

STARKE COUNTY COMMISSIONERS ORDINANCE 2017-\_\_\_\_

**COUNTY HIGHWAYS:  
REGULATIONS GOVERNING USE OF  
COUNTY HIGHWAYS AND ROADS  
BY VEHICLES EXCEEDING 38,000 POUNDS  
GROSS COMBINED VEHICLE WEIGHT RATING**

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WHEREAS, pursuant to Ind. Code § 8-17-1-40 the Board of Commissioners of Starke County (the "Commissioners") have authority to adopt ordinances regulating traffic on any highway in the county highway system, but subject to I.C. Article 9-21; and,

WHEREAS, I.C. § 9-20-1-3(c) provides to the Commissioners, subject to statutory conditions, authority to prohibit the operation of trucks or other commercial vehicles and/or impose limitations as to the weight, size or use of those vehicles on designated highways, provided that the prohibitions and limitations be designated by appropriate signs placed on the highways; and,

WHEREAS, the County Highway Superintendent, after study, consultation with stakeholders in agriculture and industry, and with the county attorney, has recommended that Starke County implement a system of designated truck routes throughout the county's road system to help improve road conditions for general vehicular traffic, reduce maintenance costs, and promote the safety and welfare of the public; and,

WHEREAS, the Commissioners, being duly advised find that the recommendations of the County Highway Supervisor are in the best interests of improving transportation throughout the county, and of maintaining county highways and roads in an orderly and costs effective manner, and are in the best interests of the safety and welfare of the public, hereby adopt and approve the recommendations of the County Highway Superintendent by enactment of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED that the Starke County Code be amended to add Commissioners' Ordinance 2017-\_\_\_\_, COUNTY HIGHWAYS: REGULATIONS GOVERNING USE OF COUNTY ROADS BY VEHICLES EXCEEDING 38,000 POUNDS GROSS VEHICLE WEIGHT RATING superseding, replacing and repealing all prior

ordinances inconsistent with the terms hereof, including without limitation the previously enacted seasonal weight limit ordinance, generally referred to as the "Frost Law Ordinance".

### Section I. Definitions and Exemptions

In this Ordinance:

1. **Gross Combined Vehicle Weight Rating ("GCVWR").** Means the total weight a vehicle is rated to carry by the manufacturer, including its own weight and the weight of its load. GCVWR is determined by adding the Gross Vehicle Weight Rating ("GVWR") of the motor vehicle and the GVWR of any towed unit(s). In the absence of a manufacturer assigned GVWR for a towed unit, the GCVWR shall be the actual weight of the towed unit including any load carried thereon.
2. **Restricted Vehicle.** Any vehicle with Gross Combined Weight Rating (GCWR) in excess of thirty-eight thousand (38,000) pounds.
3. **Exempt Bus.** Any vehicle no more than forty-five (45) feet in length and designed for and being used for the primary purpose of the transportation of people. Exempt buses are not subject to the regulation of this Ordinance.
4. **Registered Farm Vehicle.** A vehicle registered as a farm vehicle pursuant to I.C. Chapter 9-18.1-7 (RFV), licensed as an Indiana farm vehicle, and operated lawfully as set forth in I.C. Chapter 9-18.1-7 is exempt from this ordinance.
5. **Vehicles Servicing a CAFO or AFO.** Any vehicle that would qualify as a Restricted Vehicle under subsection I.2 above, (including an RFV), is exempt from this ordinance (a) while the vehicle is being operated in the service of a validly permitted Concentrated Animal Feeding Operation ("CAFO"), or an Animal Feeding Operation ("AFO"); and, (b) the operation of the vehicle is not in violation of the terms and conditions of the permit. The owner or operator of a vehicle operating in service of an AFO or CAFO without a valid permit may not assert the exemption set forth in this subsection I.7.
6. **Exempt Delivery Vehicle.** A truck or other vehicle making a delivery or effectuating a pick-up of goods or materials, but not in the regular or ordinary course of business at that site is considered an Exempt Delivery Vehicle. Examples include the delivery of consumer goods, materials or equipment to the ultimate user or consumer of the goods, materials or equipment (and not for resale or repackaging), pick-up of a person's personal property to move to another location, or any other similar transaction not likely to recur frequently. Vehicles conducting such deliveries or pick-ups are exempt from the regulations of this ordinance.
7. **Designated Truck Route.** A Designated Truck Route is a Starke County Highway or Road designated and marked by signage for regular use by Restricted Vehicles.

