

STARKE COUNTY COMMISSIONERS ORDINANCE 2017-\_\_\_\_  
**COUNTY HIGHWAYS:  
REGULATIONS GOVERNING USE OF  
COUNTY HIGHWAYS AND ROADS  
BY VEHICLES EXCEEDING 36,000 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 (1) 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 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 36,000 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”.

The ordinance is as follows:

### Section I. Definitions

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 (“GBWR”) 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. **Heavy Vehicle.** Any vehicle with Gross Combined Weight Rating (GCWR) in excess of thirty-six thousand (36,000) pounds.
3. **Very Heavy Vehicle.** Any vehicle with Gross Combination Weight Rating (GCWR) in excess of fifty-six thousand (56,000) pounds. May be referred to as a “VHV”.
4. **Restricted Vehicle.** Any vehicle that qualifies as a Heavy Vehicle or a Very Heavy Vehicle under subsections 1 and/or 2 above.
5. **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.
6. **Local Seasonal Agricultural Vehicle.** Any vehicle being used to service local agricultural production on an occasional basis. Local means the agricultural field or production facility the vehicle is servicing is located within the territorial area of Starke County, or within one mile of the Starke County line. Seasonal agricultural production includes harvesting, planting, tending, and hauling of materials for such applications, and is limited to occasional work at remote fields. Such vehicles may include trucks, combines, pickers, or any type of farm implement. A qualifying vehicle may be referred to herein as an LSAV, and as such is exempt from the regulations set forth herein. However, regular truck service to and from fixed sites in rural areas, including for example, animal production sites such as CAFOs and AFOs, are not exempt as LSAVs.
7. **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. 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.

8. **Designated Truck Route.** A Designated Truck Route is a Starke County Highway or Road designated and marked by signage for regular use by Heavy Vehicles.
9. **Light Vehicle Route.** All Starke County Highways or Roads that are not designated and marked by signage for regular use by Heavy Vehicles are considered Light Vehicle Routes. Generally, use of a Light Vehicle Route by an HV or VHV 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 any undue burden on industry, transportation or agricultural sectors of the local and regional economy.

## 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) **Heavy 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. Heavy 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.

## Section IV. Weight Limits on Designated Truck Routes

No vehicle shall be operated on any public road maintained by Starke County designated as a truck route with a total gross weight in excess of fifty-six thousand (56,000) pounds unless the vehicle is making a pickup or delivery on such road. The maximum gross weight shall then not exceed the maximum permitted gross weight for state designated routes as provided for in I.C. § 9-20-4-1 *et seq.*, as amended.

## Section V. Restricted Vehicles – Duties of Operators

Any person driving or in control of any of a Restricted operating 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.

## 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 May 15, 2017.

Presented to the Board of Commissioners of Starke County, Indiana, and approved on the final reading the \_\_\_\_\_ day of April 2017, by the following vote:

COMMISSIONERS OF STARKE COUNTY

VOTE

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

\_\_\_\_\_  
Kathryn Norem, *Commissioner*

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

ATTEST:

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