

- (5) Average Daily Traffic Count (ADT) for permanent and seasonal use,
- (6) Roadway utilized as a school bus route, and
- (7) Number of Churches accessed from the road.

For the purpose of determining the number of homes and churches accessed from a road, only those on parcels with no existing paved road frontage will be counted.

(d) Roads will be prioritized in accordance with the following procedure:

A road's priority for paving will be established by the number of points accredited to it as described below with the highest total of points constituting the highest priority. The priority factor (P) is calculated by the formula:

$$P = PH + SH + PD + SD + ADT + S + C$$

Where:

PH = Number of points accredited for permanent residence's homes.

One (1) point is accredited for each home accessed from the road. This will include mobile homes as well as permanent homes. It should be noted that the number of homes on a road is an indicator of the number of people using it as well as the importance of the road as a possible school bus route.

SH = Number of points accredited for seasonal residence's homes.

One half (1/2) point is accredited for each seasonal residence's home accessed from the road. Seasonal Homes are defined as Hunt Camps and unoccupied Cabins/Homes on Lake or roadway. These homes will include mobile homes as well as permanent structures.

PD = Number of Points accredited for permanent resident's homes on dead end spur.

One half (1/2) point is accredited for each permanent residence's home accessed from dead end spur.

SD = Number of Points accredited for seasonal resident's homes on dead end spur.

One quarter (1/4) point is accredited for each seasonal residence's home accessed from dead end spur.

ADT = Number of Points accredited for Average Daily Traffic Count.

Four (4) points is accredited for each permanent residence's home and two (2) points is accredited for each seasonal residence's home accessed from the road.

S = Number of points accredited for road utilized as school bus route.

Ten percent (10%) of total count is accredited for the utilization of roadway for a school bus route.

C = Number of points accredited for churches.

Ten percent (10%) of total count are accredited for a church accessed from the road.

(f) Highways, streets or roads constructed or paved under the County's jurisdiction and maintained by Fairfield County shall meet the design and construction standards contained in Section 1-6, above.

(g) The County Administrator and/or his designee(s) shall, within the best judgment of the engineering staff, establish appropriate alternate design and construction standards for low volume rural roads as a means of ensuring maximum cost effectiveness of road paving funds.

(h) Road paving "C" funds will be distributed by the County Transportation Committee in conjunction with County Council.

(i) The order of roads to be selected for paving shall meet the following criteria:

- (1) One per district,
- (2) Based on worst to best by priority list,
- (3) Availability of funds.

Sec. 1-21. Transportation improvement program.

All public funds available to Fairfield County for transportation system improvements shall be expended in accordance with a comprehensive transportation improvement plan. This would apply to:

- (a) Connector roads,
- (b) Intersection improvements,
- (c) Widening,
- (d) Turn lanes, and
- (e) Alignment improvements.

Sec. 1-22. Sidewalks.

Public funds may be used by the County for construction of sidewalks. The County Administrator and/or his designee(s) shall be responsible for establishing a systematic program for identifying, prioritizing, and implementing sidewalk construction projects. The principal focus for such program will be the safety of children walking to school, to school bus stops, or to neighborhood / public recreation facilities.

Sec. 1-23. Condemnation / compensation.

(a) In general, Fairfield County will not compensate property owners for easements or rights-of-way on public works projects from which they directly benefit. Exceptions may be made, however, when:

- (1) Unusual circumstances make payment of a reasonable amount of compensation more economical than resorting to condemnation,
- (2) Deadlines for completion of a project preclude the expenditure of time required for condemnation, or
- (3) Compensation is awarded through the condemnation process.

(b) Condemnation of easements or rights-of-way on any County public works project shall require the prior approval of the County Council. An appraisal of affected property parcels shall accompany a staff recommendation to County Council for condemnation of property.

Sec. 1-24. Encroachments on county maintained roads.

(a) Generally.

- (1) An encroachment permit, approved by the County Engineer's office, shall be required for all construction, undertaken by parties other than the Fairfield County Public Works Department or its authorized contractor, within or affecting the right-of-way of any County maintained highway, street or road. This requirement shall apply, but not be limited, to:
 - a. Driveway connections involving a curb cut or pipe installation,
 - b. Curb cuts,
 - c. Utility taps,
 - d. Utility installations,
 - e. Excavations within rights-of-way,
 - f. Storm drainage installation,

- g. Storm drainage discharge, and
 - h. Subdivision entrance signs or gateways.
- (2) The permittee shall indemnify the County for any liability incurred or damages sustained as a result of the encroachment.
- (3) The permittee shall be responsible for:
- a. Notifying the County Engineer's office when construction begins on an encroachment,
 - b. Ensuring that a copy of the encroachment permit is on the construction site, and
 - c. Ensuring that the construction and the restoration of the roadway have been approved by the County Engineer's office.

(b) Excavations in streets.

