

ORDINANCE NO. 04-03-18-A

AN ORDINANCE AMENDING 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 often impairs 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. "Commercial Signs" shall mean any sign which advertises products, goods, businesses or services or identifies a business located onsite or offsite from the location of the sign. All Commercial Signs placed outside of Hamilton County Right of Way shall be regulated by the terms and conditions of the Hamilton County Zoning Ordinance or the zoning ordinances of the appropriate city and town within their jurisdiction.
- b. "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, and Keystone Parkway.
- c. "Non-Commercial Signs" shall mean signs which are not Commercial Signs and express an opinion, point of view, or statement such as political, religious, or ideological sentiment, or support or opposition to a candidate or proposition for public election.
- d. "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 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.
3. 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 described in Section 1d above, other than traffic and designation signs approved by the Board of Commissioners or the Hamilton County Highway Department.
- b. Commercial Signs within the unincorporated part of Hamilton County are regulated by the terms and conditions of the Hamilton County Zoning Ordinance.
- c. Nothing herein shall be deemed to prohibit the placement of Non-Commercial 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.

SECTION 3. JURISDICTION. This Ordinance shall only be applicable within Hamilton County Right of Way described in Section 1(d) above.

SECTION 4. RETRIEVAL OF SIGNS.

a. Any candidates, companies, or other entities identified on a sign, or their representative designated in writing, may retrieve signs collected by the County under this Ordinance. Prior to the release of the sign(s), the owner of the sign or their designee, shall pay a fee to the County to partially pay the cost of collecting the signs, which fees for collection shall be:

1. Five Dollars (\$5) for each sign of six (6) square feet or less; and,
2. Twenty-five Dollars (\$25) for each sign larger than six (6) square feet.

b. 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 cash, credit cards, or debit card.

c. In the event the owner of the sign or their designee do not collect their signs from the Hamilton County Highway Department within sixty (60) days of the collection of the signs, the signs may be destroyed by the County without liability to the owner.

d. All reimbursement fees collected under this Ordinance shall be placed in a segregated fund and shall be used solely for the reimbursement of the costs of designated employees of Hamilton County to be compensated for additional work time and/or comp time as required by law.

e. 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 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.
- 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 of the sign in Hamilton County Right of Way or on land owned by the County.
- c. 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. SIZE OF NON-COMMERCIAL SIGN. The Non-Commercial Signs placed on private property shall be limited to six (6) square feet other than signs expressly authorized by Indiana Code 36-1-3-11.

SECTION 7. REPEAL. This Ordinance shall repeal Ordinance No. 02-12-18-B and Ordinance No. 02-26-18-B.

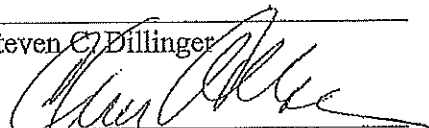
SECTION 8. EFFECTIVE DATE. This Ordinance shall be in full force effect upon publication on April 6, 2018. The Auditor of Hamilton County shall cause notice of adoption of this Ordinance to be published pursuant to Indiana law.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Hamilton County on the 3rd day of April, 2018.

BOARD OF COMMISSIONERS
OF HAMILTON COUNTY

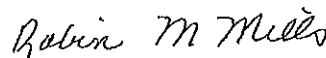


Mark E. Hairbrandt

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ATTEST:



Robin M. Mills, Auditor