

COMMONWEALTH OF KENTUCKY
MEADE COUNTY FISCAL COURT
ORDINANCE NO. 2023-06

AN ORDINANCE REPEALING ORDINANCE NOS. 1.06, 2004.17, 2004.18 AND 2005.14 IN ORDER TO REINCORPORATE THE SAME HEREIN.

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE MEADE COUNTY FISCAL COURT TO ACCEPT ALL ROADS INTO THE MEADE COUNTY ROAD SYSTEM FOR COUNTY MAINTENANCE AND TO ESTABLISH GENERAL SPECIFICATIONS AND CONSTRUCTION STANDARDS FOR THESE AND ALL OTHER ROADS. AN ORDINANCE RELATING TO ACCEPTANCE INTO THE MEADE COUNTY ROAD SYSTEM OF PRIVATE ROADS CONSTRUCTED IN MEADE COUNTY PRIOR TO SEPTEMBER 15, 1999.

AN ORDINANCE SUPERSEDING ORDINANCE NO. 99.01 AND REPEALING ORDINANCE 00.18, WHICH AMENDED ORDINANCE NO. 99.01.

AN ORDINANCE REPEALING ORDINANCE 2008.02, WHICH RELATED TO PROCEDURES TO ESTABLISH ROAD SERVICE DISTRICTS IN MEADE COUNTY, KENTUCKY AND ESTIMATED COSTS ASSOCIATED THEREWITH.

AN ORDINANCE REPEALING THE FOLLOWING ORDINANCES:

- 01.11, 01.11-A. Viers Lane Service District.
- 01.12, 01.12-A., 02.28, 02.28A. Johnnie Park Road Service District.
- 01.13, 01.13-A, 02.32, 02.32-A., 2007-02-A. Harrington Heights Service District.
- 01.14, 01.14-A., 02.31-A., 02.31. Chester Lane Service District.
- 01.15, 01.15-A., 02.30, 02.30-A. Kirchdorfer Lane Service District.
- 02.01, 02.01-A. Country View Estates Service District.
- 02.02. 02.02-A. Twin Lakes Drive Service District.
- 02.03, 02.03-A. Woodspoint Acres Road Service District.
- 02.04, 02.04-A, 02.29, 02.29A. Gaines Farm Road Service District.
- 02.05, 02.05-A. Dove Haven Service District.
- 02.06, 02.06-A. Cherokee Extension Service District.
- 02.07, 02.07A. Meadowlark Lane Service District.
- 02.08, 02.08-A. Twin Fawn Estates Section I Service District.
- 02.09, 02.09-A. Twin Fawn Estates Section II Service District.
- 02.10, 02.10-A. Otterhaven Drive Service District.
- 02.11, 02.11-A. Rolling Meadows Estates Service District.

02.12, 02.12-A. Meadowwood Drive Service District.

02.13, 02.13-A. Tammy Lane Service District.

02.14, 02.14-A. Neff Court Service District.

02.15, 02.15-A. Hubbard Lane Service District.

02.16, 02.16-A. Roach Road Service District.

02.17, 02.17-A. Medley Farm Subdivision Service District.

02.18, 02.18-A. Stanley Allen Road Service District.

02.19, 02.19-A. Rosewood Subdivision Service District.

02.20, 02.20-A. Sunset Drive Service District.

02.23, 02.23-A. Timberline Drive Service District.

02.24, 02.24-A. Hurt Road Service District.

02.26, 02.26-A. Karmandy Place Service District.

02.33, 02.33-A., 03.06, 03.06-A. Poplar Hills Section 3 & 4 Service District.

2004-13, 2004-13-A., 2005.02, 2005-02-A. Rosewood Drive Service District.

2004-14, 2004-14-A. Peaceful Valley Estates Service District.

2004.21, 2004-21A. English Estates.

2004.22, 2004-22A. Brown Acres Estates Service District.

2005-01, 2005-01-A., 2005-09-A. Arvin Avenue Service District.

2005.10, 2005-10A. Barwater Extension Service District.

2005.03, 2005.03-A. Timberline Drive Service District.

2005-23, 2005-23A; 2006-03. Old Mill Estate Service District.

