

ORDINANCE

94- 04

AN ORDINANCE OF THE MARSHALL COUNTY FISCAL COURT REQUIRING ALL PUBLIC OR PRIVATE UTILITIES AND ANY AND ALL CONTRACTORS TO OBTAIN A WORK PERMIT TO CUT, DRILL, OR WORK ON OR UNDER ANY COUNTY ROAD OR ANY COUNTY MAINTAINED ROAD WITHIN MARSHALL COUNTY:

BE IT ORDAINED AND ACTED BY THE FISCAL COURT OF THE COUNTY OF MARSHALL, COMMONWEALTH OF KENTUCKY; THAT:

WHEREAS, it has come to the attention of the Marshall County Fiscal Court that many public and private utilities as well as contractors have been cutting and/or drilling under county maintained roads without contacting the Marshall County Road Department.

WHEREAS, The court has determined that it would be in the best interest of the citizens and residents of Marshall County that reasonable and definite regulations be required of all public and private utilities as well as contractors to assure the County Road System is kept up to the high quality and standards for which it is known for.

NOW THEREFORE, The Fiscal Court of Marshall County, Kentucky does hereby resolve as follows:

I. Any public or private utility or contractor who plans to cut, drill, or work on or within a county maintained road or road easement shall be required to first obtain a permit from the Marshall County Road Department. The permit shall be of no charge. The permit will require the public or private utility or contractor to follow all rules and/or instructions of the Road Department. The permit shall assure that a road or road easement is maintained or returned to the same or similar condition.

II. The public or private utility or contractor shall, after the work has been completed, ask the Marshall County Road Department to release them from the requirement of the permit.

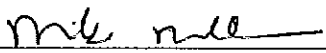
III. Nothing in this requirement will be construed to effect those roads now in existence which have already been cut or drilled prior to this ordinance.

IV. Penalties: If any public, or private utility or contractor fails or refuses to obtain a permit from the Marshall County Road Department prior to this construction, Marshall County Road Department superintendent shall be authorized to cause a law enforcement officer to issue a summons or citation on that public or private utility or contractor ordering same to appear before the Marshall District Court. If the District Court finds that a public or private utility or contractor has violated the provisions of this ordinance, the Court shall fine same not less than \$1,000.00 for each occurrence and, for each day that the violation continues

a charge of \$50.00 per day, until the permit is obtained from the County Road Department. Further, after work has been completed, if the public or private utility or contractor has not satisfactory completed all the requirements to return the work area to its original conditions then the Marshall County Road Department can ask that a Civil Penalty of \$50.00 per day be levied against them until the public or private utility or contractor complies with said penalty.

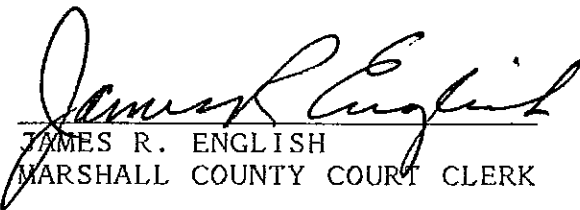
IV. This Ordinance shall become effective from publication by heading and summary after second reading and passing.

Introduced at a regular meeting of the Marshall County Fiscal Court held on the October 18 day of October, 1994, advertised in the Tribune Courier, a newspaper of general circulation of Marshall County and adopted by the Fiscal Court of Marshall County at the regular meeting on the ~~Nov 2nd~~ day of November, 1994, and on the same occasion signed in open session by the Court by the County Judge as evidence of his approval attested by the seal by the clerk of Marshall County Court and declared to be in full force in effect.



MIKE MILLER
MARSHALL COUNTY JUDGE/EXECUTIVE

ATTEST:



JAMES R. ENGLISH
MARSHALL COUNTY COURT CLERK