

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF CLINTON AMENDING CHAPTER 32
OF THE CLINTON COUNTY CODE TO PROVIDE A SCHEDULE OF FEES
AND CHARGES FOR SERVICES AND MATERIAL FURNISHED BY
THE CLINTON COUNTY HIGHWAY DEPARTMENT**

Findings

The Clinton County Highway Supervisor has proposed a schedule of user fees and charges for materials, whenever applicable, for permits issued for road work and utilities and for installation of culvert pipes for drive and access entrances from abutting property to county roads. The Board of Commissioners, as the legislative body of Clinton County, is empowered by Indiana statute to adopt user fees for services so long as those fees reasonably reflect the cost of providing those services. The Board of Commissioners finds that the fees and charges contained in the attached Appendix A are fair and reasonable and do not exceed the cost of performing the services or furnishing the materials therein described.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLINTON, OF THE STATE OF INDIANA, AS FOLLOWS:

Section 1. Chapter 32 of the Clinton County Code is hereby amended by the addition of a new section, Section 32.33 as follows:

Section 32.33 Highway Department Fees and Materials Charges

- A. Definitions. For the purposes of this Section, the following definitions shall apply:

County Road

A road, or any portion thereof, within the Clinton County Highway system.

Culvert Pipe

A corrugated metal pipe of such type, diameter and length necessary to provide proper capacity to convey storm water beneath a driveway, field entrance, private road or other means of access from real property abutting a county road.

Utility Encroachment

The construction, location or relocation of any utility line or structure, including, but not limited to, natural gas, oil pipeline, aerial or buried telephone lines or cables, television cable, fiber optic cable, electric power line or cable, sanitary sewer, water line or septic system component within the right of way of a county road.

Utility Permit

Any permit to be issued by the Board of Commissioners to a municipal or public utility for a utility encroachment.

- B. Requirement of Permits. All persons, firms and corporations desiring to perform work of any kind within the right of way of a county road shall first obtain written permission of the Board of Commissioners and pay the applicable fees and charges as provided in the Appendix to this Chapter 32. No person, firm or corporation shall construct or create an entrance onto a county road from abutting real property without obtaining the prior written permission of the Clinton County Highway Department and paying the permit fee and material charge for a culvert pipe as provided in the Appendix to this Chapter 32.

Section 2. Payment of the fee and charge for culvert pipes and their installation shall be made at the office of the Clinton County Highway Department which shall prepare an invoice in triplicate for each culvert pipe to be installed. One copy of the invoice shall be provided to the person paying for the culvert pipe, the second copy shall be maintained by the Highway Department, and the third copy shall be submitted together with the payment collected to the office of the Auditor of Clinton County the same day or the next business day after the payment is received. Fees for utility permits shall be collected in the office of the Board of Commissioners, which shall prepare an invoice in triplicate, providing one copy to the applicant, retaining one copy for the Commissioners' records and providing the third copy to the Auditor of Clinton County with the applicant's remittance within the same business day or next business day.

Section 3. Finding that an emergency exists, this ordinance shall be effective upon the date of its adoption.

ADOPTED by the Board of Commissioners with amendments this ____ day of _____, 2013 after its introduction on December 3, 2012.

BOARD OF COMMISSIONERS OF
CLINTON COUNTY, INDIANA

George (Skip) Evans

Bert Weaver

Cory Boyles

ATTEST:

Cathy J. Hamilton
Auditor of Clinton County

APPENDIX A

APPENDIX TO CHAPTER 32 CLINTON COUNTY CODE

Fees and Charges for Services and Materials Furnished by the Clinton County Highway Department

Culvert Pipe

There is no fee for the installation of a culvert (drive-way) pipe, except for the actual cost of the culvert pipe, minimum size of which is 30' X 8", or larger, as determined by the Clinton County Highway Department. When size is determined, property owner will pay the Highway Department cost of said pipe and Clinton County Highway will install culvert pipe using it's own equipment, manpower and resources.

If the property owner fails to pay the Clinton County Highway Department for the cost of the determined culvert pipe within 30 days of permit application approval, then the Clinton County Highway Department will install said pipe and the property owner will be billed for the actual cost of the pipe, stone and hourly costs of men and equipment to install culvert pipe unless prior arraignments are made with the Clinton County Highway Department to delay installation for construction purposes.

Utility Permit

The fee for a utility permit shall be \$150.00 for installations up to 400 feet in length and an additional \$75.00 for each additional 400 feet or less in length of installation.