

**BINGHAM COUNTY  
ORDINANCE 2002-06**

AN ORDINANCE CREATING A PERMIT SYSTEM FOR THE INTERFERENCE WITH ESTABLISHED ROADWAYS AND ESTABLISHING A REQUIREMENT FOR THE PAYMENT OF A DEPOSIT BY PERMIT APPLICANTS AND REFUND OF THE DEPOSIT UPON SATISFACTORY COMPLETION OF THE PROJECT

WHEREAS individuals within Bingham County frequently desire to cut or remove road surfaces from county roads in order to place service implements or utility lines near or beneath the roadway, but such projects can leave the roadway with a defect or deformity where the road was reconstructed following completion of the project, and

WHEREAS it is deemed necessary to formalize a permit process for allowing interference with public road surfaces and to require a deposit bond to be paid to ensure payment of costs associated with returning the surface, as closely as possible, to its original surface conditions, therefore,

**BE IT ORDAINED** by the Board of County Commissioners, Bingham County, Idaho, that:

Section 1: No person shall breach, destroy, or modify the surface of any public roadway in Bingham County without first obtaining a permit from the Bingham County Public Works Department. This permit shall be known as a "road crossing permit."

Section 2: All applicants for a road crossing permit shall deposit with the County a sum of money to insure against any residual damage that may be sustained to a public roadway as a result of a breach of the roadway surface. The required deposit amounts are set forth in the chart below. This chart represents an initial deposit structure and the amounts set forth therein may be modified or amended from time to time by resolution of the Board of County Commissioners.

Type of Crossing	Cost	Deposit Retention Time	Amount refunded if project is approved	How
Boring	\$100.00	7 days	\$100.00	Return check
Gravel Road	\$300.00	6 months	\$300.00	Payment from County
Oil Road	\$800.00	1 year	\$600.00	Payment from County

Section 3: The deposit, or a portion thereof, shall be refunded to the applicant based on the time frames set forth in the schedule found in Section 2 above, which time frames shall begin to run upon notification of the County by the permit applicant that the project has been completed. The amount refunded shall be the deposit amount, less any amounts necessary to return the roadway surface as nearly as practical to its original condition. If the County has to repair the roadway in any way, the expense for said repairs will be deducted from the deposit before any portion of the deposit is refunded. In the event of the breach of an oiled roadway, the amount of \$200 will automatically and permanently be withheld from the deposit.

Section 4: Should the cost to the County exceed the amount of the applicant's deposit, the applicant shall be responsible to the County for the payment of any additional expense to return the roadway surface as nearly as practical to its original condition.

Section 5: During the work authorized by the permit, the applicant shall erect and maintain barricades, signs and other traffic control devices to insure the safety of users of the roadway. Said devices shall conform to the current issue of the *Manual on Uniform Traffic Control Devices*.

Section 6: It is the responsibility of the applicants, except for public utilities, to obtain a right-of-way from each owner of property over which the construction will cross.

Section 7: Public Utility companies are required to register through the Bingham County Public Works Department prior to receiving blanket permits each year. It shall be the responsibility of the Public Utility to advise their contractors that they are required to notify the Bingham County Public Works Department prior to excavation and the Bingham County Sheriff's Dispatch prior to breaching any roadway.

Section 8: Any party that has a project adjacent to a County roadway that could damage the roadway is required to pay a deposit to the County sufficient to cover any and all repairs to County roads and bridges that may occur to the roadway. The amount of the deposit shall be set by the Director of the Bingham County Public Works Department.

Section 9: The applicant shall compact the backfill and rebuild the area to the standards set forth in the current volume of the *Standard Specifications For Highway Construction* published by the Idaho Transportation Department and shall leave the area adjacent to the roadway in the same condition that existed prior to the applicant's project.

Section 10: If more than one crossing is made by an applicant during the same project or related projects the applicant may, at the discretion of the County, be required to rebuild the road section between the crossings.

