

Real Estate Signage Regulation in Rights-of-Way

This page is intended to provide a brief summary of what Rights-of-Way are, what purpose they serve, how to identify them and how real estate signage is regulated within them in across Huntington County.

Rights-of-Way are conveyances owned by the public for the use of municipal services such as infrastructure, pedestrian thoroughfares and vehicular travel surfaces. Rights-of-Way may be individual parcels of land owned entirely by a municipality or parts of a privately owned piece of land that contains a Right-of-Way easement, which entitles a municipality to use it exclusively.

Restrictions placed upon Rights-of-Way are done so for a number of reasons, most have their roots in the health, safety and welfare of the general public. Obstructions (signs, structures, etc) in these areas can impair the field of vision of both pedestrian and vehicle travel, cause the mixing of the two travel modes in order to avoid these obstacles and cause the distraction of drivers, thereby posing a safety risk. Placing obstructions in the Rights-of-Way can damage above and below ground infrastructure, hamper efforts of workers performing maintenance on these utilities and prevent the flow of storm water through these areas, causing flooding problems on roadways and private property.

The building or erection of structures and signage (other than official traffic signs) in Rights-of-Way is strictly prohibited throughout Huntington County. While no two Rights-of-Way are exactly the same across the county, nor are these areas explicitly identified or identical on opposite sides of the road, several resources are available to determine the extents of Rights-of-Way in a given location. Possibly the most identifiable indication of a Right-of-Way is the presence of utility poles and traffic signs. Utility poles or sidewalks, whichever is set back the farthest, are usually located at the rear of the Right-of-Way. In most cases, the distance of the poles or sidewalk to the road can be translated to the same amount of Right-of-Way on the opposite side of the road where these items may not exist (see Figure 1). In general, locating behind utility poles or sidewalks will ensure you are not infringing upon this protected area. On state and federal roads, workers typically mow the entire right of way and usually keep them clear of trees. Rights-of-Way in these areas rural are typically identified by old fencing set back far off of the road. Rights-of-Way along State and Federal roads are typically much larger than those of local roads in urban

Possibly the most fail safe method for determining Rights-of-Way is to use the interactive GIS system available online at gis.huntington.in.us, (see figure 2) simply search by address for the property in question and turn on the "Rights-of-Way" and "Aerial photo" layers on the left pane. This will allow you to view exactly where the Rights-of-Way are and where you may legally place signs.

Note:

- Signs are either on private property or in Rights-of-Way, always seek property owner approval first.
- Nailing, taping or chaining signs to utility poles or traffic signs is illegal.
- Use good judgment when placing signs, if they obstruct vehicular view, they may be removed and fined.
- These rules apply to all signs (auction, open house, civic groups, etc.)
- Enforced occurs 24/7 even on weekends. \$250 max fine.
- Real Estate agents are responsible for their sign placement.