- (1) An encroachment permit shall be required for each excavation in a County road before the work is commenced. Work under such permit shall be commenced within the time specified on the permit; otherwise the permit shall become void. All permits shall be kept at the place of excavation while the work is being done and exhibited whenever called for by any person having the authority to examine the same. There shall be no more than one-half (1/2) the width of any street or alley opened or obstructed at any one time; tunneling may be allowed, provided that no authorized underground construction shall be damaged or interfered with. All portions of the street excavated shall be put in as good condition as before the excavation was made. The trench or excavation shall be refilled, thoroughly rammed and compacted within the time specified on the permit after making the connection or repairs. When an excavation is made in any paved County road where it is necessary to remove paving, the person to whom the permit was issued for such excavation shall leave a written notice with the County Department of Public Works and such notice shall state that the excavation has been properly filled, tamped, and is ready for repaving. Whenever any person making any excavations in the street or alley fails to refill, in the proper manner, as required by this Section or fails to maintain the same for a period of one (1) year, then the County Council shall cause the work to be done and the cost thereof shall be charged against the bond.
- (2) Where such excavations occur in a state or federal highway, permission shall be obtained from the state or federal highway department before any work is commenced.
- (3) Public protection requirement.

- a. It is hereby required that for every excavation made on public property, proper safeguards shall be provided against injury to the public; barricades shall be provided at five (5) foot distances, and such barricades shall completely encircle all open excavations or trenches. All barricades, as required by this Section, shall have at least one sign placed thereon in a conspicuous manner, indicating the name of the person causing such excavation. When approved, steel plates of sufficient strength may be used to cover excavation to prevent blocking of street.
 - b. From sunup to sundown there shall be placed, at a distance of not less than one hundred (100) feet, sufficient numbers of reflective traffic barrels to warn the public of dangerous excavation. From sunset to sunrise there shall be placed, at a distance of not less than one hundred (100) feet, sufficient reflective traffic barrels or reflective four (4) foot cones to indicate the length of the excavation in the public thoroughfare and to warn the public of dangerous excavation.
- (c) Anyone who encroaches on the right-of-way of a County maintained highway, street or road without securing an encroachment permit or who fails to adequately restore the road and right-of-way after an encroachment shall be deemed guilty of a misdemeanor, and shall be subject to the general penalty provisions of this Code. Each day that the unauthorized encroachment exists, or that the inadequacy exists following notification, shall be considered a separate offense.

EASEMENTS ON PUBLIC STREETS

Sec. 1-34. Easements on, over, under and across public streets and property.

- (a) Generally.
 - (1) Easements over, under and across public streets and property controlled by the County shall be granted only for a public purpose, convenience, necessity, or to facilitate the provision of water, sewer, electricity, transportation or other utility.
 - (2) The grantee of such easement shall certify the purpose of such easement, the area affected, the necessity and the fact that the area affected does or does not receive similar services from another public or private utility.
 - (3) Prior to the granting of such easement, the grantee shall provide a written assurance that he, she, or it will comply with all applicable local, state and federal laws and regulations including, but not limited to, public safety, job safety, wage and hour laws, health standards and such other requirements as are necessary to ensure the public's safety at any time, during construction, repairs, or otherwise, should injury to person or property occur as a result of acts and/or omissions to act by such grantee, his, her, or its heirs, executor, successors or assigns.

- (4) Prior to any construction, installation, erection or repair of any such improvements and appurtenances on, over, under or across such streets or property as may be authorized by such easement, the grantee shall notify the County Department of Public Works, the County Sheriff's Department and the County Administrator at least forty-eight (48) hours in advance.
- (5) The grantee shall provide the County Administrator and/or his designee(s) or his designee with certificate(s) of insurance verifying the grantee currently has the insurance required by the County. All such insurance policies shall be issued by an insurer satisfactory to the County, and the insurer shall have a rating in the A categories of Best Insurance Reports. The certificate(s) shall include a provision that not less than 30 days notice will be given to the County prior to cancellation, termination or reduction in coverage. In addition, the grantee shall also provide such prior notice to the County Administrator and/or his designee(s). The term of all insurance shall be not less than any time the grantee or anyone with a contract to perform work on the grantee's projects shall be performing such work. Insurance shall consist of the following:
 - a. At its expense the grantee shall for the term required by the County maintain a commercial general liability policy for bodily injury, personal injury, completed operations and property damage in a coverage amount of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate, and a business auto policy for bodily injury and property damage in a coverage amount of not less than \$1,000,000 per occurrence. The forms shall be ISO (Insurance Services Office, Inc.) or comparable to them. Fairfield County Government shall be named an additional insured, except when the grantee is a governmental entity. Grantee shall provide its insurer a copy of any agreement with or requirement by the grantee regarding insurance.
 - b. At its expense the grantee shall for the term required by the County maintain the workers' compensation coverage required by S.C. law. The grantee shall provide a certificate for insurance for this coverage in the manner required by this subsection (5).
- (6) The grantee shall indemnify and hold harmless the County, its successors and assigns, from and against all loss, costs, expenses, including attorneys' fees, claims, suits and judgments whatsoever in connection with injury to or death of any person or persons or loss of or damage to property, and further claims, suits and judgments whatsoever in connection with injury to or death of any person or persons or loss of or damage to property, and further claims, suits and judgments whatsoever by third parties resulting from the interruption of traffic caused by or in any way connected with the construction, installation, erection, repair or maintenance, use or presence of any such improvements or appurtenances, however caused.