

ARTICLE IX. - TRUCK ROUTES, AXLE AND TIRE LOAD LIMITS

Sec. 52-401. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means every machine propelled by any power other than muscular used upon the streets or highways for the transportation of property.

Nondivisible load means cargo that cannot be reasonably divided into more than one shipment.

Owner means the person who holds the legal title to a motor vehicle or trailer or who is the lessee of such vehicle or trailer.

Primary truck route means any street or highway designated as a primary truck route by the city council by resolution.

Secondary truck route means any street or highway designated as a secondary truck route by the city council by resolution.

Tire width, when applied to pneumatic tires, shall mean the dimension of the cross section of such tires as customarily measured and rated by the manufacturers of motor vehicles and tires.

Truck means any motor vehicle designed or operated for the transportation of property, including a vehicle directly connected to a trailer, of a gross weight of more than 10,000 pounds.

Any terms used in this article IX which are not defined in this chapter but which are defined in SDCL 32-14-1, shall have the meaning as defined in SDCL 32-14-1.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-402. - Driver and owner responsibility.

Either the driver or the owner of any truck being operated with such owner's consent are liable for any violation of this article by said truck.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-403. - Maximum weight of vehicle or combination of vehicles and axles.

No vehicle or combination of vehicles operating on the streets, alleys, and highways of the city may weigh:

- (1) In excess of 20,000 pounds on any one axle, or in excess of the tire weight per inch of tire width prescribed by section 52-407, including all enforcement tolerances;
- (2) In excess of 34,000 pounds on any tandem axle, or in excess of the tire weight per inch of tire width prescribed by section 52-407, including all enforcement tolerances; or

- (3) In excess of the maximum weight on two or more consecutive axles as determined by the formula detailed in section 52-405, or in excess of the tire weight per inch of tire width prescribed by section 52-407.

Two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-404. - Combination vehicles deemed single for weight purposes.

Any combination of vehicles being operated upon the streets and highways shall, for the purposes of section 52-403, be deemed to be a single vehicle.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-405. - Formula for weight on group of consecutive axles.

For the purposes of section 52-403 the maximum gross weight on a group of two or more consecutive axles allowable on a street or highway shall be determined by the following formula:

$$W = 500 [LN/(N-1) + 12N + 36]$$

In applying the above formula, "W" equals the overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured longitudinally to the nearest foot from the foremost axles to the rearmost axle in a group of two or more consecutive axles, and "N" equals the number of axles in group under consideration.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-406. - Limited exemption for certain vehicles hauling agricultural products or livestock from a farm.

No vehicle hauling agricultural products from farm storage or livestock from a farm is subject to enforcement action for violations not exceeding the legal limits imposed pursuant to section 52-403 or section 52-407 by more than five percent. However, such vehicle may not exceed the speed of 50 miles per hour and is only exempt pursuant to this section within a range of 50 miles of the farm. Such vehicle may not exceed the posted weight of any bridge or road. The weight tolerance authorized in this section is not applicable during spring load restrictions as set forth in SDCL 32-22-24 or section 52-424. If enforcement action is taken pursuant to this section, the fine or penalty shall apply to that portion of the load that is above the legal limit.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-407. - Maximum weight per tire—Spacing of axles.

No vehicle equipped with pneumatic tires may be operated or moved upon any street or highway in this city, if the weight of the vehicle and the load thereon resting upon the surface of the street or highway exceeds:

- (1) Six hundred pounds on any inch of the tire width on:

- a. An axle equipped with dual tires;
 - b. A steering axle;
 - c. An axle of an oversize or overweight vehicle that cannot be readily reduced in size or weight and is operating with a permit issued under SDCL 32-22-42 or section 52-422;
 - d. An axle of a trailer being towed by a vehicle with a gross vehicle weight rating (as defined in SDCL 32-3-1) of 11,000 pounds or less; or
- (2) Five hundred pounds on any inch of the tire width on any other type of axle.

