

ORDINANCE NO. 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 way 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.

Deuel County Permit for
Overweight and over dimension Loads

Overweight Fee (Single trip only):	80,000 to 100,000 pounds	\$100.00
	100,000 to 150,000 pounds	\$150.00
	over 150,000 pounds	\$200.00

1. Object to be moved _____
Height _____
Width _____
Length _____
Gross Weight _____

2. Does the single axle or group axle weights exceed legal 9 ton roadway limits? (YES) (NO)
Does the single axle or group axle weights exceed legal 10 ton roadway limits? (YES) (NO)

3. Movement to be during daylight hours between the dates of _____ and _____

4. Movement to be from _____ to _____
on County Highway Numbers _____ (Provide a map if possible).

5. PUBLIC LIABILITY - PROPERTY DAMAGE:
Amount of public liability and property damage insurance \$ _____, Must exceed \$300,000.00
for a single claim arising from single occurrence and \$1,000,000.00 for multiple claims arising from single occurrence
Insurance Company: _____
Name & Address of Local Agency _____

If granted this permit, (I) (We) do hereby agree to comply with the provisions of the permit to take all necessary and reasonable precautions to maintain the safety of this movement and to be responsible for all liability for the personal injury or property damage which may occur in connection with this movement; and in the event any claim is made against the County of Deuel, or department, office or employee thereof, through, by reason of, or in connection with any such act or omission, applicant shall indemnify and hold them and each of them harmless from such claims.

5. Applicants name: _____
(Must be owner of towing vehicle or owner of load)
Title: _____
Applicant's signature: _____
Address _____ Phone Number _____

Permission for this movement is hereby granted subject to compliance with the provisions of the South Dakota Highway Traffic Regulations and under the terms, condition, and restrictions contained on the attached sheet Ordinance H2008-01 and is subject to revocation upon non-compliance.

Special requirements _____

DEUEL COUNTY HIGHWAY DEPARTMENT

BY: _____
(Name) (Title)
Date: _____

Permission for movement over roads other than Deuel County Highways must be obtained from the proper road authority. This permit does not exempt the permittee from other driving or highway laws.