

COUNTY OF WILSON, TEXAS



**PRIVATE IMPROVEMENTS WITHIN PUBLIC RIGHT-
OF-WAY REGULATIONS**

APPROVED BY COMMISSIONERS COURT

July 24, 2023

STATE OF TEXAS

IN THE COMMISSIONERS COURT

COUNTY OF WILSON

ORDER ADOPTING REGULATIONS FOR PRIVATE IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY OF WILSON COUNTY, TEXAS

WHEREAS, The Texas Transportation Code 251.016 gives the commissioners court of a county the general control over all roads, highways, and bridges in the county;

WHEREAS, construction within the Public Right-of-Way of County maintained roads may impact the integrity of the county roads and/or safety of vehicular traffic by creating physical obstructions;

WHEREAS, with the increase volume of traffic on county roads, it is essential that driveway entrances and exits of adequate design be provided for abutting properties, so that ingress and egress may be made as safe as possible to the traveling public;

WHEREAS, the Wilson County Commissioners Court, in the interest of the health, safety and welfare of the residents of Wilson County, desire to control the construction within the Public Right-of-Way of County maintained roads; and

WHEREAS, the Wilson County Commissioners Court desires to adopt the permitting regulations set forth in this Order adopting regulations for private improvements in the Public Right-Of-Way

NOW THEREFORE, BE IT ORDERED that any construction occurring within the Public Right-of-Way of a county-maintained road should require permit issued by the Wilson County Commissioners Court or its Authorized Agent.

BE IT FURTHER RESOLVED THAT the Wilson County Commissioners Court hereby adopts the permitting regulations set forth in this order and authorizes the Wilson County Permitting and Development Director to enforce such regulations.

EFFECTIVE THIS ___ DAY OF _____ 2023.

Henry L. Whitman Jr., County Judge

Gary Martin,
County Commissioner, Precinct #1

Russell King,
County Commissioner, Precinct #2

Jeffery Pierdolla,
County Commissioner, Precinct #3

John "Scott" Akin,
County Commissioner, Precinct #4

Attest: _____
Genevieve Martinez, County Clerk

Article I

PRIVATE IMPROVEMENTS WITHIN PUBLIC RIGHT-OF-WAY

A. Definitions

Applicant means an individual, corporation, partnership, limited partnership, joint venture or other legal entity applying for, acquiring or issued a Permit for the property for which the proposed Private Improvements serve. This includes all successors, assignees, and future property owners.

AASHTO means the American Association of State Highway Transportation Officials.

Best Management Practices (BMPs) means permanent treatment requirements, operation procedures, and practices to prevent or reduce pollution of water in the state as required by a Texas Commission on Environmental Quality (TCEQ) approved Water Pollution Abatement Plan (WPAP) or Contribution Zone Plan (CZP).

Changes in Design means any revision, alteration, or relocation in the design or the dimensions of the improvement in the Public Right-of-Way or across a County Road.

Clear Zone means the unobstructed, relatively flat area beyond the edge of the traveled way that allows the driver to stop safely or regain control of the vehicle that leaves the traveled way. The width of the clear zone shall be compliant table 3.1 from the AASHTO roadside design guide (2006) as currently amended.

Commissioners Court means the Commissioners Court of Wilson County, Texas.

Commercial Driveway means a driveway installed for the purpose of access to a business, with a width twenty-four feet to one-hundred feet.

County means Wilson County, Texas, a political subdivision of the State of Texas.

County Engineer means the County Engineer of Wilson County, Texas, or an employee authorized to act on the County Engineers behalf.

County Road or Public Easements or Public Right-of-Way means any right, title or interest in land acquired, claimed, and maintained by Wilson County, Texas, for vehicular transportation, road safety and road drainage.

Culvert means a pipe or structure, which provides water weight openings to conduct water for drainage purposes.

Driveway means an improved surface (such as gravel, concrete or asphalt) used for access from the edge of a county roadway to the public right away public easement or property line.

Fencing means a private barrier or upright structure completely or partially enclosing an area of ground that is intended to mark a boundary and/or prevent pedestrian or vehicular access.

