

ORDINANCE NO. 2021-~~X~~-CM
AMENDING SECTIONS 96.02 AND 96.18 OF THE TIPPECANOE COUNTY CODE
CONCERNING HIGHWAY DEPARTMENT PERMITS

WHEREAS, County Code 96.02 and County Code 96.18 set forth requirements with respect to the application for and issuance of various permits by the Tippecanoe County Highway Department; and

WHEREAS, the existing sections of the County Code specify particular forms that should be used; and

WHEREAS, the Board of Commissioners wish to empower the County Highway Engineer to update such forms from time to time in a manner otherwise consistent with the substance of the ordinances;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that section 96.02 of the Tippecanoe County Code be amended to read as follows:

§ 96.02 HIGHWAY OILING/TREATMENT PERMITS.

(A) *Purpose.* This section provides for the issuing of permits for oiling or treating of highways in the county.

(B) *Compliance procedure.*

(1) It shall be unlawful for any person, firm or corporation to oil or place any petroleum product, greasy material or other foreign substance upon any portion of any highway in the county, or cause or permit same to be done without first obtaining a permit for such from the County Highway Department.

(2) No permit shall be issued for the placing of any oil, petroleum product, greasy material or other foreign substance upon any highway maintained by the County Highway Department unless the person so doing agrees in writing that they will maintain the portion of the highway so treated, that the County Highway Department will have the right to scarify and rework the portion of highway so treated at any time without reoiling or retreating any portion of the highway, and that the person so treating the highway shall agree to hold harmless the Board of Commissioners and the County Highway Department for any damages to any motor vehicle or other property of any person which result from such oiling of the highway or placing any petroleum product, greasy material or other foreign substance on the highway or permitting such to be done.

(3) All requests for permission to oil or place any petroleum product, greasy material or other foreign substance on any portion of any highway in the county maintained by the County Highway Department shall be in writing in a form approved by the County Highway Engineer or the Engineer's designee.

(4) No permission for placing oil or any other petroleum product, greasy material or other foreign substance upon any highway shall be valid unless approved in writing by the Board of Commissioners and the County Highway Department by their duly authorized representative.

AND BE IT FURTHER ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that section 96.18 of the Tippecanoe County Code be amended to read as follows:

§ 96.18 PERMIT APPLICATION.

(A) No person shall cut, dig, trench, or otherwise interfere with the surface, or subsurface, of any highway or street which is a part of the county highway system, or the easement adjacent to any such highway unless such person shall first obtain a permit from the office of the County Highway Engineer. Requests for permits shall be made on forms acceptable to the County Highway Engineer. Without limitation on forms that may be required by the County Highway Engineer, the County Highway Engineer shall prepare forms acceptable for the following:

1. Permission to cut into a county highway or street or work within the right-of-way.
2. Permit bonds.
3. Driveway and entrance construction intersecting with a county highway or other county right-of-way.
4. Installation of a pole line on, or across, any county highway or street, or the right-of-way adjacent thereto.
5. Permission to close, or block, any county highway or street.
6. Permission to transport over weight and/or oversized objects of any nature over, across, or along county highways or streets.

(B) The minimum bond required of any person obtaining a permit pursuant to this section is \$5,000, which bond shall be a continuing one and shall remain in effect for a period of three years from the time the work is completed, which bond is to assure the county that county specifications have been adhered to and all work done in a workmanlike manner, except that the minimum bond required of private property owners for work performed in the right-of-way adjacent to their own property shall be \$1,000. The County Highway Engineer shall review bonds submitted under this section to determine that they are in the proper form and, for any bond in an amount equal or less than \$10,000, is authorized to accept such bonds under this section on behalf of the Board of Commissioners.

(C) The forms prepared by the County Highway Engineer under this section are a part of the county highway engineering program, and are to be used in accordance with all regulations of the County Highway Department.

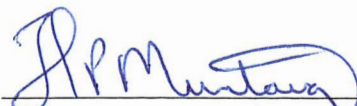
This Ordinance shall be in full force and effect immediately upon its passage and signing.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 1st day of November, 2021, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Yes



Thomas P. Murtaugh, President

Yes



David S. Byers, Vice President

Yes



Tracy A. Brown, Member

ATTEST:



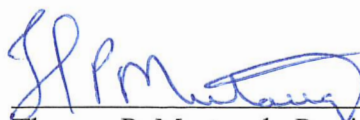
Robert Plantenga, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 15th day of November, 2021, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY


VOTE

Yes



Thomas P. Murtaugh, President

Yes



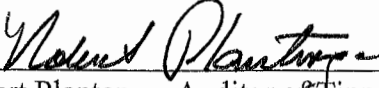
David S. Byers, Vice President

Yes



Tracy A. Brown, Member

ATTEST:

A handwritten signature in cursive script, appearing to read "Robert Plantenga", written over a horizontal line.

Robert Plantenga, Auditor of Tippecanoe County