

**Ordinance Number 2018-05
Washington County Fiscal Court**

AN ORDINANCE ESTABLISHED BY THE WASHINGTON COUNTY FISCAL COURT REGULATING THE ACCEPTANCE OF ROADS INTO THE COUNTY ROAD SYSTEM AND UPGRADING EXISTING ROADS, SO AS TO IMPLEMENT MORE SPECIFIC PROVISIONS FOR ROAD INSPECTION AND ACCEPTANCE AND ROAD NAMING, ESTABLISHING CRITERIA FOR PERMITTING ENCROACHMENTS UPON COUNTY ROADS AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, Washington County, Kentucky has established a Road System pursuant to the Constitution of Kentucky and the Kentucky Revised Statutes, Chapter 178; and

WHEREAS, Washington County, Kentucky, established a system for accepting roads into its system, for the maintenance thereof and the upgrading of existing roads so that the citizens of Washington County, Kentucky shall be advised as to the minimum requirements for acceptance of a road into the county system and so that the citizenry shall be provided equal treatment in the acceptance, maintenance and upgrade of roads in the county system; and

WHEREAS, Washington County, Kentucky wishes to repeal Ordinance 1999-02 to implement more specific provisions for road inspection and acceptance and road naming, as well as to require permits and establish criteria for permitting encroachments upon county roads, and to provide for penalties for violation thereof, and wishes to do so by repealing said Ordinance in its entirety and substituting therefore this Ordinance.

NOW, THEREFORE, be it ordained by the Fiscal Court, Washington County, Kentucky, that this Ordinance shall be known as the County Road Acceptance and Upgrade Ordinance.

SECTION ONE: Definitions

As used in this Ordinance, unless the context otherwise requires:

- (a) "Roads" includes highways, bridges, bridge approaches, cul-de-sacs and turnarounds adopted in the Washington County Fiscal Court's road maintenance program.
- (b) "Encroachment" means any improvement to land constructed, created or implemented or any change from the original contour thereof, including but not limited to buildings, fences, ditches, embankments, driveways or signs, which hinders or prevents use or maintenance of roads or rights-of-way.
- (c) "Person" means an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, cooperative or any other group or combination acting as a unit.
- (d) "Washington County Judge/Executive," "Washington County Fiscal Court," "Washington County Road Department," and "County Road Supervisor," as referred to herein may also include an officer or official duly appointed by the Washington County Judge/Executive, with approval of the Washington County Fiscal Court, to administer the provisions of this Ordinance.

- (e) "Residential Dwelling Unit" means a building or portion thereof providing complete housekeeping facilities for one (1) person or one (1) family.

SECTION TWO: Current County Road System

The Washington County road system, as of the effective date of this Ordinance, shall be composed of those roads identified on the Lincoln Trail Area Development District and Kentucky Transportation Cabinet GPS Road Centerline Project 2017 map and any subsequent maps reflecting roads added since the passage of this ordinance, together with those additional roads which have been formally accepted by the Washington County Fiscal Court into the road system and whose acceptance is duly recorded in the official minutes of the meetings of the Court from the adoption of the aforesaid map through the effective date of this Ordinance.

