MUNICIPAL CODE OF THE TOWN OF SHADELAND

2017 SHADELAND TOWN COUNCIL

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Town of Shadeland

Mission Statement

The Town of Shadeland is committed:

To maintaining low taxes and minimal bureaucracy while providing necessary civil order and services in a fair, efficient and responsive manner;

To maintain a desirable living environment through proactively ensuring that change reinforces quality of life, environment and economic viability;

To respect the role of citizens, Council and employees in establishing and implementing policies and programs;

To promote public confidence and trust.

MUNICIPAL CODE

TOWN OF SHADELAND

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SUMMARY OF PROCEDURE TO RE-DISTRICT LAND IN THE TOWN SHADELAND

Any person or entity may request that the Town Board change the plan district for any parcel of real estate. Such change of allowed usages may be approved. by the town board after compliance of all provisions of the Municipal Code of the Town of Shadeland, including Title II, Chapter 13.1.

In summary, all owners of real estate within 200 feet of the real estate tract for which the change is requested must receive notice at least 21 days prior to the board meeting or consent to the change, and proof of such must be furnished to the Board. A notice must be posted on the town bulletin board 21 days prior to the Board meeting. In addition, a two foot by four foot sign with the words "Notice for Request of Re-Zoning" at least four inches high must be posted on each property line adjoining a street. All notices must give a street or location description, and an ordinance needs to be submitted for the Board's approval.

The above procedure is a summary, and the actual full procedure is set forth in the Municipal Code of the Town of Shadeland, a copy of which is available at the Tippecanoe County Public Library, or may be purchased from the Clerk-Treasurer of the Town of Shadeland for $15.00.

SUMMARY OF PROCEDURE FOR SPECIAL EXCEPTIONS OR VARIANCES IN THE TOWN OF SHADELAND

The Board may grant a special exception or variance for a use in any planning district, after a hearing, after a 2l-day public notice. A notice of the specific use requested must be posted on the town bulletin board 21 days prior to the Board meeting. Written consent to the change or proof of notice of the hearing to all property owners within 200 feet of the requesting tract shall be furnished to the Board as set forth in Title II, Chapter 13 of the Municipal Code of the Town of Shadeland.

In addition, a two foot by four foot sign with the words "Notice for Request of _____" at least four inches high must be posted on each property line adjoining a street. All notices shall set forth a street or location address of the requesting tract.

The request for a special exception or variance may be granted if authorized by the Code all the requirements are met for the specific special exception and granting the request may not materially and permanently injure other property or uses in the same planning district and vicinity as set forth in Title II, Chapter 8.

A person must for an improvement location permit which will be approved if the special exception or variance is granted.

The above procedure is a summary, and the actual full procedure is set forth in the Municipal Code of the Town of Shadeland, a copy of which is available at the Tippecanoe County Public Library, or may be purchased from the Clerk-Treasurer of the Town of Shadeland for $15.00.

SUMMARY OF

PROCEDURE FOR_PARCELIZATION

A person may divide a parcel of land into tracts of two acres or more but less than ten acres up to a maximum of six such divisions of any parcel of land which existed on 13 January, 1987. The original parcel must have been in compliance with Unified Zoning Ordinance of Tippecanoe County on 13 January, 1987.

Title II, Chapter 4, Section 4.6 of the Municipal Code of the Town of Shadeland sets forth the sewer, road, frontage, and access requirements.

The above procedure is a summary and the actual full procedure is set forth in the Municipal Code of the Town of Shadeland, a copy of which is available at the Tippecanoe County Public Library, or may be purchased from the Clerk-Treasurer of the Town of Shadeland for $15.00.

SHADELAND PLANNING INFORMATION

This short form should be completed by all persons seeking an improvement (building) permit, parcelization, variance, special exception, conservation subdivision, or other land use change or activity which affects the structural integrity or safety of the building or structure.

