

ORDINANCE NO. 2020- 2

LA PORTE COUNTY, INDIANA  
LA PORTE COUNTY COMMISSIONERS

AN ORDINANCE AMENDING SPECIFIC SECTIONS OF LA PORTE COUNTY  
ORDINANCE, CHAPTER 70 (GENERAL PROVISIONS), CHAPTER 71  
(TRAFFIC RULES), AND REPEALING CHAPTER 74 (TRAFFIC  
SCHEDULES), SCHEDULES I AND II

**WHEREAS**, the Board of Commissioners of La Porte County, Indiana, is responsible for formulating the traffic and county road policy consistent with the statutes of the State of Indiana;

**WHEREAS**, the Board of Commissioners confers upon the Highway Department Superintendent the authority to regulate and control vehicular traffic on public roadways within the unincorporated areas of the county, by the posting of signs.

**WHEREAS**, the load-carrying capacities of county roadways and bridges are insufficient to accommodate excessive loads;

**WHEREAS**, Vehicular wheel loads that exceed the load-carrying capacity of roadways and bridges can produce serious destruction and damage to the road pavements and road foundations, causing a safety risk and inconvenience to the traveling public and expensive road repairs and maintenance;

**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 Board of Commissioners recognizes the need for exceptions from size, weight, bridge, and frost law load-carrying limits for farming purposes, various public service providers, and other valid permit holders, provided they follow a route minimizing the use of County roads;

**WHEREAS**, the Highway Superintendent is authorized, in his or her discretion, to grant temporary and Special Project Permits for the use of public roadways in unincorporated portions of the county, which would otherwise be prohibited by the Frost Law or other weight limit restrictions.

**WHEREAS**, the Board of Commissioners desires to protect public safety, reduce road damage, bridge damage, and inconvenience to the traveling public, and to conserve and maintain roadways and bridges for the County Highway System.

**NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:**

- I. **Chapter 70 (Traffic Regulations in Unincorporated Areas) of the La Porte County Code, § 70.15, § 70.16, § 70.17 and § 70.99 are repealed and the following substituted in lieu thereof:**

## TRAFFIC REGULATIONS IN UNINCORPORATED AREAS

### § 70.15 ROLE OF HIGHWAY DEPARTMENT SUPERINTENDENT

- (A) The County Board of Commissioners (“Commissioners”) confers upon the Highway Department Superintendent, or his or her designee (hereinafter referred to as “Supervisor”), the authority to regulate and control vehicular traffic on public roadways within the unincorporated areas of the county, by the posting of signs including, but not limited to, stop signs, yield signs, speed control signs, and size and weight limit signs.
- (B) The Supervisor is authorized to issue temporary or “Special Project” permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.
- (C) The Supervisor may grant temporary Special Project Permits for the use of public roadways in unincorporated portions of the county, which would otherwise be prohibited by the weight limit restrictions. These temporary permits shall be subject to § 71.03 or any terms, conditions, or restrictions as the Supervisor or the Commissioners shall deem proper for the benefit and protection of the County Highway System.
- (D) The Supervisor shall prescribe a specific route of travel on county roads for all permits issued.
- (E) The Supervisor may limit the number of permits issued or outstanding to preserve or protect roadways and bridges.
- (F) The Supervisor shall post and maintain all vehicle regulation signs.
- (G) The Supervisor is authorized to enter into agreements with a third-party Internet web service to provide online processing and issuance of permits.

### § 70.16 ENFORCEMENT

- (A) The Sheriff’s Department shall enforce violations of any posted restrictions when signs have been erected at the entrances to the county road or bridge and other permit provisions determined by the Supervisor.
- (B) A copy of all issued permits shall be retained by the Supervisor and made available to the Sheriff’s Department for verification of compliance with this ordinance.

