

**ORDINANCE 2022-02**

**BOONE COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE ESTABLISHING REIMBURSEMENT FOR PLAN REVIEW FEES FOR THE BOONE COUNTY HIGHWAY DEPARTMENT**

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

WHEREAS, The Boone County Highway Department (“Highway Department”) is required to review all proposed projects for development within Boone County that affect or impact county owned roads, bridges or rights-of-way (hereinafter “Projects”); and

WHEREAS, The review of Projects includes a detailed review of all plans and drawings , drafting and submission of comments to the agency with land use jurisdiction over the Project, attending meetings, and on-site inspections and the issuance of permits or approvals (hereinafter “Plan Review”); and

WHEREAS, Due to the growth of Boone County and the increased requirements for Plan Review, The Boone County Commissioners believe it is in the best interests of Boone County to engage professionals, including but not limited to architects, engineers, and land use planners (“Professionals”) to assist the Highway Department in Plan Review; and

WHEREAS, the Boone County Commissioners and Highway Department may engage such Professionals under the authority vested in Indiana law; and

WHEREAS, so as not to negatively impact the taxpayers of Boone County, the fees generated by the Professionals should be the sole responsibility of the owner or developer of the Project, and the Boone County Commissioners desire to enact this ordinance requiring reimbursement of any such Professional fees for Plan Review.

NOW, THEREFORE, BE IT ADOPTED AND ORDAINED by the Board of Commissioners of Boone County that the Boone County Highway Department may engage Professionals for Plan Review of Projects within Boone County and finds and ORDAINS as follows:

1. FEE AMOUNT. As a condition of the submittal and review of Projects by the Boone County Highway Department, the owner and developer agree to pay the Highway

Department the applicable fee, as set by the Highway Department with respect to review of all Projects, including but not limited to driveway submittals, preliminary plans, final plans, re-zonings, variances and development plan reviews along with accompanying information and data.

2. TIME OF PAYMENT. After the meeting at which the Boone County Highway Department is scheduled to consider acceptance of the applicant's final development plan, the Boone County Highway Department will furnish a written statement to the applicant specifying the total amount due the Boone County Highway Department in connection with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by applicant for Plan Review and any anticipated inspection fees (" Fee Statement"). Owner/Developer shall pay to the Boone County Highway Department the amount reflected in the Fee Statement within thirty (30) days of receipt. The Boone County Highway Department may issue the Fee Statement upon receipt of invoicing from the Professional, and such payment is due by owner/developer/applicant upon receipt of said billing statement regardless of whether the Project is advanced to the final acceptance stage. The Boone County Highway Department shall have the right to reject the development plans or may withhold the requested approvals or permits for any Project for which the applicable fees have not been paid.
3. METHOD OF PAYMENT. Fees shall be paid by one of the following methods:
  - Certified Check
  - EFT or electronic payment
  - Cashier's Check
  - Money Order
  - Credit Card (Mastercard or Visa)

All checks shall be made payable to the:

Boone County Highway Department

1955 Indianapolis Avenue

Lebanon, IN 46052

Fees are refundable only if the Boone County Highway Department determines that compliance by the development to this Ordinance is not necessary.

4. This Ordinance shall be recorded with the Boone County Recorder and shall be effective in accordance with Indiana law.
5. If any provision of this Ordinance is found illegal or unconstitutional by a court of competent jurisdiction, that provision shall be excised and removed such that the non-offending provisions of this ordinance survive in full force and effect.

PASSED AND ADOPTED BY THE BOARD OF BOONE COUNTY COMMISSIONERS  
THIS 20<sup>th</sup> DAY OF JUNE, 2022.

BOARD OF COUNTY COMMISSIONERS OF  
BOONE COUNTY

  
\_\_\_\_\_  
Jeff Wolfe, President

  
\_\_\_\_\_  
Donald Lawson

  
\_\_\_\_\_  
Tom Santelli

ATTEST:

  
\_\_\_\_\_  
Debbie Morton-Crum  
Boone County Auditor

I, Robert Clutter, swear and affirm that I have redacted all social security numbers from this document in accordance with Indiana law.

  
\_\_\_\_\_  
Robert Clutter

Drafted by Robert Clutter, Boone County Attorney, 117 W. Main Street, Lebanon, IN 46052