

**Restricting Vehicle Weight on
Posted Ways Ordinance**

**For the Municipality of
Fort Kent**

Enacted:

Certified by: _____

Town Clerk

Dated: _____

Section 1. Purpose and Authority

The purpose of this "Restricting Vehicle Weight on Posted Ways Ordinance" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Fort Kent, Maine 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.

Limited Load Permit - A written permit issued by the Town of Fort Kent authorizing the transport of certain commodities under certain specified circumstances as defined in Section 6 of this ordinance.

Exemption Permit – 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.

Trip Permit - This written permit issued by the Town of Fort Kent is a single trip permit for the purpose of hauling bulk perishable products by a 5 axle or more combination vehicle and is limited to a combined maximum vehicle weight of 80,000 lbs as defined in Section 7 of this ordinance..

Special Permit for Posted Roads – This written permit issued by the Town of Fort Kent could be granted when the applicant has met all guidelines listed under Section 5 and the Town of Fort Kent is reasonably sure the permittee will not cause a safety hazard or cause damage to the road.

Perishable Product – Any commodity (typically food items) that require expeditious transportation in a controlled atmosphere for protection against heat or cold to prevent deterioration.

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.

Special Commodity – Includes any of the following:

1. Home delivered heating fuel (oil, gas, coal, stove size wood that is less than 36” in length, propane and wood pellets);
2. Petroleum products;
3. Groceries;
4. Bulk milk;
5. Bulk feed;
6. Solid waste;
7. Returnable beverage containers;
8. Sewage from private septic tanks or porta-potties; or
9. Medical gases.

Solidly Frozen - When the air temperature is 30 degrees Fahrenheit or colder and no liquid water is visible anywhere on the roadway. Both these conditions must to be met before the roadway is considered solidly frozen.

Section 3. Restrictions and Notices

In order to prevent excessive damage to any local roadways or bridges, the Town of Fort Kent may close all or part of a local roadways or bridges 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 ordinance.

The Town of Fort Kent 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 roadways, and designate the town ways and bridges to which the restrictions shall apply.

Pursuant to 29-A M.R.S.A. § 2395, the notice shall contain at a minimum, the following information 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 roadway that is closed,
3. the gross registered weight limit
4. a summary of the vehicles exempt from the closing,
5. the name of the Department’s Representative, and
6. the applicable statutory and regulatory references.

The notice shall be conspicuously posted at each end of the restricted portion of the roadway or bridge 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 4. Exemptions

This ordinance shall not apply to any closed roadway which is “solidly frozen” from November 15 to March 31. From March 31 to June 1 the “Solidly Frozen Exemption” will no longer be in effect. The definition of “solidly frozen” for the purpose of this exemption is defined as when the air temperature is 30 degrees Fahrenheit or colder and no liquid water is visible anywhere on the road. Both these conditions must to be met before the road is considered solidly frozen. If at any time this exemption is being used and any damage is visibly being done to the roadway this exemption will immediately be revoked and the roadway reverts back to being posted.

The following vehicles are exempt from this rule and do not require any type of permit from the Town of Fort Kent:

1. Any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Town of Fort Kent 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 Town of Fort Kent under 29-A M.R.S.A. § 2395 (4-A).
2. Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.
3. 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.
4. Maine DOT and Town of Fort Kent vehicles or other vehicles authorized by Maine DOT or the Town of Fort Kent or county to maintain the roadways under their authority.
5. 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 less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.
6. 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, as defined under Section 2; may operate without a permit but must stay under 34,000 pounds gross vehicle weight.

Section 5. Eligibility for Special Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Town of Fort Kent for a permit to operate on a posted roadway or bridge notwithstanding the restriction. The Town of Fort Kent may issue a permit only upon all of the following findings:

1. no other route is reasonably available to the applicant;
2. it is a matter of economic necessity and not mere convenience that the applicant use the roadway or bridge; and
3. 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 roadway or bridge which may reasonably result from the applicant's use of same.

Even if the Town of Fort Kent makes the foregoing findings, they need not issue a permit if they determine the applicant's use of the roadway or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a roadway or bridge maintained by the Town of Fort Kent. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the roadways and bridges.

