WARRICK COUNTY COMMISSIONERS ORDINANCE NO. 2002 - 03

AN ORDINANCE AMENDING COUNTY COMMISSIONERS ORDINANCE NO. 1997-4 AN ORDINANCE ESTABLISHING RESTRICTIONS FOR PRIVATE DRIVES CONNECTION WITH COUNTY HIGHWAYS

BE IT ORDAINED by the Board of County Commissioners of the County of Warrick, State of Indiana, as follows to wit:

Section 1. 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.

Section 2. The permit shall be in two (2) 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.

Section 3. Each application shall be accompanied by a fee made payable to the Warrick County Area plan Commission as follows:

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| Class I | $50.00 | Fifty Dollars |
| Class II | $10.00 | Ten Dollars |

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

Section 4. 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.

Section 5. 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 said 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.

Section 6. No Class II Permit shall be issued without review and approval of the Warrick County Highway Engineer.

Section 7. 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 Warrick County Area Plan Commission.

Section 8. Exception. However, no Class II Permit will be required in the residential subdivisions with streets with rolled type curbs. In such cases the Warrick County Area Plan Commission shall cause to have fixed the statement "No Driveway Permit Required" to appear on the plat which has final approval.

Section 9. 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 owners expense, when requested to do so by th Warrick County Highway Engineer and Board of County Commissioners.

Section 10. Any person violating the provisions of this ordinance shall be fined not more than One Thousand Dollars ($1,000.00).

Section 11. This ordinance shall be in full force and effect from and after its passage by the Board of County Commissioners of the County of Warrick, State of Indiana, together with the signature of the presiding officer thereof, and its publication in the manner provided by law.

Section 12. If any section, or part thereof, or any clause, sentence, paragraph or part of this ordinance shall, for any reason, be adjudged by any Court of competent jurisdiction to be unconstitutional or invalid for any other reason, such judgment shall not affect, impair, or invalidate the remainder of this ordinance, or any section or sections thereof, clause, sentence or paragraph, or part thereof, so adjudged to be unconstitutional or invalid for any reason.

Section 13. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED by the Board of County Commissioners of the County of Warrick on the 13TH day of FEBRUARY, 2002, and upon said date signed and executed by the members of said Board and attested to by the Warrick County Auditor.

Jack Pike
President

Carl Kay Cuneo
Member

Don Willi
Member

ATTEST:

Richard L. Kixmiller
County Auditor

Public Hearing held by Plan Commission January 17, 2002.