

**LaPORTE COUNTY ORDINANCE NUMBER 97- 26**

**AN ORDINANCE REGARDING LaPORTE COUNTY'S  
OBSTRUCTION FREE ZONE**

**IT HAS COME TO THE ATTENTION OF THE  
LaPORTE COUNTY BOARD OF COMMISSIONERS THAT:**

**WHEREAS**, IC 36-1-4-11 of the Acts of the General Assembly of the State of Indiana, as amended, granted certain powers to the Board of Commissioners relative to the adoption of Ordinances; and

**WHEREAS**, the LaPorte County Board of Commissioners, after holding a public hearing, found that certain objects are creating a hazard along County roads; that many of these objects are within County road right-of-ways; that there are no uniform guidelines or specifications being followed during the construction or placement of these objects; and that LaPorte County should provide requirements for the construction or replacement of these objects.

**NOW, THEREFORE, BE IT ORDAINED BY THE  
BOARD OF COMMISSIONERS OF LaPORTE COUNTY, INDIANA**

**SECTION 1:           THE LaPORTE COUNTY HIGHWAY DEPARTMENT  
IS HEREBY DIRECTED TO ENFORCE  
THE FOLLOWING REQUIREMENTS:**

1. Any object within the obstruction free zone of any LaPorte County road, or any road to be accepted by LaPorte County, shall meet the requirements of the U.S. Postal Services as well as the Obstruction Free Zone Regulation of the LaPorte County Highway Department (hereinafter referred to as "Highway Department").
2. Objects not meeting these regulations may be found to be road hazards including, but not limited to, those objects presently located within the construction free zone. Any object that the County finds to be hazardous shall be removed by the owner upon notification by the County. Specifications for this notification can be found within the referenced County regulation.

3. All objects constructed or placed within the obstruction free zone on, or after the effective date of this Ordinance, shall comply with the regulations herein referenced.
4. If an existing object is within the obstruction free zone of a road, which has been requested for acceptance by the County, and is allowed to remain in place, the road will not be accepted by the County.
5. A permit to work in the right-of-way must be obtained prior to the installation or construction of any light/utility poles within the LaPorte County right-of-way.

**SECTION 2: PENALTY FOR VIOLATION OF THIS ORDINANCE:**

1. Persons who violate Sections 1, 2, 3 or 5 of this Ordinance commits a Class C infraction and shall be fined one hundred dollars and 00/10 (\$100.00), including Court costs, for each violation. When the Highway Department discovers, or is given notice of a violation, the Highway Department shall give thirty (30) days notice, by certified mail, to the owner of the property upon which the violation exists. If the owner fails to act within the specified time of the violation notice, then each day of maintenance of the violation beginning the day after the specified time constitutes a separate offense.
2. If the violation is maintained beyond the time specified in the violation notice letter, the Highway Department reserves the right, after giving an additional thirty (30) days notice of removal by certified mail, to remove the obstructing object with the cost of removal to be paid by the owner.

**SECTION 3: CONSTRUCTION OF THIS ORDINANCE:**

This Ordinance does not repeal any prior Ordinance and is in addition to the existing Ordinances and is to be interpreted in harmony therewith. If there are any conflicts with prior Ordinances, the provisions of this Ordinance shall supersede such conflicting provisions.

**ACCEPTED** and **APPROVED** by the Board of Commissioners of the County of LaPorte on the 14<sup>th</sup> day of October, 1997.

**ATTEST:**

**BOARD OF COMMISSIONERS**

Kenneth Layton  
KENNETH LAYTON, Auditor

By Judy Cunningham  
Deputy Auditor

Clay Turner  
CLAY TURNER, President

Richard J. Kruse  
RICHARD J. KRUSE, Vice-President

Dated: 10/14/97

H.J. "Bud" Kintzele  
H.J. "BUD" KINTZELE, Member

C:\LaPorte\Ordinanc\Free.Zon\October 14, 1997

## **2. LIGHT POLES:**

- A Permit to Work in the Right-of-Way must be obtained before the installation of any light pole. A layout and detail of the proposed light pole(s) must be submitted with a Permit Application.
- Light poles may not be placed in sidewalks.
- Breakaway light poles will not be allowed within subdivisions.
- Barrier Curb - 6" Height Minimum: The face of the light pole must be placed a minimum of thirty-nine (39) inches from the face of the curb.
- Mountable Curb (Rolled Curb): The face of the light pole must be placed a minimum of five (5) feet behind the back of the curb (seven (7) feet from the edge of the travel lane).
- No Curb (Rural Section): The location of the light pole will be evaluated on an individual basis, taking into consideration such factors as the traffic count of the road, the prevailing speeds, the road classification and the road geometric.

## **3. ROCKS, TREES AND OTHER OBJECTS:**

- No trees of any size, or shrubbery taller than eighteen (18) inches may be planted within the Right-of-Way.
- Except as permitted in Parts 1 and 2, no structures or objects taller than four (4) inches may be placed in the Free Zone. Objects less than four (4) inches may be allowed, at the discretion of the Highway Superintendents Fund or the Highway Engineer if they do not interfere with the safety of the traveling public, or the function, maintenance or operation of the highway system.

