

TITLE IX: GENERAL REGULATIONS

Chapter

90. EMERGENCY TELEPHONE SYSTEM

91. FAIR HOUSING

92. ROADS AND HIGHWAYS

**APPENDIX A: APPLICATION TO WORK IN COUNTY ROAD
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CHAPTER 90: EMERGENCY TELEPHONE SYSTEM

Section

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§ 90.01 ESTABLISHMENT OF FEE; STATE LAW CONTROLLING.

(A) Under the authority of and subject to the provisions of I.C. 36-8-16 an emergency telephone system fee is hereby established for the funding of the installation and operation of the enhanced emergency telephone system in the county. The fee shall be collected from the telephone service users of Warrick County, Indiana, and administered in accordance with I.C. 36-8-16 and the following terms as set forth in this chapter.

(B) This chapter shall be applied, construed and administered in accordance with I.C. 36-8-16. In the event that I.C. 36-8-16 shall be amended by the State of Indiana in such a manner as to become inconsistent and in conflict with the provisions hereof, this chapter shall be amended to include and adopt the amendatory provisions of I.C. 36-8-16 as if the same were fully incorporated herein.

(CC Res. 1996-9, passed 9-5-96)

§ 90.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY ACCESS FACILITY. The access from a particular service user's premises to a telephone system, which shall include an access line; a private branch exchange (PBX) trunk; a centrex line trunk equivalent all of which are provided by the service supplier; and a mobile telephone system access trunk, whether the trunk is provided by a telephone system or a radio common carrier. The term does not include a service supplier owned and operated telephone pay station line; a wide area telecommunications service (WATS); a foreign exchange (F) line; or an incoming only line.

ENHANCED EMERGENCY TELEPHONE SYSTEM. A telephone system that uses the three digit 911 number to send automatic number identification and automatic location identification for reporting police, fire, medical or other emergency situations.

SERVICE SUPPLIER. A person who provides exchange telephone service to a service user.

SERVICE USER. A person to whom exchange telephone service is provided.
(CC Res. 1996-9, passed 9-5-96)

§ 90.03 MONTHLY FEE; SERVICE SUPPLIER FEE.

(A) A monthly fee of \$1.83 per telephone access line or other exchange access facility shall be collected by the service supplier for each month or part of a month an exchange access facility is in service as a part of its normal billing process.

(B) Each service supplier that collects the enhanced emergency telephone system fee on behalf of the county shall be entitled to a 3% administrative fee as compensation for collecting the monthly fee.
(CC Res. 1996-9, passed 9-5-96)

**§ 90.04 REMITTAL OF FEE;
COMMENCEMENT OF COLLECTION.**

(A) Each service supplier shall remit all monthly fees collected, except for the 3% administrative fee, to the County Treasurer, within ten days of the last day of each calendar-year quarter. At the same time the fees are remitted, the service supplier shall provide a fee collection report to the County Auditor on a form approved or provided by the Auditor.

(B) Each service supplier shall commence collection of the enhanced emergency telephone system fee as soon as is administratively practicable after the effective date of this chapter.
(CC Res. 1996-9, passed 9-5-96)

§ 90.05 ESTABLISHMENT OF FUND.

The County Treasurer shall establish a separate fund for the deposit of collected fees. The fund shall be known as "The Warrick County Enhanced Emergency Telephone System Fund." All fees remitted by the service supplier shall be deposited in said fund. The County Treasurer may invest said money in said fund in the same manner that other money of the county may be invested. All income earned from such investments shall be deposited in said fund.

(CC Res. 1996-9, passed 9-5-96)

§ 90.06 USE OF FEES.

(A) The fees imposed in the Enhanced Emergency Telephone System Fund shall be used only for the payment of the following:

(1) The lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning;

(2) The rates associated with the service suppliers' enhanced emergency telephone system network services; and

(3) The personnel expenses of the emergency telephone system.

(B) The County Council may appropriate money in the fund only for such expenditures.
(CC Res. 1996-9, passed 9-5-96)

§ 90.07 DELINQUENT FEE REPORT.

During January of each year, each service supplier that collects the fee for the county shall provide the County Treasurer with a delinquent fee report. The service supplier shall list the name and address of each service user who is two or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable.

(CC Res. 1996-9, passed 9-5-96)

CHAPTER 91: FAIR HOUSING

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91.01	Policy statement
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91.03	Unlawful practice
91.04	Discrimination in the sale or rental of housing
91.05	Discrimination in residential real estate-related transactions
91.06	Discrimination in the provision of brokerage services
91.07	Interference, coercion or intimidation
91.08	Prevention of intimidation in fair housing cases
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AGGRIEVED PERSON. Includes any person who:

(1) Claims to have been injured by a discriminatory housing practice; or

(2) Believes that such person will be injured by a discriminatory housing practice that is about to occur (I.C. 22-9.5-2-2).

COMMISSION. The Indiana Civil Rights Commission created pursuant to I.C. 22-9-1-4, *et seq.* (I.C. 22-9.5-2-3).

COMPLAINANT. A person, including the Commission, who files a complaint under I.C. 22-9.5-6 (I.C. 22-9.5-2-4).

DISCRIMINATORY HOUSING PRACTICE. An act that is unlawful under §§ 91.04 through 91.08 of this chapter or I.C. 22-9.5-5.

§ 91.01 POLICY STATEMENT.

It shall be the policy of Warrick County to provide, within constitutional limitation, for fair housing throughout its corporate limits as provided for under the Federal Civil Rights Act of 1968, as amended, the Federal Housing and Community Development Act of 1974, as amended, and I.C. 22-9.5-1 *et seq.* (BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

DWELLING. Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families; or any vacant land which is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as a residence by one or more families (I.C. 22-9.5-2-8).

