

ORDINANCE NO. 07-01

AN ORDINANCE ESTABLISHING OVERWEIGHT VEHICLE PERMITS FOR
COUNTY ROADS IN BROOKINGS COUNTY

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

Article I – Overweight Vehicles Prohibited:

No one may operate a motor vehicle on the county roads in Brookings 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 Brookings 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 Brookings 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 Brookings County in excess of the maximum weight or size set by state law in SDCL Chapter 32-22. The Brookings County Highway Superintendent, or his/her designee, may issue the single trip permit by means of facsimile transmission (fax). The permit issued by the Brookings 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 – Grounds for Permit:

The Brookings 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 IV – Permit Fee:

The single trip permit shall be issued for a fee in advance in the amount as follows:

Gross Weight of Vehicle	Permit Fee
1. Eighty thousand pounds to one hundred thousand pounds	\$100.00
2. Over one hundred thousand pounds but less than one hundred fifty thousand pounds	\$150.00

3. One hundred fifty thousand
pounds and over \$200.00

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

Article V – No Permits During Seasonal Load Limit Postings:

No overweight or over width permits will be issued during seasonal load limit postings. The Brookings 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 VI – Operation Only on Designated Roads:

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

Article VII – 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 VIII – 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 IX – 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 X – 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.

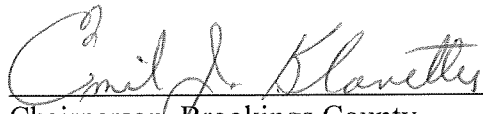
Article XI – Administration

The issuance of overweight vehicle permits shall be administered and supervised by the Brookings County Highway Superintendent who shall have authority to adopt rules and regulations for the issuance and use of such permits, which rules and regulations shall be approved by the Brookings County Commission.

FIRST READING: July 24, 2007


SECOND READING: July 31, 2007

ADOPTED this 31st day of July, 2007



Chairperson, Brookings County
Board of County Commissioners

ATTEST:



Brookings County Auditor