### § 70.17 PERMITS; FEES

- (A) The owner, operator, business, or leaseholder of any vehicle not otherwise exempt as provided herein may apply in writing to the Supervisor for a permit to operate on a roadway or bridge notwithstanding the posted restriction.
- (B) The Supervisor may issue permits for any vehicle operating in accordance with state law on forms acceptable to the Commissioners for the following categories:
  - 1) Overweight (I.C. § 9-20)
  - 2) Oversize (I.C. § 9-20)



- 3) Bridge
  - 4) Frost Law
  - 5) Special Project
  - 6) Annual Access
- (C) Permits may be issued in accordance with this Section for a fee of \$100 per permit per vehicle.
- (D) In determining whether to issue a permit, the Supervisor may consider the following factors:
- 1) The gross registered weight of the vehicle;
  - 2) The current and anticipated condition of the roadway or bridge;
  - 3) The number and frequency of vehicle trips proposed;
  - 4) The cost and availability of materials and equipment for repairs;
  - 5) The extent of use by other exempt vehicles;
  - 6) Whether any other route is reasonably available to the applicant;
  - 7) Whether the applicant's use of the roadway or bridge is a matter of economic necessity and not mere convenience or private economic gain;
  - 8) Whether the applicant has tendered cash, a bond or other suitable security acceptable to the County in an amount sufficient, in the Supervisor's judgment, to repair any damage to the roadway or bridge which may reasonably result from use by the owner, operator, business, or leaseholder;
  - 9) Public safety and inconvenience;
  - 10) Previous violations of the applicant regarding this title; and
  - 11) Any other circumstances the Supervisor deems relevant to preserve and protect the roadways and bridges.
- (E) The Supervisor, at his or her discretion, may refuse to issue a permit if the applicant's use of the county roadway or bridge may reasonably be expected to create or aggravate a safety hazard or cause substantial damage.
- (F) All issued permits, except for the Special Project, Frost Law, Bridge, and Annual Access Permits, are valid for seven (7) days and one trip (including a return trip if applicable).
- (G) Issued permits authorize only the vehicle for which the permit is issued.
- (H) Under no circumstance shall a permitted vehicle use a route other than prescribed. Permitted vehicles that are off route will be subject to all penalties as if they did not have a permit.
- (I) The owner, operator, business, or leaseholder of a vehicle operating with a permit will abide by all provisions listed on the permit. Any violation of this title or a provision on the permit voids the permit.
- (J) A "Special Project" as used in this title, permits the transport of material or equipment to and from a temporary worksite accessed from a county roadway that does not normally have commercial vehicle traffic. Temporary worksites that comply with I.C. § 9-20 and include maintenance or emergency repairs of existing residential or commercial utilities deemed necessary by the Supervisor, or are required for public highway repair or construction, shall not require special project permitting.
- (K) A special project permit is required when a vehicle must use a county roadway and the vehicle's gross weight or size exceeds the roadway's posted restriction(s)

- or when the vehicle's gross weight exceeds twelve (12) tons on any roadway posted "No Trucks" or posted with signage depicting the "No Trucks" symbol.
- (L) An owner, operator, business, or leaseholder that is involved in a Special Project shall require special consideration by the Supervisor as to routes of travel, size and weight considerations of individual roadways.
  - (M) Special Project and Bridge Permits are valid for the time period written on the permit, except during the Frost Law. Neither the Special Project nor the Bridge Permit shall be issued for a period greater than one (1) year.
  - (N) An owner, operator, business, or leaseholder who stores oversize or overweight equipment (requiring state oversize permitting) at a location only accessible on a county road may apply for an Annual Access Permit.
  - (O) Annual Access Permits are not valid during the frost law.
  - (P) The Annual Access Permit is valid for 365 days from the date of issuance but shall only be used for the purpose of moving equipment from the storage location to the prescribed state or federal highway. A separate permit shall be required to access any county road for any other purpose.
  - (Q) All permits are required to be in the physical possession of the driver and made available immediately upon demand by the Sheriff's Department. Failure to provide a permit upon demand is a violation of the terms of the permit.
  - (R) At the discretion of the Supervisor, a permit may be rescinded with proper notice to the owner, operator, business, or leaseholder who applied for the permit. A refund will not be issued in cases of damage to county roadways or rights-of-way.