FAMILIAL STATUS. One or more individuals who have not attained the age of 18 years being domiciled with a parent or another person having legal custody of such individual or the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.

FAMILY. Includes a single individual (I.C. 22-9.5-2-9), with the status of such family being further defined above under **FAMILIAL STATUS**.

HANDICAP.

(1) With respect to a person means:

(a) Physical or mental impairment which substantially limits one or more of such person's major life activities,

(b) A record of having such an impairment;

(c) Being regarded as having such an impairment;

(d) An impairment described or defined pursuant to the Federal Americans with Disabilities Act of 1990; and

(e) Any other impairment defined in 910 IAC 2-3.

(2) The term **HANDICAP** shall not include current illegal use of or addictions to a controlled substance as defined in 21 U.S.C. § 802 and 910 IAC 2-3-2(14); nor does the term **HANDICAP** include an individual solely because that individual is a transvestite 910 IAC 2-3-2(14).

PERSON. Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in cases under Title 11 of the United States Code, receivers, and fiduciaries (I.C. 22-9.5-2-11).

TO RENT. Includes to lease, to sublease, to let and otherwise to grant for a consideration the rights to occupy the premises owned by the occupant (I.C. 22-9.5-2-13).

(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2012-25, passed 8-27-12; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.03 UNLAWFUL PRACTICE.

Subject to the provisions of division (B) of this § 91.09 of this chapter and I.C. 22-9.5-3, the prohibitions against discrimination in the sale or rental of housing set forth I.C. 22-9.5-5-1 and in § 91.04 of this chapter shall apply to:

(A) All dwellings except as exempted by division (B) and I.C. 22-9.5-3.

(B) Other than the provisions of division (C) of this section, nothing in § 91.04 shall apply to:

(1) Any single-family house sold or rented by an owner where the private individual owner does not own more than three such single-family houses at any one time; provided that in the sale of such single family house by a private individual owner not residing in the house at the time of sale or exemption shall apply only to one such sale within any 24 month period. The private individual owner may not own any interest in, nor have owned or reserved on his behalf, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses at any one time. The sale or rental of any such single family house shall be exempted from application of this section only if such house is sold or rented:

(a) Without the use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesman, or any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent or salesman, or person; and

(b) Without the publication, posting or mailing, after notice of advertisement or written notice in violation of § 91.04(C) of this chapter, but noting in this provision shall prohibit the use of attorneys, escrow agents, abstracters, title companies and other such professional assistance as necessary to perfect or transfer this title; or

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by

no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(C) For the purposes of division (B), a person shall be deemed to be in the business of selling or renting dwellings if:

(1) They have, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;

(2) They have, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or

(3) They are the owner of any dwelling unit designed or intended for occupancy by, or occupied by, five or more families.
(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.04 DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING.

(A) As made applicable by § 91.03 and except as exempted by §§ 91.03(B) and 91.09, it shall be unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, handicap, familial status or national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, handicap, familial status or national origin.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.

(4) To represent to any person because of race, color, religion, sex, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or perspective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status or national origin.

(6) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

(a) That buyer or renter;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

(7) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:

(a) That person;

(b) A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(c) Any person associated with that person.

(8) For purposes of this division, discrimination includes:

(a) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may where it is reasonable to do so condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modifications, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

(c) In connection with the design and construction of covered multi-family dwellings for first occupancy after the date that is 30 months after September 13,1998, a failure to design and construct those dwellings in such a manner that;

1. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

2. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

3. All premises within such dwellings contain the following features of adaptive design:

A. An accessible route into and through the dwelling;

B. Light, switches, electrical outlets , thermostats, and other environmental controls in accessible locations; and

C. Reinforcements in bathrooms such that an individual in a wheelchair can maneuver about the space.

(B) Compliance with the appropriate requirement Americans with Disabilities Act of 1990 and of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people (commonly cited as “ANSI A117.1”) suffices to satisfy the requirements of paragraph (A)(8)(c)3.C.

(C) Nothing in this division requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health of safety of other individuals of whose tenancy would result in substantial physical damage to the property of others.

(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.05 DISCRIMINATION IN RESIDENTIAL REAL ESTATE-RELATED TRANSACTIONS.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(B) As used in this section, the term residential real estate-related transaction means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

(a) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

(b) Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(C) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.06 DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES.

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status or national origin.

(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.07 INTERFERENCE, COERCION OR INTIMIDATION.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by §§ 91.03 through 91.06 of this chapter.

(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.08 PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES.

Whoever, whether or not acting under code or law, by force or threat of force willfully injures, intimidates or interferes with, or attempt to injure, intimidate or interfere with:

(A) Any person because of his race, color, religion, sex, handicap, familial status, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings;

(B) Any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from:

(1) Participating, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A); or

(2) Affording another person or class of persons opportunity or protection so to participate; or

(C) Any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion, sex, handicap, familial status, or national origin, in any of the activities, services, organizations or facilities described in division (A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to participate shall be fined according to local, state and Federal law; and if bodily injury results shall be fined not more than \$10,000 or imprisoned not more than ten

years, or both; and if death results shall be subject to imprisonment for any term of years or for life.

(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.09 EQUAL ACCESS TO HOUSING IN HUD PROGRAMS.

Pursuant to 24 CFR Part 5.403 and 24 CFR Part 574.3 the definition of "family" is revised to include families regardless of the actual or perceived sexual orientation, gender identity, or marital status of its members.

(BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.10 EXEMPTIONS.

(A) Exemptions defined or set forth under I.C. 22-9.5-3 *et seq.* shall be exempt from the provisions of this chapter to include those activities or organizations set forth under divisions (B) and (C) of this section.

