



## Common Council Agenda

**MEETING DATE:** Wednesday, May 3, 2023, at 5:30 PM

**MEETING PLACE:** Madison City Hall- Council Chambers

- A. Lord's Prayer/Pledge of Allegiance
- B. Calling of roll and notice of absentees
- C. Reading, approving, correcting, or disposing of minutes from prior meeting
- D. Presentation of petitions, memorials, remonstrances, introduction of motions and guests
  - Andrew Forrester, National Tourism Proclamation
  - Troy Morgan, Jefferson County EMA
- E. Resolutions or bills
- F. Reports, recommendations, other business of standing/select committees of city council
- G. Reports of City Officials
- H. Bills on third reading
  - Ordinance 2023-6: Establishing Nonreverting Fund for Public Arts Commission (Bartlett)
  - Ordinance 2023-7: Amendment to Ordinance 2022-7 Establishing Economic Development Nonreverting Fund (L. Dattilo)
- I. Bills on second reading
  - Ordinance 8-2023: Zoning Map Amendment 3910 Michigan Rd. Sponsor Thevenow
  - Ordinance 9-2023: Repeal and Replace Chapter 98 Streets Sidewalks Ordinance
- J. Miscellaneous
- K. Public comments
- L. Mayor's comments
- M. Next Council meeting: Tuesday May 16, 2023 @ 5:30 pm
- N. Motion to adjourn



# MADISON *Indiana*

## Common Council Minutes

**MEETING DATE:** April 18, 2023

**MEETING PLACE:** Madison City Hall – Council Chambers

The Common Council of the City of Madison, Indiana met in regular session at 5:30 P.M. at City Hall, 101 W. Main St.

Mayor Courtney opened the meeting with the Lord's Prayer followed by the Pledge of Allegiance to the Flag.

**Present:** Thevenow, J. Bartlett, D. Dattilo, J. Schafer, Krebs, L. Dattilo and Chatham (7-0).

**Minutes:** Thevenow moved to approve April 4, 2023, minutes, seconded by L. Dattilo. All in favor, motion carried (7-0).

### **Presentation of petitions, memorials, remonstrances, introduction of motion & guests:**

**Swearing-In of Three New MPD Officers: Jordan Blakemore, Colton Fox, and Cody Short:** Madison Police Chief, John Wallace, was invited to introduce and swear in 3 new MPD Officers, Jordan Blakemore, Cody Short, and Colton Fox. Mayor Courtney had the new officers recite the oath and swore them in. The new officers will start their training at the Law Enforcement Academy on May 1, 2023.

### **Resolutions or bills:**

#### **Ordinance 8 – 2023 – Zoning Map Amendment 3910 Michigan Rd. (Thevenow)**

The City of Madison Plan Commission has made a recommendation to amend the zoning map of the City of Madison. The zoning of the described property in Ordinance 8 – 2023 will be changed from Light Manufacturing (M-1) to General Business (GB).

#### **Ordinance 9 – 2023 – Repeal and Replace Chapter 98 Streets Sidewalks Ordinance**

There has been a request made to repeal and replace a portion of the City of Madison code, chapter 98 Streets and Sidewalks. The council recommends that certain portions of chapter 98, specifically sections 98.01, 98.02, 98.03, 98.04, 98.05, 98.06, 98.20, 98.21, 98.22, 98.23, and 98.24, be repealed and replaced as described in Ordinance 9 – 2023.

### **Reports, recommendations, and other business from standing/select committees of City Council:**

**Board Appointment Recommendation: Mike Estes to Port Authority:** Mayor Courtney recommended Mike Estes be appointed to Port Authority.

Schafer moved to approve the appointment of Mike Estes to the Port Authority, seconded by Thevenow. All in favor, motion carried (7-0).

Councilwoman Carla Krebs recommended the appointment of Jim Bartlett to VMI to be the council representative, seconded by Thevenow. The Motion carried (6-1) with Chatham voting no.

### **Report of city officials:**

**Director of Building, Planning, and Preservation, Nicole Schell:** Nicole walked the council and the public through the new portal, OpenGov. OpenGov will be used by the public and the city staff to track and apply for permits, record issues, apply for open positions within the city, etc.

**Director of Communications, Hannah Fagen:** Hannah created a projects page on the city website that gives the public transparency in the projects and things going on around the city. She continued to give the council a tour of the website and any updates recently made to the city website.

**Bills on third reading:**

**Ordinance 2023-5: Establishing Nonreverting Fund for READI Grants (Krebs): Roll Call Vote:** Thevenow – Y, Krebs – Y, L. Dattilo – Y, Schafer – Y, Chatham – Y, Bartlett – Y, D. Dattilo – Y. All in favor, ordinance passes (7-0).

**Bills on second reading:**

**Ordinance 2023-5: Establishing Nonreverting Fund for READI Grants (Krebs):** Bartlett moved to waive the rules and move to third reading, seconded by Schafer. **Roll Call Vote:** Thevenow – Y, Krebs – Y, L. Dattilo – Y, Schafer – Y, Chatham – Y, Bartlett – Y, D. Dattilo – Y.

**Ordinance 2023-6: Establishing Nonreverting Fund for Public Arts Commission (Bartlett):** Moves on to third reading.

**Ordinance 2023-7: Amendment to Ordinance 2022-7 Establishing Economic Development Nonreverting Fund (L. Dattilo):** Moves on to third reading.

**Public comment:** Annalisa Strickland, 129 Mulberry St, wanted to express gratitude to the police department for responding to the issues that were taking place between First and Second St due to people speeding. Mary Goodin, 114 E First St, was inquiring about what was being fixed regarding the milling and paving project on the roads in June. She explained that her side of the road in front of her property slumps down and causes difficulty in getting out of the gutter. Lisa Ferguson, 718 E Second St, mentioned that the old Ruler parking lot off of Mulberry has turned into a “party” parking lot. Suggested putting up signage in the parking lot to steer away late-night “parties” in the parking lot.

**Mayor’s comments:** Mayor Courtney thanked Chief Wallace for the announcements on the upcoming traffic enforcement relative to speeding in the school zones. There will be increased traffic enforcement for the week of April 17, 2023, to April 30, 2023. Today, April 18, 2023, is National Line Worker Appreciation Day.

The next regular meeting will be TBD\*. Primary Election Day is on Tuesday, May 2, 2023.

**Adjourn:** Thevenow moved to adjourn, seconded by Krebs. All in favor (7-0).

Attested:

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**President Pro Tempore**

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**Kathleen M. Rampy, Clerk-Treasurer**



## National Travel and Tourism Week 2023

### City of Madison Proclamation

**WHEREAS** travel is an economic powerhouse for every state and destination across the country, with an economic output of \$2.6 trillion in 2022, supporting 14.5 million American jobs.

**WHEREAS** tourism is the fifth largest nongovernmental industry in Jefferson County that continues to be an essential part of Madison's economy, development, and workforce.

