

**Ordinance no. 2020-- 01**

An ordinance regulating weight limit enforcement over certain roads in Charles Mix County and further providing for penalties of violation of the terms of the ordinance and repealing all prior ordinances in conflict with the provision of this ordinance.

**WHEREAS**, seasonal climatic changes can be detrimental to our highways, and State Law SDCL 32-14-6 gives the county the authority to prohibit the operation of vehicles or restrict the weight of vehicles upon any highway under its jurisdiction, by reason of deterioration of physical condition, rain, snow, or other climatic conditions will seriously damage or destroy unless the use of vehicles on the highway is prohibited or the permissible weights of the vehicles are reduced; and

**WHEREAS**, by State Law SDCL 32-22-24, Spring Load limits may be put on as early as February 15 and may stay on through April 30. Time of Implementation and removal is dependent on weather and road conditions. Limits become effective when the signs are installed and displayed, and are no longer enforceable when the signs are removed; and

**WHEREAS**, the tax payers bear the burden of the costs of road repair; and

**WHEREAS**, the Board of Charles Mix County Commissioners, desires the enforcement of weight limitation of Charles Mix County Roads as set forth and posted by the Charles Mix County Highway Superintendent.

**NOW THEREFORE, BE IT ORDAINED BY THE CHARLES MIX COUNTY COMMISSION:** The weight limits on Charles Mix County Highways shall be set at seven (7) tons per axle on roads which will be designated by the posting of signs during the spring thaw period. Further, the South Dakota Highway Patrol is hereby authorized to enforce weight limitations on Charles Mix County roads, and Charles Mix County requests that the Highway Patrol assist in enforcing said weight limitations.

1. Purpose: To protect the health, safety and general welfare of the residents of Charles Mix County by enforcing vehicle weight limits on vulnerable County roads.
2. Unlawful Acts: It shall be unlawful to operate any "overweight vehicle," as hereinafter defined, on any "designated road," as hereinafter defined, within Charles Mix County, except as otherwise provided herein.
3. Definitions:
  - A. Overweight vehicle: Any motor vehicle having a total weight, which amounts to more than seven (7) tons per axle.

B. Designated Road: A road the County Highway Superintendent has placed weight limits on by the posting of signage.

4. Exceptions to overweight vehicle Traffic: overweight vehicles may be permitted on designated roads as follows:

A. For the operation of authorized emergency vehicles.

B. For an emergency so declared by public officials or public act.


5. Posting of Restrictions: Signs shall be posted in order to identify the roads that weight limitations are being enforced on. Signs shall be posted at locations determined by the County Highway Superintendent, and approved by the Charles Mix County Commissioners.

6. Penalty: Any person violating any provision of this ordinance shall be guilty of a misdemeanor, punishable upon conviction by a fine not to exceed five hundred (\$500.00) dollars, plus costs and/or imprisonment in the county jail for a period not to exceed thirty (30) days.

7. Severability: This ordinance and the various parts, sections, paragraphs, and subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, section, paragraph, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.



Chairman of the Board  
Charles Mix County Commission

ATTEST:   
County Auditor



Passed and adopted by the Charles Mix County Commissioners, Charles Mix County, South Dakota on the 16<sup>th</sup> day of January, 2020, by the following vote:

Ayes: 3  
Nays: 0  
Absent: 0

Passed and adopted by the Charles Mix County Commissioners, Charles Mix County, South Dakota on the 13<sup>th</sup> day of February, 2020, by the following vote:

Ayes: 3  
Nays: 0  
Absent: 0

Date of Publication Feb 19<sup>th</sup> + 26<sup>th</sup>, 2020

Attest:   
Auditor

Signed: 