(B) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(C) Nothing in this chapter regarding familial status shall apply with respect to housing for older

persons. As used in this section, "housing for older persons" means housing:

(1) Provided under any state or Federal program that the Secretary of the Federal Department of Housing and Urban Development or the State Civil Rights Commission determines is specifically designed and operated to assist elderly person (as defined in the state or Federal program); or

(2) Intended for, and solely occupied by, person 62 years of age or older; or

(3) Intended and operated for occupancy by at least one person 55 years of age or older per unit. (BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.11 ADMINISTRATIVE ENFORCEMENT.

(A) The authority and responsibility for properly administering this chapter and referral of complaints hereunder to the Commissioner as set forth in division (B) hereof shall be vested in the Chief Elected Official of Warrick County, Indiana.

(B) Notwithstanding the provisions of I.C. 22-9.5-4-8, Warrick County, Indiana, because of lack of financial and other resources necessary to fully administer enforcement proceedings and possible civil actions under the chapter, herein elects to refer all formal complaints of violation of the articles of this chapter by complainants to the Indiana Civil Rights Commission for administrative enforcement actions pursuant to I.C. 22-9.5-6 and the Chief Elected Official of Warrick County, Indiana, shall refer all said complaints to the Commission as provided for under division (A) to said Commission for purposes of investigation, resolution and appropriate relief as provided for under I.C. 22-9.5-6.

(C) All executive departments and agencies of Warrick County, Indiana, shall administer their departments, programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this chapter and shall cooperate with the Chief Elected Official and the Commission to further such purposes.

(D) The Chief Elected Official of Warrick County, Indiana, or the Chief Elected Official's designee, shall provide information on remedies available to any aggrieved person or complainant requesting such information.

(BC Ord. 1995-5, passed 2-22-95; Am. BC Ord. 2016-31, passed 12-12-16; Am. BC Ord. 2017-01, passed 1-23-17)

§ 91.99 PENALTY.

Whoever violates the provisions of § 91.08 shall be fined according to local, state and federal law; and if bodily injury or death results shall be fined not more than \$2,500.

(BC Ord. 1995-5, passed 2-22-95)

CHAPTER 92: ROADS AND HIGHWAYS

Section

ROAD NAMES INDEX

Road Names Index

- 92.01 Road names index adopted by reference

§ 92.01 ROAD NAMES INDEX ADOPTED BY REFERENCE.

The *Official Street and Road Index for Warrick County, Indiana*, adopted by the Area Plan Commission on February 13, 1995, is hereby adopted by reference and made a part of this code the same as if set forth in full herein.

Restrictions for Private Drives Connection

- 92.10 Permit required; classes
92.11 Permit application and fees
92.12 Review and approval requirements
92.13 Required surety
92.14 Exception
92.15 Maintenance and repair

(BC Ord. passed 2-13-95; Am. BC Ord. 1995-3, passed 2-22-95; Am. BC Ord. 1997-03, passed 1-27-97)

Cutting of Rights-of-Way

- 92.25 Permit required
92.26 Utility company exception
92.27 Application and fee
92.28 Issuance of permit
92.29 Security; unacceptable restoration
92.30 Utility company security
92.31 Guarding the work site
92.32 Minimum repair requirements
92.33 Inspection

RESTRICTIONS FOR PRIVATE DRIVES CONNECTION

§ 92.10 PERMIT REQUIRED; CLASSES.

(A) No person, firm, or corporation shall construct any private entrance, driveway, or approach connecting with any highway nor shall any curb along such highway be cut or removed without a written permit from the County Commissioners.

Restrictions on Work within Right-of-Way

- 92.45 Permits for work within right-of-way
92.46 Permit bonding requirements
92.47 Traffic control standards
92.48 Guidelines for use of flaggers by utilities and contractors
92.49 Standard permit conditions for pole lines and underground cables and utility lines
92.50 Permitted work in county right-of-way

92.99 Penalty

(B) The permit shall be in two classes. Class I shall be any driveway or approach that serves commercial or industrial property and shall be designed in accordance with *Indiana Department of Highways Driveway Permit Handbook, 1996 Edition*. Class II shall be any driveway or approach that serves residential or agricultural property.
(BC Ord. 1997-4, passed 4-14-97; Am. BC Ord. 2002-03, passed 2-13-02)

§ 92.11 PERMIT APPLICATION AND FEES. 2002 S-5

(A) No application will be accepted unless accompanied with a drawing of the layout of such driveway or approach. The drawing shall be to proper engineer's scale. Application and drawing shall be filed in triplicate with the County Area Plan Commission.

(B) Each application shall be accompanied by a fee made payable to the County Area Plan Commission as follows:

- | | |
|--------------|------|
| (1) Class I | \$50 |
| (2) Class II | \$10 |

(C) No part of any filing fee shall be returnable to the applicant.

(BC Ord. 1997-4, passed 4-14-97; Am. BC Ord. 2002-03, passed 2-13-02)

§ 92.12 REVIEW AND APPROVAL REQUIREMENTS.

(A) No permit for a Class I permit shall be issued without review and approval of the County Highway Engineer. Any application for a Class I drive must include a dollar amount to cover the cost of the driveway or approach which must be approved by the County Highway Engineer.

(B) No Class II permit shall be issued without review and approval of the County Highway Engineer.

(BC Ord. 1997-4, passed 4-14-97; Am. BC Ord. 2002-03, passed 2-13-02)

§ 92.13 REQUIRED SURETY.

A performance bond, irrevocable letter of credit, certified check or surety to the Board of County Commissioners to cover the cost of the driveway or approach shall be submitted in the amount agreed upon by the County Highway Engineer. Should surety be required it shall not be for a time limit to exceed

one year. The driveway or approach may be constructed prior to the issuance of the improvement location permit being issued in place of submitting surety. The completion must be certified to by the submitting engineer/surveyor and approved by the County Highway Engineer and County Commissioners. Upon approval of the driveway or approach, any required funds guaranteeing the cost of the driveway or approach shall be released upon completion. Should the Board of County Commissioners find the driveway or approach not built in accordance to the approved plan, the Board of County Commissioners may secure the funds.