SECTION THREE: Maintenance of County Roads

- (a) Roads currently in the county system and hereafter accepted into such system shall be maintained in their present condition or in the condition that such road exists on the date that such road is accepted into the county road system, unless the road is eligible for upgrade as set out hereinafter.
- (b) In order for a road within the county road system to be upgraded from gravel to bituminous surface in contemplation of the development of a residential or commercial subdivision, the following conditions must be met:
- (i) The land owners whose property fronts on the county road shall submit to the Washington County Fiscal Court a survey description and plat signed by a surveyor, licensed as such by the Commonwealth of Kentucky, depicting the roadway to be upgraded. Such roadway, including right-of-way, shall be not less than twenty feet in width on either side of the center of the roadway.
 - (ii) If the County does not already own a right-of-way of at least fifteen feet in width on either side of the center of the roadway, each landowner whose property fronts on said roadway shall submit to the Washington County Fiscal Court a Deed conveying so much of their property as would provide for the minimum right-of-way width as established herein which Deed shall convey said property to the County in fee simple by general warranty deed for no other consideration than the continued maintenance of said roadway.
 - (iii) In the event that the road is a "dead end," the survey description and plat of the road shall contain a cul-de-sac at the termination of the "dead end" with a diameter of at least eighty (80) feet. A "T" turnaround may be acceptable if approved by the County Judge Executive and Road Supervisor.
 - (iv) The landowners whose property fronts on said road shall, at their expense, have a bituminous surface placed on the roadway which is sixteen feet in width and which has a two foot shoulder on each side. The road foundation shall contain a minimum of six inch dense grade aggregate base, followed by application of an oil tack coat, then a two inch binder, application of an additional oil tack coat, and one inch class one surface. The road shall have a two foot shoulder on each side with "v" notch ditches which, in the opinion of the duly authorized representative of Washington County, provides adequate ditching and drainage.
 - (v) The landowners whose property fronts on said road shall, at their expense, construct sufficient barriers to prevent animals from entering the roadway.

- (vi) No road or portion of a road that is within the county road system will be upgraded from gravel to bituminous surface that has a cattle guard or similar structure that is placed in the roadway. Any such structure that exist on a county maintained road as of the date of adoption of this ordinance shall be allowed to remain in place, but any upkeep, maintenance or repair to these structures will be at the landowners expense.
 - (vii) Any driveway accessing the upgraded road shall be tiled to county tiling specifications and be inspected and approved by the County Road Supervisor.
- (c) The Washington County Fiscal Court may, in its discretion, upgrade a road already within the county road system as of the date of the adoption of Ordinance 1999-02 from gravel to bituminous surface without following the requirements of subsection (b) hereof.

SECTION FOUR: Acceptance of New Road into the System

- (a) No road shall be accepted into the county system following the effective date of this Ordinance unless each of the following conditions is met:
 - (i) A survey description and plat is presented to the Washington County Fiscal Court which is signed by a surveyor licensed as such by the Commonwealth of Kentucky and which depicts the proposed road and establishes a right-of-way not less than twenty feet in width from the center of the proposed road.
 - (ii) The proposed roadway shall be not less than sixteen feet in width and have a bituminous surface with foundation consisting of a minimum of six inch DGA Base and, where recommended, over acceptable geotech material. Foundation construction shall be followed by application of an oil tack coat, then a two inch Base/Binder, application of an additional oil tack coat and one inch class one surface. The road shall have a two foot shoulder on each side with "v" notch ditches.
 - (iii) The Washington County Road Supervisor shall identify the location, size and length of any cross drain tile, if needed, that must be installed.
 - (iv) In the event that the proposed road requires a bridge to be constructed, all permits and designs are the responsibility of the requesting party. Plans and specifications must be approved by the Kentucky Department of Highways.
 - (v) In the event that the County does not already own right-of way not less than twenty feet in width from the center of the proposed roadway, all property owners whose property fronts on said roadway shall present to the Washington County Fiscal Court a Deed conveying in fee simple by general warranty deed so much of their property as is necessary to establish said right-of-way.
 - (vi) Any driveway accessing the proposed road shall be tiled to county tiling specifications and be inspected and approved by the County Road Supervisor.
 - (vii) In the event that the proposed road "dead ends," the survey description and plat of the road shall contain a cul-de-sac at the termination of the "dead end" with a diameter of at least eighty (80) feet.
 - (viii) No road shall be accepted into the county road system which serves fewer than three residences or four landowners and where the road "dead ends," only so much of said road extends to a point where the road would no longer serve two homes or three landowners shall be included in the county road system.
 - (ix) No road shall be accepted into the county road system that has a "cattle guard" or any other structure that is placed in the roadway to contain livestock. If a new road or any portion of a new road is adjoined by areas where animals are to be

confined, then the entire dedicated right of way adjacent to the animal confinement area is to be fenced, at the property owners' expense, with a sufficient barrier that will prevent animals from entering the roadway.

