

AMENDED ORDINANCE NO. 11-25-19-A

AN ORDINANCE CONCERNING
PLACEMENT OF SIGNS IN PUBLIC RIGHT OF WAY

WHEREAS, the Board of Commissioners of Hamilton County, as the legislative body of Hamilton County, Indiana, has the authority to regulate the use of public rights of way defined as "Hamilton County Right of Way" in this Ordinance; and,

WHEREAS, the placements of signs near public streets can, in some circumstances, impair the visibility of drivers of the vehicles on public streets; and,

WHEREAS, the placement of signs near public streets increases visual clutter within the public right of way, distracts drivers on the streets, and makes it more difficult for motorists to recognize regulatory signs which are necessary for safe travel along the public street; and,

WHEREAS, Hamilton County has legitimate public interest in enhancing the safety of persons who travel the public streets which are under the jurisdiction of the Board of Commissioners of Hamilton County; and,

WHEREAS, it is in the best interest of the health, safety, and welfare of the citizens of Hamilton County that the Board of Commissioners of Hamilton County pass an Ordinance which prohibits the placement of all non-public safety signs within public rights of way in the unincorporated area of Hamilton County; along other roads and bridges maintained by Hamilton County; and on land owned by the County.

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County as follows:

SECTION 1. DEFINITIONS. For purposes of this Ordinance, the following terms shall have the following definitions:

a. "Hamilton County Streets" includes:

1. All public streets within the unincorporated area of Hamilton County.
2. 146th Street east from the Boone County line to Marilyn Road.
3. Campus Parkway east from Marilyn Road to the I-69 bridge.
4. Olio Road from 96th Street north to, and including, the round-a-bout at Campus Parkway.
5. Any bridge of over twenty (20) feet in length located within Hamilton County other than bridges over I-69, US 31, State Road 37, and Keystone Parkway.

b. "Hamilton County Right of Way" shall mean the land contiguous to a Hamilton County Street, extending a minimum of twenty (20) feet from the centerline of the street, pursuant to Indiana Code § 8-20-1-15, and shall include additional land which contains sidewalks, multi-use paths, drainage ditches along the road, land conspicuously used for the placement of public

utilities, and/or directional signs. In the event there is no obvious designation of the right of way based upon the above, the term "Hamilton County Right of Way" shall include at least the area between the edge of pavement of a Hamilton County Street to the farthest of the following distances:

1. The area between Hamilton County Street and the furthest edge of any public trail or sidewalk.
2. The edge from the Hamilton County Street to above ground utility poles or other utility structures, which are installed parallel to the Hamilton County Street.

Any person seeking information concerning the width of Hamilton County Right of Way at a specific location of a Hamilton County Street, may call the Hamilton County Highway Department at 317-773-7770 or email county.highway@hamiltoncounty.in.gov. A request must specifically identify the location of the right of way by street location.

SECTION 2. PROHIBITION.

- a. No sign shall be placed within the Hamilton County Right of Way or upon real estate owned by Hamilton County or a department of Hamilton County Government, other than traffic and designation signs approved by the Board of Commissioners or the Hamilton County Highway Department.

- b. Nothing herein shall be deemed to prohibit the placement signs outside of Hamilton County Right of Way of Hamilton County Streets, as long as said signs are placed on the private property with the consent of the owner or occupant of the property.
- c. Exemptions: The following signs are exempt from the prohibition of Section 2(a) so long as they do not: (1) obstruct any traffic or designation signs; or (2) obstruct the view of drivers on Hamilton County Streets:
 - 1. Government signs that are placed by government officers in the performance of their official duties;
 - 2. Temporary or permanent signs erected by public utility companies, construction companies; or County employees in the performance of their professional duties; and,
 - 3. Temporary signs necessary to prevent an immediate threat to public health and safety.

SECTION 3. JURISDICTION. This Ordinance shall only be applicable to the placement of signs within Hamilton County Right of Way or on land owned by Hamilton County or any department of Hamilton County Government as described in Section 1(d) above.

SECTION 4. RETRIEVAL OF SIGNS.

- a. Any person, company, or other entity identified on a sign, or their representative designated in writing, may retrieve signs collected by the

County under this Ordinance. The person claiming the signs must be identified on a Retrieval Form available from the Highway Department at www.hamiltoncounty.in.gov or by requesting a form from the Highway Department at 317-773-7770. Prior to the release of the sign(s) by the County, the owner of the sign or their designee, shall pay a fee to the County to partially pay the cost of collecting and storing the signs, which fees for collection shall be:

1. Three Dollars (\$3) for each sign of six (6) square feet or less; and,
 2. Fifteen Dollars (\$15) for each sign larger than six (6) square feet.
- b. The above fees are based upon the reasonably estimated costs of trucks and crews used to collect the signs and the reasonably estimated number of signs which may be collected during certain times as shown on Exhibit A.
- c. The payment and release of the signs shall occur at the Hamilton County Highway Department, at 1700 S. 10th Street, Noblesville, Indiana, during regular business hours, Monday-Friday from 8:00 am until 4:30 pm. All payments shall be paid by credit cards, or debit card. All payments shall also include a three percent (3%) charge for processing the credit card.
- d. In the event the owner of the sign or their designee do not collect their signs from the Hamilton County Highway Department before June 30th, or

December 31st of each year, the signs may be destroyed by the County without liability to the owner.

- e. All reimbursement fees collected under this Ordinance shall be placed in a segregated fund and shall be used solely to reimburse the County for the costs of designated employees of Hamilton County for overtime, and/or comp time as required by law.
- f. Any person who believes their signs were improperly removed under this Ordinance may file an appeal for a refund of the fees collected under Section 4(a) above. Said appeal shall be made to the Board of Commissioners of Hamilton County, whose decision may be appealed to a Court of proper jurisdiction only based on abuse of discretion.

SECTION 5. REMOVAL OF SIGNS.

- a. The Director of Planning, his designee, all employees of the Hamilton County Highway Department and any Hamilton County Deputy Sheriff may remove any sign placed or maintained in violation of this Ordinance. Any person designated above may remove a sign located within Hamilton County Right of Way or on property owned by the County immediately and without notice. All signs collected shall be delivered to the Hamilton County Highway Department at 1700 South 10th Street, Noblesville, Indiana, during normal business hours and within two (2) business days of removal.

- b. All signs unlawfully placed within Hamilton County Right of Way may be removed, collected, and held at the Hamilton County Highway Department. Neither Hamilton County, nor a person designated by Hamilton County, shall be liable to the owner of the sign for the removal or damage of the sign collected from Hamilton County Right of Way or on land owned by the County.
- e. Any landowner within the unincorporated part of Hamilton County, may, without notice, or liability to the owner of the sign, remove and dispose of any sign placed upon the landowner's land without the landowner's permission.
- d. This Ordinance shall not be construed to limit the placement of Non-Commercial Signs on private property with the permission of owner or tenant of the land.

SECTION 6. REPEAL. This Ordinance shall repeal Ordinance No. 02-12-18-B, Ordinance No. 02-26-18-B, and Ordinance 04-03-18-A.

SECTION 7. SEVERABILITY. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 8. EFFECTIVE DATE. This Ordinance shall be in full force effect on February 1, 2020. The Auditor of Hamilton County shall cause notice of adoption of this Ordinance to be published pursuant to Indiana law.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Hamilton County
on the 19th day
of December, 2019.

BOARD OF COMMISSIONERS
OF HAMILTON COUNTY

Steven C. Dillinger
Mark E. Heirbrandt
Christine Altman

ATTEST:

Robin M. Mills, Auditor