

AN ORDINANCE TO CLASSIFY HIGHWAYS AS TO WEIGHT AND LOAD CAPACITIES

Sec. 01. AUTHORITY

Commissioners may classify highways (herein defined as highways, streets, and roads) as to weight and load capacities. The board of county commissioner's, may classify public highways and roads under their jurisdictions and limitations as to the weight and load of vehicles thereon for such respective classifications must be enforced as provided in section 39-12-07.

Sec. 02. SPECIAL PERMITS FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT ISSUED - CONTENTS - FEES

The County, upon application and payments of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this ordinance, upon highway under the jurisdiction of the county. Every such permit may designate the route to be traveled, and may contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the highway patrol. It is a violation of the provisions of this ordinance for any person to violate any of the terms or conditions of such special permits. All permits for the movement of excessive size and weight on county highways must be single trips only unless otherwise authorized by the County Commission. The County may adopt rules governing the movement of oversize and overweight vehicles.

An appropriate charge must be made for each permit and all funds collected hereunder by the county must be deposited in the county highway fund and are hereby appropriated for use in the construction, maintenance, enforcement of highway regulations and operating expenses of the county highway department. For each permit for the movement of a mobile home or modular unit and for enforcement of this Ordinance, the fee will be **FIFTY DOLLARS (\$50)**. Official or publicly owned vehicles may not be required to pay charges for permits. The director of tax equalization or the county of destination must be furnished a copy of the permit for the movement of an over dimensional mobile home.

Sec. 03. COMMISSIONERS MAY LIMIT USE OF VEHICLES ON HIGHWAYS

Whenever any highway will be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions unless the use of vehicles is prohibited or the weight of the vehicle thereon is limited, the commissioners or

employees authorized by them by ordinance or resolution, may prohibit the operation of vehicles upon such highway or may impose restrictions as to the weight of vehicles. The commissioners or employee's making such order or enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions or the order, ordinance, or resolution. Such signs must be erected and maintained at each end of that portion of any highway affected thereby, and such order, ordinance, or resolution is not effective until such signs are erected and maintained. The operation of trucks or other commercial vehicles or limitations as to the weight thereof on designated highways may be prohibited or limited in the same manner. **Additionally, any permit or exemption may be revoked at any time by the commissioners for the reasons stated above.**

Sec. 03.1 OTHER RESTRICTIONS

1. No person may operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire, block, stud, flange, cleat, spike or any other protuberance of any material other than rubber in contact with the roadway.

2. Maneuvers on country roads that do damage to pavement are illegal **and shall be subject to criminal charges for the same.**

Sec. 03.2 SPECIAL YEARLY PERMITS FOR CONSTRUCTION EQUIPMENT

The County may issue a special yearly permit to licensed contractors to haul construction equipment whose weight including the transporting vehicle shall not exceed 105,500 lbs. GVW or permitted axle weights. The permit shall only be issued for each unit of construction equipment to be hauled (backhoe, grader, etc.) and shall be carried in the transporting vehicle whenever that vehicle is on a county road hauling the construction equipment. The contractor shall pay a **THREE HUNDRED DOLLAR (\$300)** per unit fee for each unit of construction equipment on a yearly basis. The fee and requirements shall be established by the County Board of Commissioners and administered by the County Permit Department (see Sec. 02). Violation of the conditions of the permit shall void the permit. **Failure to obtain a permit as required by this section will result in a one hundred dollar fine and the issuance of a permit.**

Sec. 04. WIDTH, HEIGHT, AND LENGTH LIMITATIONS ON VEHICLES - EXCEPTIONS

Vehicles operated on county highways may not exceed the following width, heights, or length limitations:

1. A total outside width, including load thereon, of eight feet six inches [2.59 meters]. This limitation does not apply to:

- a. Construction and building contractors' equipment and vehicles used to move such equipment which does not exceed ten feet [3.05 meters] in width when being moved by contractors or resident carriers
- b. Implements of husbandry being moved by **resident** farmers, ranchers, dealers, or manufacturers between sunrise and sunset. Furthermore, the limitation does not apply to implements of husbandry being moved between sunset and sunrise by **resident** farmers, ranchers, dealers, or manufacturers on public, county, or township highway systems provided the implements are properly lighted.
- c. Hay in the stack or bale moved along the extreme right edge of the roadway between sunrise and sunset by someone other than a commercial mover.
- d. Commercial movement of haystacks or hay bales with vehicles designed specifically for hauling hay, over width self-propelled **fertilizer/chemical spreader/sprayer**, and over width hay grinders, which may be operated on the highway after obtaining a **FIVE DOLLAR (\$5)**, twenty four hour permit or a **FIFTY DOLLAR (\$50)** seasonal permit issued by the county. The county shall issue permits that are valid during daylight hours on any day of the week to any commercial mover otherwise qualified under this subdivision. The permit is in lieu of registration requirements for the permit period. No permits may be issued, unless proof of financial responsibility in a minimum of three hundred thousand dollars is filed and the appropriate permit fee is paid. The permit may also be issued for hauling hay bales with vehicles or vehicle combinations other than those designed specifically for hauling haystacks. This permit, however, will not be in lieu of registration requirements. All permit fees must be deposited in the county highway fund. **Failure to obtain this required permit will result in a fine of ONE HUNDRED DOLLARS (\$100) and the issuance of a permit.**
- e. The county may adopt reasonable rules for those vehicles exempt from the width limitations as provided for in this subsection.
- f. The commissioners, as to highways under this jurisdiction, may issue permits authorizing a specific motor vehicle to exceed the length/width/height limitations stated in this section. The cost and conditions for exceeding length/width/height limitations are governed in part by the following:

1. **Over-Dimension Permit.** See attached Over-Dimensional Permit guidelines in Schedule DD.

2.

- a. A height of fourteen feet [4.27 meters], whether loaded or unloaded.
- b. The limitation in subdivision a. does not apply to vehicles that are at most fifteen feet six inches [4.72 meters] high when all of the following apply:
 1. The vehicle is an implement of husbandry and is being moved by a **resident** farmer, rancher, dealer, or manufacturer.
 2. The trip is at most sixty miles [96.56 kilometers].
 3. The trip is between sunrise and sunset.

3. A length as follows:

- a. A single unit vehicle with two or more axles including the load thereon may not exceed a length of fifty feet [15.24 meters].
- b. A combination of two units including the load thereon may not exceed a length of seventy-five feet [22.86 meters].
- c. A combination of three or four units including the load thereon may not exceed a length of seventy-five feet [22.86 meters], subject to any rules adopted by the director that are consistent with public highway safety. The rules do not apply to a three-unit combination consisting of a truck tractor and semi trailer drawing a trailer or semi trailer.
- d. Length limitations do not apply to:
 1. Building moving equipment.
 2. Emergency tow trucks towing disabled lawful combinations of vehicles to a nearby repair facility.
 3. Vehicles and equipment owned and operated by the armed forces of the United States or the national guard of this state.
 4. Structural material of telephone, power, and telegraph companies.
 5. Truck mounted haystack moving equipment, provided such equipment does not exceed a length of fifty-six feet [17.07 meters].
- e. The length of a trailer or semi trailer, including the load thereon, may not exceed fifty-three feet [16.16 meters] except that trailers and semi trailers titled and registered in North Dakota prior to July 1, 1987, and towed vehicles may not exceed a length of sixty feet [18.29 meters].

Sec. 05. WEIGHT LIMITATIONS FOR VEHICLES ON COUNTY HIGHWAYS

A person may not operate on a highway, any vehicles:

1. With a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width.

The pound per inch of tire will be applied to lug contact area only. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle, with a maximum of forty-eight thousand pounds [21,772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.

2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, a person may not operate any vehicle with the gross weight of which exceeds that determined by the formula of:

$$W = 500 \frac{(LN + 12N + 36)}{N-1}$$

Where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. On all county highways the gross weight may not exceed **eighty thousand pounds GVW [36,287.00 kilograms]**.

3. The commissioners, as to roads under their jurisdiction, may issue permits authorizing a specific motor vehicle to exceed the weight limits in subsections 1 and 2. The cost and conditions for exceeding overweight limitations are governed in part by the following:

- a. **Special Licensed Contractor Overweight Permit**. See attached Special Licensed Contractor Permit Restrictions in **Schedule "A"**.
- b. **Single Trip Permit For 80,000 lb. GVW Restricted Road** See attached Single Trip Permit Restrictions in **Schedule "B"**.
- c. **Single Trip Permit For Spring Load Restrictions** See attached Single Trip Permit Restrictions in **Schedule "C"**.
- d. **Single Trip Permit For Divisible Loads Over 80,000 GVW** See attached Divisible Load Permit Restrictions in **Schedule "E"**.
- e. **Haul Road Agreement** See attached **Schedule "F"**.
- f. **Gross Weight / Permit Fee** See attached **Schedule "G" & "H"**
- g. The county shall charge an administrative fee for each permit over and above the normal permit cost for time and mileage.