In determining whether to issue a permit, the Town of Fort Kent shall consider the following factors:

1. the gross registered weight of the vehicle;
2. the current and anticipated condition of the roadway or bridge;
3. the number and frequency of vehicle trips proposed;
4. the cost and availability of materials and equipment for repairs;
5. the extent of use by other exempt vehicles; and
6. such other circumstances as may, in their judgment, be relevant.

The Town of Fort Kent may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight, the number or frequency of vehicle trips and the time of day when the special permit can be utilized which shall be clearly noted on the permit. Applications are located on Town of Fort Kent website found at www.fortkent.org under Public Works Department.

SECTION 6. Eligibility for Limited Loads Permit

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 Town of Fort Kent website found at www.fortkent.org under Public Works Department. A Limited Load Permit is only valid for the season.

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 4). 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 the Town of Fort Kent. 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. Eligibility for Trip Permits

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

1. Entities intending to haul bulk perishable products over seasonally closed ways must secure a Trip Permit from the Town of Fort Kent may be found on the Town of Fort Kent web site at www.fortkent.org under the Public Works Department.
2. Upon receipt of information regarding the requested route, vehicle axle configuration, and commodity being moved, the Town of Fort Kent will have up to 72 hours to review the request and may charge a reasonable fee for its administration of Trip Permits.
3. Any Trip Permit 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 Permit may be further limited by time, route, and/or weather conditions.
3. The Trip Permit shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried.
4. Additional Trip Permits will not be issued to shippers that are in violation of any of the required conditions and rules in this ordinance.
5. At its sole discretion, the Town of Fort Kent may close any posted road to the hauling of bulk perishable products.

Section 8. Exceptions

Public Works Director and the Town of Fort Kent, 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.

Section 9. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the Public Works and the Fort Kent Police Departments or their duly authorized designee (such as road commissioner, code enforcement officer or law enforcement officer).

Section 10. 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 of Fort Kent may seek restitution for the cost of repairs to any damaged roadway or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the Town of Fort Kent and shall be brought in the Maine District Court.

Section 11. Amendments

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

Section 12. 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.



Application for Special Permit for Posted Roads

Town of Fort Kent

* Public Works Department

* 416 West Main Street

* Fort Kent, Maine 04743

Insert Name Here requests consideration for a Special Permit, for the vehicle listed below to operate on local roadways which have been posted with "HEAVY LOADS LIMITED" signs, under the provisions of Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance Section 5.

For each time any vehicle transporting a load over seasonally closed ways must secure a Special Permit from the Town of Fort Kent. This permit will be a single trip permit and the applicant must meet the guidelines set forth under Section 5 of the Town of Fort Kent Posted Road Ordinance. It may on occasion, be further limited by time, route and temperature. The Town of Fort Kent reserves the right to close any posted road to the hauling of any loads in extreme circumstances.

The applicant understands:

1. The weight limitation as indicated on the certificate, vehicle with load, does not apply when the closed sections of the highway are solidly frozen.
2. The vehicles will be subject to weighing by the Maine State Police or the Fort Kent Police.
3. The owner of any vehicle operating on any closed section of highway, the gross weight (vehicle and load) of which exceeds the weight indicated on the permit will be in violation of any Special Permit issued.
4. A violation of the requirements on the PERMIT may lead to revocation.
5. The PERMIT granted as a result of this application will be valid for the vehicle described below AND only on the date, time and roads listed on the permit. A fee of \$10.00 per Application for Special Permit.

This application is for the following vehicle:

Registration: _____

Make: _____

Year: _____

Vehicle ID #: _____

Registered G.V.W. _____

Empty Weight: _____

lbs

Commodity Transported: _____

Date: _____

Time: _____

AM

PM

Shipper: _____

Desired date: _____ Time from _____ am/pm till _____ am/pm

Posted Road to be used and from where to where on the road. _____

Vehicle Configuration (select only one)

<input type="checkbox"/>	
<input type="checkbox"/>	

<input type="checkbox"/>	
<input type="checkbox"/>	

<input type="checkbox"/>	
<input type="checkbox"/>	

<input type="checkbox"/>	
<input type="checkbox"/>	

Tire Size: _____

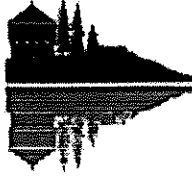
Use the most common tire size on axles other than the steering axle. All axles must have four tires except for the steering axle which normally has two tires. Tire widths shall be based on the manufacturer's rating.)

