

**CITY OF BOX ELDER  
TRUCK REGULATIONS**

**ORDINANCE #486**

**EFFECTIVE 11/13/2009**

**CITY OF BOX ELDER ORDINANCE #486  
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BE IT ORDAINED by the Common Council of the City of Box Elder as follows:

**ARTICLE I – PURPOSE AND JURISDICTION**

**SECTION 1 – PURPOSE AND REPEAL OF ORDINANCES.**

Ordinance #486 is an ordinance regulating trucks within the jurisdiction of the City of Box Elder. The Common Council of the City of Box Elder has deemed these regulations and controls to be reasonable and reasonably related to the health, safety, and welfare of the residents of Box Elder and to protect City streets from unnecessary damage. Therefore, Ordinance #192 of the Box Elder Municipal Code is hereby repealed in its entirety.

**SECTION 2 – JURISDICTION.**

This Ordinance shall govern all territory within the statutory jurisdiction of the City of Box Elder, South Dakota.

**SECTION 3 – SEVERABILITY AND SEPARABILITY.**

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

**ARTICLE II – DEFINITIONS**

For the purposes of this Ordinance, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; words in the plural number include the singular; the word “person” includes a firm, partnership, or corporation as well as an individual; the term “shall” is always mandatory and not discretionary; and the word “may” is permissive.

**CITY:** The City of Box Elder, South Dakota.

**COUNCIL:** The Common Council of the City.

**MOTOR VEHICLE:** A vehicle, as herein defined, which is self-propelled.

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**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 the conditional vendee or lessee or mortgagor is the owner for the purpose of this Ordinance.

**PARKED/PARKING:** A stopped vehicle, whether occupied or not, otherwise than temporarily stopped for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

**PUBLIC WORKS DIRECTOR:** The person appointed by the Common Council to manage the City's Public Works Department.

**SEMI-TRAILER:** Any commercially-licensed 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.

**TRAILER:** A commercially-licensed vehicle without motive power designed for carrying property or passengers on its own structure and, for the purposes of this Ordinance, for being drawn by a truck and more than twenty-eight feet (28') in length.

**TRUCK:** The word "truck" shall mean and include a truck tractor and trailer(s) and/or semi-trailer(s) with a gross vehicle weight of more than 26,000 pounds.

**TRUCK TRACTOR:** A motor vehicle designed and used primarily for drawing semi-trailers or similar vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

**VEHICLE:** A 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.

**ARTICLE III – TRUCK ROUTES**

**SECTION 1 – DESIGNATION OF TRUCK ROUTES.**

A. The Public Works Director shall designate which streets, or portions thereof, within and within one (1) mile of the municipal limits of the City shall be

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Through Truck Routes, Local Delivery Truck Routes, No Truck Routes, or Construction Truck Routes.

- B. All designated Truck Routes shall be identified by signs or markings erected and maintained under the direction of the Public Works Director.

**SECTION 2 – USE OF TRUCK ROUTES.**

- A. All trucks within the City's jurisdiction shall be operated only over and along designated Truck Routes, unless so exempted in Section 3, below.
- B. All trucks using designated Truck Routes shall comply with State and County regulations concerning weight per axle, width, height, and length.
- C. The Public Works Director may designate weight limits for City streets, bridges, and Truck Routes. Weight limits shall be identified by signs or markings erected and maintained under the direction of the Public Works Director.

**SECTION 3 – EXCEPTIONS TO USE OF TRUCK ROUTES.**

- A. The provisions of this Ordinance shall not apply to emergency vehicles (such as police vehicles, fire trucks, ambulances, or hazardous materials response vehicles), health department vehicles, public utility vehicles (when actually engaged in the performance of public utility duties), tow trucks engaged in the process of towing a disabled or damaged motor vehicle to or from public or private property, or to any vehicle owned by the United States of America, the State of South Dakota, Meade or Pennington Counties, or the City of Box Elder.
- B. A truck may deviate from an established Truck Route for the purpose of local business or delivery. Such deviation from the nearest Truck Route shall be made by the shortest route as is reasonably possible to accomplish the local business or delivery.
- C. A truck tractor without an attached trailer may deviate from an established Truck Route.
- D. A truck may deviate from an established Truck Route upon any officially established detour.
- E. A truck may deviate from an established Truck Route when so directed by an authorized municipal employee.
- F. A truck may deviate from an established Truck Route when so authorized by an approved Street Use Permit.

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**SECTION 4 – DRIVER AND OWNER RESPONSIBILITY.**

The owner and/or the driver of any truck being operated with such owner's consent are liable for any violation of this Ordinance.

**ARTICLE IV – STREET USE PERMIT**

**SECTION 1 – ISSUANCE OF PERMITS.**

The Public Works Director is hereby granted the authority to issue Street Use Permits for trucks to operate over routes within municipal limits not established as Truck Routes or to otherwise deviate from the provisions of this Ordinance. The Public Works Director shall write regulations to govern the issuance and operation of Street Use Permits.

**SECTION 2 – STREET USE PERMIT FEES.**

- A. The Council shall establish by resolution the fees for Street Use Permits.
- B. In addition to the Street Use Permit Fee, the applicant shall deposit a refundable cash surety, in an amount to be determined by the Public Works Director, with the City Finance Department. The Public Works Director shall assess the street(s) to be impacted by the proposed Street Use Permit before said Permit is issued and again at the expiration of said Permit to determine the extent of damage caused to said street(s) by the applicant's activity. The applicant may request that the amount of the refundable surety be applied to the assessed amount of the damage. Any damage that may exceed the amount of deposited surety shall be the financial responsibility of the applicant. The Council shall approve any surety refund, or portion thereof. The applicant may appeal the Public Works Director's assessment of damage to the Council.

**ARTICLE V – TRUCK PARKING**

No truck, tractor, trailer, or other motorized cargo vehicle shall be parked in a public right-of-way within municipal limits except where such parking is temporarily required for the loading or unloading of cargo or freight and delivery of the same. Such parking shall be limited to the period of time, usually no more than twelve (12) hours, reasonably required to accomplish the purpose thereof.

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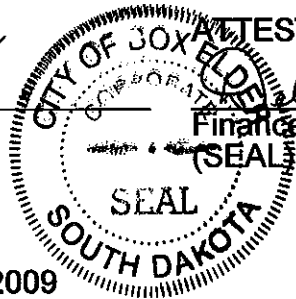
**ARTICLE VI – VIOLATIONS AND PENALTIES**

A violation of any provision of this Ordinance or any amendment thereto, or failure to perform any act required hereunder, is a Class II Misdemeanor. In addition to any fine or penalty assessed by the court, any violator found guilty shall pay all court costs and expenses involved in the case and any restitution necessary to repair the damaged street. Any violation of this Ordinance is hereby declared to be a public nuisance per se.

BE IT FURTHER ORDAINED by the Common Council of the City of Box Elder that this Ordinance shall become effective in accordance to law.

CITY OF BOX ELDER

  
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Mayor Alfred Dial



ATTEST:

  
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Finance Officer Debbie Knapp

P&Z Public Hearing: 8/24/2009  
Common Council Public Hearing: 09/15/09  
First Reading: 10/6/2009  
Second Reading: 10/21/2009  
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