Frontage means a portion of the Public Right-Of-Way or Public Easement lying between the two most distant possible lines drawn perpendicularly from the edge of pavement to the road of the Applicant's abutting property line. In the event that two or more adjoining applicants agree to combine their property frontage for a combined

access facility as authorized under the applicable regulations the frontage will then be the portion of the Public Right-of-Way lying between the two most distant possible lines of the combined frontage drawn lines of the combined frontage drawn perpendicularly from the edge of pavement of the road to the Applicants' abutting property lines.

Non-Compliance Notice means the document given to the Applicant after inspection by the Permitting and Development Director or his authorized agent determines that the Private Improvement is non-compliant with this Order. The Non-Compliance Notice will state the matter of non-compliance with this Order.

Irrigation means the equipment utilized to artificially apply water to facilitate vegetative growth. Equipment includes, but is not limited to, spray heads, pipes, control wiring, and drip irrigation tubing.

Permit to Construct means the document given to the Applicant that allows the Applicant to start constructing the Private Improvements within the Public Right-of-Way.

Person means any individual, corporation, partnership, limited partnership, joint venture or other legal entity.

PIPROW Permit means the document given to the Applicant after inspection by the County Engineer or his authorized agent stating that the Private Improvement is compliant with this Order. A PIPROW Permit serves as proof that the Applicant's Private Improvement within the Public Right-of-Way is permitted. The PIPROW Permit shall be transferred to the current owner of the property for which the proposed Private Improvement serves.

Private Improvement means any excavation, embankment, fill, vegetation, structure or object which is constructed on, placed in, added to, or removed from the Public Right-of-Way, including but not limited to driveways, pebbles or rocks, sidewalks, culverts, and earthwork.

Radius means the curved portion of the Driveway that allows vehicles to comfortably traverse from the Roadway within the Public Right-of-Way to the privately constructed Driveway.

Residential Driveway means a driveway installed for the purpose of access to a residence or residential property with a width of twelve feet to twenty-four feet.

Roadway means the portion of improved surface of the County or Public Easement or Public Right-of-Way used for travel by the vehicular traffic which is usually constructed of concrete, asphalt, gravel, shell or other material providing a hard surface. The terms Roadway, County Road and road are interchangeable.

Satisfactory Quality means quality that a reasonable person would regard as satisfactory. In determining whether materials are of Satisfactory Quality, one should consider whether the materials are fit for the purpose it is being supplied, compliant with the standard commonly used in the industry, free from defects, safe and durable. For the purposes of this Order, satisfactory quality shall be determined by the Permitting and Development Director or his authorized agent.

Sidewalk means an improved surface used for pedestrian traffic within the Public Right-of-Way or public easement.

Start of Construction means the commencement of any Private Improvement within the Public Right-of-Way or Public Easement.

Wilson County Permitting and Development Office (WCP&DO) means the Permitting and Development Department headed by the Permitting and Development Director.

B. Instructions for Securing a Private Improvement within Public Right-of-Way Permit

To secure a private improvement within Public Right-of-Way (PIPROW) Permit, the applicant shall begin by filling out and submitting a Permit to Construct Application to the Wilson County Permitting and Development Office along with a processing fee. The application will include the applicant's name, address, telephone number, email, and a detailed site plan of the proposed construction and the applicant signature agreeing to comply with the terms and conditions of the Permit to Construct. Once the PIPROW Permit to Construct Application has been received by the Permitting and Development Office, the Permitting and Development Director or his authorized agent will review the application. If needed, a meeting with the applicant will be arranged at the location of the proposed private improvement, at which time details of the PIPROW Permit to Construct Application will be finalized. After review of the application and/or the field meeting, the Permit to Construct Application will be processed. The permit to construct will not be issued until the Permitting and Development Director or his authorized agent affixes his signature to the Permit to Construct. Start of construction of the PIPROW shall not commence until the Permit to Construct has been issued.

C. Fees

Before a PIPROW Permit to Construct can be approved, the applicant must pay a processing fee as set by the Commissioners Court for a Permit to Construct Application.

