



ORDINANCE NO. 01-04-2016

**BOARD OF COMMISSIONERS
JASPER COUNTY INDIANA**

**AN ORDINANCE FOR THE PRESERVATION OF COUNTY ROADS AND
HIGHWAYS BY LIMITING THE GROSS WEIGHT OF VEHICLES OPERATED ON
JASPER COUNTY HIGHWAYS DURING CERTAIN PERIODS 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;

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 Jasper desire to reduce the road damage and destruction, to reduce the inconvenience to the traveling public, and to conserve repair and maintenance funds for the general improvement of the Jasper county highway 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 for a total period not to exceed ninety days in any one year;

WHEREAS, IND. CODE §9-20-1-3 permits said 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 Jasper in the State of Indiana that Title 11, Chapter 116 of the Jasper County Code of 1983 shall be amended by the addition of a new Section 116.10, entitled "FROST LAW" and stating as follows:

Section 116.10 FROST LAW

During the period of time beginning January 15 and expiring on April 15 of any calendar year, it shall be unlawful for any person, corporation, or association of any nature to operate or cause to be operated any vehicle or combination of vehicles upon, along, or on the public highways, roads, or bridges within Jasper County, Indiana, with a gross vehicle weight exceeding Sixteen Thousand (16,000) Pounds, with the following exceptions:

1. Buses that are not more than forty-five (45) feet in length;
2. Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities;
3. 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;
4. Farm drainage machinery;
5. Public safety and emergency vehicles; and
6. 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.

This section shall not be construed to provide an exception for vehicles that transport non-perishable farm commodities such as grain from the place of production to the first point of delivery where the commodities are weighed and

title to the commodities is transferred, nor for vehicles that transport logs, wood chips, bark or sawdust.

If a vehicle or combination of vehicles is observed violating the posted weight limits by any police officer with arrest powers in that venue, the officer may cite the operator or owner of the vehicle, or both, with a violation of this section and may seize, hold, and impound the overweight vehicle or combination of vehicles, at the expense of the owner or operator, or both, and hold same until the weight of the overweight vehicle or combination of vehicles is sufficiently reduced to comply with this section;

Violation of this section shall be punishable by a fine not to exceed two thousand five hundred dollars (\$2,500) for a first violation; and not to exceed seven thousand five hundred dollars (\$7,500) for a second or subsequent violation, in addition to any other remedy allowed by law;

This ordinance supersedes all prior ordinances respecting a frost law or otherwise imposing seasonal fixed or intermittent weight limits upon any Jasper County highway, street, or road.

This ordinance shall be in full force and effect upon publication pursuant to law.

Passed by the Board of Commissioners of the County of Jasper in the State of Indiana, this 4th day of January, 2016.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF JASPER

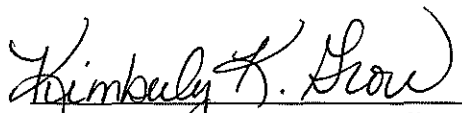
BY:


KENDELL CULP, President


JAMES A. WALSTRA, Vice President


RICHARD E. MAXWELL, Member

ATTEST:


KIMBERLY K. GROW, Auditor
Jasper County, Indiana

"I affirm under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document as required by law."

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law."