

COMMONWEALTH OF KENTUCKY
OWEN COUNTY

ORDINANCE # 218

**AN ORDINANCE ESTABLISHING ROAD REGULATIONS FOR OWEN COUNTY,
KENTUCKY**

WHEREAS, Owen County Fiscal Court finds it to be in the best interest of public safety and convenience, that roads within Owen County be maintained to specific standards, as stated in KRS Chapter 178 and all other state and local ordinances; and

WHEREAS, Owen County Fiscal Court desires that all citizens have access to safe and well maintained roads; and

WHEREAS, Owen County Fiscal Court may designate and accept roads as county roads; and

“NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF OWEN COUNTY, COMMONWEALTH OF KENTUCKY, THAT:”

Under the procedure stated in **KRS Chapter 178** the Owen County Fiscal Court may consider the inclusion of a road into the county road system for maintenance if it finds that this would serve the interests of the public and if said road meets certain minimum standards at the time of acceptance into the county road system. A petition can be denied, if public need or minimum standards are not met.

The minimum standards are as follows:

SECTION 1: CLASS I: SUBDIVISION STREET

1. Any proposed subdivision that has a lot with less than 210 feet of road frontage of the proposed roadway shall classify as a subdivision (Class I) roadway.
2. Any subdivision must have 20 percent of lots developed.
3. A plat of the proposed subdivision shall be included in the original petition.
4. Owen County Fiscal Court may take over a roadway only when the gravel and stone base has been in place at least one year and meets the other standards set out below.
5. A minimum of 30 feet in width for right of way.
6. At least 20 feet of road surface with a base of 3 inches in depth of No.4 stone, 4 inches of dense grade stone, 4 inches of base blacktop and 1 inch of surface blacktop in good condition.
7. Ditch lines on each side and necessary culverts with shoulders on each side of at least 2 foot in width, as determined by the County Road Supervisor.

8. Since a subdivision in the development stages involves heavy construction equipment and other unusual stress to the roads, the developer will be required to maintain said road for a period of two years after acceptance and shall post a bond to Owen County with surety approved by Fiscal Court for a term of two years to cover the cost of repair, resurfacing, or rebuilding any part of the road so taken. This shall be in an amount determined by Fiscal Court but not less than 125% of the original costs of said road based on an estimate of the County Road Supervisor.
9. If said subdivision development extends beyond the term of the bond listed in number 8 above, the developer agrees to remain liable for any further damage done by reason of said construction as a condition to acceptance by the County for a total up to five (5) years from date of acceptance.
10. If the proposed subdivision development is a multi-phased project and heavy construction equipment must cross roads constructed in earlier phases, the developer will be responsible for any damage repair and maintenance until the development is complete. The County Road Supervisor will conduct pre and post inspections of earlier phase roads. The determination of said completion shall be made by the Owen County Fiscal Court.

SECTION 2: CLASS II: NEW ROADS

1. Owen Co. Fiscal Court may but shall not be required to take over a Class II roadway upon the following:
 - (A) A plan of the proposed roadway shall be included in the original petition.
 - (B) When gravel & stone base has been in place at least one (1) year and roadway meets Owen Co. Fiscal Court standards.
 - (C) A minimum of 30 feet in width for right of way.
 - (D) At least 20 feet of road surface with a base of 3 inches in depth of No. 4 stone, 4 inches of dense grade stone, 4 inches of base blacktop, 1 inch of surface blacktop in good condition.
 - (E) Ditch lines and necessary culverts on each side with shoulders on each side of at least 2 foot in width, as determined by the County Road Supervisor.
2. Any extension of an existing county road shall meet Class II specifications.

SECTION 3: CLASS III: RE-ESTABLISHMENT OF OLD COUNTY ROAD

1. The Owen County Fiscal Court may, but shall not be required to, re-establish a county road, or a portion of a county road that is a minimum of .25-tenths of a mile long and is identified as being a **Grade and Drained** road or better as designated on the 1937 Kentucky Department of Highways State-Wide Highway Planning Survey Map (a copy of said map shall be maintained by the Owen County Fiscal Court in the Owen County Judge/Executive's Office), if said road meets the following minimum provisions:
 - A. Said road must have been accessible as a public access with no limitations for the past 15 years.
 - B. Said road must currently be in passable condition for all types of passenger vehicles.
 - C. Said roadway must be access to a minimum of 10 fulltime single family residential homes per mile or equivalent thereof.
 - D. Said roadway must have a minimum property valuation of \$1,000,000.00 per mile or equivalent thereof per the Owen County PVA.
2. For a county road, or portion of a county road that had a designation of an **Unimproved Road** as designated on the 1937 Kentucky Department of Highways State-Wide Highway Planning Survey Map or worse must be brought to meet the following provisions by all concerned land owners:
 - A. A minimum of 30 feet in width for right of way.

- B. At least 16 feet of road surface with a base of 3 inches in depth of No. 4 stone, and 4 inches of dense grade stone.
- C. Ditch lines on each side and necessary culvert with shoulders on each side of at least 2 feet in width.
- D. Documentation shall be required to show proof that said road was a formerly maintained county road.

SECTION 4: ADOPTION

1. This Ordinance shall be effective upon its adoption, approval and publication according to law.

SECTION 5: SEVERABILITY

1. If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

SECTION 6: CONFLICTS

1. All Ordinances or parts of any Ordinance in conflict herewith to the extent of such conflict, if any, are hereby repealed.

Upon introduction and given first reading before the Owen County Fiscal Court on the 9 day of October, 2018 and a motion having been made by Magistrate Bowling and seconded by Magistrate Davis and following discussion the same was approved as the first reading.

Published in the Owen County News Herald on the 14 day of November 2018.

Given second reading by the Owen County Fiscal Court at a duly convened meeting thereof held on the 27 day of November, 2018, upon motion of Magistrate Davis that the ordinance be passed adopted and approved and seconded by Magistrate Spurgeon with a roll call vote as follows:

District 1: Todd Spurgeon Y
 District 2: Stuart Bowling Y
 District 3: Teresa Davis Y
 District 4: Travis Fitzgerald Y

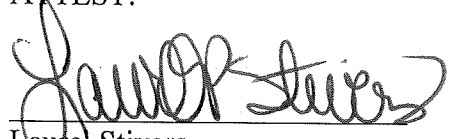
WHEREUPON the Ordinance is declared adopted on its second reading this 27 day of November, 2018.

Given final publication in the Owen County News Herald on the 5 day of December, 2018.



Casey Ellis
Owen County Judge/Executive

ATTEST:



Laurel Stivers
Fiscal Court Clerk