**WHEREAS** travel spending supports Madison and Jefferson County to be vibrant and safe by generating over \$5.5 million in state and local taxes to support vital services, such as education, emergency response, public safety and more.

**WHEREAS** travel enables success for all industries—including small businesses, retail and restaurants, manufacturing, agriculture, healthcare and more—by driving sales growth, innovation, education, and operations that move our economy, our nation and community forward.

**WHEREAS** 48 cents of every tourism dollar spent in Jefferson County stays local.

**WHEREAS** tourism supports more than 580 jobs with over \$14.1 million in total wages in Jefferson County.

**WHEREAS** tourism brings over 400,000 people per year to enjoy Madison's architecture, natural beauty, exciting festivals, unique shopping and dining, and unmatched hospitality.

**WHEREAS** travel provides personal enjoyment and refreshment, education, & cultural understanding among so many other benefits.

**Therefore**, I, Carla Krebs, President Pro tempore of the City of Madison, Indiana do hereby proclaim May 7-13, 2023, as National Travel and Tourism Week in Madison, Indiana, and urge the citizens to join me in recognizing the critical role this industry plays in Madison and Jefferson County and a special observance in the events organized by our tourism leader, Visit Madison, Inc.

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Carla Krebs, President Pro tempore  
City of Madison, Common Council

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA  
ESTABLISHING THE PUBLIC ARTS COMMISSION NON-REVERTING FUND**

WHEREAS, the City of Madison will incur certain expenses related to the Public Arts Commission and its promotion of public art; and

WHEREAS, the City of Madison wishes to establish a fund in order to deposit grant funds and other funds and pay expenses on marketing, grant matches, public art installations, beautification of public areas, travel, and special projects for the promotion and recruitment of public arts.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Madison, Indiana as follows:

- (A) An account is established for the purpose of depositing monies from donations, grants, appropriations from City accounts or from any lawful source for paying the required obligations for the City of Madison Public Arts Commission.
- (B) The account shall be named the Public Arts Commission non-reverting fund and all funds contained in the account shall be expended only for the exclusive purpose of paying expenses related to marketing, grant matches, public art installations, beautification of public areas, travel, and special projects for the promotion and recruitment of public arts.
- (C) The express and written approval of the Madison Public Arts Commission shall be obtained prior to the expenditure of funds from the account.
- (D) The account shall be non-reverting and exist perpetually unless terminated by a subsequent ordinance enacted by the Common Council.
- (E) If the account is terminated by a subsequent ordinance enacted by the Common Council, the remaining balance of the terminated account shall revert to the general budget of the Common Council.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2023.

PRESENTED BY:

(SEAL)  
ATTEST

\_\_\_\_\_  
Council President Pro tempore

\_\_\_\_\_  
Katie Rampy, Clerk-Treasurer

\_\_\_\_\_  
Sponsoring Council

\_\_\_\_\_  
Bob G. Courtney, Mayor

**AN AMENDMENT TO ORDINANCE 2022—7 OF THE COMMON COUNCIL OF THE  
CITY OF MADISON, INDIANA THE ECONOMIC DEVELOPMENT NON-  
REVERTING FUND**

WHEREAS, the City of Madison will incur certain expenses related to Economic Development; and

WHEREAS, the City of Madison wishes to amend the fund in order to deposit grant funds and other funds and pay expenses on marketing, marketing strategies, research, grant matches, travel and special projects for retention and attraction of business to the community.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Madison, Indiana as follows:

- (A) An account is established for the purpose of depositing monies from Riverfront District License Fees, donations, grants, appropriations from City accounts or from any lawful source for paying the required obligations for the City of Madison Economic Development.
- (B) The account shall be named the Economic Development non-reverting fund and all funds contained in the account shall be expended only for the exclusive purpose of paying expenses related to marketing, marketing strategies, research, grant matches, travel, and projects associated with retention and attraction of business ventures.
- ~~(C) The express and written approval of the Madison Redevelopment Commission shall be obtained prior to the expenditure of funds from the account.~~
- (D) The account shall be non-reverting and exist perpetually unless terminated by a subsequent ordinance enacted by the Common Council.
- (E) If the account is terminated by a subsequent ordinance enacted by the Common Council, the remaining balance of the terminated account shall revert to the general budget of the Common Council.
- (F) Any funds needed for projects, acquisition, administration, or enforcement under this chapter shall be subject to the standard processes and policies that govern the City of Madison's budgeting and expenditures.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2023.

AN AMENDMENT TO ORDINANCE 2022-7 OF THE COMMON COUNCIL OF THE CITY OF MADISON,  
INDIANA THE ECONOMIC DEVELOPMENT NON-REVERTING FUND

WHEREAS, the City of Madison will incur certain expenses related to Economic Development; and

WHEREAS, the City of Madison wishes to amend the fund to deposit grant funds and other funds and pay expenses on marketing, marketing strategies, research, grant matches, travel and special projects for retention and attraction of business to the community.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Madison, Indiana as follows:

- (A) An account is established for the purpose of depositing monies from Riverfront District License Fees, donations, grants, appropriations from City accounts or from any lawful source for paying the required obligations for the City of Madison Economic Development.
- (B) The account shall be named the Economic Development non-reverting fund and all funds contained in the account shall be expended only for the exclusive purpose of paying expenses related to marketing, marketing strategies, research, grant matches, travel, and projects associated with retention and attraction of business ventures.
- (C) The account shall be non-reverting and exist perpetually unless terminated by a subsequent ordinance enacted by the Common Council.
- (D) If the account is terminated by a subsequent ordinance enacted by the Common Council, the remaining balance of the terminated account shall revert to the general budget of the Common Council.
- (E) Any funds needed for projects, acquisition, administration, or enforcement under this chapter shall be subject to the standard processes and policies that govern the City of Madison's budgeting and expenditures.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_ day of \_\_\_\_\_ 2023.

PRESENTED BY:

\_\_\_\_\_  
Council President Pro tempore

(SEAL)  
ATTEST:

\_\_\_\_\_  
Sponsoring Council

\_\_\_\_\_  
Katie Rampy, Clerk-Treasurer

\_\_\_\_\_  
Bob G. Courtney, Mayor

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF MADISON, INDIANA AMENDING THE  
ZONING MAP OF THE CITY OF MADISON, INDIANA**

WHEREAS, there has been a recommendation made by the City of Madison Plan Commission to the Common Council of the City of Madison, Indiana to amend the zoning map of the City of Madison, Indiana.

WHEREAS, the Madison Plan Commission has voted to recommend to the Common Council of the City of Madison, Indiana that the zoning of the following described property be changed from Light Manufacturing (M-1) to General Business (GB):

Address:

3910 Michigan Rd

Parcel No.

