

Resolution

Gross Weight Limits on Town Streets, Highways and Bridges Ordinance

WHEREAS, the Milton Selectboard duly warned a Public Hearing on August 4, 2005 to notify those interested persons of a public hearing to be held on August 15, 2005 at 7:00 p.m. with regard to the proposed Gross Weight Limits on Town Streets, Highway and Bridges Ordinance; and,

WHEREAS, the Milton Select Board met on August 15, 2005 to consider and address comments received from the public; and,

WHEREAS, the Milton Selectboard hereby repeals the Vehicle Weight Restriction Ordinance adopted March 1, 1993.

NOW THEREFORE BE IT RESOLVED, the Milton Select Board after consideration of the input received, adopts the Gross Weight Limits on Town Streets, Highway and Bridges Ordinance, as a Civil Ordinance, to become effective, September 24, 2005.

Dated: August 15, 2005

Milton Select Board:

Betty B. Thompson
Daniel S. Fitzgerald
Kenneth A. Nolan
Louis H. Mossey
Randall F. Sawyers

Filed with the Town Clerk

Aug. 16. 2005

Attest:

Loretta K. Dennis
Asst. Clerk

**GROSS WEIGHT LIMITS ON TOWN STREETS,
HIGHWAYS AND BRIDGES ORDINANCE**

Pursuant to the provisions of Title 23, Vermont Statutes Annotated, Section 1391 through Section 1413 and 1008, and Title 24, Vermont Statutes Annotated, Sections 1971 and 2291(1) (4) and (5), and the Charter of the Town of Milton, it is hereby ordained by the Selectboard of the Town of Milton that the following Motor Vehicle and Traffic Regulation Ordinance is adopted for the Town of Milton, Vermont.

Section 1	Definitions	Section 10 Exception to Permit
Section 2	Authority	Section 11 Penalties for overweight
Section 3	Title	Section 12 Weighing of vehicles
Section 4	Purpose	Section 13 Removal of overloads
Section 5	Gross Weight Limits	Section 14 Refusal to weigh vehicle
Section 6	Spring Road Postings	Section 15 Previous Ordinances
Section 7	Posting of Signs	
Section 8	Truck Route Established	
Section 9	Permits	

Section 1 **Definition**
 "Agricultural service vehicle" means a motor truck that shall be registered under T23 VSA subsection 367(a), and is used for the purpose of transporting to or from a farm:

(A) Agricultural inputs, including lime, fertilizer, commercial feed, or forages; or

(B) Agricultural outputs, including milk, vegetables, fruit, horticultural crops, forages, or livestock.

Section 2 **Authority**
 This Ordinance is adopted pursuant to the authority of Title 24, V.S.A., Chapter 59 and the Charter of the Town of Milton and it is designated as a Civil Ordinance. The definitions of Title 23, Vermont Statutes Annotated Section 4 are incorporated by reference. This Ordinance establishes special traffic regulations on public highways within the Town of Milton, Vermont.

Section 3 **This Ordinance shall be known as Gross weight limits on Town streets, highways and bridges Ordinance.**

Section 4 **Purpose**
 The Selectboard of the Town of Milton has determined that certain streets and roads within the Town of Milton have been and continue to be damaged by trucks of excessive weight, resulting in substantial unreimbursed costs for repair and replacement of the road surfaces. For this reason, the Selectboard has deemed it necessary and desirable to adopt an Ordinance to manage the routes trucks travel within the Town and the weight of these trucks. It is the intent of this Ordinance

to provide for the posting of weight limits on all Town roads, streets and bridges, to provide a mechanism by which the Town may approve state issued overweight permits and restrict the use of certain streets and roads by all truck traffic.

Section 5 Gross weight limits on Town streets, highways and bridges.

a. Except as provided in section 9 and 10 of this Ordinance, a person or corporation shall not operate or cause to be operated a motor vehicle in excess of the total weight, including vehicle, object or contrivance and load, of:

1. Sixteen thousand pounds upon any bridge with a wood floor, wood subfloor or wood stringers on a class 3 or 4 Town Highway or twenty thousand pounds on a bridge with wood floor, wood subfloor or wood stringers on a class 1 or 2 Town Highway unless otherwise posted by the selectmen of such town.