**§ 70.99 PENALTY**

Refer to § 10.99 and § 71.99 of this code for penalties.

**II. Chapter 71: Traffic Rules of the La Porte County Code, § 71.01, § 71.02, § 71.03, § 71.05, § 71.06, and § 71.99 are repealed and the following substituted in lieu thereof:**

**§ 71.01 COUNTY ROAD LIMITS**

- (A) Restrictions; Notice
  - 1) All oversize and overweight vehicles, as defined in I.C. § 9-20, shall obtain a permit from the Supervisor. A permit is not necessary if the vehicle meets the exemptions listed in I.C. § 9-20.
  - 2) Any vehicle, without a permit, found to be violating a provision of I.C. § 9-20 in regards to length, width, height, axle weight, axle group weight, and gross weight will be considered in violation of this ordinance.
  - 3) A vehicle operated without a permit when required is subject to penalties provided for in this Title.
  - 4) On roadways that display signs indicating "No Trucks" or a silhouette box-style straight truck with a red circle with a red line through it, access is denied to commercial motor vehicles that require a CDL or Operator License with a "For-Hire" endorsement. Vehicles transporting persons or passengers



for hire and pickup style trucks that require a CDL when pulling a trailer are permissible on routes posted "No Trucks" provided the gross weight does not exceed 12 tons.

- 5) The Kingsbury Industrial Overlay District is open to commercial vehicle traffic but oversize and overweight vehicles shall obtain a permit from the Supervisor.
- 6) "Local delivery" is an activity customarily and regularly performed in the physical transfer of goods or rendering of services that requires commercial vehicles to use the county roadways to access a location which would otherwise be inaccessible due to posted weight or size restrictions.
- 7) "Local delivery" shall not include Special Project vehicles. Any route chosen shall minimize the distance traveled on the county roadways. County roadways shall not be used merely for the purpose of convenience, to avoid state highways, or as an alternate route to posted state highway detours. Empty or unloaded vehicles that comply with I.C. § 9-20 and are regularly stored at residences or businesses accessible only from a county roadway, may travel to and from the place of storage without a local permit. The driver shall have paperwork (e.g., bill of lading) to present to the Sheriff's Department upon demand.
- 8) Any notice about vehicle restrictions shall be conspicuously posted at each end of the restricted portion of the roadway or bridge in a location clearly visible from the roadway.

(B) Exemptions

The following vehicles, when not oversize, overweight, or exempt in accordance with state law (I.C. § 9-20), are exempt from this Title (except as provided for in § 71.02 and § 71.03):

- 1) Local delivery;
- 2) Refuse and recycling haulers making regular pickups on county roads;
- 3) Police, Fire, EMS, Hazmat and other related emergency vehicles;
- 4) Road and highway maintenance vehicles and equipment;
- 5) United States Postal Department and other related parcel services making local deliveries;
- 6) Farm implements and farm plated semi-tractor/trailers actively engaged in agricultural activities;
- 7) Non-farm plated vehicles that are actively engaged in agricultural activities provided the activity requires the use of the county road they are traveling on;
- 8) Any vehicle whose owner, operator, business, or leaseholder possesses a valid permit from the Supervisor while making pick-ups and deliveries on the most direct route, minimizing the use of county roads; and
- 9) Any school transportation vehicle while transporting students.