OWNER'S NAME:

OWNER'S ADDRESS:

OWNER'S TELEPHONE NUMBERS:

ADDRESS OF LAND OR SITE:

DATE OF LAST IMPROVEMENT PERMIT OR DIVISION OF LAND:

PLANNED ACTIVITY:

ADDITIONAL INFORMATION:

DATED: _____

_____
OWNER

DATED:_____

_____CONTRACTOR/DEVELOPER

The Shadeland Municipal Code requires a plat or sketch be submitted prior to issuance of any permit.

WARNING: Please note it is the Property Owner's responsibility to check boundary lines, existence of easements, and set-back requirements.

QUESTIONS TO ASK BEFORE HIRING A HOME INSPECTOR

1. Does the Inspector hold all necessary licenses to perform home inspections?

2. Is the Inspector insured?

3. How long has the Inspector been is business?

4. Does the Inspector belong to a professional association?

5. Can the Inspector provide references?

6. Exactly what will and will be inspected in the house?

7. How long will the inspection last?

8. How much will the inspection cost?

COMPLIANCE CERTIFICATION

The undersigned, Owner, Builder, or Inspector, certifies that the improvements set forth in the permit granted to the Owner were done in compliance with State and Town Building Codes and all work and improvements comply with the Ordinances of the Town of Shadeland.

I affirm under the penalties of perjury that the foregoing representations are true to the best of my knowledge and belief.

DATED this ____ Day of _____, 20___.

_____OWNER

DATED this ____ Day of _____, 20___.

_____BUILDER

DATED this ____ Day of _____, 20___.

_____INSPECTOR

SHADELAND

COMPLIANCE DEPOSIT REFUND CHECKLIST

Copies of the following:

1. Health Department Approval

2. Driveway Permit

3. Recorded Grant of Right-of-Way to Town of Shadeland

4. Recorded Shared Driveway Agreement

5. Recorded Covenants

6. Inspection Report7. Compliance Certificate 8.

9.

10.

11.

SHADELAND OCCUPANCY PERMIT

The undersigned, Clerk-Treasurer of the Town of Shadeland, certifies that she has received all of the required documents, properly executed and recorded, if so required, by the Ordinances of the Town of Shadeland.

Therefore, pursuant to the Municipal Code of the Town of Shadeland, the Town of Shadeland issues this Occupancy Permit.

DATED this ____ day of _____, 20___.

_____

Peggy VanSchepen Clerk-
Treasurer
Town of Shadeland

MUNICIPAL CODE
TOWN OF SHADELAND
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MUNICIPAL CODE
TOWN OF SHADELAND
TITLE 1
CHAPTER 1
ORGANIZATION OF CODE

Section 1.1 - How Code Designated and Cited.

A. The Ordinances embraced in the following chapters and sections shall constitute and be designated as "The Municipal Code of the Town of Shadeland, Indiana," and may be so cited.

Section 1.2 - Rules of Construction.

A. In the construction of this Code, and of all Ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council:

1. Town. The word "Town" shall be construed as if the words "of Shadeland" followed it.

2. Clerk, attorney, etc. Whenever the clerk, attorney or other officer is referred to, it shall be taken to mean the clerk-treasurer, attorney or other officer of the Town of Shadeland.

3. Computation of time. The time within which an act is to be done, as herein provided, shall be computed by excluding the first (1st) day and including the last. If the last day is Sunday, it shall be excluded.

4. Council. The word "Council" shall be the Council of the Town of Shadeland.

5. County. The words "the county" or "this county" shall mean the County of Tippecanoe.

6. Gender. Words used in the masculine gender shall include feminine and neuter.

7. Joint authority. All words giving a joint authority to three or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

8. Month. The work "month" shall mean a calendar month.

9. Number. Words used in the singular include the plural and the plural includes the singular number.

10. Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

11. Owner. The word "owner," applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of such building or land.

12. Person. The word "person" shall include a corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

13. Personal Property. Personal property includes every species of property except real property, as herein defined.

14. Plural. singular. Words importing the singular shall include the plural; words importing the plural shall include the singular.

