

ORDINANCE NO. #13-09

**AN ORDINANCE OF THE MADISON COUNTY FISCAL COURT, KENTUCKY  
AMENDING SECTION 316 OF THE SUBDIVISION REGULATIONS OF  
MADISON COUNTY, KENTUCKY**

**WHEREAS**, the Madison County Planning Commission conducted a Public Hearing on November 19, 2013 as required by KRS 100;

**WHEREAS**, the Madison County Planning Commission recommend to the Fiscal Court to amend Section 316. Construction Guarantees of the Madison County Subdivision Regulations as follows;

**NOW, THEREFORE**, be it ordained by the Fiscal Court of the County of Madison, Commonwealth of Kentucky, as follows:

**SECTION I**

**316 Construction Guarantees**

**316.1 Completion of Improvements** – Prior to the submission of the Final Plat to the Planning Commission for approval, the developer shall complete all required improvements in compliance with the development ordinance and the approved preliminary plat. The Codes Enforcement Officer shall then accept the filing of a Final Plat for consideration by the Planning Commission.

**316.2 Performance Bonds** – Any final plat submitted for approval shall be accompanied by a bond in an amount not less than fifty percent (50%) of the amount that the County Road Department Supervisor shall estimate to be the cost of the final 1 inch surface coat of asphalt and related fees for field inspection.

The bond may be in the form of a surety bond, certified check, or a cash bond or negotiable United States Treasury Certificates of the kind approved by law for securing deposits, or Irrevocable Commercial Letters of Credit in a form and from sureties approved by the Madison County Fiscal Court and Madison County Attorney.

The bond shall be executed by the developer as principal, and if a surety bond, shall be executed by a corporation authorized to act as a surety under the laws of the Commonwealth of Kentucky, as surety. The bond shall be a joint and several obligation of the principal and surety for the faithful performance of all repairs to or replacement of any of the improvements required as a condition of approval of the Final Plat, and any related inspections and engineering costs or fees, including attorney fees or other costs and expenses incurred in collecting under the bond, as deemed necessary by the County Road Supervisor in his sole discretion within twelve months after written notice by the

developer to the Count Planning Administrator that 75% of all of the lots within the development have completed structures.

The Madison Fiscal Court may demand that the developer perform within a specified period of time any repairs identified by the County Road Supervisor, or, in its sole discretion may, without notice or demand, perform any repairs or replacement deemed necessary and pay all costs and fees and demand payment of the covered expenses under a surety bond or withdraw the requisite amount to reimburse the covered expenses from any deposits in lieu of a security bond.

In the event a surety bond is not renewed or is about to expire by its terms and is not replaced by the developer prior to termination, the Fiscal Court may demand payment in full of the bond and shall hold the proceeds thereof for the remaining term of the developer's obligation for repair and replacement of improvements and shall then release any unused balance to the developer.

**316.2.1 Encroachment Permit Performance Bonds** – Where an application has been made for an Encroachment Permit to construct a Commercial Entrance onto a County Road the applicant shall submit a Bond in the amount of \$5,000.00 as a guarantee of conformance with the County's Encroachment Permit requirements. Once the work has been completed, inspected and approved by the County Road Department Supervisor the County shall release the Bond back to the applicant or his/her designee.

## SECTION II

That the County Clerk causes this ordinance to be published in accordance with the appropriate Kentucky Revised Statues.

DATE OF FIRST READING: November 26, 2013

MOTION BY: Greg King

SECONDED BY: Billy Ray Hughes

VOTE:

YES

NO

JUDGE, KENT CLARK  
MAGISTRATE LARRY COMBS  
MAGISTRATE ROGER BARGER  
MAGISTRATE GREG KING  
MAGISTRATE BILLY RAY HUGHES

✓  
Absent  
✓  
✓  
✓

DATE OF SECOND READING: 12/23/13

MOTION BY: Roger Barger

SECONDED BY: Greg King

VOTE:

YES

NO

JUDGE, KENT CLARK ✓  
MAGISTRATE LARRY COMBS ✓  
MAGISTRATE ROGER BARGER ✓  
MAGISTRATE GREG KING ✓  
MAGISTRATE BILLY RAY HUGHES ✓

[Signature]  
MADISON COUNTY JUDGE EXECUTIVE

Attest:

[Signature]  
MADISON COUNTY CLERK