

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 15 -2016

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS
PERTAINING TO ROAD CUT PERMITS**

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the executive body of Clark County government pursuant to the provisions of Ind. Code § 36-2-2-2; and,

WHEREAS, this Board is also the legislative body of body of Clark County government pursuant to the provisions of Ind. Code 36-1-2-9; and

WHEREAS, Pursuant to Indiana the Indiana Home Rule and Indiana Code sections 36-1-3-4, 8-1-23-3 and 8-20-1-28 *et seq.*, the Clark County Commissioners have authority to enact an ordinance providing for Road Cut Permits as necessary for the conduct of county affairs; and

WHEREAS, This Board has determined that it is desirable to regulate the "working" on the County Roads and the "working" within County Road right-of-way through the establishment of rules, regulations and standards and through requiring permits and utilizing county services in the inspection of cuts made once a permit has been granted to promote the public health, safety and welfare of the community.

WHEREAS, a need exists to establish a local, non-reverting fund for the purpose of receipting, holding and expending funds pursuant to the Clark County "Rules, Regulations and Standards for the Protection of County Roads"

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CLARK COUNTY COMMISSIONERS, AS FOLLOWS:

1. **SHORT TITLE:** This Ordinance shall be known and may be cited as the "Road Protection Ordinance of Clark County, Indiana."

2. **AUTHORITY:** This Ordinance is enacted pursuant to the Indiana Home Rule, Indiana Code § 36-1-3 *et seq.* and Indiana Code Sections 8-1-23-3 and 8-20-1-28 *et seq.*
3. **PURPOSE:** The purpose of this Ordinance is to control the installation of utilities and to protect the public health, safety and welfare of the Clark County right-of-way through:
 - a. Establishment of standards governing selected work within Clark County road right-of-way;
 - b. Creation of a permit system and enforcement program to ensure compliance with standards.
4. **COMPLIANCE:** It shall be unlawful for any person to cut, dig or excavate, tunnel or bore in any part of any County Road or right-of-way within Clark County or to attach or remove any wire, pipe or conduit from any County bridge, overpass or underpass, unless said activity is in full compliance with all provisions of this Ordinance and after lawful issuances of permits required by this Ordinance.
5. **FUND:**
 - a. **Establishment:** Fund number 4965, "Road Cut Permits," is hereby established as a non-reverting fund to be administered and maintained by the Clark County Auditor.
 - b. **Deposits:** Only fees collected pursuant to the "Clark County Rules, Regulations and Standards for the Protection of County Roads" manual shall be deposited into the fund.
 - c. **Permitted Expenditures:** Money in the fund shall only be expended for the stated purposes within the "Clark County Rules, Regulations and Standards for the Protection of County Roads" manual.
 - d. **Term:** The fund shall be perpetual until terminated or amended by subsequent ordinance.
 - e. **Management:** The Clark County Auditor is hereby directed to maintain and manage accurate accounting information regarding the receipts, expenditures, and balances of the fund as well as any reporting requirements pursuant to law.
6. **SEVERABILITY:** If any provision of this Ordinance or application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

7. **APPLICATION:** The intent of this Ordinance is not to interfere with, abrogate or amend any existing easements, covenants or other agreements between parties. It is also not intended to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or ordinances not specifically repealed or replaced by this Ordinance, or any rules, regulations or permits previously adopted or issued pursuant to law, provided however, that where this Ordinance imposes greater restriction than is imposed by existing provisions, provisions of this Ordinance shall control; but where such private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

8. **JURISDICTION:** This Ordinance shall apply to all unincorporated land within Clark County.

9. **PROVISIONS:** the Rules and Regulations as set out in the, "Clark County Rules, Regulations and Standards for the Protection of County Roads," attached hereto as Exhibit "A" are hereby adopted by this Board.

10. **EFFECTIVE DATE:** This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

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So Ordained this 25 Day of August, 2016.