15. Preceding. following. The words "preceding" and "following" shall mean next before and next after, respectively.

16. Property. The word "property" shall include real and personal property.

17. Public place. The term "public place" shall mean any street or highway, sidewalk, park, cemetery, schoolyard, or open space adjacent thereto and any lake or stream.

18. Real property. Real property shall include lands, tenements and hereditaments.

19. Reasonable time. In all cases where any provisions shall require any act to be done in a "reasonable time," or "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty, or compliance with such notice.

20. Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians,

excluding parkways.

21. Signature or subscription. Signature or subscription includes a mark when a person cannot write.

22. State. The words "the state" or "this state" shall mean the State of Indiana.

23. State law references. Whenever reference is made, for example, to I.C., it shall be construed to refer to Indiana Code, or it is subsequently amended, or whatever section is to be cited.

24. Street. The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, viaducts, and all other public highways in the Town.

25. Tenant. The word "tenant" or "occupant," applied to a 1-2 building or land, shall include any person holding a written or oral lease of or who occupies, the whole or a part of such building or land, either alone or with others.

26. Time. Words used in the past or present tense include the future as well as the past and present.

27. Written. The words "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

28. Year. The word "year" shall mean a calendar year.

Section 1.3 - Effect of Repeal or Modification of Ordinance.

A. Whenever any Ordinance or part of any Ordinance shall be repealed or modified by a subsequent Ordinance, the Ordinance or part of any Ordinance thus repealed or modified shall continue in force until the due publication of the Ordinance repealing or modifying the same, when such publication shall be required to give effect thereto, unless therein otherwise expressly provided; but no suit, proceedings, right, find, forfeiture or penalty instituted, created, given, secured or accrued under any Ordinance previous to its repeal shall in any wise be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such Ordinance had continued in force unless it shall therein otherwise expressly be provided.

When any Ordinance repealing a former Ordinance, clause or provision shall be itself repealed, such repeal shall not be construed to revive such former Ordinance, clause or provision, unless it shall be therein so expressly provided.

Section 1.4 - Severability of Code.

A. If any part of parts, section or subsection, sentence, clause or phrase of this Code is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Code.

Section 1.5 - Catchlines of Sections.

A. The catchlines of the several sections of theses Ordinances printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

Section 1.6 - Certain Provisions of Code Deemed Restatements, Re-enactments. etc. of Existing Ordinances. etc.

A. Each of the sections of this Code, at the end of which there appears in parentheses an historical citation including the section of the other Ordinance existing at the time of the adoption of this Code from which such section derives, is hereby determined and declared to be a restatement and re-enactment or re-enactment of such section or Ordinance and amendments thereto, heretofore properly adopted, and each such section shall be deemed reordained by the passage and adoption of this Code. An historical citation at the end of a section of this Code shall constitute the determination and declaration of restatement and re-enactment or re-enactment of such section required by law. And there are two (2) copies of all incorporated material on file in the office of the Town Clerk for public inspection.

Section 1.7 - General Penalty: Continuing Violations.

A. Whenever in this Code or in any Ordinance of the Town, or rule or regulation promulgated by any officer or agency thereof, under authority invested by law or Ordinance, any act is prohibited or is made or declared to be unlawful or an offense or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefore, the violation of any of such provisions of this Code, Ordinance, rule or regulation shall be punished by the maximum allowable by law. Every day any violation of this Code or any such Ordinance, rule, or regulation shall continue, shall constitute a separate offense. The cost to enforce any Ordinances or collect any penalty or fine, including attorney fees, shall be added to any penalty or fine and may be made a lien on any property of the violation any enforced as any municipal lien.

If a condition violating an Ordinance of the Town exists on real property, officers of the Town may enter onto that property and may take appropriate act to bring the property into compliance with

the Ordinance. However, before action to bring compliance may be taken, all persons holding a substantial interest in the property must be given a reasonable opportunity to remove and to resolve the volative condition and to bring the property into compliance. If action to bring compliance is taken by the Town, the expense involved may be made a lien against the property. Such expense may include the curative expense and any court costs and attorney fees incurred by the Town to enforce any Town Ordinance.

