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Fountain County, Indiana

Fountain County Board of Commissioners

Ordinance 2024-2

An Ordinance for Streets & Roads Controls
December 2024

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Section 1: Basic Provisions

An ordinance pertaining to and regulating the design, construction, installation, maintenance, and operation of Streets and Roads located in Fountain County, Indiana, providing the issuance of permits and providing penalties for the violation thereof.

Be it ordained by the Board of Commissioners of Fountain County that this Ordinance is adopted as follows:

1.01 Title

This Ordinance and all Ordinances supplemental or amendatory hereto shall be known as the Streets and Roads Ordinance of Fountain County and may be cited as such and will be referred to herein as “this Ordinance”.

1.02 Overview

Adopting a consistent design standard for street and road design is essential to creating a functional, safe, and efficient road network in Fountain County. The standards are necessary to ensure safe movement and uniform approaches to common community street and road requirements. The standards in this document layout the arrangement, character, width, grade, and location elements that all streets must conform to.

1.03 Purpose

The purpose of this Ordinance is to provide minimum standards for the best practices in road design, prevent unsafe roads, and establish common standards for Fountain County roadways.

1.04 Authority

The Fountain County Highway Department, as hereinafter defined, is hereby authorized to issue Road and Street permits, and collect street and road permit and incidental fees, perform inspections, order or otherwise compel correction of violations of this Ordinance, and is otherwise authorized to perform all actions necessary for administration and enforcement of this Ordinance.

1.05 Severability

Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby and shall remain in full force and effect.

1.06 Effective Date

This Ordinance shall apply to all Fountain County, Indiana as of the date from and after its adoption and approval by the Commissioners as stated herein and any publication as required by law.

1.07 Repeal

The provisions of any prior or hereby inconsistent with any provisions of this Ordinance are hereby superseded and repealed.

1.08 Citation Reference

Any reference to specific provisions of Indiana Code or Indiana Administrative Code, and Standard Specifications, and AASHTO shall also include subsequent amendments.

1.09 Adoption of Regulations by Reference

The minimum requirements for street construction shall be in accordance with the latest edition of "Standard Specifications" of the Indiana Department of Transportation, in effect at the time of approval of this ordinance. The INDOT Standard Specifications are hereby incorporated by reference as noted in the text of this ordinance.

1.10 Authority to Inspect and Copy Records

- A. For New Construction, Repair or Alteration of any Street or Road, the owner or owner's agent shall request an inspection by the Fountain County Highway Department at least two (2) business days prior to the completion of that stage of road construction. The stages are detailed in the accompanying Ordinance Standard Drawings.
 1. The Fountain County Highway Department reserves the right to inspect road construction and ensure tight adherence to the approved Engineering designs, and
 2. The Fountain County Highway Department reserves the right to perform road borings to verify the roads were built to approved Engineering designs, and
 3. The Fountain County Highway Department reserves the right to perform load tests to verify acceptable construction of roads, as per the approved Engineering designs.
- B. The road construction shall comply with this Ordinance, all other relevant local Ordinances, and the approved Engineering designs.
- C. The Fountain County Highway Department may inspect county road closure, or work in the county roads.
- D. The property owner shall permit the Highway Department to collect evidence and/or exhibits, and to routinely inspect, investigate complaints, and copy any or all records relative to the enforcement of this Ordinance.

1.11 Waiver

- A. Where the Fountain County Highway Department finds that unnecessary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations so that substantial justice may be done and the public interest served, provided that the waivers shall not have the effect of nullifying the intent and purpose of these regulations, and further provided the Fountain County Highway Department shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that the following apply:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other nearby property.
2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other properties.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
4. The waiver will not in any manner contravene the provisions of the Zoning Ordinance, Comprehensive Plan, Drainage Plan, or Official Map as interpreted by the Fountain County Highway Department.

B. Conditions

In approving waivers, the Fountain County Highway Department may require conditions to, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

C. Procedures

A petition for any waiver shall be submitted in writing by the applicant at the time when either the primary or secondary plat is filed for consideration by the Fountain County Highway Department. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.12 Amendments

For the purpose of providing for the public health, safety, and general welfare, the County, on recommendation of the Fountain County Highway Department, may from time to time amend the provisions imposed by these stormwater drainage regulations.

Section 2: Definitions

2.01 Classifications

The terms roads and streets, will be used interchangeably.

Street Classifications are as follows:

1. Minor Arterial
2. Major Collector
3. Minor Collector
4. Local Roads
5. Cul-de-sac

Section 3: Road & Street Design Standards

Street designs shall adhere to the following design standards for all street classifications, unless noted in the standard:

- A. AASHTO Standards – Current AASHTO Standards shall be followed as minimum design requirements unless otherwise specified in this Ordinance.
- B. Protection of Property – Whenever a subdivision abuts or contains an existing or proposed street, the Plan Commission may require frontage roads, screening of double frontage lots, a “non-access” easement along the property lines, deep lots, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. In those instances, where a non-access easement is proposed along a state or federal highway, this easement shall be granted specifically to Indiana Department of Transportation.
- C. Connecting Street Pattern – In order to provide a functional County Street system, the Plan Commission may require an owner to construct a street pattern that provides connections to adjoining developed and vacant undeveloped properties. The coordination of streets from one (1) subdivision to another is essential to the county in order to provide a continuation of not only vehicular access, but also for transportation and distribution lines for most utilities, such as water, sewer, gas, electricity and telephone systems.
- D. Access to Vacant Land – The Plan Commission may waive the requirement of constructing an access street to vacant land. In these cases, the owner shall be required to dedicate the necessary right-of-way, but the person who develops the adjoining vacant property will be required to construct the street. The Plan Commission shall determine at the primary hearing, the need and location of these access streets.
- E. Continuation of Streets - All streets, including those proposed to provide the continuation of streets to adjacent property, shall be constructed to the boundary lines of the subdivision and in accordance with the standards of this ordinance. If a subdivision is approved contiguous to existing right-of-way dedicated for a continuing street, but the street has not been constructed, the owner of the new subdivision must construct the entire street including the portion that is not contained within the owner’s project.
- F. The Street to Match Plan – A proposed street, matching the Thoroughfare Plan standards, or at a minimum classified as a local road, shall provide for the continuation of existing, planned, or platted streets on adjacent property.
- G. Street Parallel to Railroad or Roads – Where a subdivision borders on or contains a railroad right-of-way, limited access highway right-of-way, arterial or collector street, the Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of the approach grade.
- H. Dead End Streets – A dead end street shall not be permitted except where a street is proposed to be and should logically be extended but is not yet constructed. A temporary cul-de-sac shall be

constructed for any dead-end street that exceeds three hundred (300) feet in length from the nearest intersection. Drainage details for the temporary cul-de-sac shall be specified by the applicant and approved by the Plan Commission. A dead-end street that does not require a temporary cul-de-sac shall have adequate drainage provision as approved by the Plan Commission.