SECTION FIVE: Fiscal Court Discretion

Although no county road shall be upgraded or any road accepted into the county road system unless it meets the specifications set out herein, the decision to upgrade or accept a road into the system shall be within the sole and exclusive discretion of the Washington County Fiscal Court acting in the best interest of the County and its citizenry and it shall not be compelled to upgrade any roadway in the county system or to accept any roadway into the system unless it chooses to do so, irrespective of anything within this ordinance to the contrary.

SECTION SIX: Removal of road from County System

The County may remove a road from the county road system by complying with the requirements for such removal as is set out in KRS178.050.

SECTION SEVEN: Permit Required for Encroachments

- (a) Before any person shall proceed to cause or continue or allow to remain in existence any encroachment under, on or over any part of the right-of-way of a County Road, he/she shall first obtain from the Washington County Judge/Executive a permit to do so. Any encroachment heretofore or hereafter placed or allowed to continue or remain under, on or over any road which is found by the Washington County Fiscal Court, the Washington County Judge/Executive or the Washington County Road Department Supervisor to be interfering in any way with the safe, convenient and continuous use and maintenance of such road shall upon thirty (30) days' notice to the person or to his chief agent by the Washington County Road Department Supervisor, be removed or relocated by such person at his own expense.
- (b) Whenever an order of the Washington County Fiscal Court requires such removal or change in location of any encroachment from the right-of-way of a road and the person causing such encroachment or allowing same to continue or remain fails to remove or change location of same at his own expense to conform to the order within the time stated in the notice, the Washington County Fiscal Court shall proceed to cause the encroachment to be removed; the expense thereby incurred shall be paid out of any money available therefor, and shall be charged against the person and levied and collected and paid to the Washington County Fiscal Court.
- (c) The fee for obtaining the permit required by this Ordinance shall be established by Order of the Washington County Judge/Executive and recorded in his Order Book. However, the fee shall not exceed the reasonable expected administrative cost for evaluating the permit request and the issuance thereof. This fee may be waived for a bona fide non-profit corporation or other bona fide governmental or quasi-governmental entity which serves a public purpose.
- (d) The Washington County Judge/Executive, or his designee, shall prepare and make available forms for applying for the permit required by this Ordinance and adopt any other necessary rules for procedures for filing, processing and issuing said permits.

SECTION EIGHT: Permitting Procedure

- (a) The owner or occupant of property who desires to construct new or additional private farm or single family dwelling driveway approaches, shall make formal application in writing, to the Washington County Judge/Executive. If the Washington County Judge/Executive approves the application, the applicant shall furnish at his own expense, all drainage pipe, tile, or other drainage structure required. The Washington County Fiscal Court may, if it is determined to be in the best interest of Washington County, participate in the construction of the entrance in the amount not to exceed \$500 by providing equipment, labor and/or materials for the installation of the drainage structure or the grading and surfacing with traffic bound material within the right-of-way limits.
- (b) The owner or occupant of property used for commercial or any purposes other than farming or one (1) single family dwelling, who desires to construct new or additional driveway entrance approaches, to relocate, or make other changes in existing driveway entrance approaches thereto, shall make application for a permit to the Washington County Judge/Executive. All work involved shall be done wholly at the expense of the permittee (property owner) and in accordance with the approved permit and plans. A copy of the approved permit and plans authorizing the work shall be in the possession of the person(s) or contractor doing the work at the work site. Failure of the person doing the work to produce the permit upon request by a representative of the Washington County Fiscal Court or a law enforcement officer shall result in cancellation of the permit and/or appropriate legal action.
- (c) Driveway entrance approaches to properties used for, or intended to be used for commercial or any purpose other than farming or one (1) single family dwelling shall be constructed in accordance with the following:
 - 1. All driveways and approaches shall be so constructed that they shall not interfere with the drainage of the highway. All drainage structures used shall meet the approval of the Washington County Judge/Executive as to type, quality, size and length. Minimum size of pipe to be 15" x 28'.
 - 2. Any corner island, safety island, property line island or pump island shall be so located as to insure the conduction of activities or business associated with the establishment, on private property and not on roadway right-of-way. To insure the safety of the highway user and to protect highway facilities against damage, the entrance approach shall be constructed or installed as shown on the permit, documents and plans approved by the Washington County Judge/Executive.
- (d) The County Road Supervisor shall have authority to approve or to disapprove applications for driveway entrance approaches.
- (e) No indemnity bond or other type security shall be required with permit applications for the construction of a farm or single family dwelling driveway entrance approach except when the estimated cost of the construction within the right-of-way limits exceeds \$500.00.
- (f) Indemnity bonds or other types of security shall be required with applications for the construction of any driveway entrance approach that is not intended to serve farm or single family dwelling property. The amount of such security shall be determined by the