**§ 71.02 BRIDGE LOAD LIMITS**

(A) Restrictions

- 1) Weight limits on bridges shall be enforced by the weight posted on the sign at the bridge.
  - 2) If a bridge is longer than the length of a vehicle the vehicle's gross weight will be used to determine compliance with this Title.
  - 3) If a vehicle is longer than the length of the bridge any axles or axle group that were concentrated on the bridge at any one time will be weighed to determine compliance with this Title.
  - 4) Any vehicle found to be in violation of § 71.02(A)(2) or (A)(3) shall be considered in violation of this Title.
- (B) Exemptions
- 1) County highway department vehicles.
  - 2) Authorized emergency vehicles
  - 3) Vehicles whose operator is in possession of a valid permit issued by the Supervisor.
- (C) Notices
- Roads with bridges will be weight rated by the bridge weight limit and signs shall be conspicuously posted at the nearest intersection on both sides of the bridge and the bridge structure itself.

**§ 71.03 WEIGHT RESTRICTIONS; FROST LAWS (I.C. § 9-20-1-3)**

- (A) Whenever any county road by reason of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed without the regulation of vehicles, the Supervisor may impose further restrictions pertaining to the operation of vehicles or the allowed weight of operated vehicles on a roadway.
- (B) Appropriate signs shall be posted by the Supervisor at each entrance to the roadway notifying the public of the restriction.
- (C) A Frost Law weight restriction shall apply to all vehicles except:
  - 1) Highway Department vehicles;
  - 2) Authorized emergency vehicles;
  - 3) Any school transportation vehicle while transporting students; and
  - 4) Contracted refuse and recycling haulers.
- (D) The Supervisor shall limit Frost Law restrictions to as short a time span as possible without compromising the integrity of the roadways and may not use temporary restrictions for more than 90 days in any one year.
- (E) Frost Law permits are valid for one day and one trip (including a return trip if applicable).
- (F) No permit other than a Frost Law Permit is valid during the Frost Law.
- (G) The posted signs shall specifically describe the weight restrictions and the Supervisor shall notify the public about such restrictions through appropriate channels.

**§ 71.05 SPEED REGULATIONS**

- (A) Pursuant to I.C. § 9-21-5-6, it shall be unlawful for any vehicle to exceed the speed limit posted on county roads and as designated in Chapter 74, Schedule I of this code.



- (B) It shall be unlawful for any vehicle to exceed 55 miles per hour on county roads not otherwise designated and marked with a speed limit. ('88 Code, § 7-10)
- (C) Subdivisions:
  - 1) All subdivisions approved after January 1, 1997 shall be deemed urban areas under I.C. § 9-21-5-2, and unless specifically set to the contrary by ordinance, the speed limit on all county roads in these subdivisions shall be 30 MPH. These subdivisions are included in the table in division (B) of Chapter 74, Schedule I of this code.
  - 2) Roadways in subdivisions approved after January 1, 1997 shall not be accepted as county roads until the developer shall post all roads with speed limit signs noting the speed limit at 30 MPH. The speed limit signs shall be placed at locations as shall be directed by the Supervisor.
  - 3) This division (B) of Chapter 74, Schedule I shall not apply to county roads that existed prior to the subdivision being platted and which abut the subdivision.

**§ 71.06 SEVERS ROAD RESTRICTIONS**

- (A) No owner, operator, business, or leaseholder who operates or causes to be operated a commercial motor vehicle may use Severs Road (C.R. 200 North) as a “bypass” around the City of La Porte.
- (B) As used in this section, compression release engine brake or Jake Brake shall mean a hydraulically operated device that converts a power producing diesel or gas engine into a power absorbing retarding mechanism.
- (C) The use of Jake Brakes on Severs Road is prohibited except in the case of failure of the service brake system or emergency.
- (D) Severs Road from State Road 39 to Genesis Drive (C.R. 50 West) is open to commercial vehicle traffic for the purpose of accessing the industrial park located south of Severs Road on Genesis Drive. Oversize and overweight vehicles shall obtain a permit from the Supervisor.