### **Notification and Violation:**

- See attached form letter.

**OBSTRUCTION FREE ZONE REGULATION  
OF THE  
LaPORTE COUNTY HIGHWAY DEPARTMENT**

An obstruction free zone (hereinafter referred to as "Free Zone"), is defined as the roadside border area that shall be free from obstacles and obstructions. For roads accepted into the LaPorte County Highway System (hereinafter referred to as "Highway System"), the Free Zone includes the entire Right-of-Way. With insufficient Right-of-Way on most LaPorte County (hereinafter referred to as "County") roads to provide enough Free Zone to prevent fixed object collisions, it is a potential hazard that those collisions will occur. The purpose of this regulation is to minimize the severity and number of accidents.

No mailbox, light pole, head wall, basketball goal post, rocks, trees or other structures, or objects, will be allowed to exist in the County Highway Right-of-Way if it interferes with the safety of the traveling public or the function, maintenance or operation of the Highway System. A structure or object that does not conform to the provisions of this Regulation is in violation of County Ordinance 97-\_\_\_\_\_.

**1. MAILBOXES:**

The location and construction of mailboxes shall conform to the rules and regulations of the U.S. Postal Service (hereinafter referred to as "Postal Service"), as well as to standards established by the Highway Department and contained herein.

A mailbox, or other structures, that conform to the following criteria will be considered acceptable unless in the judgment of the Highway Department and/or the County Highway Superintendent, the installation interferes with the safety of the traveling public or the function, maintenance or operation of the highway system.

**Location:**

- The mailbox shall be located a minimum of eight (8) feet off the edge of the traveled way, if there is no paved shoulder, whenever possible. On roads with unpaved shoulder slopes greater than thirteen (13%) percent, the Highway Department may find it acceptable to offset mailboxes less than eight (8) feet.
- If there is a paved shoulder, the face of the mailbox shall be located a minimum of six (6) to twelve (12) inches off the edge of the paved shoulder.
- On roads with a raised curb, the roadside face of the mailbox shall be located six (6) inches from the back of the curb.

- Where a mailbox is located at an intersecting road, it shall be located a minimum of ninety (90) feet from the centerline of the intersecting road.
- When a mailbox is placed in the vicinity of an existing guardrail it should, whenever possible, be placed behind the guardrail.
- If more than one mailbox is installed at a location, the centers of the support posts shall be separated with a minimum spacing of three-fourths (3/4) the height of the posts above the ground line.

**Structure:**

- Mailboxes should be of light sheet metal or plastic construction conforming to the requirements of the Postal Service. Newspaper delivery boxes shall be of light sheet metal or plastic construction of minimum dimensions suitable for holding a newspaper.
- No more than two mailboxes may be mounted on a support structure unless the support structure and mailbox arrangement have been shown to be safe by crash testing. However, lightweight newspaper boxes may be mounted below the mailbox on the side of the mailbox support.
- Mailbox supports shall not be set in concrete unless the support design has been shown to be safe by crash tests when so installed.
- A single 4" X 4" square wooden post, four (4) inch diameter wooden post or metal post with a strength no greater than a two (2) inches diameter standard strength steel pipe will be acceptable as a mailbox support. The support may be embedded no more than twenty-four (24) inches into the ground will be acceptable as a mailbox support. A metal post shall not be fitted with an anchor plate, but it may have an anti-twist device that extends no more than ten (10) inches below the ground surface.
- The post-to-box attachment details shall be in conformance with the current INDOT standards or AASHTO's "A Guide for Erecting Mailboxes on Highways". Copies of the attachment details are available at the office of the Highway Engineering Department.
- Mailbox support designs not described in this regulation will be acceptable if shown to be safe by crash tests and approved by the Highway Department and/or Highway Engineer.

LaPORTE COUNTY HIGHWAY DEPARTMENT

[Date]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Property Owner: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Key Number: \_\_\_\_\_

Dear \_\_\_\_\_:

It has recently come to our attention that an object, or structure, is located near your property, within the LaPorte County Right-of-Way, which is in violation of the Obstruction Free Zone Ordinance. Please refer to the item(s) checked below in reference to the violation:

\_\_\_\_ You are advised that arrangements must be made by the \_\_\_ day of \_\_\_\_\_, 199\_\_, to remove the object, or structure, which is not in compliance with Ordinance 97-\_\_\_\_; and, the attached Obstruction Free Zone Regulation. Each day after the above-mentioned date will constitute a separate offense.

\_\_\_\_ You are advised that unless the above-referenced object, or structure, is removed by the \_\_\_ day of \_\_\_\_\_, 199\_\_, the object, or structure, will be removed under the direction of the LaPorte County Highway Department and the cost of removal must be paid by you.

Attached are copies of the LaPorte County Ordinance 97-\_\_\_\_ and the Obstruction Free Zone Regulation of the LaPorte County Highway Department.

We believe you realize that we have an obligation to maintain a safe roadside, which includes an obstacle free zone.

Please contact our office at (219) \_\_\_\_\_, at your earliest convenience, to advise us of your plans to remove the object or structure which is in violation.

Very truly yours,

LaPorte County  
Highway Superintendent