

**TRAFFIC ORDINANCE**  
**RESTRICTING VEHICLE WEIGHTS ON POSTED ROADS**  
**WINDSOR, ME**

THIS ORDINANCE HAS BEEN ADOPTED BY A VOTE OF THE MUNICIPAL OFFICERS.

ENACTED: MARCH 12, 2002.

REVISED: MARCH 19, 2019

**Traffic Ordinance  
Restricting Vehicle Weight on Posted Ways  
Town of Windsor, ME**

**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 Windsor 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. Section 3009 and 29-A M.R.S.A. Sections 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 signatures of one or more 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 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.

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**Section 4. Exemptions**

***1. State Exceptions:***

The following vehicles are exempt under State law:

- A. Any vehicle delivering home heating fuel or organic animal bedding and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4) and;
- B. 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 MDOT under 29-A M.R.S.A. § 2395 (4-A).

***2. 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° F or below and no water is showing in the cracks of the road. Both conditions must be met.

***3. Exempt Vehicles:***

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

- 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 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 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 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;

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- 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; or
- j. Medical gases.

**Section 5. Permits**

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 judgment, 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 judgment, 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;
- (c) the number and frequency of vehicle trips proposed;
- (d) the cost and availability of materials and equipment repairs;
- (e) the extent of use by other exempt vehicles; and
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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 may be clearly noted on the permit.

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**Section 6. Administration and Enforcement**

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee [such as road commissioner, code enforcement officer or law enforcement officer].

**Section 7. 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 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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BOARD OF SELECTMEN RECORD OF MEETING  
MARCH 19, 2019  
WINDSOR TOWN OFFICE

Note: This record of meeting may not be considered an official public record until such time as they are read and accepted by the Board of Selectmen Members.

**Members present:** Richard H. Gray, Jr., Ray Bates, Christopher Haiss, William Appel, Jr., and Ronald F. Brann.

**Members Absent:** None.

**Public Attending:** Tom Reed and Ben Brann.

**Employees Attending:** Theresa Haskell (*Town Manager*), Timothy Coston (*Transfer Station Supervisor*), Joyce Perry (*Cemetery Sexton*), David Coons (*Transfer Station Attendant*) and Debbie French (*Selectmen Secretary*).

Ray Bates called the meeting to order at 6:03 p.m. with the Pledge of Allegiance.

**Previous Meeting Records:**

**Richard H. Gray, Jr. made a motion to approve the February 19, 2019 minutes and March 5, 2019 as read seconded by Ronald F. Brann and approved 5-0-0.**

**Public Works – Keith Hall:**

- a) Weeks Mills Road Culvert Replacement: Ben Brann from Comprehensive Land Technologies was here and said the hold up on the culvert is the salesperson that promised the company that he could get it now says that they can't at this point. There was much discussion. At the end of the discussion the consensus was to have Ben continue to get the 30" pipe and wait up until August for it to arrive.

**Transfer Station – Timothy Coston:**

- a) Tim said we should be getting a check for Grimmel since metal was picked up today.
- b) Waste Management was called yesterday to pick up our solid waste.
- c) The big scales were tested and didn't pass because of snow & ice buildup. The inspector will be coming back in 14 days to test again. Theresa said there is enough money in the Transfer Station line to buy a space heater to take care of this.

**Animal Control Officer – Kim Bolduc-Bartlett:**

- a) Nothing.

**Cemetery Sexton – Joyce Perry:**

- a) Joyce had one cemetery lot sale: **Richard H. Gray, Jr. made a motion to approve the cemetery lot sale to Helena Benzinger for Oak Hill Cemetery lot #K5 seconded by Ronald F. Brann and approved 5-0-0.**
- b) Richard H. Gray, Jr. has a scout who will become an Eagle Scout in April and he is interested in changing out the fence at Resthaven Cemetery to a chain link fence down as far as the Hussey Lot. We will just need to purchase connectors for the existing posts. **William Appel, Jr. made a motion to have this done as an Eagle Scout Project seconded by Christopher Haiss and approved 4-0-1 with Richard H. Gray, Jr. abstaining as he is a Boy Scout Committee Member.**
- c) Theresa said that she received a \$500.00 donation towards the Veterans Memorial.

**Public Comment:**

- a) None

**Consideration of Warrants #41 and # 42:**

**Christopher Haiss made a motion to approve Warrants #41 and # 42 seconded by Richard H. Gray, Jr. and approved 5-0-0.**

**Town Manager's Items:**

- a) Traffic Ordinance: Must be in accordance with State law. **Richard H. Gray made a motion to approve the updates in the Traffic Ordinance seconded by Christopher Haiss and approved 5-0-0.**
- b) E-911 Ordinance: **Richard H. Gray, Jr. made a motion to verify and sign the E-911 Ordinance as the certification of original E-911 Ordinance seconded by Christopher Haiss and approved 5-0-0.**
- c) PACE (Property Assessed Clean Energy) Ordinance: The Board is not interested in this at this time.
- d) Theresa said that the PW garage line is overspent and would like to know if the garage improvements within the sand/salt shed should be charged to Public Works and Transfer Station. The Board agrees that the charges should be 75% Public Works and 25% Transfer Station.
- e) LD1Limit: Vern did a quick assessment on it and we are under the limit which is good.
- f) PSAP: Theresa still has not seen a contract yet but at this point we are looking to stay with the Department of Public Safety.
- g) Theresa received a letter from Community Concepts looking for a letter of support through their 523 Self-Help Homeownership Program. The Board of Selectmen is not interested at this time.
- h) Food Bank: The Food Bank would like to have their own 501c. There was much discussion.
- i) April 11<sup>th</sup> the Windsor Volunteer Fire Department Awards Supper will be held Aunt Gin's at 6:00 p.m.

**Selectmen's Items:**

- a) Ray Bates read the Nominations for Town Manager Awards information to the Board and would like to know if they would like to nominate Theresa for one of the awards. Much discussion.

**Ray Bates adjourned the Board of Selectmen Meeting at 7:40 p.m.**

These minutes were approved by the Board of Selectmen as written on April 2, 2019.

**The next Regular Board of Selectmen's Meeting on Tuesday, April 2, 2019 at 6:00 p.m. at the Windsor Town Hall.**

Respectfully Submitted,

Debbie French  
Board of Selectmen Secretary

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