarding the requested route, vehicle axle configuration, and commodity being moved, MaineDOT will have up to 72 hours to review the request and may charge a reasonable fee for its administration of Trip Tickets.
3. Any Trip Ticket issued will be valid for a single move by a 5 axle or more combination vehicle and will be limited to a combined maximum weight of 80,000 pounds. The Trip Ticket may be further limited by time, route, and/or weather conditions.
4. The trip ticket must be kept with load at all times.
5. Additional trip tickets will not be issued to shippers that are in violation of any of the required conditions and rules.
6. At its sole discretion, MaineDOT may close any posted road to the hauling of bulk perishable products.

## **SECTION 8. EXCEPTIONS**

MaineDOT, in its sole discretion, may allow heavy loads over posted roadways during times of emergency or in such instances where singular, nonrecurring moves are deemed to be unique, essential, and reasonably unforeseen. Permission for such moves will be made in writing specifying the limitations, and shall accompany the vehicle at all times.

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**STATUTORY AUTHORITY:** 29-A MRS §2395; 23 MRS §§ 52, 4206

**EFFECTIVE DATE:**

December 18, 2016 – filing 2016-225

**AMENDED:**

November 5, 2019 – filing 2019-190