Section 1.8 - Council Member Districts Described.

A. Ward I - The northern portion of the Town, being all of the area North of CountyRoad 300 South and North of State Road 25.

B. Ward II - All of the area south of State Road 25, East of County Road 175 West,and North of a line running east from said County Road 175 East on County Road 550 South to County Road 150 West, North to County Road 500 South and east on said County Road 500 South to the eastern boundary of the Town.

C. Ward III - All the area contained by a line starting at the western boundary of the
Town and County Road 300 South, East to State Road 25, north along State Road 25 to

County Road 175 West, South along County Road 175 West to County Road 550 South and West along said County Road 550 South and its extension thereof to the western boundary of the Town.

D. Ward IV - All area south of the East-West line constituted by County Road 500
South from the eastern boundary of the Town to County Road 150 West, south to County Road 550 South and County Road 150 West and extending west along said County Road 550 South and its extension to the western boundary of the Town.

Section 1.9 - Composition Of Council.

A. The Council should be composed of seven (7) members. Three (3) members shall be elected from the Town at large. One member shall reside and be elected from each of the four (4) wards set forth in Section 1-8 above.

Section 1-10 - Emergency-Effective Date.

It is hereby declared that there is an emergency, and all provisions of all titles of this Code shall be effective upon its passage and approval.

PASSED, APPROVED, AND ADOPTED by the Town Board of the Town of Shadeland in Tippecanoe County, Indiana, this 13th day of January, 1987.

President of Town Board ATTEST:

_____

Clerk-Treasurer

Section 1-10 - Emergency-Effective Date

It is hereby declared that there is an emergency, and that upon passage of this Ordinance each of its provisions should be included in a complete recodification of the Municipal Code of the Town of Shadeland and all provisions of all titles of said Code should be effective upon its passage and approval. But that said recodification should not alter or

reduce any right of enforcement under the old Code or under the new Code by said passage and approval.

PASSED, APPROVED, AND ADOPTED. by the Town Board of the Town of Shadeland in Tippecanoe County; Indiana, this 14th day of March,1989.

_____

President of Town Board

ATTEST:

_____

Clerk-Treasurer

Section 1-10 - Emergency-Effective Date

It is hereby declared that there is an emergency, and that upon passage of this Ordinance each of its provisions should be included in a complete recodification of the Municipal Code of the Town of Shadeland and all provisions of all titles of said Code should be effective upon its passage and approval. But that said recodification should not alter or

reduce any right of any enforcement under the old Code or under the new Code by said passage and approval.

PASSED, APPROVED, AND ADOPTED by the Town Council of the Town of Shadeland in Tippecanoe county, Indiana, this ____day of March, 1990.

President of Town Council

ATTEST:

_____

Clerk-Treasurer

Section 1-10 - Emergency-Effective Date

It is hereby declared that there is an emergency, and that upon passage of this Ordinance each of its provisions should be included in a complete recodification of the Municipal Code of the Town of Shadeland and all provisions of all titles of said Code should be effective upon its passage and approval. But that said recodification should not alter or

reduce any right of any enforcement under the old Code or under the new Code by said passage and approval.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Shadeland in Tippecanoe County, Indiana, this 14th day of November, 1995.

President of Town Council

ATTEST:

_____

Clerk-Treasurer

Section 1-10 - Emergency-Effective Date

It is hereby declared that there is an emergency, and that upon passage of this Ordinance each of its provisions should be included in a complete recodification of the Municipal Code of the Town of Shadeland and all provisions of all titles of said Code should be effective upon its passage and approval. But that said recodification should not alter or reduce any right of any enforcement under the old Code or under the new Code by said passage and approval.

PASSED, APPROVED AND ADOPTED by the Town Council of the Town of Shadeland in Tippecanoe County, Indiana, this ___day of _____, 2004.

