



ENCROACHMENT PERMIT

Issued by
CITY OF MT. WASHINGTON
275 Snapp Street
MT. WASHINGTON, KY 40047
PH. (502) 538-4216 FAX (502) 538-4064

PERMIT HOLDER

Name: _____
Address _____
Phone Number: _____

PERMIT ADDRESS

Lot/Street Address: _____
City/Zip: _____

Type Entrance: GRAVEL PAVED
OTHER

Entrance Pipe Size/ Mat: _____

Right of Way Work: _____ Sight Distance: _____



Instructions by the City: Pipe culvert shall extend one foot each side of driveway material when pipe required.
Culvert pipe shall be free of material. Ditch line shall be graded such that water is not ponding. Roadway
shoulders shall be maintained or graded to correct (existing) slopes and grades. All disturbed property along
roadway right of way shall be seeded and strawed.
Entrance shall be constructed within one year from issuance date.

Permit Fee **\$50.00** Deposit **\$500.00** Total Paid \$ _____ Ck# _____
Rec'd by: _____

Signature of Building Official

TO BE COMPLETED BY BUILDING DEPARTMENT AT TIME OF FINAL INSPECTION:

- 1. Culvert Pipe: End conditions: _____ Size/material: _____
- 2. Pipe is substantially free of soil/leaves/etc.: Yes ___ No ___
- 3. Ditch line properly graded-no substantiate ponding is apparent: Yes ___ No ___
- 4. Roadway shoulders properly maintained to existing slopes/grade: Yes ___ No ___
- 5. City Right of Way seeded/strawed: Yes ___ No ___
- 6. Correct following deficiencies: _____

Recommend Encroachment Fee Refund: Yes ___ No ___

Building Official: _____ Date _____

ORDINANCE 18-07

AN ORDINANCE OF THE CITY OF MT. WASHINGTON, BULLITT COUNTY, KENTUCKY AMENDING CERTAIN SECTIONS OF THE MT. WASHINGTON CODE OF ORDINANCES CHAPTER 52: STORMWATER QUALITY MANAGEMENT TO INCLUDE ENCROACHMENT PERMIT

WHEREAS, the City Council desires to amend an ordinance regarding Storm Water Quality Management to include the process for Encroachment Permits;

NOW THEREFORE, Be it ordained by the City Council of the City of Mt. Washington, Bullitt County, Kentucky that Chapter 52: Storm Water Quality Management be amended as follows:

§ 52.04 AUTHORITY AND RIGHT-OF-ENTRY.

ENCROACHMENT PERMIT.

Section 1: Definitions:

Permit issued by the City of Mt. Washington to persons requesting to perform work, construct a private entrance, install utilities, or similar work in the City roadway, street right of way.

Section 2: Encroachment Permit (City Right of Way).

All construction projects (residential, commercial, or industrial) which require a permanent or temporary entrance onto an existing City roadway, street or newly developed roadway, street which is to be dedicated to the City at a later time or which require work within City Right of Way or work which can impact proper roadway, street drainage shall apply for an Encroachment Permit.

An Encroachment Permit shall be obtained from the City of Mt. Washington or authorized representative prior to commencement of work in City Right of Way for the following situations.

1. Creation of any new entrance off a City Road or Street.
2. Construction of a new home, commercial building, industrial building or similar construction activities (even if there is an existing entrance).
3. Creation of any temporary entrance or construction entrance off a City Road or Street.
4. The harvests of timber logs whether a new entrance is used or an existing entrance is used.
5. Any work within right of way including but not limited to utility construction/repair, fence construction/removal, drainage ditch modifications, and any other construction or disturbance of the City Right of Way

Section 3: Application for an Encroachment Permit.

The application for an Encroachment Permit shall be made at the City of Mt. Washington or designated representative. The Encroachment Permit form shall be supplied by the City. The encroachment permit shall be completed in sufficient detail to show the location of said work with respect to property lines. The encroachment permit shall detail culvert pipe size, material, and slope/grade, driveway entrance material.