Washington County Judge/Executive and shall be sufficient to guarantee proper restoration of the right-of-way, roadway and surfacing.

- (g) All driveway entrance approaches are to be maintained by the owner and at the expense of the owner, except that the Washington County Road Department shall do sufficient work from the edge of the roadway pavement to the normal width of the roadway shoulder, to provide safe passage for the traveling public.
- (h) Where a determination is made by the Washington County Judge/Executive, that a farm or one (1) single family dwelling driveway entrance approach is causing damage to the roadway or is dangerous to the public, the Washington County Judge/Executive may authorize the Washington County Road Department to perform maintenance work and supply materials within the right-of-way beyond the normal shoulder width.

SECTION NINE: Engineering Criteria Required for Various Entrances

In evaluating any application for permit, the Washington County Judge/Executive shall consider whether the proposed encroachment satisfies the following criteria. Non-compliance may be grounds for denying the permit application.

(a) PROFILE AND CROSS SECTION:

1. **APPROACH GRADE**-The slope of the driveway on the roadside of the ditch shall be as flat as feasible, but in no case be greater than ½" per foot chord.
2. **GRADIENT-**
 - (i) **Un-curbed Sections**-The gradient of the driveway shall conform with the normal shoulder pitch from the edge of the traveled way to the outer shoulder line; and from there, slope downward on a suitable grade to the gutter or low point over the culvert, or in the swale when a culvert is not used, then continue downward or roll upward depending upon the level of its destination with respect to the shoulder. In some cases, it may be necessary to provide a profile with a roll-over to prevent drainage on adjacent private land.
 - (ii) **Curb Gutter Sections and Sidewalks**-When curbs are used along the roadway and sidewalks are used or contemplated, the gradient of the driveway shall fit the plane of the sidewalk, if practical. If the difference in elevation of the gutter and the sidewalk makes it impractical, the sidewalk shall be lowered to provide a suitable gradient for the driveway and the surface of the sidewalk shall be gently swooped away from either side of the driveway.
3. **TRAVERSABLE SHOULDERS AND ADJACENT ISLANDS-**
 - (i) When distance between right-of-way line and traveled way is 20 feet or more-If shoulders are paved or stabilized to permit vehicles to travel or stop in the shoulder area, all raised curbs or islands installed in conjunction with an entrance or exit to a roadside establishment shall begin at the right-of-way line, but not extend nearer than 18" to the edge of existing or designated shoulder.
 - (ii) When the distance between right-of-way line and traveled way is less than 20 feet, grass islands shall be used between the right-of-way line and a point ten feet from the edge of the traveled way. If the islands are small and not

of aesthetic value, the island may be surfaced with stone or it may be blacktopped and painted to show the boundaries of the driveway.