President of Town Council

ATTEST:

_____
Clerk-Treasurer

RECEIPT

Receipt for current copy of the Municipal Code of the Town of Shadeland.

Date: May 3, 1990

_____
Tippecanoe County Clerk

Date: May 4, 1990

_____
City of Lafayette

Date: May 8, 1990

_____
City of West Lafayette

Date: May 9, 1990

_____
Tippecanoe County Commissioner's Office

Date: May 9, 1990

Tippecanoe County Permit Office

Date: May 9, 1990

Tippecanoe County Area Plan

Date: May 3, 1990

_____
Tippecanoe County Public Library

RECEIPT

Receipt for current copy of the Municipal Code of the Town of Shadeland.

Date: _____

Tippecanoe County Clerk

Date:

City of Lafayette

Date: _____

City of West Lafayette

Date: _____

Tippecanoe County Commissioner's Office

Date:

Tippecanoe County Permit Office

Date:

Tippecanoe County Area Plan

Date: _____

Tippecanoe County Public Library

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE I - GOVERNMENTAL STRUCTURE AND ADMINISTRATION
CHAPTER 2
ADMINISTRATION

Section 2.1 - Recording of Ordinances.

All Ordinances passed by the Council shall be recorded by the clerk in a book of Ordinances and the original shall be filed in the clerk's office.

Section 2.2 - Proof of Publication of Ordinances and Notices.

No claim for the publication of town ordinances or official notices shall be allowed until proof of publication has been filed with the Town Clerk. The clerk is hereby required, upon presentation of any claim for the publication of town ordinances or official notices, to notify the Council, before action is had thereon, of the compliance or noncompliance of the publisher or other person with the requirements of this section.

Section 2.3 - Presiding Officer -- Generally.

The Council, at its first (1st) meeting, shall choose from its members a president and also two (2) vice-presidents, who shall serve until the second (2nd) Tuesday in January of the next succeeding year, when their successors shall be chosen to serve for one (1) year in like manner. In the absence of the president, a vice president shall preside at meetings of the Council.

Section 2.4 - Same -- Calling of Meeting to Order.

The presiding officer of the Council shall call the Council to order precisely at the regular hour of meeting.

Section 2.5 - Same -- To Preserve Order; Right to Speak. etc.

The presiding officer shall preserve order and decorum in the Council chambers. He may speak to points of order in preference to any member. He shall promptly decide all

points of order, which shall be subject to appeal by any two (2) members, upon the question of which appeal no member shall speak more than once without the unanimous consent of the Council.

Section 2.6 - Same -- To Decide Who Is Entitled to Floor.

When two (2) or more members of the Council seek to address the presiding officer at the same time, he shall decide who is entitled to the floor.

Section 2.7 - Time of Regular Meetings.

The regular meeting of the Council shall be held at the Shadeland Fire Station in the Town of Shadeland on the second (2nd) Tuesday of every month at 7:30 p.m.

Section 2.8 - Special Meetings.

Special meetings of the Council may be called upon written notice of not less than seventy-two (72) hours by the president, the presiding officer or by not fewer than three (3) members thereof, which notice shall be directed as follows: "To the Public and Council Members of the Town of Shadeland", specifying therein the time, place, and object of the meeting.

Section 2.9 - Quorum.

A majority of all the members elected to the Council and still serving shall constitute a quorum for the transaction of business.

Section 2.10 - Adjournments.

The Council may adjourn from any regular or special meeting to a day certain, and a less number than a majority may meet and adjourn to the next regular meeting or to a day certain.

Section 2.11 - Process Against Absent Members.

A less number than a majority of the Council at any regular or legally called special meeting, may enforce the attendance of absent members. For this purpose, they are hereby clothed with authority to issue process directed to the appropriate authorities commanding him to forthwith bring to the Council chambers such absent members of the Council as shall be named in such process. It is hereby made the duty of the designated authorities to execute such process by taking into custody the persons named therein and forthwith bringing them to the Council chambers. For this purpose, the designated authorities is hereby clothed with the same authority that he is clothed with by law for the service of criminal process.