In no instance may the weight on any axle or combination of axles exceed the maximum weight limits specified in section 52-403.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-408. - Solid waste hauling vehicle weight restrictions—Fee on excess only.

The limitations of section 52-424 do not apply to the maximum gross weight per axle of any vehicle hauling solid waste, provided the vehicle has obtained a permit in accordance with section 52-425(b).
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-409. - Municipal sludge vehicles—Permits for oversize and overweight-tires—Speed limit.

The city may issue annual or seasonal permits for the movement of oversize and overweight sludge vehicles owned and operated by a municipality. The city engineer may establish permit conditions to ensure the safety of the public and the protection of the highway surface and structures. Any municipal sludge vehicle shall be equipped with large flotation type tires which have an inflation pressure of 25 pounds per square inch or less. The vehicle may not operate on a public roadway at a speed in excess of 15 miles per hour.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-410. - Liability for damages not affected by issuance of permit.

The issuance of any permit provided for in this article will in no manner relieve the holder of said permit from liability for damages caused to a street or highway by any movement under said permit.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-411. - Removal of overweight portions of load—Risk of loss of unloaded cargo.

If an officer upon weighing a vehicle and load determines that the vehicle's weight is unlawful, the officer shall require the driver to stop the vehicle in a suitable place adjacent to the place of weighing. The vehicle shall there remain until such portion of the load is removed or adjusted to reduce the gross weight, axle weight, or tire weight of such vehicle to meet the weight limits specified in this article or until the city issues the vehicle an overweight permit. The overweight permit shall only authorize movement of the vehicle from the weighing site to a location, as determined by the city, where the excess portion of the load can be removed or

adjusted to cause the vehicle to meet the weight limits specified in this article. The unloading of any required portion of a load is the duty of and at the sole risk of the owner or operator of the vehicle. Any material unloaded shall be cared for by and continue to be at the sole risk of the owner or operator.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-412. - Livestock not to be unloaded from overweight vehicle.

The unloading of livestock as defined by SDCL 39-5-6(11) is prohibited for the enforcement of violations of section 52-403 and 52-407. The city shall issue to the driver of the vehicle at the point of violation of special overweight permit for the amount of the overload if the load cannot be adjusted to the legal limits without unloading. The permit authorized pursuant to this section is issued at the flat rate of \$100.00 for an overweight permit. The flat rate shall include the cost of issuing the permit. This permit authorizes the driver to operate the overweight vehicle to the point of destination within the city or the point of exit from the city. This permit does not, however, exempt the operator from any other enforcement actions.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-413. - Lift axle control requirements—Permits.

Unless specifically authorized by permit, a variable load axle may not be raised if, when it is raised, it causes any other axle to be overloaded. The city hereby recognizes the validity of permits issued under SDCL 32-22-57 and ARSD 70:03:01:85, and adopts the terms and conditions of such permits. A violation of such permit subjects the violator to an administrative fee of \$500.00 for each violation, in addition to any other applicable penalties and fees assessed under other provisions of this article.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-414. - Administrative fees for operation of overweight vehicles.

Any person who is convicted of operating a motor vehicle upon the street and highways of the city with weight upon any wheel, axle, or groups of axles or upon more than one thereof greater than the maximum permitted by this article, shall pay in addition to, and not in substitution for any penalties hereunder, an administrative fee calculated as follows:

In an amount equal to five cents per pound for each pound of such excess or combined excess weight over 1,000 pounds if such excess is 3,000 pounds or less.

In an amount equal to \$0.15 per pound for each pound of such excess or combined excess weight if such excess exceeds 3,000 pounds and is 4,000 pounds or less.

In an amount equal to \$0.225 cents per pound for each pound of such excess or combined excess weight if such excess exceeds 4,000 pounds and is 5,000 pounds or less.