- (iii) All portions of the driveways crossing traversable shoulders shall be paved with asphalt or concrete material. The paving shall be flush with a traversable shoulder in accordance with Standard Drawing RPM 110 (latest edition), except for field entrances and low usage private driveways where the use of gravel or other traffic-bound materials is allowed.
4. **NON-TRAVERSABLE SHOULDERS**-When the shoulder is seeded or sodded and flush with pavement, the driveway shall be surfaced in the buffer area. Surfacing shall be placed for a distance sufficient to prevent tracking mud, stone, or other debris onto the traveled way. Unless special permission is obtained from the Washington County Fiscal Court, all curbs shall terminate at least 10 feet from the edge of pavement.
 5. **CURB AT ROADWAY EDGE**-
 - (i) Lip curbing or other mountable curb-If the roadway is provided with a mountable curb that requires unusually low entrance or exit speeds, the curbing shall be removed from across the access opening and provided on the returns of the driveways. This curbing shall extend at least around the entrance radii, or to the edge of the shoulder, whichever is the greater distance, and shall be jointed to the curb of the traveled way. It shall be extended to the right-of-way line to outline the driveway or for drainage purposes.
 - (ii) Non-Mountable Curb-This curbing shall be removed from across the access opening, provided on the returns of the driveway, and joined to the curb of the traveled way.
 6. **DRIVEWAY WIDTH**-The driveway width shall be adequate to properly handle the anticipated volume and type of traffic.
 7. **FRONTAGES REQUIRING NEW SIDEWALKS**-In those locations where sidewalks are required, they may be specified to extend from frontage boundary line to frontage boundary line and shall connect to existing walkways at the boundary lines, if applicable. New sidewalks may be required if:
 - (i) Existing sidewalks or other walkways or paths are proposed to be removed or made unsafe by the construction of additional lanes or other work necessary to meet urban design requirements.
 - (ii) There is no existing sidewalk, but there is either a significant existing pedestrian use, or a significant anticipated pedestrian use (resulting from the development) as determined by the Washington County Judge/Executive.
 8. **SIDEWALK RAMPS FOR THE DISABLED**-Where sidewalks are existing and are to be replaced or new sidewalks are to be installed, ramps for the disabled shall be required, except when construction of an entrance in accordance with RPM 150 (latest edition) may nullify the need.

(b) CONTROL DIMENSIONS AND FACTORS:

1. EDGE CLEARANCE-

- (i) **General**-All portions of the driveway shall be within the frontage boundary line. Such frontage is produced by extending the frontage boundary lines through the buffer area perpendicular to the centerline of the adjacent

highway. For driveways with angles of approximately 90°, the edge clearance shall not be less than radius of curvature for the junctions of the driveway and the pavement or shoulder edge.

- (ii) Rural Residential-Five feet minimum.
- (iii) Rural Commercial-Ten feet minimum.
- (iv) Urban Residential-Five feet minimum.
- (v) Urban Commercial-Ten feet minimum.

In case of joint use drives, property line clearance shall not apply and all affected property owners shall sign the application.

2. FRONTAGE BOUNDARY LINE-Frontage boundary lines are those points at which property lines join the roadway right-of-way line. The distance between these points determines the number of driveways allowable for property adjacent to the right-of-way.

SECTION TEN: Safety Considerations Relating to Entrances

In evaluating any application for permit, the Washington County Judge/Executive shall consider whether the proposed encroachment satisfies the following criteria. Non-Compliance may be grounds for denying the permit application.

(a) PARKING RESTRICTIONS: SAFETY CONSIDERATIONS-

1. STORAGE SPACE-Each roadside business establishment shall provide sufficient parking or storage space off the right-of-way to prevent vehicles from parking on the right-of-way at entrances and backing up traffic on the roadway. Ample off right-of-way parking or storage space is particularly needed where many vehicles will be entering and leaving the area at the same time.

