

BEFORE THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

ORDINANCE NO. 2025-85-19

**AN ORDINANCE GOVERNING INSTALLATION OF
STRUCTURES ACROSS A COUNTY HIGHWAY**

WHEREAS, Indiana's Home Rule statute (I.C. § 36-1-3 et. seq.) grants the Board of Commissioners of Wabash County, Indiana, all powers that are necessary to conduct the affairs of the County.

WHEREAS, Indiana Code 8-17-1-1 grants the Board of Commissioners the power to construct and maintain all public highways in Wabash County.

WHEREAS, Indiana Code 8-20-1-15 grants the Board of Commissioners use and control of the right-of-way along all county highways.

WHEREAS, the Board of Commissioners has determined that it would be in the best interests of the citizens of Wabash County, Indiana, that an ordinance be adopted governing the installation and use of temporary or permanent structures that may cross a county highway and/or be within the right-of-way along a county highway.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

1. No person or entity may construct or maintain a temporary or permanent structure, device, or tubing that crosses all or a portion of a county highway or be within the right-of-way along any county highway without first obtaining a permit from the County Highway Department.
2. All applications for a permit shall be submitted using a form of application prescribed by the Department.
3. No application nor permit fee shall be charged.
4. All applications for permits shall include drawings and specifications showing the location and size of the structure, device, or tubing to be constructed or maintained and shall specify the length of time any temporary structure, device, or tubing is anticipated to be maintained. It is recommended that a traffic safety study is performed and provided with all applications for permits. Review and approval by the Plan Commission Director is required for all permanent structure, device, or tubing.
5. Notwithstanding the approval of an application or permit by the Department, the Applicant assumes all responsibility for the construction and maintenance of any structure, device, or tubing. Construction of the structure, device, or tubing shall reasonably conform to the drawings and specifications submitted with the application. If, subsequent to construction or placement of the structure, device, or tubing, any ditch, drain, or utility along the county highway is determined to not longer be able to reasonably function due to the structure, device, or tubing, the Applicant shall promptly remove or relocate the structure, device, or tubing at no expense to the Department or the County. The Applicant is responsible for making sure the structure, device, or tubing does not pose any threat to health or safety of any motorists traveling on or along the highway.


6. The Applicant shall ensure the structure, device, or tubing is clearly marked with reflective tape or material that ensures high visibility during both day and night conditions. Reflective materials must meet the standards set forth by the Manual on Uniform Traffic Control Devices (MUTCD).
7. The Applicant shall ensure appropriate signage shall be posted at all crossroads or points of approach to the structure, device, or tubing indicating that access is restricted to oversized vehicles. Upon removal of the structure, device, or tubing, the Applicant shall be responsible to remove all signage posted pursuant to this Ordinance.
8. The Applicant shall ensure the vertical clearance (height) of any bridge like structure shall be clearly indicated on signage placed in advance of the structure on both approaches. Height measurements shall be accurate and comply with state and federal signage requirements to ensure proper notification for vehicle operators.
9. Any person who violates this Ordinance shall be guilty of a Class "C" infraction.
10. This Ordinance shall be effective upon its adoption and publication of notice of its adoption as required by Indiana law.

ADOPTED this 20th day of October, 2025.

BOARD OF COMMISSIONERS OF WABASH COUNTY


Jeff D. Dawes, Chairman


Cheryl Ross


Tyler Niccum

ATTEST:


Shelly Baucro, Wabash County Auditor