Members voting "NO":

Jack Coffman, Commissioner

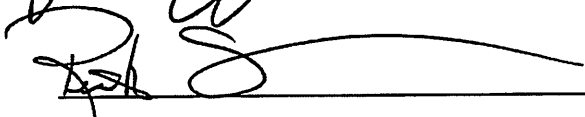
Rick Stephenson, Commissioner

Bryan Glover, Commissioner

Members voting "YES":



Jack Coffman, Commissioner

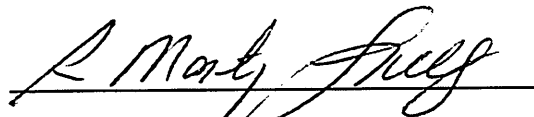


Rick Stephenson, Commissioner



Bryan Glover, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor

Clark County Permit Rules, Regulations and Standards for the Protection of County Roads

The County Commissioners of Clark County, Indiana, hereby establish the following Rules, Regulations and Standards regarding road work performed within the unincorporated areas of Clark County, Indiana for the protection of the public health, safety and welfare:

I. GENERAL TERMS:

1. That no person, firm, corporation, public utility, authority or municipality, shall hereafter, open or excavate any portion of the right-of-way of any road, highway, street or avenue in Clark County, owned maintained or controlled by the Clark County Highway Department as a part of the County road system, for any purpose whatsoever without first making application for and receiving a permit thereof, signed in the name of Clark County by the Highway Superintendent and/or County Engineer, or one of the authorized agents. The construction of concrete curbs and/or gutters along streets or roads shall be considered as tearing up or opening of County roads or streets and shall come under the provision of this resolution. The creating or widening of a driveway or for the construction of a driveway or street at its connection with a County road shall come within the provisions of this resolution.
2. The written application shall state the name and address of the owner of the facility for whom the work is being done, the name and address of the contractor and/or subcontractor performing the work, number or name of the County road to be opened, the nature, location and purpose of the excavation, anticipated time of completion, a statement that the permittee will comply with all resolutions and laws related to the proposed work, and any other data as may be reasonably required by the Highway Superintendent and/or County Engineer. The application shall be accompanied by a reasonably accurate sketch plan in triplicate, showing the location, dimensions of the proposed opening, and all other required documentation as set forth in Section 2 of this resolution. A separate permit shall be required for each and every opening. Both the owner and the contractor shall sign the permit application and shall be jointly and separately bound for all obligations of the permit and shall be referred to hereafter as permittees. A permit shall not be transferred except upon prior written consent of the County Highway Superintendent and/or County Engineer.
3. The County will charge a non-refundable flat fee of a minimum of one hundred (\$100) dollars for every permit and one hundred (\$100) dollars for each and every inspection. The County Highway Superintendent's and/or County Engineer's decision on the extent of inspection charges to be levied shall be final in all cases.
4. Restoration Deposit:
 - a. The restoration deposit will be calculated by the County after the submission of the permit application packet and review of detailed plans within as submitted by applicant. The issuance of the permit will be contingent upon the applicant furnishing the County a cash amount for the restoration deposit. The restoration deposit is calculated as twenty (20) percent (%) of the cost of the total project, with a minimum amount of \$100.00. This amount is held by the County until two (2) years after completion of the project.
 - b. The permittee must complete the work and satisfactorily restore the area by the use of an approved contractor. The restoration deposit will then be refunded, less inspection costs and fees and/or fines incurred and after final inspection by the County Engineer and/or Highway Superintendent.
 - c. If the County is forced to complete the work, by failure of the permittee to do so within the time stipulated in the permit and per the County Engineer and/or Highway

Superintendent's specifications, the costs incurred by the County will be computed and charged to the permittee. If the restoration deposit is insufficient to cover the costs, the permittee shall pay the difference, upon receipt of an invoice by the County.

