

ORDINANCE NO. 12-10-12-A

AN ORDINANCE APPROVING THE HAMILTON COUNTY
PERMIT MANUAL FOR COUNTY ROADS

WHEREAS, the Hamilton County Highway Department has prepared a revised Hamilton County Permit Manual for County Roads (“the Permit Manual”) which provides policies, procedures, fee schedules, and potential fines for the use of County roads and right of ways by other units of government, contractors, utilities, and the general public; and,

WHEREAS, the Board of Commissioners have Hamilton County have reviewed the Permit Manual and find it is in the best interest of the citizens of Hamilton County to approve the Permit Manual in its entirety; and,

IT IS THEREBY ORDAINED by the Board of Commissioners of Hamilton County as follows:

1. The Hamilton County Permit Manual for County Roads dated as of January 1, 2013, including all fees and penalties included therein are ratified and approved.
2. The terms and conditions of the Permit Manual shall be published in the applicable sections of Title 4, Title 8, and Title 9 of the Hamilton County Code as identified in the Permit Manual.
3. Effective January 1, 2013, all terms and conditions of any ordinance, policy, or procedure of the Hamilton County Highway Department in conflict with the Permit Manual approved by this Ordinance are hereby expressly repealed as of January 1, 2013.

ALL OF WHICH IS ORDAINED by the Board of Commissioners this 19th day of
December, 2012.

BOARD OF COMMISSIONERS
OF HAMILTON COUNTY
Steven A. Holt
Steven C. Dillinger
Christine Altman

ATTEST:
Dawn Coverdale, Auditor

Hamilton County

Permit Manual For **County Roads**

- Permitted Work in County Rights-of-Way
- Temporary Closing of County Roads
 - House Moving
- Vehicle Exemption Procedure
 - Private Traffic Control

Dated as of January 1, 2013

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Introduction to the Permit Process

In August of 1995 the Hamilton County Board of Commissioners approved a revised permit ordinance which eliminated some permits and clarified the requirements and terms of all permits. The permit process for applicants has remained virtually unchanged since that time.

The permit manual has now been revised to bring the permits, requirements, fees and bonding requirements up to date with the changes that have occurred over the past 15 years. The recently implemented Private Traffic Control Ordinance is also included. These revisions have been approved by the Hamilton County Board of Commissioners on (month/day/year).

We recommend the applicants thoroughly read the applicable sections of the Hamilton County Code which have been reprinted in this manual. This manual also sets out the general bonding requirements for permits, the list of permit associated application forms, traffic control requirements, some of the standard conditions to expect on permits and standard sheets which will help the designer understand our requirements for construction methods and where we expect to see utilities located in the rights-of-way both horizontally and vertically. We understand that these standards can not cover every situation. When you have a problem, contact a Hamilton County Permit Inspector to see if there is an alternate solution that will be acceptable to the County.

The permit forms each have general instructions which must be followed to apply for a permit. By following these instructions, you can reduce or eliminate wasted time in returned permit applications or phone calls. At this time, permits which require Commissioner approval must be submitted by 4:30 p.m. on the Tuesday before a County Commissioners Meeting on the following Monday. These Commissioners meetings are normally held on the second and fourth Mondays of the month. The service connection permits are available on an immediate basis provided a permit inspector is in the office when brought in. All permits requiring Hamilton County Surveyor's approval will be sent to the Surveyor's Office once a week for review. Approved permits will be sent to the applicant as soon as they are received back from the Surveyor's Office. All other permits will be sent out as soon as they are approved by the required staff of the Highway Department. With the exception of the service connection permit, an applicant should expect a permit to take 10 to 21 days to approve (depending on work load) unless there are problems with the permit.

In the past, many applicants have failed to give the Highway Department a 24 hour notice of when they intend to begin work and they have not begun work when they originally stated they would on the permit. Often it is not known when they apply for a permit when the work will start. As a result it has been very difficult to inspect the work as it is being done. As a result we have dropped the start date blanks off of the permit applications and will require that all applicants call in to the Highway Department a minimum of 24 hours and a maximum of 72 hours before they begin work and receive a permit activation number.

In order to help ensure that you are kept up to date on changes in the permit process, we ask that you re-submit Form 1020 – Request for Permit Manual for County Roads anytime you have an address, phone number, fax number or personnel change. The Permit Manual is also available, free of charge, on the Hamilton County Website at www.hamiltoncounty.in.gov. If you have any questions, please feel free to contact a Permit Inspector at the Hamilton County Highway Department.

Chapter 1

Permit Bonding Requirements

SECTION 8-17-1-1.

The bonding requirements for permits issued by the Hamilton County Highway Department are set out in the sections of the Hamilton County Code which authorize the County Highway Department to issue permits. All bonds shall name the **“Board of Hamilton County Commissioners, Hamilton County Indiana”** as the beneficiary of the bond and shall run for a minimum of one year. A certificate of insurance is not acceptable for bonding purposes. The bond must name the Board of Hamilton County Commissioners exclusively and not be subordinate to any other claims against the bond. The same bond may not be used for more than one permit except as authorized below under annual permit bond.

SECTION 8-17-1-2.

The following are the minimum bond amounts required by the Highway Department. If the Board of Commissioners determines that there is a higher risk to county infrastructure, or the permitted work is much larger or complex than normal permitted work, the Highway Department reserves the right to recommend to the Board of Commissioners for the bond requirement to be increased after reviewing the application for permit and before approving the permit. For large or complex projects, an Engineer's Estimate, to be reviewed and approved by the County Engineer, may be requested to determine the bond amount. If there is a question, the applicant should contact a permit inspector.

SECTION 8-17-1-3.