(BC Ord. 1997-4, passed 4-14-97; Am. BC Ord. 2002-03, passed 2-13-02)

§ 92.14 EXCEPTION.

No Class II permit will be required in the residential subdivisions with streets with rolled type curbs. In such cases the County Area Plan Commission shall cause to have fixed the statement "No Driveway Permits Required" to appear on the plat which has final approval.

(BC Ord. 1997-4, passed 4-14-97; Am. BC Ord. 2002-03, passed 2-13-02)

§ 92.15 MAINTENANCE AND REPAIR.

The owners and occupants of the abutting property shall maintain and keep in repair all such private entrances, driveways, and approaches thereto, but no such private entrances, driveway, and approaches shall be constructed or maintained in such a manner as to obstruct or interfere with the highway, the traffic thereon, or with any drain or ditch which has been constructed on or which serves such highway. Said owner or occupant of the abutting property shall remove such private entrances, driveways, and approaches at said owner's expense, when requested to do so by the County Highway Engineer and Board of County Commissioners.

(BC Ord. 1997-4, passed 4-14-97; Am. BC Ord. 2002-03, passed 2-13-02)

No street, highway or highway right-of-way under the jurisdiction of the county shall be dug up, cut or removed for any purpose unless a permit for such action has first been obtained from the county. (BC Ord. 1991-22, passed - - 91) Penalty, see § 92.99

2002 S-5

12B

Warrick County - General Regulations

§ 92.26 UTILITY COMPANY EXCEPTION.

Section 92.25 shall not apply to any public utility company when such company is required to take immediate action to preserve life or property, or, to make an inspection in an emergency, or, to make an emergency repair. However, such utility shall acquire the required permit on the first working day after such work has commenced.

(BC Ord. 1991-22, passed - -91)

§ 92.27 APPLICATION AND FEE.

(A) The application for a permit shall be filed on forms provided by the county, shall be accompanied by the fee required by this chapter and shall designate the method proposed by the applicant to meet the security requirement of § 92.29.

(B) There is imposed a permit fee of \$100 paid to the county to defray the cost of processing applications for permits. Each separate location sought to be dug up, cut or removed shall require a separate application and a separate fee.

(BC Ord. 1991-22, passed - -91)

§ 92.28 ISSUANCE OF PERMIT.

Upon compliance with the permit requirements of this chapter and the payment of the fee required, the County Commissioners shall issue a permit to dig up, cut or remove the right-of-way, highway and/or sidewalk. Such permit shall describe the action allowed to be taken, the extent of the disturbance permitted and the period of time within which the permit is valid. A copy of said permit shall be retained by the County Commissioners and the permit shall be kept at the location of the work while work is being undertaken.

(BC Ord. 1991-22, passed - -91)

§ 92.29 SECURITY; UNACCEPTABLE RESTORATION.

(A) Each person, firm or corporation filing an application for a permit shall provide security to the county, guaranteeing that the area sought to be

disturbed will be restored. Such security may be provided by a two-year corporate surety bond; irrevocable letter of credit drawn on a bank or trust company acceptable to the county, such letter of credit to be irrevocable for a period of two years after the completion of the work; or, a cash deposit.

(B) The security required shall be equal to the estimated cost of the work required to restore the disturbed area as required by this subchapter, except that cash security shall be not less than \$200. If the security provided is a cash deposit, such shall be held by the County Auditor in the street cut fund for a period of two years after the restoration is completed; shall be refundable upon certification that the restoration has been completed according to the requirements of this subchapter; and, has been inspected and accepted by the county. Such deposit shall be returned without the payment of interest on said sum by the county.

(C) The county shall, in the event that the repair or restoration has not been completed, or completed in an unacceptable manner, cause the area to be repaired and charge the cost for such work against the security held by the county. If such security is insufficient to cover the cost of repair, the applicant shall promptly remit the difference to the county.

(D) No payment of any fine levied hereunder for violation of any provision of this subchapter shall in any way diminish the obligation of said person violating this subchapter to pay the county an amount equal to the cost to the county of repairing any damage caused by such violation, and such payment of such cost shall be in addition to any fine assessed hereunder.

(BC Ord. 1991-22, passed - -91)

§ 92.30 UTILITY COMPANY SECURITY.

In lieu of the security required by § 92.29, any public utility company may file with the county a bond in the sum of \$2,500 payable so as to indemnify the county for the cost of repair or restoration of an area, or areas, disturbed by said company.

(BC Ord. 1991-22, passed - -91)

§ 92.31 GUARDING THE WORK SITE.

The person, firm or corporation to whom a permit has been issued, and their agents, servants or employees working at the site, shall bear the sole responsibility and expense of guarding the work with necessary barriers, lights, flagmen or other safety devices which shall be maintained by the permittee until the work has been completed. The permittee shall indemnify and hold the county harmless from all loss and damage, including attorney fees arising out of permittee's work in county's right-of-way. (BC Ord. 1991-22, passed - -91)

§ 92.32 MINIMUM REPAIR REQUIREMENTS.

(A) Upon completion of the work the permittee shall refill the trenches or sub-grade areas with sand, pea-size gravel or crushed white rock of a size numbered 53, 63 or 73; provided, however, if an area to be filled will not be covered with street pavement or is a sidewalk, and is not an alley, then the area shall be filled with sand or dirt. All fill material shall be free of rubbish and vegetation and shall be compacted throughout in six-inch layers while being installed. All streets shall, where possible, be restored, under the pavement area, with at least six inches of concrete and above that a four-inch final surface of concrete or asphalt. All sidewalks shall be restored with compacted dirt or aggregate as a base and the sidewalk surface shall be of a material and design equal to the adjoining undisturbed sidewalk.