- d. See the complete Fee Schedule located in Section 12.
5. No person to whom a permit has been issued shall disturb or move pavement other than that for which this permit provides.
6. When deemed to be in the best interests of the County and in the sole discretion of the County Highway Superintendent and/or County Engineer, after consultation with the County Engineer, the permit to be issued may deny any open cut method and require directional boring or jacking method for installation of utilities across County roads, when it is determined that one (1) or more of following benefits would be present:
 - a. The pavement would not be open cut.
 - b. The pavement integrity would be maintained.
 - c. Settlement concerns would be eliminated.
 - d. Vehicular traffic would be maintained along the County road while work was on-going.
 - e. Traffic signals would not be affected.
7. No permits will be issued for openings in excess of ten (10) square yards in area, except for emergency openings, requirements of law, or at the County Highway Superintendent's and/or County Engineer's discretion, during the period from the first day of December to the fifteenth day of March.
8. Persons found excavating in the County right-of-way without a permit **WILL BE REQUIRED TO CEASE WORK IMMEDIATELY** and shall be fined a minimum of one hundred (\$100) dollars not to exceed a maximum of two thousand five hundred (\$2,500) dollars and will be required to furnish a one hundred (\$100) dollar application fee plus inspection fees as determined by the County Highway Superintendent and/or County Engineer, and any additional costs incurred by the County if this department is needed to make the necessary repairs.
9. If a contractor/subcontractor/developer fails to respond to after-hour calls for emergency repairs within their project limits, the County will impose a minimum fine of three hundred (\$300) dollars plus expenses for each occurrence.
10. A permittee/contractor and/or subcontractor shall furnish the County with a Certificate of Liability (Insurance) which indicates he has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit, Comprehensive General Liability insurance, including X, C, and U coverage, which names Clark County as additional insured and has limits of not less than \$1,000,000 for any one person, \$1,000,000 for any one accident, and \$300,000 in property damage duly issued by an insurance company authorized to do business in this State. The certificate holder shall be listed as Clark County, 501 E. Court Avenue, Room 404, Jeffersonville, Indiana, 47130, and shall include a thirty (30) day notice of cancellation.
11. All permit fees, including public utilities, municipalities, their contractors or contractors of State or Federal agencies shall deposit with the Clark County Highway Department in the form of a check, money order, or cash, unless it is for the Restoration Deposit which shall be cash only and unless it is specifically waived at the discretion of the Highway Superintendent and/or County Engineer. The deposits required herein shall be held in escrow by the County.
12. The accrued inspection fees for the project shall be deducted from said deposits. Upon satisfactory completion of all work and upon receipt of all necessary approvals from the County Engineer and/or Highway Department, and the County Commissioners; then the balance of the aforesaid deposit shall be returned to the permittee as provided herein.