**§ 71.07 VIOLATIONS**

- (A) It shall be a violation for an owner, operator, business, or leaseholder of a vehicle to:
  - 1) Operate a vehicle on a public roadway located in an unincorporated area of the county in violation of any posted traffic-control signs, weight limits, or permits granted by the Supervisor;
  - 2) Knowingly permit an agent, representative, or employee to operate upon a public roadway in the unincorporated area of the county any vehicle which exceeds the weight limits posted upon that roadway; or
  - 3) Operate a vehicle on a public roadway located in an unincorporated area of the county without a permit when required or in violation of any permit provision regulating commercial vehicle traffic.
- (B) Each violation shall be deemed a separate offense.
- (C) No person may remove, obscure, or otherwise tamper with any notice so posted except as provided herein.

- (D) The Sheriff's Department may notify the county attorney if a police officer determines that a specific business habitually violates the provisions of this ordinance.

**§ 71.99 PENALTIES**

- (A) These penalty provisions apply to any owner, operator, business, or leaseholder of a vehicle that violates the provisions provided in this Title.
- (B) A \$250 fine shall be imposed for a first-time violation of this Title, including a permit provision violation, unless otherwise provided for, or a gross weight violation in accordance with subsection "(C)". A second violation for the same or similar offense shall have a maximum fine of \$1,000. The fine for any subsequent violation shall be determined by the court up to the maximum fine allowed by state law.
- (C) A \$500 fine shall be imposed for a first time gross weight limit violation. Any second or subsequent violation will result in a fine of \$500 plus \$100 for each 1,000 pounds over the posted weight limit sign. For the purposes of determining a fine amount, gross weight shall be rounded up to the nearest 500 pounds. Second violations shall have a maximum fine of \$2,500. Fine amounts for any subsequent violations shall be determined by the court up to a maximum fine as allowed by state law.
- (D) A vehicle operating in violation of applicable state law (I.C. § 9-20) regarding axle or axle group weights shall be fined a maximum \$250 for each incidence. This includes a permit violation for axle or axle group weights.
- (E) A violation of the Severs Road (C.R. 200 North) commercial vehicle speed limit or use of "Jake" Brakes will be subject to a \$100 fine.
- (F) Any owner, operator, business, or leaseholder who operates or causes to be operated a commercial motor vehicle found to be using Severs Road (C.R. 200 North) as a "bypass" for the City of La Porte will be subject to a \$500 fine.
- (G) Any owner, operator, business, or leaseholder causing to operate or operating a vehicle or a combination of vehicles on a county road with weight in violation of this ordinance may be detained until the weight is reduced or distributed to comply with the limitations provided by ordinance. The owner, operator, business, or leaseholder shall be responsible for the vehicle and load in accordance with state law.
- (H) A vehicle that is unable to have the weight distributed or reduced may be impounded and the costs of such impound shall be borne by the owner, operator, business, or leaseholder thereof.
- (I) Any court action involved to enforce the failure to pay such violations will subject the owner, operator, business, or leaseholder to a fine not to exceed \$2,500 and reasonable attorney fees and costs. Any failure to pay shall be reported to the Bureau of Motor Vehicles for suspension of driving privileges.
- (J) In addition to the fines listed as a penalty for violations of this Title, the county may bring legal action against the owner, operator, business, or leaseholder to recover the costs of damages sustained. La Porte County may seek restitution for the cost of repairs to any damaged roadway or bridge, and reasonable attorney fees and costs.

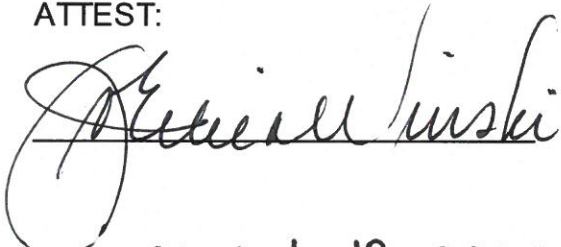


- (K) Following notification from the Sheriff's Department about a driver's habitual violations of this ordinance, the county attorney shall provide legal notice to the vehicle's owner, operator, business, or leaseholder about the habitual violations. Any violations that occur after the vehicle's owner, operator, business, or leaseholder receives notice about a driver's repeated violations will result in the owner, operator, business, or leaseholder being fined the maximum amount allowed under state law, and reasonable attorney fees and costs. Fines assessed to the owner, operator, business, or leaseholder do not prevent fines being assessed to the individual drivers.
- (L) All fines and penalties imposed inure to the benefit of La Porte County.