39-08-14-000-007.002-006

WHEREAS, it is in the best interest of the City of Madison, Indiana and its citizens that the zoning map be amended; accordingly, and

WHEREAS, the Common Council of the City of Madison, Indiana concurs with the recommendations submitted to it by the Plan Commission.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA, that:

Section 1. The City of Madison zoning map be amended so that the zoning for the following described property be changed from Light Manufacturing (M-1) to General Business (GB):

Address:

3910 Michigan Rd

Parcel No.

39-08-14-000-007.002-006

Section 2. That this ordinance shall be in full force and effect from and after this date.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PRESENTED BY:

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Kathleen Rampy, Clerk-Treasurer





# MADISON

Indiana  
Planning, Preservation and Design

PC<sup>R</sup> 23-1

101 W Main St  
Madison, IN 47250  
(812) 265-8324

## Application to Amend the Official Zoning Map (Rezoning)

Application Fee	\$ 60.00
Ad Fee (for Legal Notice)	\$ 15.00
<b>Total Due</b>	<b>\$ 75.00</b>

Purpose: Per the City of Madison Zoning Ordinance, whenever the public necessity, convenience, general welfare, or good zoning practices require, the City Council may by ordinance after receipt of recommendations thereon from the Plan Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

This application must be filed at least 15 days prior to scheduled meeting to be eligible for consideration at that meeting. Actual deadlines vary due to holidays, office business hours and operating schedule, media publishing deadlines, etc. Deadlines are published publicly and can also be provided by contacting the Planning Office.

### APPLICANT INFORMATION

Name: ATA Boy, LLC  
Street: 6681 W. 900 S.  
City: Milroy State: IN Zip: 46156  
Phone (Preferred): 765-561-1851  
Phone (Alternate): 317-416-3806  
Email: Justrite1626@yahoo.com

### OWNER INFORMATION (IF DIFFERENT\*)

Name: Crystal Pavey  
Street: 6681 W. 900 S. ~~Milroy~~  
City: ~~IN~~ Milroy State: IN Zip: 46156  
Phone (Preferred): 765-561-1851  
Phone (Alternate): 317-416-3806  
Email: Justrite1626@yahoo.com

\* If Applicant is not Owner, MUST submit documentation from owner authorizing applicant on their behalf.

### PROPERTY FOR WHICH REZONING IS PROPOSED

Address and/or Legal Description of Property: 3910 N. Michigan Rd  
Madison, IN

Parcel I.D. (can be obtained from the office): ID 39-08-14-000-007.002-006

Present Zoning Classification: Light Manufacturing (M-1)

Description of Proposed Use: Convenience store/gasoline and restaurant

Approximate Cost of Work to be Done: \$3 million

Proposed Zoning Classification: General Business (GB)

Description of the rezoning request: Requesting to change from M1 zoning to  
GB zoning to allow for developing a convenience store/  
gasoline station/restaurant.

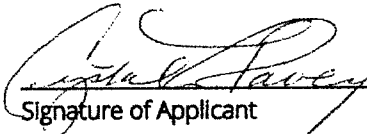
Submit property site plan detailing all requested setbacks. The site plan should also indicate structures, parking areas, adjoining streets and neighboring land uses.

Include any other documents/information which you feel will aid the Board in making its determination.

*Certified letters MUST be mailed to adjoining property owners (includes owners of real estate at corners, across streets, alleys or easements as well as others who may share a common boundary) at least ten (10) days prior to the meeting. The Planning Office can assist you in obtaining this information. Proof of the Certified Mail receipts and the corresponding returned green cards shall be given to the Planning Office at least one (1) working day prior to the scheduled meeting. The Board will not review the application unless these are received.*

I certify that the information provided in this application is true and accurate to the best of my ability and I understand and agree to the Certified mail stipulations.

3/7/2023  
Date

  
Signature of Applicant

**COMPLETED BY PLANNING OFFICE**

Application Accepted on: 3/13/2023  
Application Accepted by: JOE PATTERSON JAP

**Meeting Information: Plan Commission**

101 W Main St, Madison, IN 47250 – Council Chambers  
Meeting Date: 4/10/2023 Time: 5:30PM

**Documentation Review** (Completed by Planning Office)

- N/A Owner Authorization provided (if req'd)  
JAP Site plan is adequate  
JAP Application is complete  
\_\_\_\_ GIS Information to applicant and attached  
\_\_\_\_ Certified Mail Receipts received (attach)  
\_\_\_\_ Certified Mail Green Cards received (attach)

**Staff Notes**


City of Madison Board of Zoning Appeals  
February 13, 2023

M. Acosta made motion to accept the application as requested – seconded by R. Farris – Roll Call Vote – All ayes – Final vote is four (4) in favor and none against – Motion carries.

*Application BZVD-23-1 approved in accordance with motion and vote.*

6. **BZCU-23-8:** Crystal Pavey – Conditional Use Permit for a proposed gas station with convenience store and restaurant with drive thru.

Location: **3910 N Michigan Rd**

Zoned: Light Manufacturing (M-1)

Tim Ross – Representing Crystal and Steve Pavey who desire to build a gas station, convenience store, and restaurant on their property which consists of an area of wetlands which would be conserved. It could handle a couple of trucks at a time, but wouldn't really allow for any overnight or long-term parking. When researching the area, this appeared to be an ideal site to locate through-traffic as well as local traffic at the nearby manufacturing plants.

The Board and applicants reviewed the plans and discussed overall layout and design as well as the operation of this location in addition to other locations they owned and operated. There is a limited area to build due to preserving the wetlands and other natural habitats of certain species located on site. This also essentially restricts trucks from any sort of long-term parking due to the clearances required to access the pumps, placement of the storage tanks, and to navigate the fuel center and convenience store access. While the pumps would have 24-hour access, the convenience store and restaurant within this specific location would likely have hours of operation open no later than 9pm.

Devin Vest – 3786 N Michigan Rd – Own the home immediately adjacent to the planned gas station and they have concerns regarding the traffic, noise, and lighting that would be associated with this business as they have several small children in the home as well. There is already a considerable amount of noise from the nearby manufacturing plants and they have also had safety concerns with other activities that may increase with increased traffic in the area.

There was additional discussion between the applicants, Board, and Vests regarding plans and layout of the proposed use with discussion that some of the existing safety concerns might actually be abated with developing the property thereby discouraging such activities from continuing. A privacy fence and landscaping would aid in screening the business from the Vests' home.

No further questions or comments from the Board or public.

S. Baldwin noted this would be Category 553.

#### Findings of Fact

1. Is in fact a Conditional Use as established under the provisions of Article V of the City of Madison Zoning Ordinance and appears on the Official Schedule of District Regulations adopted by Section 7.00 for the zoning district involved.

M. Acosta	Yes, as stated in the Ordinance.
R. Farris	Yes, I do. I think it is well defined.
N. Burkhardt	Yes, it's allowed with a Conditional Use.
S. Baldwin	There's no doubt about that that that's the one.