D. Index of regulations

1. Applications. Applications for PIPROW Permits shall be made by the applicant. Such permits shall be only for the purpose of placing Private Improvements within the Public Right-of-Way, and shall not create an obstruction, hazard, nor cause an adverse impact to the defined drainage patterns within the Public Right-of-Way. Furthermore, the private improvement shall only be used for lawful purposes.
2. Reservations. The Wilson County Permitting and Development Director reserves the right to refer certain cases to the Commissioner of the precinct the Permit to Construct is located in or to the Wilson County Commissioners Court for guidance on the issuance of a PIPROW Permit to Construct.
3. Materials. The applicant shall furnish all materials necessary for the construction of the improvements authorized by the Permit to Construct. All materials shall be of satisfactory quality and shall be subject to inspection and approval by the Permitting and Development Director or his authorized agent.
4. Construction and reconstruction. The applicant shall construct all private improvements in conformance with this Order.

5. Applicant shall notify the Permitting and Development Office when all permitted work is completed by the applicant.
6. Within five (5) working days of receiving the notice of completion, the Permitting and Development Director or his authorized agent shall inspect the permitted area to ascertain proper compliance with the terms of the Permit to Construct. The Commissioner, Permitting and Development Director or his authorized agent reserves the right to inspect these private improvements at the time of construction and at all times thereafter, and to require such changes, maintenance, and repairs as may at any time be considered necessary to provide protection of life and property on or adjacent to the road. The County reserves the right to remove any installation that does not comply with this order and assess charges incurred against the applicant.
7. Upon inspection, the Permitting and Development Director or his authorized agent will issue a written Non-Compliance Notice to notify applicant of the manner of non-compliance, or a PIPROW Permit to notify the applicant that the private improvement is compliant with this Order and permitted.
8. Within a reasonable amount of time, but no longer than five (5) working days, of receiving the Non-Compliance Notice from the County, applicant shall remedy or correct any and all non-compliant work as specified in the Inspection Notice.
9. If applicant fails to comply with the conditions of the Non-Compliance Noticed, applicant shall reimburse the County for any and all damages and cost (including but not limited to materials, labor, equipment, and overhead) the County incurs in bringing the permitted area into compliance.
10. If applicant defaults on the terms and conditions of the permit applicant shall be liable for all damages incurred by the County arising from the applicants default, as well as attorney fees and all costs and fees arising out of suit to enforce the terms and conditions of this permit.
11. All documentation associated with the PIPROW permitting process will only be made available to the applicant at the time of approval and upon request.
12. Maintenance. Maintenance of improvements constructed hereunder shall be the responsibility of the applicant, and the County reserves the right to require any changes, maintenance, removals, or repairs as may be necessary to provide protection of life or property on or adjacent to the County Road. Also, the County reserves the right to remove any installation that does not comply with this Order. The cost of maintenance and repairs of Private Improvements in the Public Right-of-Way will be the responsibility of the Applicant. Maintenance of permitted improvements does not require a new PIPROW Permit to Construct.
13. Upon completion of the project, all equipment, construction material, surplus materials, trash, broken concrete, lumber, etc. shall be removed from the construction site.
14. Changes in design. No Private Improvements in the Public Right-of-Way shall be relocated, its dimensions altered, or a change in surface without a duly executed PIPROW Permit from the Permitting and Development Office. Applicant may only make changes in design through issuance of a new PIPROW Permit by the County.
15. Applicant expressly recognizes that the issuance of a PIPROW Permit by the County does not grant any right, claim, title, or public easement in or upon the County Road

or its appurtenances. In the future, should the County, for any reason, need to work, improve, relocate, widen, increase, add to, decrease, or in any manner change the structure of the road or Public Right-of-Way, the permitted improvement, if affected, will be moved, or relocated at the complete expense of the applicant.

