

ADAMS COUNTY AMENDATORY ORDINANCE NO.: 2020-8

SHORT TITLE: AN ORDINANCE OF THE BOARD OF COMMISSIONERS, COUNTY OF ADAMS, STATE OF INDIANA, WHICH AMENDS ORDINANCE 20 16-14 PROVIDING FOR DUST CONTROL PROCEDURES FOR THE ADAMS COUNTY HIGHWAY DEPARTMENT

WHEREAS, the Board of Commissioners, County of Adams, State of Indiana, adopted Ordinance 2016-14 which provides for dust control procedures for the Adams County Highway Department; and

WHEREAS, the Board of Commissioners, County of Adams, State of Indiana, desire to revise and amend Ordinance 2016-14 and enact this Ordinance to govern the dust control procedures for the Adams County Highway Department; and

WHEREAS, Indiana Code § 36-1-3 et seq. confers upon local units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Board of Commissioners, County of Adams, State of Indiana, recognize that Adams County has a rural population and that some of the county roads are composed of gravel;

WHEREAS, the Board of Commissioners, County of Adams, State of Indiana, recognize that gravel roads in and throughout Adams County produce dust when vehicles travel along those gravel public roadways in Adams County;

WHEREAS, the Adams County Highway Department offers a program to residents of Adams County for a fee that mitigates dust on gravel public roadways in Adams County in which the Adams County Highway Department applies a commercial application (hereinafter referred to as "Dust Control") to the road surface to suppress dust from emitting from the gravel roadway;

WHEREAS, the public can purchase the service of the Adams County Highway Department, which shall apply the Dust Control to the gravel roadway, based on the market price of the Dust Control at the time the Adams County Highway Department purchases the Dust Control;

WHEREAS, the Adams County Highway Department applies 1.5 gallons of dust Control per lineal feet of gravel roadway in order to mitigate dust on the gravel public roads of Adams County;

WHEREAS, the Adams County Highway Department shall provide Dust Control services to residents of Adams County, at the market rate multiplied by 1.5 gallons multiplied by the number of lineal feet of gravel roadway treated with Dust Control, with 100 lineal feet constituting the minimum amount to be treated.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF INDIANA AS FOLLOWS:

Section 1. Definitions. The terms and definitions referenced in this ordinance are specific to this ordinance. The terms and definitions shall not have universal meaning in any other ordinance unless specific reference has been made to this ordinance and the term to be incorporated into another ordinance.

A. "*Dust Control*" is an industrial road applicant that can be applied to gravel road surfaces to suppress, mitigate and reduce dust from being generated by vehicular traffic traveling on gravel public roadways.

B. "*Market Price*" is the price per gallon Adams County pays to purchase Dust Control from suppliers of the road applicant.

C. "*Gravel Road(s)*" public roadways in Adams County that have not been paved or chip and sealed and that consist of a gravel base for the road surface the public travels upon.

D. "*Lineal Foot*" means the measure of the public roadway from a point on the center-line of a gravel road to point twelve (12) inches from the starting point measured along the same center-line. Lineal foot shall include the entire width of the gravel road surface that is adjacent to the center-line for purposes of applying Dust Control.

Section 2. Administration and Application. The Adams County Highway Department shall have authority to administer Dust Control to the gravel public roadways in Adams County and to prepare application forms to be completed by residents of Adams County who want to purchase Dust Control and services from the Adams County Highway Department. Additionally, the Adams County Highway Department is authorized to develop written policies regarding its Dust Control services and pricing. Proceeds collected by the Adams County Highway Department shall be subject to the Adams County Internal Control Ordinance for purposes of tracking and depositing proceeds.

Section 3. Costs. Residents who complete the Adams County Highway Department application form to purchase Dust Control services shall pay the Adams County Highway Department the Market Price per Lineal Foot purchased with a minimum of One Hundred (100) feet required to be purchased.

Section 4. Effectiveness. This ordinance shall take effect and be in full force from the date of its passage and approval and thereafter as required by law.

ADOPTED, by the Board of Commissioners, County of Adams, State of Indiana, this 14 day of July, 2020, at 11:56 AM, by a vote of 3 ayes and _nays.

BOARD OF COMMISSIONERS
COUNTY OF ADAMS, STATE OF INDIANA
Kim Fruechte, District 1
Rex Moore, District 2
Doug Bauman, District 3

ATTESTED:
Mary Beery, Auditor for the
County of Adams, State of Indiana