2006-04, 2006-04-A., 2007-05. Warren Subdivision Service District.

2006-05, 2006-05-A., 2007-03, 2007-03-A. Guy Court Service District.

2006-06, 2006-06-A. Sunny Meadows Subdivision Service District.

2006-07, 2006-07-A. Parkway Place Service District.

2006-10, 2006-10-A, 2006-12, 2006-12-A. Park Place Subdivision Service District.

2010-01, 2010-01-A. Woodland Road Service District.

2011-03, 2011-03-A. Buckler Ave. and Dyer Court Service District.

The full version of this ordinance can be obtained in the Meade County Judge Executive's Office at the Meade County Courthouse, 516 Hillcrest Drive, Brandenburg, KY 40108.

Given First Reading on the 13th day of June, 2023 and approved by at least the majority of the fiscal court members.

This ordinance will be read again considered again, and possibly adopted by the Meade County Fiscal Court in the main courtroom of the Meade County Courthouse 516 Hillcrest Drive, Brandenburg, Kentucky 40108, on the 11th day of July, 2023.

Private roads accepted in the Meade County Road system through the Service Districts listed above are still accepted and are still county roads. The Service Districts are being abolished pursuant to KRS 67.650.

Private roads constructed in Meade County prior to September 15, 1999 may be accepted into the Meade County Road System by majority vote of the Meade County Fiscal Court upon receipt of a petition signed by 55% of property owners residing on property adjoining the proposed County Road.

Petitioners must commit to conditions of a cost-share agreement with the Meade County Fiscal Court. Said agreement shall include minimum construction specification required of the proposed County Road.

BE IT ORDAINED by the fiscal court of Meade County, in the commonwealth of Kentucky, that from and after the passage, approval, and publication of this Ordinance, that all roads constructed in Meade County, Kentucky shall comply with this Ordinance.

A. DEFINITIONS

Driveway: any private residential way, paved or unpaved, designed to serve as direct access from one or two properties.

Family Subdivision: The divisions of a parcel into no more than four (4) tracts, lots or parcels for the sole purpose of providing a buildable site for an immediate family member. Immediate family members are those identified as spouse, mother, father, mother-in-law, father-in-law, children, sister, brother, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandparents and grandchildren. Each parcel shall consist of no less than two (2) acres with a minimum road frontage requirement of 150 feet. The road shall be constructed to meet the Meade County Road Construction Standards in effect at the time of construction, with the exception of the chip and seal or paving requirement.

Private road/street: a pass way, built to the standards set forth in the Meade County Road Standards as adopted by the Meade County Fiscal Court, and providing access to three (3) or more lots.

Public road/street: roads dedicated to the public use, constructed to the Meade County Road Standards as adopted by the Meade County Fiscal Court and which are to be maintained by a public governmental body.

Road: any vehicular way that:

1. Is an existing federal, state, or Meade County (shown on the County Road Map) as adopted by the Meade County Fiscal Court; or
2. Is shown upon a plat approved by the Meade County Planning Commission pursuant to subdivision regulations and recorded in the Meade County Clerk's Office, or is approved by official action of a court of competent jurisdiction; or
3. Is shown on a plat duly filed and recorded in the Office of the Meade County Clerk's Office prior to the adoption of the Meade County Subdivision Regulations (July 15, 1999) and has been adopted by the Meade County Fiscal Court.
4. Road includes the land between the rights-of-way lines. The term street is synonymous with the term road.

B. PROCEDURES

1. A road must be proposed for acceptance into the County Road System per the following methods.

a. **Proposed Road-** follow the procedures as set forth in the Subdivision Regulations as adopted by the Meade County Planning Commission for all roads and streets and proposed roads associated with proposed subdivisions and this Ordinance.

b. **Existing Road-** request of Fiscal Court and follow those parts of the Subdivision Regulations concerning roads and those parts of this Ordinance as deemed appropriate by Fiscal Court. Cooperation with the office of the Road Supervisor concerning construction, planning and procedures is required. Reasonable notice must be given to the Road Supervisor, or his representative, prior to beginning any phase of construction.

c. **Permits, Easements and Rights-of-Way-** unless otherwise required by the agencies involved, the Contractor shall make application for, obtain and pay for all licenses, permits, easements and right-of-way. The Contractor shall be required to comply with all state ordinances, laws and/or codes, which may apply to it.