Section 11. A violation of this ordinance shall be deemed a misdemeanor punishable by a period of incarceration in the county jail not to exceed six (6) months, a fine in the amount of three hundred dollars (\$300.00) or both such fine and incarceration. In addition, any individual violating this ordinance may be required to pay any costs associated with the County having to take action to repair the roadway or adjacent property or take any corrective action that is a result of the violation, with the costs of such action being charged against the individual and due and owing to the County upon completion of corrective action or removal work by the County. At the election of the County, the individual who violates the provisions of this ordinance may be allowed to correct the problem created by the violation at the individual's own cost and expense

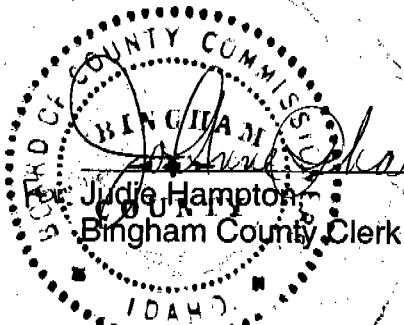
Section 12. At the time of the passage of this ordinance, the fee to obtain a road crossing permit shall be \$0.00. The amount of the permit fee may be modified or amended from time to time by resolution of the Board of County Commissioners

Section 13: This Ordinance shall become effective upon its publication in the manner required by law.

PASSED AND APPROVED by the Board of County Commissioners, County of Bingham, State of Idaho, this 27th day of June, 2002.

ATTEST:

BINGHAM COUNTY COMMISSION



Judie Hampton,  
Bingham County Clerk

PUBLISH: 7/5/02

By: DeVaughn Shipley  
DeVaughn Shipley, Chairman

Wayne T. Brower  
Wayne T. Brower, Member

Cleone Jolley  
Cleone Jolley, Member

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**AN ORDINANCE CREATING A PERMIT  
SYSTEM FOR THE INTERFERENCE WITH  
ESTABLISHED ROADWAYS AND  
ESTABLISHING A REQUIREMENT FOR THE  
PAYMENT OF A DEPOSIT BY PERMIT  
APPLICANTS AND REFUND OF THE DEPOSIT  
UPON SATISFACTORY COMPLETION OF THE  
PROJECT**

The provisions of the ordinance are summarized  
as follows:

The ordinance: Prohibits the breaching,  
destruction or modification of any public roadway  
in Bingham County without first obtaining a  
permit from the County; Requires all applicants  
for a permit to deposit with the County a sum of  
money to insure against any residual damage  
that may be sustained to a public roadway as a  
result of a breach of the roadway surface and  
sets forth a schedule of costs based; Provides for  
the return of the deposit or a portion thereof upon  
completion of the project by the permit holder;  
Makes the permit holder responsible for the  
payment of any additional expense to the County  
to return the roadway surface as nearly as  
practical to its original condition in the event the  
cost exceeds the amount of the deposit;  
Requires the permit holder to erect certain traffic  
control devices while doing work covered by the  
permit; States the responsibility of the applicants,  
except for public utilities, to obtain a right-of-way  
from each owner of property over which the  
construction will cross; Sets forth the  
requirements for public utility companies to  
register and to notify the Bingham County Public  
Works Department and the Bingham County  
Sheriff's Dispatch prior to work affecting the  
roadway; Requires a deposit to be paid by any  
party that has a project adjacent to a County  
roadway that could damage the roadway and set  
forth the manner of setting the amount of the  
deposit; Sets forth the applicant's requirements  
for returning the roadway and right-of-way to their  
original condition; Allows the County to require  
that the applicant rebuild the roadway between  
road crossings if more than one crossing is  
made by an applicant during the same project or  
related projects; Makes a violation of the  
ordinance a misdemeanor punishable by a period  
of incarceration in the county jail not to exceed  
six (6) months, a fine in the amount of three  
hundred dollars (\$300.00) or both such fine and  
incarceration, allows any individual violating the  
ordinance to be required to pay any costs  
associated with the County having to take action  
to repair the roadway or adjacent property, and  
permits the County to allow the violator to correct  
the problem created by the violation at the  
violator's own cost and expense; Establishes that  
the fee for a permit will be \$0.00, but that amount  
may be amended from time to time by resolution  
of the county commissioners; and, Makes the  
Ordinance effective upon its publication.

PASSED AND APPROVED by the Board of  
County Commissioners, County of Bingham,  
State of Idaho, on the 27th day of June, 2002.

The full text of the ordinance is available at the  
Bingham County Clerk's Office at 501 N. Maple,  
Blackfoot, Idaho from 8:00 a.m. to 5:00 p.m.

**BINGHAM COUNTY COMMISSIONERS**  
DeVaughn Shipley, Chairman  
Wayne T. Brower, Member  
Cleone Jolley, Member

ATTEST:  
Judie Hampton,  
Bingham County Clerk

Publish: 7/05/02

**BINGHAM COUNTY**

RECORDED AT THE REQUEST OF

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BINGHAM COUNTY RECORDER  
BLACKFOOT, IDAHO  
FEE \_\_\_\_\_  
DEP \_\_\_\_\_

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6/28/02