

BOYD COUNTY FISCAL COURT  
ORDINANCE NO. #2015-02

EMERGENCY READING..FIRST AND SECOND READING APRIL 14, 2015

AN ORDINANCE RELATING TO PERSONS HAULING LOGS, HARVESTED TIMBER OR SIMILAR MATERIALS OR PRODUCTS ON COUNTY ROADS PURSUANT TO KRS CHAPTER 189 AND ALL OTHER LAWFUL AUTHORITY.

**BE IT ORDANINED** by the Fiscal Court of Boyd County, Commonwealth of Kentucky:

**WHEREAS**, KRS 189.210, 189.222, 189.230 and/or other laws, rules, regulations and authority permit the County Judge-Executive and Fiscal Court to by Ordinance or otherwise adopt laws, rules, regulations, conditions and restrictions necessary for the preservation and protection of county roads, highways, bridges and right-of-way including but not necessarily limited to the county through road system;

**WHEREAS**, the aforesaid Kentucky Revised Statutes independently or in conjunction establish weight limits for vehicles operated on county roads;

**WHEREAS**, commercial operations utilizing county roads for transportation of logs, harvested timber or similar materials may cause or result in excessive damage, wear and tear, added maintenance and other impact resulting in the unnecessary deterioration of the county road system and the roads, highways, bridges, and right-of-way necessary to the safe and efficient use of county roads by emergency vehicles, public transporters and the general public;

**WHEREAS**, the Boyd County Fiscal Court desires and has the responsibility to protect and assure continued integrity of its road system;

**BE IT HEREBY ORDAINED:**

1. To the extent applicable to the Boyd County through road system and available to the Boyd County Fiscal Court KRS 189.210, 189.222,189.230 and all other rules, laws, regulations and decisions of the courts relevant to the purpose hereof be and hereby are incorporated herein by reference, including any and all penalties for violation thereof.
2. Any person, firm or organization engaged in logging, harvesting timber or any similar business or operation in the unincorporated area of Boyd County, Kentucky shall prior to engaging in any work or activity reasonably related to such business or

operations first file an application for an Encroachment Permit with the Office of the County Judge-Executive or County Road Department. The Judge-Executive and County Road Supervisor shall develop such an application which shall be designed to adequately protect and further the county and public interest in preservation and protection of the county through the road system.

3. If upon a review or consideration of the application referred to in paragraph 2 above it is determined that no portion of the county through road system will be utilized, impacted, damaged, or injured by the applicant, his agents, employees or independent contractors the Judge-Executive or Road Department Supervisor may waive the necessity of obtaining an Encroachment Permit and so note, mark or otherwise indicate said waiver upon the face of the application and no charge or fee shall be charged to the applicant.

4. If upon review or consideration of the application referred to in paragraph 2 above the County Judge-Executive or Road Supervisor determines that conditions, restrictions or other protections must be required in order to preserve the road system, then upon the payment of a fee in the amount of \$\_\_\_\_\_ an Encroachment or similar permit shall be issued to the applicant. The permit shall be in writing and include such conditions, restrictions, limitations and requirements deemed necessary to protect the county's interest.

5. Pursuant to KRS 189.212(5)(c) the Boyd County Fiscal Court hereby adopts a rule and/or regulation that conditions, restrictions and limitations imposed on a permit may include the deposit of money, irrevocable line of credit, surety bond or other financial guarantee or protection to promote, assure and further the county's interest in the through road system of Boyd County.

6. A permit may be issued, continued in effect, revoked, modified or denied by the County Judge-Executive or Road Supervisor. Any persons aggrieved by a decision as to the permit may present same at a regular meeting of the Fiscal Court which may result in said decision being upheld, overturned, reversed, modified or conditioned.

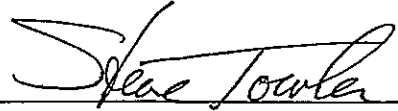
This Ordinance shall be in full force and effect upon its adoption, re-adoption and publication according to law.

Should any portion, part, section, sub-section, and/or paragraph or provision of this Ordinance be deemed null, void, contrary to law, unenforceable, unconstitutional or in any way fail then such ruling or determination shall not impact or effect any lawful and enforceable provisions and this Ordinance shall be self amended and incorporate such by reference as is necessary to accomplish the intended purpose of preservation of the county through road system Ab initio and retroactive to the date and time of original passage.

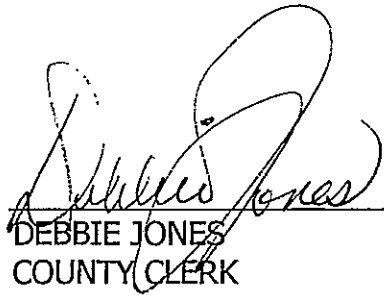
Should any part of this Ordinance be in conflict with any other Ordinance, law, rule, regulation or binding court decision then same be and hereby is amended or repealed so as to remove, or cure any such conflict.

An **EMERGENCY** is declared to as to authorize two (2) readings of this Ordinance on the same day.

This Ordinance may be published in summary form.



STEVE W. TOWLER  
BOYD COUNTY JUDGE-EXECUTIVE



ATTEST:

DEBBIE JONES  
COUNTY CLERK

VOTING:	Judge Towler	<u>YES</u>
	Commissioner Tolliver	<u>YES</u>
	Commissioner Jackson	<u>YES</u>
	Commissioner Greer	<u>YES</u>

Published: \_\_\_\_\_