

## ORDINANCE # H2008-01

### AN ORDINANCE ESTABLISHING OVERWEIGHT VEHICLE PERMITS FOR COUNTY ROADS IN DEUEL COUNTY

Be it ordained by Deuel County for the purpose of protecting county roads in Deuel County:

#### **Article I – Overweight Vehicles Prohibited:**

No one may operate a motor vehicle on the county roads in Deuel County in excess of the maximum weight or size set by state law in SDCL Chapter 32-22, unless the operator has first obtained a permit from the Deuel County Highway Superintendent, or his/her designee, to allow the operation of the motor vehicle at such weight or size.

#### **Article II – Single Trip Permit Authorized**

The Deuel County Highway Superintendent, or his/her designee, may issue a single trip permit to allow the operation of a motor vehicle on the county roads in Deuel County in excess of the maximum weight or size set by state law in SDCL Chapter 32-22. The Deuel County Superintendent, or his/her designee, may issue the single trip permit by means of facsimile transmission (fax). The permit issued by the Deuel County Highway Superintendent, or his/her designee, shall designate the county roads upon which the permitted vehicle may operate. The request for a permit to exceed the maximum vehicle weight limit or size must be made at least twenty-four (24) hours in advance.

#### **Article III – Agricultural Seasonal Over Dimension Permit**

The Deuel County Highway Superintendent, or his/her designee, may, at his discretion, issue a seasonal over dimension (not to include overweight) permit to applicants to allow for multiple trips, daily, for short periods throughout the year for agricultural purposes. All clearances are the responsibility of the permittee. Any damage to structures, signs or other property within the right-of-way shall be compensated for by the permittee. No over width movement is allowed from sunset to sunrise.

#### **Article IV –Grounds for Permit**

The Deuel County Highway Superintendent, or his/her designee, shall follow the State Statutes (SDCL Chapter 32-22) and Administrative Rules (ARSD 70:30:01) in deciding whether to issue a permit to the operator of a motor vehicle to exceed the maximum vehicle weight limit or size.

#### **Article V – Grounds for Suspension**

Due to road sensitivity at different times of the year, permits may be suspended at any time at the discretion of the Deuel County Highway Superintendent or his/her designee.

#### **Article VI – No Permits During Seasonal Load Limit Postings**

No overweight or over width permits will be issued during seasonal load limit postings. The Deuel County Commissioners may waive this restriction if they deem it necessary for the protection of public safety, health, or welfare. All bridge postings will be strictly adhered to.

#### **Article VII – Operation Only on Designated Roads**

The transportation of overweight loads authorized by the Ordinance shall be undertaken only on county roads designated on the issued permit.

#### **Article VIII – Operation Only According to Terms of Permit**

The transportation of overweight loads in violation of the terms of an Overweight Permit shall render the permit void except as to the permit holder's liability for damages and indemnification.

**Article IX – Possession of Permit During Operation**

The issued permit, including a permit issued by was of facsimile transmission (fax), or a copy thereof, must be in the possession of those utilizing the permit during all periods of operation.

**Article X – Maximum Penalties for Unauthorized Operation**

The transportation of overweight load without a permit, or in violation of the specific terms of a permit is punishable by a maximum fine of two hundred dollars (\$200.00), in addition to any other civil or criminal penalties provided by law.

**Article XI – Liability**

The possession of an overweight permit shall not relieve the applicant of civil liability and responsibility for personal injury or property damage which may occur in connection with the movement of the permitted vehicle, including the liability for damage to roads, bridges, signs or other highway structures.

Adopted this 20th day of May, 2008.

First Reading: May 6, 2008  
Second Reading: May 20, 2008  
Published: May 28, 2008

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Darold Hunt, Chairman  
Deuel County Commission

ATTEST:

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Pam L. Lynde, Deuel County Auditor

**FEE SCHEDULE FOR PERMITS:**

Overweight:	80,000 to 100,000 pounds	\$100.00
	100,000 to 150,000 pounds	\$150.00
	over 150,000 pounds	\$200.00
Over Dimension	Per load	\$ 20.00
	Seasonal	\$ 40.00
Driveway or Approach Permit		No fee
Right-of-way Occupancy Permit		No fee