

AN ORDINANCE REGULATING THE
DISTURBANCE OF SURFACES OF
COUNTY ROADS AND RESTORATION OF
COUNTY ROADS IN SIMPSON COUNTY, KENTUCKY

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF SIMPSON,
KENTUCKY, after the passage, approval and publication of this
ordinance as follows:

SECTION (1) The following words when used in this
ordinance, shall have the meanings ascribed to them in this
ordinance, except where the context clearly indicates or requires
a different meaning:

(1) Association: A partnership, limited partnership or any
other form of unincorporated enterprise, owned by two (2) or more
persons.

(2) Corporation: A corporation or joint stock association
organized under the laws of the United States, the state, or any
other state, territory or foreign country or dependency.

(3) Person: Every natural person, copartnership,
fiduciary, association or corporation. Whenever the term
"person" is used in any clause prescribing and imposing a penalty
in the nature of a fine, the word, as applied to associations,
shall mean the partners or members thereof and as applied to
corporations, the officers and directors.

SECTION (2) It shall be unlawful for any person to disturb,
cut or dig into or under, or otherwise tamper with the surface of

any county road within Simpson County, Kentucky, both inside and outside the city limits of the City of Franklin, Kentucky, without having first obtained a permit to do so as provided herein and otherwise complying with the terms and conditions of this ordinance.

SECTION (3)(A) Any person desiring to disturb, cut or dig into or under, or otherwise tamper with the surface of any county road within Simpson County, Kentucky, both inside and outside the city limits of the City of Franklin, Kentucky, shall first make application in writing to the Simpson Fiscal Court, which application shall be filed at least seven (7) days before the applicant may be authorized to proceed. Such application shall include a description of the applicant's proposed activity as well as a description of the work applicant intends to perform to restore or protect the surface of the affected county road.

(B) No permit shall be issued unless the following conditions are met:

(1) The plans or work applicant intends to perform to protect or restore the surface of the affected county road must be in compliance with the Approved Methods of Surface Restoration and Open Trench Pipe Installation previously adopted by the Simpson Fiscal Court.

(2) The applicant must deposit with the Simpson Fiscal Court bond in the penal sum of one thousand dollars

(\$1,000.00), with good surety, or in lieu thereof cash bond of equal amount, such bond to insure and be conditioned that applicant will protect or restore the surface of the affected county road in accordance with the Approved Methods of Surface Restoration and Open Trench Pipe Installation previously adopted by said Court; and

(3) The applicant's proposed activity must not pose a threat to the health or safety of other persons.

SECTION (4) Any person who shall violate any of the terms of Sections (2) or (3) hereof shall be guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), and each disturbance of, or cutting or digging into or under, the surface of a county road as described above shall be deemed a separate offense.

SECTION (5) In the event any part or portion of this ordinance is declared unconstitutional or unenforceable, then such unconstitutionality or unenforceability shall not affect the remainder of this ordinance.

September 6, 1988

FIRST READING

September 13, 1988

SECOND READING

At a meeting of the Fiscal Court of the County of Simpson, Kentucky held September 13, 1988, 1988, on motion made by Hon. Glen Evans, and seconded by Hon. Bill Scott, the foregoing ordinance was adopted, after full discussion, by the following vote:

- AYE BILL SCOTT
- AYE GLEN EVANS
- AYE BOBBY WILLIAMS
- AYE JAMES BAILEY
- AYE KENNETH Y. HARPER

APPROVED:

BY: Kenneth Y. Harper
KENNETH Y. HARPER, COUNTY JUDGE EXECUTIVE,
COUNTY OF SIMPSON, KENTUCKY

ATTEST:

Jada Rhea
JADA RHEA, COURT CLERK
COUNTY OF SIMPSON, KENTUCKY

I, Jada Rhea, Clerk of the Simpson County Fiscal Court, do hereby certify that the foregoing instrument was this day lodged to be and is, with this and the foregoing certificate duly recorded in my office This 15th day of September, 1988.

Jada Rhea
Fiscal Court Clerk