2. The Meade County Road Supervisor shall have **fourteen (14) business days** in which to review the plans submitted to the planning commission for proposed roads and drainage or to inspect existing roads as follows:

a. **Proposed Roads-** if the plans are not acceptable, the supervisor shall list in writing deficiencies. If the plans are acceptable, the Supervisor shall sign the Certification of Improvement after the surety bond has been received.

b. **Existing Roads-** inspect the existing road and list, in writing, those parts of the Subdivision Regulations concerning roads and those parts of this Ordinance that must be followed and completed for road acceptance into the County System.

c. The County Road Supervisor shall have a minimum of **fourteen (14) business** days to review the completed requirements for any road when requested by the developer or other parties and report, in writing, to the Judge's office any deficiencies or his approval for Fiscal Court action.

3. Surety Bond for proposed improvements

a. A surety bond shall be required before any construction begins on a proposed road. Then the developer can complete the hard surface requirements after the constructed earth base and crushed stone have been in place a minimum of eighteen (18) months and no longer than twenty-four (24) months in lieu of following the density test requirements as set forth in the construction standards. All other specifications and standards shall apply.

b. The surety bond shall be determined from the Road Supervisor's estimate of the cost to construct the proposed road and drainage improvement per the Engineer's plans.

c. An annual extension of up to one (1) year may be granted to this time period by the Fiscal Court or Commission upon receipt of a written request from the applicant.

d. The surety bond shall be released and Fiscal Court shall accept the applicable road when all requirements have been met.

e. The surety bond will be called by the Meade County Attorney if the date of completion or the approved extension has passed and all requirements have not been met.

4. Disclaimer of Liability-notwithstanding any provision of the Subdivision Regulations or this Ordinance, no approval of any building plans, street design plan, or development plan by the staff, the Road Department, the planning commission or any other public building plans, street design plan, or development plan by the staff, the Road Department, the Planning Commission or any other public agency or official of Meade County whether employed, elected, or appointed, shall operate as a warranty of guarantee of the safety or reasonableness of any building plan, street design plan, development plan, or portion thereof, or act in any way to limit or later any common law duties imposed on the applicant or authors of such plans.

5. Street names shall have the approval of the Planning and Zoning Commission. Such names shall not duplicate nor closely approximate names of similar development types anywhere in Meade County Kentucky.

C. GENERAL SPECIFICATIONS AND CONSTRUCTION STANDARDS FOR ALL ROADS AS DEFINED IN THIS ORDINANCE.

1. A minimum of sixty (60) feet of cleaned right-of-way shall be required. Developers shall dedicate additional right-of-way as needed to meet requirements set forth in this ordinance or those of the Meade County Planning Commission Subdivision Regulations.

2. Roads shall be constructed with a minimum of eighteen (18) feet of surface, three (3) feet of shoulder on each side, with forty (40) feet from center of ditch to center of opposite ditch.

3. All pavement shall have a one-quarter inch per foot (1/4". 1) cross slope away from the center of the road. Shoulders shall have a one-inch per foot (1". 1) cross slope away from the edge of the pavement. Ditches shall have a minimum depth of one (1) foot below the edge of shoulder.

4. Roads shall have a minimum depth of grade one (1%) percent and a maximum depth of grade often (10%) percent.

5. All dead-end streets shall have a cul-de-sac surfaced at the end with a minimum radius of sixty- (60)-feet, (120 feet diameter), and a minimum diameter of rock area of eighty- (80)-feet.

6. The base material for roads shall be a minimum of six- (6)-inches of compacted Dense Graded Aggregate (DGA) rock. All DGA must be plugged and compacted into two (2),

three (3) inch layers, unless otherwise directed. Aggregates must be crushed stone gravel and have clean hard-uncoated particles.

7. The base material for roads shall be a three- (3) inch (after compaction) bituminous asphalt base with a one- (1) inch (after compaction) bituminous asphalt surface. The specifications are in the requirements of the Kentucky Department of Transportation Standard Specifications for Road Construction and Bridge Construction, current edition.