Section 3 unless increased under Section 2 above; The minimum bonding amounts are as follows:

- a. Open Road Cut.....
\$20,000 per location
- b. Underground construction, grading, trenching or excavation parallel to the road.....
\$10,000 per mile or fraction of mile
- c. Push or bore.....
\$5,000 per push or bore
- d. Placement/removal of poles/overhead lines.....
\$5,000 per mile or fraction of mile
- e. Tap pit (including a directly associated push or bore).....
\$5,000 per tap pit
- f. Storage of dumpsters or construction materials in the rights-of-way.....
\$5,000 per location
- g. Major commercial driveway (includes decel lane and accel taper).....
\$25,000 per drive
- h. Minor commercial driveway (only has accel and decel tapers).....
\$10,000 per drive

- i. Construction/Temporary drive.....
\$10,000 per drive
- j. Public road approach/Private road approach.....
\$25,000 per drive
- k. Utility pull-off drive.....
\$10,000 per drive
- l. Residential drive.....
\$0 per drive
- m. Farm field entrance.....
\$0 per drive
- n. Closure of a county road.....
\$1,000 per closure
- o. House moving.....
\$50,000 per move
- p. Vehicle weight restriction exemption.....
\$50,000 per permit
- q. Maintenance bonds.....
Equal to the initial permit bond amount

SECTION 8-17-1-4.

The Highway Department annual bonds may allow applicants who intend to file for multiple permits to have an annual permit bond for utility work in County right-of-way. The minimum annual permit bond amount requirement is \$25,000. The annual permit bond shall be written so that it automatically renews, unless the surety give a written notice 60 days prior to the annual expiration date. The written notice must be by certified mail to the Hamilton County Highway Department, Attn: County Engineer, 1700 S. 10th Street, Noblesville, Indiana 46060. An annual permit bond can not be used for driveway or public road approach permits. At the discretion of the County Highway Engineer, an annual permit bond may be allowed for house moving and vehicle weight restrictions in a minimum amount of \$200,000.

SECTION 8-17-1-5.

Bonds and Letters of Credit. All bonds shall be issued by an insurance company authorized to do business in the State of Indiana. Any permittee may also post an Irrevocable Letter of Credit for the benefit of the Board of Commissioners of Hamilton County to secure the permittee's performance of the terms of the permit. Said Letter of Credit shall be issued by a bank insured by the Federal Deposit Insurance Corporation and authorized to do business in the State of Indiana.

Chapter 2
Traffic Control Standards

SECTION 8-17-2-1.

Anyone performing work within the county road rights-of-way must conform with the requirements set out in the latest edition of the Indiana Manual on Uniform Traffic Control Devices or the latest edition of the Handbook for Temporary Traffic Control which is published by Indiana LTAP. These traffic control procedures must be followed even if a permit is not required for work in the right-of-way.

SECTION 8-17-2-2.

A permit holder must also provide all traffic control as set out in the conditions of the permit. A road must not be completely closed to traffic at any time unless it has been requested as a part of the permit with HCHD Form 1019 and a traffic detour plan has been approved by the Hamilton County Highway Department.

SECTION 8-17-2-3.

When working on a low volume road, the following guidelines shall be used to determine if flaggers are required on the project. When a traffic lane is fully or partially obstructed by a maintenance or construction operation, a flagman or flagmen will not be required if **all** of the following conditions exist:

- a. The ADT of the given section of road is less than 400 vehicles per day. If the ADT is not on record at the Hamilton County Highway Department, the County Engineer shall determine if this criteria is met. and;
- b. The work zone on any road (except a local residential street) must be more than 400 feet from an intersection. On local residential streets the work zone must be greater than 100 feet from an intersection. and;
- c. Motorists in both directions can see approaching motorists from the opposite direction with no sight obstruction. In order for a vehicle to stop, this means that the motorists shall have an unobstructed view from “d” feet from their end of the work zone to “d” feet from the far end of the work zone. and;

<u>Posted Speed</u>	<u>d (feet)</u>
20	310
25	370
30	430
35	495
40	555
45	615
50	670
55	755

d = length of maximum # of cars in storage + distance required for driver to react + distance required for vehicle to stop.

- d. The work activity does not create congestion or a backup of over 5 vehicles at any given time.
- e. The above distances (a) shall be increased for wet pavement, gravel or on descending grades.

SECTION 8-17-2-4.

The above guidelines based on the Handbook for Temporary Traffic Control – Indiana LTAP, the Indiana Manual on Uniform Traffic Control Devices – 2008 Indiana FHWA and INDOT, Handbook of Traffic Control Practices for Low – Volume Roads in Indiana – HERPICC 1984. These are only guidelines and as specified in the manuals, good judgment should be used in determining when flagmen should be used in determining when flagmen should be used but may not be required by these guidelines.

SECTION 8-17-2-5

The work zone shall include all cones making the taper protecting the actual work area. Traffic control devices, placement of traffic control devices and requirements for flaggers (including clothing, procedures and locations) shall be as detailed in the Indiana LTAP – Handbook for Temporary Traffic Control. A lane shall be considered partially obstructed when a 10 foot lane for each direction of traffic can not be maintained.

Chapter 3

Standard Permit Conditions for Pole Lines & Underground Cables & Utility Lines

SECTION. 8-17-3-1.

Due to widespread inconsistencies in the location and depth of buried cables, buried pipes and pole lines, the provisions in this Chapter will be a standard condition of approval of most all utility permits where the right-of-way is less than the recommended county thoroughfare plan right-of-way. Plans should reflect these requirements when submitted for permit approval. These requirements are necessary due to the limited right-of-way along many of our county roads and the problems associated with multiple utilities in the right-of-way. The location of poles and guy anchors in the flow-line of ditches and the insufficient burial depth of cables and pipes is a major problem for the County Highway Department when maintaining ditches, shoulders, installing signs and other safety related items. Where sufficient right-of-way exists, utility locations shall be as shown on the standard detail sheets elsewhere in this manual.