- I. Stub Streets – Where, in the opinion of the Plan Commission, street connection to adjoining property is appropriate, proposed streets shall be extended to the boundary of the development for connection to existing streets on the boundary of adjoining property or for future connection. Stub streets shall be placed at intervals of one thousand (1,000) feet.
- J. Temporary Cul-de-Sacs – Temporary cul-de-sacs shall not provide access to more than 25% of all lots in the subdivision, and no road containing a cul-de-sac shall serve more than twenty (20) lots, on that road span. The road span begins at the nearest intersection and ends with the cul-de-sac. Cul-de-Sacs shall not be used to avoid connection with an existing street, to avoid extension of a collector or arterial street, or to avoid connection to adjoining property.
- K. Permanent Cul-de-Sacs – Permanent cul-de-sacs shall not provide access to more than 25% of all lots in the subdivision, and no road containing a cul-de-sac shall serve more than twenty (20) lots, on that road span. The road span begins at the nearest intersection and ends with the cul-de-sac. Cul-de-Sacs shall not be used to avoid connection with an existing street, to avoid extension of a collector or arterial street, or to avoid connection to adjoining property.
- L. Access Easement – An easement providing access to a street shall be prohibited except where it serves no more than three (3) lots, and the Plan Commission finds that the plans for its control and maintenance is clearly defined.
- M. Right-of-Way Width – The street right-of-way width shall be in accordance Table 1.0 right-of-way widths:

Table 1.0: Typical Roadway Standards:

	Min. R.O.W.	No. of Travel Lanes	Travel Lane Width	Aux. Lane Width	Min Shoulder Width	Rural Drainage Strip
Major Arterial	Not currently applicable					
Minor Arterial	85'	2-4	12'	12'	6' (4' paved)	16'
Major Collector	70'	2	12'	12'	6' (2' paved)	16'
Minor Collector	60'	2	11'	none	4' (2' paved)	15'
Local Road	50'	2	11'	none	4'	
Subdivision Road	50'	2	11'	none	4'	

* Cul-de-sacs require 55' radius R.O.W.

- A. Paving Width – The paved width of all streets shall be adequate to serve the existing and future estimated traffic load for the development.
 1. A new local road or subdivision road widths shall be in accordance with Table 1.0 Typical Roadway Standards. The Plan Commission has the authority to increase/decrease the right-of-way widths.
 2. A cul-de-sac shall be paved to a diameter of ninety feet (90') measured at the asphalt pavement edge excluding concrete curb or stone shoulders.
 3. A new local road or subdivision road shall be paved in accordance with the current Fountain County Standards. Where a proposed street is an extension of an existing paved street that exceeds the minimum dimension set forth above, the Plan Commission shall require the owner to match the width of the existing paved street.
- B. Minimize Through Traffic – Proposed local, subdivision, or cul-de-sac streets shall be designed to minimize through traffic movement, which is to be limited to collector streets.
- C. Acceptable Limits – Acceptable limits for visibility, curvature, and maximum grade depend on topography, functional classification, anticipated traffic volumes, number, and nature of access points, etc. Road design specifications shall be based on AASHTO guidelines and sound engineering judgement. The County Engineer must approve the design speeds selected for each project.
- D. Street Grade – A proposed street shall be adjusted to the contour of the land so as to provide usable lots grades & driveway slopes and reasonable street grade. The maximum allowable street grade shall not exceed five (5) percent. The minimum allowable street grade shall not be less than five-tenths (0.5) percent. When grades above five (5) percent are required, this must be reviewed and approved by the Fountain County Engineer.

- E. Intersection Sight Distance – The values in Table 2.0 for intersection sight distance shall be used at all intersections, both for new and existing intersections. No new features such as signs, embankments, walls, or landscaping, shall be constructed which reduces the sight distance below the intersection sight distance.
- F. Decision Sight Distance – Where unusual or complex situations exist, decision sight distance (per AASHTO Standards) may be required by the County Engineer to provide an added margin of safety.
- G. Reverse Curves – A reverse curve on a street larger than a local road, shall have a straight tangent between elements of said reverse curve of not less than a hundred (100) feet. Variance may be permitted by the County Engineer.
- H. Additional Requirements – The sections above deal with minimum requirements. Individual projects, particularly commercial and industrial subdivisions, may warrant additional requirements dictated by sound engineering design. Such additional requirements must be specified by the Plan Commission as a condition of approval.
- I. Safety Concerns – The Plan Commission may deny the proposed location of an access road from a proposed development onto an existing or proposed county road, due to safety concerns.
- J. Improvements Required – If, in the sole opinion of the Plan Commission, the proposed access road presents a potential hazard to the motoring public, the applicant may be required to make improvements to an existing or proposed county road as a condition of allowing access. These improvements may include, but are not limited to deceleration or acceleration lanes, passing lanes or other improvements.
 - 1. Criteria – Improvements shall be required based on the following criteria:
 - i. Sight distance
 - ii. Number of lots
 - iii. Proposed use
 - iv. Street classification
 - v. Traffic generation
 - vi. Existing or proposed conditions; and
 - vii. Sound engineering design
 - 2. Intersections- As a minimum requirement, at an intersection of a major subdivision's street, commercial or industrial drive with an existing street or road, the developer shall refer to INDOT's latest Driveway Permit Manual to assess whether deceleration, acceleration, and passing lanes along the existing roadway are required.
 - 3. Construction – All proposed paved roadwork involving the construction of passing lanes and/or access/deceleration lanes shall require a one-inch (1") overlay of bituminous surface which shall extend across the full width of the existing roadway as well as the new features. Limits of this work shall be the extreme ends of the tapers and/or lane. Butt joints shall be milled at the ends of the work to ensure a smooth transition. The pavement section shall be installed in accordance with the Fountain County Standards.
- K. Number of Access Roads – The minimum number of access roads required into a subdivision will be based upon the number of lots. For residential subdivision access with 50 or less lots, one public entrance shall be required. For residential subdivision access with 51 or greater lots, two public

entrances shall be required. These are minimum recommendations, and the Plan Commission may require additional access. All access points required by the number of lots in that phase must be provided for in that phase, or in a previous phase, and not delayed to a future phase.

