

FLOYD COUNTY COMMISSIONERS

ORDINANCE NO. FCO 2018-19

**AN ORDINANCE DESIGNATING LOAD LIMITS ON MOSER KNOB ROAD
SPICKERT KNOB ROAD AND FAIRVIEW KNOB ROAD**

WHEREAS, it has come to the attention of the Board of Commissioners that vehicles of excessive weight are using a county roadway, Moser Knob Road, Spickert Knob Road and Fairview Knob Road, and causing excessive damage to the County roadway;

WHEREAS, the damage to the roadway is an inconvenience to the traveling public and expensive for the taxpayers of Floyd County to repair; and

WHEREAS, the Board of Commissioners have authorized repairs to correct the failing roadway; and

WHEREAS, Indiana Code 36-1-3-2 grants the Board of County Commissioners all the powers that they need for the effective operation of government as to local affairs;

WHEREAS, Indiana Code 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

WHEREAS, the engineer for the project to repair Moser Knob Road, Spickert Knob Road and Fairview Knob Road, Jacobi Toombs & Lanz, has provided a professional opinion to support the restrictions described in this ordinance; and

WHEREAS, The Board of County Commissioners has deemed it necessary for the effective operation of government as to local affairs to create a weight limit restriction for vehicles on Moser Knob Road, Spickert Knob Road and Fairview Knob Road.

WHEREAS, the Board of County Commissioners of Floyd County believe that there is an urgent necessity requiring the immediate effectiveness of the Ordinance as contemplated by IC 36-3-4-14(c)(2).

NOW, THEREFORE, be it ordained by the Board of Commissioners of Floyd County that Moser Knob Road, Spickert Knob Road and Fairview Knob Road be restricted as follows:

- I. County Road Weight Limits.
 - a) The load-carrying capacity of Moser Knob Road, Spickert Knob Road and Fairview Knob Road in Floyd County is insufficient to accommodate excessive loads.
 - b) Vehicular wheel loads that exceed the load-carrying capacity of road pavement and road foundation can produce serious destruction and damage to the road pavement and road foundation, causing inconvenience to the traveling public and necessitating excessive and expensive road repairs and maintenance.'
 - c) The Board of Commissioners of Floyd County desire to reduce the road damaging and destruction, to reduce the inconvenience to the traveling public, and to conserve the repair and maintenance funds for the general improvement of the County highway system for the benefit of the traveling public.
 - d) No trucks are allowed to proceed up or down Moser Knob Road, Spickert Knob Road and Fairview Knob Road that exceed a weight limit of six (6) tons per axle. In addition, the driver of any dump truck or concrete truck shall have a current weight ticket in their possession confirming the weight of the vehicle. In the event that the driver does not have a weight ticket in their possession, the driver shall be deemed to be in violation of this Ordinance. No semi- tractor trailer trucks shall be allowed on said roads. Further, said vehicles shall be considered in violation of this ordinance if said vehicles pass the posted signs regarding the same. Floyd County Government vehicles are exempted from this Ordinance.
 - e) The Floyd County Commissioners proclaim the urgent necessity that this Ordinance take effect immediately and the Floyd County Commissioners direct that copies of this Ordinance be posted in three (3) public places in the county pursuant to 36-3-4-14(c)(2).

II. ESTABLISHMENT OF PREFERRED TRUCK ROUTES:

The county hereby designates the following roads/highways as preferred routes for heavy truck traffic to and from Floyd County and New Albany:

- a) Paoli Pike
- b) I-64

III. VIOLATIONS OF ORDINANCE:

A. Violations of this Ordinance shall result in the following fines:

- a) First violation by owner of vehicles- \$100.00.
- b) Second violation by owner of vehicles- \$500.00.
- c) Third or more violations by owner of vehicles- \$1000.00 for each violation.

B. Enforcement of this Ordinance:

- a) The Floyd County Sheriff's Department shall have authority to issue citations for violation of this Ordinance.
- b) The Floyd County Clerk's Office shall have authority to collect the fines.
- c) The Floyd County Auditor's office shall be responsible to account for the collection of said fines in the Motor Vehicle Highway Account- 1176.
- d) The Floyd County Attorney or designee shall have authority to take action for any fines not paid within 30 days of the issuance of the citation.
- e) An appeal of the citation shall be filed with the Floyd County Commissions within 30 days of issuance. If an appeal is filed with the Floyd County Commissioners, the issue will be placed on the next meeting scheduled after notice to the party. If no appeal is made, the fine is considered final.

IV. VALIDITY, EFFECTIVE DATE, AND CONFLICT CLAUSES


- a) Validity. Should any portion of this ordinance be found to be invalid or unconstitutional, the remaining parts of this ordinance shall be severable and shall continue in full force and effect.
- b) Effective Date. This ordinance shall be in full force and effect upon adoption by the Floyd County Commissioners.
- c) Conflict. That any Ordinance of Floyd County, Indiana which is in conflict with this Ordinance is hereby repealed to the extent of such conflict. Any Ordinance or portion of Ordinance which is not in conflict with this Ordinance shall remain in full force and effect.

Adopted and passed this 12th day of December, 2018.


BOARD OF COMMISSIONERS,
COUNTY OF FLOYD



D. Mark Seabrook, President



John Schellenberger, Commissioner



Billy Stewart, Commissioner

Attest: 

Scott Clark, Auditor