SECTION 8-17-3-2.

Pole Lines:

All poles shall be located within 2'-0" of the edge of right-of-way. All new pole installations and guy line locations shall be marked and notification made to the Hamilton County Highway Department Permits Inspector a minimum of 96 hours before construction begins. Field adjustments shall be made at the Inspector's request for poles and guy lines presenting drainage and safety problems.

SECTION 8-17-3-3.

Buried Cable and Utility Lines:

- a. All buried cables and utility lines shall be located within 4'-0" of the edge of right-of-way with all pedestals and hand-holes being located a distance of 2'-0" from the edge of right-of-way. Pedestals and hand-holes shall not be placed in the flow-line of a ditch. All cables and utility lines shall be located a minimum of 48" below ground level.

- b. Any variances shall be requested in writing, and have explicit written approval by the County Engineer. This requirement is needed to allow for the installation of signs, guardrail and the maintenance and reestablishment of roadside ditches.
- c. Any permittee who does not install his cables or lines at the depth required herein, he shall waive all rights to damages incurred to his lines or cables made by the Hamilton County Highway Department or its contractors during its routine maintenance activities and the installation of guardrail at hazardous locations.

SECTION 8-17-3-4.

Drainage Tiles:

Any permittee or permittee's contractor who cuts an underground drain tile whether it appears abandoned or not shall notify the Hamilton County Highway Department Permit Inspector immediately upon cutting the tile. The permittee shall then repair the tile as directed by the inspector.

SECTION 8-17-3-5.

Damage to the Roadway and Improvements:

The Permittee shall repair the roadway or improvements that are damaged by the permittee or the permittee's contractor. If damage requires cutting and replacement of any asphalt, a road cut permit (HCHD Form 1011) will be required. Any damage to the roadway or improvements shall be repaired immediately at the direction of the County Engineer or Permit Inspector. Improvements shall include but are not limited to signage, guardrail, curbs, storm sewers and related inlets, bridges, traffic signals, pavement markings or other improvements installed by the Hamilton County Highway Department or its contractor.

SECTION 8-17-3-6.

Road Improvement projects and Bridge Projects:

Any utilities installed within the limits of a planned project shall be placed in a location that best accommodates the project. All utilities which are not located within a dedicated utility easement shall be required to relocate at their own cost to accommodate a County project. The utility shall relocate at a location designated by the Project Engineer. Restoration during a project shall be equal to or better than conditions prior to the placement of the line. Any utility construction that occurs after the completion of a County project shall restore any disturbed areas or repair damage to any improvements within the limits of the project to the specifications of that project's plans or at the direction of the Project Engineer.

Chapter 4 **Permitted Work in County Right-of-Way**

SECTION 8-17-4-1.

1. Definitions: The following definitions apply only to this section of the Hamilton County Code.
 - a. **Emergency:** A situation where there is an immediate need to perform repair work on an existing utility service which has been interrupted or damaged and where the failure to perform such work would result in an immediate danger to life or property.

- b. Minor Commercial drive:** Any driveway serving a property zoned commercial, or serving a place of business, or an entrance serving a property being accessed for non-agricultural commercial use, or a utility company access drive, or any other drive not covered in this section, having only tapers and no associated auxiliary lanes.
- c. Major Commercial drive:** Any driveway serving a property zoned commercial, or serving a place of business, or an entrance serving a property being accessed for non-agricultural commercial use, or a utility company access drive, or any other drive not covered in this section, having tapers and associated auxiliary lanes.
- d. Construction materials:** Those items commonly used in the construction of roads, buildings, landscaping and etcetera, including but not limited to stone, gravel, soil, mulch, timbers, brick, block, trusses, lumber, sod and etcetera.
- e. Field entrance:** A drive (paved, gravel or dirt) which is installed only for access to a field or property for agricultural or farm use. Any drive installed to serve an agricultural or farm business which is open to the public shall be considered and permitted as a commercial drive.
- f. Public or private road approach:** Any access onto an existing county road which serves more than two (2), single family or two(2), two family dwellings or that serves more than one commercial property.
- g. Residential drive:** Shall be characterized by the two following attributes:
 - 1. A driveway serving a private property zoned residential or agricultural and having no business or construction use.
 - 2. A single driveway serving up to two (2), one or two family dwellings.
- h. Utility pull off drive:** A drive (paved or gravel) which is installed only for access to a normally unmanned utility vault or other facility where occasional maintenance or facility observation is required. Any drive installed to serve a utility facility which is open to the public or which has a full time staff shall be considered and permitted as a commercial drive.

SECTION 8-17-3-4.

Permits and Fees.

All persons who desire to perform construction operations or other work within the County's right-of-way shall prior to the start of construction, apply for and receive approval from the County Commissioners or their designee. Permit application forms, supplied by the Hamilton County Highway Department and related exhibits shall be submitted to the Highway Department to be reviewed and approved by the appropriate agencies as specified by the County Commissioners.

