

ORDINANCE NO. 2026- 01

**AN ORDINANCE AMENDING SERVICE CHARGES FOR WELLS COUNTY
HIGHWAY ROAD AND RIGHT-OF-WAY WORK PERMITS.**

WHEREAS, Indiana Code 36-1-3, et. seq. ("the Indiana Home Rule Act"), permits any county in the State of Indiana to exercise any power or for the performance of any function necessary to the public interest in the context of its county or internal affairs which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS, the Board of Commissioners of the County of Wells ("Commissioners") is the county legislative and executive body and is authorized to adopt ordinances and resolutions concerning Wells County governmental operations; and

WHEREAS, The Commissioners enacted Wells County Ordinance 2022-29, to establish standards and conditions for the issuance of Wells County Highway Road and Right-of-Way work permits and the establishing of service charges therefore;

WHEREAS, The Commissioners have been informed that the service charges for Wells County Highway Road and Right-of-Way work permits are outdated and need to be amended and supplemented, and therefore desire to adopt new schedules for appropriate service charges.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, INDIANA, THAT:

SECTION I.

- A. The fees provided for in Section III of Wells County Ordinance 2022-29 are hereby amended to include the fees as set forth in Exhibit A.

SECTION II – REPEAL OF PRIOR LAW

- A. Repeal. All provisions of ordinances and resolutions previously adopted are hereby repealed only to the extent they are inconsistent with or in conflict with this ordinance but only to such extent, specifically in regard to Ordinance 2022-29 setting fees for Permitting as set forth in Section III, that this Ordinance replaces those fees.
- B. Ratification. All previous appointments to the Board prior to the adoption of this ordinance are hereby ratified, confirmed, and approved in their entirety to the extent the actions otherwise conform to this ordinance.

- C. Restatement. To the extent that the provisions contained in this ordinance substantially restate the provisions of a prior ordinance or resolution, the provisions shall not be deemed a new enactment of the original provisions, but rather shall be deemed to be the continuation of the original provisions.
- D. Continuance. The express or implied repeal or amendment by this ordinance of any other ordinance or part thereof does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
- E. Rulemaking. All rules and regulations adopted under any continued version of this ordinance shall remain in full force and effect except as specifically provided otherwise.
- F. Revival Prohibited. The express or implied repeal or amendment by this ordinance of any other ordinance or resolution or part thereof shall not be construed to revive any former ordinance, resolution, section, clause, or provision.

SECTION III – MISCELLANEOUS

A. References.

1. Except where a specific version or edition is given, reference to another section of this ordinance or to another law, document, fund, department, board, program, public servant, or public office, shall extend and apply to the same, as may be subsequently amended, revised, recodified, renamed, reappointed, or renumbered from time to time.
2. Reference in this ordinance to a law, document, fund, department, board, program, public servant, or public office, either generally or by title, without reference to another jurisdiction, shall be construed as though it were preceded or followed, as appropriate, by the words “(of) Wells County (Indiana).”
3. Should a provision of this ordinance require an act to be done which, by law, an agent or deputy may do instead of the principal, the requirement is satisfied by the performance of the act by an authorized agent or deputy.

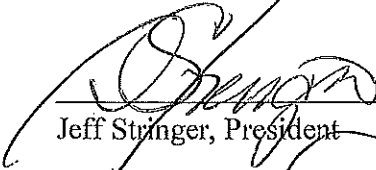
- B. Judicial Review. This ordinance is intended only to improve the internal management of the County. Notwithstanding anything in this ordinance to the contrary, nothing in this ordinance shall be construed to create any new legal duty, right, or benefit, whether substantive or procedural, enforceable against the County; nor to waive or diminish any protection that may be applicable to the County or any of its elected or appointed officials, employees, agents, or representatives under any applicable law providing governmental immunity, or any other rights, protections, immunities, defenses, or limitations on liability that the County or such related parties are provided by law.

- C. Conflicts. No part of this ordinance shall be interpreted to conflict with any local, state, or federal laws, and all reasonable efforts should be made to harmonize the same.
- D. Severability. Should any section or part thereof of this ordinance be declared by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of this ordinance as a whole, nor any other portion thereof, and for this purpose the provisions of this ordinance are hereby declared to be severable.
- E. Promulgation. The Auditor is hereby authorized, empowered, and directed to take all action necessary or proper to authenticate, record, publish, promulgate, and/or otherwise make this ordinance effective.
- F. Codification. To the extent a substantive change in meaning does not result, the codifier of ordinances may omit the Name, Recitals, Miscellaneous, Repeals, and Adoption sections of this ordinance from the official code, may renumber, reorder, or reorganize any section of this ordinance, and may alter references to and within this ordinance as appropriate.
- G. Retroactive Effective Date. This ordinance shall take effect immediately upon adoption but shall be deemed effective as of January 1, 2026.

SECTION IV – ADOPTION

Adopted and ordained this 5th day of January 2026.