I will instruct all operators and employees transporting the above indicated commodity to comply with the provisions of the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance and of the Special Permit.

Signed by: _____ Title: _____ Date: _____

Company: _____ Phone: (207) _____ - _____

Address: _____



FORT KENT, MAINE

"The little Town that could"

SPECIAL PERMIT For Posted Roads

Trip date:

Time:

AM PM

Applicant:

Address:

Via Routes:

Commodity Transported:

Owned By:

Registration:

Make:

Year:

Vehicle ID#:

Registered Weight:

of Axles:

Tire Size:

_____	-	_____	=	_____
GVW		Empty Weight		Payload**

** (see Gross Vehicle Weight Allowances for Limited Load and Trip Ticket Permits) Limited to 80,000 lbs. on a 5 axle or more Combination Vehicle.

Other Limitations:

Permission granted to haul over seasonally closed ways. Must obey Motor Vehicles and Public Utility Laws and the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance. I will instruct all operators and employees transporting the above commodity with the provisions of the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance and the Special Permit Regulations. Violations of the requirements will result in the revocation of the Special Permit and affect future permits being issued.

Signature: _____



Application for Limited Load Permit

For Posted Roads

Town of Fort Kent

* Public Works Department

* 416 West Main Street

* Fort Kent, Maine 04743

Insert Name Here requests consideration for a Limited Load Permit, for the vehicle listed below to operate on local roadways which have been posted with "HEAVY LOADS LIMITED" signs, under the provisions of Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance Section 6.

Any vehicle transporting home heating fuel (oil, gas, coal, stove size wood) to a private consumer, gasoline, groceries, bulk milk, bulk feed, solid waste, rubbish, or medical gases may operate with a reduced load. Any 2 axle vehicles registered between 23,000 pound and 34,000 pounds are not required to possess a Limited Load Permit, but must carry a reduced load no greater than 34,000 pounds. Vehicles registered in excess of 34,000 pounds carrying any of the identified commodities above, must be carrying a partial load with a weight equal to or less than that indicated on a Limited Load Permit issued by the Town of Fort Kent. This Limited Load Permit shall accompany the vehicle at all times as shall weigh slips, delivery slips, or bills of lading for the load being carried. The allowable weight indicated on the Limited Load Permit will be determined by the Public Works Department. Applicants for Limited Load Permits must present a certified weigh slip for the empty weight of the unloaded vehicle as a prerequisite to obtaining a Limited Load Permit.

The applicant understands:

1. The weight limitation as indicated on the certificate, vehicle with load, does not apply when the closed sections of the highway are solidly frozen.
2. The vehicles will be subject to weighing by the Maine State Police.
3. The owner of any vehicle operating on any closed section of highway, the gross weight (vehicle and load) of which exceeds the weight indicated on the certificate will be in violation of any LIMITED LOAD PERMIT ISSUED.
4. A violation of the requirements on the PERMIT may lead to revocation.
5. The PERMIT granted as a result of this application will be valid for the vehicle described below unless the registration number or ownership changes. In such cases a new application must be submitted. A fee of \$10.00 per application for Limited Load Permit per season.









This application is for the following vehicle:

Registration: _____ Make: _____ Year: _____

Vehicle ID #: _____ Registered G.V.W. _____

Empty Weight: _____ lbs Commodity Transported: _____

Vehicle Configuration (select only one)

<input type="checkbox"/> 	<input type="checkbox"/> 	<input type="checkbox"/> 	<input type="checkbox"/> 
<input type="checkbox"/> 	<input type="checkbox"/> 	<input type="checkbox"/> 	<input type="checkbox"/> 

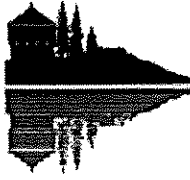
Tire Size: Use the most common tire size on axles other than the steering axle. All axles must have four tires except for the steering axle which normally has two tires. Tire widths shall be based on the manufacturer's rating.)

