

## **Title 10 VEHICLES AND TRAFFIC**

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## **Chapter 10.04 TRAFFIC CONTROL REGULATIONS GENERALLY**

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### **10.04.010 Grounds surrounding Court- house—Driving and parking restricted.**

No portion of the grounds surrounding the Porter County Courthouse shall be used for the purpose of driving or parking any motorized vehicle without the operator thereof having first requested and received a permit from the board of commissioners.

(Ord. 76-19)

### **10.04.020 School crossing guards—County authority.**

Crossing guards selected by the school administration of schools located where the county has jurisdiction over the roads and street benefiting hereunder shall be retained by Porter County to control traffic and provide for the safety of children crossing public roads adjacent to county schools when the children arrive in the morning and leave in late afternoon. The crossing guards shall not have powers of

arrest and shall receive instruction regarding traffic control from the office of the sheriff of Porter County prior to providing crossing guard duties.

(Ord. 80-13)

#### **10.04.030 Traffic regulation authority—Temporary special permit issuance.**

The board of commissioners confers upon the Porter County highway department's supervisor the authority to regulate and control vehicular traffic on public rights-of-way within the unincorporated areas of Porter County, Indiana, by the posting of signs including, but not limited to, stop signs, yield signs, speed control signs and weight limit signs. Said supervisor is also authorized, in his discretion, to grant temporary special permits for the use of public rights-of-way in unincorporated Porter County, Indiana, which would otherwise be prohibited by the Frost Law or other weight limit restrictions. Such temporary permits shall be subject to such terms, conditions or restrictions as the supervisor of the Porter County highway department or the board of commissioners shall deem proper to impose for the benefit and protection of the Porter County road system.

(Ord. 94-15 § 1)

#### **10.04.040 Violations designated.**

It shall be a violation of Sections [10.04.030](#) through [10.04.060](#) for any operator of any vehicle to operate a vehicle on public rights-of-way located in unincorporated areas of Porter County in violation of any posted traffic control signs, weight limits or special permits granted by the Porter County highway department supervisor. Further, it shall be a violation of Sections [10.04.030](#) through [10.04.060](#) for an owner of a vehicle to knowingly permit an agent, representative or employee to operate upon a publicright-of-way in the unincorporated area of Porter County any vehicle which exceeds the weight limits posted upon the right-of-way.

(Ord. 94-15 § 2)

#### **10.04.050 Overweight and oversize permits—Fee.**

Overweight and oversize permits are to be issued on forms acceptable to the county commissioners at a fee of ten dollars (\$10.00) per permit.

(Ord. 94-15 § 4)

#### **10.04.060 Violations—Penalties.**

Violation of any posted sign regulating traffic or 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 a violation of a posted vehicular weight limit, court costs and a fine as set forth in the following schedule:
  1. Overweight without a special permit: Zero to four thousand (4,000) pounds overweight, three hundred dollars (\$300.00);
  2. Over four thousand (4,000) pounds overweight: five hundred dollars (\$500.00) plus one hundred dollars (\$100.00) additional fine for each one thousand (1,000) pounds or portion thereof above four thousand (4,000) pounds overweight;
  3. Overweight \_\_\_\_\_ with \_\_\_\_\_ special \_\_\_\_\_ permit.  
Any owner or operator of a vehicle which is operated on public rights-of-way in the unincorporated areas of Porter County, in violation of the weight limits imposed under a

special permit granted by the supervisor of the Porter County highway department shall, upon a finding thereof, be subject to the payment of court costs and a fine pursuant to the schedule set forth in subsection (A)(1) and (2) of this section as if no special permit had been granted.