Section 2.12 - Procedure in Absence of Quorum.

If upon roll call it appears that a quorum is not present at a meeting of the Council, the presiding officer shall not declare the council adjourned until fifteen (15) minutes after calling the roll, at which time, if no quorum shall appear, he shall declare the Council adjourned for want of a quorum provided, that upon the order of the members present, if less than a quorum, the presiding officer may be required to comply with section 2-11 in the endeavor to secure a quorum. In the absence of the President, the vice presidents, in order of their election, shall preside at meetings of the Council.

Section 2.13 - Declaration of Vacancy in Office.

Except in the case of illness reported to the Town Clerk prior to any regular meeting, the absence of any Council member for three successive regular Council meeting, shall be evidence of the disability of such Council member to perform the duties of his office, and upon a two thirds (2/3) vote of the Council present and voting at the third (3rd) such regular meeting, or at any subsequent regular meeting while such absence continues, the committee membership, such absent Council member shall be declared vacant and no compensation shall be paid to such member for absent time.

Section 2.14 - Standing Committees.

A. At the first (1st) regular meeting of the Council in January of each year, the presiding officer, after consultation with the member, shall appoint the following standing committees, each committee to serve for one (1) year from the date of its appointment, unless otherwise changed by the presiding office:

(1) Committee on budget.
(2) Committee on development and planning
(3) Committee on health.
(4) Committee on economic development.
(5) Committee on agriculture.
(6) Committee on police.
(7) Committee on roads and streets.
(8) Committee on parks and recreation.
(9) Committee on fire.

Section 2.15 - Order of Business.

A. The regular order of business of the Council shall be as follows:
(1) Roll call.
(2) Reading of minutes of previous meeting.

(3) Presentation and disposal of claims.
(4) Reports of standing committees.
(5) Report of special committees.
(6) Reports of town officers.
(7) Presentation of Ordinances for second (2nd) or subsequent readings.
(8) Presentation of petitions, communications and Ordinances.
(9) Miscellaneous and new business.
(10) Reports of council members.

Section 2.16 - Numbering of Ordinances and Resolutions.

All ordinances and resolutions shall be consecutively numbered in order of their presentment to the council with the last two (2) numbers of the year, following by a dash, followed by its respective consecutive number, each year beginning with number one (1). Code numbers shall be added as soon as possible.

Section 2.17 - Procedure for Enacting Ordinances Generally

Every ordinance shall be read and approved by a majority of the Council members present and voting, unless a greater vote is specifically provided for, at two (2) separate meetings of the Council before passage and adoption, except those that necessitate a third (3rd) reading and approval by law. Every Ordinance shall first (1st) be read and approved as above provided at the meeting which such Ordinance is presented or at the meeting it is first (1st) place for vote of the Council, and then it shall be referred to Committee until the next meeting of the Council, at which time it shall be again read and put upon its passage and adoption by vote of the Council as herein provided, that the Council may at any time, immediately following the first (1st) reading and approval of the Ordinance, upon motion, by unanimous consent of the Council, two-thirds (2/3) of all the members elected being present and voting, suspend the rules requiring second (2nd) or subsequent readings and approval, and put such Ordinance through its second (2nd) or subsequent reading and approval and upon its passage and adoption at one (1) and the same meeting to the extent allowed by law.

Section 2.18 - Effective Date of Ordinance.

All Ordinances passed by the Council, requiring publication, shall take effect from and after the due publication thereof, unless therein otherwise expressly provided.

Ordinances not requiring publication shall take effect upon their passage and signed by the presiding officer of the Councilor passed over his veto.

Section 2.19 - Filing of Proposed Ordinances. etc.