I will instruct all operators and employees transporting the above indicated commodity to comply with the provisions of the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance and of the LIMITED LOAD PERMIT.

Signed by: _____ Title: _____ Date: _____

Company: _____ Phone: (207) _____ - _____

Address: _____



FORT KENT, MAINE

"The little Town that could"

LIMITED LOAD PERMIT For Posted Roads

Date/Year

Applicant:
Address:

Commodity Transported:

Owned By:

Registration:

Make:

Year:

Vehicle ID#:

Registered Weight:

of Axles:

Tire Size:

_____	-	_____	=	_____
GVW	-	Empty Weight	=	Payload**

** (see Gross Vehicle Weight Allowances for Limited Load and Trip Permits) Limited to 34,000 lbs or less.

Other Limitations:

Permission granted to haul over seasonally closed ways. Must obey Motor Vehicles and Public Utility Laws and the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance. I will instruct all operators and employees transporting the above commodity with the provisions of the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance and the Limited Load Permit Regulations. Violations of the requirements will result in the revocation of the Special Permit and affect future permits being issued.

Signature: _____



Application for Trip Permit For Perishable Products

Town of Fort Kent

* Public Works Department

* 416 West Main Street

* Fort Kent, Maine 04743

Insert Name Here requests consideration for a Trip Permit, for the vehicle listed below to operate on local roadways which have been posted with "HEAVY LOADS LIMITED" signs, under the provisions of Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance Section 7.

For each time any vehicle transporting bulk perishable products over seasonally closed ways must secure a Trip Ticket from the Town of Fort Kent. These trip tickets will be for hauling of perishable products by 5 axle or more combination vehicles and shall be limited to a combined weight of 80,000 pounds and may on occasion, be further limited by time, route and temperature. The Town of Fort Kent reserves the right to close any posted road to the hauling of perishable products in extreme circumstances. The Town of Fort Kent will have up to 72 hours to review the application.

The applicant understands:

1. The weight limitation as indicated on the certificate, vehicle with load, does not apply when the closed sections of the highway are solidly frozen.
2. The vehicles will be subject to weighing by the Maine State Police or the Fort Kent Police.
3. The owner of any vehicle operating on any closed section of highway, the gross weight (vehicle and load) of which exceeds the weight indicated on the certificate will be in violation of any TRIP TICKET PERMIT ISSUED.
4. A violation of the requirements on the PERMIT may lead to revocation.
5. The PERMIT granted as a result of this application will be valid for the vehicle described below AND only on the date, time and roads listed on Trip Ticket. A fee of \$10.00 per Application for Trip Permit.

This application is for the following vehicle:

Registration: _____

Make: _____

Year: _____

Vehicle ID #: _____

Registered G.V.W. _____

Empty Weight: _____

lbs

Commodity Transported: _____

Date: _____

Time: _____

AM

PM

Shipper: _____

Via Routes: _____

Vehicle Configuration (select only one)

<input type="checkbox"/>	
<input type="checkbox"/>	

<input type="checkbox"/>	
<input type="checkbox"/>	

<input type="checkbox"/>	
<input type="checkbox"/>	

<input type="checkbox"/>	
<input type="checkbox"/>	

Tire Size: _____

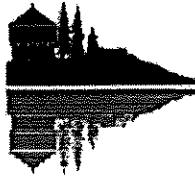
Use the most common tire size on axles other than the steering axle. All axles must have four tires except for the steering axle which normally has two tires. Tire widths shall be based on the manufacturer's rating.)

I will instruct all operators and employees transporting the above indicated commodity to comply with the provisions of the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance and of the TRIP PERMIT.

