

ORDINANCE NO. 062804

AN ORDINANCE RELATING TO SPECIFICATIONS
AND MINIMUM REQUIREMENTS FOR
PROPOSED COUNTY ROADS AND REPEALING
AN ORDINANCE PASSED ON SEPTEMBER 8, 1986

WHEREAS, many requests are made of the Breckinridge Fiscal Court to accept roads into the County Road System, and

WHEREAS, the Breckinridge Fiscal Court desires to change certain specifications and minimum requirements and change certain other requirements for roads which are proposed for acceptance into the County Road System;

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BRECKINRIDGE, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I.

(A) "Road" as used in this Ordinance shall mean any road that is proposed to the Breckinridge County Fiscal Court for acceptance into the Breckinridge County Road System.

(B) "Subdivision" as used in this Ordinance shall mean the division of a parcel of land into (2) or more lots or parcels; for the purpose, whether immediate or future, of sale, lease, or building development, or if a new road is involved, any division of a parcel of land; provided that a division of land for agricultural use and not involving a new road shall not be deemed a subdivision. The term includes resubdivision and when appropriate to the context, shall relate to the process of subdivision or to the land subdivided; any division or redivision of land into parcels of less than one (1) acre

occurring within (12) months following a division of the same land shall be deemed a subdivision within the meaning of this section.

SECTION II. Before any road can be accepted into the Breckinridge County

Road System, the following conditions must exist:

- (a) The road must have been in existence and constant usage for at least five (5) years prior to the date of its proposal to be accepted into the County Road System.
- (b) The road must be approved by the Magistrate of the District in which it lies and must also be approved by the County Road Supervisor.
- (c) The road must have a twenty (20) foot wide roadbed from ditch line to ditch line, with a minimum of twelve (12) foot wide travel surface.
- (d) If the road goes thru a subdivision or leads from a public road to a subdivision it shall have a minimum two (2) inch bituminous concrete surface placed upon a minimum six (6) inch dense grade aggregate base or equivalent.
- (e) If the road is constructed of bituminous concrete, said road must conform to applicable Kentucky State Highway Department specifications.
- (f) Ditches and cross-drainage ditches must be provided in order to assure positive drainage.
- (g) The road and the related right-of-way shall be at least forty (40) feet wide.
- (h) The road and the related right-of-way shall be deeded to Breckinridge County if said road is accepted into the County Road System.
- (i) A plat of said road shall be recorded in the Breckinridge County Clerk's Office after the acceptance into the County Road System.
- (j) All driveways and other roads intersecting the road shall have a tile of at least fifteen (15) inches in diameter. All tiles shall be bought by the land owner and shall be installed by the county. Tiles may be omitted if the location is at a crest of a high point in the road and water will flow in each direction, if approved by the county road foreman.

SECTION III. Compliance with all the specifications in this Ordinance will not guarantee that the county will formally accept the road into the County Road System.

SECTION IV. The Fiscal Court of Breckinridge County shall continue to follow all state laws regarding the formal acceptance of roads into the County Road System and this Ordinance sets forth requirements in addition to the requirements of the law of Kentucky.

SECTION V. If any section, paragraph, or clause of this Ordinance shall be held invalid, the invalidity of such section, paragraph or clause shall not affect any of the remaining provisions hereof.

SECTION VI. All motions, ordinances, orders, resolutions, and parts thereof, in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION VII. The Ordinance passed by the court on September 8, 1986 pertaining to specifications and minimum requirements for proposed county roads is hereby repealed in its entirety.

SECTION VIII. This Ordinance shall be introduced at a meeting of the Fiscal Court and shall remain on file for public inspection in the Office of the Breckinridge County Judge/Executive until the next following regular, adjourned regular, or called, special session of the Fiscal Court, in the completed form in which it shall be put on its final passage and enactment. If passed and enacted, this Ordinance shall be in full force and effect immediately, and shall be published as required by law.

Introduced and given first reading by the Fiscal Court on the 28 day of June, 2004.

Given second reading, passed and enacted by the Fiscal Court on the 12th day
of July, 2004.

APPROVED

BY: George E. Monroe
COUNTY JUDGE/EXECUTIVE

ATTEST:

William M. Hoskins
CLERK OF FISCAL COURT