(B) In all cases where fill has been placed but a final surface has not yet been completed, the permittee shall lay a suitable temporary surface to provide for the safe transit of the work area by the public. (BC Ord. 1991-22, passed - -91)

§ 92.33 INSPECTION.

The County Highway Engineer may inspect the work from time to time and shall inspect the work during filling and final restoration. Such work shall also be inspected by the county within 30 days before the two-year security period shall expire. Any

deterioration of the repair or restoration other than that normally anticipated by reasonable use shall be repaired by permittee before release of the security. (BC Ord. 1991-22, passed - -91)

***RESTRICTIONS ON WORK
WITHIN RIGHT-OF-WAY*****§ 92.45 PERMITS FOR WORK WITHIN RIGHT-OF-WAY.**

(A) Permits to allow work within the county road right-of-way shall be submitted to the County Highway Engineer and Board of Commissioners no later than one week prior to the next scheduled Commissioners Meeting. The Board of Commissioners meetings are held on the second and fourth Mondays of each month at 4:30 P.M.

(B) Upon approval of the application for permit and prior to commencement of the proposed work within the road right-of-way, all applicants shall be required to give a minimum of 24 hours and a maximum of 72 hours notification prior to beginning of work. (BC Ord. 1998-4, passed 5-11-98) Penalty, see § 92.99

§ 92.46 PERMIT BONDING REQUIREMENTS.

(A) All bonds shall name "The Board of Commissioners of the County of Warrick" as beneficiary of the bond and shall run for a minimum of one year. A certificate of insurance is not acceptable for bonding purposes. The bond must name the Board of Commissioners exclusively and not be subordinate to any other claims against the bond. The bond amount will be set by the Board of Commissioners. In general, the following are minimum bond amounts that will be required by the Board of Commissioners. Where there is a higher risk to county infrastructure, or the permitted work is much larger or more complex than normal permitted work, the Board of Commissioners reserve the right to increase the bond requirement after reviewing the application for permit and before approving the

permit. The minimum bonding amounts are as follows:

- (1) Open road cut: \$25,000
- (2) Underground construction, grading, trenching or excavation parallel to the road: \$25,000
- (3) Push or bore: \$25,000
- (4) Placement/removal of poles/overhead lines: \$25,000
- (5) Tap pit (including a directly associated push or bore): \$5,000 per tap pit
- (6) House moving: \$30,000 per move
- (7) Vehicle weight restriction exemption: \$40,000 per mile
- (8) Maintenance bonds: equal to the initial permit bond amount

(B) The Board of Commissioners will allow applicants who intend to file for multiple permits to have an annual permit bond for utility work in county right-of-way. The minimum annual permit bond amount requirement is currently \$25,000. The annual permit bond shall be written so that it automatically renews, unless the surety gives a written notice 60 days prior to the annual expiration date. The written notice must be by certified mail to the Warrick County Board of Commissioners, ATTN: County Administrator. At the discretion of the County Commissioners, an annual permit bond may be allowed for house moving and vehicle weight restrictions in a minimum amount of \$100,000. (BC Ord. 1998-4, passed 5-11-98; 1999-37, passed 10-25-99) Penalty, see § 92.99

§ 92.47 TRAFFIC CONTROL STANDARDS.

Anyone performing work within the county road right-of-way must conform with the requirements set

out in the latest edition of the *Indiana Manual on Uniform Traffic Control Devices* or the latest edition of the *Handbook for Traffic Control in Construction and Maintenance Areas* which is published by HERPICC at Purdue University. The traffic control procedures must be followed even if a permit is not required for work in the right-of-way. A permit holder must also provide all traffic control as set out in the conditions of the permit. A road must not be completely closed to traffic at any time unless it has been requested as a part of the permit and a traffic detour plan has been approved by the Board of Commissioners for Warrick County. When working on a low volume road, the guidelines in § 92.48 may be used to determine if flaggers are not required on the project. (BC Ord. 1998-4, passed 5-11-98) Penalty, see § 92.99

§ 92.48 GUIDELINES FOR USE OF FLAGGERS BY UTILITIES AND CONTRACTORS.

(A) When traffic lane is fully or partially obstructed by a maintenance or construction operation, a flagger or flaggers will not be required only when all of the following are met:

- (1) The ADT of the given section of road is less than 400 vehicles per day. If the ADT is not on record at the Warrick Highway Engineering Department, the County Highway Engineer shall determine if this criterion is met, and;
- (2) The work zone on any road (except a local residential street) must be more than 400 feet from an intersection. On local residential streets the work zone must be greater than 100 feet from an intersection, and;
- (3) Motorists in both directions can see approaching motorists from the opposite direction with no sight obstruction. In order for a vehicle to stop, this means that the motorists shall have an unobstructed view from “d” feet from their end of the

work zone to "d" feet from the far end of the work zone (where "d" = length of maximum # of cars in storage + distance required for driver to react + distance required for vehicle to stop), and:

Posted **	
Speed	d (feet) *
20	310
25	370
30	430
35	495
40	555
45	615
50	670
55	755

* These shall be increased for wet pavement, gravel or on descending grades.

** Use 55 MPH if not posted.

*** These are guidelines based on the Handbook for Traffic Control - HERPICC, the Indiana Manual on Uniform Traffic Control Devices - 1988 IDOH and the Handbook of Traffic Control Practices for Low-Volume Roads in Indiana - HERPICC 1984. These are only guidelines and as specified in the manuals, good judgment should be used in determining when flaggers should be used but may not be required by these guidelines.

(4) The work activity does not create congestion or backup of more than five vehicles at any time.

