

ORDINANCE

#02-1015

COUNTY ROADS

(PRIVATE ENCROACHMENTS)

2/10/15

ORDINANCE NO: 02-10-15

WHEREAS, the Powell Fiscal Court is desirous of maintaining the safety of County Roads within the boundaries of Powell County and securing safe and non-hazardous use of said roads by the citizens of the County;

WHEREAS, it has become necessary to have the ability to regulate private encroachments upon the county road system to preserve the safety of travelers on County roads;

BE IT HEREBY ORDAINED THAT:

SECTION ONE

- (1) Before any person shall proceed to cause or continue to all to remain in existence any encroachment under, on or over any part of the right-of-way of a county road in Powell County, they shall first obtain from the assigned appointee of the Powell County Fiscal Court a permit so to do. These permits will serve in showing what, where and how an encroachment may be made. Such permit will contain required stipulations on these encroachments such as but not limited to minimum culvert size (12") and length, mile point, allowable grade to contact road. It is not the intent of this ordinance to require permits on encroachments that are already in existence, but to require them for future encroachments in an effort to ensure public safety, means of protecting our road system and to address existing encroachments which because of the placement and or construction are currently causing unsafe conditions to our citizens and damage to the County Road System.
- (2) Whenever an order of the Powell County Fiscal Court requires such removal or change in location of any encroachment from the right-of-way of a road and the person causing such encroachment or allowing same to continue or remain fails to remove, modify to specified recommendation or change location of same at their own expense to conform to the order within the time stated in the notice, the Powell County Fiscal Court shall cause the encroachment to be removed; the expense thereby incurred shall be paid out of any money available therefore or a lien placed on available assets, and shall be charged against the person and levied and collected and paid into the funds of the Powell County Fiscal Court as provided by law.

SECTION TWO

The following definitions shall apply in relation to the enforcement of this Ordinance;

- (1) "Road" includes county roads, highways, bridges and bridge approaches;
- (2) "Encroachment" means any improvement to land constructed, created or implemented or any change from the original contour thereof, including but not limited to buildings, fences, ditches, embankments, driveways or signs, which hinders or prevents use or maintenance of roads or right-of-ways;

38

(3) "Person" includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, cooperative or any other group of combination acting as a unit.

(4) "Right-of-Way" (KRS178.010, 178.025, 178.040)

(5) "Permit" the document issued by appointed person to the party wishing to make the encroachment onto the County right-of-way. There will be no cost for applying or being granted the original permit.

SECTION THREE

- (1) The County Judge-Executive of Powell County shall have the authority, upon approval of the Powell County Fiscal Court, to create regulations necessary to implement and enforce this Ordinance including but not limited to the creation committees within the Powell County Fiscal Court and County Road Department to monitor encroachment upon county roads and to establish recommendations to private persons for alleviation of unsafe encroachments.

BE IT HEREBY ORDAINED THIS 10TH DAY OF FEBRUARY, 2015

This proposal ordinance is available for inspection during regular office hours in the office of the Powell County Judge Executive. The Ordinance will be presented for adoption at a special meeting of the Powell County Fiscal Court on the 17th day of **March, 2015** at the hour of 7:00 p.m., at the Powell County Courthouse.

COMMONWEALTH OF KENTUCKY
POWELL COUNTY FISCAL COURT
RESOLUTION NO. 01-31-15

WHEREAS, Powell County through Fiscal Court, has and continues to conduct extensive research and study into the existing county jail and its current capacity; and

WHEREAS, Powell County has also determined that this addition would address overcrowding and help with the in making the jail more self-sustaining; and

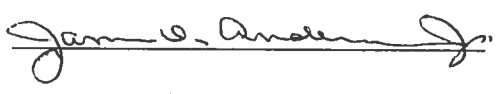
WHEREAS, the location of Powell County in the Commonwealth of Kentucky is such that an expanded Powell County Jail would be able to efficiently serve Powell County, as well as several surrounding counties who are facing problems with overcrowding or who may not have a jail; and

WHEREAS, additional bed and program space would provide an opportunity for Powell County to reduce future operating costs and be less of a financial burden on the citizens of Powell County; and

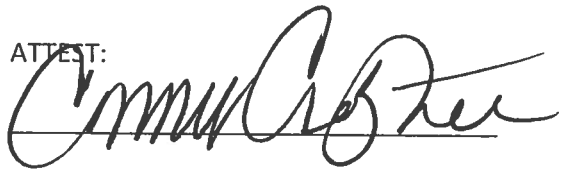
WHEREAS, it is necessary to apply to the Kentucky Department of Corrections and the Kentucky Local Facility Construction Authority for approval of plans to add on to the existing jail.

NOW, THEREFORE, BE IT RESOLVED, Powell County Fiscal Court intends to expand its current jail facility on Breckinridge Street, Stanton, KY, and add an additional 100 beds to the existing jail for construction costs not to exceed \$3.5 million.

Approved and adopted at a special meeting of the Powell County Fiscal Court on the 31st day of January, 2015.



James D. Anderson Jr.
Powell County Judge-Executive

ATTEST:


Connie Crabtree
Powell County Fiscal Court Clerk