4. Other Violations. Any other violation of the terms and conditions of a special permit granted by the supervisor of the Porter County highway department shall, upon a finding thereof, be subject to the payment of court costs and a fine of no less than three hundred dollars (\$300.00) and no more than ten thousand dollars (\$10,000.00).
- B. For a violation of any traffic control sign for vehicles using public rights-of-way in the unincorporated areas of Porter County, other than those violations specified in subsection A of this section, court costs and a fine as set forth in the following schedule:
1. Parking Violations. First offense: court costs plus twenty-five dollar (\$25.00) fine; subsequent offenses within one year of the first offense: court costs plus sixty dollar (\$60.00) fine;
  2. Stop Sign, Yield Sign, Speed Control Signs and Other Traffic Control Signs Not Previously Enumerated. First offense: court costs plus sixty dollar (\$60.00) fine; second and subsequent offenses within one year: court costs and one hundred dollar (\$100.00) fine.

(Ord. 94-15 § 3)

#### **10.04.070 No-passing zone.**

It is unlawful to pass within five hundred (500) feet of any intersection located within the unincorporated area of Porter County which intersection is designated as a no-passing zone by placement of signs or designated as a no-passing zone by placement of marks on the roadway.

(Ord. 98-1 § 1(a))

#### **10.04.080 Violations and penalties.**

An officer of the Porter County sheriff's police department may issue a citation to any person who violates [Section 10.04.070](#), No-passing zone. Upon conviction for a violation of that section, a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per violation may be assessed by the court.

(Ord. 98-1 § 1(b))

### **Chapter 10.08 ALCOHOLIC BEVERAGES IN VEHICLES**

#### **Sections:**

[10.08.010 Definitions.](#)

[10.08.020 Possession or consumption prohibited.](#)

[10.08.030 Exception for passengers of buses and recreational vehicles.](#)

[10.08.040 Violations—Penalties.](#)

#### **10.08.010 Definitions.**

As used in this chapter:

"Alcoholic beverages" shall have the meaning set forth in I.C. 7.1-1-3-5.

"Bus" shall have the meaning set forth in I.C. 9-13-2-17.

"Container" shall have the meaning set forth in I.C. 7.1-1-3-13.

"Motor vehicle" shall have the meaning set forth in I.C. 9-13-2-105.

"Operation of a motor vehicle" shall mean any motor vehicle as defined herein which has its engine running.

"Operator of a motor vehicle" means a person who drives or is in actual physical control of a motor vehicle.

"Recreational vehicle" shall have the meaning set forth in I.C. 9-13-2-150.

(Ord. 93-5 § 1)

#### **10.08.020 Possession or consumption prohibited.**

It is prohibited for a person to knowingly

- A. Consume an alcoholic beverage, or
- B. Possess a container containing an alcoholic beverage:
  - 1. That has been opened,
  - 2. That has a broken seal, or
  - 3. From which some of the contents have been removed; while in a motor vehicle that is being operated upon a public way, public road, public highway or any other public location within the unincorporated areas of Porter County.

(Ord. 93-5 § 2)

#### **10.08.030 Exception for passengers of buses and recreational vehicles.**

The passengers of buses and recreational vehicles as defined herein are excepted from the provisions of this chapter. The operator of a bus or recreational vehicle is not exempt from the provisions of this chapter.

(Ord. 93-5 § 3)

#### **10.08.040 Violations—Penalties.**

An officer of the Porter County sheriff's department may issue a citation to any person who violates this chapter. Upon conviction for the violation of this chapter, a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) per violation may be assessed by the court.

(Ord. 93-5 § 4)

### **Chapter 10.12 SNOWMOBILES**

#### **Sections:**

[10.12.010 Operation on highways—Subject to chapter compliance.](#)

[10.12.020 Eligible roads.](#)

[10.12.030 Restrictions on time and place of operation.](#)

[10.12.040 Requirements pertaining to operation of snowmobiles.](#)

[10.12.050 Off-road vehicles.](#)

[10.12.060 Violation—Penalty.](#)

### **10.12.010 Operation on highways—Subject to chapter compliance.**

After the passage and legal advertisement of the ordinance codified in this chapter it shall be legal to operate snowmobiles upon the traveled portion of Porter County highways, subject to the provisions of I.C. 14-1-3-1 through 14-1-3-18, all other laws now in force or as amended by the state of Indiana controlling the operation of a vehicle on a public right-of-way, and further subject to the additional terms and conditions of this chapter.

