

ORDINANCE NO. 2019- 1104 D

AN ORDINANCE FOR THE PRESERVATION OF COUNTY ROADS AND HIGHWAYS BY LIMITING THE GROSS WEIGHT OF VEHICLES OPERATED ON WARREN COUNTY HIGHWAYS DURING CERTAIN PERIOD OF THE CALENDAR YEAR (a/k/a "Frost Law Ordinance")

WHEREAS, the load carrying capacities of road foundations are greatly reduced during and following the spring thaw period when frost is leaving the ground; and

WHEREAS, the vehicular wheel loads that exceed the load-carrying capacity on road pavements and road foundations during the spring thaw period can produce serious destruction and damage to the road pavements and foundations, causing inconvenience to the traveling public and necessitating excessive and expensive road repairs and maintenance; and

WHEREAS, the Board of Commissioners of the County of Warren desire to reduce the road damage and destruction, to reduce the inconvenience of the traveling public, and to conserve repair and maintenance funds for the general improvement of the Warren County highway and road system for the benefit of the traveling public; and

WHEREAS, IND. CODE § 9-20-1-3 authorizes local authorities to impose restrictions as to the weight of vehicles to be operated upon any highway or road for a total period not to exceed ninety (90) days in any one year; and

WHEREAS, IND. CODE § 9-20-1-3 permits restrictions to be imposed whenever any highway by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed without the regulation of vehicles during the period in which what is commonly known as the "Frost Law" is in effect;

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Warren in the State of Indiana that the following provisions shall be adopted.

A. During the period of time beginning February 15 and expiring on April 15 of any calendar year, it shall be unlawful for any person to operate, or move, or for the owner to cause or knowingly permit to be operated or moved upon any Warren County Public Highway, street or road, any vehicle or combination of vehicles of a weight exceeding ten thousand (10,000) pounds, except as express authority may be granted by the Board of Commissioners of the County of Warren, Highway Supervisor, or authorized representative thereof, with the following exceptions:

1. Implements of agriculture (as defined by IND. CODE § 9-13-2-77) when used during farming operations or when constructed so that the implements can be moved without material damage to the highways;
2. Farm drainage machinery;
3. Public safety and emergency vehicles;
4. Vehicles hauling agricultural necessities including feed and other perishable commodities, livestock and livestock commodities such as milk, but excluding grain, to and from the point of production.

B. Enforcement.

It shall be the duty of the Warren County Prosecuting Attorney, to whom the Warren County Sheriff's Department shall report, any violation of the provisions of this ordinance, to cause proceedings to be commenced against the person violating the provisions of this ordinance and to prosecute to the final termination.

C. Penalty.

Any person driving a truck or other vehicle on a County highway or road in violation of the restrictions described herein shall be deemed to have violated this Ordinance. The first offense shall receive a verbal warning from the law enforcement officer. The second offense shall be fined two hundred fifty dollars (\$250.00). Subsequent offenses shall be fined not more than one thousand dollars (\$1000.00) per violation per truck.

D. Liability for Damage Caused.

Any person who operates a truck or motor vehicle upon a County highway or road in violation of the restrictions posted thereon by the County Highway Supervisor, and any person, firm, or corporation who employs any persons so operating such truck or other motor vehicle shall be personally liable for all damages caused to the County highways and roads by use thereof in violation of such ordinance, and the County Attorney is directed to institute whatever legal action is necessary to collect the damages caused to the County highways and roads by such use in violation of the ordinance.

E. Disbursement of Funds.

The fines and damage payments collected shall be split evenly between the Warren County Sheriff's Department and the Warren County Highway Department. The revenues collected and deposited shall be utilized for traffic safety as well as the improvement and maintenance of county roads and shall not be utilized for any other purpose.

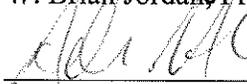
This Ordinance shall become effective as set forth above and after it has been published pursuant to law.

ALL OF WHICH IS ORDAINED this 4th day of November, 2019.

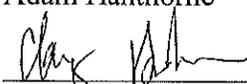
BOARD OF COMMISSIONERS OF
WARREN COUNTY



W. Brian Jordan, President



Adam Hanthorne



Clay Andrews

ATTEST:



Robin Weston-Hubner
Warren County Auditor