

# Ordinance No. 2004-2 Vehicle Weight Restrictions

## ~~AN ORDINANCE RESTRICTING VEHICLE WEIGHT ON VILLAGE STREETS~~

Replaced with "An ordinance restricting vehicle weight and axles on Village streets." (2007-2)

### THE VILLAGE OF SOUTH RANGE ORDAINS:

#### Section 1. PURPOSE

The purpose of this "Ordinance Restricting Vehicle Weight on Village Streets" is to prevent damage to streets that may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the public, to extend the life expectancy of Village streets, and to reduce the public expense of their maintenance and repair.

#### ~~Section 2. WEIGHT RESTRICTIONS~~

~~The Village Council may, by resolution, designate any street on which travel by commercial vehicles in excess of gross weight limits set forth in resolution is prohibited. Restrictions may be imposed for certain periods or permanently. Upon passage of such a resolution, the Village President or Marshall shall cause to be erected and maintained appropriate signs setting forth such restriction. It is unlawful for any person to operate a commercial vehicle on any such posted street in violation of the restrictions stated. (2007-2)~~

#### Section 3. EXCEPTIONS

The following vehicles are exempt from this ordinance:

- a. any two-axle vehicle making local deliveries;
- b. any vehicle engaged in highway maintenance or repair under the direction of the State, County or Village;
- c. any emergency vehicle (such as fire trucks) while responding to an emergency;
- d. any school transportation vehicle while transporting students;
- e. any public utility vehicle while providing emergency service or repairs;
- f. any vehicle whose owner or operator holds a valid permit from the Village as provided herein; and
- g. any privately owned motor coach or motor home.

AMENDMENT TO ORDINANCE 2004-2: President Rompf reported he had talked to Attorney Paul Tomasi about ordinance 2004-2. After a discussion a motion was made by Erich Sporbart which was supported by Arbutus Pauli to amend ordinance 2004-2 as amended, the gross vehicle weight of any commercial vehicle traveling upon any Village street other than State Highway M-26 shall not exceed 5 (five) ton, nor shall any commercial vehicle having more than two axles or any semi-tractor and trailer combination having more than two axles be operated on any Village street at any time. VOTE: All ayes, no nays. One absent (Steinmetz), m.c.

#### Section 4. PERMITS FOR EXCESSIVE WEIGHT VEHICLES

An owner or operator of any vehicle not otherwise exempt as provided in Section 3 may apply in writing to the Village Council for a permit to operate a vehicle exceeding the Village weight restrictions on Village streets. The Village Council may issue a permit only upon all of the following findings:

- a. no other route is reasonably available to the applicant;
  - b. it is a matter of necessity and not mere convenience that the applicant use the Village street.
- In determining whether to issue a permit, the Village Council shall consider the following factors:
- a. the gross weight of the vehicle;
  - b. the current and anticipated condition of the street considered;
  - c. the number and frequency of vehicle trips proposed;
  - d. the cost and availability of material and equipment for repairs;
  - e. the extent of use by other exempt vehicles; and
  - f. such other circumstances as may, in their judgment, be relevant.

Even if the Village Council makes the foregoing findings, they are not required to issue a permit if they determine the applicant's use of the Village street could be reasonably expected to cause a safety hazard or substantial damage to

the street. They may also limit the number of permits issued or revoke outstanding permits as may, in their judgment, be necessary to preserve and protect the Village streets.

The Village Council may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

~~Section 5. PENALTIES~~

~~Any person violating the provisions of this Ordinance shall upon conviction thereof be guilty of a municipal civil infraction punishable by fine of not more than \$500.00 or by imprisonment of not more than 90 days in the county jail or by both such fine and imprisonment. (2007-2)~~

This Ordinance shall become effective on January 1, 2005.

Approved by the Village Council of the Village of South Range on December 4, 2004.

Michael Rompf, President

Elvera Detki, Clerk

Synopsis Published:  
The Daily Mining Gazette  
December 16, 2004

Amendments:

2007-2 Added axle restrictions and updated civil infraction penalty provisions.

2020-1 Expanded enforcement authority, added permit fees, roadway improvement requirements, reimbursement obligations for road damage, permit revocation authority, and additional enforcement remedies.