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Boone Co. Comm

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07/08/2019 03:33:51P 2 PGS
Nicole K. (Nikki) Baldwin
Boone County Recorder IN
Recorded as Presented

ORDINANCE 2019-09



BOONE COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE AMENDING BOONE COUNTY CODE SECTION 70.04 RELATING TO VEGETATIVE MATTER NEAR COUNTY ROADS

WHEREAS, The Board of Commissioners of Boone County, Indiana (“Boone County”), may, pursuant to Indiana law [I.C. 36-1-3 (Home Rule)], enact ordinances for effective governance of the County and its Offices and Departments; and

WHEREAS, Boone County is responsible for maintaining all county owned roads within its jurisdiction and to provide for the safety of pedestrians and motorists using county roads; and

WHEREAS, Boone County Code Section 70.04 provides that the County Highway Department is empowered to trim, cut or remove all trees, bushes, plants or other vegetative matter (“vegetative matter”) a distance of ten feet (10’) from the pavement, berm or travel portion of any county road; and

WHEREAS, Boone County has determined that it is in the best interests of public safety to permit the Highway Department to remove vegetative matter by the use of herbicides, pesticides or weed control chemicals within ten feet of the travel portion of county roads to further protect the motorists and their vehicles and pedestrians using the roads and to reduce costs and expenses of the Highway Department; and

WHEREAS, Boone County finds that is in the best interests of the County, its residents and taxpayers to permit the Highway Department to apply chemicals to remove and control vegetative growth a distance of ten feet (10’) from the edge of the travel portion of any county road, or to the edge of the Apparent Right-of-Way, as defined by Indiana law, whichever is less.

NOW, THEREFORE, BE IT ADOPTED AND ORDAINED by the Board of Commissioners of Boone County, State of Indiana, to hereby amend Boone County Code Section 70.04 as follows (*bold italics denote added language; language stricken is denoted with lines through the text*): The Highway Superintendent, the County Highway Department, its employees, agents and contractors are empowered with the authority to trim, cut, **spray herbicides, pesticides or weed control**, or remove all trees, bushes, plants or other vegetative matter (“vegetative matter”) that is growing or present a distance of ten feet (10’) from the pavement, berm or travel portion of any county road, said distance measured perpendicular from

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Shelley R. Myers
Boone County Auditor

the nearest edge of travel portion of the county road, or to the edge of the Apparent Right-of-Way, whichever is less.


This Ordinance shall become effective as set forth in Indiana law. If any portion or provision of this Ordinance is subsequently deemed unconstitutional or otherwise declared void by a Court of competent jurisdiction, the remaining portions of the Ordinance will continue in full force and effect.

PASSED AND ADOPTED BY THE BOONE COUNTY BOARD OF COMMISSIONERS
THIS 1st DAY OF JULY, 2019.

BOARD OF COUNTY COMMISSIONERS OF
BOONE COUNTY



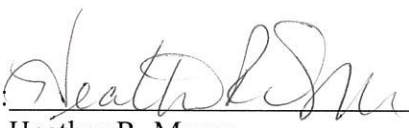
Jeff Wolfe, President



Donald Lawson



Tom Santelli

ATTEST: 

Heather R. Myers,
Boone County Auditor

This Document was prepared by Robert V. Clutter, Boone County Attorney, 117 W. Main St., Lebanon, IN 46052

I, Robert Clutter, have taken care to redact all Social Security Numbers from this document as required by Indiana Law