

AN ORDINANCE FOR THE REGULATION OF VEHICLE WEIGHT AND HEIGHT LIMITS
ON TOWN HIGHWAYS

We, the Jericho Board of Selectmen, pursuant to 19 V.S.A. §304(a)(1),(2),(6), 24 V.S.A. §2291(4) do hereby make the following civil ordinance for the regulation of overweight vehicles on Town bridges and highways within the limits of the Town. All penalties or fines assessed hereafter shall be imposed as civil penalties.

ARTICLE I.

Section 101. Jurisdiction

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 and size limits provided hereto over bridges and class 2, 3 and 4 highways under the jurisdiction of the Town shall be regulated under the conditions set forth in this ordinance.

ARTICLE II.

Section 201. Application

An application is required to be filed with the Town Administrator or his designee for the operation of any vehicle, which by weight or size exceeds the road, and bridge limits established in this ordinance.

Section 202. Town Weight Limits

The Town shall be responsible for establishing any weight limits, which are more restrictive than the 80,000 lbs. authorized by the State. The Town shall file a complete copy of the weight limitations with the Department of Motor Vehicles and shall, as necessary, obtain approval by the Secretary of Transportation pursuant to 23 V.S.A. §1393 when designating a highway in the town to carry the same legal load limit as the State, as prescribed in 23 V.S.A. §1392. The Town shall also seek approval from the Secretary of Transportation to set weight limits below those of the State for class 1 Town highways.

ARTICLE III

Section 301. Overweight Single Permit - Administrative Fee

An administrative fee of \$5.00 shall be filed by the applicant at the time of the request for permit and shall cover the period expiring March 31 of each year for a vehicle.

Section 302. Overweight Fleet Permit - Administrative Fee

An administrative fee of \$10.00 shall be filed by the applicant at the time of the request for a permit and shall cover the period expiring March 31 of each year for all the registered vehicles which are intended to be operated in the Town of Jericho.

ARTICLE IV

Section 401. Insurance

A valid certificate of insurance in the amount of a minimum of \$100,000/\$300,000 Personal Injury Liability Coverage and \$100,000 Property Damage Coverage shall be provided to the Town at the time of application.

ARTICLE V

Section 502. Posting of Permit

A single issued permit shall be posted by the operator in the applicable vehicle. A fleet permit is not required to be posted as long as the operator can provide confirmation that the permit has been issued within 24 hours of having been stopped by a police officer.

ARTICLE VI

Section 601. Weight Limits/State

With the approval of the Secretary of Transportation, the Selectboard may designate any highway in the Town of Jericho to carry the same legal load as specified in 23 V.S.A. §1392 for State highways. When a certain highway has been approved by the Secretary as to the legal load limit, then the Secretary shall have the highway posted for the legal load limit and the gross weight limit on that road shall be the weight allowed by the state, including any additional weight allowed by permit.

ARTICLE VII - WEIGHT LIMITS/TOWN

Section 701. 24,000 lbs.

Except as provided in Article II 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 24,000 pounds, upon a class 2, 3, or 4 town highway or bridge.

ARTICLE VIII

Section 801. Special Weight Limits

Special weight limits shall be reviewed on an annual basis by the Town Administrator. Changes from previously established limits, or to the state legal limits for highways or bridges shall be approved by the Selectmen and filed with the Department of Motor Vehicles no later than February 10 of each year. The filing shall include name of the highways or bridges, the time of the year that the restriction applies, and weight limitations in effect. Failure to notify the state within three days of the posting of any changes to the previously filed list shall make the newly established limit unenforceable.

Section 902. Seasonal Weight Limits

As seasonal conditions require, all highways and bridges shall be restricted to a weight not to exceed 24,000 lbs. The Town Administrator shall determine the beginning and end dates of the seasonal restriction after taking into consideration the weather and road conditions and post notice of such restriction in three public places in town.

During the seasonal restriction, overweight permits issued pursuant to Article III of this ordinance shall not be valid. Posting signs provided by the Agency of Transportation informing the traveler of the seasonal restriction shall be conspicuously placed at each end of the highway or portion of the highway.

The Selectboard may adopt rules regarding weight restrictions under this section by posting copies of the rules in at least two public places in town. These restrictions shall be filed with the Department of Motor Vehicles by February 10 of each year and the Town shall provide a list of each highway or bridge posted, the time of the year the restrictions apply, weight limitations in effect on that highway or bridge, and the name, address and telephone number of the principal person or persons responsible for issuing the local permit.

ARTICLE IX. Exclusions

Section 1001. Town Construction

Nothing contained in this ordinance shall restrict the weight of snow plows, road machines, oilers, traction engines, tractors, rollers, power shovels, dump wagons, trucks or other construction or maintenance equipment when used by the 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 such purpose. However, any operation of motorized highway building equipment or road making appliances used in construction work contracted by a town, or by the town using its own equipment, shall be unrestricted as to weight only within a construction area.

Section 1002. Fire Vehicles

Nothing contained in this ordinance shall restrict the weight of municipal and volunteer fire apparatus.

Section 1003. Material Hauling Exemptions

Vehicles specially equipped to haul unprocessed milk, unprocessed forest products or unprocessed quarry products shall be subject to state registration and regulation requirements only.

Section 1004. Farm Exemption

Farm equipment used for routine, non-commercial farm operations shall not be subject to these requirements.

ARTICLE X

Section 1101. Civil Penalties

This ordinance is designated as a Civil Ordinance and all penalties or fines assessed thereunder shall hereafter be imposed as civil violations and any persons who violates any provisions of this ordinance shall be fined as hereinafter provided.

Determination of a violation shall be based on the lightweight of the vehicle and the contents contained within it. An officer shall have the authority to request the operator to proceed to a location within the Town where registered scales are present to confirm weight if the operator questions whether a violation of this ordinance has occurred. A person who violates any provision of this ordinance shall be fined not more than \$500 for each violation. A fine may be imposed for each violation.

Section 1102. Fine/Waiver Fee

Fine Waiver Fee

Failure to obtain a permit \$ 15.00 \$ 10.00

Excess weight \$250.00 \$100.00

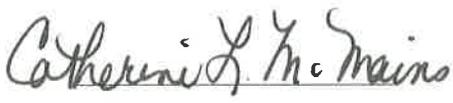
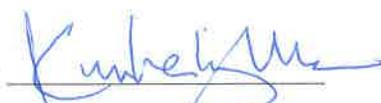
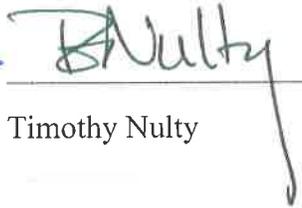
Height Limit \$ 85.00 \$ 75.00

ARTICLE XI

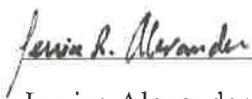
If any part of this ordinance shall be held to be void, invalid or unconstitutional either under the laws or constitution of the State of Vermont or the United States by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance, and such portions shall be in full force and effect.

ARTICLE XII

Adopted this 21st day of January 2016 by the Jericho Selectboard.

		
Catherine McMains	Kimberly Mercer	Timothy Nulty

Received for record this 22nd day of January 2016 by the Jericho Town Clerk.



Jessica Alexander

This ordinance will take effect the 21st day of March 2016 unless pursuant to 24 V.S.A. §1973 a petition for a vote on the question of disapproving the ordinance signed by not less than five percent of the qualified voters of Jericho is presented to the Selectboard or Town Clerk within 44 days following the date of January 21, 2016.