City of Madison Board of Zoning Appeals  
February 13, 2023

2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the City's Comprehensive Plan and/or the Zoning Ordinance.

M. Acosta Yeah, it's adding more services, more conveniences to the area and contributing to the Comprehensive Plan.

R. Farris Yeah, I think it fits perfectly with the Comprehensive Plan and the Zoning Ordinance. It's new business development.

N. Burkhardt I agree it's harmonious with the Comprehensive Plan.

S. Baldwin Part of that Comprehensive Plan is that number, 553 Category, in Section 7.00.

3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

M. Acosta Yeah, I think it will improve the area. I mean, using that vacant lot that currently gets dumped on, that type of stuff, that will be improved. I do believe I hear the concerns from the residents there, but I think I also hear that there may be more issues fixed than cost. I mean it because of some of the stuff that's going on now sounds fairly dangerous and there could be a slight impact on traffic, but I do think there's some positive to come of it as a net result.

R. Farris Yeah, I think so as well. If they're partnering with BP, BP is going to have standards that they have to meet for new construction. The maintenance part of it, I witnessed earlier that I stopped at two of their locations. They're always well maintained, always clean. I have no concerns there so I think it will actually improve some of the things like Mr. Acosta pointed out in the area.

N. Burkhardt I agree with those two prior comments and I don't think it's going to change the character of the area since it is light manufacturing.

S. Baldwin Changing the character of the general vicinity? Well, there's a plant, large plant, right across the street. Sadly, these people are stuck with their house which dates back long before there was anything there but farms so the general vicinity is industrial with a road going down to other plants. I think that one is met.

4. Will not be hazardous or disturbing to existing or future neighboring uses.

M. Acosta I think, in line with the previous comments on the previous question again, I think the net impact should be a positive impact to that area.

R. Farris Yeah, I agree as well. I think, as Mr. Acosta pointed out earlier, I think it will fix more things than cause harm.

N. Burkhardt I agree with those comments. I hope the dialogue continues with the people that own the property and the adjacent homeowners with her concerns. Certainly valid. Hope they will continue to work together and maybe come to a common denominator of what you feel is safety though I don't know if you've ever have a safe feeling which I think is the way we live today, but I hope you can get together and figure out something that would make you feel a little bit better.

S. Baldwin Hazardous or disturbing? Well, it's certainly not going to disturb the plant and doesn't sound like it's going to disturb the traffic and I do agree with the installation of fencing and maintain the place like that. When lit up like that, it is going to certainly stop the dumping and probably stop as much of the drug dealing that could be stopped. So, on that, I kind of agree that one's met.

5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

M. Acosta I see no issue there. There are two large manufacturing plants in the immediate area obviously.  
R. Farris Yeah, I agree as well. In fact, I think it's going to be providing additional services to that area.  
N. Burkhardt I agree. I see adequate public facilities and services there.  
S. Baldwin There are adequate utilities and so forth in that area.

6. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community.

M. Acosta You should have a positive economic impact on the community.  
R. Farris Yeah, I don't see any way it's going to create excessive requirements at the public expense and I think it will be a positive addition to the economic welfare of our community.  
N. Burkhardt I agree. I see no detriment to the economic welfare.  
S. Baldwin I think it probably won't hurt. I see no detriment to the welfare and no need for public facilities and whatnot.

7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.

M. Acosta No, based on the explanation of set-up and how they envision the operation, I don't see it having a negative impact.  
R. Farris Yeah, I agree with all those comments as well and one thing that I want to point out is the diesel engines that we run today are so heavily burdened with emission control systems that you know the fumes are not going to be what they were if this would have been built back in the 70s. I do appreciate the neighbors comments about those things because I would be concerned about that too, but I just want to point out that the emission control systems on these diesels in these big trucks anymore, it is pretty efficient in reducing the fumes.  
N. Burkhardt I agree with the prior comments.  
S. Baldwin I just see no detriment. Excessive production of traffic? That's already heavily trafficked because of the industrial nature of that area, so I see no more traffic than what that street will be able to handle normally.

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

M. Acosta I think the plans as presented don't show anything that's going to create an interference with the traffic.  
R. Farris Yeah, I agree as well, and you know I just go back to the other aspects of this business. You know they have a vested interest in making sure that an 80-foot semi can get in unencumbered and do it safely.  
N. Burkhardt Right, I don't think there will be a problem with that one.  
S. Baldwin It has to be designed so that trucks can get in, so I think they will take that in account.

9. Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.

M. Acosta I think, again, as the builders have explained, that preservation of as much of the wetlands as possible and all that. I don't see any negative impact in those areas.

- No further business brought before the board.

**AN ORDINANCE OF THE COMMON COUNCIL OF THE  
CITY OF MADISON, INDIANA REPEALING AND REPLACING  
CITY OF MADISON CODE CHAPTER 98 STREETS AND SIDEWALKS SPECIFICALLY SECTIONS  
98.01, 98.02, 98.03, 98.04, 98.05, 98.06, 98.20, 98.21, 98.22, 98.23, 98.24**

WHEREAS, there has been a request made upon the Common Council of the City of Madison, Indiana to repealing and replacing portion of City of Madison Code Chapter 98: Streets and Sidewalks;

WHEREAS, the Common Council of the City of Madison, Indiana recommends that certain portions of Chapter 98 Streets and Sidewalks, specifically sections 98.01, 98.02, 98.03, 98.04, 98.05, 98.06, 98.20, 98.21, 98.22, 98.23, 98.24 be repealed and replaced as follows:

See Attached Exhibit A.

WHEREAS, it is in the best interest of the City of Madison, Indiana, and its citizens that the sections of the ordinance regarding streets and sidewalks be repealed and replaced accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MADISON, INDIANA, that Chapter 98 Streets and Sidewalks, specifically sections 98.01, 98.02, 98.03, 98.04, 98.05, 98.06, 98.20, 98.21, 98.22, 98.23, 98.24 be repealed and replaced to reflect attached Exhibit A.