(Ord. 96-29 (part))

### **10.12.020 Eligible roads.**

All county rights-of-way dedicated for public use which have a traveled surface and which are maintained by the Porter County highway department shall be designated as available for the legal operation of a snowmobile upon the traveled portion of the right-of-way, subject to the following exceptions:

- A. Snowmobiles shall not be operated upon any real estate belonging to the county which is not designated as a public right-of-way.
- B. Snowmobiles shall not be operated upon any county highways which are located within a platted subdivision.
- C. Snowmobiles are not permitted upon the traveled portions of public highways belonging to the state of Indiana or any other governmental entity, including but not limited to municipal corporations found within Porter County by reason of this chapter.
- D. Snowmobiles are not permitted on roads jointly owned or jointly maintained by more than one governmental unit unless both pass an ordinance allowing such usage.
- E. Snowmobiles are not permitted upon public rights-of-way which are privately maintained or upon any public rights-of-way which by the posting of a sign prohibits snowmobile usage.

(Ord. 96-29 § 1)

### **10.12.030 Restrictions on time and place of operation.**

In addition to those restrictions on the time and place of operation of snowmobiles upon public highways imposed by the law of the state of Indiana, the following restrictions upon said operation are imposed by this chapter:

- A. The operation of snowmobiles is prohibited on all days during the year when school is in session from seven a.m. to nine a.m. in the morning and from two p.m. to four p.m. in the afternoon.
- B. The operation of snowmobiles on any Porter County highway within five hundred (500) feet of a county school while the school is in session is prohibited.
- C. Use of county highways for traveling to and from specially scheduled snowmobiling events is not permitted without having requested and received prior permission from the board of commissioners. The board of commissioners will take action regarding such requests only after the same have been presented to the Porter County sheriff and a recommendation of the sheriff

has been forwarded to the board.

- D. A snowmobile shall not stop upon the traveled portion of any county highway.
- E. The parking of snowmobiles along county highways for the purpose of loading or unloading is prohibited.
- F. Use of snowmobiles on private property in Porter County is prohibited unless prior permission has been secured from the owner of the property.

(Ord. 96-29 § 2)

#### **10.12.040 Requirements pertaining to operation of snowmobiles.**

The operation of snowmobiles on the traveled portion of public highways in Porter County, is subject to the following restrictions and requirements:

- A. Prior to operation on a county highway, all snowmobiles must be registered with the Porter County sheriff's police.
- B. At the time of registration with the Porter County sheriff's police, the owner or operator of the snowmobile must make arrangements suitable to the Porter County sheriff's police allowing for the safety inspection of the snowmobile, if requested.
- C. At the time the snowmobile is registered with the Porter County sheriff's police, evidence of existence of an in-force policy of insurance covering personal property damage in the amount of twenty-five thousand dollars (\$25,000.00) and personal liability in the amount of one hundred thousand dollars (\$100,000.00) must be presented to the Porter County sheriff's police.
- D. All lights on snowmobiles must be on at all times during operation on the traveled portion or untraveled portion of any county highway.
- E. Snowmobiles must yield to all traffic encountered on the traveled portion of any county highway and must ride single file.
- F. No drag racing or speed contests of any type or kind whatsoever is permitted by snowmobiles on any portion of a county highway.
- G. No more than two persons are allowed to ride at one time on any snowmobile.
- H. No alcoholic beverages are permitted to be consumed or transported by any person while operating a snowmobile on a county highway.
- I. All persons riding upon or operating snowmobiles must wear safety helmets.
- J. All snowmobiles must have properly operating mufflers which equal or exceed original manufacturers' specifications.
- K. Anything towed by snowmobiles must use a rigid tow bar which may not exceed five feet in length. Total length of the tow bar plus the object being towed must not exceed twenty (20) feet.

