

WARRICK COUNTY COMMISSIONERS
ORDINANCE NUMBER 1999- 37

**An Ordinance Rescinding and Replacing
Certain Portions of Ordinance No. 1998-4
Utility Ordinance**

WHEREAS, the Board of Commissioners of Warrick County, Indiana (“Board” and “County” respectively) previously entered and passed Ordinance Number 1998-4 establishing a utility ordinance for Warrick County; and

WHEREAS, this Board has determined a need to modify certain terms of the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, as follows:

1. That a certain portion of Section 3 of Ordinance Number 1998-4 is hereby amended and modified as follows:

“The minimum bonding amounts are as follows:

Open Road Cut.....	\$25,000
Underground construction, grading trenching or excavation parallel to the road.....	\$25,000
Push or bore.....	\$25,000
Placement/removal of poles/overhead lines.....	\$25,000
Tap pit (including a directly associated push or bore).....	\$25,000
Closure of County Road.....	
House moving.....	\$30,000 per move
Vehicle weight restriction exemption.....	\$40,000/ mile”

2. Section 4, sub-paragraph “Pole Lines” of Ordinance Number 1998-4 is hereby rescinded, and in its place there shall be substituted the following paragraph:

“Pole Lines: All poles shall be located within 1’0” of the edge of right-of-way. All new pole installations and guy line locations shall be marked and notification made to the Warrick County Engineering Department a minimum of 96 hours before construction begins. Field adjustments shall be made at the County Highway Engineer’s request for poles and guy lines presenting drainage and safety problems.”

3. Section 4, sub-paragraph “All Permits” of Ordinance Number 1998-4 is hereby rescinded, and in its place there shall be substituted the following paragraph:

“All Permits: Any permittee or permittee’s contractor who cuts an underground drain tile whether it appears abandoned or not shall notify the Warrick County Engineering Department immediately upon cutting the tile. The permittee shall then repair the tile as directed by the inspector.”

4. Section 5, sub-paragraph b. of Ordinance Number 1998-4 is hereby rescinded, and in its place there shall be substituted the following paragraph:

“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 their designee. Permit Application forms, supplied by the Highway Engineering Department and related exhibits shall be submitted to the Engineering Department to be reviewed and approved by the appropriate agencies as specified by the County Commissioners.”

5. Section 5, sub-paragraph c. of Ordinance Number 1998-4 is hereby rescinded, and in its place there shall be substituted the following paragraph:

“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 Warrick 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 Warrick 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.”

6. Section 5, sub-paragraph d. of Ordinance Number 1998-4 is hereby rescinded and deleted in its entirety.

7. Section 5, sub-paragraph e. of Ordinance Number 1998-4 is hereby rescinded, renamed, and in its place there shall be substituted the following paragraph:

“d. Any applicant, as required by the Warrick 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 an inspection 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 Warrick County Ordinance and any other applicable sections of the Warrick 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 Warrick County Board of Commissioners have not released the bond, then said bond shall become immediately due and payable to the Warrick 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 have not been completed and the Warrick County Board of Commissioners have not released the bond, then said bond shall become immediately due and payable to the Warrick 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 Warrick County Board of Commissioners may use, in lieu of the maintenance bond when approved by the Warrick County Board of Commissioners. Permits issued for the cutting of a road may require a three (3) year maintenance 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 (3) years the total amount of the bond shall become immediately due and payable to the Warrick County Board of Commissioners and no additional permits will be issued to the applicant.”

8. Section 5, sub-paragraph “f.” of Ordinance Number 1998-4 is hereby renamed as sub-paragraph “e”.

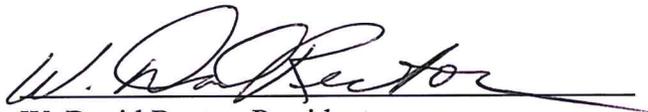
9. Section 5, sub-paragraph “f.(2)” of Ordinance Number 1998-4 is hereby renamed as Section 5, sub-paragraph “e.(2)” and is hereby rescinded and in its place there shall be substituted the following paragraph:

“e.(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 Warrick County Board of Commissioners. Traffic will be maintained at all times. If a road closing is approved in accordance with Warrick 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.”

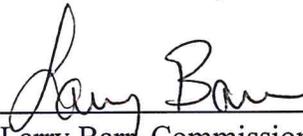
This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of the County of Warrick, State of Indiana; its publication in the manner provided by law; and the posting of said highway as prescribed by law.

PASSED by the Board of Commissioners of the County of Warrick on this 25th day of October, 1999, and upon said date signed and executed by the members of said Board and attested by the Warrick County Auditor.

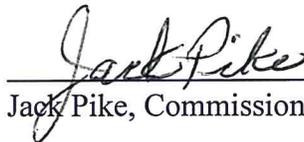
BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA



W. David Rector, President



Larry Barr, Commissioner



Jack Pike, Commissioner

ATTEST:


Richard Kixmiller, Auditor

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