- L. Cul-de-Sac Length – A cul-de-sac street shall not exceed 8 hundred (800) feet in length measured from the centerline of the nearest intersection to the center of the cul-de-sac.
- M. Half-Streets – Dedication of new half streets shall be prohibited. Where a dedicated or platted half street is adjacent to a tract being subdivided, the other half of said half-street shall be platted and constructed.
- N. Additional Right-of-Way for Existing Streets – The applicant shall dedicate additional right-of-way width as required to meet these regulations when the subdivision adjoins or includes an existing street that does not conform to the minimum right-of-way dimension as established by the Thoroughfare Plan.
- O. Blocks – Block lengths in residential areas shall be two lots deep and shall not exceed eight hundred (800) feet in length, nor be less than three hundred (300) feet in length, with length measured centerline of street to centerline of street. Pedestrian ways shall be required through the middle of blocks that are more than eight hundred (800) feet long, or at other appropriate locations, as deemed necessary by the Plan Commission. In determining whether pedestrian ways are required, the Plan Commission shall consider methods of maintaining such ways and usefulness in providing access to any common open space, water areas, recreational areas, schools, churches, and other surrounding uses.
- P. Cul-de-Sac Islands – No fence, wall, sign, hedge, tree or shrub planting, or other similar item which obstructs sight lines and elevations between two (2) and eight (8) feet above the street shall be placed within any cul-de-sac island.
- Q. Traffic Calming – It is a goal of Fountain County to create residential streets that are safe and contribute to the quality of life within the neighborhoods. This Ordinance encourages street design that accomplishes this goal by the use of street hierarchy, geometric standards, and good engineering practices. When utilized appropriately, responsible street design does not need extraneous or additional “traffic calming” features. However, if deemed necessary, such traffic calming features will be designed and located according to standard recommended practices and must be approved by the County Engineer.
- R. Horizontal centerline curve radius shall meet or exceed the following design speeds. Variances may be permitted by the County Engineer.
 - 1. Subdivision Roads shall have a design speed of 30 mph and require a 150-foot minimum centerline radius.
 - 2. Local Roads, Minor and Major Collectors shall have a design speed of 40 mph and require a 300-foot minimum centerline radius.
 - 3. Primary Arterials and Secondary Arterials shall have design speed of 50 mph or greater, and require a 675-foot minimum centerline radius.
 - 4. Tangent distance between reverse curves shall be 100 feet.

- S. Subdivision – the curb/gutter and sidewalk requirements are based upon total number of lots in a subdivision and not based upon each section (phased development). The overall size of the development is required to be shown on the preliminary plat. See Section: Curbs and Gutters for details.

Intersections

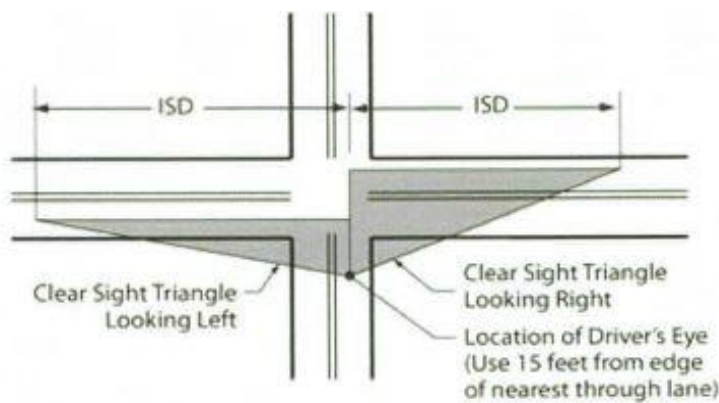
- A. Curb Radii – Street curbs shall be rounded by radii of sufficient length to permit the smooth flow of traffic, but in no case shall the curb radii be less than twenty-five (25) feet for Local Roads, or forty (40) feet for a Minor Arterial, and Major/Minor Collectors or roads in a commercial or industrial development or roads which intersect with State Roads or State Highways. The curb radii are measured from the edge of pavement/front of curb.
 - 1. Street with No Curbs – Where a proposed street with curbs intersects an existing street without curbs, termination of curb shall be a smoother taper terminating to meet a proposed grade.
 - 2. Separation Between Right-of-Way and Curb – Street right-of-way at intersections shall be designed to provide a minimum of ten (10) feet separation between the street right-of-way and curb.
 - 3. Angle - Intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy-five (75) degrees.
- B. Multiple Street Intersections – Intersections of more than two (2) streets at one point shall not be permitted.
- C. Roundabouts – Roundabouts or traffic circles and appropriate signage shall be approved by the County Engineer. Design of roundabouts shall follow guidelines set forth by the Federal Highway Administration.
- D. Radii Follow Greater Functional Classification – When a street of lesser functional classification intersects with a street of greater functional classification the radii arcs at the intersection will comply with the standards for the street of greater functional classification.
- E. Straight Street – There shall be at least one hundred (100) feet of straight street before entering an intersection, unless otherwise approved by the County Engineer.
- F. Driveway Separations – Driveway locations shall conform to the following minimum requirements for separation:
 - 1. Minor Arterial – 300' Residential Driveway, 600' Non-Residential Driveway
 - 2. Major Collector – 200' Residential Driveway, 200' Non-Residential Driveway
 - 3. Minor Collector – 200' Residential Driveway, 200' Non-Residential Driveway
 - 4. Local Road – 100' Residential Driveway, 100' Non-Residential Driveway
 - 5. Subdivision Road – 50', with maximum of one per lot
- G. Street Separations – Street intersections shall not be closer than three hundred (300) feet center line to center line for residential and local streets and six hundred (600) feet center line to center line for collector and arterial streets and must be denoted on the construction plans. This provision does not apply to a frontage road.

- H. Pavement Thickness – When a street of lesser functional classification intersects with a street of greater functional classification, whether new or existing, the pavement thickness of all improvements within the right-of-way of the intersection shall comply with the street requiring the greatest thickness.

Sight Distance at Intersections

- A. Sight Distance at intersections is determined by speed. See Figure 1.0 and Table 2.0 to determine required sight distances.

Figure 1.0: Sight Distance Triangles for 4-Leg Stop-controlled Intersections



- B. The Intersection Sight Distance (ISD) is measured along the major road beginning at a point that coincides with location of the minor road vehicle. Table 2.0 also provides the recommended values for ISD, based on the following assumptions:
- Stop control of the minor road approaches;
 - Using driver eye and object heights associated with passenger cars;
 - Both minor and major roads are considered at level grade;
 - Considers a left-turn from the minor road as the worst-case scenario (i.e. requiring the most sight distance); and
 - The major road is an undivided, two-way, two-lane roadway with no turn lanes
- C. If conditions at the intersection being evaluated differ from these assumptions, an experienced traffic engineer or highway designer should be consulted to determine whether different ISD values should be used.

Table 2.0: Sight Distance at Intersections

Speed (mph)	Stopping Sight Distance (ft)	Design Intersection Sight Distance (ft)
25	155	280
30	200	335
35	250	390
40	305	445
45	360	500
50	425	555
55	495	610
60	570	665
65	645	720
Source: <i>A Policy on Geometric Design of Highway and Streets</i> , 5th Edition, American Association of State Highway and Transportation Officials (AASHTO), 2004.		