**III. Chapter 74: Traffic Schedules, Schedule I and Schedule II, of the La Porte County Code, are hereby repealed. Remaining Schedules to be renumbered accordingly.**

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This Ordinance shall be in full force and effect beginning the 18<sup>th</sup> day of March, 2020, and after its enactment and publication as prescribed by law.

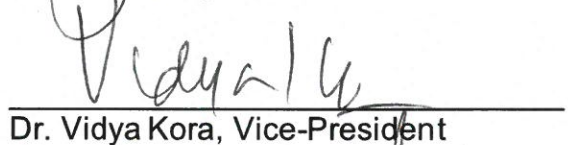
ATTEST:

  
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Dated: March 18, 2020

BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Sheila Matias, President

  
\_\_\_\_\_  
Dr. Vidya Kora, Vice-President

  
\_\_\_\_\_  
Richard Mrozinski, Member

**La Porte County Highway Department  
Special Operating Permit  
I.C. § 9-20-1-3  
La Porte County Code § 70.17**

**Permit #** \_\_\_\_\_

**Date Issued:** \_\_\_\_\_

This permit authorizes the bearer to operate the below described vehicle provided all provisions in the La Porte County Code of Ordinances, Title VII, Chapters 70 and 71, except as written on this permit, are satisfied. Violation of any part, condition, or provision of this permit VOIDS this permit in its entirety subjecting the violator(s) to penalties as provided for in § 71.99.

**Start Date:** \_\_\_\_\_ **End Date:** \_\_\_\_\_ **Hours of Operation:** \_\_\_\_\_

**Permit Type:**  Oversize     Overweight     Oversize/Overweight     Bridge Weight  
 Frost Law     Annual Access     Special Project

Violation of an applicable provision in the General Provisions of an Oversize/Overweight Vehicle Permit as issued by the Indiana Department of Revenue will result in a violation of this permit.

