

ORDINANCE NO. 66-97

AN ORDINANCE APPROVING AN ORDINANCE AMENDING TITLE 22, VEHICLES AND TRAFFIC, OF THE ST. JOSEPH COUNTY CODE, BY ADDING THERETO, CHAPTER 22.40, ENTITLED "SEASONAL WEIGHT LIMITS ON COUNTY ROADS & BRIDGES" AND REPEALING ORDINANCE NO. 31-97

Section 1. Ordinance No. 31-97 pertaining to Title 22 is hereby repealed in its entirety.

Section 2. Amend the St. Joseph County Code, Title 22, Vehicles and Traffic by adding the following text:

Chapter 22.40

Seasonal Weight Limits on
County Roads & Bridges

Sections:

- 22.40.010 Purpose
- 22.40.020 Authority from State of Indiana
- 22.40.030 Definitions
- 22.40.040 Enactment
- 22.40.050 Time Restrictions
- 22.40.060 Authority
- 22.40.070 Weight Limit and Violations
- 22.40.080 Signs, Posting of
- 22.40.090 Bridges
- 22.40.100 Exceptions
- 22.40.110 Penalties
- 22.40.120 Effective Dates

22.40.010 Purpose. An ordinance to establish weight limits for vehicles operating on roads and streets in St. Joseph County whenever any highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged without regulation of vehicles.

22.40.020 Authority from State of Indiana. IC 9-20-1-3 authorizes Local Public Agencies to "Impose restrictions as to the weight of vehicles to be operated upon any highway ..." under its jurisdiction. Said restrictions may apply for a total period not to exceed ninety (90) days in any one (1) year.



22.40.030 Definitions. For purposes of this ordinance, the following terms are defined as:

"Bridge" means any structure designated to carry vehicular traffic over an obstacle to the flow of traffic, e.g. water, railroad or another road.

"Culvert" means a round pipe or conduit used to carry water under a roadway and considered a bridge for purposes of this ordinance.

"County Road" means Any roadway with an improved surface; be it gravel, slag, chip and seal, asphalt or concrete; as listed on the County Road Inventory or approved for addition to that list even though not included on the published list.

"Gross Weight" means the total weight of the vehicle as it would be driven on the County Road including but not limited to the weight of the vehicle, driver, passengers, tools, equipment and material loaded thereon.

"Weight" shall be considered the same as "gross weight" for purposes of this chapter.

22.40.040 Enactment. The County Highway Commissioner may establish seasonal weight limits on County Roads. Seasonal weight limits shall be established by written order and shall be filed with the County Board of Commissioners at the regular meeting first preceding the effective date. Said written order shall be effected and amended as necessary, at the discretion of the County Highway Commissioner whenever any highway or road of the St. Joseph County Highway System, by reason of rain, snow, temperature or other climate condition, may be deteriorated, seriously damaged or destroyed unless permissible weight limits for vehicles using such roadways are reduced.

22.40.050 Time Restrictions. This ordinance shall be in effect for a period of time not to exceed ninety (90) days in any one (1) calendar year. This period of time shall not begin earlier than February 1st, and shall not end later than May 31st of each calendar year, only for that portion of time, during such ninety (90) day period, when signs, giving notice of vehicular weight restrictions as required by this Ordinance, are in fact erected and maintained by the St. Joseph County Highway Department.



22.40.060 Authority. The authority for both the erection and removal of such signs shall be evidenced each year by a written order of the County Highway Supervisor filed with the Secretary of the Board of Commissioners of St. Joseph County, Indiana, which by law is the County Auditor. The authority is exercisable at the discretion of the County Highway Commissioner whenever any highway or road of the County Highway System of St. Joseph County, Indian, by reason of rain, snow, temperature or other climate condition, may be deteriorated, seriously damaged or destroyed unless permissible weight limits for vehicles using such roadways are reduced.

22.40.070 Weight Limits and Violation. It shall be unlawful to operate or cause to be operated upon any public road or highway of the County Highway System of St. Joseph County, Indiana, any vehicle, with or without a load, having a total gross weight in excess of sixteen thousand (16,000) pounds during that period of time signs giving notice of restriction pursuant to this ordinance are posted.

22.40.080 Signs, Posting of. Signs giving notice of vehicular weight restrictions shall be erected and maintained at each end of that portion of any highway affected thereby and at intersecting highways as required by State statute.

22.40.090 Bridges. Where a County bridge has a posted weight limit that is less than the weight limit established by this ordinance or a permit granted in accordance with, the terms and conditions of this ordinance shall not be construed as increasing the weight limit for said bridge.


22.40.100 Exceptions. A written permit excepting a vehicular user from such weight limitations may be awarded within the exercise of sound discretion by said County Highway Supervisor upon due application in writing made to said Supervisor. Said permit shall allow thereafter the permittee to operate or cause to be operated upon said County Highway System any lawful vehicle or vehicle combination, having a total gross weight, with or without load, in excess of the limitations of weight set forth in this Ordinance, but subject to such other restrictions, such as route limitations, time of use limitation and/or a higher weight restriction, as the County Highway Supervisor may deem appropriate to impose to protect the County road system. Such permit shall be issued in triplicate: one (1) copy retained in the Highway Department; one (1) copy forwarded to the Sheriff's Department; and one (1) copy to be carried in the vehicle containing the overload.



22.40.110 Penalties. This ordinance is enacted pursuant to State Statute I.C. 9-20-1-3 and a person who violates such vehicle weight restriction during the designated period of vehicular weight restriction, commits a CLASS C infraction which, under Indiana law, subjects the violator to a fine of not more than five hundred dollars (\$500.00) (I.C. 34-4-32-4

22.40.120 Effective Date. Passed and adopted by the St. Joseph County Council on the 10 day of June, 1997.

Section 3. This ordinance shall be in full force and effect from and after its enactment, approval by the Commissioners, and publication as requested by law.


Member, St. Joseph County Council

1st READING 5/13/97
PUBLIC HEARING 6/10/97
2nd READING 6/10/97
NOT APPROVED N/A
REFERRED ET
PASSED 6-0; 6/10/97