(b) SIGHT DISTANCE RESTRICTIONS: SAFETY CONSIDERATIONS-

1. FOLIAGE-Entrances shall not be constructed at locations where dense foliage or vegetation cannot be removed to allow sight distance as determined by the Washington County Road Supervisor. This factor shall be considered when inspections of proposed entrance sites are made during the winter months.
 - (i) If foliage is within the highway right-of-way, it shall be removed by the Washington County Fiscal Court (or with its approval) to allow the construction and safe operation of the entrance. If the foliage is desirable or necessary from the Washington County Fiscal Court's viewpoint, efforts shall be made to locate the entrance at an alternate site.
 - (ii) If foliage lies within the property of the driveway developer, it shall be removed by the developer at his expense.
 - (iii) If foliage exists on property of adjacent owners, entrances shall not be allowed unless the permit application is accompanied by a written agreement, between the applicant and the adjacent land owner, stating that the offending foliage will be removed at the developer's expense and that adequate sight distance from the entrance will be maintained at all times.
2. BRIDGES-INTERSECTIONS-GRADES-CURVES-Entrances to roadside property shall not be located immediately adjacent to bridges and intersections or on sharp curves or grades in the highway or at any other point on the highway where sight distance is limited. Entrances, even for infrequent usage, shall not be located near the crests of vertical curves where sight distance from the entrance is limited, or where vehicles

may be stopped on the bridge or highway prior to turning into the entrance and cannot see or be seen for a sufficient distance.

When the proper sight distance, as determined by the Washington County Road Supervisor, is not available, and when it is impossible to relocate an entrance to provide this sight distance, curve widening, grade reduction and widening of the highway to allow separate left or right turn lanes shall be required at the requestors expense, if this will result in the required sight distance.

3. CUTS AND FILL SLOPES-Entrances shall not be constructed at locations where minimum sight distance is not available due to the existence of highway cut or fill slopes, except where these restrictions can be removed without detriment to the highway facility or to abutting landowners. Such reconstructions, when appropriate in the discretion of the Washington County Judge Executive or his/her designee, shall be accomplished by the Washington County Fiscal Court, or with its approval, at the entrance owner's expense.
4. CORNER COMMERCIAL PROPERTIES-
 - (i) Corner Sight Obstructions-Although control of the use of property beyond the right-of way is not a function of the Washington County Fiscal Court, the Washington County Judge/Executive discourages any use of corner properties that will limit sight distance for motorists stopped on the minor, or intersection street. Unless otherwise limited by horizontal and vertical alignment along the major road, restrictions imposed by the roadside establishment shall not reduce sight distance from the minor road below that shown for the conditions which prevail.
 - (ii) Corner Clearances-Entrances shall be located a sufficient distance from the intersection to prevent additional intersectional problems resulting from the operation of the roadside establishments. Entrances are not allowed at any point on the radius or any intersectional turn.

(c) FREE MOVEMENT OF NORMAL TRAFFIC FLOW: SAFETY CONSIDERATIONS-Entrances shall be located where they will not interfere with, or create a hazard to, the free movement of normal highway traffic.

(d) RAMPS AND INTERSECTIONAL SPEED CHANGE FACILITIES: SAFETY CONSIDERATIONS-

1. SPEED CHANGE FACILITIES-If frequently used entrances and exits must be located within the limits of an existing speed change facility, the auxiliary lane or taper shall be lengthened to meet the Design standards. These modifications shall be required at the discretion of the Washington County Judge/Executive. The cost is the responsibility of the property owner and/or lessee of the roadside establishment. Entrances and exits shall not be located within the limited access portion of a ramp or intersectional speed change facility when the access is controlled.

(e) INTERFERENCE WITH TRAFFIC CONTROL DEVICES:SAFETY CONSIDERATIONS-Entrances and exits to roadside facilities shall be located to avoid interference with the proper placement and functioning of highway signs, signals, lighting, and other traffic control devices, which may be relocated by the Department at the expense of the developer, only if the relocation does not reduce the effectiveness of the device.

Secondary or "Calling" Detector-When Entrances are developed near intersections in such a manner that significant traffic volumes from the roadside facility enter an actuated

intersection approach without crossing the signal detector, the Washington County Judge/Executive may require the installation of a secondary or "calling" detector at the expense of the developer.