D. Stopping Sight Distance (SSD) provides sufficient distance for drivers to anticipate and avoid collisions. However, in some cases this may require a major road vehicle to stop or slow to accommodate the maneuver by a minor road vehicle. To enhance traffic operations, sight distances that exceed the recommended SSD (as shown in Table 2.0) are desirable.

1. Intersection Visibility – No fence, wall, sign, hedge, tree and shrub planting or other similar item which obstructs sight lines, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points twenty five (25) feet from the intersection of residential or local road lines, and fifty (50) feet from the intersection of arterial or collector road lines, or in case of a rounded property corner, from the intersection of the street right-of-way lines extended.
2. Median Visibility – No fence, wall, sign, hedge, tree or shrub planting, or other similar item which obstructs sight lines shall be placed within any median area within one hundred (100) feet of an intersection. No walls, rocks, or boulders larger than two (2) feet in any dimension shall be placed in the median.
3. Stop Sign Visibility – No trees or shrubs shall be planted in any portion of a public street right-of-way within one hundred fifty (150) feet of a stop sign.

Street Improvements

- A. Plan and Profile – In general, a street shall be completed to the grade shown on the plan and profile sheet. A plan and profile sheet for each street shall be provided by the owner and prepared by a registered Professional Engineer.
- B. Street Construction Standards –The Subgrade, subbase and street surface must be prepared in compliance with Fountain County Standard Drawings.
- C. Backfill – For sanitary utility excavations under the pavement or within five (5) feet of the edge of the pavement, if applicable, shall be backfilled with Structure Backfill or Flowable Mortar as specified in the Standard Specifications. Installation shall conform to the Standard Specifications. Any deviation from these provisions must be approved by the County Engineer's Office prior to construction. Backfill for storm sewers shall conform to the specification provided in Fountain County Standard Drawings. Other utilities backfill requirements shall conform to the requirements presented by respective utilities.
- D. Subsurface Drains or Underdrains – Underdrains and Subsurface drains terminology is used interchangeably.
 - 1. Underdrains are required under all roadside ditches and below all roadside curbs. Refer to Fountain County Standard Drawings for details.
 - 2. Four (4) inch laterals shall be provided for each lot, extended to the right-of-way line and capped. The ends shall be marked by permanently marking (stamping) the lateral in the curb and extending a board or other suitable material to the surface and dimensioned on the record drawings. No direct surface water, or garage floor drains will be allowed to connect to the subsurface drain.
- E. Aggregate Base – Stone aggregate base shall be placed under the curb and extended to the aggregate placed for the subsurface drain.
- F. Soil Conditions in Streets – Wet spots or other unusual soil conditions may develop in streets. These streets must comply with any and all of the following requirements:
 - 1. Underdrains – Four (4) inch Polyethylene lateral underdrains which extend under the subbase and connect directly to the subsurface drains shall be placed at regular intervals through the wet areas.
 - 2. Additional Aggregate – Compacted aggregate (#53 stone) shall be added to the street cross section to a thickness as determined by the County Engineer. This shall be in addition to the minimum base requirement.
 - 3. Excavation and Backfill – Soft spots may be over excavated and backfilled with compacted aggregate as approved by the County Engineer.
 - 4. Geogrid may be used with the written approval of the County Engineer.
 - 5. Soil Modification – Soil Modification (such as Lime Stabilization) in accordance with the Standard Specifications 215 may be used.
 - a. Preconstruction Notification – If soil modification is planned to be used, this must be stated in the preconstruction conference.
 - b. Subbase Depth – No reduction in subbase depth will be permitted.

- c. Application Rates – Application rates shall be determined according to the Standard Specifications and industry standards, based on testing of the in-place subgrade. Test results and proposed application rates must be provided to and approved by the County Engineer prior to use.

Pavement Markings

Pavement markings shall follow INDOT standards referenced in the [Design Manual](#).

Joints for Rigid Pavement

Rigid pavement shall be jointed in order to control cracking. Joints for rigid pavement shall be constructed in accordance with the type and dimensions and at the locations required by Standard Specifications, these regulations, or as by the County Engineer's Office.

- A. Spacing – Spacing of weakened plane, transverse, or contraction joints shall not exceed twenty (20) feet. Closer spacing to average fifteen (15) feet is encouraged. A transverse contraction joint may either be formed or sawed dummy groove, ribbon, or pre-molded strip type, and shall be one fourth (1/4) the thickness of the pavement.
- B. Sawing – When a transverse joint is to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab.
- C. Catch Basins and Manholes – One of the above-named joints shall be placed at every catch basin and manhole in the line of pavement. The location of manholes in the pavement shall determine the exact location of the joints.
- D. Full Pavement Width – All joints shall extend throughout the curb to the full width of pavement.
- E. Transverse Expansion Joint – A transverse expansion joint shall be placed at the intersections, tangent points of sharp curves, and wherever else shown on the plans.
- F. Longitudinal Joint – Whenever the width between forms of the pavement under construction is greater than ten (10) feet, a longitudinal joint shall be constructed so as to divide the pavement into strips not to exceed ten (10) feet each. This may be accomplished by sawing or by installing a slot or groove as herein described for a contraction joint.
- G. Curing Compound – White membrane curing compound AASHTO Number 2-M-14B must be properly applied to give complete coverage immediately after finishing, around all inlets and manholes and every fifty (50) lineal feet of pavement, as well as where concrete adjoins asphalt.

Curbs and Gutters

- A. Curbs – A two (2) foot concrete curb and gutter shall be required for subdivisions consisting of twenty-six (26) lots or more for single family, two family and multi-family residential subdivision streets. Streets in commercial or industrial (non-residential) subdivisions shall be required to have two (2) foot concrete curb and gutter or ditches.

- B. Construction – Materials, concrete specifications and construction procedure shall comply with the Fountain County Standard Details. Cold weather construction shall be in accordance with the Indiana Department of Transportation Standard Specifications.
- C. Valley Gutters – Valley gutters, which connect gutter drains across street intersections, are strictly prohibited.
- D. Curb Marking – All curbs must be permanently marked (stamped) to indicate locations of manholes, stormwater, sewer, gas, water, electric, and communication lines.
- E. Details – It is the intent and purpose of this section to encourage streets and rights-of-ways to be dedicated to the county for ownership and maintenance whenever possible. It is a long-range benefit to the entire county for streets and rights-of-ways to be maintained publicly rather than privately. There may be, however, a situation in which a privately owned and maintained street is a more reasonable alternative.
 - a. Standards – in any development in which a private street is allowed, the street shall conform to County standards.
 - b. Required Covenants – The covenants of the secondary plat shall contain the following statement: “The streets and ingress/egress easements shown hereon are to be privately owned and maintained by the homeowner’s or commercial association pursuant to the articles of incorporation of said association.

