

ORDINANCE NO. 3939

AN ORDINANCE REPEALING SECTION 10.20.080 OF THE RAPID CITY MUNICIPAL CODE AND AMENDING CHAPTER 10.32 OF THE RAPID CITY MUNICIPAL CODE BY CHANGING THE TITLE OF CHAPTER 10.32 AND BY ADDING A NEW SECTION 10.32.005 DEFINING CERTAIN TERMS AND BY ADDING NEW SECTIONS 10.32.200, 10.32.210, 10.32.220, 10.32.230, 10.22.240, 10.22.250, 10.22.260, 10.22.270, and 10.22.280 REGULATING OVERWEIGHT TRUCKS.

BE IT ORDAINED by the City of Rapid City that Chapter 10.20 of the Rapid City Municipal Code be amended by deleting therefrom section 10.20.080 as follows:

~~10.20.080 Weight and size of vehicle.~~

~~No person shall drive or operate any vehicle upon any street the gross weight of which, including the load, or the size of which does not comply with the requirements of the state law governing such vehicle.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by changing the title as to read as follows:

Chapter 10.32

~~TRUCK ROUTES~~

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.005 to read as follows:

10.32.005 Definitions.

Terms used in Chapter 10.32 mean:

(A) "Highway," the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public as a matter of right for purposes of vehicular travel;

(B) "Motor vehicle," every vehicle, as herein defined, which is self-propelled;

(C) "Owner," a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor is the owner for the purpose of said chapters;

(D) "Pneumatic tires," all tires inflated with compressed air;

(E) "Semitrailer," any vehicle of the trailer type equipped with a kingpin assembly designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;

(F) "Single axle" or "One axle," one or more consecutive axles whose centers may be included between two transverse vertical planes spaced forty inches or less apart, extending across the full width of the vehicle;

(G) "Solid rubber tire," every tire made of rubber other than a pneumatic tire;

(H) "Steering axle," any axle on the front of a motor vehicle that is activated by the operator directly to accomplish guidance or steering of the motor vehicle or combination of vehicles;

(I) "Tandem axle," two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending across the full width of the vehicle;

(J) "Tire width," when applied to pneumatic tires, shall mean the diameter of the cross-section of such tires as customarily measured and rated by the manufacturers of motor vehicles and tires;

(K) "Trailer," every vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle;

(L) "Vehicle," every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks; including bicycles and ridden animals.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.200 to read as follows:

10.32.200. Load restrictions--Operation of oversize or overweight vehicle as misdemeanor.

It is a Class 2 misdemeanor for any person to drive or move, or for the owner to cause or knowingly permit to be driven or moved, on any highway any vehicle or vehicles, of a size or weight exceeding the limitations stated in this chapter.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.210 to read as follows:

10.32.210. Load restrictions - Maximum weight of vehicle or combination of vehicles - Axles - Misdemeanor.

No motor vehicle or combination of vehicles operating on a public highway may have a weight:

(A) In excess of twenty thousand pounds on any one axle, or in excess of the tire weight per inch of tire width prescribed by Section 10.32.230, including all enforcement tolerances;

(B) In excess of thirty-four thousand pounds on any tandem axle, or in excess of the tire weight per inch of tire width prescribed by Section 10.32.230, including all enforcement tolerances; or

(C) In excess of the maximum weight on two or more consecutive axles as determined by the formula detailed in Section 10.32.220, or in excess of the tire weight per inch

of tire width prescribed by Section 10.32.230. However, in no instance may the gross weight of any vehicle or combination of vehicles exceed eighty thousand pounds on the interstate highway.

Two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each provided the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more. A violation of this section is a Class 2 misdemeanor.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.220 to read as follows:

10.32.220 Load restrictions - Formula for weight on group of consecutive axles.

For the purposes of §10.32.210 the maximum gross weight on a group of two or more consecutive axles allowable on a public 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 five hundred 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.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.230 to read as follows:

10.32.230 Maximum weight per tire -- Spacing of axles -- Violation as misdemeanor.

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

- (A) Six hundred pounds on any inch of the tire width on:
 - (1) An axle equipped with dual tires;
 - (2) A steering axle;
 - (3) 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
 - (4) An axle of a trailer being towed by a vehicle with a gross vehicle weight rating of eleven thousand pounds or less; or
- (B) 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 §10.32.210. A violation of this section is a Class 2 misdemeanor.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.240 to read as follows:

10.32.240 Load restrictions - Construction vehicles and equipment - Operation on highway projects.

Notwithstanding the provisions of this chapter, the city engineer may permit public and private vehicles and equipment in excess of the weight limitations established in this chapter to be operated on highway construction projects on public highways under jurisdiction of the City while said highway projects are under construction.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.250 to read as follows:

10.32.250 Reduced load maximums from February fifteenth to April thirtieth -- Extension of period -- Changing restrictions -- Overweight permits -- Violation as misdemeanor.

The maximum axle and axle group loadings as set forth in Section 10.32.210 shall be reduced during the period of each year from February fifteenth to April thirtieth, inclusive. The city engineer may 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 Common Council if the city engineer erects or causes to be erected and maintained signs designating the restrictions. If highway and climatic conditions warrant, the Common Council may extend the time period mentioned in this section by ordinance or resolution. Nothing in this requirement, however, removes or interferes with the Common Council imposing additional restrictions. Moreover, during the time period mentioned in this section the City Engineer may issue overweight permits to heavier vehicles to permit such vehicles to be operated on those highways which the City Engineer designates as capable of handling heavier loads. A violation of this section is a Class 2 misdemeanor.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.260 to read as follows:

10.32.260 Load restrictions - Schedule of penalties for operation of overweight vehicle.

Any person who is convicted of the offense of operating a motor vehicle upon the highways of this city with weight upon any wheel, axle, or groups of axles or upon more than one thereof greater than the maximum permitted by this Chapter shall pay to the City a civil penalty in addition to, and not in substitution for, any other penalties now provided by law for such offense in the following amounts:

In an amount equal to five cents per pound for each pound of such excess or combined excess weight over one thousand pounds if such excess is three thousand pounds or less.

In an amount equal to fifteen cents per pound for each pound of such excess or combined excess weight if such excess exceeds three thousand pounds and is four thousand pounds or less.

In an amount equal to twenty-two and one-half cents per pound for each pound of such excess or combined excess weight if such excess exceeds four thousand pounds and is five thousand pounds or less.

In an amount equal to thirty-seven and one-half cents per pound for each pound of such excess or combined excess weight if such excess exceeds five thousand pounds and is ten thousand pounds or less.

In an amount equal to seventy-five cents per pound for each pound of such excess or combined excess weight if such excess is more than ten thousand pounds.

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

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.270 to read as follows:

10.32.270 Load restrictions - Application to city-owned vehicles.

The provisions of Sections 10.32.200 through 10.32.260 shall not apply to city-owned vehicles.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.280 to read as follows:

10.32.280 Load restrictions - Application to other vehicles.

The provisions of Sections 10.32.200 through 10.32.260 shall not apply to any vehicle operating under a valid permit or exemption recognized or authorized under SDCL Chapter 32-22 or regulations adopted pursuant thereto.

BE IT FURTHER ORDAINED by the City of Rapid City that Chapter 10.32 of the Rapid City Municipal Code be amended by adding a new Section 10.32.290 to read as follows:

10.32.290 Severability of Provisions and Applications.

If a part of this chapter is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this chapter is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:

Prepared By: CITY ATTORNEY'S OFFICE