

Replaced by
A.O. #79-2

6-16-75

GENERAL ORDINANCE NUMBER III-75

AN ORDINANCE PROHIBITING THE OPERATION OF
MOTOR VEHICLES WEIGHING IN EXCESS OF FIFTEEN
TONS AND DIRECTING PLACEMENT OF WEIGHT LIMIT SIGNS

BE IT ORDAINED by the Board of Commissioners of the County of Wabash, Indiana, under authority of Chapter 112, Acts of 1919; Chapter 48, Acts of 1939; Chapter 48, Acts of 1947; Chapter 338, Acts of 1947; Chapter 83, Acts of 1931; Chapter 269, Acts of 1949; and all Acts amendatory thereto of the General Assembly of the State of Indiana:

WHEREAS, the Board of Commissioners of Wabash County, Indiana, has determined that Wabash County Road 500 East, also known as the Porter Road, from the point of intersection of said County Road 500 East with Indiana State Road No. 114, to the point of intersection of said County Road 500 East with the Wabash-Kosciusko County Line, is not suitable for use by vehicles weighing in excess of fifteen (15) tons, and,

WHEREAS, the said Board of Commissioners has determined that it would be in the best interest of the Highway System and the Citizens of Wabash County, Indiana, to prohibit use of any vehicle weighing in excess of fifteen (15) tons on said Highway,

NOW THEREFORE, it shall be unlawful for any person, firm or corporation to operate or cause to be operated any vehicle, on the aforementioned Highway, when said vehicle has laden or unladen weight in excess of fifteen (15) tons. Both the owner and operator of any such vehicle shall be jointly and severally liable as principals if said unlawful operation takes place on said Highway, and on conviction, each such person, firm or corporation shall be fined as follows:

1. If the total excess weight is less than one thousand (1,000) pounds, no fine.

2. If the total of all excess weight is less than two thousand (2,000) pounds and more than one thousand (1,000) pounds, two (\$0.02) cents a pound for each pound over one thousand (1,000) pounds of excess weight.

3. If the total of all excess weight is three thousand (3,000) pounds or less and more than two thousand (2,000) pounds, four (\$0.04) cents a pound for each pound over one thousand (1,000) pounds of excess weight.

4. If the total of all excess weight is four thousand (4,000) pounds or less and more than three thousand (3,000) pounds, six (\$0.06) cents a pound for each pound over one thousand (1,000) pounds of excess weight.

5. If the total of all excess weight is four thousand (4,000) pounds or more and less than five thousand (5,000) pounds, eight (\$0.08) cents a pound for each pound over one thousand (1,000) pounds of excess weight.

6. If the total of all excess weight is five thousand (5,000) pounds or more, ten (\$0.10) cents a pound for each pound over one thousand (1,000) pounds of excess weight.

When a person is apprehended operating or causing to be operated a vehicle or combination of vehicles on said Highway with a weight in excess of fifteen (15) tons, said vehicle may be detained until its weight is so reduced or distributed to comply with the limitations of this Ordinance; said detained vehicle shall, while detained, be kept in the custody of the officer apprehending such property and shall be moved only as directed by said officer or by direction of a court of competent jurisdiction. The person who is apprehended operating or causing to be operated shall be given the opportunity at any time to post a bond in a court of competent jurisdiction. If such a bond is posted and the weight is reduced to within lawful limits, said vehicle shall be released by order of the court of competent jurisdiction.

This Ordinance shall be in full force and effect from and after the time when signs, giving notice of said weight restriction, have been posted upon said Highway.

If a part of this Ordinance is ruled invalid by a court of competent jurisdiction, then all valid parts that are severable from the invalid parts shall remain in full force and effect.

BOARD OF COMMISSIONERS OF THE COUNTY
OF WABASH, INDIANA

Eugene Schenkel
Clarence Bowman
Glen A. Beery

ATTEST: Eldon L. Landis
ELDON L. LANDIS, AUDITOR

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