(Ord. 96-29 § 3)

#### **10.12.050 Off-road vehicles.**

This chapter does not permit the operation of any off-road vehicles upon the traveled portion of any county highway in Porter County, with the lone exception of snowmobiles. This chapter does adopt the definition of a "snowmobile" and an "off-road vehicle" as found in I.C. 14-8-2-261 and 14-8-2-185 respectively.

(Ord. 96-29 § 4)

### **10.12.060 Violation—Penalty.**

Upon conviction of the violation of this chapter of any term, condition or restriction imposed by this chapter, the board of commissioners adopts the penalties imposed by the state of Indiana under I.C. 14-16-2-29(a) in each and every instance where the same are deemed to be applicable. Upon conviction for violations of those parts of this chapter which are not covered by the penalties set forth entitled I.C. 14-16-2-29(a), the board of commissioners imposes a fifty dollar (\$50.00) fine for each separate violation of this chapter.

(Ord. 97-17 § 1: Ord. 96-29 § 6)

## **Chapter 10.16 SKATEBOARDS AND SIMILAR DEVICES**

### **Sections:**

[10.16.010 Prohibited where.](#)

### **10.16.010 Prohibited where.**

No person shall skateboard, rollerskate, rollerblade, bike or otherwise use a nonauthorized wheeled vehicle or instrument upon the walks, drives, patios, steps, ramps, parking garages, or other areas or buildings which are a part of the premises of any of the county-owned property located in Porter County, which include but are not limited to:

- A. The Porter County Administration Building fronting upon Napoleon, Indiana, Lafayette, and Monroe Streets in Valparaiso, Indiana;
- B. The Porter County Courthouse Building fronting upon Lincolnway, Franklin, Washington, and Indiana Streets in Valparaiso, Indiana;
- C. The Porter County Jail Building fronting upon Franklin and Monroe Streets in Valparaiso, Indiana;
- D. The Porter County Old Jail Museum fronting upon Franklin and Indiana Streets in Valparaiso, Indiana;
- E. The Porter County Memorial Opera House fronting upon Indiana Avenue in Valparaiso, Indiana;
- F. The Porter County Highway Department fronting upon U.S. Highway 2 in Valparaiso, Indiana;
- G. The Porter County Juvenile Service Center fronting upon U.S. Highway 2 in Valparaiso, Indiana;
- H. The North County Complex fronting upon Willowcreek Road in Portage, Indiana.

Violation of this section, upon conviction, shall be punishable by a fine of up to fifty dollars (\$50.00) per occurrence.

(Ord. 96-44: Ord. 96-12: Ord. 93-24)

## **Chapter 10.20 PARKING AFTER SNOWFALL**

### **Sections:**

[10.20.010 Parking prohibited until roadway cleared.](#)

[10.20.020 Towing authority.](#)

[10.20.030 Violation—Penalty.](#)

### **10.20.010 Parking prohibited until roadway cleared.**

It is unlawful and a violation of this chapter for any person, firm or corporation to park any vehicle upon the paved portion of any street or highway maintained by Porter County at any time until such roadway is cleared after a snowfall of two inches or more has occurred.

As used in this chapter, the words "paved portion of any street or highway" shall mean that portion of a street or highway which has been paved or improved for use by motor vehicles with concrete, asphalt, stone, gravel, slag, cinders or other similar materials or combinations thereof.

(Ord. 96-30 §§ 1, 2: Ord. 89-30 §§ 1, 2)

### **10.20.020 Towing authority.**

The sheriff's department of Porter County, and all members thereof are authorized to remove and tow away or have removed and towed away by commercial towing services any vehicle parked in violation of this chapter. The owner or operator of vehicles towed pursuant to this chapter may reclaim the vehicle by payment of the normal and customary towing and storage fee charges of a commercial towing service.

(Ord. 96-30 § 3: Ord. 89-30 § 3)

### **10.20.030 Violation—Penalty.**

Any person, firm or corporation violating any provision of this chapter shall be fined no more than fifty dollars (\$50.00) for each offense. This fine will be in addition to any and all court costs.

