

ORDINANCE BOC 2023- 02

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF TIPTON COUNTY, INDIANA ESTABLISHING A TRUCK ROUTE AND RESTRICTING HEAVY TRUCK THROUGH TRAFFIC ON OLD STATE ROAD 28 IN TIPTON COUNTY, INDIANA

WHEREAS, Tipton County, Indiana (“the County”), may, pursuant to Indiana Code Section 36-1-3 (Home Rule), enact ordinances for the effective governance of its departments; and

WHEREAS, in the fall of 2022, the County took over maintenance from the Indiana Department of Transportation (“INDOT”) of a portion of what was formally known as Indiana State Road 28 running through the County, and which has recently been renamed Old State Road 28, running east and west between County Road 300 West and County Road 560 West; and,

WHEREAS, to promote more efficient traffic patterns, reduce maintenance and repair costs, and prevent travel by heavy truck through traffic over Old State Road 28, the County desires to hereafter designate that portion of Division Road that runs east and west between U.S. Highway 31 (hereafter “U.S. 31”) and Indiana State Road 19 (hereafter “19”), as a truck route (“Truck Route”); and,

WHEREAS, with some exceptions, semi-tractors and or trailers traveling through the County which are not making local deliveries, with a gross combined weight of twenty-six thousand (26,000) pounds or more (also referred to herein as “heavy truck through traffic”), should be prohibited on Old State Road 28; and,

WHEREAS, INDOT has or will erect signage in the County designating the Truck Route and INDOT will hereafter communicate electronically with heavy truck through traffic to discourage such traffic on Old State Road 28, and instead promote the Truck Route for such heavy truck through traffic.

NOW THEREFORE, BE IT ADOPTED AND ORDAINED BY THE TIPTON COUNTY BOARD OF COMMISSIONERS, AS FOLLOWS:

1. That portion of Division Road which runs east and west between U.S. 31 and State Road 19 in the County is now designated a Truck Route.
2. No person shall operate semi-tractors and or trailers with a gross combined weight of twenty-six thousand (26,000.00) pounds or more (“heavy truck through traffic”) on Old State Road 28 in the County, except on the Truck Route, and any violations thereof shall be subject to penalties set forth in Section 90 of the Tipton County Code, which shall hereafter incorporate the provisions of this Ordinance.
3. Exceptions to the prohibited operation of heavy truck through traffic on Old State Road 28 shall include those motor vehicles making local deliveries, and agricultural vehicles, farm equipment or farm implements owned and or operated by residents of Tipton County transporting grain or other agricultural products to a elevators or other storage facilities within the County, fire and other emergency vehicles, state, county, or private road

construction traffic that are making repairs or maintaining roads in the County, garbage or other public or private utility company vehicles while servicing locations within the County, and vehicles owned or operated by citizens of the County necessary to travel to and from their place of residence or employment.

4. The County Highway Department is authorized to erect any signage on County roads necessary to effectuate and implement this Ordinance.
5. All other Ordinances or parts of Ordinances in conflict with any provision(s) of this Ordinance as of its effective date, are repealed to the extent of any such conflict, except that no definition contained herein shall in any way modify or repeal any other definition contained in any other Ordinances of Tipton County.
6. The County Highway Superintendent ("Superintendent") shall have authority to grant a written permit in special cases that would otherwise be a violation of this Ordinance. Such permits shall provide for a specified route and be valid only for a specific number of days. The Superintendent shall charge a reasonable fee for any special permits issued.
7. This Ordinance shall be effective upon adoption by the Board of Commissioners, erection of any signage, and after publication.
8. The County Auditor is authorized to add this Ordinance to Section 10.99 of the Tipton County Code as an addition or amendment thereto.

PASSED AND ADOPTED this _____ day of January, 2023.

Tipton County Board of Commissioners by:

Dennis L. Henderson, President

Tracey Powell, Vice President

Nancy Cline, Member

Attest:

Melissa Pickering
Tipton County Auditor

Prepared by:

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I affirm under the penalties for perjury that I have taken reasonable care to redact each social security number from the documents, unless required by law. Mark R. Regnier