The foregoing Ordinance was passed and adopted by the Common Council, City of Madison, Indiana at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

PRESENTED BY:

\_\_\_\_\_  
Councilman

\_\_\_\_\_  
Bob G. Courtney, Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Kathleen Rampy, Clerk-Treasurer

# EXHIBIT A

## CHAPTER 98: STREETS AND SIDEWALKS

### Section

#### General Provisions

- 98.01 Obstructions
- 98.02 Openings in sidewalks
- 98.03 Removal of snow and ice
- 98.04 Heavy trucks, loads
- 98.05 Debris in streets
- 98.06 Driveways

#### Right Of Way Excavations

- 98.20 Permit required; fee
- 98.21 Plumbing installations
- 98.22 (Reserved)

#### ~~98.23 Public utilities~~

#### ~~98.24 Gravel pits~~

## GENERAL PROVISIONS

### § 98.01 OBSTRUCTIONS.

(A) No person or persons, firm, or corporation, shall make or cause to be made any obstruction upon or about any sidewalk, street, alley, park, or other public place of the city, or interrupt the free use or passage of the same, or suffer to remain upon any sidewalk immediately adjacent to the premises occupied by such person or persons, firm, or corporation, any obstruction for a period longer than three hours. No person or persons, firm, or corporation, shall provide or cause to be provided any seating area or accommodation upon or about any sidewalk except by means of a bench, unless such person or persons, firm, or corporation shall be serving food or beverages pursuant to a permit issued by the Jefferson County Health Department, in which such case seating providing the use of a table may be permitted. If the use of outdoor seating is permitted, the person or persons, firm, or corporation must clear a pathway of at least 36 inches on the sidewalk. However, a portion of the sidewalk not to exceed one-third the width, may be used by the occupant of the premises immediately adjacent thereto, for the stacking or grounding of boxes, wood, barrels, coal or other fuel, lumber, brick, stone, or other



materials or articles, for a necessary and reasonable time, after which same shall be removed from the sidewalk by such occupant. Further, all necessary materials used in the repair or construction, or made by the removal or tearing away of any building, may be placed upon the sidewalk and not to exceed one-third of the street immediately adjacent to such premises, when a permit has been issued granting the right to make such repair, construction, removal, or the like of the building contemplated on such premises but only for the time specified in the permit and no longer. If scaffolding is required for repair or construction, the person or persons, firm, or corporation shall make a request to the City Building Inspector and he or she shall approve, deny, or suggest modifications to said request. Anyone who disagrees with the City Building Inspector's decision shall appeal to the Board of Public Works and Safety in writing.

(B) Whenever the excavation, construction, or repair of any building, lot, street, sidewalk, or public way interferes with normal pedestrian or vehicular traffic thereon, an alternative route shall be provided by the business, company, or persons causing such interference in accordance to rules established by the Building Inspector.

('66 Code, § 130.03) (Ord., passed 5-4-05; Am. Ord. 1998-11, passed 9-8-98; Am. Ord. 2014-14, passed 9-2-14) Penalty, see § 10.99

#### § 98.02 OPENINGS IN SIDEWALKS.

No person or persons, firm, or corporation, shall keep, cause to be kept, or suffer any opening in any sidewalk, alley, street, or other walk used by the public, to be or remain open so as to endanger the safety of passers-by, except when such opening is being repaired, cleaned out, or used in the storing of articles, and then only when someone in charge is present.

('66 Code, § 130.09) (Ord., passed 5-9-05) Penalty, see § 10.99

#### § 98.03 REMOVAL OF SNOW AND ICE.

(A) It is the duty of every owner, lessee, or occupant of any premises abutting or bordering upon any street in the city, to remove, or cause to be removed, all snow and ice from the sidewalk in front of such premises to the full paved width of the sidewalk within eight hours after such snow or ice shall have fallen or accumulated thereon.

~~(B) If such snow and ice are not removed within the specified time, the Board of Public Works and Safety may remove or clean such snow or ice or cause the same to be removed or cleaned. The cost of such removal or cleaning shall be a lien on such property, which shall be placed on the tax duplicate and shall be collected in the same manner as taxes are collected and turned in to the City Treasury.~~

('66 Code, § 130.12) Penalty, see § 10.99

#### § 98.04 HEAVY TRUCKS, LOADS.

(A) No person or persons, firm, or corporation, shall haul or drag, or cause to be hauled or dragged, upon any street or alley of the city any stone, timber, or other heavy substance, in such a way or manner as to break or otherwise injure the surface of such street or alley; or drive or tow any vehicle in such a way or manner as to break or otherwise injure the surface of such street or alley; or otherwise injure or cause to be injured in any manner, any street, alley, park, sewer, drain, or bridge, belonging to the city.

(B) Further, no person shall take or cause to be taken from any street, alley, sidewalk, gutter, cemetery, park, or other public place of the city, any sand, clay, gravel, stone, brick, or other earth or material, without express permission from the authorities having charge of same; or sprinkle, throw, or deposit such sand, clay, gravel, stone, brick, or other earth or material, in, upon, or over any street, alley, sidewalk, gutter, park, sewer, or drain, of the city, without express permission from the authorities having charge of same.

('66 Code, § 131.04) (Ord., passed 5-9-05) Penalty, see § 10.99

#### § 98.05 DEBRIS IN STREETS.

(A) No person, persons, firm, or corporation, shall place glass of any kind, nails, tacks, domestic ashes, or any other refuse matter destructive of or injurious to automobile tires, horses, or other animals, in the streets and alleys of the city, except in the proper containers provided. For the purpose of this section, the term "DOMESTIC ASHES" shall mean the ashes made or created in the stoves and furnaces in the homes of city residents.

(B) No person or persons shall leave the scene of any automobile accident in the streets and alleys of the city without having first removed as far as possible the fragments of any broken glass or other refuse made incident thereto of destructive nature to automobile tires or injurious to horses or other animals.

('66 Code, § 131.05) (Ord., passed 6-10-27) Penalty, see § 10.99

#### § 98.06 DRIVEWAYS.

No person, firm, public utility or corporation or the agents thereof, shall locate any driveway adjacent to the streets or alleys in the right-of-ways of the city, without first making application for and obtaining a permit to do so from the Building Inspector Office of Planning, Preservation and Design of the city, and by making a minimum deposit as hereinafter provided in cash or approved surety bond with the Clerk-Treasurer of the city for the satisfactory performance of the work in the street or alley in accordance with the specifications outlined in this section.

(A) Application.

(1) Within the city limits, no one shall place a driveway adjacent to a city right-of-way without first obtaining a permit from the Office of Planning, Preservation and Design Building Inspector.

(2) The form of such permit shall be determined by the Office of Planning, Preservation and Design Building Inspector. Forms shall be available at the Office of Planning, Preservation and Design or online, Building Inspector's Office, the Street Department and the Clerk-Treasurer's Office.

(3) Applicants for a permit for any driveway adjacent to a right-of-way shall submit a sketch or drawing or otherwise clearly communicate the location and design, and the traffic control plan.

(4) Permits issued shall be valid for a period of no more than 90 days until work commences, and all work shall be performed within an additional 90 day 90-day period. Permit must be posted and visible at the job site.

(B) Driveway conditions.

(1) In the city, no one shall:

(a) Make any alteration within a public right of way, block a city street gutter or Alter a street curb by cutting the curb or otherwise demolishing the curb;

~~— (b) Alter or block the city street gutter;~~

~~— (c) Alter a sidewalk; or~~

(db) Construct a new driveway for the purpose of driving on and off a city street, without first obtaining the approval and written permission of the Office of Planning, Preservation and Design Building Inspector of the city for such driveway. A permit fee of \$25 shall be imposed for each driveway permit (residential or commercial) issued. Inspections shall be done by an employee of the City of MadisonMadison, or third party as directed by the Mayor.