(B) The work zone shall include all cones making the taper protecting the actual work area. Traffic control devices, placement of traffic control devices and requirements for flaggers (including clothing, procedures and locations) shall be detailed in the HERPICC - Handbook for Traffic Control in Construction and Maintenance Areas. A lane shall be considered partially obstructed when a ten-foot lane for each direction of traffic can be maintained. (BC Ord. 1998-4, passed 5-11-98) Penalty, see § 92.99

§ 92.49 STANDARD PERMIT CONDITIONS FOR POLE LINES AND UNDERGROUND CABLES AND UTILITY LINES.

Due to widespread inconsistencies in the location and depth of buried cables, buried pipes and pole

lines, these provisions will be standard condition of approval of most all utility permits where we have a right-of-way less than the recommended county thoroughfare plan right-of-way. Plans should reflect these requirements when submitted for permit approval. These requirements are necessary due to the limited right-of-way along many of our county roads and the problems associated with multiple utilities in the right-of-way. The location of poles and guy anchors in the flowline of ditches and the insufficient burial depth of cables and pipes has become a major problem for the County Highway Department when maintaining ditches, shoulders, installing signs and other safety related items. Where sufficient right-of-way exists, utility locations shall be as shown on the standard detail sheets elsewhere in this manual.

(A) *Pole lines.* All poles shall be located within one foot of the edge of right-of-way. All new pole installations and guy line locations shall be marked and notification made to the County Engineering Department a minimum of 96 hours before construction begins. Field adjustments shall be made at the Superintendent or County Highway Engineer's request for poles and guy lines presenting drainage and safety problems.

(B) *Buried cable and utility lines.* All buried cables and utility lines shall be located within two feet of the edge of the right-of-way with all pedestals being located a distance of two feet from the edge of right-of-way. All cables and utility lines shall be located a minimum of 48 inches below ground level. Any variances shall be requested in writing and have explicit written approval by the County Highway Engineer. This requirement is needed to allow for the installation of signs, guardrail and the maintenance and reestablishment of roadside ditches. If the permittee does not install his cables or lines at this depth, he or she shall waive all rights to damages incurred to his lines or cables made by the County Highway Department or its contractors during its routine maintenance activities and the installation of guardrail at hazardous locations.

(C) *All permits.* Any permittee or permittee's contractor who cuts an underground drain tile, whether it appears abandoned or not, shall notify the County Engineering Department immediately upon

cutting the tile. The permittee shall then repair the tile as directed by the inspector. 2000 S-3
 (BC Ord. 1998-4, passed 5-11-98; Am. BC Ord. 1999-37, passed 10-25-99) Penalty, see § 92.99

§ 92.50 PERMITTED WORK IN COUNTY RIGHT-OF-WAY.

(A) *Definitions.* The following definitions apply only to this subchapter of the Warrick County Ordinance. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY. A situation where there is an immediate need to perform repair work on an existing utility service which has been interrupted or damaged and where the failure to perform such work would result in an immediate danger to life or property.

CONSTRUCTION MATERIALS. Those items commonly used in the construction of roads, buildings, landscaping and the like, including but not limited to stone, gravel, soil, mulch, timbers, brick, block, trusses, lumber, sod and the like.

(B) All persons who desire to perform construction operations or other work within the county's right-of-way shall, prior to start of construction, apply for and receive approval from the Board of Commissioners or its designee. Permit Application forms, supplied by the Board of Commissioners Office or the Highway Engineering Department, and related exhibits shall be submitted to the Highway Department to be reviewed and approved by the appropriate agencies as specified by the County Commissioners.

(C) In the event of an emergency, the repairs of a utility may be undertaken without first receiving a permit. However, in an emergency situation, the entity making the emergency repairs must notify the County Engineering Department as soon as possible. In the event of an emergency during non-work hours, a faxed notification must be made to the Board of Commissioners or County Highway Engineer as soon as possible on a county supplied form. A regular permit must be filed with the Highway Engineering

Department within 72 hours of the time the work is begun in an emergency situation. Any work completed as emergency work which does not meet the definition of emergency as set out in this section is a violation of this section; any work completed without a permit when one is required is also a violation of this section.

(D) Any applicant, as required by the County Board of Commissioners, shall provide a permit bond running to "The Board of Commissioners of Warrick County" in an amount designated by the County Commissioners. The bond shall not expire in less than one year. Prior to the release of any permit bond, the County Highway Engineer will require inspections during and at the completion of construction. The bond shall insure that the applicant on the permit will complete all permitted work in accordance with the requirements of this section of the County Ordinance and any other applicable sections of the County Ordinance. In the event a permit bond expires or the bond company cancels the permit bond and all work authorized by any permits already issued using the permit bond have not been completed and the County Board of Commissioners has not released the bond, then the bond shall become immediately due and payable to the County Board of Commissioners. Applicants who desire to do so may post an annual or continuous permit bond for utility work in an amount designated by the County Commissioners. An annual or continuous permit bond may not be used for drive or public road approach permits. In the event an annual or continuous permit bond expires or the bond company cancels the annual or continuous permit bond and all work authorized by any permits already issued using the annual or continuous permit bond has not been completed and the County Board of Commissioners has not released the bond, then the bond shall become immediately due and payable to the County Board of Commissioners. At the discretion of the Highway Engineer, a maintenance bond may be required from an applicant as a condition of approval or as a condition of releasing the permit bond. A utility company having a certificate of authority or franchise issued by the Indiana Utility Regulatory Commission and who has a continuous bond on file with the County Board of Commissioners may use, in lieu of the maintenance bond when approved by the County Board of Commissioners. Permits issued for the cutting of a road may require a three year main-

tenance bond, which cannot be canceled prior to three years from the completion of the road cut. If the bond

company sends notice that the bond is being canceled at any time prior to three years, the total amount of the

bond shall become immediately due and payable to the County Board of Commissioners and no additional permits will be issued to the applicant.