16. Fencing will not be permitted within the Public Right-of-Way.
17. Private improvements located in the clear zone must have a mountable slope or have an AASHTO approved breakaway support mechanism.
18. Irrigation shall only be permitted in a curbed roadway section behind the back of the curb.
19. Indemnification. The applicant shall indemnify and hold harmless the County and its duly appointed officers, agents and employees for all suits, actions, losses, damages, claims, or liability of any character, type, or description, including without limiting the generality of the foregoing all expenses of litigation, court costs, an attorney fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasioned by, the acts of the applicant, applicants offer, agents or employees in the execution of this permit to construct.
20. Pursuant to applicable statute, but not limited to, Texas Transportation Code Chapter 251.008, any private improvement in the Public Right-of-Way that does not comply with this Order may be subject to removal by Wilson County with or without warning.
21. Grandfathering. Private improvements constructed in the Public Right-of-Way without obtaining a PIPROW permit may remain in place if the following conditions are met:
 - a) The private improvement was constructed prior to the date this order was executed;
 - b) the private improvement is not creating a safety hazard; and
 - c) the private improvement is not causing any obstruction to the established drainage path.
 - d) A Grandfather Exemption can be issued upon written request and approval. The request must provide proof that the improvement meets the requirements of Art 1.D.21.a-c.

E. Driveway Design

A summary of the design requirements for access driveways can be found in the attached "Driveway Detail Standard" which is incorporated by reference. A summary of these design requirements follows:

1. All parts of entrances and exits on County Road Public Right-of-Way, including the radii, should be confined within the applicant's property frontage.
2. Locations of access driveway shall be selected to provide maximum safety for highway traffic and for users of the driveway. If necessary, the Permitting and Development Director may require the applicant to submit a site distance study and/or a drainage study for the desired location of the access driveway. The site distance study and/or drainage study shall be prepared by a registered professional engineer.

3. Radii for all access driveway shall be no less than 6 ft.
4. The end treatment for a culvert shall be a minimum of 3:1.
5. Drainage in Roadway side ditches and on the Roadway shall not be altered or impeded. When drainage structures are required, size of opening and other design features shall be approved by the Permitting and Development Director or his authorized agent.
6. The applicant shall assume full responsibility for notification, coordination and relocation of utility facilities impacted by the proposed access.
7. The applicant shall assume full responsibility for the construction and maintenance of an approved stormwater culvert of size and design conforming to the Wilson County standards for the construction of streets and drainage in subdivisions. The minimum culvert size shall be eighteen inches (18") unless otherwise approved by the Commissioner or his designee.
8. Applicant must comply with requirements listed above as well as requirements shown on the Driveway Detail Standard.
9. The design approved by the Permitting and Development Director, or his authorized agent, is based on the plans provided in the Permit to Construct Application and the field observations made during the meeting referenced in Article I.B. and not based on engineering principles. Therefore, the driveway cannot be relied upon to provide adequate hydraulic capacity for commands.

F. Improvement design

1. All aspects of a proposed improvement should be confined within the applicant's property frontage.
2. Locations of improvement shall be selected to provide maximum safety for highway traffic and for users of the improvement. If necessary, the Permitting and Development Director may require the applicant to submit a site distance study and/or drainage study for the desired improvement. The site distance study and or drainage studies shall be prepared by registered professional engineer.
3. Drainage in Roadway side ditches and on the Roadway shall not be altered or impeded.
4. The applicant shall assume full responsibility for notification, coordination, and relocation of utility facilities impacted by the proposed access.
5. Applicant shall assume full responsibility for construction and maintenance of the proposed improvement.

G. Mailboxes

The regulations under this Order do not apply to the construction and placements of mailboxes. However, the property owners are required to ensure compliance of their mailboxes as to any and all local, state, and federal regulations.

H. Dumpsters

Dumpsters are not allowed cause an obstruction or to be placed in Roadway, side ditches, county right of way or anyplace where it can be a potential hazard to roadway traffic.

Any dumpster that fails to meet these regulations will be deemed non-compliant.

Article II

Utilities within the Public Right-of-Way

A. Definitions

Any and all definitions under this Order are hereby incorporated into this Article in addition to the definitions listed below.

Backfill means filled in such a manner that the compacted density is equal to or greater than that of the surrounding undisturbed soil.

Bar Ditch Lines mean the flow line of the ditches that run parallel to a county-maintained road.

Casing means a secondary pipe (minimum of schedule 40) that casing the utility line for the purpose of protection.

Opened means cut dugout trench board jacked or in any other condition which is potentially unsafe for vehicular use.