Sidewalks, Pathways, and Pedestrian Ways

- A. Location
 - 1. Sidewalks are not required in subdivisions of one to twenty-five (1-25) lots. Subdivisions that consist of twenty-six or more (26 or more) lots shall require sidewalks on both sides of road or street.
 - 2. Sidewalks are required along the development side of all existing county roads when the sidewalks exist on an adjacent property and the new development’s sidewalk will become contiguous to the existing sidewalks. If no sidewalk is required, then a right-of-way meeting the sidewalk width standards, must be included.
- B. Sidewalk Plan – When sidewalks are required, a plan for a sidewalk system shall be prepared that will provide every lot within a subdivision, or portion thereof, with reasonable access to a sidewalk connecting with all of the community facilities, commercial enterprises and other residential subdivisions located near or adjacent to the subdivision, and in a manner that will provide safe and convenient pedestrian circulation throughout the neighborhood or area in which the subdivision is located and which will avoid pedestrian and vehicular traffic conflict.
- C. Sidewalk Construction – Sidewalk materials and construction requirements shall conform to the Standard Specifications, and shall meet the following requirements:
 - 1. Material – Be constructed only of 4,000 psi concrete unless otherwise expressly approved by the Plan Commission.
 - 2. Depth – Have a minimum depth of four (4) inches, or have a minimum depth of six (6) inches when built in an area of proposed vehicular crossing.

3. Slope – Have a cross slope of no steeper than one-quarter (1/4) inch per foot toward the street.
 4. Consistency, Slump, and Mixture – Have consistency, slump, and mixture specification as established by the Standard Specifications.
 5. Joints – Be jointed every four (4) feet, with expansion joints every forty (40) feet to prevent cracking and heaving.
 6. Compliance with ADA – Have curb ramps installed at all intersections and at all other locations where required for compliance with the American with Disabilities Act (ADA).
- D. Minimum Width – Sidewalks, pathways, and pedestrian ways shall have a minimum width as follows;
1. One- or Two- Family – In One- or Two- Family Developments, along collector, local, or residential interior streets, minimum width shall be four (4) feet.
 2. Multifamily – In Multifamily Developments, minimum width shall be four (4) feet.
 3. Perimeter – For a perimeter subdivision sidewalk located along a County Road, minimum width shall be four (4) feet.
 4. Commercial or Industrial – For Commercial or Industrial, minimum width shall be as approved by the Plan Commission.
 5. Pedestrian ways – For Pedestrian ways that connect two streets or connect directly to a park, school or other public or semi-public use, minimum width shall be four (4) feet.
- E. Easement Required – In order to facilitate pedestrian access, that is outside of the street right-of-way, from the street to schools, parks, playgrounds, or other nearby streets, the Plan Commission may require a perpetual unobstructed easement at least ten (10) feet in width. This easement shall be indicated on both the primary and secondary plats. The construction details shall be shown on the construction plans and must be specifically approved by the Plan Commission.
- F. Vertical Drop – There shall be no vertical drop in excess of twelve (12) inches within five (5) feet of the outside edge of the sidewalk, or an approved barrier must be installed in accordance with the Standard Specification.
- G. Installation – Sidewalks shall be installed by the lot owners, where deemed necessary, prior to issuance of the Certificate of Occupancy by the Planning and Building Department.
- H. The lot owner is responsible for maintenance of the sidewalk including clearing during winter events. If the County Engineer or Building Administrator determines the condition of the sidewalk warrants replacement, the lot owner will be responsible for the cost of the replacement.

Easements

No permanent encroachments shall be allowed within any of the following easements:

- A. Access Easements – Access easements providing legal access to land shall be at least twenty (20) feet in width and shall have the capability of providing suitable locations for future public streets meeting the standards set forth in this ordinance. No more than three lots shall receive access from a private access easement.

- B. Drainage and Utility Easements – Drainage and utility easements shall be at least fifteen (15) feet in width on each side of any public street that has a right-of-way width of less than fifty (50) feet.
- C. Utility Easements – Utility easements shall be allocated in areas of suitable size and location. Such easements shall provide reasonable continuity from block to block and shall be at least ten (10) feet in width. The Plan Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.
- D. Drainage Easements – Drainage easements shall be provided where the Plan Commission deems them necessary to provide proper drainage for the subdivision. Such easements shall be at least ten (10) feet in width and may be coincident with utility easements. Where a regulated drain traverses a subdivision, the easement for the drain shall be in accordance with the Fountain County Surveyor and the Fountain County Drainage Board.
- E. Maintenance Easements – Maintenance easements for dams or adjoining property may be required where the Plan Commission deems them appropriate.
- F. Farm Tile Easements – Farm tile easements for protection and maintenance shall be at least thirty (30) feet in width and shall be provided where there are farm tiles that are to remain on property proposed for subdivision. The Plan Commission may require larger easements when it deems such additional width necessary for carrying out the purposes of this section.

Street Identification Signs and Regulatory Signs

- A. Installation – The owner shall install street identification signs at each street intersection within and on the perimeter of the subdivision. The developer shall install all appropriate regulatory signs as required by the County Engineer's office.
- B. Street Identification Signs – Street identification signs shall comply with the current issue of Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity, and location. Street identification signs for public roads shall be white letters on a green background. Street identification signs for private roads shall be white letters on a blue background. Size of letters and sign dimensions shall comply with Fountain County Highway Department requirements.
- C. Regulatory Signs – Regulatory signs shall comply with the current issue of Indiana Manual of Uniform Traffic Control Devices regarding size, material, reflectivity, and location. The developer shall place regulatory signs in accordance with the current issue of the Indiana Manual of Uniform Traffic Control Devices and as directed by the Fountain County Highway Department.
- D. Locations – Sign locations must be shown on the construction plans.

Roadside Ditches

- A. When Required – Roadside ditches are required for all existing or proposed roads that will not have curbs and gutters.

- B. Shoulder Width and Slopes – Roadside ditches shall be located so as to provide a shoulder width as shown in the Fountain County Standards and sound engineering design. Drainage side slopes shall be 3:1. In no case shall the shoulder width be less than four (4) feet. The Plan Commission may require a wider shoulder and drainage ditch.
- C. Culvert Cover – Roadside ditches are to be constructed to provide a minimum of twelve inches (12") of cover over the driveway culvert pipe, or as recommended by the manufacture, whichever is greater.
- D. Driveway Pipe Size – The minimum size of a driveway pipe shall be twenty-four feet (24') of twelve-inch (12") culvert pipe. The Fountain County Highway Department may require a larger pipe or diameter and/or length and an accompanying watershed analysis to determine appropriate pipe size.