8. **Light Vehicle Route.** All Starke County Highways or Roads that are not designated and marked by signage for regular use by Restricted Vehicles are considered Light Vehicle Routes. Generally, use of a Light Vehicle Route by a Restricted Vehicle is prohibited, unless another exemption set forth herein is applicable. In the absence of signage designating a Starke County Highway or Road a Designated Truck Route, the highway or road shall be considered a Light Vehicle Route.

## **Section II. Statement of Purpose and Policy**

It is the purpose and policy of this Ordinance to facilitate improvements in the quality, including comfort in use, of Starke County Highways and Roads, and facilitate cost efficiencies in road maintenance, without creating an undue burden on industry, transportation or agricultural sectors of the local and regional economy.

In addition, it is the Commissioners' intention that this Ordinance shall supersede and revoke any and all prior weight limit laws or ordinance, including "Frost Law" Ordinances enacted by the County setting forth seasonal weight limits.

## **Section III. Restricted Vehicle Use of Light Vehicle Routes Prohibited**

(A) All Restricted Vehicles are prohibited from driving upon or otherwise using any Light Vehicle Route in Starke County, except by exemption or permit as set forth herein.

(B) Restricted Vehicles are permitted to use Designated Truck Routes as listed in Appendix A attached hereto, and as amended from time to time, and as marked by signage on the routes. Restricted Vehicles must remain on Designated Truck Routes unless an exempt destination, delivery point, garage, or terminal is accessible only via a Light Vehicle Route. Ingress and egress to and from such points shall be made solely by the most direct route available from the nearest Designated Truck Route.

(C) Registered Farm Vehicles are generally exempt from this Ordinance as set forth in subsection I.4 above, but vehicles servicing a CAFO or AFO are subject to the terms and conditions of the permits of the respective facilities as set forth in subsection I.5 above.

## **Section IV. VHV's - Weight Limits on Designated Truck Routes**

No vehicle with a total gross weight in excess of eighty thousand (80,000) pounds shall be operated on any public road maintained by Starke County (including any roads designated as a truck route).

### **Section V. Restricted Vehicles – Duties of Operators**

Any person operating, driving or in control of a Restricted Vehicle upon any Light Vehicle Route shall present upon request for the inspection of police officers or other law enforcement official, their log book, weight slips, delivery slips or other written evidence of their destination and point of origin to justify the presence of the Restricted Vehicle on a roadway other than a designated truck route. Failure to provide written documentation as required constitutes *prima facie* evidence that the Restricted Vehicle was operating in contravention of the regulations set forth in this Ordinance.

### **Section VI. Restricted Vehicles – Temporary Detours**

During any closure of a Designated Truck Route, operators of Restricted Vehicles shall use temporary truck routes as designated by the County Highway Department and marked by signage.

### **Section VII. Special Permits**

The Commissioners hereby delegate to the County Highway Superintendent authority to issue, for a limited duration not to exceed one year, a permit allowing an owner or operator of a Restricted Vehicle to operate on one or more Light Vehicle Route. Such permits shall be crafted to have the minimum practical impact by limiting usage to specified sections of roadway and otherwise minimizing the usage and road damage on the Light Vehicle Routes within the county. Permit applications and issuance shall be free of charge.

### **Section VIII. Fines and Penalties**

(A) **Fine.** The owner and/or operator of a vehicle operated in violation of this ordinance shall be fined no more than \$100.00 for a first offense, \$200.00 for a second offense and \$300.00 for a third or subsequent offense.

(B) **Penalty for Damages.** In addition to the fine set forth in Section VIII(A), any person who operates a Restricted Vehicle in a reckless, or willful and intentional disregard for this Ordinance causing substantial damage to a roadway shall be liable for civil damages in the form of a fine for restitution for the reasonable cost of repairs to the road caused by the unlawful use of the roadway.

**Section IX. Effective Date**

This Ordinance shall take effect on June 1, 2017.

Presented to the Board of Commissioners of Starke County, Indiana, and approved on the final reading the 15<sup>th</sup> day of May 2017, by the following vote:

**COMMISSIONERS OF STARKE COUNTY**

VOTE

\_\_\_\_\_  
Don Binkley, *President*

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Kathryn Norem, *Commissioner*

\_\_\_\_\_  
Charles Chesak, *Commissioner*

ATTEST:

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Katherine Chaffins, *Auditor*  
*Of Starke County Indiana*