- a. Any construction of a driveway onto a Hamilton County Road shall be placed in a location which minimizes the opportunity for accidents, taking into consideration the following:
 - 1. Sight distances on the existing road, including curves and topography;
 - 2. The distance to other driveways and intersections;
 - 3. Drainage;
 - 4. Future anticipated improvements to the County road;
 - 5. Multiple residential drives serving a single parcel must meet minimum separation for the road (as classified in the Hamilton County Thoroughfare Plan) between the drives and adjacent drives.
- b. Residential driveways onto County roads shall serve no more than two (2) single or duplex family residences. A Private Road Approach permit will be issued for a single drive serving more than two, single or duplex family residences provided:

1. All residences served by the driveway have entered into a recorded agreement providing for the following:
 - a. A mutual easement for ingress and egress;
 - b. An agreement for the maintenance and repair of the drive;
 - c. A waiver to petition or covenant provision that the Hamilton County Highway Department, Hamilton County, nor the successor unit of government, will be responsible for the maintenance of or the mutual driveway, and the mutual drive will never be considered a public road necessitating maintenance by any unit of government.
2. The Board of Commissioners of Hamilton County and the Hamilton County Highway Department may approve a Private Road Approach permit for a driveway for more than two residences if:
 - a. The conditions in paragraph 1 above have been met;
 - b. The unit of government responsible for the issuance of a building permit has stated that the property owner meets all requirements for a minimum lot frontage on a public road;
 - c. It is in the best interests of the citizens of Hamilton County that a Private Road Approach permit be approved for a driveway for more than two residences.
- 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 a Hamilton County permit inspector as soon as possible. In the event of an emergency during non-work hours, a faxed notification must be made to the Hamilton County Highway Department as soon as possible on a county supplied form. A regular permit and fee must be filed with the Hamilton County Highway 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 a violation of this section.
- d. Whenever any construction requires the subsurface crossing or cutting of a county roadway, the applicant shall bore or push the pipe, line, culvert, or wire below the road at a depth required by the County Highway Engineer or the Engineer's designee. The County Commissioners may approve construction that causes the road surface to be partially or wholly cut, if the Commissioners find that the existing condition of the road surface upon restoration of such construction will be preserved or improved and that no long term deterioration will result from the construction. Construction restoration shall comply with the specifications and standards of the Hamilton County Highway Engineer.
- e. Fees for said permits shall be paid by check or money order made payable to the "Hamilton County Treasurer" and shall be submitted with the permit. No permit will be reviewed or approved until the fee has been received by the Hamilton County Highway Department. Fees for the permits shall be in the following amounts:
 1. **Minor Commercial driveways, \$400 per drive.** Drive can not exceed two (2) – twelve foot (12') lanes and a median. Any drive with a median width of greater than twelve feet (12') shall be counted as a Major Commercial Drive. Commercial drive permits shall include any decel taper, accel taper and associated grading and restoration work to install the driveway. Unassociated grading and other work at the same location shall be permitted separately. Installation of a drive across a non-access easement or limited access right-of-way is a violation of this section of the code.

2. **Major Commercial driveways, \$400 per drive + \$1.00 per square foot of full width auxiliary lane pavement.** Drive can not exceed four (4) – twelve foot (12') lanes and a median. Any drive with a median width of greater than thirty feet (30') shall be counted as a separate drive. Commercial drive permits shall include any decel lane, accel lane, passing blister and associated grading and restoration work to install the driveway. Unassociated grading and other work at the same location shall be permitted separately. Installation of a drive across a non-access easement or limited access right-of-way is a violation of this section of the code.
3. **Residential driveways, \$50 per drive.** The fee for residential drives greater than twenty-four feet (24') in width (measured at the right-of-way line or the house side of the end of the radius or taper, whichever is less), shall be the same as the commercial permit fee. Any drive serving more than two (2), single or two family dwellings will be charged at the private road approach permit fee. A permit will not be required for a residential drive being installed in a platted subdivision which has curbs and gutters in place at the location of the drive and there is no drainage swale within the right-of-way. No violation of non-access easements will be allowed or permitted. Installation of a drive across a non-access easement or a limited access right-of-way is a violation of this section of the code.
4. **Field entrance, \$50 per entrance.** The fee for field entrances greater than twenty-four feet (24') in width (measured at the right-of-way line or the field side of the end of the radius or taper, whichever is less) shall be the same as the commercial permit fee. Installation of a drive across a non-access easement or a limited access right-of-way is a violation of this section of the code.
5. **Construction/Temporary drive, \$100 per drive.** This type of drive may not exceed twenty-four feet in width (measured at the right-of-way line or the property side of the end of the radius or taper, whichever is less). Drive shall be removed within one year of approval or applicant shall submit a new permit and a new fee thirty (30) days prior to the removal date. If a new permit is not issued prior to the removal date the drive shall be removed.
6. **Public Road Approaches/Private Road Approaches, \$400 per approach + \$1.00 per square foot of full width auxiliary lane pavement + \$0.25 per square foot of road widening.** Road approach can not exceed four (4) – twelve foot (12') lanes and a median or center left turn lane. Any approach with a median width of greater than thirty feet (30') shall not be allowed. Public or private road approach permits shall include any decel lane, accel lane, passing blisters and associated grading and restoration work to install the approach. Unassociated grading and other work at the same location shall be permitted separately. A permit and a fee will not be required when the road approach is part of a set of road construction plans approved by the Hamilton County Highway Engineer and the applicant has paid the construction plan review fee as set out in Hamilton County Code 8-17-1-39 and the construction of said approach is covered by a county inspection agreement as set out in Hamilton County Code 8-17-1-39 and the construction is bonded as a part of the connected road construction as required in Hamilton County Code 8-17-1-39. All of the preceding conditions must be met for the fee and permit requirement to be waived. Installation of a drive across a non-access easement or a limited access right-of-way is a violation of this section of the code.
7. **Utility pull off drive, \$150 per drive.** The fee for a utility pull off drive greater than twenty-four (24') in width (measured at the right-of-way line or the field side of the end of the radius or taper, whichever is less) or which has parking for more than one vehicle shall be the same as the commercial permit fee. Installation of a drive across a non-access easement or a limited access right-of-way is a violation of this section of the code.