(2) The following specifications apply to all that portion of the driveway which falls within the right-of-way of the city street:

(a) All efforts shall be made to locate all driveways off of local streets, rather than arterial or collector streets. No driveway shall be placed within 50 feet of an intersecting public street. No driveway shall be placed closer than ten feet to another driveway as measured at the right-of-way line. All driveways shall be perpendicular to the street they are connecting to from the connection point to the right-of-way line.

(b) All new residential driveways shall meet the street with a minimum radius of ten feet. The minimum radius for driveways intended for commercial traffic or high volumes of vehicle traffic shall be 25 feet. That portion of the driveway which falls within the right-of-way of the city street shall have a minimum width of ten feet as measured at the right-of-way for residential driveways, or a minimum width of 20 feet as measured at the right-of-way for commercial or high traffic driveways.

(c) If the new driveway is to cross a drainage or roadside ditch, or for any other reason it is deemed necessary that a culvert is required to be placed in the public right-of-way, such culvert shall be no less than 12 inches in diameter and 20 feet in length. Larger diameter and length culverts may be required by the **Building** Inspector, if drainage conditions so warrant. In order to prevent impeding normal drainage, culverts for new driveways are never in any case to be smaller than the closest upstream culvert.

(d) In the construction of the new driveway, the portion which falls inside the city street right-of-way is to be composed of hard surface material of the same character as the material of the connecting street or better surface.

(e) Traffic control and safety is the responsibility of the contractor. If additional traffic control is deemed necessary by the **Building** Inspector, the contractor may be required to utilize Indiana Department of Transportation Maintenance of Traffic requirements.

(f) City sidewalks are not to be used as driveways, nor are they to be driven upon. Existing city sidewalks are not to be used as portions of the new driveway. In the construction of the new driveway, the existing city sidewalk is not to be covered over or crossed by the new driveway material: but must be removed and the new driveway surface material must be placed flush with the remaining sidewalk surface, or, if not placed flush with the sidewalk surface, then sloping ramps must be placed in the sidewalk on each side of the drive so that there is a smooth continuation from sidewalk to driveway to sidewalk which is accessible to the handicapped.

(g) This section shall apply to any widening or reconstruction of any existing drive. This section shall not apply to the surfacing or resurfacing of existing driveways.

(C) Warranty. The applicant shall be entitled to a return of their cash bond or the release of their surety bond once the **Building** Inspector has determined that the work done as contemplated by the permit has been satisfactorily completed and the applicant has complied with all the terms and conditions of this section. If no such determination is made within 90 days of the date the bond is submitted to the city, any cash bond shall be forfeited and paid into the **Street and Alley Local Road and Street** Fund of the city and/or the city shall take appropriate action to collect any surety bond whose proceeds shall be paid into the same fund.

(D) Enforcement. Anyone found in violation of these conditions or found performing work in the right-of-way without a valid permit, shall be subject to a fine of not to exceed \$2,500, along with being responsible for the cost of any and all repairs and the liability thereof, court costs and attorney's fees. Each day the applicant does not obtain the necessary permit may also be treated as a separate violation. Each and every occurrence may be treated as a separate violation.

(Ord. 2002-7, passed 6-18-02; Am. Ord. 2002-11, passed 10-8-02)

#### **RIGHT OF WAY EXCAVATIONS**



§ 98.20 PERMIT REQUIRED; FEE.

(A) No person, firm, or corporation shall excavate in a street, ~~or alley, sidewalk,~~ or any public right of way of the city for any purpose whatsoever without first obtaining a permit from the ~~Clerk-Treasurer's office~~ Office of Planning, Preservation and Design. Permit must be posted and visible at the job site. ('66 Code, § 92.01)

(B) The ~~Clerk-Treasurer~~ Office of Planning, Preservation and Design shall, upon request of any person, firm, or corporation, issue a permit upon the payment of a permit fee of \$~~25.05~~0 and a proper showing that the applicant is bonded by a reputable surety company ~~or personal surety signed by two resident freeholders of the county,~~ in the penal sum of no less than \$~~104~~,000. The bond shall be conditioned to the effect that the person, ~~firm,~~ firm, or corporation shall ~~promptly~~ replace the surface of the street, ~~or alley, sidewalk, or other surface in the public right of way in the timeframe specified within the provisions.~~ in as good condition as it was before. Such repair will be inspected and approved to insure full compliance with the provisions of the City of Madison. The prescribed procedure and standards to fill such excavation shall be established by the Board of Public Works and Safety. Inspections shall be done by an employee of the City of Madison or third party as directed by the Mayor. ; Repairs, Repairs, including backfill and right of way surface, to be warranted for up to one year by the contractor. ~~That~~ the person, firm, or corporation will promptly pay and discharge, on demand, all damages which may be incurred to any city water main or other city property by reason of such excavation; that the person, firm, or corporation shall offer satisfactory evidence of having public liability and property damage insurance in the total sum of \$10,000, which insurance shall pay all damages or claims of damage accruing to persons or property caused by the negligence of the person, firm, or corporation in making, maintaining, or refilling the excavation; and that the applicant further makes satisfactory showing of having all employees employed by the person, firm, or corporation protected under the provisions of the State Workers Compensation Law.

~~(C) The prescribed procedure to fill such excavation shall be established by the Board of Public Works and Safety, and an inspection shall be made by the Superintendent of Utilities to assure that such excavation is done in a satisfactory manner.~~

(C) Enforcement. Anyone found in violation of these conditions or found performing work in the right-of-way without a valid permit, shall be subject to a fine of not to exceed \$2,500, along with being responsible for the cost of any and all repairs and the liability thereof, court costs and attorney's fees. Each day the applicant does not obtain the necessary permit may also be treated as a separate violation. Each and every Each occurrence may be treated as a separate violation.

('66 Code, § 92.02) (Ord., passed 3-6-53) Penalty, see § 10.99

## § 98.21 PLUMBING INSTALLATIONS.

Any person, firm, or corporation making any installation of plumbing shall report, within ten days from the installation, all outlets for the domestic or commercial use of water on the premises involved.