8. Developers shall obtain a permit from the Kentucky Transportation Cabinet Department of Highways before constructing a road entrance on state right-of-way. This permit can be obtained from the local State Highway Department.

9. Developers shall apply for a permit from the Planning and Zoning Office before constructing a road entrance on a Meade County right-of-way. The Planning and Zoning Office will then contact the Road Supervisor for a decision on the permit.

10. The topsoil shall be removed from all roadway areas and uniformly distributed from the shoulder's edge out to the embankment edge.

11. Embankments shall not be constructed upon frozen areas. All snow and ice shall be removed from the area to be covered prior to placement of embankment material.

12. Benches with horizontal and vertical faces shall be cut into the original ground of embankment foundations when directed.

13. Unsuitable materials encountered in embankment areas shall be removed prior to placement of any embankment material thereon. The work under this statement shall consist of the cutting and removing of all trees, stumps, brush, logs, removal of fences, or other loose or projecting material within the designated area.

14. Embankment material shall be placed, manipulated and compacted in layers not exceeding six (6) inches in thickness; however when the thickness of rock exceeds six (6) inches, the thickness of embankment may be increased as necessary due to the nature of the material. In no case shall the layer thickness exceed three (3) feet.

15. Embankment shall be compacted to a density of at least 95% maximum density with tests taken on each lift one hundred feet (100) center to center. The results of these tests shall be provided to the Meade County Road Supervisor.

16. Embankment material which does not contain sufficient moisture to obtain proper compaction shall be wetted as directed. Embankment material containing in excess of moisture shall be allowed to dry before compaction. Each layer shall be compacted as required before material for the next layer is deposited.

17. Compaction equipment, such as a sheep foot roller, pneumatic-tire roller, pneumatic tire vibratory roller, steel drum roller, steel drum vibratory or equivalent that will satisfy density requirements, will be required for soil compaction.

18. The developer shall use every reasonable precaution at all times to prevent the pollution of all streams, lakes, and reservoirs. Silt checks, silt traps, sedimentation basins, and/or silt fences shall be constructed, before major excavation takes place, at locations where erosion is likely to occur or as directed.

19. All disturbed areas shall be seeded or sodded progressively by the developer according to local conservation regulation standards.

20. Steep slopes may require protective covering with lining and/or straw bales and lining ditches placed at locations directed, all in reasonably close conformity with lines, grades, and thickness specified. Slope protection includes the following materials: Cyclopean Stone, Riprap and Channel Lining Classes IA, II, III, and IV.

21. All pipe for entrances and culverts shall conform to the dimension, material and strength requirements for the type, class, size, and shape in accordance with the manufacturer's recommendations or as directed by the Meade County Road Supervisor or the Project Engineer.

22. All concrete pipe joints shall be sealed with bituminous mastic, Portland cement mortar, flexible plastic gaskets or rubber gaskets.

23. Metal pipe joints shall be banded in accordance with the manufacturer's recommendations.

24. Pipe backfill shall be placed and compacted in layers not to exceed six (6) inches loose measurement to a height of six (6) inches or more above the outside top of the pipe with suitable material.

25. Entrance pipe shall be excavated to accommodate the pipe with no less than six (6) inches of backfill above the top of the pipe. The Meade County Road Supervisor shall have the authority to require a culvert pipe of larger diameter and/or greater length in cases where lesser specifications would prove inadequate.

26. Small drainage structures such as drop boxes, manholes, junction boxes, and other drainage structures, may be required in some situations and shall be approved by the Meade County Road Supervisor prior to installation.

27. After grading is completed and approved and before any base is applied, all of the underground utilities, water mains, sewer mains, gas mains, etc., and all service connections related shall be installed completely and approved throughout the length of the street and across the construction section.

28. When it is necessary for an applicant or utility company to break existing pavement for the installation of utilities for drainage facilities or for any other purpose, the applicant, construction or utility company shall be financially responsible for the repair of the pavement. All backfill shall be of dense grade aggregate with matching surface material, elevation and thickness.