8. **Underground construction, grading, trenching or excavation parallel to the road, \$100 for each four hundred (400) feet of continuous construction or part thereof.** A permit and a fee will not be required when the construction, grading or excavation is part of a set of road construction plans approved by the Hamilton County Highway Engineer and the applicant has paid the construction plan review fee as set out in Hamilton County Code 8-17-1-39 and the construction of said approach is covered by a county inspection agreement as set out in Hamilton County Code 8-17-1-39 and the construction is bonded as a part of the connected road construction as required in Hamilton County Code 8-17-1-39. All of the preceding conditions must be met for the fee and permit requirement to be waived. This waiver of permit requirements will apply for sidewalks as long as they are a part of the approved subdivision construction plans and the construction plan review fee has been paid. Bonding and inspection of sidewalks meeting the first two waiver requirements is not required by Hamilton County. Bonding and inspection of the sidewalks by the local planning agency may be required by that agency. Utility work within the right-of-way does not fall within this waiver of fees. This category includes any landscaping, planting or other activity in the right-of-way other than fine grading of lots and grass seeding or sodding.
9. **For open cuts across or within the roadway, (\$3) per cubic foot of excavation with a (\$200) minimum.** In the event the applicant specifies that he will be using flowable fill as a backfill material so that no density testing is required, the fee will be (\$1.50) per cubic foot of excavation. This decision must be made prior to the approval of the permit in order for the reduced fee to apply.
10. **For borings or pushes under the roadway, \$75 per bore or push,** which includes a maximum of two pit excavations. Each pit excavation shall not exceed five-hundred (500) square feet. A bore or push parallel with a County road shall be permitted as Item (8).
11. **For placement of new poles and/or installation of new overhead pole lines and/or removal of existing pole lines, \$150 for each one thousand (1,000) feet of continuous pole line or fraction of one thousand (1,000) feet.** A permit is not required when replacing or removing a single pole in an existing location due to damage to the pole or when installing new lines or making a utility connection on an existing pole line. However, when a permit is not required, all other applicable sections of this code (including but not limited to traffic control) still apply.
12. **For one tap pit less than one-hundred (100) square feet in area, including up to one bore or push under the road from the tap pit, \$75 per tap pit.** This permit does not include any cutting of the pavement surface. Pits greater than one-hundred (100) square feet shall be permitted as an excavation and a bore under items (6) and (8).
13. **For storage of dumpsters or construction materials within the right-of-way, \$50 per week per site** not to exceed an area of over five hundred (500) square feet of roadway pavement or five thousand (5000) square feet of unpaved area. Use of the right-of-way for this purpose will only be allowed when at the discretion of the county engineer or his designated representative that it does not cause an unreasonable safety hazard due to site distance problems, fixed hazards, damage to roads or other problems and that it does not present an unreasonable restriction of traffic flow. The applicant shall provide all appropriate safety measures to protect the site (signs, barricades, flashers and etcetera) as required by the county engineer or his representative. Any dumpster or construction material stored in the right-of-way for only one day during daylight hours, which does not obstruct traffic or sight distances and does not damage any of the features of the right-of-way (pavement, drainage, culverts, grass, grading or etcetera) will not require a permit.

14. **Fee for enforcement of violations:** Whenever any individual or corporation is found to be in violation of any subsection of HCC 8-17-3-2, an inspection fee will be required to cover the costs of enforcing the subsections of this section of code. This fee shall be \$250 per day per violation of each subsection of this ordinance. This fee is due and payable upon notification by the Hamilton County Highway Department. Failure to pay the fee within 14 days of notification will result in the withholding of all future permits to the individual or corporation and immediate submittal of the violation to the Hamilton County Prosecutor for a judgment in accordance with HCC 8-17-3-2(h). At the discretion of the County Highway Permit Inspector or County Engineer, this fee may be waived for an initial violation of this section of the code provided the violator immediately corrects his violation. Appeal of this fee may be made to the Hamilton County Commissioners at their regularly scheduled meeting. If a formal appeal is made through the Hamilton County Highway Department, the fee amount due will not be required to be paid until the Hamilton County Commissioners have acted upon the appeal.
 15. Fees and bonds may be waived by the County Commissioners or the County Engineer for construction or utility work in conjunction with a City, County, State or Federal road or infrastructure project if the applicant is the respective agency and the project is of benefit to the citizens of Hamilton County. A permit shall still be filed and approved.
- f. Any applicant, as required by the Hamilton County Engineer, shall provide a permit bond or letter of credit running to "The Board of Commissioners of Hamilton County" in an amount designated by the County Highway Department. The bond or letter of credit shall not expire in less than two years. Prior to the release of any permit bond or letter of credit, the Highway Department 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 Hamilton County Code and any other applicable sections of the Hamilton County Code.
1. If a bond or letter of credit has not been released or renewed within 60 days of its expiration date, the bond or letter of credit shall be immediately due and payable to the Hamilton County Board of Commissioners in an amount of 200% of the estimated cost of the remaining work secured by the bond.
 2. Applicants who desire to do so may post an annual or continuous permit bond for utility work in an amount designated by the County Highway Department. An annual or continuous permit bond may not be used for drive or public road approach permits. If a bond or letter of credit has not been released or renewed within 60 days of its expiration date, the bond or letter of credit shall be immediately due and payable to the Hamilton County Board of Commissioners in an amount of 200% of the estimated cost of the remaining work secured by the bond.
 3. At the discretion of the County 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 Indian Utility Regulatory Commission and who has a continuous bond on file with the Hamilton County Highway Department may be used in lieu of the maintenance bond when approved by the County Engineer.
 4. Prior to the release of a permit bond issued for the cutting of a road, the applicant shall post a three (3) year maintenance bond which can not 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 Hamilton County Board of Commissioners. If the maintenance bond is not submitted upon completion of the work, the total amount of the permit bond covering the work will become immediately due and payable to the Hamilton County Board of Commissioners and no additional permits will be issued to the applicant.