(Ord. 96-30 § 4: Ord. 89-30 § 4)

## **Chapter 10.24 VEHICLE WEIGHT RESTRICTIONS**

### **Sections:**

[10.24.010 Gross weight of vehicles on roadways restricted when.](#)

[10.24.020 Permit required for exception—Conditions for operation of vehicle.](#)

[10.24.030 Exemptions from permit process.](#)

[10.24.040 Special highway fund and disbursement of fines.](#)

[10.24.050 Enforcement.](#)

[10.24.060 Violations—Penalties.](#)

### **10.24.010 Gross weight of vehicles on roadways restricted when.**

The Porter County board of commissioners adopts the ordinance codified in this chapter 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.



Until and subject to further order of this board, during intermittent times during a ninety (90) day period which commences on January 1, 1996 and continues through May 1, 1996, and at all times during the intermittent ninety (90) day period of each and all calendar years thereafter, it is unlawful to operate or to cause to be operated upon any public road or public highway of the county highway system, accepting therefrom any roads or highways that are included in the State Highway System, any vehicle or combination of vehicles having a maximum gross axle weight, with load, in excess of axle weights as follows:

Rim Width	2-Axle Tire	4-Axle Tire
4.5" - 7.0"	5,200 lbs.	11,000 lbs.
7.5" - 9.0"	7,200 lbs.	11,500 lbs.
9.7" - 13.0"	8,000 lbs.	11,500 lbs.
14.0" - 15.0"	10,000 lbs.	11,500 lbs.

except a special written permit therefor shall have been first obtained from the county highway superintendent. The permit shall be issued in triplicate; one copy retained in the highway department, one copy in the sheriff's department, and one copy to be carried in the vehicle containing the overload.

(Ord. 96-4 §§ 1 (2)—(3))

**10.24.020 Permit required for exception—Conditions for operation of vehicle.**

A. The permit application may be obtained at:

Porter 1955 Valparaiso, Phone Fax (219) 465-3569	County South	St. IN (219)	Highway Rd.	Department 2 46383 465-3572
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- B. The Porter County highway superintendent is authorized to set or reduce speed limits when issuing permits; however, in no instance is the speed limit to be reduced to less than thirty (30) miles per hour.
- C. After having obtained from the county highway superintendent a written permit which may be awarded by the exercise of sound discretion of the county highway superintendent and his agents upon due application and writing made to him, any such permittee may operate or cause to be operated upon the county highway system any lawful vehicle or vehicle combination, having a maximum gross axle weight, with load, in excess of the limitations of weight set forth herein before in this chapter and being otherwise lawful; provided, however, that each and all such permittees, with each separate excess weight so specifically permitted, shall operate and move the specially permitted weight loads only upon the roads and highways of the county highway system on the route and as directed in writing by the county highway superintendent in granting such written permits.

(Ord. 96-4 §§ 1(4), (5))

#### **10.24.030 Exemptions from permit process.**

Empty trucks are exempt from the permit process. An empty truck is defined as a truck with standard equipment and no additional fuel-carrying tanks and/or auxiliary tanks.

(Ord. 96-4 § 2)

#### **10.24.040 Special highway fund and disbursement of fines.**

- A. Whereas I.C. 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; and
- B. Whereas I.C. 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
- C. Whereas the board of county commissioners has deemed it necessary for the effective operation of government as to local affairs to create a special fund for the deposit of fines and revenues generated by the Frost Law ordinance in Porter County, Indiana;
- D. It is ordered and ordained by the board of county commissioners that the revenues generated as a result of fines from enforcement of the Frost Law ordinance be deposited into a special highway fund, entitled the county highway overweight vehicle fund which fines and revenues shall be utilized specifically to maintain and preserve the county roads in Porter County.
- E. The revenues generated and deposited in the county highway overweight vehicle fund can be used only for the specific purpose set forth in this chapter, said expenditures to be limited to improving and maintaining county highways;
- F. The revenues collected and deposited in the county highway overweight vehicle fund shall be utilized exclusively for the improvement and maintaining of county highways and shall not be utilized for any other purposes, including the payment of salaries or fringe benefits for Porter County highway employees;
- G. The county highway overweight vehicle fund herein created shall remain in existence and remain perpetual in its terms until amended or terminated by subsequent ordinance enacted by the board of commissioners; and
- H. If and when a subsequent ordinance is passed to terminate the life of the county highway overweight vehicle fund the fund balance existing, if any at that time, and if not otherwise provided for by ordinance, should be transferred to the county general fund.