29. All entrance pipes for driveways, if applicable, shall be installed to allow proper drainage under the entrance. Entrance pipes shall be twelve- (12) inches minimum in diameter and twenty-four (24) feet minimum length, or of sufficient length to provide two (2) feet of pipe on each side of the entrance. Roadway culvert pipe of larger diameter and/or greater length in cases where specifications would prove inadequate. The Meade County Road Supervisor may also require larger and longer culverts, if needed.

30. Entrances shall be constructed so as to allow the lowest point of the entrance to be directly over the culvert. The low point shall be three (3) to four (4) inches below street grade at minimum.

31. Road Construction Standards-the construction standards and specifications for a street shall be in accordance with Specifications and Policies Relating to Roads that the Meade County Fiscal Court adopted August 1999 and any pertinent updates. The design standards found in these regulations must be followed. The design for streets or roads shall be prepared by a licensed professional engineer.

32. Defective Materials and Workmanship-materials not in accordance with the specifications or defective work may be condemned by the Road Supervisor at any time before the final approval and acceptance by the Road Supervisor. Failure by the Road Supervisor to condemn defective work shall not be construed as an acceptance of the same.

33. Final Inspection-in addition to normal inspection, which may be conducted during construction of development improvements, a Final Inspection will be made by the Road Supervisor and/or his representative. Final Inspections will be made prior to acceptance of any unit for maintenance by the local government and only after all improvements are completed. As part of the Final Inspection, the developer may provide personnel as required to aid in the Final Inspection.

D. EXCEPTIONS

The above-mentioned specifications shall apply to all roads and/or streets in Meade County with the following exceptions.

1. Driveways, as defined in this ordinance.
2. When a petition has been filed regarding a private road constructed before September 15, 1999 the road may be brought up to a gravel standard "dense graded aggregate (DGA) rock" instead of the chip and seal or paved standard.

E. STREET ACCEPTANCE TO COUNTY ROAD SYSTEM

The subdivider shall provide for the complete construction of the roads and streets to county standards approved by the Fiscal Court. Where streets are proposed to be dedicated to the County, Fiscal Court is not required to accept said street until it has been inspected by the Road Supervisor/Engineer and has been determined that said construction was in accordance with the approved construction plans. No private street and right-of-way shall be accepted for maintenance by any legislative body unless the same meets the requirement of the applicable legislative body.

The Meade County Road Supervisor/Engineer shall have the authority to issue stop work orders to developers/subdividers in the event provisions of this Ordinance are not being complied with.

NOTE: FAILURE TO FOLLOW THE ABOVE STANDARDS MAY RESULT IN THE REFUSAL OF THE ROAD SUPERVISOR TO SIGN FOR SUBDIVISION STREETS TO BE RECOMMENDED FOR ACCEPTANCE INTO THE COUNTY'S MAINTENANCE SYSTEM. FAILURE TO FOLLOW THE ABOVE STANDARDS MAY ALSO RESULT IN THE ROAD SUPERVISOR ISSUING A STOP WORK ORDER.

F. Private roads constructed in Meade County prior to September 15,1999, may be accepted into the Meade County Road System by a majority vote of the quorum of the Meade County Fiscal Court upon receipt of a petition signed by 55% of property owners residing on property adjoining the proposed County road.

Petitioners must commit to conditions of a cost-share agreement with the Meade County Fiscal Court. Said agreement shall include minimum construction specification required of the proposed County road.

The following requirements must be met:

1. Road has to be built before September 15th, 1999 and has to have a plat on file with the County Clerk or Deed conveyance prepared at owner's expense conveying simple title of road to Meade County Fiscal Court and a plat made by a licensed surveyor.
2. Road must have been in continuous use for at least 5 years prior to the date of its proposal to be accepted into the County Road System and must service a minimum of 3 residences.
3. If the road is already paved the pavement must conform to the Meade County Road Specifications.
4. Petitioners must pay 100% of their cost share to Meade County Fiscal Court and pay for any Deed or plat work done and Meade County Fiscal Court has committed to the labor share.
5. Said road will be brought up to county road standards in this ordinance and any updates to this ordinance, except for the chip and seal or blacktop requirements. Meade County Fiscal Court may grant exceptions to standards if great hardships prevent full compliance. The Road shall be brought up to gravel standards at a minimum. Meade County Fiscal Court will maintain this road going forward as a county road and it will be kept at the gravel standard.
 - a. Speed limits on gravel roads shall be ten (10) miles per hour as the Meade County Fiscal Court has determined this is necessary for public safety.
6. Meade County Fiscal Court at some time in the future may chip & seal or blacktop said road as funds are available but no guarantees.
7. Petitioners at any time will have the option of chip & seal or blacktop said road sooner at their own expense, but a new petition will be required.