Section 4: Encroachment Permit Denial.

1. The Encroachment Permit request for a new entrance onto a City road, street, can be denied for the new entrance if that entrance does not have adequate stopping sight distance as defined in the Kentucky Transportation Cabinet's Highway Design Manual, Section 700, "Geometric Design Guidelines".

2. The Encroachment Permit may be denied (in writing) for a new entrance if at the judgement of the Building Official a better location for the proposed entrance exist or the requested entrance poses a conflict with adjoining property owner rights or a potential safety hazard exist.

3. Should the Encroachment Permit request be denied then the affected party may, within sixty (60) days, petition the City of Mt. Washington (in writing) for reconsideration and issuance of the Encroachment Permit.

Section 5: Street/Roadway Right of Way Damage.

1. The Encroachment Permit deposit shall be forfeited should damage to the City Road/Street occur (and not properly repaired) during construction activities associated with the Encroachment Permit.
2. Should damage to the City roadway/street and/or right of way occur which exceeds the \$500 dollars encroachment permit deposit or damage occur to the roadway/street when an encroachment permit was not required (ie offloading equipment, using equipment in right of way, ect.), then the person/persons will be issued a Notice of Violation (NOV) to this Section of this Ordinance for damaging the roadway/street.
3. That person/persons shall be responsible to repair or pay for the cost to repair the damaged roadway/street. Repair work or payment to the City for damages to the City roadway/street shall be accomplished within thirty (30) days of issuance of NOV.

Section 6. Fee, Deposit

1. The fee for a permit is \$50.00 and shall be deposited into the City General Fund
2. A deposit of \$500.00 dollars shall accompany the submittal of each Encroachment Permit. The deposit is fully refundable provided the entrance or other work requested in right of way is constructed as specified on the permit.
3. The Encroachment Permit holder requesting a new roadway entrance shall have twelve months (one year) time from date of permit issue to construct the entrance in

accordance with the permit. Failure to complete the work properly within this one year time frame shall be reasons for forfeiture of the \$500.00 dollar deposit.

Section 7: Enforcement.

1. Failure to comply with the requirements of the encroachment permit shall be justification for the issuance of a Notice of Violation (NOV). The NOV shall list all deficiencies. The violator to this ordinance shall have seven (7) days (minimum) to correct all deficiencies listed on the Notice of Violation.
2. Failure to comply with the Notice of Violation shall be reasons for one or more of the following Enforcement Actions.
 - a. Issuance of a civil citation. The civil citation shall be subject to the monetary penalties established in Section 150 Code Enforcement Section.
 - b. Filing a criminal complaint. Code Enforcement Officer may file a criminal complaint with the proper authorities.
 - c. Revocation of the Encroachment Permit and forfeiture of Permit deposit. The Ordinance violator shall have their Encroachment Permit revoked and permit deposit forfeited. Prior to beginning any additional work at the site, the Violator shall correct all deficiencies and apply for a new Encroachment Permit and pay a new permit deposit.

Section 8:

Should any part or section of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, all other parts or sections of this ordinance which are not found to be unconstitutional or otherwise invalid shall survive and remain in full force and effect.

Given first reading at a regular meeting of the City Council of the City of Mt. Washington Bullitt County, Kentucky, on this 26th day of March, 2018.


Given a second reading at a regular meeting of the City Council of the City of Mt. Washington, Bullitt County, Kentucky, on this 9th day of April, 2018.

Adopted this 9th day of April, 2018.

Results of the roll call vote are as follows:

	YES	NO	ABSTAIN
Troy Barr	X	_____	_____
Greg Gentry	X	_____	_____
Sandra Hockenbury	X	_____	_____
Mike Holt	X	_____	_____
William G. Maddox	_____	_____	_____
Gayle Troutman	X	_____	_____


Elizabeth D. Hardin
City Administrator / Clerk


Barry Armstrong
Mayor