13. Any reinspection performed as a result of unsatisfactory or incomplete work may require additional inspection fees in each instance in the amount of one hundred (\$100) dollars per each inspection and/or reinspection.
14. The County Highway Superintendent and/or County Engineer shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other investigative actions as deemed necessary to confirm that the provisions of the Road Opening Permit have been satisfied. The cost of such investigations shall be deducted from the escrow amount calculated above if the work is found to be deficient. The County Engineer and/or Highway Superintendent at his sole discretion may require the permittee to enter a maintenance bond with a surety company in the sum of a minimum of 10% of the escrow amount, said bond and surety company to be satisfactory to the Commissioners and the bond shall be in place for a period of TWO (2) YEARS FROM THE DATE OF ACCEPTANCE OF SAID WORK BY THE COUNTY HIGHWAY DEPARTMENT and shall provide that the permittee guarantee the work in the manner required by specifications.
15. The County Engineer and/or Highway Superintendent may require an extended maintenance period or an additional maintenance bond depending upon the nature of the work involved or the workmanship achieved during construction.
16. Each bond filed pursuant to this Section shall be in a form satisfactory to the County Commissioners. The bond shall be executed by the permittee as principle and surety company licensed to do business in the State of Indiana surety and shall be conditioned as follows:
 - a. To indemnify and hold harmless Clark County for all loss, damage, claim or expense, including expenses occurred in defense of any litigation arising out of injury to any person or property resulting from any work done by the permittee under the permit.
 - b. To indemnify Clark County for any expense incurred in enforcing any of the provisions in this Section.
 - c. To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or admission of the permittee, his agents, employees or subcontractors done in the surface and foundation of the road for which the permit is granted in the manner acceptable to the County Engineer and/or Highway Superintendent or their designee. The bond shall be conditioned upon the permittee restoring surface and foundation of the streets abutting the work site and those streets which had sustained damage through the use of construction equipment and by other construction vehicles which had been utilized for the transportation of material to and from the work site for which the permit is granted in a manner acceptable to the County Engineer and/or Highway Superintendent, or their designee.
17. For utility main construction, other or additional regulations may be prescribed by the County Commissioners. Plans for such projects must have the approval of the County Engineer before a permit may be issued. Such approvals must be in writing with a copy provided to the Highway Superintendent.
18. Prior to the start of any paving or repaving work by the Highway Department on any County road, the Highway Superintendent shall mail a written notice thereof to each permittee of any sewer, main, conduit, or other utility in or under said County road or any real property, whether improved or unimproved, abutting said County road. Such notice shall notify such permittee that no excavation permit shall be issued for openings, cuts, or excavations in said County road for a period of five (5) years after the date of such resurfacing, except as provided herein. Such notice shall also notify such permittee that applications for excavation permits, for work to be done prior to such paving or repaving, shall be submitted promptly in order that the work covered by the excavation permit may be completed not later than forty-five (45) days from the date of enactment of such notice. Notice of the proposed paving or repaving of any County road shall be published in any newspaper circulating in the area where the work is proposed to be done, notifying all property permittees that any excavation

must be completed not later than forty-five (45) days from the date of enactment of the County resolution authorizing the work or forty-five (45) days from the County Highway Superintendent and/or County Engineer advising the County Commissioners of his intention to commence work on said roadways.

19. Wherever it is necessary to cross over, through or under existing bridges, culverts or storm sewers, plans must be filed with the County Engineer which will outline in detail the proposed method of crossing such structures. No work of any kind whatsoever shall be performed until the said supplemental plans have been approved by the County Engineer. Such approvals must be in writing with a copy provided to the County Highway Superintendent.
20. Detailed plans of all construction proposed at waterways and bridges shall be submitted to the Indiana Department of Environmental Protection (IDEM) Agency, for approval when required; after which an approved copy shall be forwarded to the County Engineer for approval. Approval from IDEM does not allow road cut access. All permit requirements of the County must also be completed before any road cut activity.
21. If future installation of drainage or sewer facilities or the regarding and/or realignment and widening of pavements is prevented by the presence of the underground County structures covered by this permit, then the cost of making necessary changes in said structures, so as to permit installation of the proposed drainage or sewer facilities or to permit regrading and/or realignment and widening of pavements, shall be borne by the permittee.

II. MAINTENANCE AND GUARANTEE

The permittee must maintain and correct failed restoration for a period of two (2) years after the acceptance of permanent restoration. Failure to correct failed restorations in conformance with the Clark County Highway Department specifications is a violation of these Rules and Regulations and the permittee will be subject to the penalties as provided by this Ordinance governing the opening of County roads for other than County purposes. In addition, where the permittee fails to make the necessary correction to the restoration, the County may make the repair and bill the permittee for all costs incurred. In emergency situations, the County reserves the right to affect immediate repairs and bill the permittee accordingly (See Rules and Regulations).

III. PERMIT REGULATION, ENFORCEMENT AND PENALTIES

The County road when opened pursuant to this resolution and permit shall conform to the most recent restoration designs, plans, details, specifications and method of construction and traffic control devices as required by the County Engineer (See Rules and Regulations).

When deemed to be in the best interests of the County and in the sole discretion of the Highway Superintendent after consultation with the County Engineer, the permit to be issued may deny any open cut method and require directional boring or jacking method for installation of utilities across County roads, when it is determined that one (1) or more of the following benefits would be present:

1. The pavement would not be open cut.
2. The pavement integrity would be maintained.
3. Settlement concerns would be eliminated.
4. Vehicular traffic would be maintained along the County road while the work was on-going.
5. Traffic signals would not be affected.

