

ORDINANCE 96-57-CM

TIPPECANOE COUNTY OBSTRUCTION FREE ZONE ORDINANCE

WHEREAS, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Boards of Commissioners relative to the adoption of ordinances; and

WHEREAS, the Tippecanoe County Board of Commissioners, after holding a public hearing, found that certain objects are creating a hazard along County roads; that many of these objects are within the County’s road right-of-way; that there are no uniform guidelines or specifications being followed during the construction or placement of these objects; and that Tippecanoe County should provide requirements for the construction or placement of these objects.

NOW THEREFORE, the Tippecanoe County Board of Commissioners directs the Tippecanoe County Highway Department to enforce the following requirements:

1. Any object within the obstruction free zone of any Tippecanoe County road to be accepted by Tippecanoe County shall meet the requirements of the U.S. Postal Service as well as the Obstruction Free Zone Regulation of the Tippecanoe County Highway Department.
2. Objects not meeting these regulations may be found to be road hazards. Any object that the County finds to be hazardous shall be removed by the owner upon notification by the County. Specifications for this notification can be found within the referenced County regulation.
3. All objects constructed or placed within the obstruction free zone on or after the effective date of this Ordinance shall comply with the regulations herein referenced.
4. If an existing object is within the obstruction free zone of a road which has been requested for acceptance by the County and is allowed to remain in place, the road will not be accepted by the County.
5. A Permit to Work in the Right-of-Ray must be obtained prior to the installation or construction of any light poles within the Tippecanoe County right-of-Way (sic).

PENALTY FOR VIOLATION OF THIS ORDINANCE

- A. A person who violates sections 1,2,3 or 5 of this Ordinance commits a Class C infraction and shall be fined \$100.00 and all costs, including court costs, for each violation. Whenever the Tippecanoe County Highway Department discovers or is given notice of a violation, the Department shall give a maximum of 30 days notice, by certified mail, to the owner of the property upon which the violation exists. IF the owner fails to act within the specified time of the violation notice letter, then each day of maintenance of the violation beginning the day after the specified time constitutes a separate offense.
- B. If the violation is maintained beyond the time specified in the violation notice letter, the Department reserves the right, after giving a maximum of up to thirty days notice by certified letter, to remove the violation with the cost of removal to be billed to the owner.

CONSTRUCTION OF THIS ORDINANCE

This Ordinance does not repeal any prior ordinance and is in addition to the existing ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior ordinances, the provisions of this Ordinance shall supersede such conflicting

provisions. **AND BE IT FURTHER ORDAINED** that this Ordinance shall be effective
January 1, 1997.

FIRST READING

ACCEPTED AND APPROVED by the Board of Commissioners of the County of
Tippecanoe on the _____ day of _____, 199_____.

NOTE: THIS ORDINANCE WAS TABLED DECEMBER 30, 1996.