Bridges and Similar Drainage Structures

- A. Design and Construction Standards – All bridges and similar drainage structures shall be designed and constructed in accordance with the AASHTO Standard Specifications for Highway Bridges, Current Edition and Standard Specifications.
- B. Rails – All bridges shall be designed to incorporate a crash-tested barrier rail per Indiana Department of Transportation (INDOT) specifications and adequate lengths of a crash-tested approach rail. The length of approach rail shall meet INDOT Rehabilitation, Restoration, and/or Resurfacing (3R or RRR) requirements or better and be approved by the County Engineer.
- C. Approval – Structure size and type and final design plans must be approved by the Fountain County Engineer. The County Engineer may require additional right-of-way for future maintenance of the structure.
- D. Testing and Inspection – Material certifications and testing must be done during construction in accordance with INDOT Specifications, and copies provided to the County Engineer. On-site construction inspection shall be provided by the owner in accordance with County procedures for locally funded bridges, with the County Engineer copied on all inspectors' reports and correspondence. Also, the County Engineer must participate in the final inspection. A separate Maintenance Bond for three (3) years must be provided to the County Engineer. All construction within an existing county road right-of-way and any crossings of the travel surface will require a permit from the County Engineer prior to construction. Whenever any construction activities occur within a public road right-of-way, traffic control devices shall be placed in accordance with INDOT standards and the Manual or Uniform Traffic Control Devices, Part VI. The devices shall be installed prior to any construction and shall be maintained during the entire time that the special conditions exist. They shall be removed immediately thereafter.

Construction and Repairs Within Road Right-of-Way

All repairs on the pavement or within five (5) feet of the edge of the pavement, within the right-of-way, shall be backfilled with Structure Backfill or Flowable Mortar as specified in the INDOT Standard

Specifications. Installation shall conform to the INDOT Standard Specifications. Any deviation from these provisions must be approved by the County Engineer's Office prior to repair.

Dust Control of Roads

Property owners who wish to apply treatment for dust control are required to contact the Fountain County Highway Department to inform them of their interest in implementing dust control on the county road(s) adjacent to their property. No permit is required.

Section 4: Oversize & Overweight Vehicle Standards

Oversize and/or overweight (OSOW) vehicle standards apply to all county roads and streets. Farm equipment and farm-related equipment are exempt from the Oversize and Overweight Vehicle Standards for County roads. INDOT may have additional restrictions for vehicles entering INDOT roadways.

If a vehicle is considered oversize and/or overweight (OSOW), then the driver must obtain an OSOW vehicle permit before traveling on Fountain County Roads. Permits are valid for 15 days from approval. A vehicle is considered to be oversize and/or overweight if it meets any of the following criteria:

- A. 13 feet 6 inches in height (or greater)
- B. 8 feet 6 inches in width (or greater)
- C. 53 feet (semi-tractor-semi-trailer combination) in length (or greater); or
- D. 80,000 pounds gross vehicle weight (subject to axle weights) (or greater)

Two-vehicle combinations totaling 60 feet or more are not eligible for OSOW permits unless the vehicle is registered as a tractor trailer or one of the vehicles is a fifth-wheel travel trailer.

Required Markings

- A. Oversize Vehicles must be marked on front and rear with a sign reading "OVER-SIZE LOAD."
 - 1. The sign must be at least 18 inches high and between 6 to 8 feet long.
 - 2. The letters must be black, 12 inches high, with a 2-inch stroke on yellow background.
 - 3. Color combinations or wording approved by other states will be permitted, when trip originates outside Indiana.
- B. Vehicles must be marked with 2 red or orange flags, placed at the widest extremities of the vehicle or load.
 - 1. Flags must be in good condition, plain or orange with no figures.
 - 2. Flags must be 18 inches square and placed so that approaching traffic can see them.

Lighting

- A. All provisions of 49 CFR 393.11 apply, plus the following:
 - 1. Permitted vehicles must have low beam headlights on while transporting a load.
 - 2. Mobile homes and sectionalized buildings having widths of 12 feet 4 inches or more must be equipped with four high-intensity, amber, flashing lights during transportation.
 - a. Two of these must be mounted on the front. Two must be mounted on the rear of the combination.

- b. Lights mounted on the load must be placed at the outer edges and not be less than 6 feet above the roadway.
- c. Front lights may be mounted on the towing vehicle at furthest extreme of any safety device, not extending beyond the mirrors, and must be double-faced lamps, visible both on front and rear.
- d. Lights must be visible at 500 feet in normal sunlight.

Flagmen

Flagmen will be provided by the transporting company at all locations needing such traffic control. Locations needing such flagmen include: encroachment into opposing traffic lanes and stops, or blockages of traffic locations where stops are not normally required by existing traffic control devices. More information about traffic control regulation may be found at 105 IAC 9-2.

Speed

Any permitted vehicle over 85' long, or 10'6" wide, or above legal height may not exceed 55 miles per hour.

Blockage of Traffic

- A. Permitted vehicles must not block traffic at any time from use of county roads, including the loading and unloading of equipment, unless authorized by the Fountain County Highway Department or the Fountain County Sheriff.
- B. Permitted vehicles must not be parked either day or night on the shoulder or right-of-way.
- C. Permitted vehicles will use the highway shoulder only on those occasions necessary to allow for the safe unrestricted passage of oncoming/passing traffic.

Vehicle Operators

- A. Operators must be 18 years of age or older and hold a valid Indiana Chauffeurs License or Commercial Driver's License, whichever is applicable.
- B. Drivers must have the vehicle permit in possession during transport and must show permit, on demand, to any police officer, motor carrier inspector, or any authorized employee of the State of Indiana.
- C. The mover and/or owner of the vehicle and/or load will be held responsible in the event that it is necessary to remove any buildings, railings, or other structures from the county road. In the event that any buildings, railings, or other structures are damaged, the cost of the removal and/or damage will be the responsibility of the permit applicant.

Weather

Permitted oversized vehicles are not allowed to operate during hazardous weather, road, or traffic conditions, and/or when visibility is less than 500 feet. Permitted vehicles may not operate when wind velocity exceeds 25 miles per hour.

Escort Vehicle(s) Requirements

All permitted vehicles 110' in length or 14'6" in height must have at least one escort vehicle. Additional requirements vary by width and roadway as listed below.

- A. Permitted vehicles exceeding 12'4" and up to 14'3" in width must have one escort
 - 1. Front escort on an undivided road OR
 - 2. Rear escort on a divided road

B. Permitted vehicles between 14'4" and up to 17' in width

1. One rear escort on a dual-lane divided road OR
2. Two escorts (front and rear) on all other roads

In addition, permitted vehicles must have an escort with a height stick traveling in front of load when they exceed 14'6" in height.

Escort vehicles may not be more than 500 feet from permitted vehicle and/or load and must have a minimum of 4 wheels with a maximum gross registered weight of 11,000 lbs., a flashing amber light mounted on top, an oversize load sign visible to approaching traffic, and have radio communication with permitted vehicle and/or load.