All permits issued under this section shall be subject to the following rules and regulations:

1. Safety

- a. All work shall be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles and the flow of water in the gutters. All openings, digging, excavation, piles of material, equipment, machinery, barricades or obstructions, including earth and stone removed from excavation shall be properly guarded at all times to prevent accidents and a sufficient number of lights, lanterns or flares shall be maintained between sunset and sunrise by the person whom such permit has been issued to designate such openings or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagmen, uniformed traffic officers and all other man-powered equipment as required by or directed by the County Engineer and/or Highway Superintendent shall be provided.
 - b. The work area shall be continuously passable by all emergency vehicles during all phases of the work.
 - c. In the event that the work requires the detour of the vehicular traffic, the permittee shall submit a detour plan for review and approval by the Highway Superintendent and/or County Engineer, who at his sole discretion, may require the approval of the municipalities involved prior to any road closings.
 - d. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided, which shall be safe for travel and convenient for users.
2. All existing pavements, road surfaces, sidewalks, curbs, gutters, pipes, manholes, drains, conduits or other installation or fixtures and property liable to be injured, damaged or destroyed shall be properly protected by the person doing any work for which a road opening permit has been issued during the time when such work is being performed and the responsibility for any such damage shall be assumed by the person to whom such permit has been issued.
 3. No person shall divert or discharge water into, upon or across any County road or sidewalk so that a nuisance is created or a hazardous condition is caused to exist as a result of the work of the permittee or be cause for the pavement or road surface to be damaged thereby.
 4. It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit thereof. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and protection of the workers shall be in accordance with OSHA regulations and the State of Indiana Department of Labor; the excavation shall not have any portion below the surface extending beyond the opening at the surface.
 5. No injury shall be done to any pipes, cables, or conduits in the making of such excavations or tunnels. Notice shall be given beforehand to the utility company maintaining any such pipes, cables, or conduits or to the officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel.
 6. The permittee shall not be authorized to proceed with any excavation until he submits to the County Engineer and Highway Superintendent a reference number stating that Indiana811 was notified at:
Indiana811
P.O. Box 219
Greenwood, Indiana 46143
811 or 800-382-5544
 7. All work by the permittee shall be done in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970 and of subpart N, Paragraph 1926.550 of the Rules and Regulations issued under said act.
 8. No work shall occur in such a manner as to result in damage or destruction of any property of Clark County unless this is necessary for completion of the work and written permission has been obtained in advance from the County Engineer and/or Highway Superintendent.