('66 Code, § 92.03) (Ord., passed 3-6-53) Penalty, see § 10.99

## § 98.22 (RESERVED).

## ~~§ 98.23 PUBLIC UTILITIES.~~

~~—(A) Any public utility or private contractor excavating or digging in any street or alley of the city shall first obtain a permit from the Building Inspector to make the excavation, which permit shall describe the place or places of the work. ('66 Code, § 92.10)~~

~~—(B) As a condition for the issuance of the permit, the Building Inspector shall require a cash deposit or surety company bond in the amount equal to paying the cost of resurfacing the street or alley, the cost to be computed on a basis of \$3 per yard of all streets or alley surfaces to be excavated. The cash deposit or bond shall be conditioned on the replacement of the city street or alley within 30 days from the date of beginning the work. ('66 Code, § 92.11)~~

~~—(C) As an alternative procedure, any public utility may maintain a surety bond in the penal sum of \$1,000 payable to the city in the Clerk-Treasurer's office to cover all excavations made in the streets or alleys during the usual course of business. No projects of a major nature requiring excavations in streets or alleys shall be undertaken without first arranging for the repair and replacement of all streets and alleys excavated by bond or contract. ('66 Code, § 92.12)~~

~~(Ord., passed 10-3-52; Am. Ord. 2014-14, passed 9-2-14) Penalty, see § 10.99~~

## ~~§ 98.24 GRAVEL PITS.~~

~~—The digging or removal of gravel in any manner and from any place or gravel bank within the city limits, or the making of a dangerous excavation of any kind or character within the city limits, shall be undertaken only after a permit has been granted by the Common Council. However, at any time the Common Council shall deem the making of any excavation or the digging or removal of gravel a menace to public or private property, or the health of the community, such permit to make such excavation or dig and remove gravel may be revoked.~~

~~('66 Code, § 99.15) (Ord., passed 12-20-24) Penalty, see § 10.99~~

# EXHIBIT A

## CHAPTER 98: STREETS AND SIDEWALKS

### Section

#### General Provisions

- 98.01 Obstructions
- 98.02 Openings in sidewalks
- 98.03 Removal of snow and ice
- 98.04 Heavy trucks, loads
- 98.05 Debris in streets
- 98.06 Driveways

#### Right Of Way Excavations

- 98.20 Permit required; fee
- 98.21 Plumbing installations
- 98.22 (Reserved)

## GENERAL PROVISIONS

### § 98.01 OBSTRUCTIONS.

(A) No person or persons, firm, or corporation, shall make or cause to be made any obstruction upon or about any sidewalk, street, alley, park, or other public place of the city, or interrupt the free use or passage of the same, or suffer to remain upon any sidewalk immediately adjacent to the premises occupied by such person or persons, firm, or corporation, any obstruction for a period longer than three hours. No person or persons, firm, or corporation, shall provide or cause to be provided any seating area or accommodation upon or about any sidewalk except by means of a bench, unless such person or persons, firm, or corporation shall be serving food or beverages pursuant to a permit issued by the Jefferson County Health Department, in which such case seating providing the use of a table may be permitted. If the use of outdoor seating is permitted, the person or persons, firm, or corporation must clear a pathway of at least 36 inches on the sidewalk. However, a portion of the sidewalk not to exceed one-third the width, may be used by the occupant of the premises immediately adjacent thereto, for the stacking or grounding of boxes, wood, barrels, coal or other fuel, lumber, brick, stone, or other materials or articles, for a necessary and reasonable time, after which same shall be removed from the sidewalk by such occupant. Further, all necessary materials used in the repair or construction, or made by the removal or tearing away of any building, may be

placed upon the sidewalk and not to exceed one-third of the street immediately adjacent to such premises, when a permit has been issued granting the right to make such repair, construction, removal, or the like of the building contemplated on such premises but only for the time specified in the permit and no longer. If scaffolding is required for repair or construction, the person or persons, firm, or corporation shall make a request to the City Building Inspector and he or she shall approve, deny, or suggest modifications to said request. Anyone who disagrees with the City Building Inspector's decision shall appeal to the Board of Public Works and Safety in writing.

(B) Whenever the excavation, construction, or repair of any building, lot, street, sidewalk, or public way interferes with normal pedestrian or vehicular traffic thereon, an alternative route shall be provided by the business, company, or persons causing such interference in accordance to rules established by the Building Inspector.

('66 Code, § 130.03) (Ord., passed 5-4-05; Am. Ord. 1998-11, passed 9-8-98; Am. Ord. 2014-14, passed 9-2-14) Penalty, see § 10.99

#### § 98.02 OPENINGS IN SIDEWALKS.

No person or persons, firm, or corporation, shall keep, cause to be kept, or suffer any opening in any sidewalk, alley, street, or other walk used by the public, to be or remain open so as to endanger the safety of passers-by, except when such opening is being repaired, cleaned out, or used in the storing of articles, and then only when someone in charge is present.

('66 Code, § 130.09) (Ord., passed 5-9-05) Penalty, see § 10.99

#### § 98.03 REMOVAL OF SNOW AND ICE.

(A) It is the duty of every owner, lessee, or occupant of any premises abutting or bordering upon any street in the city, to remove, or cause to be removed, all snow and ice from the sidewalk in front of such premises to the full paved width of the sidewalk within eight hours after such snow or ice shall have fallen or accumulated thereon.

('66 Code, § 130.12) Penalty, see § 10.99

#### § 98.04 HEAVY TRUCKS, LOADS.

(A) No person or persons, firm, or corporation, shall haul or drag, or cause to be hauled or dragged, upon any street or alley of the city any stone, timber, or other heavy substance, in such a way or manner as to break or otherwise injure the surface of such street or alley; or drive or tow any vehicle in such a way or manner as to break or otherwise injure the surface of such street or alley; or otherwise injure or cause to be injured in any manner, any street, alley, park, sewer, drain, or bridge, belonging to the city.



(B) Further, no person shall take or cause to be taken from any street, alley, sidewalk, gutter, cemetery, park, or other public place of the city, any sand, clay, gravel, stone, brick, or other earth or material, without express permission from the authorities having charge of same; or sprinkle, throw, or deposit such sand, clay, gravel, stone, brick, or other earth or material, in, upon, or over any street, alley, sidewalk, gutter, park, sewer, or drain, of the city, without express permission from the authorities having charge of same.

('66 Code, § 131.04) (Ord., passed 5-9-05) Penalty, see § 10.99

#### § 98.05 DEBRIS IN STREETS.

(A) No person, persons, firm, or corporation, shall place glass of any kind, nails, tacks, domestic ashes, or any other refuse matter destructive of or injurious to automobile tires, horses, or other animals, in the streets and alleys of the city, except in the proper containers provided. For the purpose of this section, the term "DOMESTIC ASHES" shall mean the ashes made or created in the stoves and furnaces in the homes of city residents.

(B) No person or persons shall leave the scene of any automobile accident in the streets and alleys of the city without having first removed as far as possible the fragments of any broken glass or other refuse made incident thereto of destructive nature to automobile tires or injurious to horses or other animals.

('66 Code, § 131.05) (Ord., passed 6-10-27) Penalty, see § 10.99

#### § 98.06 DRIVEWAYS.

No person, firm, public utility or corporation or the agents thereof, shall locate any driveway adjacent to the streets or alleys in the right-of-ways of the city, without first making application for and obtaining a permit to do so from the Office of Planning, Preservation and Design of the city, and by making a minimum deposit as hereinafter provided in cash or approved surety bond with the Clerk-Treasurer of the city for the satisfactory performance of the work in the street or alley in accordance with the specifications outlined in this section.

