

WABASH COUNTY ORDINANCE NO. 1, 1957

AN ORDINANCE PROHIBITING THE CUTTING OF THE SURFACE OF COUNTY HIGHWAYS WITHOUT THE PERMISSION OF THE BOARD OF COMMISSIONERS, PROVIDING FOR PERMITS AND CHARGES THEREFOR, AND REGULATING THE REPLACEMENT OF MATERIAL IN THE CUTS MADE, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WABASH:

SECTION I.

It shall be unlawful for any person, firm or corporation to cut, excavate through or under, dig across, or otherwise disturb the surface of any of the public highways of this County without first obtaining permission from the Board of Commissioners so to do. Every person contemplating any such work shall, before entering upon such work, make application in person to the Board of Commissioners for a permit therefor.

SECTION II.

Permits granted by the Board of Commissioners for the cutting of county highways shall be conditioned upon the payment by the person or persons applying therefor of a charge therefor based upon the following rates:

- a. Blacktop and concrete highways at the minimum rate of One Dollar (\$1.00) per running foot across the roadway where the cut is eighteen (18) inches or less in width. In case of cuts over eighteen (18) inches in width there shall be an additional charge of Fifty Cents (50¢) for each six (6) inches of additional width or fraction thereof.

All cuts made shall be backfilled with a good grade of gravel, thoroughly tamped during the process of the fill and the fill made level with the surface of the road pavement. No dirt nor low grade dirt or gravel mixture shall be used.

All work shall be subject to the inspection and approval of the Wabash County Highway Supervisor before being accepted by the Board.

- b. Gravel surface road. No charge shall be made for the cutting of gravel surface highways, but application shall be made and permission granted without charge, provided that backfilling shall be done in the same manner and subject to the same inspection and approval as in the case of blacktop and concrete highways. Applications for permission to cut gravel roads may be submitted to the County Highway Supervisor instead of the County Commissioners.

SECTION III.

In cases where any Circuit Court in this state shall order the construction of any drainage work which shall require the cutting of any county highway, the contractor for said work shall be required to pay the same charge as any other person under the schedule hereinabove set out, and to backfill any cut made by virtue of said work in the same manner as above provided. Such charge shall be considered as part of the costs of construction of the drainage work in question and the County Highway Supervisor and the County Surveyor are directed to notify all contractors and all engineers on drainage jobs coming to their attention, accordingly.

SECTION IV

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SECTION IV.

(a) Any person, firm or corporation violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of not less than Thirty Dollars (\$30.00) nor more than One Hundred Dollars (\$100.00), for each offense.

(b) The County Attorney is hereby authorized to institute proceedings for the enforcement of this ordinance and for the prosecution of violations thereof.

SECTION V.

This ordinance shall be published one time in the Wabash Plain Dealer and one time in the North Manchester News Journal, both being newspapers of general circulation, printed and published in Wabash County, Indiana, and of opposite political affiliation; and shall be in full force and effect after one week from the publication thereof in said newspapers.

Ollie Whitesel

Virgil Little

Virgil Little

Lemoine Miltenberger

Lemoine Miltenberger

THE BOARD OF COMMISSIONERS OF THE COUNTY OF WABASH

Attest:

Forrest G. Baer

Forrest G. Baer
WABASH COUNTY AUDITOR

Date: June 4, 1957.