In an amount equal to \$0.375 per pound for each pound of such excess or combined excess weight if such excess exceeds 5,000 pounds and is 10,000 pounds or less.

In an amount equal to \$0.75 per pound for each pound of such excess or combined excess weight if such excess is more than 10,000 pounds.

The schedule in this section is assessed at a single rate according to the cents per pound rate for the highest weight violation.

(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-415. - Disposition of proceeds.

Administrative fees collected under this article IX shall be remitted to the fund that pays for street maintenance and repair.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-416. - Use of truck routes.

Each truck shall travel as close as practicable to its destination by primary truck route. Thereafter, it shall travel by secondary truck route to its destination, or as close as practicable to its destination. From the nearest practicable location on a truck route, the truck may travel by other streets to its destination.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-417. - Reserved.

Sec. 52-418. - Reserved.

Sec. 52-419. - Reserved.

Sec. 52-420. - Posted weight limits.

The city's public works department may, by order, prohibit the operation of trucks upon any street or highway within the city or impose any weight restriction deemed necessary by such department. The prohibition or restriction shall be based upon a reasonable belief that normal use of such streets or highways is not in the public's interest or may damage such streets or highways. The order will become effective when signs are erected and maintained at each end of the affected portion of such street or highway. Vehicles with permits per section 52-422 or 52-425 must comply with posted weight limits.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-421. - Reserved.

Sec. 52-422. - Overweight permits—Year round weight limits.

(a) A vehicle which has been issued an overweight permit by the South Dakota Highway Patrol must obtain a city overweight permit when traveling off the state trunk highway system. Where the overweight vehicle is using city streets to travel from the vehicle's home base of operation to the state trunk highway system, there shall be no fee for such permit, and the permit shall be on the same terms as the permit issued by the South Dakota Highway patrol. Where the overweight vehicle has been issued a permit by the South Dakota Highway Patrol but is traveling to a job site or other place within the city limits where the vehicle is being used for its commercially intended purpose, then the vehicle must obtain a city overweight permit.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-423. - Truck route maps.

The city engineering department shall keep and maintain accurate maps setting out the primary and secondary truck routes. Such maps shall be available to the public.
(Ord. No. 12-02-02, 2-27-2012)

**Sec. 52-424. - Reduced load maximums from February fifteenth to April thirtieth—
Extension of period—Changing restrictions—Violation as misdemeanor.**

The maximum axle and axle group loadings as set forth in section 52-403 shall be reduced for certain streets and alleys during the period of each year from February 15 to April 15, inclusive. Such streets and alleys shall be indicated on an official map which shall be available in the office of the city engineer, on the city's website, and shall be made available to the South Dakota Department of Transportation. The city manager shall set reduced load limits during this period and may increase, lessen, or remove these restrictions if highway conditions warrant. That authority may be exercised without formal resolution of the city council. If highway and climatic conditions warrant, the city manager may extend the time period mentioned in this section. A violation of this section is a class 2 misdemeanor.
(Ord. No. 12-02-02, 2-27-2012)

Sec. 52-425. - Overweight permits—Spring weight limits.

The city engineer or his/her designee may issue permits allowing for the use of streets on which reduced load limits apply under the following circumstances:

- (1) Where a truck is hauling or constitutes a nondivisible load and must use a street on which reduced load limits apply to accomplish its commercially intended purpose. Such permits shall be valid for one trip, where "trip" shall mean the cessation of travel and the use of the truck and/or load for its commercially intended purpose. The fee for such permit shall be \$100.00.
- (2) Where a business has no route of ingress and egress except via a street on which reduced load limits apply. Such a permit shall specify the weight or quantity and type of product being received or dispatched. Such a permit shall be valid until December 31 of the year issued. The fee for such permits shall be \$100.00.

Nothing herein requires the issuance of a permit where the city engineer or his/her designee believes that such issuance would not be in the best interests of the public.
(Ord. No. 12-02-02, 2-27-2012)