(f) OTHER SAFETY CONSIDERATIONS:

1. CLEAR ZONE-The Department of Highways and Federal Highway Administrations design criteria provides for safer roadways. One requirement for a safer roadway is to provide for a minimum clear zone where practical. This is an area from the edge of the through-travelway and should be free of all obstacles that might result in an accident to an "out of control" vehicle. See graph for detail of clear zone width(s) in AASHTO's "Roadways Design Guide" (page3-3).
2. MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)-Traffic controls for construction and maintenance operations by permittees shall conform with the "Manual on Uniform Traffic Control Devices". All construction and maintenance operations shall be planned with full regard to safety to keep traffic interference to an absolute minimum. On heavily traveled highways, construction operations interfering with traffic shall not be allowed during periods of peak traffic flow. Any such work shall be planned so that closure of intersecting streets, road approaches, or other access points is held to a minimum.
3. SIGHT DISTANCES-Entrances shall be permitted where a minimum sight distance in both directions is available. Because of various factors that appear to place practical limits on further decreases in passenger car heights and the relatively small increase that further change would mandate in lengths of vertical curves, 3.50 ft. is considered to be the height of the driver's eye while 0.50 ft. is representative of the lowest object height.

SECTION ELEVEN: Names of Roads within the County

(a) In order to have a road within the Washington County Road System named, or have the name of such road changed and established, or to have a road not within the Washington County Road System named or changed for postal and emergency purposes only, an application for such shall be filed with the Washington County Judge/Executive or his/her designee on forms approved by the Washington County Fiscal Court for that purpose.

(b) Every county road included within or adopted into the Washington County Road System shall be named, or have the name changed and established pursuant to KRS 179.330.

(c) Applications for the naming or changing of the name of a road not part of the Washington County Road System, for postal and emergency services only, shall be signed by more than fifty percent (50%) of the property owners abutting upon the road and shall be considered by the Washington County Fiscal Court at a regular meeting.

SECTION TWELVE: Violations


Any person who violates any provision of this Ordinance may be fined not more than ONE-HUNDRED DOLLARS (\$100.00). Each day that a person remains in violation shall constitute a separate offense.

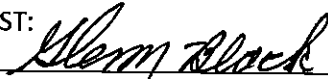
SECTION THIRTEEN: Severability

Provisions of this Ordinance are severable and if any provision or part thereof shall be held invalid and unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this Ordinance.

The Ordinance shall become effective upon second reading and adoption.

WASHINGTON COUNTY FISCAL COURT

By: 
JOHN A. SETTLES
Washington County Judge/Executive

ATTEST:
By: 
GLENN BLACK
Washington County Court Clerk

First reading given October 26, 2018.
Publication in *The Springfield Sun* on October 31, 2018.
Second reading and adoption November 13, 2018.

WASHINGTON COUNTY FISCAL COURT
109 NORTH CROSS MAIN
P O BOX 126
SPRINGFIELD KY 40069

WASHINGTON COUNTY ENCROACHMENT PERMIT DEFINITIONS & GUIDELINES

DEFINITION- An Encroachment Permit is written permission to excavate or otherwise encroach within a Washington County public road right-of-way (ROW). A permit may be granted to a contractor or individual that wishes to do excavation on the public road ROW. An encroachment means any private road, driveway, fence, stand or building, or any structure or object of any kind or character, which is placed in, under or over any portion of the ROW or highway. Generally encroachment is not allowed for private utility placement unless the applicant is a bon a fide public utility company.

PURPOSE-Encroachment permits provide necessary regulation of the encroachment process so as to safeguard the public interest in the roadway facility and to ensure continuing safety and convenience for the traveling public.

PERMIT REQUIRED-No person shall place, change or renew an encroachment in, under or over any portion of the County road ROW without first obtaining from the County Road Supervisor a written permit in accordance with Washington County Ordinance 2018-01. This ordinance also establishes penalties for working without a permit and for a violation of any terms of the permit.

ADDITIONAL REQUIREMENTS-In addition to excavations noted above, a permit must be obtained for tree planting and removal, driveway installations, placement of any structures, construction of street improvements and drainage facilities, or generally for any type of work conducted within the road ROW.

WHAT IS THE ROAD RIGHT-OF-WAY? The road ROW is the full width of land owned or controlled by the County, upon which the traveled way is constructed, and which usually extends considerably beyond the edge of payment (or traveled way) to the boundaries of the adjacent private properties.

