

ORDINANCE NO. 2021- 05

**ORDINANCE ESTABLISHING FINE AND RESTITUTION REQUIREMENT
FOR DAMAGE TO COUNTY HIGHWAYS AND RIGHTS OF WAY**

WHEREAS, the Martin County Board of Commissioners has the authority to establish highways and rights of way and to maintain said highways and rights of way, and

WHEREAS, the Martin County Board of Commissioners now determine that it is appropriate to govern and reduce damage inflicted upon Martin County highways and rights of way so as to preserve the health, safety and welfare of the citizens of Martin County and visitors to the County,

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Martin County Indiana, as follows:

1. Except as permitted by the Martin County Board of Commissioners or the Martin County Highway Superintendent, no person, association, partnership, organization, or corporation shall make any excavation in or cause any damage to any highway or right of way maintained by Martin County Indiana that exceeds the normal wear and tear of any highway or right of way.

2. Damage shall be defined as to erode, strip, crumble, leave vehicle hash marks, spray gravel due to excessive speed, cut into or in any way utilize the highway or right of way in such a manner as to exceed the normal wear and tear of a highway.

3. Any person, association, partnership, organization, or corporation violating any of the provisions of this Ordinance shall be deemed responsible and may be punished by a monetary fine up to \$500.00. A violator may also be required to pay restitution for any damage caused to a highway or right of way, including the cost of labor, supplies, and equipment rental.

4. The provisions of this Ordinance are declared to be severable, and the holding of any Court of competent jurisdiction that any section hereof is invalid shall not impair or invalidate any other section of this Ordinance.

5. All Ordinances, or any section thereof, in conflict with this Ordinance to the extent of such conflict are hereby repealed.

6. This Ordinance will become effective March 24, 2021.

Passed and adopted this 9 day of March, 2021.

**BOARD OF COMMISSIONERS OF
MARTIN COUNTY, INDIANA**



Paul R. George, President



Aaron Summers, Commissioner



Cody Roush, Commissioner

ATTEST:



Bobbie L. Abel
Martin County Auditor