The following procedures will be utilized:

- a. Submit a petition to the Meade County Fiscal Court signed by at least 55% of the property owners adjoining the affected road. Petitions need to have a contact person listed by property owners. Petitions will expire in one year, after that the process will have to be restarted. Each lot will count for one signature.

Example: Lot 2, Mary Jones, 100 Smith Rd, Brandenburg, KY 40180, (123) 456-7890.

(Lot #, lot owner, mailing address, phone #).

- b. The Fiscal Court will direct the magistrate of all the districts the road is in (if more than one magistrate covers the road they all should be involved) and road supervisor to inspect the road to determine deficiency and cost estimate. Any hardships should be noted on the estimate.

- c. The Fiscal Court will approve the request and estimate the cost.
- d. If road has no plat on file at County Clerk's office property owners shall have a Deed of Conveyance prepared at their own expense conveying title of road to Meade County and a plat made by licensed surveyor filed at County Clerk's office. The deed and plat will be reviewed by the County Attorney for approval.
- e. Property owner will collect 100% of the cost estimate and submit payment to the Fiscal Court. Fiscal Court will only accept 100% of the cost. Payment must be submitted within Six months or the estimate may need to be adjusted. The six months starts at the time that the Fiscal Court approves the estimate. Extensions may be granted by Fiscal Court but not to exceed one year.
- f. When the cost is paid in full the Fiscal Court will accept the road into the county system and will begin road work and maintenance for said road based on current workload and weather conditions.
- g. A limit of six miles per year. Any reasonable excess over six miles may be granted, but such excess shall be excluded from the following year.
 - 1. The entirety of the road does not have to be incorporated into a County road if the property owners, further back (for example), do not desire to participate. If a road is half a mile and property owners for the first quarter of a mile want the Road done that may be approved but this is subject to the Road Supervisor/Engineer's approval to ensure this will not be problematic for any reason.
- h. Roads will be accepted into the county system as follows: first road with 100% paid.

G PENALTIES AND REMEDIES

This Ordinance as previously stated repeals Ordinance 2008.02. Meade County will no longer be utilizing Road Service Districts. Private roads going forward shall be under the Ordinance herein. If a resident of Meade County has entered into a payment contract with Planning and Zoning in order to fulfill a debt for a previously incorporated road under this prior Ordinance that debt is still due and owing. Any liens entered due to a violation of Ordinance 2008.02 are still in effect and enforceable. Meade County Fiscal Court reserves the right to collect any debt due and owing regarding prior private roads incorporated in the Meade County Road System.

Any person(s) who violates a provision of this ordinance, or fails to comply with this ordinance or with any of its requirements, shall be guilty of a misdemeanor and shall be punished by up to ninety (90) days in the Meade County Jail and/or subject to a fine up to two hundred, fifty dollars (\$250), or both; and each day such violation shall be permitted to exist by the violator shall constitute a separate offense.

In addition to the above penalty or as an alternative, the Meade County Fiscal Court may seek injunctive relief and/or restraining orders in the Meade Circuit Court in the event a person violates the provisions of this Ordinance or acts in violation of a stop work order issued by the Road Supervisor/Engineer.

The first reading of Ordinance No. 2023-06 occurred on June 13, 2023 at an open meeting at the Meade County Fiscal Court and thereafter published ~~in~~ ^{on} the Meade County ~~Messenger~~ on Fiscal Court website June 20, 2023. It was read for a second time on _____ at an open meeting of the Meade County Fiscal Court and immediately passed and adopted. This ordinance shall become effective _____ following publication as required by law.

TROY KOK
Meade County Judge Executive

TAMMY GRAHAM
Meade County Fiscal Court Clerk

APPROVED AS TO FORM:

SIDNEY DURHAM
Meade County Attorney