

ORDINANCE NO. 2023- 08

CLAY COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE ESTABLISHING A COUNTY RIGHT OF WAY  
UTILITY PERMIT and APPLICATION

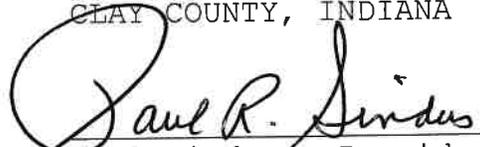
WHEREAS the purpose of a County Right-of-Way Utility Permit is to control the use of public Rights-of-way and public easements and protect the health, safety, and welfare of the public. Any work within the County Public Rights-of-Way shall require an approved Right-of-Way Utility Permit.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE BOARD OF COMMISSIONERS OF CLAY COUNTY, INDIANA:

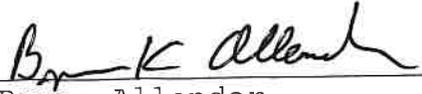
1. That attached hereto is a form County Right of Way Utility Permit Application that shall be used by Clay County in the issuance of a Right of Way Utility Permit.
2. That on a case by case basis, for good cause shown, the Clay County Commissioners, and/or its designee, may deviate from such form as may be stated in such Right of Way Utility Permit.
3. Any person, firm or corporation who violates any provision of the Right of Way Utility Permit, for which another penalty is not specifically provided shall, upon conviction, be subject to the following:
  - (1) A fine not exceeding \$2,500 for the first violation; and
  - (2) A fine not exceeding \$7,500 for a second and subsequent violations.

Statutory reference: see I.C. 36-1-3-8(a)(10)

BOARD OF COMMISSIONERS OF  
CLAY COUNTY, INDIANA

  
Paul Sindors, President

  
Marty Heffner

  
Bryan Allender

202300001553  
Filed for Record in  
CLAY COUNTY INDIANA  
PATRICIA NICHOLE KELLER  
06/05/2023 10:02:52 AM  
ORD 0.00  
OR Book 216 Page 1264  
Number of Pages: 4

ATTEST:

A handwritten signature in cursive script, appearing to read "Patricia A. Foxx", is written over a horizontal line. The signature is enclosed in a large, hand-drawn oval.

Patricia A. Foxx,  
Auditor of Clay County

# CLAY COUNTY BOARD OF COMMISSIONERS

Court House – Room 106  
609 East National Avenue  
Brazil, Indiana 47834

Commissioners: Bryan K. Allender ♦ Marty A. Heffner ♦ Paul R. Sinders

## COUNTY RIGHT OF WAY UTILITY PERMIT APPLICATION

### Project Information:

Project Name: [PROJECT NAME] Location: [ADDRESS OR LEGAL DESCRIPTION]

Permittee: [NAME OF PERMITTEE]

Address of Permittee: [ADDRESS OF PERMITTEE] City: [CITY] State: [ST] Zip: [ZIP CODE]

Contact Person: [CONTACT NAME AND PHONE NUMBER] Utility Type: [TYPE OF UTILITY]

### Specifications:

Please review and adhere to the following specifications:

1. The utility shall be installed at a minimum depth of 36 inches, as required by applicable codes and regulations.
2. The utility shall be installed using approved materials and methods in accordance with industry standards and applicable codes and regulations.
3. The utility shall be marked at the surface at intervals of [ENTER INTERVALS] with durable, visible markers that identify the utility type and owner.
4. The utility shall be tested and inspected in accordance with applicable codes and regulations to ensure that it is free of leaks and defects before it is covered.
5. Surface-mounted objects, such as pedestals and transformers, shall be placed on the back side of the county right-of-way or ditch, as to not interfere with regular county ditch maintenance. The surface markers shall also be placed on the back side of the county right-of-way or ditch.
6. The permittee shall provide a detailed map showing the location of the utility and any other underground utilities in the vicinity of the permitted work.
7. The permittee shall obtain all necessary permits and approvals from applicable regulatory agencies and utility providers prior to commencing the permitted work.
8. The permittee shall comply with all applicable laws and regulations regarding excavation, trenching, and backfilling.
9. The permittee shall take all necessary precautions to ensure the safety of the public and property during the permitted work, including but not limited to, barricading and marking the work area and providing adequate lighting and signage.
10. The County shall not be responsible for any costs associated with relocating or repairing the utility if it needs to be moved or damaged due to a bridge or culvert replacement project, road construction or maintenance, or any other county project that requires work in the vicinity of the permitted project.

**Signatures and Approval:**

By signing below, the permittee agrees to comply with all conditions and specifications of this permit and assumes all responsibility and liability for any damages, costs, or injuries that may result from the permitted work.

Permittee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Approved By:

Clay County Commissioners Representative: \_\_\_\_\_ Date: \_\_\_\_\_

*\*Please attach a detailed map and any additional information that may be helpful for the review of this permit.*