2. Twenty-four thousand pounds, upon a class 2, 3 or 4 Town Highway or bridge with other than wood floor.

3. Except as otherwise provided in this Ordinance, it shall be unlawful to operate any vehicle with a gross vehicle weight, including load, in excess of twenty-four thousand (24,000) pounds over any street, highway or bridge within the Town of Milton in accordance with Title 23 VSA Section 1392.

Section 6 Spring Road Postings

a. During the spring time weight limits for roadways in the Town of Milton may be changed to a lower weight due to the road structure. The weight for the roadway may be changed to the following between the dates of March 7th through no later then June 1st.

<u>Type of Vehicle</u>	<u>Weight</u>
Two axle truck	15,000 lbs.
Three axle truck	18,000 lbs.
More then three axles	20,000 lbs.

b. During this period of weight change the roadway shall be posted properly and according to section 7 of this Ordinance.

Section 7 Posting of signs

a. All streets, highways or bridges to which this Section shall apply, shall be posted in accordance with Title 23 VSA Section 1397.

b. When the weight limit on a highway or bridge has been adjusted by the Selectboard as to the legal load limit, then the Selectboard, shall have each restricted highway or bridge posted for the legal load limit permitted. The notices shall be of a permanent nature and shall be placed at each end of each restricted highway or on the approaches to each restricted bridge. The notices shall state the legal load limit permitted to be operated over the highway or bridge.

c. The notices specified in subsection (b) of this section may be omitted when the restricted highway is a class 4 Town Highway or a class 3 Town Highway serving only one residence.

Section 8 Truck route established

Vehicles in excess of weight limits specified in Section 5 of this Ordinance that transit the Town of Milton shall be restricted to travel on River Street (US Route 7), US Route 2, Main Street, North Road from Main Street to Husky Road, Catamount Drive, Gonyeau Road, Lake Road from US Route 7 to Poor Farm Road, Poor Farm Road, Precast Road, and Lamoille Terrace from US Route 7 to the Town of Milton Wastewater Treatment Facility. Weight limits on these routes shall be the same as prescribed for the state highway system, as provided by Title 23 VSA Section 1392.

Section 9 Permits

a. A person or corporation owning or operating a traction engine, tractor trailer, motor truck or other motor vehicle that desires to operate it in excess of the weight limits provided in this subchapter over highways and bridges under the jurisdiction of a municipality with the exception of class 1 Town Highways and subject to the provisions of section 5 of this Ordinance shall make application for a permit to the appropriate legislative body, or its designee.

b. The application form for such a permit shall be of a uniform type, and shall be developed by the commissioner of motor vehicles, after consulting with municipal officials and representatives of the state's trucking industry.

c. The Town Manager or designee are authorized to accept for the municipality compensation commensurate with the extra wear or maintenance required on the highway traveled over or on any bridge by reason of the overweight allowed by any permit approved by them or any exemption provided under Section 10 of this Ordinance, which shall be used for the maintenance of highways and bridges within the town. The following factors, at a minimum, shall be taken into consideration when determining the amount of compensation due:

- (1) The amount of weight allowed in excess of the normal limit.
- (2) The configuration and number of axles of the vehicle involved.
- (3) The number and length of trips the vehicle will be making.
- (4) The condition of the highway before and after use by the vehicle, and costs associated with any needed repair.

d. If the agreement for the compensation to be paid is in writing, failure on the part of the applicant to pay the sum or sums agreed upon shall be sufficient cause for the selectmen, trustees or mayor to withdraw approval for the permit.

e. A fee not in excess of \$5.00 may be charged for the written approval of a municipality furnished under this section.