Other Provisions

- A. This permit does not apply to any county roads or bridges that are closed for construction purposes, or to any roads or bridges that are posted for gross load limits, and/or any roads, structures, wires, etc., having a restricted height and/or width clearance that will not clear said load.
- B. Any violation of this permit shall automatically cause the permit to be void. Upon violation the police officer or motor carrier inspector will have the authority to withdraw your permit.
- C. All transporting vehicles must meet all safety requirements as set forth in Title 49, CFR (Code of Federal Regulations).
- D. This permit does not cover license or other registration requirements.
- E. Prepass carriers must enter open scales when operating under an OS/OW permit.

Holiday Restrictions

- A. Vehicles permitted on County roads, except those issued Overweight Commodity or Bulk Milk permits, shall adhere to the following restrictions:

Hours of Operation	
Up to 110' long 10' wide, 13'6" high, and under 200,000 lbs	Continuous travel 7 days a week
Over 110' long, 10' to 14'4" wide, up to 15' high	7 days a week (.5 hr before sunrise to .5 hr after sunset)
Between 14'4" and 16' wide	Monday - Friday (.5 hr before sunrise to .5 hr after sunset)
Over 16' wide, or over 15' high, or over 200,000 lbs gross vehicle weight	Monday - Friday 8:30am to 3:30 pm (other provisions may apply)
Up to 110' long, 11'6" high and 120,000 lbs (for paving equipment only to travel between jobsite(s) and home base with red/amber flashing light at widest point)	Monday - Friday (1.5 hrs before sunrise to 1.5 hours after sunset)
Permitted Mobile Homes and Sectionalized Buildings between 8'6" and 14'4" wide	Monday - Friday (.5 hr before sunrise to .5 hr after sunset) Saturday (.5 hr before sunrise to 12:00 noon)

INDOT may have additional restrictions for vehicles entering INDOT roadways.

SPECIAL PROVISIONS FOR VEHICLE PERMITTING

- A. **A FOUNTAIN COUNTY SHERIFF ESCORT IS REQUIRED FOR ALL VEHICLES OVER 200,000 lbs Gross Vehicle Weight (GVW)**, unless all of the following criteria are met: the permitted route travels only

on interstates, there are no required slowdowns, and the vehicle weighs less than 250,000 lbs GVW.

B. WIDTH EXCEEDS 16, HEIGHT EXCEEDS 15, AND/OR OVER 200,000 LBS. GVW

The hours of movement shall be from 8:30 a.m. to 3:30 p.m., local time only, Monday through Friday. The Fountain County Sheriff Department, at their sole discretion, may approve movement at other times during the week or on weekends if conditions warrant that it is beneficial and can be performed safely.

C. HEIGHT EXCEEDS 15 FEET

Whenever a movement is routed off an interstate system a pre-qualified signal contractor with a bucket truck, for each permitted load, is required to accompany the movement. Any manipulation of a traffic control device shall be conducted at the applicant's expense by an approved contractor and shall be performed to the complete satisfaction of the Fountain County Roads and Streets Department.

D. HEIGHT EXCEEDS 17 FEET

The carrier or the driver must complete a route survey. If no utility lines interfere with the route, the carrier or the driver must sign an affidavit attesting the fact. If utility lines exist along the route, the driver must have letters from the utility company(s) stating that overhead lines will be moved and replaced.

E. WIDTH EXCEEDS 17 FEET

At least front and rear police escorts are required; required slowdowns may necessitate more at the Fountain County Sheriff Department's discretion.

F. PERMITTED VEHICLES WITH WEIGHT RESTRICTIONS

Escort: Due to weight restrictions, a minimum of two escorts are required, one in the front and one in the rear. Additional escorts may be required in the interest of public safety if determined by the Fountain County Sheriff Department they are needed. When crossing bridges the escorts should be located as listed below:

Restrictions for crossing bridge structures:

- A. Dual-lane divided county roads: The vehicle must travel center of the existing lanes on the structure at a speed not to exceed 45 mph. The civilian escorts must detain trailing traffic.
- B. Multi-lane undivided county roads: The vehicle must travel center of the directional existing travel lanes on that structure at a speed not to exceed 45 mph. The civilian escorts must detain trailing traffic only.

After crossing structures, every reasonable effort shall be made to allow trailing traffic to pass while vehicle proceeds with movement.

Speed: Speed for crossing bridge structures shall not exceed 45 mph or the required slowdowns identified by the Fountain County Highway Department. Except for bridges, speed may be increased, at the reasonable discretion of the Fountain County Sheriff Department escort, up to the legal posted truck speeds not to exceed 65 mph and only if conditions warrant that it is safe to do so. Safety considerations

that may prevent increased speed include extremely heavy loads, safety concerns related to height, width and/or length, and loads that have the potential to shift. Speeds exceeding 45 mph shall only occur in those limited situations as directed by Fountain County Sheriff Department.

WIDTH EXCEEDS 18 FEET AND/OR LENGTH EXCEEDS 130 FEET WITHOUT REAR STEERABLE AXLE

Route survey will be required prior to issuance.

COUNTY ROAD DAMAGE LIABILITY

If the OSOW vehicle causes damage to the county roads or to the utility or road infrastructure along the county road (telephone lines, telephone poles, lights, guardrails, etc.), the permitted applicant transporting company will be responsible for all damage repairs. The Fountain County Engineer will obtain 3 bids for all repair work to ensure market rate repair costs are fairly assessed. The cost of repairs will be paid by the liable party (transporting company) within 30 days after the County has selected the contractor(s) that will perform the repair work.

VIOLATIONS

Violation of the provisions of the oversize and overweight standards will result in the immediate cancellation of the permit.

Section 5: Permits

5.01 Permits

An owner shall comply with the requirements for obtaining permits required for planned work. The owner or owner's agent shall obtain a written permit signed by the Fountain County Highway Department prior to the following:

- A. New construction, repair or alteration of any street or road in the county
- B. Performing any work in a county road right-of-way
- C. Obstructing, even partially, or closing any county road

The owner or owner's agent shall contact the Fountain County Highway Department for an initial meeting to discuss the road permitting process.

Any plans for street and road work construction, will require an application and the design plan, drawn up by a professional engineer before a permit is issued.

An owner wishing to implement dust control on adjacent county roads shall notify the Fountain County Highway Department, but shall not require a permit for dust control.

Section 6: Fees

6.01 Fee Schedule

A permit fee in the amount specified in the Fountain County Fee Schedule will be required for a plan review, county road closure, work in the county right of way, or OSOW.