- g. The recipient of a permit and/or anyone working within the right-of-way of a county road shall comply with the following terms.
 - 1. Driveways and road approaches shall be constructed to dimensions and grades as approved by the Highway Engineer. The ends of all culvert pipes shall be protected by metal or concrete flared end sections. Commercial drives, public road approaches and private road approaches shall have pavement thicknesses and material type in accordance with Hamilton County Code 8-17-1-41 for the pavement area within the right-of-way.
 - 2. Construction materials shall conform to the requirements of the Standard Specifications of the Indiana Department of Transportation, and shall be approved by the Highway Engineer.
 - 3. 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 Hamilton County Highway Engineer or the Hamilton County Inspector. Traffic will be maintained at all times. If a road closing is approved in accordance with Hamilton County Code 8-20-8-1, the permit holder will mark and maintain any detours approved by the County Highway Department and notify all appropriate agencies of the time and location of the closing a minimum of 48 hours prior to closing.
 - 4. Utility trench backfill for cuts of the roadway, (#53 aggregate) shall be placed and compacted in lifts under the supervision of the Highway Engineer or at the discretion of the Hamilton County Engineer it shall be tested for density by an independent testing laboratory. Flowable mortar in accordance with the Standard Specifications of the Indiana Department of Transportation may be used as an alternate to the #53 aggregate.
 - 5. Pavement shall be restored to a smooth permanent surface as shown in Hamilton County Standards or as required by the Hamilton County Engineer. Temporary patches shall be maintained in a smooth and safe condition by the permit holder until a permanent patching is accomplished. Temporary patching shall not exceed thirty (30) days, except during the period from November 15th through April 15th each year when the materials are not available. During this time period the applicant may leave a temporary patch in place, but a routine inspection shall be made by the applicant to insure the temporary patch is in good condition. An extension beyond the thirty (30) day requirement may be granted at the Highway Department's discretion upon request with a justification by the applicant. Aggregate surfaces shall be restored in kind and shall be stabilized to prevent loose material which constitutes safety hazards.
 - 6. Driveway access cannot be over or immediately next to a storm sewer inlet, except for drives in a platted subdivision with curbs and gutters.
 - 7. The filling of the curb or gutter line of the drainage system of any road, with any material or pipe is strictly prohibited. Any curb modifications shall require a permit.
 - 8. Tree trimming operations do not require a permit to work in the right-of-way, however they are bound by all of the requirements of this subsection and are required to obtain a road obstruction permit if they desire to close a road.
 - 9. No violations of non-access easements or limited access right-of-way will be allowed (except as permitted for a temporary drive).

10. All sod, swale, side ditches, shoulders and other improvements within the right-of-way which is disturbed by any work or construction within the right-of-way shall be repaired or replaced in a condition equal to or better than they were prior to the work or construction. Materials used in the repair of any disturbed area and the method used to make the repairs shall be approved by the County Highway Engineer or the County Permit Inspector. The proof of the condition of these items prior to work shall be the contractor's or the individual completing the work responsibility.
11. Anyone who cuts or damages an underdrain tile, storm sewer pipe or culvert pipe whether it appears abandoned or not shall notify the Hamilton County Highway Department Permit Inspector immediately upon cutting the tile or pipe. The person cutting the tile shall then repair the tile as directed by the inspector. If the tile or pipe is a regulated drain then immediate notification and repair approval shall also be made to the Hamilton County Surveyor or his designated representative.
12. Loading or unloading any equipment on a county road which results in undue or unsafe restriction of traffic or damage to the pavement is not allowed and is a violation of this section.
13. Crossing or traveling on a county road with a tracked vehicle directly in contact with the pavement surface is a violation of this section. Crossing or traveling along the road will be allowed provided suitable protection (timbers, tires and etcetera) is provided for the pavement. No damage will be allowed to the pavement, structures, grading, drainage, and etcetera. Failure to use adequate protection or damage to the pavement is a violation of this section.
14. Dragging or depositing mud or soil onto a county road from any site is not allowed and is a violation of this section. Cleanup of any mud or soil on the road due to accessing a site shall be immediately after the material is deposited. A site having a high volume of vehicles accessing a muddy site shall have a full time cleanup crew or install cleaning mechanisms in accordance with county approved best management practices.
15. Allowing erosion of soils from a site onto a county roadway or into a county roadway drainage system is a violation of this section. Anyone excavating on county right-of-way or adjacent to county right-of-way shall protect the county right-of-way from the deposit of eroded materials in accordance with county approved best management practices.
16. Depositing any construction materials or the cleaning of any equipment directly or indirectly into any county roadway drainage system is not allowed and is a violation of this section.
17. Installation of sprinkler systems within the right-of-way is not allowed. Any sprinkler systems installed within the right-of-way prior to 8/1/95 shall be relocated at the owner's expense within seven (7) calendar days when requested by the Hamilton County Highway Department for road improvement purposes or due to drainage problems.
18. An individual or agency who has directed work to be done in the right-of-way shall be jointly and separately liable for all actions taken by his contractor or representative.
19. Failure to stop work for any violation of this section of the code when so directed by an authorized representative of the Hamilton County Highway Department is a violation of this section.
20. Failure to provide traffic control, provide a safe work site (safety fencing, shoring or etcetera) or comply with the conditions set out in a permit or as directed by an authorized representative of the Hamilton County Highway Department is a violation of this section of the code.