f. A \$5.00 fee for a Single vehicle permit shall be imposed under this section and shall be for the period expiring March 31 of each year. As an alternative, upon payment of an administrative fee of \$10.00, an applicant may obtain a permit to operate all of his or her registered vehicles in that municipality, under the conditions of the permit, for the period of the permit. In the event a fleet permit is obtained, individual permits need not be carried in each vehicle permitted.

g. A single vehicle permit shall be carried at all times in the vehicle during transport through and on Milton roadways.

h. The written approval of the Town Manager or designee shall contain the following language: "This approval is not valid during the time period from March 1 through June 1 unless confirmed with the Town Manager or designee not less than 24 hours in advance of any intended travel under the permit." The approval may also contain such excerpts from this Ordinance or other conditions as the Town Manager shall deem appropriate.

Section 10 Exception to Permit

a. An agricultural service vehicle, as defined in section 1 of this Ordinance, shall be exempt from the provisions of section 5 if the gross weight does not exceed 60,000 pounds.

b. Municipalities shall not be liable for injuries or damages to agricultural and agricultural service vehicle that weighs more than the posted weight limit.

c. Snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks or other construction or maintenance equipment when used by any town in the construction or the maintenance of any highway, provided that such construction or maintenance is performed by persons employed by or under contract with such town for this purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town shall be unrestricted as to weight only within a construction area. Nothing contained in sections shall restrict the weight of municipal and volunteer fire apparatus.

Section 11 Penalties for overweight operation

a. A motor truck, truck tractor, tractor, trailer, or other vehicle, machine or contrivance, shall not be operated over the highways in the Town of Milton in violation of any provision of this Ordinance relative to the weight of the vehicle, machine or contrivance. In a prosecution for these violations, the proper defendant shall be either the owner or lessee of the vehicle, machine or

contrivance or the person who moves or operates the vehicle, machine or contrivance

b. Fines for violation of this Ordinance shall be calculated as set forth in Title 23 VSA section 1391 and or T23 VSA section 1008.

Section 12 Weighing of vehicles

Any uniformed police officer, having reason to believe that the weight of the vehicle and load is unlawful, may stop such motor vehicles up to one hour for the purpose of determining the weight of said vehicle and load. If the operator does not wish to submit to the weighing of such vehicle and load by means of portable scales he may demand that such vehicle be weighed at the nearest public scales reasonably available, however, if public scales are not reasonably available, the officer may require the vehicle to be weighed on portable scales. The officer may demand that the vehicle be weighed at the nearest public scales reasonably available.

Section 13 Removal of overloads

a. When the gross weight of such vehicle and load is determined to be at least 10,000 lbs. in excess of the weight limits for such trucks on such highways, the enforcement officer may require that such portion of the load that is found to be in excess of these weights be removed.

b. When it is determined that portions of these loads referred to in this section must be removed the truck may be driven to a suitable place for such removal. The enforcement officer may require that portions to be removed be removed onto another motor vehicle

Section 14 Refusal to weigh vehicle or remove overload

a. An operator of a motor truck shall not fail or refuse to stop or submit the vehicle and load to weighing, or fail or refuse when directed by an officer upon weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of Sections 12 and 13 of this Ordinance.

b. In accordance with Title 23 VSA section 1411 a person violating Sections 12 and 13 of this Ordinance shall be fined not less than \$500.00 nor more than \$2500.00 and at the time of the violation the officer may impound the vehicle and have it weighed and after weighing and upon payment of towing charges the vehicle shall be released or disposed of under the provisions of T23 VSA section 1413.

c. No more than one overweight violation per vehicle shall be written by an enforcement officer at any single incident.

Section 15 Previous Ordinances

This Ordinance shall supersede all previous Ordinance and agreements relative to truck weight and operation on Milton roadways.

Milton Selectboard:

Betty B. Thompson

Daniel Fitzhugh

Kenneth A. Nolan

Louis H. Mossey III

Randall F. Banowes

Posted & Published: August 4, 2005

Public Hearing Date: August 15, 2005

Accepted: August 15, 2005

Effective: September 24, 2005