##### (A) Application.

(1) Within the city limits, no one shall place a driveway adjacent to a city right-of-way without first obtaining a permit from the Office of Planning, Preservation and Design.

(2) The form of such permit shall be determined by the Office of Planning, Preservation and Design. Forms shall be available at the Office of Planning, Preservation and Design or online. .

(3) Applicants for a permit for any driveway adjacent to a right-of-way shall submit a sketch or drawing or otherwise clearly communicate the location and design, and the traffic control plan.

(4) Permits issued shall be valid for a period of no more than 90 days until work commences, and all work shall be performed within an additional 90-day period. Permit must be posted and visible at the job site.

(B) Driveway conditions.

(1) In the city, no one shall:

(a) Make any alteration within a public right of way, block a city street gutter or ;

(b) Construct a new driveway for the purpose of driving on and off a city street, without first obtaining the approval and written permission of the Office of Planning, Preservation and Design of the city for such driveway. A permit fee of \$25 shall be imposed for each driveway permit (residential or commercial) issued. Inspections shall be done by an employee of the City of Madison, or third party as directed by the Mayor.

(2) The following specifications apply to all that portion of the driveway which falls within the right-of-way of the city street:

(a) All efforts shall be made to locate all driveways off of local streets, rather than arterial or collector streets. No driveway shall be placed within 50 feet of an intersecting public street. No driveway shall be placed closer than ten feet to another driveway as measured at the right-of-way line. All driveways shall be perpendicular to the street they are connecting to from the connection point to the right-of-way line.

(b) All new residential driveways shall meet the street with a minimum radius of ten feet. The minimum radius for driveways intended for commercial traffic or high volumes of vehicle traffic shall be 25 feet. That portion of the driveway which falls within the right-of-way of the city street shall have a minimum width of ten feet as measured at the right-of-way for residential driveways, or a minimum width of 20 feet as measured at the right-of-way for commercial or high traffic driveways.

(c) If the new driveway is to cross a drainage or roadside ditch, or for any other reason it is deemed necessary that a culvert is required to be placed in the public right-of-way, such culvert shall be no less than 12 inches in diameter and 20 feet in length. Larger diameter and length culverts may be required by the Inspector, if drainage conditions so warrant. In order to prevent impeding normal drainage, culverts for new driveways are never in any case to be smaller than the closest upstream culvert.

(d) In the construction of the new driveway, the portion which falls inside the city street right-of-way is to be composed of hard surface material of the same character as the material of the connecting street or better surface.

(e) Traffic control and safety is the responsibility of the contractor. If additional traffic control is deemed necessary by the Inspector, the contractor may be required to utilize Indiana Department of Transportation Maintenance of Traffic requirements.

(f) City sidewalks are not to be used as driveways, nor are they to be driven upon. Existing city sidewalks are not to be used as portions of the new driveway. In the construction of the new driveway, the existing city sidewalk is not to be covered over or

crossed by the new driveway material: but must be removed and the new driveway surface material must be placed flush with the remaining sidewalk surface, or, if not placed flush with the sidewalk surface, then sloping ramps must be placed in the sidewalk on each side of the drive so that there is a smooth continuation from sidewalk to driveway to sidewalk which is accessible to the handicapped.

(g) This section shall apply to any widening or reconstruction of any existing drive. This section shall not apply to the surfacing or resurfacing of existing driveways.

(C) Warranty. The applicant shall be entitled to a return of their cash bond or the release of their surety bond once the Inspector has determined that the work done as contemplated by the permit has been satisfactorily completed and the applicant has complied with all the terms and conditions of this section. If no such determination is made within 90 days of the date the bond is submitted to the city, any cash bond shall be forfeited and paid into the Local Road and Street Fund of the city and/or the city shall take appropriate action to collect any surety bond whose proceeds shall be paid into the same fund.

(D) Enforcement. Anyone found in violation of these conditions or found performing work in the right-of-way without a valid permit, shall be subject to a fine of not to exceed \$2,500, along with being responsible for the cost of any and all repairs and the liability thereof, court costs and attorney's fees. Each day the applicant does not obtain the necessary permit may also be treated as a separate violation. Each and every occurrence may be treated as a separate violation.

(Ord. 2002-7, passed 6-18-02; Am. Ord. 2002-11, passed 10-8-02)

## RIGHT OF WAY EXCAVATIONS

### § 98.20 PERMIT REQUIRED; FEE.

(A) No person, firm, or corporation shall excavate in a street, alley, sidewalk, or any public right of way of the city for any purpose whatsoever without first obtaining a permit from the Office of Planning, Preservation and Design. Permit must be posted and visible at the job site. ('66 Code, § 92.01)

(B) The Office of Planning, Preservation and Design shall, upon request of any person, firm, or corporation, issue a permit upon the payment of a permit fee of \$25.00 and a proper showing that the applicant is bonded by a reputable surety company in the penal sum of no less than \$10,000. The bond shall be conditioned to the effect that the person, firm, or corporation shall replace the surface of the street, alley, sidewalk, or other surface in the public right of way in the timeframe specified within the provisions. Such repair will be inspected and approved to ensure full compliance with the provisions of the City of Madison. The prescribed procedure and standards to fill such excavation shall be established by the Board of Public Works and Safety. Inspections shall be done by an

employee of the City of Madison or third party as directed by the Mayor. Repairs, including backfill and right of way surface, to be warranted for up to one year by the contractor. That the person, firm, or corporation will promptly pay and discharge, on demand, all damages which may be incurred to any city water main or other city property by reason of such excavation; that the person, firm, or corporation shall offer satisfactory evidence of having public liability and property damage insurance in the total sum of \$10,000, which insurance shall pay all damages or claims of damage accruing to persons or property caused by the negligence of the person, firm, or corporation in making, maintaining, or refilling the excavation; and that the applicant further makes satisfactory showing of having all employees employed by the person, firm, or corporation protected under the provisions of the State Workers Compensation Law.

(C) Enforcement. Anyone found in violation of these conditions or found performing work in the right-of-way without a valid permit, shall be subject to a fine of not to exceed \$2,500, along with being responsible for the cost of all repairs and the liability thereof, court costs and attorney's fees. Each day the applicant does not obtain the necessary permit may also be treated as a separate violation. Each occurrence may be treated as a separate violation.

('66 Code, § 92.02) (Ord., passed 3-6-53) Penalty, see § 10.99

#### § 98.21 PLUMBING INSTALLATIONS.

Any person, firm, or corporation making any installation of plumbing shall report, within ten days from the installation, all outlets for the domestic or commercial use of water on the premises involved.

('66 Code, § 92.03) (Ord., passed 3-6-53) Penalty, see § 10.99

#### § 98.22 (RESERVED).