WHAT IS THE PROCESS FOR OBTAINING AN ENCROACHMENT PERMIT? An application describing the proposed work must be completed. Applications can be obtained by contacting the following:

Washington County Road Department
889 Walnut Street
Springfield KY 40069
859-336-5429

Washington County Fiscal Court
109 North Cross Main
P O Box 126
Springfield KY 40069
859-336-5410

WASHINGTON COUNTY FISCAL COURT
109 NORTH CROSS MAIN
P O BOX 126
SPRINGFIELD KY 40069
PHONE: 859-336-5410 • FAX: 859-336-5407

APPLICATION FOR ROAD ENCROACHMENT

**(IMPORTANT NOTE: APPLICATION MUST BE RETURNED AND APPROVED BY
COUNTY JUDGE EXECUTIVE AND COUNTY ROAD SUPERVISOR PRIOR TO PERFORMING ANY
RIGHT-OF-WAY WORK)**

Application Fee: (Check One)

Commercial (\$25.00) _____

Private (No fee required) _____

Date: _____

Name: _____

Contact Person: _____

Phone: _____

Address: _____

City/State/Zip: _____

Location of requested encroachment activity: _____

Date encroachment activity may begin: _____

Expected completion date of encroachment activity: _____

Type of Encroachment: (Check One)

Residential: _____

Commercial: _____

Other: _____

IMPORTANT NOTE

*****FOR EVALUATION PURPOSES*****

Applicant **MUST** place stake or flag in center of proposed area of encroachment

Applicant Signature: _____

WASHINGTON COUNTY FISCAL COURT
SPRINGFIELD, KENTUCKY

CONDITIONS OF ROAD ENCROACHMENT APPROVAL

1. Permit holder agrees to complete the construction of the entrance or other encroachment activity as directed.
2. The permit holder agrees to maintain the entrance, including any required piping, in its approved condition during the permitted period of construction.
3. The permit holder agrees to accept responsibility for any foreign material deposited upon the county road as a result of construction and shall immediately remove said materials.
4. The permit holder agrees to promptly repair the county road right-of-way, resulting from his actions or those of his agents to include roadway, ditches, shoulders, etc. during the permitted construction period.
5. At any time during the construction on said property, failure to comply with the terms of this permit may result in the issuance of a stop work order.
6. All work must be inspected by an agent of the Washington County Fiscal Court prior to final approval.
7. The permit holder agrees to indemnify and hold county harmless from any and all claims, demands or causes of action arising out of or in relation to permit holders conduct or actions with respect to the encroachment activity including any cost or attorney's fees incurred by county in defending any such claim, demand or cause of action.
8. If requested, the permit holder agrees to produce a copy of any applicable insurance including but not limited to General Liability and Worker's Compensation.
9. If requested, the permit holder agrees to post an appropriate bond to address any clean up or repair that may be needed following the encroachment activity.

Applicant Signature: _____

Date: _____

WASHINGTON COUNTY FISCAL COURT
109 NORTH CROSS MAIN
P O BOX 126
SPRINGFIELD KY 40069
PHONE: 859-336-5410 • FAX: 859-336-5407

APPLICATION FOR ROAD/STREET NAME

Name of Applicant: _____ Phone: _____

Address: _____

City/State/Zip _____

_____ New road or street name

_____ Change existing road or street name

Current road or street name: _____

Exact Spelling of Proposed Road or Street name: _____

Describe the beginning and end of the road to be named (ex: intersection with another named street, end of street, address range). _____

Number of landowners abutting roadway: _____
(Please attach petition containing signatures of landowners requesting name change)

Applicant Signature: _____

Authorized by: _____
PSAP (911 Board) Signature

Authorized by: _____
Washington County Fiscal Court Signature

Date Approved: _____

Date Approved: _____

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ROAD ENCROACHMENT PERMIT
(To be kept by the Landowner once approved)

Landowner's Name: _____

Exact location of encroachment: _____

Type of Encroachment: (Check One)

Residential: _____ Commercial: _____ Other: _____

Date of inspection: _____

Approved by: _____

Inspectors Title: _____