

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 26-045**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CHANGING THE EXEMPTION TO WEIGHT RESTRICTIONS ON BOROUGH ROADS FOR ESSENTIAL PURPOSES ONLY.

BE IT ENACTED:

Section 1. Classification. Section 4 is non-code, Sections 2 and 3 of this ordinance are of a general and permanent nature and shall become part of the Borough code.

Section 2. Amendment of section. MSB 11.08.010 is hereby amended as follows:

(A) The Manager is authorized to restrict use of or close any road, street or other public way maintained by the borough, including those maintained through service areas, whenever the manager considers such closures or restriction of use necessary for the protection of the public, or for the protection of the road or street from damage during storms, floods, thawing conditions or during construction or maintenance operations.

(B) When the Manager has restricted the use of public rights-of-way, the Manager may authorize a vehicle operator to exceed weight limit restrictions one round trip per day upon payment of a fee. The fee for the exemption shall be set by the Assembly.

(C) The manager may issue an exemption only upon finding that, due to existing conditions affecting an occupied residence, business, or public facility, strict application of weight restrictions would render the property unsafe, unsanitary, or uninhabitable. Exemptions may not be issued for new construction, unoccupied structures, or for reasons of economic convenience.

(D) Exemptions shall only be valid from 6:00 a.m. to 12:00 p.m., with a recommendation that travel be completed by 10:00 a.m.

(E) The borough may deny, suspend, or revoke an exemption under this chapter if:

- (1) roadway conditions deteriorate;
- (2) conditions are violated; or
- (3) issuance of an exemption under this chapter would pose a risk to public infrastructure.

(F) Any damages to a public right-of-way, dedication, easement or borough land which are caused by the transportation of a non-divisible vehicle, load, or equipment, are subject to immediate repair by the borough, at the owner's expense. The borough may require the owner to repair the damage if notice is given to the owner. Notice shall consist of a written letter sent by

certified mail, return receipt requested, or personally delivered, explaining the damages and stating the time to repair the damages. If the owner does not repair the damages after being given proper notice, the borough may repair the damages and the owner shall be liable to the borough for all costs incurred by the borough from the repair, including overhead costs.

Section 3. Amendment of section. MSB 11.08.025 is hereby amended as follows:

11.08.025 Road Weight Restrictions

(A) This section establishes a process to allow limited exemptions from road weight restrictions for the transportation of non-divisible equipment.

(B) An application for exemption from the road weight restrictions shall be filed on a form provided by the Borough. The application shall include:

(1) appropriate filing fee as established by the assembly;

(2) date of travel, primary route, and alternate route, if applicable [STARTING POINT AND POINT WHERE TRAVELING TO.];

(3) information identifying the subject vehicle, including the make, model, color, and license plate number; [AND]

(4) information identifying the vehicle, load,
or equipment which is non-divisible;

(5) the specific address or parcel involved;

and

**(6) the reasons for, and circumstances of, the
essential travel.**

Section 4. Implementation. At a minimum, the Manager shall provide notice to the Local Road Service Area Advisory Board (LRSAAB) and the Chair of the affected Road Service Area Board when an exemption is granted. In addition, the Manager may direct staff to conduct road condition inspections before and after an approved exemption is exercised.

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2026.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)