Permitted Area means a portion of the road or Public Right-of-Way in which the utility permit road has been approved and outlined through the issuance of utility road permit.

Properly Compacted means the backfill shall be placed in uniform layers not to exceed ten (10) inches in depth (un-compacted measurement), and each layer shall be compacted to not less than ninety-five percent (95%) of maximum density at optimum moisture content. Dry backfill material shall be wetted uniformly and shall be compacted by means of mechanical rammers, except that the use of compaction equipment of the type generally used in compacted embankments will be permitted on those portions that are accessible to such equipment.

Roadway Surface means a top layer of the Roadway, typically asphalt or gravel.

Suitable base material means aggregates such as sand, gravel, crushed stone, slag, or flowable backfill (TxDOT Specification 401). Caliche is not a Suitable Base Material. Base material shall be free from all objectionable and foreign objects.

Utility Improvement means any pipeline, main, conduit, cable, utility line, pole line, sewer line, water line, outfall pipe, or any other structure other than a culvert as defined previously. Utility improvement shall not include any improvements that permanently affects, impacts, or alters the roadway surface (i.e., railroad crossings, bridges, golf paths). Any such improvements that affects, impacts, or alters the roadway surface shall be handled by the county on a case-by-case determination.

UR Permit means the document given to the applicant after inspection and approval in Commissioners Court by the Commissioner, Permitting and Development Director or his authorized agent stating that the utility improvement is compliant with this order. A UR permit serves as proof that the applicants improvement to utility improvement within the Public Right-of-Way is permitted a UR permit shall be transferred to the current owner of the property for which the proposed private improvement serves.

Vegetative clearing means any clearing of trees, shrubs, bushes, etc. Necessary to support the placement or relocation of a utility improvement within the Public Right-of-Way. It is the responsibility of the applicant to properly dispose of any vegetative clearing generated in the placement or relocation of a utility improvement.

B. Instructions for securing a utility road permit

A Utility Road (UR) Permit shall be required for Utility Improvements crossing or parallel to a County Road or in the Public Right-of-Way. To secure a UR Permit, the applicant shall submit a Utility Permit Application to the Wilson County Permitting and Development Office along with a processing fee. The application will include the applicant's name, address and telephone number, email, detailed plans of proposed utility installation and the applicant signature agreeing to comply with the terms and conditions of the permit. Once the UR permit application has been received, the Permitting and Development Director or his authorized agent will review the application. If necessary, a meeting will be arranged with the Commissioner, Permitting and Development Director or his authorized agent at the location of the proposed UR, at which time details of the UR Permit will be finalized. The Utility Permit will not be issued until the Commissioner, Permitting and Development Director or his authorized agent affixes his signature to the Utility Permit. Start of construction of the utility improvement shall not commence until the permit to construct has been issued by the Commissioner, Permitting and Development Director or his authorized agent.

C. Fees

Fees for a Utility Road permit shall be paid in accordance with the fees established by the Commissioners Court.

D. Road crossing conditions

1. Applicant shall lay all utility improvements at least 36 inches (36") below the bar ditch lines or roadway surface.
2. Applicant shall place all utility improvements, crossing under the road, in casing.
3. Applicant shall properly backfill and stabilize, within 48 hours of completing the permitted activity, all trenches, holes and cuts, with a suitable base material and asphalt surface, when applicable, with each material being properly compacted.
4. Applicant shall place barricades, to protect the public, and notify the Commissioner or his authorized agent at the time of the permitted area is opened. Applicant will furnish and maintain all required traffic control devices, including flagman, when necessary, as directed by the Texas Manual on Uniform Traffic Control Devices, to properly warn, guide, and control traffic through or around the construction area at all times during construction.
5. Applicants shall not open more than 1/2 of the roadway at a time in order to maintain the flow of traffic at all times. However, in an emergency, or with the permission of the Commissioner, or his authorized agent, the total width of the roadway may be opened, provided proper traffic control devices are utilized according to the Texas MUTCD for the health, safety and welfare of the public.
6. Upon completion of the project, all equipment, construction material, surplus materials, trash, broken concrete, lumber, etc. shall be removed from the

construction site. The entire construction site shall be graded and clean to present the appearance as it was prior to construction, or better.

