

AN ORDINANCE TO LIMIT WEIGHT AND COMMERCIAL TRUCK TRAFFIC ON COUNTY ROADS IN DELAWARE COUNTY, INDIANA

WHEREAS, the County has established a network of roads that connect houses, businesses to State Highways and other roads which are required by the State law for the Board of Commissioners of Delaware County, Indiana to maintain, repair and determine how they are to be used; and

WHEREAS, the cost for maintenance of the roads increases each and every year and the funds that are provided by State via the gas tax funding seems to be going down requiring the County to stretch its dollars further; and

WHEREAS, the State of Indiana, each year, embarks on many highway maintenance and repair projects in the County, many of which are of located to a small area making it more convenient for commercial trucks to take a county road bypass instead of following the much more substantial and at times lengthy and time consuming detours; and

WHEREAS, because the State of Indiana detours often times add significant driving time to commercial vehicles local detours on county roads are utilized and which seriously damage county roads from the weight of heavy commercial trucks; and

WHEREAS, Delaware County Code, Article 5, Chapter 2 contains regulations of the County on the use of certain roads as to commercial vehicles and the use and parking on county roads; and

WHEREAS, the purpose of this ordinance is to supplement Article 5, Chapter 2 with regard to the use of county roads not specifically identified by commercial vehicles; and

WHEREAS, the County intends to restrict commercial truck traffic on ALL county roads to assist in maintenance and reduce repairs on county roadways caused by excessive commercial vehicle traffic.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of Delaware County, Indiana, that:

SECTION 1: An amendment to Delaware County Code section 5-2-2 Vehicles Regulated.

- A. Add to the vehicles regulated to include:
 - 5. Commercial vehicles in excess of 26,000 lbs.

SECTION 2: An amendment to Delaware County Code section 5-2-3 Exceptions

- A. Add to the Exceptions to include
 - 5. A commercial vehicle in excess of 26,000 lbs. gross weight making a delivery to a residence, business or government operation which is located on the road where the vehicle is operating or is part of the normal route plan for the commercial vehicle. Each commercial vehicle shall have its route plan and final destination to the local residence, business or governmental operation available for inspection by the County Sheriff's Department.
 - 6. A commercial vehicle in excess of 26,000 lbs. using a county road as part of an approved Indiana Department of Transportation detour route. The use of the County road in this situation shall be limited to the actual time of the Indiana Department of Transportation declared detour route.

7. A commercial vehicle in excess of 26,000 lbs. may operate on county roads if the owner and/or driver of the vehicle is a resident of the County and uses the fewest and quickest route to their residence.
8. A commercial vehicle in excess of 26,000 lbs. may operate on county roads in the event of an emergency or to seek vehicle repair services from a vendor or business on a county road. The driver/operator shall be required to use the shortest route possible to arrive at the final destination.
9. Agricultural vehicles during the course of planting, harvest or moving of grain may use any and all county roads are considered "exempt" from this ordinance.

SECTION 3: An amendment to Delaware County Code section 5-2-8 Weight Limits

- A. In addition to the areas identified in the County Code 5-2-8 for weight limits on county roads include the following language:

1. **Limitation on Use of County Roadways.**

No commercial vehicle in excess of 26,000 lbs. gross vehicle weight may use, drive on, or operate on any county road at any time except as allowed pursuant to Delaware County Code 5-2-3.

SECTION 4: An amendment to Delaware County Code section 5-2-5 Penalty

- A. In addition to the language include the following penalty:
 2. In the event that a person, firm or entity shall violate in a commercial vehicle in excess of 26,000 lbs. the owner and/or operator shall be fined no less than \$500 for the first violation for the company, owner or vehicle. Each subsequent event shall cause the fine to increase to \$1,000 for the second offense; \$1,500 for the third offense; and \$2,000 for each subsequent offense.
 3. Each offender shall be responsible to the County for the expenses incurred in enforcing this ordinance, including reasonable attorney fees for prosecution and collection of the fine.

SECTION 5: No severability.

No provision of this Ordinance shall be severed from any other provision or provisions of this Ordinance. If any single provision of this Ordinance is held unconstitutional or invalid, the entire Ordinance shall also be deemed unconstitutional or invalid.

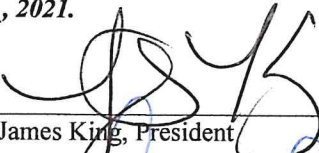
SECTION 6: Remaining sections of Delaware County Code, Article 5, Chapter 2

This ordinance shall not repeal or revise any existing parking or use limitations set forth on any Delaware County Road or Bridge as identified in Delaware County Code Article 5, Chapter 2.

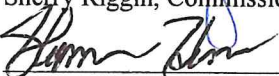
SECTION 7: Effective Date.

This Ordinance shall take effect upon adoption and publication as required by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA ON THIS, THE 20th DAY OF SEPTEMBER, 2021.


James King, President


Sherry Riggan, Commissioner


Shannon Henry, Commissioner

Attest:


Steven G. Craycraft, Auditor
Delaware County, Indiana