

TOWN OF NORTHPORT
Ordinance for Traffic Control & Vehicle Weight on Posted Ways

Section 1. Purpose and Authority

The purpose of this "Traffic Ordinance-Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to Town ways and bridges in the Town of Northport, 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

Except as otherwise provided herein, 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

1. The Municipal Officers may, either permanently or seasonally, instruct the Road Commissioner to impose such restrictions on the gross weight of vehicles as may, in their 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.
 - a. No vehicle, piece of equipment, or a combination of both with a flange, flexible band or chain known to be a track likely to damage a Town way or bridge, will be allowed to operate on a Town way or bridge.
2. Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.
3. Pursuant to 29-A M.R.S.A. § 2395, the notice for seasonal posting shall contain, at a minimum, the following information: the name of the way or bridge, the gross 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. 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 way or bridge.
4. 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.
5. Parking on Town roads, within a Town right of way or public easement during winter months from November 1 through April 30, is prohibited so that emergency personnel and plowing equipment may safely access all Town roads.

6. The portion of Upper Bluff Road and Bluff Road between the northern boundary of 250 Upper Bluff Road (Map U9-4A) and the southern boundary 260 Bluff Road (Map U9-10) is closed to through trucks with gross vehicle weight of 26,000 pounds or more, notwithstanding any exemptions in this Ordinance.
7. The portion of Upper Bluff Road and Bluff Road between the northern boundary of 250 Upper Bluff Road (Map U9-4A) and the southern boundary 260 Bluff Road (Map U9-10) may be closed to motor vehicles until the Road Commissioner, or their duly authorized designee, in their judgment, determines that this portion is safe for motor vehicles, notwithstanding any exemptions in this Ordinance.

Section 4. Exemptions

The following vehicles are exempt under State law:

Any vehicle delivering home heating fuel or organic animal bedding and operating in accordance with a permit issued by the MaineDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MaineDOT under 29-A M.R.S.A. § 2395 (4-A).

The following vehicles are also exempt under the specific provisions of this ordinance:

1. Any vehicle or combination of vehicles with a gross weight of 26,000 pounds or less. This exemption does not apply to the portion of Upper Bluff Road and Bluff Road between the northern boundary of 250 Upper Bluff Road (Map U9-4A) and the southern boundary 260 Bluff Road (Map U9-10).
2. Any vehicle or combination of vehicles registered for a gross weight in excess of 26,000 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 26,000 pounds and its load is in fact less than 26,000 pounds. This exemption does not apply to the portion of Upper Bluff Road and Bluff Road between the northern boundary of 250 Upper Bluff Road (Map U9-4A) and the southern boundary 260 Bluff Road (Map U9-10).
3. MaineDOT vehicles or other vehicles authorized by MaineDOT or a municipality or county to maintain the roads under their authority.
4. Authorized emergency vehicles as defined in 29-A M.R.S.A. § 2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted highway, and vehicles with three axles or fewer under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
5. Any two axle vehicle registered for a gross weight in excess of 26,000 pounds and less than or equal to 33,000 pounds that is carrying any of the Special Commodities may operate without a permit. Special Commodities includes any of the following:
 - a. Home delivered heating fuel (oil, gas, coal, stove size wood that is fewer than 36" in length, propane and wood pellets);
 - b. Petroleum products;

- c. Groceries;
- d. Bulk milk;
- e. Bulk feed;
- f. Solid waste;
- g. Organic animal bedding;
- h. Returnable beverage containers;
- i. Sewage from private septic tanks or porta-potties;
- j. Medical gases;
- k. United States Mail; or
- l. Chemicals for Bayside wastewater treatment plant

6. Frozen road exemption:

This ordinance shall not apply to any restricted road which is frozen. The highway is considered “frozen” only when the air temperature is 32° Fahrenheit or below and no water is showing in the cracks of the road. Both conditions must be met. If the air temperature is 32 degrees Fahrenheit or below, and there is water showing in the cracks of the road, the road will still be considered “frozen” if the adjacent gravel driveways, shoulders, or lawns remain frozen. This exemption does not apply to the portion of Upper Bluff Road and Bluff Road between the northern boundary of 250 Upper Bluff Road (Map U9-4A) and the southern boundary 260 Bluff Road (Map U9-10).

Section 5. Designated Posted Roads

The following roads will be automatically posted for overweight loads by the Road Commissioner on or about February 15 until or about April 30 of each year. (See attached list). Other roads may be posted as conditions require.

Section 6. Permits

1. 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 municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant’s use of same.

2. Even if the Road Commissioner makes the foregoing findings, a permit need not be issued if it is determined 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. The Road Commissioner may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.

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 their judgment, be relevant.

Section 7. Administration and Enforcement

This Ordinance shall be administered and enforced by the Road Commissioner or their duly authorized designee.

Section 8. 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 Town 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 Town and shall be brought in the Maine District Court.

Section 9. Amendments

This Ordinance may be amended by the Municipal Officers at any properly noticed meeting.

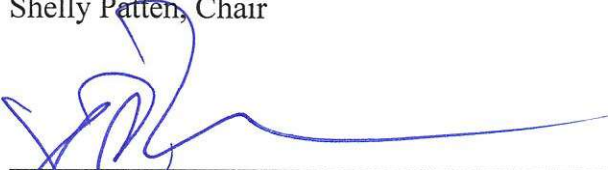
Section 10. Severability; Effective Date

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.

Effective Date: December 13, 2021



Shelly Patten, Chair



Jeanine Tucker, Vice Chair



Breanna Pinkham-Bebb, Municipal Officer

ROAD WEIGHT RESTRICTED LIST

BAY STREET between Broadway - Sea Street
BAYSIDE ROAD
BAYVIEW DRIVE
BEECH HILL ROAD
BLUFF ROAD
BOG ROAD
BROADWAY
CHELSEA LANE
CLIFF ROAD
CREST STREET
CROSS STREET
FLANDERS ROAD
GEORGE STREET
HART ROAD
HIGH STREET
HORSE JOCKEY LANE
KNIGHTS POND ROAD
LEEMAN DRIVE
MOUNTAIN STREET
NEALEY ROAD
NEBRASKA ROAD
NELSON DRIVE
PARK STREET
PITCHER ROAD
POUND HILL ROAD
PRESCOTT HILL ROAD
PRIEST ROAD
ROCKY ROAD
RYAN ROAD
SATURDAY COVE ROAD
SEA STREET
SHORE ROAD
SUMMIT AVENUE
UPPER BLUFF ROAD
VERONA STREET