7. Applicant shall notify the Permitting and Development Office in writing when all work is completed.
8. Within five (5) working days of receiving a notice of completion, the Commissioner or his authorized agent will inspect the permitted area to ascertain compliance with the terms of this permit.
9. Upon inspection, the County will issue a written Non-Compliance Notice to notify the applicant of the manner of non-compliance or a UR Permit to notify the applicant that the utility improvement is compliant with the order and permitted. The UR Permit will be available upon request at the Permitting and Development Office.
10. A summary of the design requirements for utility road permits can be found at the attachment "Typical Utility Road Crossing Cross Section" which is incorporated by reference.
11. Within a reasonable amount of time but no longer than five (5) days after receiving the non-compliance notice from the County, applicant shall remedy or correct any and all non-compliant work as specified in the inspection notice.
12. If applicant fails to comply with the conditions of the inspection notice, applicant shall reimburse the County for any and all damages and costs (including but not limited to materials, labor, equipment, and overhead) the County incurs in fixing the permitted area to the County standards.
13. If applicant defaults on the terms and conditions of the UR Permit, applicant shall be liable for all damages incurred by the County arising from the applicant's default, as well as attorney fees and all costs and fees arising out of suit to enforce the terms and conditions of this permit.
14. The applicant shall indemnify and hold harmless the County and its duly appointed officers, agents and employees for all suits, actions, losses, damages, claims, or liability of any character, type, description, including without limiting the generality of the foregoing all expenses of litigation, court costs, the attorney's fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasion by, the acts of the applicant, applicants officers, agents or employees and the execution of this permit.

Article III

General Information

A. Definitions

Any and all definitions in Article I-II are hereby incorporated into this document, in addition to the definitions listed below.

County Attorney means the County Attorney of Wilson County, Texas, or any employee authorized by said County Attorney to act on his behalf.

Variance means any variation, exception, or change in the manner of any provision in this title to enforce or apply to the particular circumstance.

B. Enforcement

The County Permitting and Development Director shall be charged with the enforcement of these Regulations. If any person violates any provision of these Regulations the County Permitting and Development Director will attempt to obtain compliance with these Regulations. In the event the County Permitting and Development Director is unable to obtain compliance within a reasonable time the County Permitting and Development Director may so report to the Commissioners' Court and the following remedies may be pursued:

1. If any person engages in the construction or repair of a driveway, sidewalk or culvert crossing a County easement or right-of-way without a permit, the Commissioners' Court may direct the County Attorney to file suit to enjoin the violation of these Regulations.
2. If any person engages in the construction or repair of a driveway, sidewalk or culvert in any manner except as specified in the permit issued therefor by the County Permitting and Development Director, the Commissioners' Court may direct the County Attorney to file suit to enjoin the violation of these Regulations.
3. If any person engages in the construction of a driveway, sidewalk or culvert crossing a County easement or right-of-way without a permit, or if any person engages in the construction or repair of a driveway or culvert in any manner except as specified in the permit issued therefor by the County Permitting Office, the Commissioners' Court may order the landowner to remove or repair the driveway or culvert at the landowner's expense.
 - i. [Texas Local Government Code §81.025, 1987 Tex. Sess. Law, Serv. 1557 (Vernon), provides that the Commissioners' Court may punish contempt by fine not to exceed twenty-five dollars (\$25.00), or by imprisonment not to exceed twenty-four (24) hours and in case of fine, the party may be held in custody until the fine is paid.]
4. Any person securing a permit under these Regulations must certify to Commissioners' Court that the terms, provisions and conditions of the permit will be complied with. Violation of this certification constitutes contempt of Commissioners' Court.

5. If the Commissioners' Court finds a person to be guilty of contempt, it may enter such orders consistent with general law as it deems appropriate to punish the person guilty of contempt, and may enter such order and further orders enforceable by civil and criminal contempt, and consistent with its authority under general law, as Commissioners' Court deems necessary to enforce and protect its jurisdiction over the matter and to uphold the integrity of these Regulations.
6. The procedure for contempt proceedings before Commissioners' Court will be consistent with procedures in actions before other courts in this state for enforcement of court orders, and for the protection of the jurisdiction of courts by process of contempt. Provided, however, that the person shall be given ten (10) days' notice of said contempt proceeding by certified or registered mail, return receipt requested.

