

ORDINANCE BOC 2022- 15

AN ORDINANCE OF THE COMMISSIONERS OF TIPTON COUNTY, INDIANA ESTABLISHING A TRUCK ROUTE AND RESTRICTING TRAVEL OF CERTAIN MOTOR VEHICLES UPON AND OVER COUNTY ROADS LOCATED IN THE UNINCORPORATED AREAS OF 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, which has now been renamed Old State Road 28, and which runs east and west between County Road 300 West and County Road 560 West; and,

WHEREAS, to promote more efficient traffic patterns and prevent unnecessary wear and tear on roads that may not be constructed to handle heavier loads, 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, vehicles with a gross combined weight of twenty-six thousand (26,000) pounds should be prohibited on Old State Road 28, and other unincorporated areas of Tipton County not otherwise designated as a Truck Route; and,

WHEREAS, INDOT has or will erect signage on the appropriate roads designating the Truck Route; and,

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

- Definitions:
- Agricultural Vehicles**--- means every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the operation of agricultural business.
 - Road** --- means any street, highway, or route within unincorporated areas of Tipton County, which is not otherwise designated a state highway.
 - Truck** – means every motor vehicle with a combined gross weight of 26,000 pounds or more, which is designed, used, or maintained primarily for the transportation of property.
 - Person** – includes any natural person, agency, company, organization, firm, association, partnership, joint venture, corporation, LLC, trust or an equivalent entity or combination thereof.

1. There is now established a Truck Route in Tipton County, Indiana, on that portion of Division Road, which runs east and west between U.S. Highway 31 and State Road 19 in Tipton County, Indiana.
2. No person shall operate a truck on Old State Road 28 or other roads in any unincorporated areas of the County other than 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 include the provisions of this Ordinance.
3. Exceptions to this Ordinance shall include trucks making local deliveries, agricultural trucks or farm implements owned, leased or operated by County residents transporting grain or other agricultural products to a grain elevator or other facility within the County, delivery services trucks including USPS, Fed Ex, UPS, or other freight delivery services, 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 trucks owned or operated by citizens of the County coming to or from their place of residence or business. However, all such trucks shall use roads to and from their home, business or destination(s) that are closest to the designated Truck Route.
4. The County Highway Department shall erect any signage on County roads necessary to effectuate and implement this Ordinance.
5. All other Ordinance or parts of Ordinances in conflict with any provision(s) of this Ordinance as of the effective date hereof, are repealed to the extent that such conflict, except that no definition contained herein shall in any way modify or repeal any other definition contained in other Ordinances of Tipton County.
6. The County Highway Department 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 routes and not be valid for more than a ten (10) day period. The Superintendent shall charge of fee for said special permits.
7. This Ordinance shall be effective upon adoption by the Board of Commissioners, erection of signage, and after publication.
8. The County Auditor is authorized to add this Ordinance to Section ____ of the Tipton County Code as an addition or amendment thereto.

PASSED AND ADOPTED this ____ day of _____, 202__.

Tipton County Board of Commissioners by:

Dennis L. Henderson, President

Nancy E. Cline, Vice President

Tracey Powell, Member

Attest:

Gregg A. Townsend
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