**THE BOARD OF COMMISSIONERS OF
THE COUNTY OF WELLS, INDIANA**



Jeff Stringer, President

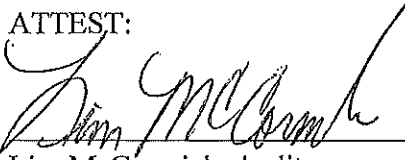


Michael K. Vanover, Vice President



Blake Gerber, Member

ATTEST:

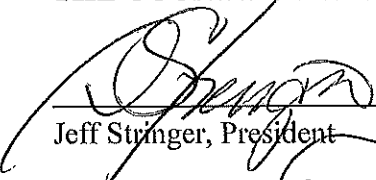


Lisa McCormick, Auditor

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing ordinance was unanimously waived, and the ordinance shall be deemed effective as provided therein.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF WELLS, INDIANA

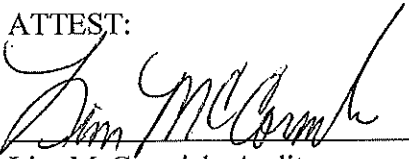


Jeff Stringer, President

Michael K. Vanover, Vice President

Blake Gerber, Member

ATTEST:



Lisa McCormick, Auditor

This instrument was prepared by the Wells County Attorney, Theodore T. Storer, Attorney No. 17576-02, 110 W. Berry St. Ste. 1100 Fort Wayne, IN 46802.

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. *Lisa McCormick*



APPLICATION TO WORK IN COUNTY RIGHTS-OF-WAY

Wells County Highway Department
828 E 200 S, Bluffton, IN 46714
P: 260-824-6430
highway@wellscounty.org

PERMIT #: _____
(Assigned by WCHD)

<u>Permit Type</u>	<u>Permit Fee</u>	<u>Permit Bond</u>	
Underground Linear Construction, Grading, Trenching, or Excavation Parallel to the Roadway. (Fee is per 500 feet or portion thereof for each continuous location. No cutting of pavement)	_____ Feet @ \$25 / 500 feet = \$ _____	@ \$10,000 per mile or fraction of mile = \$ _____	
Bores or Pushes Under the Roadway	_____ Bores @ \$50 each = \$ _____	@ \$5,000 per bore = \$ _____	
Placement/Removal of Poles/Overhead Lines (Fee is per 1000 feet or portion thereof for each continuous location.) Attachment Rights Required	_____ Feet @ \$50 / 1,000 ft = \$ _____	@ \$5,000 per mile or fraction of mile = \$ _____	
Tap Pit/Spot Cut Dirt (-> Includes a directly adjacent bore or push at no additional fee) (No cutting of pavement is allowed.)	_____ Tap Pits @ \$25 each = \$ _____	@ \$5,000 per pit = \$ _____	
Open Road Cut (Gravel Road)	_____ Cut @ \$350 / cut = \$ _____	@ \$0 per location = \$ _____	
Open Road Cut (Paved Road)	_____ SFT @ \$3 / SFT (\$600 Min) = \$ _____	@ \$20,000 per location = \$ _____	
Equipment Crossing Curbs or Sidewalk, NO Excavation	_____ Crossings @ \$25 / each = \$ _____	@ \$2,000 per crossing = \$ _____	
Vertical Bore (Fee is Per 3 Individual Samples, Per Road Segment)	_____ Bores @ \$25 / each = \$ _____	@ \$2,000 per bore = \$ _____	
Service Drop	_____ Drop @ \$25/ each = \$ _____	@ \$0.00 per drop = \$ _____	
TOTAL PERMIT FEE = \$ _____		TOTAL PERMIT BOND= \$ _____	
Invoice #: _____			
Check or money order #: _____	Bond Company: _____	Bond #: _____	
Applicant's Name	Company Name	Applicant Job/Permit No.	
Mailing Address	City	State	Zip Code
Email	Phone #		
Project Owner's Name (if different from applicant)	Company Name	Project Owner Job/Permit No.	
Project Owner's Address	City	State	Zip Code
Email	Phone #		
Contractor Name	Email	Phone #	
Project Location (Must be described thoroughly and include proximity to roadway centerlines and adjacent intersections)			
Project Purpose			
Road Restrictions <input type="checkbox"/> No Impact to Travel Lanes <input type="checkbox"/> Lane Restrictions Necessary (Must submit MOT Plan) <input type="checkbox"/> Road Closure Necessary (Must submit Road Closure Application)			
Easement Is work being performed in the Applicant or Project Owner's easement? <input type="checkbox"/> NO <input type="checkbox"/> YES (if yes, documentation must be provided)			
The undersigned certifies that they have the authority to make this application and bind Property Owner(s) and owner's heirs to its terms, that the above information is true and correct, and that work requested by this application will be in conformance with the laws of Wells County. I, and all persons performing the work authorized by this permit, have read, fully understand, and will abide by all requirements concerning the permit and construction requirements. The applicant and Property Owner agree and understand that Wells County's approval is limited to conveying its approval to install the approved traffic control devices only within its legal road rights-of-way. The applicant, the Property Owner of the traffic control devices being installed under this permit, and I understand that in the event Wells County determines that any of the traffic control devices installed under this permit need to be repaired or maintained, relocated, or removed from the right-of-way, that the Property Owner or owner of the traffic control devices agrees to maintain, relocate or remove these facilities in a timely manner at no cost to Wells County.			
Signature		Date	
Printed Name		Title	