

**PLAINFIELD TOWN COUNCIL**

**ORDINANCE NO. 18-97**

**ACCESS PERMIT ORDINANCE**

**AN ORDINANCE ESTABLISHING STANDARDS, CRITERIA AND GUIDELINES FOR THE REVIEW, AND APPROVAL OF ALL REQUESTS FOR ACCESS TO PUBLIC STREETS AND THOROUGHFARES IN THE TOWN OF PLAINFIELD, INDIANA; INCORPORATING BY REFERENCE RULES AND STANDARDS AS SET OUT IN THE INDIANA DEPARTMENT OF TRANSPORTATION "DRIVEWAY PERMIT MANUAL" (1996 VERSION), AND THE INDIANA DEPARTMENT OF TRANSPORTATION "APPLICANT'S GUIDE TO TRAFFIC IMPACT STUDIES" AND SUBSEQUENT REVISIONS THERETO**

BE IT ORDAINED BY THE Town Council of the Town of Plainfield, Indiana, as follow:

SECTION 1. TITLE. This ordinance shall be known as the "Access Permit Ordinance".

SECTION 2. PURPOSE. The purpose of this ordinance is to promote new access and access modification uniformity throughout the Town and establish the access permit application procedures and review standards for obtaining permits to access streets within the Town of Plainfield.

SECTION 3. AUTHORITY. The Town Engineer is hereby authorized to administer and enforce all of the provisions of this Ordinance and is thereby authorized to determine and establish such requirements and restrictions for driveway approaches as may be necessary to provide for the drainage of the street, preservation of the street and the safety and convenience of traffic on the street. A written permit application shall be required by the Town and, if such permit application is found to be in accordance with the regulations and requirements established pursuant to this Ordinance, a permit may be granted subject to appropriate conditions and provisions contained therein. All work conducted under such permit shall be performed to the satisfaction of the Town.

SECTION 4. SCOPE A new driveway access permit shall be required when a relocation, alteration or remodeling of an access, approach and/or crossover is proposed. The granting or denial of such application shall be governed by the same regulations and judged by the same standards as an application for a permit for a wholly new access, approach, and/or crossover.

SECTION 5. STANDARDS AND GUIDELINES FOR PERMIT REVIEWS AND APPROVALS. The Indiana Department of Transportation, Driveway Permit Manual (1996 Version) and amendments thereto is hereby incorporated into and made a part of this ordinance by reference and shall be used as the basis for the review and approval of access permit applications except for those standards which may have been modified and are specifically identified as Town Standards.

SECTION 6. APPLICATION FOR ACCESS PERMITS. Application to the Town shall be made on the form as prescribed by the Town. The permit application form with accompanying documentation as required shall be submitted containing the number of copies as identified on the form. The application shall consist of the following items:

- Access Permit Form: This document shall serve as the initial application and shall become the permit upon approval of the plans for the proposed access approach work. The form will contain the basic information on the front and list the standard general provisions on the back. The form shall be signed by the owner or authorized agent.
- Permit Bond: A Performance Bond shall be required to guarantee that work performed on the right-of-way by the applicant will be conditions and provisions of the permit. The bonding company shall be bound by the bond to see that the

permit is completed satisfactorily should the permittee fail to perform properly. The bond shall cover all work to be performed in the right-of-way. The minimum bond amount shall be \$5,000.00. This bond document shall be notarized.

- **Traffic Impact Study:** A traffic impact study shall be required when warranted in accordance with the INDOT Traffic Impact Study Guidelines and shall be prepared by a registered professional engineer. The traffic impact study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway network.

Minimum information to be provided with each permit application as documentation will be that as identified in the INDOT Driveway Permit Manual and as noted on the Application Form.

Upon the receipt of the application with all required documentation and attachments the Town Engineer shall have ten (10) business days to review the application. The applicant shall be notified within such ten business days of the approval or denial of the submitted application.

**SECTION 7. OTHER ORDINANCES.** All work done under any permit issued hereunder shall be in full compliance with this Ordinance and all other Ordinances pertaining thereto.

**SECTION 8. FEES:** In order to defray administrative costs associated with the review of permit applications, the applicant shall, at the time of filing a permit application, pay such fees as required by "An Ordinance Establishing Fees and Permits for the Town of Plainfield".

**SECTION 9. RECORDS:** All applications, descriptions, permits, certificates, and other supporting documents pertaining to the access permits shall become a permanent record of the Town of Plainfield.

