

ORDINANCE # H2023-01

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 and annual overweight-oversize permits authorized.

Article II – Single and Annual Overweight-Oversize Permits Authorized

The Deuel County Highway Superintendent and/or their designee, may issue a single trip permit or an annual trip permit to allow the operation of a motor vehicle on Deuel County roads exceeding the maximum weight or size set by state law in SDCL Chapter 32-22. The permit is only valid for Deuel County roads under the authority of the Deuel County Highway Superintendent. The permit does not supersede bridge weight restrictions.

An application for a permit must be made at least forty-eight (48) hours in advance. Incomplete applications will not be approved. The permit shall be issued via email. The permit may be suspended and/or revoked at any time at the discretion of the Deuel County Highway Superintendent and/or their designee.

Article III – 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) to decide whether to issue a permit to the operator of a motor vehicle which exceeds the maximum vehicle weight limit or size.

Article IV – Permit Fees

Permit fees shall accompany the permit application or be submitted within forty-eight (48) hours of receiving the approved permit. Failure to pay the permit fee will result in revocation of the permit and no other permit will be issued until payment is received. Permit fees will be deposited to the Deuel County Road and Bridge Fund. Gross vehicle weight shall be used to determine the fee for single trip and annual permits. Entities and/or individuals applying for annual permits shall use the heaviest gross vehicle weight in their fleet.

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 followed.

Article VII – Operation Only on Designated Roads

The transportation of overweight loads authorized by the Ordinance shall be restricted to only the 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 to the permit holder’s liability for damages and indemnification.

Article IX – Possession of Permit During Operation

The issued permit, 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 five hundred dollars (\$500.00), in addition to any other civil or criminal penalties provided by law.

Article XI – Liability

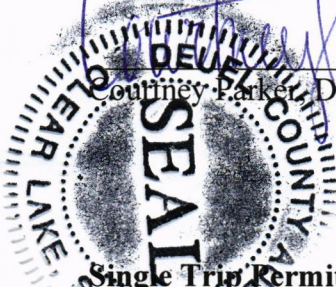
The possession of an overweight permit shall not relieve the applicant of civil liability and responsibility for personal injury or property damage which may occur in connection with the movement of the permitted vehicle, including the liability for damage to roads, bridges, signs or other highway structures.

Adopted this 30th day of May, 2023

First Reading: April 18th, 2023
Second Reading: May 2nd, 2023
Published: May 10th, 2023

Judith Homan
Judith Homan, Chairperson
Deuel County Commission

ATTEST:
Courtney Parker
Courtney Parker, Deuel County Auditor



FEE TYPE & FEES

Single Trip Permit
Oversize (over 8’6” wide): \$50.00
Overweight: 80,001-100,000 lbs: \$125.00
Overweight: 100,001-149,499 lbs: \$175.00
Overweight: 150,000 lbs and over: \$225.00

Annual Trip Permit
Oversize (over 8’6” wide): \$100.00
Overweight 80,001-100,000 lbs: \$300.00
Overweight 100,001-149,499 lbs: \$450.00
Overweight 150,000 lbs and over: \$650.00