C. Notices

Any notice or other communication required or permitted here under shall be in the writing and shall be deemed to have been duly given on the date of service if served personally, or within three (3) working days after the date of mailing if mailed, by first class mail, registered or certified, postage prepaid and addressed as follows:

Wilson County Permitting and Development Office
800 10th Street, Bldg. B
Floresville Texas 78114

Written notices may also be faxed to the Permitting and Development Office at 830-393-8379

D. Appeal

An appeal for denial of a permit will be considered on the following basis and only after good and sufficient cause has been demonstrated by the applicant for an appeal:

- a) Upon denial of a Permit to Construct, the applicant may appeal the Permitting and Development Director's decision by stating and submitting his reasons and writing to the Permitting and Development Director and within ten (10) working days of the denial of said permit.
- b) The Permitting and Development Director shall review the appeal and within 15 working days of receipt of set appeal shall reduce his findings in writing and submit his findings and recommendations to Commissioners Court. The applicant shall be provided with a copy of the county engineers recommendations and may appear before Commissioners Court to support his appeal.

E. Variance Request

Any and all requests for variance from this order must be approved by the Commissioners Court.

- a) The applicant may request a variance by stating and submitting his reasons, in writing, to the Permitting and Development Director.
- b) The Permitting and Development Director shall review the variance and shall reduce his findings to writing and submit his findings and recommendations to Commissioners Court. The applicant shall be provided with a copy of the Permitting

and Development Director's recommendations and may appear before Commissioners Court to support his variance.

F. Termination date

Permits issued under Article I-II authorize construction for one hundred and eighty (180) calendar days. If work is not completed and approved within one hundred and eighty (180) calendar days' time, an applicant shall be required to apply for a new permit. If applicant renews permit prior to expiration of the one hundred and eighty (180) calendar days, no new fees will be assessed. If a permit expires, an applicant shall apply for a new permit.

G. Records

All applications and file copies of permits issued pursuant to this Order shall be maintained by the Permitting and Development Director as part of the records of his office. Disposition of these records will be in accordance with the standard operating procedures of the Permitting and Development Office.

H. Disclaimer of warranties

Wilson County hereby disclaims all representations and warranties, expressed or implied, including but not limited to the implied warranties of merchantability, for a particular purpose and non-infringement.

In no way does Wilson County's issuance of a permit, under this Order, constitute an endorsement or warranty of the applicant or the quality of the applicant, applicant officer, agent or employee's workmanship.

I. Indemnification

The applicant shall indemnify and hold harmless County of Wilson and its duly appointed officers, agents and employees for all suits, actions, losses, damages, claims or liability of any character, type, or description, including without limiting the generality of the foregoing all expenses of litigation, court cost, and attorney's fees for injury or death to any person, or injury to any property, received or sustained by any person or persons or property, arising out of, or occasioned by, the acts of the applicant, the applicant's officers, agents or employees and the execution of this permit.

J. Release of liability

Wilson County, it's officers, it's employees and agents will, at no time, be held liable for any damage or injury done to the property of the applicant whether in contract or in tort, which may result from improving and/or maintaining County Road or Public Right-of-Way.

K. Effective date

This Order shall become effective upon adoption by Commissioners Court and shall remain in full force and effect until amended or repealed by the Commissioners Court.

L. Severability

The provisions of this Order are severable. If any word, phrase, clause, sentence, section, provision, or part of this Order should be held invalid or unconstitutional, it shall not affect the validity or the remaining provisions, and it is hereby declared to be the intent of the Commissioners Court that this Order would have been adopted as to the remaining portions, regardless of the invalidity of any part.

M. Headings

The headings of sections of this order are for the convenience of reference only and shall not affect in any manner the terms and conditions herein.

N. Gender

Whenever the contacts hereof shall so require the singular shall include the plural, the male gender shall include the female gender and the neuter, and vice versa

O. Fees

The fees for permits and inspections shall be paid in accordance with the fee schedule adopted by Commissioners Court.