**Description of Vehicle: Plate Number:** \_\_\_\_\_ **State:** \_\_\_\_ **Make:** \_\_\_\_\_

**Year:** \_\_\_\_\_ **Color:** \_\_\_\_\_ **Maximum Speed:** \_\_\_\_\_ **MPH (**\_\_\_\_**POSTED MPH)**

**Maximum Gross Weight:** \_\_\_\_\_ **Maximum Allowed Axle Weight:** \_\_\_\_\_

**Height:** \_\_\_\_\_ **Width:** \_\_\_\_\_ **Length:** \_\_\_\_\_

**Route:** \_\_\_\_\_ **Route with shortest distance driven on county roadways**

**\*\*\*No other routes, including detours, are authorized by this permit under any conditions\*\*\***

**Company Name:** \_\_\_\_\_

**Company Address:** \_\_\_\_\_

**Company Phone No.:** \_\_\_\_\_ **Insurance Carrier:** \_\_\_\_\_

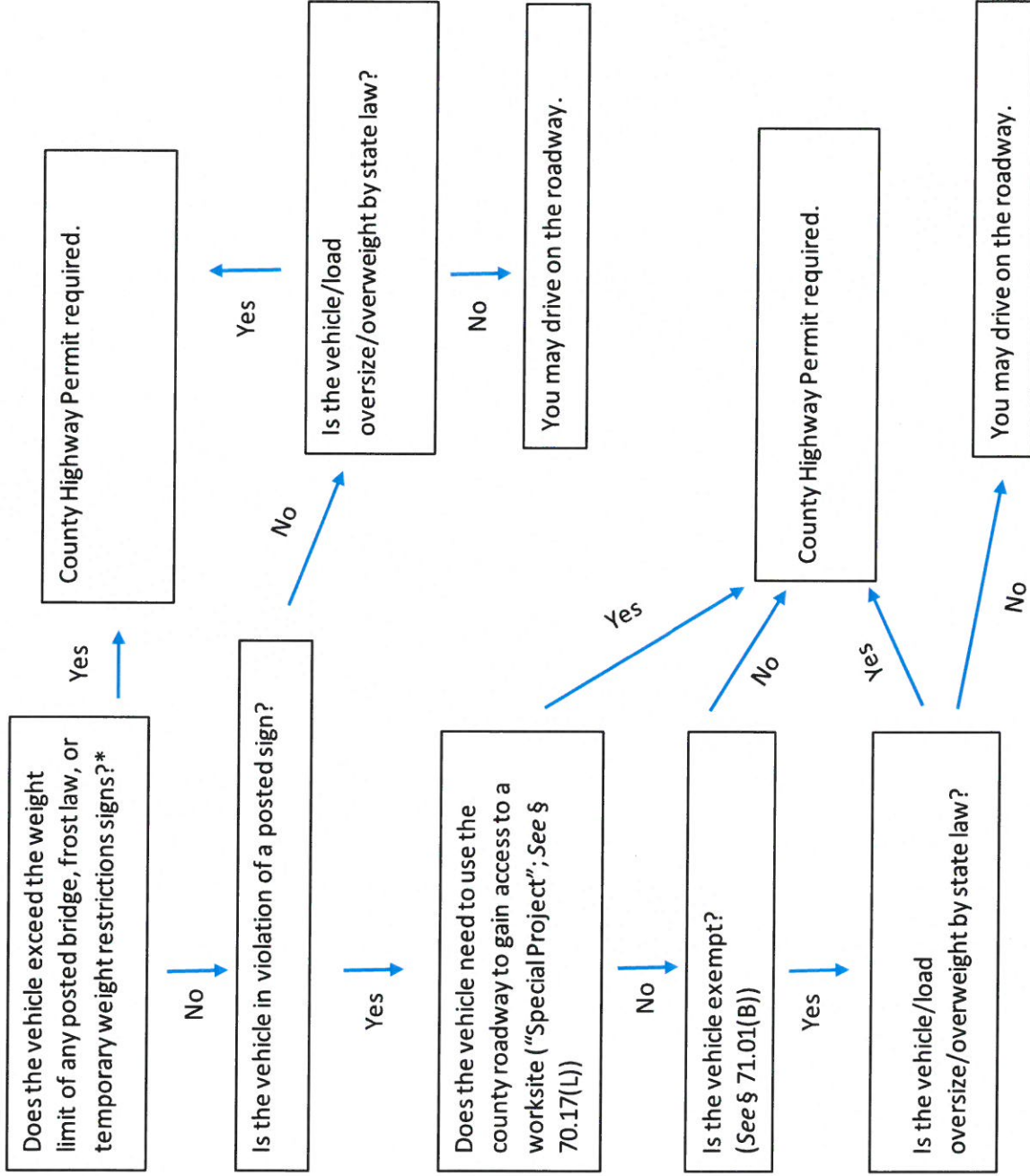
**This permit is not valid unless signed by a company representative who, by signing below, affirms the accuracy of the information contained in this permit and agrees to abide by all parts, conditions, or provisions contained in this permit as well as applicable state and local laws.**

**Printed Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Signature:** \_\_\_\_\_  
(La Porte County Highway Supervisor or Designee)



# La Porte County Size and Weight Restriction Flow Chart



The above flow chart is for reference purposes only. (See: LaPorte County Code Chapters 70 and 71.)  
 \*See La Porte County Code § 71.02 and § 71.03 for vehicles exempt from bridge, frost law, and temporary weight restriction signs.