

THE BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

ORDINANCE NO. 2020-85- 06

AN ORDINANCE AMENDING ORDINANCE #1, 1957, PROHIBITING THE CUTTING OF THE SURFACE OF COUNTY HIGHWAYS WITHOUT THE PERMISSION OF THE BOARD OF COMMISSIONERS, PROVIDING FOR PERMITS AND CHARGES THEREFOR, AND REGULATING THE REPLACEMENT OF MATERIAL IN THE CUTS MADE, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF

There is in effect Ordinance #1, 1957, prohibiting the cutting of the surface of county highways without the permission of the Board of Commissioners, providing for permits and charges therefor, and regulating the replacement of material in the cuts made, and providing a penalty for the violation thereof.

The Board of Commissioners wish to amend that ordinance as provided herein.

IT IS THEREFORE ORDAINED THAT Ordinance #1, 1957, is amended as follows:

1. It shall be unlawful for any person or entity to cut, excavate through or under, dig across, or otherwise disturb the surface of any of the public highways of this County ("Work") without first obtaining permission from the Board of Commissioners so to do.
2. No Work shall be performed until the person contemplating such Work ("Applicant") shall receive a permit from the Board of Commissioners following written application thereto.
3. Each application shall be accompanied by a \$75.00 permit fee.
4. Each application shall also be accompanied by the sum of \$1,000.00 to be held as a security deposit ("Security Deposit"), without liability for interest, to secure the full and faithful performance by the Applicant of the provisions of this Ordinance. Upon completion of all work to the satisfaction of the Board of Commissioners, the Security Deposit will be refunded to the Applicant. However, the Board of Commissioners may apply the Security Deposit to any costs or damages caused by Applicant by failing to complete the Work to the satisfaction of the Board of Commissioners, without waiving or limiting the Board's right to further hold Applicant responsible for costs or damages not covered by the Security Deposit.
5. By signing an application, each Applicant shall agree to the following provisions:
 - 5.1. Applicant shall indemnify and hold harmless the Board and the County, and the County's officers, employees, and agents, from and against any and all claims and liabilities arising from or connected with the Work, including without limitation, any damage or injury to person.
 - 5.2. Applicant shall pay all of the reasonable attorney's fees and expenses incurred by the Board and/or County in enforcing the terms and conditions of this Ordinance, including collection of any costs, damages, and/or fines.

- 5.3. Applicant shall complete all Work within ten (10) days after it is started, or if out of season within 30 days of hot mix asphalt being available from a nearby asphalt plant.
6. Prior to starting Work, each Applicant shall:
 - 6.1. At least forty-eight (48) hours prior to starting the Work, notify the following in writing of the date and time Work is to start:
 - 6.1.1. the County Highway Superintendent.
 - 6.1.2. County Central Dispatch, and
 - 6.1.3. Any school districts whose bus routes will be affected while the Work is in progress.
 - 6.2. Deliver to the Highway Superintendent certificates of liability insurance showing the Board of Commissioners, Wabash County, and the County's officers, employees, and agents as additional insureds, in an amount determined by the Board.
7. While the Work is in progress, Applicant shall:
 - 7.1. Perform all work related to the Project in a good and workmanlike manner.
 - 7.2. Allow progress inspections by the County Highway Superintendent at all reasonable times.
 - 7.3. Install and maintain all proper traffic control signage.
 - 7.4. Properly dispose of all spoils generated from the Work.
 - 7.5. Prior to backfill, notify County Highway Superintendent to give the Superintendent a reasonable opportunity to inspect the Work.
 - 7.6. All cuts shall be backfilled as follows: #8 limestone to a minimum of 6" above installed utility; #53 limestone compacted in 6" lifts to not more than 4" below original grade; and, final lift shall be a minimum of 4" of #9 Surface hot mix asphalt compacted in place to match original grade, to make the road surface safe for traffic.
8. Applicant shall notify the Board, in writing, within one (1) week after all Work has been completed.

9. In cases where any Court of this State shall order the Work, the contractor for said work shall be subject to the provisions of this Ordinance, the same as if it were the Applicant.

10. Any Applicant violating any of the provisions of this ordinance may be fined up to One Thousand Dollars (\$1,000.00) for each violation, after notice and hearing provided by the Board of Commisisoners.

11. This Ordinance shall be in effect upon its passage and publication as required by law.

Adopted this 8 day of JUNE, 2020.

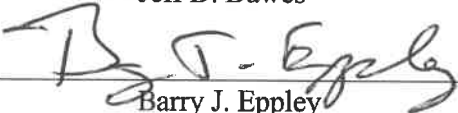
BOARD OF COMMISSIONERS OF WABASH COUNTY



Brian K. Haupert, Chairman



Jeff D. Dawes



Barry J. Eppley

ATTEST:



Marcie Shepherd, Wabash County Auditor