

ORDINANCE NO. 2021- 02

AMENDED TRUCK ROUTE ORDINANCE

AN ORDINANCE amending the prior ordinance that established and regulated truck traffic routes in Parke County, Indiana and also prohibited truck traffic on other roads, and provided penalties for the violation thereof.

WHEREAS, the Parke County Board of Commissioners previously passed an ordinance limited truck traffic routes in Parke County, Indiana due to road conditions within the county; and

WHEREAS, the Parke County Commissioners, at the direction of the County Road Superintendent, have determined that the county would be better served by amending said truck route limitations as follows.

NOW THEREFORE, THE COUNTY COMMISSIONERS OF PARKE COUNTY, INDIANA, HEREBY ORDAIN AS FOLLOWS:

Section 1. Definition: For the purpose of this ordinance the term "truck" shall be defined as any truck, truck-tractor and semi-trailer, or truck-tractor and trailer combination weighing an aggregate total of greater than (10) ten tons.

Section 2. Truck Routes: The following roads in Parke County, Indiana are hereby designated as truck routes and classified for truck traffic:

- A. From the intersection of U.S. 41 and County Road 450 North, thence east to the intersection of County Road 450 North and Marshall Road.
- B. From the intersection of County Road 450 North and County Road 100 East south to the entrance of Swarey's Variety Store.
- C. From the intersection of U.S. 41 and County Road 200 North then east to the entrance of the Family Farm Fresh Co-Op.
- D. Ferndale Road.

Section 2. Prohibition Against Travel on Other than Truck Routes: As expressly prohibited under this Ordinance, no person shall operate a truck or truck-tractor and semi-trailer or truck-tractor and trailer combination, or truck and trailer combination with a total aggregate weight greater than (10) ten tons in Parke County, Indiana on any of the following prescribed roads or sections of roads.

- E. From the intersection of State Rd. 236 and Marshall Road (in the Town of Marshall, Indiana), thence South on Marshall Road until the intersection of Marshall Road and County Road 450 North.
- F. From the intersection of U.S. 41 and County Road 275 North, then east to the intersection of County Road 275 North and Marshall Road.

- G. From the entrance to Family Farm Fresh Co-Op, thence east to the intersection of County Road 200 and Marshall Road.
- H. From the entrance to Parke County Lumber south on Marshall Road to the Town of Rockville.
- I. From the entrance to Swarey's Variety Store south on County Road 100 East to the intersection of County Road 275 North.
- J. From the intersection of State Road 59 and County Road 720 South east to the intersection of 720 South and County Road 1200 East. (Trucks shall use Ferndale Road for delivery and pickup in this area).

Section 5. Exemptions: The limitations prescribed in this Ordinance shall not apply to:

- (a) Any other roads in Parke County, Indiana unless specifically described herein;
- (b) Fire trucks or other emergency vehicles or vehicle on emergency business involved in the saving of life or property, or
- (c) Farm Implements incidentally moved upon a road, or
- (d) Road repair, construction or maintenance vehicles while involved in the repair, construction or maintenance of roads within the County, or
- (e) Garbage service vehicles while involved in the provision of services to residents of the County.

Section 6. Leaving or Returning to Home or Place of Business. Nothing herein contained shall prevent a truck or truck-tractor and semi-trailer, or truck tractor and trailer combination, or truck and trailer combination from leaving or returning to its customary storage location at the owner or operator's personal residence, or a commercial or industrial location in the County, provided the most direct route to and from a designated truck route is utilized.

Section 7. Special Permits. The County Highway Superintendent shall have authority to grant a written permit in special cases which would otherwise be in violation of the provisions of this Ordinance. Said special permit shall describe the vehicle, the time and dates of travel, and the route to be taken by the vehicle. The County Commissioners shall, by resolution, set a fee for special permits, if any fee is desired.

Section 8. Signs. The County Highway Superintendent shall procure and have posted appropriate signs along the designated truck routes as required by the laws of the State of Indiana.

Section 9. Penalties. Any person who violates any provision of this Ordinance shall be guilty of a Class B Infraction and shall be fined not more than One Thousand (\$1,000.00) dollars per incident.

Section 10. Severability. This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

Section 11. Administrative Liability. No officer, agent, or employee of the Parke County Board of Commissioners, or member of the Parke County Board of Commissioners shall render himself personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of his duties and responsibilities pursuant to this Ordinance.

Section 12. Repeal. All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration and enforcement of this Ordinance only will in no way, manner or form repeal, modify or otherwise change the definition of any such terms as used in other ordinances of the Parke County Board of Commissioners.

Section 13. Effective Date. This Ordinance shall become effective upon passage by the Parke County Board of Commissioners and due publication.

Unanimous consent of Parke County Commissioners who were present on the 19th day of April 2021 to consider the Ordinance on the same date as introduced.

Board of Commissioners of Parke County, IN

ABSENT

Jim Meece

[Signature]

Bruce Hartman

[Signature]

Dan Collom

Ordinance Approved this 19 day of April 2021.


Board of Commissioners of Parke County, IN

ABSENT

Jim Meece

[Signature]

Bruce Hartman



Dan Collom

ATTEST:



Laura Fischer, Parke County Auditor

Publisher's Note: Publish 1 time within thirty (30) days of passage.