

SECTION 950
MAXIMUM LOAD LIMITS AND
SEASONAL WEIGHT RESTRICTIONS
UPON PUBLIC HIGHWAYS

(adopted January 27, 1987)

950.01 **PURPOSE**

The City of Tonka Bay by and through the provisions of Minnesota Statutes 169.87 has determined that the weight of motor vehicles to be operated upon public highways must be restricted to prevent serious damage or destruction of public highways subject to deterioration, rain, snow and other climatic conditions.

950.02 **DEFINITIONS**

For the purpose of this ordinance, the definitions contained in Minnesota Statutes 169.01 and 169.825 are hereby adopted by reference.

950.03 **APPLICATION**

This ordinance shall apply to all public highways located in the City of Tonka Bay except trunk or county state aid highways.

950.04 **AXLE WEIGHT RESTRICTIONS**

No person, firm or corporation shall own, operate, use or drive a vehicle, with weight on any single axle in excess of four tons on any public highway within the City of Tonka Bay except those described in Section 950.03 above. Minnesota Statute 169.85 is hereby adopted by reference.

950.05 **SIGNS**

The City of Tonka Bay shall erect and maintain signs plainly indicating the prohibition or restriction by placing signs at each end of the portion of the public highway affected thereby.

950.06 **SEASONAL LOAD RESTRICTIONS**

The Public Works Supervisor may prohibit the operation of vehicles upon any public highway subject to this ordinance and/or impose weight restrictions on vehicles to be operated on said public highways whenever said public highway, by reason of deterioration, the spring freeze/thaw cycle, or other climatic conditions, will be seriously damaged or destroyed.

950.07 **EXEMPTIONS**

The following vehicles are exempt from the terms of this ordinance:

- a. Emergency vehicles.
- b. School buses transporting students when the gross weight of a single axle of the school bus does not exceed fourteen thousand (14,000) pounds.
- c. Rear loading refuse compactor collection vehicles contracted by the City

of Tonka Bay or contracted by businesses located in a C-1 or C-2 Zoning District, pursuant to Zoning Ordinance #1000 (Sections 1010 and 1011) used solely for transporting solid waste on the public highways of the City; provided, however, said vehicles are prohibited from the following public highways during the time period determined under Section 950.06:

1. Woodpecker Ridge Road
2. West Point Road (extending from County Road 19 to Fairhope Avenue)
3. West Point Place
4. West Point Avenue
5. Fairhope Avenue
6. Interlachen Lane
7. Interlachen Place
8. Interlachen Court
9. Interlachen Drive
10. Pleasant Avenue

- d. Trucks and other vehicles owned and operated by the City or, in an emergency situation, public utilities or any contractor or material men while engaged in the repair, maintenance or construction of the public highways, public highway improvements or public highway utilities.

950.08 LIABILITY FOR DAMAGE

Any person violating this ordinance shall be liable for all damage to the public highway. When said person is not the owner of said vehicle but is operating or parking the same with the express or implied permission of the owner, then the owner and said person shall be jointly and severally liable for any such damage. Any person who by his willful acts or failure to exercise due care damages any public highway shall be liable for the amount of said damage. Damages under this section may be recovered in a civil action brought by the City of Tonka Bay. In addition, said person or persons shall be liable for a civil penalty as follows:

- a. If the total gross excess weight is not more than 1,000 pounds, one cent per pound for each pound in excess of the legal limit;
- b. If the total gross weight is more than 1,000 pounds but not more than 3,000 pounds, \$10 plus five cents per pound for each pound in excess of 1,000 pounds;
- c. If the total gross excess weight is more than 3,000 pounds but not more than 5,000 pounds, \$110 plus ten cents per pound for each pound in excess of 3,000 pounds;
- d. If the total gross excess weight is more than 5,000 pounds but not more than 7,000 pounds, \$310 plus 15 cents per pound for each pound in excess of 5,000 pounds;
- e. If the total gross excess weight is more than 7,000 pounds, \$610 plus 20 cents per pound for each pound in excess of 7,000 pounds.

Any penalty imposed upon a defendant under this section shall not exceed the penalty

prescribed by this ordinance. Any fine paid by the defendant in a criminal overweight action that arose from the same overweight violation shall be applied toward payment of the civil penalty under this section. A peace officer who cites a person for a violation of the weight limitations established by this ordinance shall give written notice to the driver that the person or another may also be liable for the civil penalties provided herein in the same or separate proceedings.

950.09 PENALTIES

Any person, firm or corporation who commits a violation of this Ordinance shall be guilty of a misdemeanor. Each vehicle load carried in violation of this Ordinance shall be a separate violation.