(Ord. 96-4 § 5)

#### **10.24.050 Enforcement.**

- A. Enforcement of this chapter shall be by the Porter County sheriff's police.
- B. It shall be the duty of the Porter County prosecuting attorney, to whom the Porter County sheriff's police shall report any violations of the provision of this chapter, to cause proceedings to be commenced against the person violating the provisions of this chapter and to prosecute to final termination.

(Ord. 96-4 § 5)

#### **10.24.060 Violations—Penalties.**

Violation of any posted sign regulating traffic 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 a violation of a posted vehicular weight limit, court costs and a fine as set forth in the following schedule:
  - 1. Overweight without a special permit: Zero to four thousand (4,000) pounds overweight, three hundred dollars (\$300.00).
  - 2. Over four thousand (4,000) pounds overweight: Five hundred dollars (\$500.00) plus one hundred dollars (\$100.00) additional fine for each one thousand (1,000) pounds or portion thereof above four thousand (4,000) pounds overweight.
  - 3. Overweight With Special Permit. Any owner or operator of a vehicle which is operated on public rights-of-way in the unincorporated areas of Porter County, Indiana, in violation of the weight limits imposed under a special permit granted by the supervisor of the Porter County highway department shall, upon a finding thereof, be subject to the payment of costs and a fine pursuant to the schedule set forth in subsection (A)(1) and (2) of this section as if no special permit had been granted.
  - 4. Other Violations. Any other violation of the terms and conditions of a special permit granted by the supervisor of the Porter County highway department shall, upon a finding thereof, be subject to the payment of court costs and a fine of no less than three hundred dollars (\$300.00) and no more than ten thousand dollars (\$10,000.00).
- B. Overweight permits are to be issued on forms acceptable to the county commissioners.

(Ord. 96-4 § 3)

### **Chapter 10.26 PARKING OF CERTAIN VEHICLES ON STREETS OR HIGHWAYS IN RECORDED SUBDIVISIONS**

#### **Sections:**

[10.26.010 Prohibition of parking certain vehicles in residentially zoned subdivisions.](#)

[10.26.020 Definitions.](#)

[10.26.030 Violations and penalties.](#)

#### **10.26.010 Prohibition of parking certain vehicles in residentially zoned subdivisions.**

It is unlawful and a violation of this chapter for any person, firm or corporation to park any truck, trailer, or commercial type motor vehicle or any combination thereof upon the paved portion of any street or highway in any residentially zoned subdivision located in the county of Porter outside the corporate limits of any city or town for a period of more than two hours at any time, day or night.

It is also unlawful and a violation of this chapter for any person, firm, or corporation to park any truck, trailer, or commercial type motor vehicle or any combination thereof in any area of a residentially zoned subdivision located in the county of Porter outside the corporate limits of any city or town anywhere other than an established private drive.

(Ord. 98-21 § 1 (part))

#### **10.26.020 Definitions.**

As used in this chapter, the words "paved portion of any street or highway" means that portion of a street or highway which has been either paved or improved for use by motor vehicles with concrete, asphalt, stone, gravel, slag, cinders, or other similar materials or combinations thereof.

(Ord. 98-21 § 1 (part))

#### **10.26.030 Violations and penalties.**

An officer of the Porter County sheriff's police department may issue a citation to any person who violates [Section 10.26.010](#). upon conviction for a violation of that section, a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) per violation may be assessed by the court.

(Ord. 98-21 § 1 (part))