4. No additional loading will be granted because of low tire pressure.

5. Earthmoving scrapers must be hauled, not driven, on county paved roads and the hauling vehicle must follow all axle weight restrictions.

Sec. 06. LIMITATIONS ON EXTENDING OF LOAD BEYOND SIDE OF MOTOR VEHICLE

No motor vehicle carrying any load beyond the lines of the left fenders of such vehicle nor extending more than twelve inches [30.48 centimeters] beyond the line of the fenders on the right side of such vehicles may be operated on the highways, except as permitted by section 04. The county highway department or peace officer shall have authority to revoke permits when such holder violates or abuses the privilege or conditions of permit.

Sec. 07. PEACE OFFICERS MAY WEIGH VEHICLE TO DETERMINE LOAD - DECREASING GROSS WEIGHT OF VEHICLE

Every police officer, including members of the state highway patrol, having reason to believe that the weight of a vehicle and the load carried thereon is unlawful, may weigh such vehicle and load or have the same weighed either by means of portable or stationary scales, and for that purpose he may require the vehicle to be driven to the nearest scales. Such officer may require the driver of such vehicle immediately to unload such portion of the load as may be necessary to decrease the gross weight to the maximum allowed by the provisions of this ordinance. **The officer may be assisted by a member of the County Road Department.**

Sec. 08. PENALTY FOR VIOLATION OF ORDINANCE

Unless otherwise specifically provided for in the Ordinance, any person violating any of the provisions of this **Ordinance** must be assessed a fee of **FIFTY DOLLARS (\$50).**

Sec. 09. UNLAWFUL TO VIOLATE PROVISIONS GOVERNING SIZE, WEIGHT, OR CONSTRUCTION OF VEHICLES - PENALTY

It is unlawful for any person to drive or move, or for the owner to cause or knowingly to permit to be driven or moved, on any highway, and vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter, or any vehicle or vehicles which are not constructed as required in this ordinance nor according to the rules and regulations of the County adopted pursuant to the provisions, of this ordinance. The maximum size and weight of vehicles specified in this chapter are lawful throughout this county, except as they may be limited by virtue of specifications made pursuant to the other provisions of this chapter. Any person who violates any of the provisions of this section must be assessed a fee of **FIFTY DOLLARS (\$50).**

Sec. 10. IMPOUNDING OVERWEIGHT VEHICLES

Any vehicle found to have been moved or used upon any highway, street, or road in this county at a weight exceeding the limitations as specified in any order, ordinance, rules or resolution issued under section 39-12-03 or as limited by section 39-12-05 this vehicle may be impounded by any peace officer and taken to a warehouse or garage for storage.

Sec. 11. IMPOUNDING RECEIPT - INFORMATION

A receipt must be given by the officer impounding the vehicle, to the driver or person in charge of such vehicle. Such receipt must identify as nearly as possible, the owner of the vehicle and cargo, the driver or person in charge of such vehicle, the cargo, the place vehicle is to be stored during impoundment, the weight of the loaded vehicle and the name and address of the impounding officer. Information as to the owner of the vehicle and cargo must be obtained from the driver or person in charge of the vehicle.

Sec. 12. IMPOUNDING NOTICE - PERISHABLES

The impounding officer shall notify the owner or owners, if they can be found, by wire or telephone, of the impoundment and the charges involved. If the cargo consists of perishables, the impounding officer shall use reasonable diligence in assisting the operator or owner in finding suitable storage facilities for such perishables, but risk of loss or damage to such perishables must be upon the owner, operator, or lessee of such vehicle.

Sec. 13. CIVIL COMPLAINT

The State's attorney of the county where such vehicles are impounded, shall, if no settlement is made under section 14, immediately prepare and file a civil complaint on behalf of the authority having jurisdiction of the road whereon the violation occurred, for the purpose of recovering charges for the extraordinary use of the highways, streets, or roads of this state.

Sec. 14. VOLUNTARY SETTLEMENT OF EXTRAORDINARY ROAD USE FEE CHARGES

Before the complaint is issued pursuant to section 13, the owner, or the owner's driver or agent, may voluntarily pay the amount of the extraordinary road use fee, provided proof of surety coverage to ensure payment of the extraordinary road use fee, provided under section 17, plus any towing or storage costs. Any settlement, whether

made by the owner, or the owner's driver or agent, must be presumed to be of a voluntary nature. A peace officer or peace officer's designee is authorized to receive the settlement payment on behalf of the county. The extraordinary road use fees must be remitted to the county treasurer to be credited to the county highway fund.