9. The permittee shall clean up and remove promptly from the work site at the end of each work day, all surplus excavated material and debris, and upon final completion of the project shall leave the site of work in a neat and orderly condition as good as it was previously. Where top soil, seeded areas or sod are disturbed in the course of the work, permittee shall restore such ground surfaces to a condition as good as it was previously.
10. If a permittee shall fail to comply with the rules and regulations as provided in this Section, within forty-eight (48) hours after receipt of written notice, then the County reserves the right to take any action to insure compliance with the Section. In that event, the permittee shall be charged a fine per a certain schedule of costs maintained by the County Highway Department, as seen in Section 14 of this resolution. The expense incurred shall be in addition to any other permit fees, deposits, etc. required. If the permittee fails to pay the expense, he will be subject to a continuing fine of up to \$2,500.00 per day/per violation and possible litigation by the County.
11. The permittee shall be responsible for any expenses incurred by the County if surety and/or restoration deposit is insufficient to cover such expenses. Any monies due to the County in excess of the deposit shall be billed upon completion of the work and shall be paid by the permittee within thirty (30) days after receipt of the bill. Failure to pay such dues shall result in the permittee paying to maximum interest rate allowed by law, as well as any attorneys' fees and costs incurred by the County in furtherance of the of the collection of said monies.
12. The County Engineer and/or Highway Superintendent shall also have the authority to deny all future permits until differences identified above are corrected to the satisfaction of the County Engineer and Highway Superintendent.
13. The County shall not be liable for damages for any personal injuries or damage to property sustained as a result of any excavation or opening in any street made by any person by virtue of the provisions of this resolution.
14. Neither the County nor its employees shall be deemed to be the agent or the servant of the permittee for any of the purposes in this section.
 - a. Indemnification: Every permittee shall, as a condition for accepting any permit issued hereunder, save and hold harmless the County and indemnify the County, its officers, agents, servants, and employees from and against any and all loss, damage, claim, expense, or demand whatsoever arising out of any matter or resulting of the opening of any road and the issuance of a permit therefore as provided in this section.
 - b. Release of Deposit or Bond: No security deposit, certified check, or performance bond shall be released until all repairs, payment of all monies due to the County pursuant to this resolution, and the restoration and repaving of excavated areas to the satisfaction of the County Engineer and/or Highway Superintendent or their designee are completed and a two (2) year guarantee period, if required, in a form acceptable to County Commissioners is in place to insure proper installation and maintenance. Deposits and bonds shall be released. Deposits and bonds shall be released only by a resolution by the County Commissioners.
15. Within twenty-four (24) hours after the work is performed for which the opening was made, road repair and backfilling shall be done in accordance with details prepared by the County Engineer which accompanied the permit. Excavated material shall not be used as backfill unless approved by the County Engineer or Highway Superintendent. Backfilling with clay or heavy black loam shall not be permitted. Temporary pavement or patch work shall not be permitted. In all cases the opening shall be restored, as nearly as possible, to the grade, slope, and profile that prevailed at the time of the opening as directed by the County Engineer or Highway Superintendent.
16. The permittee shall notify the County Highway Department in writing at least forty-eight (48) hours in advance of any land disturbance activity. Likewise, the permittee shall notify the County Highway Department at the completion of the activity or project. Failure to provide such notification may result in additional inspection fees, fines, etc. being imposed on the permittee. The contractor must notify the Permit Clerk for a final inspection. **If the final inspection has not**

been requested within sixty (60) days from the date of the permit, all or part of the monies shall be subject to forfeiture to Clark County. The contractor may request in writing to the Highway Superintendent an extension of the sixty (60) day time limit.

17. The permittee shall keep a copy of the permit at the site at all times. The permittee shall retain full responsibility for any damages which may result from any construction activity notwithstanding any approvals, in writing, from the Highway Superintendent.
18. The excavation and the work required to be done shall be completed within reasonable time. Trenches shall not be kept open when work is not in progress. If work is stopped for more than twenty-four (24) hours, the trench shall be temporarily backfilled. Upon completion of work, it shall be inspected by the County Engineer and/or Highway Superintendent or their authorized representative. If found satisfactory, the restoration deposit of the permittee shall be returned to the permittee, minus any additional costs incurred by the permittee during the project, such as reinspections, etc. The permittee shall start work within ten (10) days of issuance of the permit and permit shall remain valid for up to sixty (60) calendar days from the start of work. If work on the permit does not commence within ten (10) days then the permit shall expire and a new permit shall be obtained, unless a written extension is obtained from the County Engineer or Highway Superintendent. The validity of the permit may be extended, if so requested, in writing by permittee prior to the expiration date thereof for such additional periods as determined by the County Engineer or Highway Superintendent.
19. In the event repairs are not performed within a reasonable time after the opening or in the event the County Engineer and/or Highway Superintendent, or their representatives, do not approve the replacement, the permittees shall be so notified in writing and shall be given a reasonable time to correct the deficiencies. Upon failure of the permittee to correct said deficiencies, the County Engineer or Highway Superintendent, or their representative, shall cause the County road to be properly repaired and any deposit made by the permittee shall be applied to the cost thereof. The County Engineer or Highway Superintendent shall also have the authority to deny all future permits until deficiencies identified as above are corrected to the satisfaction of the County Engineer and/or Highway Superintendent. Certification of the costs of said repairs shall be made by the County Engineer or Highway Superintendent to the County Commissioners and the permittee shall be held liable for said costs thereof.
20. The County Engineer and/or Highway Superintendent, at such time or times as he shall deem necessary, may cause the work being done by the permittee to be inspected by an agent of the County. All expenses resulting from said inspection shall be deducted from the deposit held by the County.
21. The County Engineer and/or Highway Superintendent may, upon failure of a permittee to comply with the conditions of the permit and upon reasonable notice, stop any work being performed in the right-of-way. The County shall have the right to remedy any deficiency and assess the permittee the costs of any remediation said assessments being charged to and deducted from the deposits held by the County. The County Engineer and/or Highway Superintendent may deny and suspend all future permits to said permittee until trench backfilling, trench restoration, and final repair activities shall be scheduled in succession and shall not be fragmented.
22. In the event of any emergency in which a sewer, main conduit, or utility in or under any street breaks, bursts, or otherwise is in such condition as to immediately endanger the property, life, health, or safety of any individual, the person owning or controlling such sewer, main conduit, or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health, and safety of individuals. However, such person owning or controlling such a facility shall apply for an excavation permit no later than the end of the next succeeding day during which the County Highway Department office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

