

ORDINANCE 2021- 06

EXCAVATIONS IN PUBLIC HIGHWAYS AND RIGHTS OF WAY

Resolution of the Board of County Commissioners of Martin County, Indiana:

WHEREAS, the Martin County Board of Commissioners is authorized to maintain highways and rights of way within the County; and

WHEREAS, there may be certain times when a person, firm or corporation may need to excavate in a public highway or right of way, and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Martin County Indiana, that:

A. It shall be unlawful for any person, firm or corporation to cut any pavement, curb, gutter or right of way in the public highways of the county, or to make any excavations of any kind whatsoever in the public highways or rights of way in the county, without first procuring a permit to do so, as hereinafter provided.

B. Any person, firm or corporation desiring to cut any highway pavement, curb, gutter or right of way in the public highways or rights of way of the county shall first make application to the Martin County Highway Superintendent for a permit to do so. The application shall be upon a printed form provided by Martin County Indiana and shall be in duplicate, one copy of the permit to be retained by the Martin County Highway Superintendent and the other copy to be retained by the applying person, firm or corporation. The application shall specify the character of the excavation to be made in the public highway or right of way. The application shall require approval by the Martin County Highway Superintendent prior to any such excavation being initiated. The Martin County Highway Superintendent shall examine the proposed excavation prior to the issuance of the permit.

C. All permits for cutting or excavating in public highways or rights of way shall specify the size of the cut or opening to be made in the public highway or right of way, as the case may be; and it shall be unlawful for any person, firm or corporation holding the permit to excavate any public highway or right of way unless particularly authorized to do so in the permit. There shall be a permit fee of \$500.00 collected by Martin County at the time of application for said permit.

D. Any person, firm or corporation making excavation cuts in public highways or rights of way of the county, by authority of permits issued, shall comply with the following specifications for trench excavating, bedding, backfilling and resurfacing.

(1) All pavements shall be saw cut along neat and straight lines the full depth of the existing pavement prior to any excavation work.

(2) Any person, firm or corporation making cuts in public highway or rights of way of the county, by authority of the permits issued, must consult with the Martin County Highway Superintendent and determine the type of flowable fill to be used on a case by case basis, before applying for an excavation permit and initiating work.

(3) In the event that the excavation work to be performed is solely located within County highway right of way, the applicant and Martin County Highway Superintendent shall consult prior to any such excavation and the Martin County Highway Superintendent shall issue a written plan for said excavation which shall define the manner of the excavation and the repair work to be completed following the excavation.

E. The person, firm or corporation making the excavation shall be responsible for maintaining the backfilled trenches until the final pavement surface is installed.

F. Failure of any permit holder to comply with these backfill specifications shall be cause for refusal, by the County, to issue future permits for excavation work to the applicant.

G. The permit applicant shall be responsible for repair and restoration of all trench cuts which settle and which, in the opinion of the Martin County Highway Superintendent, requires additional work to repair or restore. The Martin County Highway Superintendent shall notify the

applicant of the decision that the cut needs repair or restoration and the applicant shall be given five (5) days after being notified in which to complete the repair or restoration. If the applicant fails to complete the repair or restoration within five (5) days of being notified by the Martin County Highway Superintendent, Martin County may repair or restore the excavation itself and seek reimbursement from the applicant for all costs for equipment, material and labor incurred by the County.

H. All excavations shall be guarded by warning lanterns or lamps from an hour before sunset to an hour after sunrise.

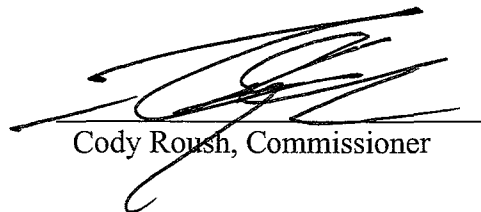
I. The required fee mentioned in Paragraph C must be reimbursed upon proper completion of the excavation repair and will be equal to the cost of the County repairing the cut. This fee will not be reimbursed if the repair contractor does not complete a satisfactory repair and follow backfill specifications described herein.

Adopted this 9 day of March, 2021.


**BOARD OF COMMISSIONERS
MARTIN COUNTY, INDIANA.**




Paul R. George, President



Cody Roush, Commissioner


Aaron Summers, Commissioner

ATTEST: 
Bobbie L. Abel,
Auditor of Martin County