(E) The recipient of a permit and/or anyone working within the right-of-way of a county road shall comply with the following terms.

(1) Construction materials shall conform to the requirements of the Standard Specifications of the State Department of Transportation and shall be approved by the County Highway Engineer.

(2) Traffic control devices and flaggers shall be used to regulate traffic safety if construction affects the flow of traffic as set out in the Indiana Manual on Uniform Traffic Control Devices and as required by the County Highway Engineer or the County Board of Commissioners. Traffic will be maintained at all times. If a road closing is approved in accordance with the County's Ordinance, the permit holder will mark and maintain any detours approved by the County Highway Engineer and notify all appropriate agencies of the time and location of the closing a minimum of 48 hours prior to closing and again immediately upon reopening of the roadway.

(3) Utility trench backfill for cuts of the roadway, #53 aggregate, shall be placed and compacted in lifts under the supervision of the County Highway Engineer or, at the discretion of the County Highway Engineer, it shall be tested for density by an independent testing laboratory. Flowable mortar in accordance with the specifications of the County Highway Engineer may be used as an alternate to the #53 aggregate.

(4) Pavement shall be restored to a smooth permanent as required by the County Highway Engineer or County Highway Superintendent. This shall also include any damage done to pavement markings. Temporary patches shall be maintained in a smooth and safe condition by the permit holder until a permanent patching is accomplished. Temporary

patching shall not exceed 30 days, except during the period from November 15 through April 15 each year when the materials are not available. During this time period the applicant may leave a temporary patch in place, but a routine inspection shall be made by the applicant to insure the temporary patch is in good condition. An extension beyond the 30-day requirement may be granted at the Highway Department's discretion upon request with a justification by the applicant. Aggregate surfaces shall be restored in kind and shall be stabilized to prevent loose material, which constitutes a safety hazard.

(5) The filling of a curb or gutter line of the drainage system of any road with any material or pipe is strictly prohibited. Any curb modifications shall require a driveway permit.

(6) Tree trimming operations do not require a permit to work in the right-of-way; however, they are bound by all of the requirements of this subsection and are required to obtain a road obstruction permit if they desire to close a road.

(7) All sod, swale, side ditches, shoulders and other improvements within the right-of-way which is disturbed by any work or construction within the right-of-way shall be repaired or replaced in a condition equal to or better than they were prior to the work or construction. Materials used in the repair of any disturbed area and the method used to make the repairs shall be approved by the County Highway Engineer or the County Commissioners. The proof of the condition of these items prior to work shall be the contractors or the individual completing the work responsibility.

(8) Anyone who cuts or damages an underdrain tile, storm sewer pipe or culvert pipe, whether it appears abandoned or not, shall notify the County Highway Department immediately upon cutting the tile or pipe. The person cutting the tile shall be responsible for all damages resulting from this action. The person cutting the tile shall then repair the tile as directed by the Superintendent or County Highway Engineer. If the tile or pipe is a regulated drain, then immediate notification and repair approval shall also be made to the County Surveyor or his designated representative.

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Roads and Highways

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(9) Loading or unloading any equipment on a county road which results in an undue or unsafe

restriction of traffic or damage to the pavement is not allowed and is a violation of this section.

(10) Crossing or traveling on a county road with a tracked vehicle directly in contact with the pavement surface is a violation of this section. Crossing or traveling along the road will be allowed provided suitable protection (timbers, tires and the like) is provided for the pavement. No damage will be allowed to the pavement, structures, grading, drainage and the like. Failure to use adequate protection or damage to the pavement is a violation of this section.

(11) Dragging or depositing mud or soil onto a county road from any site is not allowed and is a violation of this section. Cleanup of any mud or soil on the road due to accessing a site shall be immediately after the material is deposited. A site having a high volume of vehicles accessing a muddy site shall have a full-time cleanup crew or install cleaning mechanisms in accordance with the plan approved by the County Highway Engineer or County Highway Superintendent.

(12) Allowing erosion of soils from a site onto a county roadway or into a county roadway drainage system is a violation of this section. Anyone excavating on county right-of-way or adjacent to county right-of-way shall protect the county right-of-way from the deposit of eroded materials in accordance with the plan approved by the County Highway Engineer or County Highway Superintendent.

(13) Depositing any construction materials or the cleaning of any equipment directly or indirectly into any county roadway drainage system is not allowed and is a violation of this section.

(14) Installation of sprinkler systems within the right-of-way is not allowed. Any sprinkler systems installed within the right-of-way prior to the date of this subchapter shall be relocated at the owner's expense within seven calendar days when requested by the County Highway Engineer or Superintendent for road improvement purposes or drainage problems.

(15) An individual or agency who has directed work to be done in the right-of-way shall be jointly and separately liable for all actions taken by his contractor or representative.

(16) Failure to stop work for any violation of this section of the code when so directed by an authorized representative of the County Highway Department is a violation of this section.

(17) Failure to provide traffic control, provide a safe work site (safety fencing, shoring, and the like) or comply with the conditions set out in a permit or as directed by an authorized representative of the County Highway Department is a violation of this section.

(18) A permit is not required for surfacing or resurfacing of a driveway provided it does not change any drainage flows and does not expand the width of the existing drive. The maintenance of any drive and its associated culverts will remain the responsibility of the applicant or subsequent property owner and must be maintained by the property owner in a manner which does not interfere with the use of the right-of-way for its dedicated purpose.

(19) Any improvements installed by permit or without a permit within the public right-of-way are done so at the risk of the property owner or entity installing the improvements. Whenever the County Highway Engineer or Superintendent determines a change is required or maintenance is needed in the improvements, the applicant, subsequent property owner or entity who owns the improvements must make the changes upon notification and within a reasonable time limit at the owner's expense.