23. Where the permittee is not making progress satisfactory to the County Engineer or Highway Superintendent or violates any provision of the permit, the County Commissioners hereby authorize the County Engineer and/or Highway Superintendent to revoke the permit and to replace, by its own repair force, the pavement removed by said permittee on any County road, highway, or bridge, at the expense of the permittee. Written notice shall be given by the Highway Superintendent of intent to make such repairs. The permittee shall complete proposed construction within the time specified in the permit. If not done within this time and if no extension has been obtained, such failure to complete shall be deemed a violation.
24. The permittee shall maintain vehicular and pedestrian traffic over the roadway within the scope of the project at all times in accordance with this resolution.
25. The permittee shall backfill all excavated areas within the roadway to a grade compatible with the exiting traveled way at such times he is not actively working. This shall include nights, weekends, and periods of shutdowns.
26. Trenches shall not remain open overnight under any circumstances.
27. Roadways and shoulders in areas within which the permittee has actually commenced construction operations and which are reserved for traffic shall be maintained by the permittee, at his expense, free from obstructions and in a smooth-riding condition at all times, including seasonal shutdowns.
28. Escape ramps shall be provided at the edges of pavement lifts or at excavations.
29. Final responsibility for the installation of adequate precautions and for the protection of the travelling public and the permittee's personnel, for the duration of the work, shall rest with the permittee.
30. Night time operations shall be in accordance with the current INDOT standard specification.
31. Compliance with all prescribed safety precautions contained herein shall not relieve the permittee of this primary responsibility to take all necessary measures to protect and safeguard the public nor relieve him of any responsibilities described in the resolution.
32. If the excavation extends the full width of the County road, only one-half of it shall be made at one time, and shall be backfilled before the other half is excavated, so as not to interfere with traffic. Where considered necessary, work under permit shall be carried on only within such hours as allotted by the Highway Superintendent and/or County Engineer. If work cannot be completed within the time specified, open trenches shall be backfilled or covered with steel plates of sufficient strength to carry all traffic safely. Exceptions to this regulation may be made only by the County Engineer and/or Highway Superintendent. If, in his judgement, traffic conditions, the safety or convenience of the traveling public or the public interest require that the excavation work be performed as emergency work, the County Engineer and/or Highway Superintendent shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible. The County Engineer and/or Highway Superintendent shall also have full power to limit the hours of work as the public interest may require.
33. Each permittee shall conduct and carry out the excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of the neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust, and unsightly debris.
34. Users of sub-surface street space shall maintain accurate drawing and plans, showing the location and character of all underground structures including abandoned installations. Said drawings and plans are to be kept on file in the office of said users and shall at all times be available for inspection by the County Engineer and/or Highway Superintendent.

The provisions of this resolution are applicable to all contractors/subcontractors performing excavation work under the direction of County authorities by employees of the County or by any contractor/subcontractor of the County performing work for and in behalf of the County necessitating openings or excavations in County roads. All fees will be waived.