21. A permit is not required for surfacing or resurfacing of a driveway provided it does not change any drainage flows and does not expand the width of the existing drive. The maintenance of any drive and its associated culverts will remain the responsibility of the applicant or subsequent property owner and must be maintained by the property owner in a manner which does not interfere with the use of the right-of-way for its dedicated purpose.
 22. Any improvements installed by permit or without a permit within the public right-of-way is done so at the risk of the property owner or entity installing the improvements. Whenever the Hamilton County Highway Department determines a change is required or maintenance is needed in the improvements, the applicant, subsequent property owner or entity who owns the improvements must make the changes upon notification and within a reasonable time limit at the owner's expenses.
 23. No improvements can be made by any permit applicant which obstructs or impedes an existing farm field entrance or an existing farm field loading area without permission from the property owner. It is the applicant's responsibility to comply with this requirement.
- h. After the application is approved, the County Highway Department shall issue a permit. Once work begins, the permit or a photo copy of the permit must be on site for inspection. The County Highway Department shall be notified at least twenty-four (24) hours in advance of construction and when construction is complete in accordance with the procedures of the Hamilton County Highway Department. An approved permit will expire one (1) year from the date of application or 60 days prior to the expiration of the permit bond covering the work being applied for, whichever comes first.

Chapter 5 **Violations**

SECTION 8-17-5-1.

A person who violates this Article 7 commits a Class A Infraction. When a violation occurs, the permit holder, the contractor, company or individual performing the work and the owner of the facilities being installed or constructed shall be held in violation both jointly and separately. Each subsection violated and each day for which the violation remains shall be a separate violation. A judgment of up to two thousand five hundred dollars (\$2,500) and for the costs of restitution for any damages to any County right of way or improvement, shall be entered against a person who violates this Code section per violation per day.

SECTION 8-17-5-2.

In addition to the remedies set out in Section a and b above, any contractor, company, or individual who violates any provision in this Chapter may be ineligible to obtain a permit under this Chapter unless, or until all fines, damages, judgments, or restitution costs are paid in full by the violator.

8-20-8-1

Obstruction of Highways

Chapter 8. **Temporary Closing of County Roads** Section 1

SECTION 8-17-8-1.

The Commissioners empower the Highway Department to grant permission for the temporary obstruction of County highways on behalf of the Commissioners.

- (b) The Commissioners shall prescribe an application form to be used by persons requesting the temporary obstruction of a County highway.
- (c) A properly executed application and bond in an amount not less than One Thousand Dollars (\$1,000) must be provided by the applicant for the obstruction. A certificate of coverage of general liability insurance, which shall name Hamilton County and the Board of Commissioners of Hamilton County as additional named insured on that policy must be provided. The insurance must be maintained continuously throughout the year that the permit is valid, in an amount not less than \$300,000 per person, and \$1,000,000 per occurrence.
- (d) An authorized representative in the Highway Department may issue a permit for obstruction after compliance with subsection (c).
- (e) The County Auditor shall refer all permits issued under this Code section to the Commissioners for action at the next meeting of the Commissioners.
- (f) A person shall not remove, relocate, alter, deface, or in any way change the location of any sign, barricade, barrier, or warning device which closes or prohibits traffic upon a road or bridge within the County.
- (g) A person shall not enter upon, or attempt to enter upon any portion of a road or bridge in the County that is marked or barricaded as closed.
- (h) A person who violates subsection (f) or (g) commits an ordinance violation. A judgment of up to Two Thousand Five Hundred (\$2,500) shall be entered against a person who violates either of those subsections of this Code section.

House Moving

Chapter 6.

SECTION 9-20-6-4

(a) This Code Chapter does not apply to:

- (1) Mobile homes or manufactured housing that have been approved for moving by the State; or
- (2) Agricultural buildings weighing less than ten thousand (10,000) pounds.

(b) A person shall not move a building or structure that temporarily obstructs or crosses a County road or highway unless the person first files an application for permit and receives an approved permit from the Hamilton County Highway Department. The application shall include a traffic control plan approved by the Hamilton County Sheriff or his designated representative.

- (c) Prior to the approval of any request to move a building or structure, the applicant must post with the Hamilton County Highway Department a surety bond, irrevocable letter of credit or insurance policy payable to Hamilton County Board of Commissioners in the amount of no less than fifty thousand dollars (\$50,000) to indemnify and protect the County from any damage to the roads or highways arising out of the move, or any other liability.
- (d) The Highway Department shall consider and approve the application unless the County Engineer considers the bond insufficient to adequately indemnify the County for any damages that may arise from moving the building. The County Engineer may then request that an additional surety bond be posted. Additional surety will be required if the move exceeds any bridge load rating. Approval may also be withheld if the route, traffic control or time of the move is found to be unacceptable by the Hamilton County Engineer or his designated representative.
- (e) An applicant under this Chapter shall submit a non-refundable fee of one hundred fifty dollars (\$150) with the applicant's permit and bond. Check or money order shall be made payable to the "Hamilton County Treasurer" and deposited by the Hamilton County Highway Department with the Hamilton County Auditor into the "Motor Vehicle Highway Fund". This fee may be waived at the discretion of the Hamilton County Engineer if the applicant is another governmental agency or a charitable organization which benefits the county.
- (f) The approved permit shall be visibly posted on the structure being moved while it is within the county road right-of-way.
- (g) Any permit denied by the Hamilton County Highway Department may be appealed by the applicant to the Board of Hamilton County Commissioners. The applicant shall request through the Hamilton County Auditor to be put on the first available time of a regularly scheduled Commissioners meeting and notify the Hamilton County Engineer of their intent to appeal.
- (h) A person who violates this Code section commits an ordinance violation. A judgment of up to Two Thousand Five Hundred Dollars (\$2,500) shall be entered against a person who violates the Code section.
- (i) All other sections of the Hamilton County Code and all other Ordinances in contradiction with this Ordinance are repealed.
- (j) This ordinance shall be effective upon passage and the penalties herein shall be effective upon publication pursuant to law.
- (k) The Auditor of Hamilton County is ordered to include this Ordinance at Hamilton County Code, Title 9, Article 20, Chapter 6, Section 4, and publish this Ordinance pursuant to law.