Signed by: _____ Title: _____ Date: _____

Company: _____ Phone: (207) _____ - _____

Address: _____



FORT KENT, MAINE

"The little Town that could"

TRIP PERMIT For Perishable Products

Trip date: _____ Time: _____ AM PM

Applicant: _____
Address: _____

Via Routes: _____

Commodity Transported: _____

Owned By: _____

Registration: _____

Make: _____

Year: _____

Vehicle ID#: _____

Registered Weight: _____

of Axles: _____

Tire Size: _____

_____ - _____ = _____
GVW - Empty Weight = Payload**

** (see Gross Vehicle Weight Allowances for Limited Load and Trip Ticket Permits) Limited to 80,000 lbs. on a 5 axle or more Combination Vehicle.




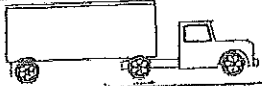


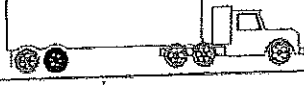
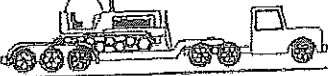
Other Limitations: _____

Permission granted to haul perishable products over seasonally closed ways. Must obey Motor Vehicles and Public Utility Laws and the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance. I will instruct all operators and employees transporting the above commodity with the provisions of the Town of Fort Kent Restricting Vehicle Weight on Posted Ways Ordinance and the Trip Ticket Permit Regulations. Violations of the requirements will result in the revocation of the Trip Ticket Permit and affect future permits being issued.

Signature: _____

ATTACHMENT C

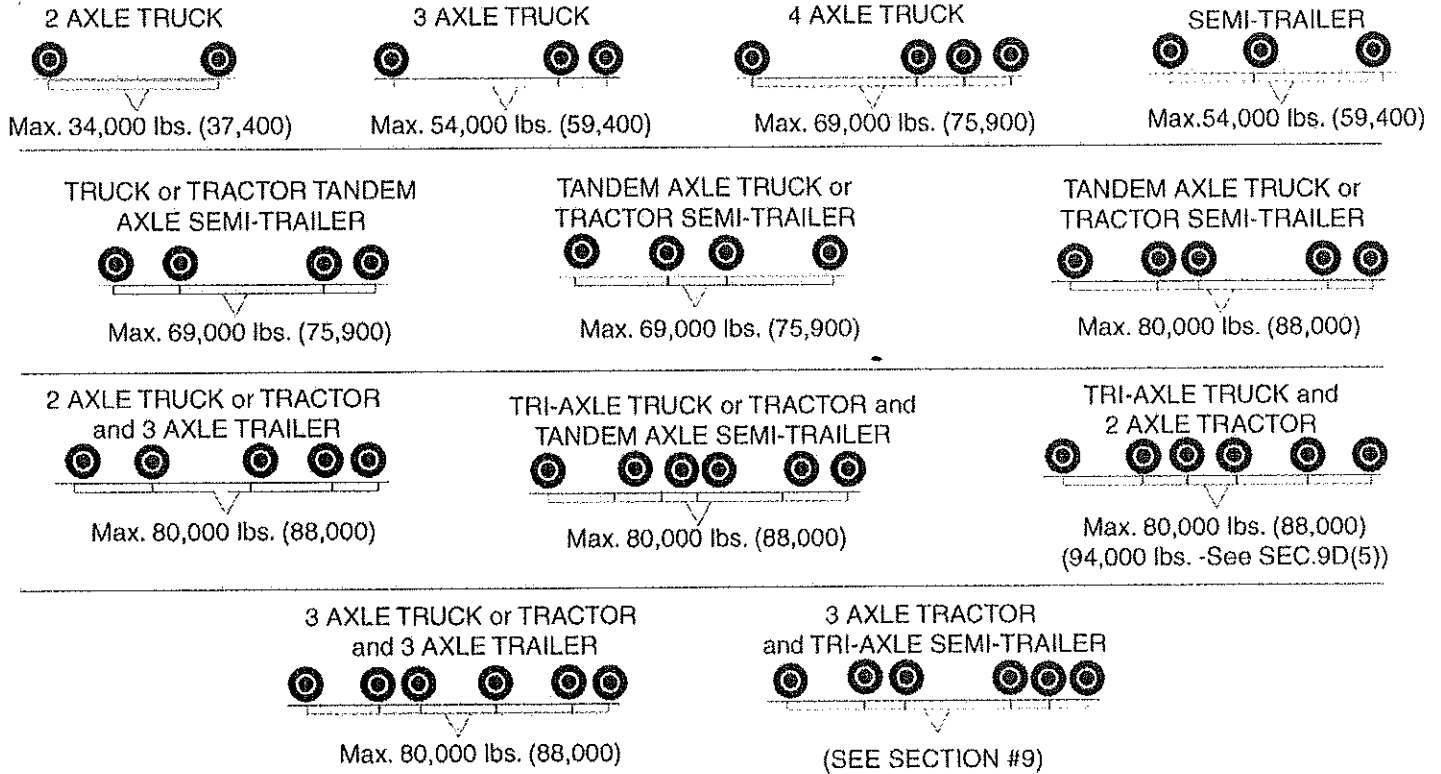
Gross Vehicle Weight Allowances For
Exemption Certificate
(Weights are in Lbs.)

