

**ORDINANCE NO. 19-02**

**PORTER COUNTY BOARD OF COMMISSIONERS  
AN ORDINANCE REPEALING ORDINANCES 96-4, 14-08, AND 14-07 AND  
ADOPTING A FROST LAW ORDINANCE FOR THE PRESERVATION OF COUNTY  
ROADS AND HIGHWAYS BY LIMITING THE GROSS WEIGHT OF VEHICLES  
DURING CERTAIN TIME PERIODS OF THE YEAR**

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

**WHEREAS**, the load carrying capacities of road foundations are greatly reduced during and following the spring thaw period when frost is leaving the ground, and;

**WHEREAS**, the vehicular loads that exceed the load carrying capacity on the road pavements and road foundations during the spring thaw can produce serious destruction and damage to the road pavements and road foundations, causing inconvenience to the traveling public and necessitating excessive expensive road repairs and maintenance, and;

**WHEREAS**, the Board of Commissioners of Porter County desire to reduce the road damage, the inconvenience to the traveling public, and to conserve, repair and maintain roads for the County Highway System for the benefit of the traveling public,

**NOW THEREFORE, BE IT ORDAINED:** by the Board of Commissioners of Porter County:

**SECTION 1- FROST LAW**

1. The Porter County Board of Commissioners is hereby adopting an Ordinance which limits the gross weight of vehicles operated on Porter County roadways during certain periods of the calendar year except on the award of written permit by the County Highway Superintendent when the Frost Law has been declared in effect,;
2. That until and subject to further order of the Porter County Commissioners, during intermittent times during the ninety (90) day period commencing on January 1<sup>st</sup> through April 1<sup>st</sup>, of each year, the Porter County Highway Superintendent shall have the authority to limit the gross weight of vehicles pursuant to this ordinance;
3. When the Porter County Highway Superintendent limits the gross weight of non-exempt vehicles, during the ninety (90) day period, the maximum vehicle weight shall be limited as follows: axle

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|--------------------|---------|
| A. Single Axle     | 10 Tons |
| B. Tandem Axle     | 15 Tons |
| C. Tri-Axle and up | 20 Tons |

4. Exempt vehicles shall include:
  - A. Empty trucks, with standard equipment and no additional fuel carrying tanks and/or auxiliary tanks;
  - B. School buses;
  - C. Garbage trucks;
  - D. Fire, Emergency, and Ambulance vehicles;
  - E. Law Enforcement vehicles;
  - F. Vehicles or combination of vehicles that transport farm commodities from the place of production to the first point of delivery where the commodities are weighed and title to the commodities is transferred. Commodities include grain, logs, wood chips, bark, sawdust, and bulk milk;
  - G. Public Utility vehicles;
  - H. Fuel delivery vehicles, including heating oil, diesel, and gasoline.
5. Upon the sound discretion of the Porter County Highway Superintendent, a special permit may be obtained during these intermittent weight limitations, to exceed the weights listed above, at a cost of One Hundred Dollars (\$100.00), per permit. Each permit shall only be valid for the completion of one overweight load. The permit shall be issued in triplicate, one copy retained in the Highway Department, one copy in Sheriff's Department, and one copy to be carried in the vehicle containing the overload.
6. The County Highway Superintendent, when issuing a permit shall include a preferred route map and any other reasonable conditions designed to protect the road infrastructure.
7. The permit application may be obtained at:

Porter County Highway Department  
1955 South St. Rd 2  
Valparaiso, In 46383  
Phone (219) 465-3571  
Fax (219) 465-3569  
[www.porterco.org/frost](http://www.porterco.org/frost)

## **SECTION 2- VIOLATIONS**

1. Violation of the above posted weight limits of vehicles utilizing public rights of way in unincorporated areas of Porter County shall be an infraction and upon conviction shall be punishable as follows:
  - A. For each violation of a posted vehicular weight limit and/or the violation of the requirements and limitations of the special permit, court costs and a fine as set forth in the following schedule:

- i. Over weight without a special permit, first offense or no offense of this ordinance within 24 months, Five Hundred Dollars (\$500.00).
- ii. Over weight without a special permit, second offense of this ordinance within 24 months, Twenty Five Hundred Dollars (\$2,500.00).
- iii. Over weight without a special permit, third offense of this ordinance within 24 months, Five Thousand Dollars (\$5,000.00).

**SECTION 3- ENFORCEMENT**

1. Enforcement of this ordinance shall be by the Porter County Sheriff's department.
2. It shall be the duty of the Porter County Prosecuting Attorney, to whom the Porter County Sherriff Department shall report, any violation of the provisions of this ordinance, to cause proceedings to be commenced against the person violating the provisions of this ordinance and to prosecute to the final termination.

**SECTION 4- DISBURSEMENTS OF FINES**

1. The revenues generated by the fines from enforcement of this ordinance shall be deposited into the County Highway Overweight Vehicle Fund.
2. The expenditures shall be split evenly between the Porter County Sherriff's Department and the Porter County Highway Department.
3. The revenues collected and deposited shall be utilized for traffic safety as well as the improvement and maintenance of county roads and shall not be utilized for any other purpose.

BOARD OF COMMISSIONERS  
PORTER COUNTY, INDIANA

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Jeff Good

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Laura Blaney

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Jim Biggs

Attest: \_\_\_\_\_  
Vicki Urbanik, Porter County Auditor