

ORDINANCE NO. CO-2023- 05

AN ORDINANCE OF ELKHART COUNTY, INDIANA ESTABLISHING
ADDITIONAL PROVISIONS FOR UTILITY PERMITS

WHEREAS Indiana Code Chapter 36-1-3 permits any county in the State of Indiana to exercise any power or perform any function necessary to the public interest in the context of its county or internal affairs, which is not prohibited by the Constitution of the United States or of the State of Indiana, or denied or pre-empted by any other law, or is not expressly granted by any other law to another governmental entity;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana is the County executive and legislative body and is by law authorized to adopt ordinances and resolutions for the public health, safety, and general welfare of its residents;

WHEREAS Highway Engineering within the Elkhart County Highway Department has recommended that additional provisions for utility permits be established in addition to the existing provisions contained within the 2017 Elkhart County Street Standards adopted pursuant to Ordinance No. 2017-140;

WHEREAS the Board of Commissioners of the County of Elkhart, Indiana deems it reasonable and appropriate to establish additional provisions for utility permits in accordance with the terms and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED, AND ORDAINED by the Board of Commissioners of the County of Elkhart, Indiana as follows:

1. That the Additional Provisions for Utility Permits attached hereto as Exhibit A are hereby incorporated by reference and approved and adopted.
2. That the Additional Provisions for Utility Permits contained within Exhibit A will be added to and incorporated within the Elkhart County Street Standards with the next update of the Elkhart County Street Standards.
3. That this Ordinance shall be effective upon its date of adoption.

ORDAINED this 23rd day of January, 2023.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By: 

Bradley D. Rogers, President

By: 

Suzanne M. Weirick, Vice President

By: 

Bob Barnes, Member

ATTEST:

By: 

Patricia A. Pickens, Elkhart County Auditor

Exhibit A

Additional Provisions for Utility Permits

The provisions and requirements below shall be in addition to those set forth in the 2017 Elkhart County Street Standards, Section VII:

- Structures, pedestals, and other ancillary equipment must be installed at or below existing grade: 1) on all non-numbered Elkhart County roads; and 2) on those portions of numbered County roads that are developed with drive accesses or structures that are separated by less than two hundred feet for a distance of $\frac{1}{4}$ mile of road or more.
- Application for and issuance of utility permits shall require both the contractor performing the work and the utility owner to execute the forms. Contact information for each shall also be required including the name of an authorized company representative, address, and telephone number.
- No less than forty-eight hours before starting work within the right of way, the owner or a representative of the owner must notify all adjacent property owners in writing of the work to be completed. Acceptable forms of notification include door hangers, posted signage, or other written communication.
- In addition to existing provisions regarding notifications to Elkhart County prior to starting work, the owner or a representative of the owner shall provide progress reports daily on active permit locations to designated Elkhart County Highway Department personnel. Progress reports must concisely and accurately identify work locations so that County personnel can perform regular inspections of the work.
- Upon completion of any work within the right of way, the owner must inform the Elkhart County Highway Department in writing so an appropriate inspection can be completed to ensure compliance with the Street Standards.
- All excavations and utility pothole verification must be backfilled at the end of each work day to maintain the integrity of existing underground utilities and provide a safe right of way for residents and roadway users. If the excavation cannot be backfilled, measures must be taken to cover the excavated area with a rigid plate or board and secure the area with appropriate safety fence material, cones, barricades, or other traffic control device in conformance with the Indiana Manual on Uniform Traffic Control Devices.
- Elkhart County will require a performance bond of \$2,000 for each permit or a \$10,000 blanket bond. A maintenance bond of \$10,000 shall be required which must be in effect for three years following the completion of the work.



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- All equipment and motor vehicles of utility owner and contractor on site of permitted work shall visibly display utility owner and contractor names and contact information. Contact information shall include a telephone number to a utility owner authorized representative or the utility owner's network operation center. Automated or pre-recorded responses are not acceptable contacts.
- Elkhart County Highway Department may issue a stop work order if permitted work violates any provision or requirement within this Exhibit A Additional Provisions for Utility Permits.
- Violation of any provision or requirement within this Exhibit A Additional Provisions for Utility Permits will constitute an ordinance violation and be subject to the remedies and enforcement provisions contained within the 2017 Elkhart County Street Standards.