**SECTION 10. TRAFFIC CONTROL:** Traffic control shall be required for any encroachments that restrict the natural flow of traffic. All temporary traffic control measures shall conform to the latest addition of the Indiana Manual on Uniform Traffic Control Devices.

**SECTION 11. CONSTRUCTION START PROCEDURES:** The Town Engineer shall be notified 48 hours prior to the start of any construction authorized by a permit issued pursuant to this Ordinance. A copy of the approved access permit shall be required to be on site at all times.

**SECTION 12. PERMIT LIFE:** Construction start dates shall be provided on the access permit application. If construction is not completed within one (1) year from the date of permit approval the applicant may request and the Town Engineer may grant a one time extension up to six (6) months or the permit shall otherwise be considered void. The town may use Performance Bond proceeds to complete work authorized by the permit. The Town Engineer shall be notified when all work has been completed with a request for acceptance.

**SECTION 13. ACCESS PERMIT BONDING:** The applicant shall be required to submit proof of insurance for general liability and shall be bondable. A minimum performance bond of \$5,000.00 shall be posted in favor of the Town of Plainfield by the applicant. Single family dwelling access applications shall be exempt from the bonding requirements.

**SECTION 14. PENALTIES:** Any person, firm, or corporation, or any other entity who shall be in violation of this ordinance shall be subject to a fine of not more than \$500.00 and costs. Each day an entry or cut is made without the issuance of a proper permit under this ordinance shall constitute a separate offense, and each separate offense shall subject the violator to a separate fine as provided herein.

Any agency whose approval is required under this Ordinance or any interested person may seek an injunction against any person who violates or threatens to violate any

provision of this Ordinance.

In addition to any other sanction under this Ordinance, a person who fails to install or to maintain the approved controls in accordance with the approved permit shall be liable to the Town of Plainfield in a civil action, for damages in an amount equal to double the cost of installing or maintaining the public improvements.

SECTION 15. SEVERABILITY. If any chapter, article, paragraph, sub-paragraph, clause, phrase, word, provision, or portion of this ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding or decisions shall not affect or impair the validity of this ordinance as a whole or any part thereof, other than the chapter, article, sub-paragraph, clause, phrase, work, provision, or portion held to be unconstitutional or invalid.

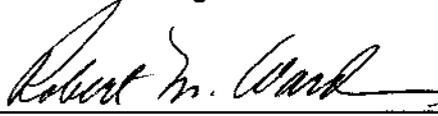
SECTION 16. INCORPORATION BY REFERENCE. Throughout the various sections of the Ordinance, reference is made to other regulations or Ordinances of the Town of Plainfield. Two(2) copies of each such regulation or Ordinance of the Town of Plainfield are on file in the office of the Clerk of the Town Council and are available for public inspection.

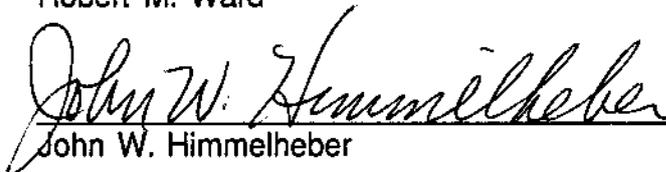
SECTION 17. EFFECTIVE DATE. NOW, BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its adoption by the Town Council, Town of Plainfield, Indiana, and publication as required by law.

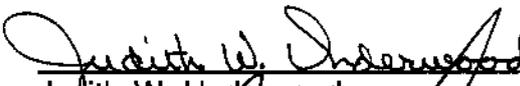
Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on this 22<sup>nd</sup> day of December, 1997.

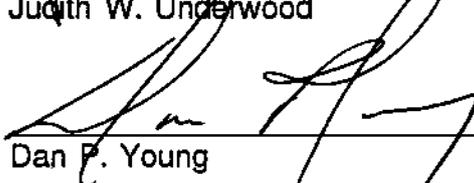
TOWN COUNCIL, TOWN OF PLAINFIELD,  
HENDRICKS COUNTY, INDIANA:

  
Robin G. Brandgard

  
Robert M. Ward

  
John W. Himmelheber

  
Judith W. Underwood

  
Dan P. Young

Constituting a majority of all of the members of the  
Town Council

ATTESTED BY:

  
Juliana Mitchell, Clerk-Treasurer of  
the Town of Plainfield, Indiana

PUBLISH: THE WEEKEND FLYER January 1, 1998  
January 8, 1998