Vehicle Exemption Procedure

Chapter2.

SECTION **9-20-2-1**

- (a) The operator of a motor vehicle may apply to the County Highway Department for a permit to use a vehicle with a greater gross weight than that designated for a highway.
- (b) The Department may grant the application if the operator pays the fee and posts a bond payable to the Board of Commissioners of the County of Hamilton, conditioned that upon damage to the highway resulting from the use of the vehicle, the operator will be responsible for repairing the highway and placing the highway in its original condition following the use of the vehicle.

An Ordinance Regulating the Use of Private Traffic Control onto Roads Maintained by the Hamilton County Highway Department

SECTION **4-27-09-B**

WHEREAS, from time to time the owners of a property along certain roads maintained by Hamilton County desire to regulate traffic from private land onto, or off of, County roads, by temporarily obstructing said traffic; and,

WHEREAS, Indiana Code 8-1-23-2 prohibits private parties from obstructing traffic on roads without permission of the Board of Commissioners of the County.

IT IS THEREBY ORDAINED as follows:

- (1) The following definitions apply to this Ordinance:
 - (a) **public emergency:** a situation that requires an immediate response and where the failure to respond would result in immediate danger to life or property.
 - (b) **private traffic control:** a person who directs traffic on a public roadway that is not responding to an emergency.
 - (c) **average daily traffic:** the total volume during a given time period, in whole days, greater than one day and less than one year, divided by the number of days in that time period.
 - (d) **peak hours:** the hours of heaviest traffic at the intersection to be controlled. Corresponding to the desired hours of private traffic control.
 - (e) **turn counts:** number of vehicles at each turn or through movement, shown in fifteen (15) and sixty (60) minute Intervals.
- (2) This Code does not apply to:
 - (a) The construction, repair or maintenance of a public street, a public Right-of-Way or a public utility, or
 - (b) The direction of a funeral procession, or

- (c) An annual event such as a parade or festival, or
- (d) A public emergency.

(3) Any person who desires to utilize private traffic control to direct traffic on, onto, from or in any County maintained roadway shall first apply for and receive approval from the Board of Commissioners or their designee. A permit application, supplied by the Highway Department, and related exhibits shall be submitted to the Highway Department to be reviewed and approved by the appropriate agencies as specified by the Board of Commissioners.

(4) Fees for the permit shall be paid by check or money order made payable to the Hamilton County Treasurer and shall be submitted with the permit. No permit will be reviewed or approved until the fee has been received by the Hamilton County Highway Department. The fee for private traffic control shall be \$200 per location, per year.

(5) Prior to the issuance of a permit, the applicant shall provide to the Hamilton County Highway Department a certificate of coverage or general liability insurance, which shall name Hamilton County and the Board of Commissioners of Hamilton County as additional named insured on that policy. The insurance must be maintained continuously throughout the year that the permit is valid, in an amount not less than \$300,000 per person, and \$1,000,000 per occurrence.

(6) All applicants shall provide the following information. No permit will be reviewed or approved until all required information has been received. Additional information may be required at the discretion of the County Engineer.

- (a) The average daily traffic (ADT) of the business/facility.
- (b) Peak hours and peak hour volumes for the desired hours of traffic control.
- (c) Turn counts for all affected approaches during peak hours.
- (d) Average vehicle delay for peak hours, both current and proposed.

(7) The recipient of a permit shall comply with the following terms.

(a) All persons hired to direct traffic on a County roadway shall be an off-duty law enforcement officer.

(b) All persons hired to direct traffic must comply with the Indiana Manual on Uniform Traffic Control Devices (IMUTCD).

(c) All persons hired to direct traffic shall do so only during the hours approved on the permit.

(d) All persons hired to direct traffic shall not do so in a manner that adversely affects any traffic signal or causes unnecessary delays to traffic on the County roadway, makes access to other areas more difficult or endangers the public, at or near the permitted location.

(8) After an application is approved, the permit will be valid for one (1) year from application date. All approved permits are subject to review during the time in which the permit is valid. If it is determined at any time that the permit holder is causing adverse affects on a traffic signal, unnecessary delays to traffic, making access to other areas more difficult or heightened danger to the public, at or near the permitted location, the permit may be immediately revoked by the County.

If there is a change of circumstances or the information contained in the application substantially changes, a new permit application must be filed within seven (7) days of that change in circumstances.

(9) Any person who violates this section of the Hamilton County Code commits an ordinance violation. Each subsection violated and each day for which the violation remains shall be a separate violation. A judgment of up to \$2,500 may be entered against a person who violates this Code section per violation, per day.

(10) Sections 1-8 of this Ordinance shall be effective thirty (30) days after passage and no person shall obstruct traffic upon a county road without a permit after May 27, 2009.

(11) Section 9 imposing a penalty for violation of this Ordinance shall be effective on June 2, 2009.

(12) The Hamilton County Auditor shall codify this Ordinance in the Hamilton County Code of Ordinances at 8-1-23-2.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Hamilton County this 27th day of April, 2009.

List of Applicable Forms for Highway Department Permits

Form 1011	Application to Cut County Road Pavement
Form 1012	Application to Work in County Road Right-of-Way
Form 1013	Application for Service Connection in Right-of-Way
Form 1014	Application to Build a Drive or Road Approach in Right-of-Way
Form 1015	Application to Build a Residential Drive or Farm Field Entrance in Right-of-Way
Form 1016	Application to Move a House on a County Road
Form 1017	Application for a Vehicle Exemption Permit
Form 1018	Emergency Work Notification Form
Form 1019	Request to Close a County Road
Form 1020	Request for Permit Manual for County Roads
Form 1021	Multiple Work Location Form
Form 1023	Notice of Unauthorized Work Violation
Form 1024	Application for Private Traffic Control