This resolution shall not be construed as imposing upon the County or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the County or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized hereunder, the issuance of any permit, or the approval of any excavation work.

All resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

If permittee does not comply with all above-mentioned requirements, this will result in forfeiture of escrow.

This resolution shall take effect immediately upon its passage and approval according to the law.

IV FEE SCHEDULE*

*Fee schedule is attached hereto and may be subject to change

Permits Fee Schedule

CONSTRUCTION PERMITS

Residential/Driveway Approach, Urban (curbed)	\$100.00
Residential Driveway Approach, Rural (shoulder/ditch)	\$100.00
Upgrade Residential Driveway Approach	\$50.00
Shared Residential Driveway Approach	\$100.00
Commercial Driveway Approach	\$200.00
Private Road Approach (each)	\$200.00
Public Road Approach ()	\$200.00
Farm Field Driveway Approach	\$50.00
Temporary Construction Driveway Approach	\$150.00
Overhead Utility Installation	\$200.00
Underground Utility Installation	\$450.00
Utility Service Connection	\$200.00
Sanitary, Water Main, or Storm Connection	\$200.00
Open Cut Road Crossings	\$500.00
Bore Road Crossings	\$300.00
Grading/Drainage	\$100.00
Soil Borings	\$75.00
Landscaping	\$50.00
Vegetation Removal/Trimming (Trees, Stumps, Brush, Limbs)	No Fee

TRANSPORTATION PERMITS

Single Move	\$50.00
Single Move, Multiple Trips	\$100.00
Extended Transportation	\$100.00
Mobile Home, Single Move	\$200.00
Mobile Homes, Extended Transportation	\$200.00
Building & Special Load Move	\$100.00
Designated Hauling Route	\$200.00 plus \$100.00 per mile
Logging	\$1,000 plus \$10 for every truck

SPECIAL USE PERMITS

Road Closure/Parade	No Fee
Banner/Decorations	No Fee
Monitoring Well	No Fee
Surveying	No Fee

ANNUAL BLANKET PERMITS

Municipality	No Fee
Public Utility	\$250.00
Surveying	No Fee

PLAN REVIEW AND FIELD INSPECTION

Commercial Driveway/Private Road Site Plan Review	\$500.00 (\$75.00 per hour/1 hour min.)
Traffic Impact Study Review	Actual Costs

Regular Time – Regular work hours are 7:00 a.m. to 3:30 p.m. Monday through Friday, except on holidays observed by the Road Commission. Costs will be billed at the current hourly rate for the employees and equipment involved, plus fringe benefits and overhead.

Overtime – Costs will be billed at 1-1/2 times the current hourly rate for the employee involved, plus the regular rate for the equipment involved, plus fringe benefits and overhead.

An **Inspection Fee** in the amount of \$100 will be required prior to the issuance of construction permits, with the exception of residential and farm field driveways.

The applicant will be liable for any and all inspection fees, unless otherwise noted on the permit application. An invoice with an itemized statement will be generated for deficient accounts on a monthly basis. Any unexpended fund balance will be refunded following the completion of work. Non-payment of an invoice will result in suspension of the review process or a Stop Work Order during construction.

MISCELLANEOUS FEES

Winter Maintenance (Security Deposit)	\$100.00 per subdivision & \$50.00 per mile
Private Road Sign Package (Stop & Road name Sign)	\$310.00
Truck Operator’s Map	\$3.00
Traffic Control Signals	Actual Cost

NOTES AND PAYMENT

Permit Fees are to be paid when the original application for the permit is filed.

Cash advances, as determined by the Road Commission, will be paid by the application prior to permit issuance.

Security will be provided by the applicant, as determined by the Road Commission, to ensure proper construction and restoration in the right-of-way. **Security for Right-of-Way restoration** will be provided in the form of cash or cashier’s check, and forms provided by the Road Commission are the **only** acceptable alternatives for utility permits.