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Carolyn C Bertsch
Wells County Recorder IN
Recorded as Presented



WELLS COUNTY ORDINANCE NO. 2019- 21

An Ordinance Restricting Truck Traffic and Imposing Weight Limits on Vehicles Crossing Bridge #193 Over the Wabash River, Located in Wells County, Indiana, on County Road 300 West Between State Road 124 and State Road 116

WHEREAS, Indiana Code 9-20-1-1 *et seq*, Indiana Code 9-21-1-1 *et seq*, and associated Indiana statutes authorize local authorities to restrict and prohibit the use of its highways, bridges, causeways, or viaducts, and the operation of trucks and other commercial vehicles thereon and further authorizes imposing limitations as to the weight and size of the vehicles operated thereon; and

WHEREAS, Indiana Code 9-20-7-2, Indiana Code 9-21-1-3(8), and Indiana Code 9-21-4-7 authorize the County to restrict the use of County highways bridges, causeways, or viaducts by certain vehicles; and

WHEREAS, Indiana Code 9-21-4-3 authorizes the County to place and maintain traffic control devices upon highways under its jurisdiction which are necessary to indicate and to carry out local traffic ordinances or to regulate, warn or guide traffic; and

WHEREAS, the Wells County Highway Superintendent and the Wells County Highway Engineer have reported to The Board of Commissioners of the County of Wells that the above designated Bridge #193 has been deemed unsafe for vehicles in excess of 32,000 pounds or 16 tons; and

WHEREAS, the Board of Commissioners of the County of Wells has determined that the maximum load is greater than the above designated Bridge can sustain without serious damage or with safety to the vehicle and that the above designated Bridge may be dangerous for anyone in vehicles transversing the above designated Bridge in a truck or other vehicle in excess of 32,000 pounds or 16 tons, and pursuant to Indiana Code 9-20-7-2, it may reduce the gross load weight allowed on the structure below the maximum load prescribed in IC 9-20-4-1 and IC 9-20-5.

WHEREAS, The Board of Commissioners of the County of Wells has determined that it is necessary for safety and maintenance purposes to restrict truck traffic on

on County Road 300 West between State Road 124 and State Road 116 and impose weight limits on vehicles crossing Bridge #193 over the Wabash River, located in Wells County, Indiana, on County Road 300 West between State Road 124 and State Road 116.

NOW, THEREFORE, be it ordained by The Board of Commissioners of the County of Wells, that:

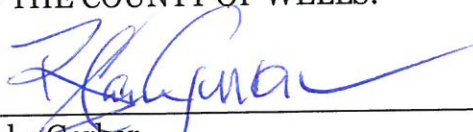
1. Purpose. The purpose of this Ordinance is to restrict truck traffic on County Road 300 West between State Road 124 and State Road 116 and impose weight limits on vehicles crossing Bridge #193 over the Wabash River, located in Wells County, Indiana, on County Road 300 West between State Road 124 and State Road 116 pursuant to the powers vested in The Board of Commissioners of the County of Wells under Indiana Code 9-20-7-2, Indiana Code 9-21-1-2, Indiana Code 9-21-1-3(8) and Indiana Code 9-21-4-7(11). A further purpose of this Ordinance is to authorize the erection of official traffic control devices necessary to carry out the intent of this ordinance and to establish a civil penalty for violation of the terms hereof.
2. Definitions. Truck as used in this ordinance means a motor vehicle designed, used or maintained primarily for the transportation of property or goods. For purposes of this ordinance, truck also includes the following:
 - (a) A motor vehicle designed and used primarily for drawing another vehicle and constructed to carry a load other than a part of the weight of the vehicle and load so drawn.
 - (b) A non-cargo carrying power unit designed to operate in combination with a semi-trailer or trailer and includes a dromedary deck and plate.
3. A 32,000 pounds or 16 tons GWV (gross weight vehicle) limit is placed upon County Road 300 West Between State Road 124 and State Road 116.
4. Exemptions. No person operating a truck weighing in excess of 32,000 pounds or 16 tons GWV (gross weight vehicle) shall be permitted to operate such vehicle on County Road 300 West Between State Road 124 and State Road 116 at any time unless the use of such road is required and necessary and cannot be avoided in making a local delivery, sale or pick up of property to be transported on a truck in the normal course of business and such use is made by utilizing the shortest point of access from the nearest authorized truck route or highway, and that the use of such road can be made without crossing Bridge #193 over the Wabash River.
5. Erection of Official Traffic Control Devices. The Wells County Highway Department is hereby authorized and directed to place traffic control signs designating a 32,000 pounds or 16 tons GWV (gross weight vehicle) limit on County Road 300 West Between State Road 124 and State Road 116, which traffic control signs and the placement thereof shall comply with and shall follow the

Indiana Manual on Uniform Traffic Control Devices.

6. Penalty for Violation. A person who violates this ordinance commits a Class C infraction. A person who violates this ordinance commits a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds and a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds. In addition, a person who violates this ordinance is punishable by a fine of not more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance, and not more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance, and judgment may be entered for such a violation plus costs pursuant to Indiana Code 34-28-5-4.
7. Deposit of Fines into General Fund. All fines assessed and collected for a violation of this ordinance shall be deposited into the County General Fund.
8. Effective Date. Due to an emergency, herein declared by The Board of Commissioners of the County of Wells, this ordinance shall be deemed effective immediately upon its adoption by The Board of Commissioners of the County of Wells, and publication as required by law and the signing of County Road 300 West Between State Road 124 and State Road 116.
9. The Wells County Highway Department shall mark said roadway as restricted in accordance with this Ordinance by placement of the appropriate signs.
10. This Ordinance shall be in full force and effect after its passage by The Board of Commissioners of the County of Wells and the erection of the appropriate signs by the Wells County Highway Department as ordered by this Ordinance.

All as Passed and Ordained this 2nd day of ~~November~~ ^{December}, 2019.

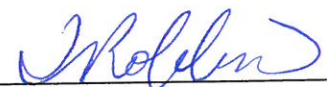
THE BOARD OF COMMISSIONERS
OF THE COUNTY OF WELLS:



Blake Gerber

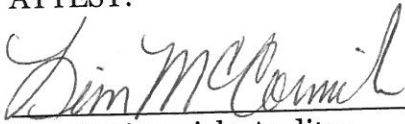


Kevin S. Woodward



Tamara L. Robbins

ATTEST:

A handwritten signature in cursive script, appearing to read "Lisa McCormick", written over a horizontal line.

Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Roy R. Johnson, Attorney No. 4937-90, 116 South Main St., Bluffton, IN 46714. *I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Lisa McCormick*