(20) No improvements can be made by any permit applicant which obstructs or impedes an existing farm field entrance or an existing farm field loading area without permission from the property owner. It is the applicant's responsibility to comply with this requirement.

(F) After the application is approved, the County Highway Engineer shall issue a permit. Once work begins, the permit or a photocopy of the permit must

be on site for inspection. The County Highway Department shall be notified at least 24 hours in advance of construction and when construction is complete in accordance with the procedures of the County Highway Department. An approved permit will expire one year from the date of application or 60 days prior to the expiration of the permit bond covering the work being applied for, whichever comes first.

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(BC Ord. 1998-4, passed 5-11-98; Am. BC Ord. 1999-37, passed 10-25-99) Penalty, see § 92.99

§ 92.99 PENALTY.

(A) Any person violating the provisions of §§ 92.10 through 92.15 shall be fined not more than \$1,000. (BC Ord. 1997-4, passed 4-14-97; Am. BC Ord. 2002-03, passed 2-13-02)

(B) Any person violating any of the provisions of §§ 92.25 through 92.33 shall, for each offense, be subject to a fine of not more than \$2,500. (BC Ord. 1991-22, passed - -91)

(C) When the provisions and guidelines of §§ 92.45 through 92.50 are not adhered to, it shall be considered a violation. When a violation occurs, the contractor, company or individual performing the work and the owner of the facilities being installed or constructed shall be held in violation both jointly and separately. Each subsection violated and each day for which the violation remains shall be a separate violation. A judgment of up to \$2,500 and restitution of all damages shall be entered against a person who violates this subchapter per violation per day. (BC Ord. 1998-4, passed 5-11-98)

APPENDIX A: APPLICATION TO WORK IN COUNTY ROAD RIGHT OF WAY

APPLICATION TO WORK IN COUNTY ROAD RIGHT OF WAY

PERMIT NO. _____

Warrick County Commissioners
Phone No. 812-897-6120

P.O. Box 749, Boonville, IN 47601
Fax No. 812-897-6189

- Underground construction, grading, trenching or excavation parallel to the road ____ ft.@ \$70/400 ft. = ____
- Bores or pushes under the roadway ____ bores@\$50/ea. = ____
- Placement/removal of poles/overhead lines ____ ft.@\$100/1000 ft. = ____
- Tap pit (includes a directly adjacent bore or push at no additional fee) ____ tap pits@\$50/ea. = ____
- Open Cut across a County Road Right-of-Way ____ ft.@\$5/ft. or
Minimum of \$100 = ____

Check or Money Order No. _____ TOTAL PERMIT FEE = _____
 Bond Company: _____ Bond Amount: \$ _____ Bond # _____

Applicants Name: _____

Mailing Address: _____ P.O. Box No. _____

City: _____ State _____ Zip Code: _____ Phone No. _____

Fax No. _____ Contact Person: _____

Project Owners Name (if different from applicant) _____ Phone No. _____

Project Owners Address (if different from applicant) _____

City: _____ State _____ Zip Code: _____ Phone No. _____

Fax No. _____

Project Location (Must be described in reference to centerlines of streets in feet) _____

Project Purpose _____

I hereby certify that I have the authority to bind the above named applicant and the owner of the facilities being installed under this permit to the terms, conditions and requirements of this permit. I certify that I, the applicant and all persons performing the work authorized by this permit understand all requirements of the Ordinance adopted by the Board of Commissioners and will abide by all of the requirements and conditions. I further certify that I, the applicant and any persons performing work authorized by this permit will not make any changes in work from the approved plan and permit without receiving written permission from the Warrick County Board of Commissioners. The applicant and I agree to pay all attorney's fees, court costs and other damages or costs incurred by Warrick County in enforcing the Ordinance or which are a result of litigation incurred by the County as a result of this permit. The applicant, the owner of the facilities being installed under this permit and I understand that in the event Warrick County determines that any of the facilities installed under this permit need to be repaired, relocated or removed from the right-of-way, that the owner or any subsequent owner of the facilities agrees to maintain, relocate or remove these facilities in a timely manner at no cost to Warrick County

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or its successors. The applicant and I agree that the commencement of work covered by this permit will serve as our acceptance of all terms, conditions and requirements of the approved permit.

Signature

Date: _____

Printed Name

Title

DO NOT WRITE IN THIS SECTION-FOR DEPARTMENT USE ONLY:

County Highway Engineer _____ Date: _____

This Permit is Approved:

- As submitted.
- Subject to the attached conditions.
- Subject to the changes noted on the plans.

COMMENTS: _____

COMMISSIONERS MEETING DATE OF APPROVAL: _____

Commissioner Signature

Commissioner Signature

Commissioner Signature

INSTRUCTIONS:

1. Form must be completely filled out using a typewriter or printed using black ink. Any non-applicable blanks must be marked N/A.
2. Contact Warrick County Engineer for questions concerning this application.
3. A clear, detailed plan sheet must accompany this application. The drawing must show the R/W, edge of road, all construction details, driveways, field entrances, easements and other significant features within or immediately adjacent to the R/W. The plan must show distances to the nearest intersecting roads, dimensions of all construction and have a legend for all symbols used. Failure to include all of the above will result in the denial and return of your application.
4. The permit bond amount is based on the type and amount of work being authorized by this permit. Contact the Warrick County Highway Engineer or Board of County Commissioners for a specific amount. The beneficiary on the permit bond shall be the "Board of Warrick County Commissioners, Warrick County, Indiana".
5. Permit fee shall be check or money order made payable to the "Warrick County Treasurer." Cash can not be accepted. When complete, mail or hand deliver this signed application, along with the permit fee, permit bond and detailed plan to the above address, "Attention: County Highway Engineer"