

ORDINANCE NO. 2008-2

AN ORDINANCE ESTABLISHING WEIGHT LIMITS ON GIBSON COUNTY ROADS

WHEREAS, the Board of County Commissioners of Gibson County, Indiana is the governing body in charge of maintenance of the all Gibson County roads; and

WHEREAS, the Board of County Commissioners does desire to establish weight limits for use of Gibson County roads;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Gibson County, Indiana as follows:

Section 1: A person may not operate or move upon a Gibson County road a vehicle or combination of vehicles of a size or weight that exceeds the limitations set forth on a sign posted upon or at the entrances to the road or a part of the road that is affected.

Section 2: The limitations governing vehicle size or weight on roads under the jurisdiction of Gibson County shall be maintained by the Gibson County Highway Department through its Supervisor.

Section 3: The Board of County Commissioners may approve, by motion made in open meeting, amendments of regulatory signs and restrictions to the list maintained by the Gibson County Highway Department through its Supervisor.

Section 4: Gibson County may act under the provisions of Indiana Code 9-20-1-3(a) to prohibit the operation of vehicles upon Gibson County roads or impose restrictions as to the weight of vehicles to be operated upon roads for a total period of no more than ninety (90) days in any one (1) calendar year when a road, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed without the regulation of vehicles. In such event, the Gibson County Highway Department shall post temporary road weight restriction signs in accordance with the requirements set forth in Indiana Code 9-20-1-3(b) to protect County roads during any period designated by the Supervisor of the Gibson County Highway Department or Gibson County Commissioners. Signs shall designate the maximum permitted gross weight per axle of a loaded motor vehicle that may travel on the road.

Section 5: Unless otherwise specified, the gross weight per axle for a vehicle under Section 4 is as follows:

- A. On a blacktop road: 8,000 pounds per axle
- B. On a gravel road: 8,000 pounds per axle

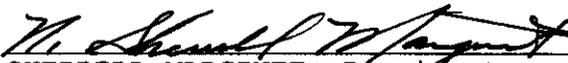
Section 6: The provision of Sections 4 and of this Ordinance do not apply to trash company trucks when engaged in regular pickup; school buses; or County-owned maintenance vehicles.

Section 7: The operator of a motor vehicle may apply to the Gibson County Highway Department for a permit to use a vehicle with a gross weight per axle greater than that designated for a road. The Gibson County Highway Department through its Supervisor may grant the application if the operator shows good cause to the Supervisor of the Gibson County Highway Department and posts a bond or surety payable to Gibson County conditioned that upon damage to the road resulting from the use of the vehicle the operator will be responsible for repairing the road and replacing the road in its original condition following the use of the vehicle, said bond to be determined by the Supervisor of the Gibson County Highway Department.

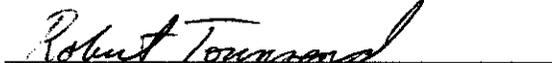
Section 8: Any person, firm, company or other entity who violates the terms of this Ordinance shall be subject to a penalty imposed by Gibson County in an amount not exceeding Five Hundred Dollars (\$500.00) for each violation. In the event Gibson County is required to take legal action by means of injunctive relief or otherwise to enforce this Ordinance, and Gibson County should prevail in such legal action, then the person, firm, company or other entity violating this Ordinance shall be liable to Gibson County for all Court costs and attorney fees incurred.

Section 9: This Ordinance shall be in full and effect from and after its passage and publication.

This Ordinance adopted this 5th day of February, 2008.


SHERRELL MARGINET, President


DON WHITEHEAD, Member


ROBERT TOWNSEND, Member

ATTEST:


MARY KEY, Gibson County Auditor