

**Floyd County Board of Commissioners  
Ordinance regarding Road Cut Permits**

Whereas, the Floyd County Board of Commissioners met on February 2, 2010 on this matter pursuant to the creation of a road cut permit process in an effort to promote public health, safety, and general welfare of the community.

Whereas, this ordinance applies to any person, firm, or corporation requiring the need to cut into, tunnel under, or make any excavations in any County Road;

NOW, THEREFORE,

BE IT Ordained, that the Floyd County Board of Commissioners pass the Floyd County Road Cut Permit Ordinance in an effort to promote public safety, ensure public health and general welfare of the community through the adoption of these processes.

**Section 1: Authority**

The Floyd County Board of Commissioners enacted the Floyd County Road Cut Permit ordained through the authority provided under Indiana Code.

**Section 2: Severability**

If any article, chapter, clause, provision, portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other article, chapter, clause, provision or portion of this Ordinance.

**Section 3: Jurisdiction**

This Ordinance shall apply to all land within the Floyd County, Indiana except that which lies within the municipal jurisdiction of the City of New Albany, towns of Georgetown and Greenville.

**Section 4: General Provisions**

- A. No person, firm or corporation shall cut into, tunnel under or make any excavation in County Road without first obtaining a Road Cut Permit from the Floyd County Board of Commissioners Office.
- B. Prior to the consideration of an application, an applicant must submit to the County Infrastructure Coordinator/Engineer Office an application which shall accurately describe the location of the proposed road cut and the specifications required by this ordinance for such construction. The application will be forward for review to the County Highway Superintendent
- C. The application shall be in accordance with all applicable standards and shall not be in conflict with any approved transportation or land use plan by the County Commissioners.
- D. The applicant, who may be the owner, agent, or contractor, shall submit a location construction plan showing specifications including the following:
  - a. Name of applicant
  - b. Location of the intended cut, tunnel or excavation on a map
  - c. Proposed size of intended cut, tunnel or excavation
  - d. Person, Firm or Corporation doing the actual work

- e. Certificate of Insurance for Person, Firm or Corporation doing the actual work
  - f. A time schedule for completion and restoration
  - g. Signed application form
- E. All applications for permits shall be filed in the Office of the County Commissioners.
- F. A preliminary field meeting shall take place between the County Infrastructure Coordinator/Engineer, County Highway Superintendent, and Applicant prior to any activity taking place. At the time of the preliminary field meeting, the road cut fee shall be established.
- G. Road Cut fee shall be paid in the Office of the County Commissioners prior to the issuance of the Road Cut Permit. The County Commissioners Office will forward the permit to the County Road Department.
- H. Upon field meeting, the County reserves the right to require a bond to be posted by the applicant in favor of Floyd County. Bonds shall be filed with the County Infrastructure Coordinator/Engineer Office before a permit is issued.
- I. Applicant must have copy of permit on-site.
- J. In case of emergency repairs, the applicant shall notify the County Infrastructure Coordinator/County Engineer and/or County Highway Superintendent as soon as possible and an emergency repair permit shall be issued by the County. The County will determine the fees applicable and those will be payable within forty-eight (48) hours of the emergency.

#### **Section 5: Fees**

- A. Permit fees shall be as follows:
- a. Administrative Fee - \$100.00
  - b. Tunnel Fee - \$100.00
  - c. Road Cut Fee - \$3.89 per square foot of trench, cut into pavement for final asphalt coat
  - d. Improper Backfill -\$1.87 per square foot

#### **Section 6: Road Cut Requirements**

- A. All excavated material shall be hauled off-site. Pipe, wire, or conduit will be placed on proper bedding.
- B. Utility trenches in the roadway including the curb and five (5) feet beyond if disturbed shall be backfilled with "Flowable Fill".
- C. Flowable Fill shall be for utility trench backfill and achieve a minimum strength of 75 PSI and a maximum compressive strength of 250 PSI at 14 days as tested. All products must be tested and the test results shall be submitted to the County Infrastructure Coordinator/Engineer prior to its use in the roadway or right-of-way.
- D. A list of approved mix designs is available through the County Infrastructure Coordinator/Engineer Office.
- E. Flowable Fill shall remain accessible for digging with a standard backhoe. Trenches shall be filled with flowable fill to within two (2) inches from the surface. Material shall be protected from traffic until adequate strength has been achieved.
- F. The applicant can request a waiver of the flowable fill to the County Infrastructure Coordinator/Engineer and County Highway Superintendent.

- G. Final blacktopping and sealing of the trench shall be completed by the applicant. The applicant shall notify the County Road Department for final inspection.
- H. It shall remain the responsibility of the applicant to maintain the road cut in a safe condition until such time as the Floyd County Highway Department paves said cut.
- I. Any additional work due to improper backfilling will be billed to the applicant as an addition to the original bill.
- J. The County Infrastructure Coordinator/Engineer shall inspect or cause to inspect all excavations, cuttings, and tunnels being made in or under any public road to insure compliance with said ordinance.
- K. The applicant shall notify the County Highway Department and County Infrastructure Coordinator/Engineer Offices twenty-four (24) hours prior to any work being conducted unless in cases of emergency repair.
- L. The Applicant is responsible for placement, supply, maintenance of barriers and warning devices necessary for the public safety.
- M. All cleanups, repairs and/or replacement of cable, pipes, or conduit are the responsibility of the applicant.
- N. The applicant shall be responsible for all debris and material on-site and shall insure no material is discharged into streams or waterways.

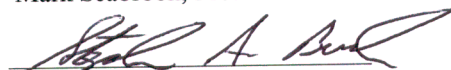
**Section 7: Penalties**


- A. Any person, firm, or corporation violating any of the provisions of the ordinance may be fined no less than one hundred dollars (\$100) for each offense; a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- B. The County Infrastructure Coordinator shall act as the enforcement agent of the Floyd County Board of Commissioners and shall have the power to issue said fine. The property owner may appear before the Floyd County Board of Commissioners to appeal the violation. The Floyd County Board of Commissioners has the ability to waive or reduce the fine based on reasonable cause.

SO RESOLVED this 2<sup>ND</sup> day of February, 2010.

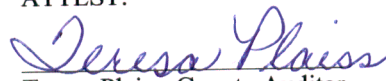
BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

  
Mark Seabrook, President

  
Stephen A. Bush, Commissioner

  
Charles Freiberger, Commissioner

ATTEST:

  
Teresa Plaiss, County Auditor