Sec. 15. MAILING COMPLAINT

A copy of the complaint must be served upon the driver or person in charge of the vehicle and a copy must be sent by registered or certified mail to the owner of the vehicle, if the address of such owner is known.

Sec. 16. CASH BOND - HOLDING

Unless a cash bond is furnished in an amount sufficient to cover the charges for extraordinary use of highways, streets, and roads, as provided in section 18, together with the costs which may be collectible under any subsequent settlement made pursuant to section 14, said vehicle must be held until a trial of the case can be had before the district court.

Sec. 17. TRIAL - CHARGES

At the trial of the action, the court shall hear testimony concerning the facts and if it is found that such vehicle or vehicles were moved upon the highways, streets, or roads of this county at a weight in excess of the limitations imposed under the provisions of section 05, charges for the extraordinary use of the highways, streets or roads must be assessed as follows:

1. The storage charges and costs of the action must be assessed; and
2. An additional charge must be assessed according to the schedules set forth in section 39-12-17 of the North Dakota Century Code. At the trial of an action for violation of subsection 6 of Section 05, the Court, if the driver is found guilty of the same, **shall impose a fine of FIFTY DOLLARS (\$50) and order restitution in an appropriate amount.**

Sec. 18. PAYMENT OF CHARGES - CONFISCATION - SALE

If the charges and costs as provided in section 17 are not paid immediately from a cash bond previously posted or other cash payment, the judge shall order the vehicle confiscated and sold by the sheriff or the county at a public sale to the highest bidder and the proceeds applied to the payment of the charges and costs assessed.

Sec 19. PAYMENT - EFFECT

The payment of charges may not be construed as a payment of the future use of highways, streets, or roads by vehicles carrying excess loads.

Sec. 20. PROCEEDS OF SALE

The proceeds of sale must be applied first to the payment of the costs of the proceedings, including attorneys and witness fees and costs, and next to the payment of charges assessed. Such charges must be remitted to the county treasury to be credited to the county highway fund. The balance of the proceeds of any sale after the payment of costs and charges must be paid over by the sheriff to the person entitled thereto as determined by the court, or must be deposited with the clerk of court for such payment.

Sec. 21. PENALTY

Any driver of a vehicle who refuses to stop and submit the vehicle and load to a weighing when directed to do so by any police officer or any agent of the state having police power relating to motor vehicles is guilty of a class B misdemeanor.

Sec. 22. PERMISSIBLE LOADS - EXEMPTIONS

When any motor truck, truck tractor, or trailer is operated upon the public highways of this county carrying a load in excess of the maximum prescribed under the provisions of this ordinance or other maximum weight limitations prescribed by law, the load must be reduced or shifted to within such maximum limitations before being permitted to operate on any public highway of this county; provided, however, that any such vehicle carrying a load of livestock is exempt from the limitations prescribed in this ordinance relating to the carrying capacity of any wheel, tire, axle, or group of axles when excessive weight is caused by a shifting of the weight of the livestock. All material unloaded as required by this section must be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

Sec. 23. GOVERNOR'S ORDER AUTHORIZING EXCESS LIMITS

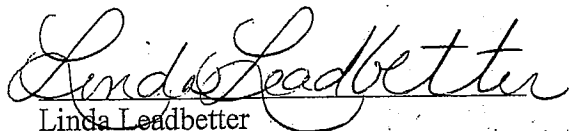
The operation of such vehicles, in accordance with the governor's order under NDCC § 39-12-23, does not constitute a violation of the statutes relative to limitations on sizes and weights.

Sec. 24. COMMISSIONERS MAY ESTABLISH RULES

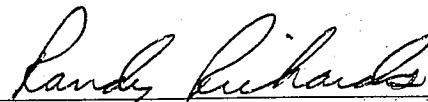
The County Commission may make such administrative rules as are necessary to implement this ordinance.

ATTEST:

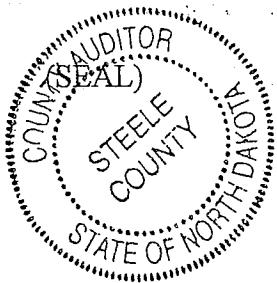
APPROVED:



Linda Leadbetter
County Auditor



Chair, Board of Commissioners
of the County of Steele



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