DRAFT - Not for official use

Type of Work	Fee	Application Review Time
Open Road Cut across or within a paved roadway	\$3 per square foot of excavation with a \$50 minimum.	30 days
Open Road Cut across or within a gravel roadway	\$0 per cut with a \$50 minimum	30 days
Underground linear project including grading, trenching or excavation parallel to road	\$50 for each five hundred (500) feet of continuous construction or part thereof *Additional fees may be assessed on projects greater than 1 mile to cover the direct expenses of hiring consultant inspection staff.	30 days
Push or bore under road	\$50 per bore or push	30 days
Placement/removal of poles/overhead lines	\$50 for each one thousand (1,000) feet of continuous pole line or fraction of one thousand (1,000) *Permit not required when replacing or removing a single pole in an existing location due to damage to the pole or when installing new lines or making a utility connection on an existing pole line.	90 days
Tap pit/Spot Cut dirt	\$50 per tap pit less than one hundred (100) square feet in area. Does not include any cutting of the pavement surface.	30 days
Equipment crossing subdivision curbs and sidewalk, no excavation	\$25 per crossing	30 days
Road Closure	\$15 per closure	30 days
OSOW	\$50	15 days

Section 7: Permit Denial, Modification, and Revocation

A road construction permit may be denied, modified, or revoked for the following reasons. The reasons include, but are not limited to:

- A. After review of an application and plan submittal, the Fountain County Highway Department may deny a permit for Road Construction (new construction, repair or alteration of roads) for which it has authority. The reasons for denial include, but are not limited to, any of the following, or combination thereof:
 1. The road plan submittal does not address the demands and limitations of the site.
 2. The owner failed to demonstrate that the proposed road can be designed, located, constructed, maintained, and operated in compliance with all of the provisions of this Ordinance.

3. False information was submitted in the application.
 4. Information submitted in the roads plan application is found to be incomplete or erroneous.
 5. The inspections of the phased work do not pass due to incorrect construction, or failure to build to approved engineering designs.
 6. The owner failed to respond to a request for a revised plan submittal or for additional information within thirty (30) days.
- B. If an application is denied, the owner shall be advised, in writing, of the basis for the denial, the right and procedure for appeal, the deadline for appeal, and the opportunity for a fair hearing.
- C. If a permit is revoked or modified, the owner shall be advised, in writing, of the basis for the modification or revocation, the right and procedure for appeal, the deadline for appeal, and the opportunity for fair hearing.
- D. If a permit has been revoked, the following shall occur for a new permit to be issued:
1. The owner shall provide, as necessary, a revised site evaluation, and a revised roads engineering plan.
 2. The proposed roads plan shall comply with the requirements of this Ordinance, and any relevant Ordinances.
 3. If a permit is revoked, construction may not proceed or must immediately cease on the roads it serves, until a new permit is issued.

7.01 Petition for Review and Appeals

- A. The Plan Commission shall hear appeals incidental to the issuance, modification, denial, and revocation of road permits if, within 15 days following the date of receipt of an issued road permit, road permit modification, notice of road permit denial or notice of road permit revocation, any person aggrieved by such action files a petition for review concerning such action with the Planning Commission.
- B. The petition for review shall state:
1. The name, address, and telephone number (if applicable) of the person making the request;
 2. Identify the interests of the petitioner, which is affected by the road permit issuance, denial, modification, or revocation;
 3. Identify any persons whom the petitioner represents;
 4. State with particularity the reasons for the request;
 5. State with particularity the issues proposed to be considered;
 6. Include proposed terms or conditions, which in judgement of the petitioner would be appropriate to carry out the requirements of this Ordinance governing such road permits.
- C. Upon receipt of a petition for review, the Fountain County Highway Department shall arrange a time and place for a hearing and shall give the petitioner written notice of the scheduled hearing. Such hearing shall be held as soon as practical after receipt of the petition.
- D. At such hearing, the petitioner shall be given an opportunity to show evidence why the permit should not be modified, denied, or revoked. The Fountain County Highway Department or agent

shall be given opportunity to show the reasons for the modification, denial, or revocation. At the conclusion of the hearing, the Plan Commission shall sustain or overrule the original ruling depending upon its findings as to compliance with the provisions of this Ordinance. All proceedings of such hearing, including the findings and decision of the Plan Commission, shall be summarized, reduced to writing, and entered as a matter of public record in the office of Fountain County Highway Department.

Section 8: Enforcement

8.01 Enforcement

This Ordinance shall be is enforced as follows:

- A. Any person found to be in violation of any provision of this Ordinance, or any conditions of a roads permit, shall be served with a written order either in person or certified or registered mail by the Fountain County Highway Department. This order shall state the nature of the violation and provide a reasonable time limit unless the Fountain County Highway Department deems an emergency exists, not to exceed 60 days, for the correction of any violation of this Ordinance.
- B. Whenever the Fountain County Highway Department, finds that an emergency exists which requires immediate action, the Fountain County Highway Department may issue an order describing the existence of such an emergency and require that such action be taken as they deem necessary to meet the emergency. Such order shall be effective immediately.
- C. The Fountain County Highway Department may issue an order to stop work when:
 1. Construction of a road has begun without permit.
 2. Construction of a road is in violation of the permit issued.
 3. Any other conditions exist that may result in the revocation of a permit, as listed in Section 10 of this Ordinance.
- D. An owner or owner's agent, upon receipt of an order, shall comply with the order and the provisions of this Ordinance.
- E. Any person who shall continue any violations of this Ordinance beyond the time limit provided for correction of any violations of this Ordinance or who performs any act prohibited herein or shall fail to perform any duty lawfully enjoined or who shall fail, neglect, or refuse to obey any lawful order given by the Fountain County Highway Department shall be punished for the first offence by a fine of not more than \$500 and for the second and each subsequent offense of not more than \$1000. Each day a violation of this Ordinance continues shall constitute a separate offense for which a separate fine may be levied.

8.02 Remedies

- A. The Fountain County Highway Department may bring actions in the Fountain County Court for mandatory and injunctive relieve for the enforcement of and to secure compliance with any order or orders made by the Highway Department or to otherwise provide for the enforcement of this Ordinance.

- B. Any such action for mandatory or injunctive relief may be joined with an action to recover the penalties, costs and expenses provided in this Ordinance. In the event any legal action is necessary to enforce this Ordinance, the Fountain County Highway Department may seek recovery of costs and expenses reasonably incurred to enforce the provisions of this Ordinance including, but not limited to, reasonable attorney's fees.
- C. In addition to the specific enforcement mechanisms contained within this Ordinance, the Fountain County Highway Department may furnish written evidence of any violation of this Ordinance to the Fountain County Prosecutor and/or the Fountain County Attorney for appropriate action against the offending person.

Adopted this ____ day of ____, 2024.

Board of Commissioners, Fountain County, Indiana

Name, President

Name

Name

Attest: _____
Name, Title