TRUCK TYPE		TIRE WIDTHS			
		9"	10"	11"	12" or more
	S I N G L E	24,200	25,200	26,200	27,200
		36,650	38,625	40,575	42,525
		41,325	43,750	46,200	48,625
	C O M B I N A T I O N	37,225	38,900	40,575	42,250
		45,250	48,050	50,850	53,650
		46,875	49,350	51,850	54,325
		58,375	61,350	64,300	67,250
		65,250	69,000	72,775	76,525

$$\frac{\text{GVW from chart}}{\text{Empty weight}} = \text{Payload}$$

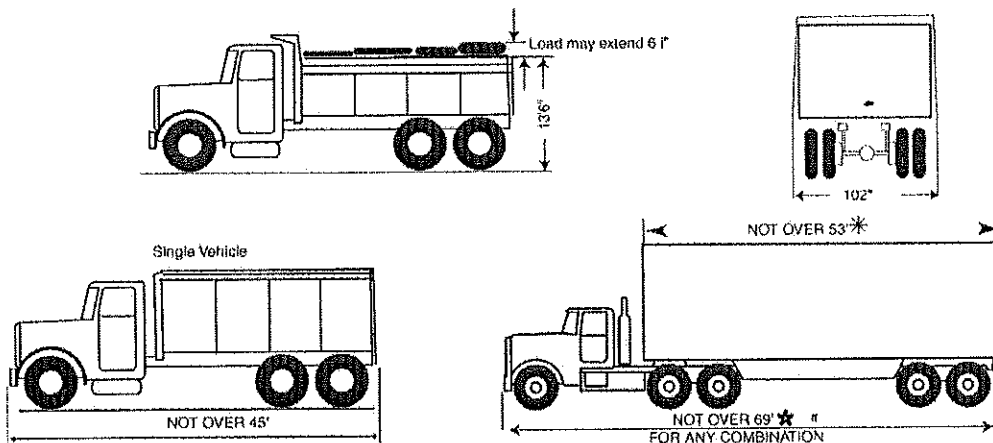
- Notes: (1) All axles must have four tires except for the steering axle which normally has two tires.
- (2) The tire width used in the above table shall be the most common tire size on axles other than the steering axle. Tire widths shall be based on the manufacturer's rating.

GROSS VEHICLE WEIGHTS (SPECIAL COMMODITY ALLOWANCES IN PARENTHESES)



Gross weight limits on the Interstate for all vehicles and commodities are controlled by Bridge Formula (Table 3.) However, in no case shall the maximum G.V.W. on the Interstate exceed the limits established in Table 1.

GROSS VEHICLE DIMENSIONS



* If >45 to 48 feet, then the distance between the center of the rear axle of the tractor and the center of the rear axle of the trailer must not exceed 38 feet

Not over 74 feet if including a semitrailer > 48 feet long.

★ Tree length logs may extend 8 1/2 ft. beyond the vehicle provided the extension is not more than 25% of the log length. (NON-INTERSTATE)

INTERSTATE EXTENDED VEHICLE LENGTHS

Applies also to certain designated Federal Aid Primary highways and permitted access to that system of highways.