All proposed Ordinances, petitions and written communications of every character to the Council shall be filed with the Town Clerk by four o'clock (4:00) p.m. one (1) week prior to any regular or special meeting of the Council, in order to be considered at such meeting of the Council. A proposed Ordinance shall be filed with an original and ten (10) copies. If presented after such time, the Town Clerk shall so advise the Council during the presentation of petitions, communications and Ordinances, and they then shall lie upon the table until the next meeting of the Council, unless approved by the unanimous consent of the Council present and voting. At the time of such presentment, the Council votes to consider such petition, communication or Ordinance when reported on by the appropriate committee or under new business.

Section 2.20 - Speeches by Members.

When any member of the Council desires to speak or to present any matter to the Council, he shall arise to his feet, respectfully address "Mr. President," confine himself to the question and avoid personality. No member shall impeach the motive of any other member's vote or argument and no member shall speak more than once upon any question, until every other member desiring to do so shall have spoken, nor shall any member speak more than twice upon the same question, or more than five (5) minutes at one (1) time, except by unanimous consent of the Council.

Section 2.21 - Voting.

Questions to the Council shall be distinctly put in this form: "As many are of the opinion that" (as the question may be), "say aye," and, after the affirmative vote is expressed, ''as many as are of the contrary opinion, say no." If the presiding officer shall doubt or desire a division to be called for, or upon request of two (2) Council members, the Council shall divide. All divisions for the Council shall be made by roll call vote. On all roll call vote, the clerk shall first (1st) call the Council members elected at large in alphabetic order followed by the district Council members in order of their districts. A vote shall be taken on all Ordinances and resolutions, the results of which shall be entered on the record.

Section 2.22 - Violations of Rules.

If any member of the Council, when speaking, violates any rules of the Council, the presiding officer or any member may call him to order and such member shall thereupon immediately take his seat. The presiding officer or some member shall then indicate the rule violated, after which the violating member may proceed with his remarks. Should he, in the course of his remarks, a second (2nd) time violate any rule of the Council and again be called to

order, he shall not speak further upon the pending question, except by permission of two-thirds (2/3) of the members present.

Section 2.23 - Motions When Question Is Under Debate.

When a question is under debate, no motion shall be received except to lay on the table, for the previous question, to postpone indefinitely, to postpone to a time certain, to commit to committee or to amend, which several motions shall have precedence in the order above named and none of them, except the motion to postpone to a time certain and the motion to amend, shall be debatable. For the

purpose of clarification any Council member may yield the floor to any head of any town department, without time limitation, and such member yielding shall then be entitled to regain the floor. No motion or proposition on a subject different from the one under consideration shall be admitted under color of amendment.

Section 2.24 - Previous Question.

The previous question shall be put in this form:"shall the main question be now put?" It shall only be admitted when demanded by a majority of the members and, until it is decided, shall preclude all amendments and further debate of the main question. The effect of the previous question shall be to bring the Council to a vote, first (1st) on the amendments, if any, and then on the main question. The previous question itself shall be decided without debate.

Section 2.25 - Motions to Reconsider.

When a motion has been carried or lost, it shall be in order for any member of the Council who voted with the majority to move to reconsider. Motions to reconsider shall be decided without debate.

Section 2.26 - Motions to Adjourn.

A motion to adjourn is always in order at Council meetings. Motions to adjourn shall be decided without debate.

Section 2.27 - Applicability of Robert's Rules of Order.

All points of order not provided for in this article shall be decided according to the rules laid down in Robert's Rules of Order, so far as the same may be applicable.

Section 2.28 - Rescission, Change or Suspension of Standing Rule.

No standing rule of the Council shall be rescinded or changed unless two weeks' notice of motion to that effect shall have been given. No such standing rule of the Council shall be suspended, except by unanimous consent of the members present. 1-19

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE I - GOVERNMENTAL STRUCTURE AND ADMINISTRATION
CHAPTER 3
ORDINANCE VIOLATIONS BUREAU

Section 3.1 - Creation of Bureau

There shall be created an Ordinance Violations Bureau pursuant to I.C. 33-6-3-1 et seq., as amended, for the Town of Shadeland.

Section 3.2 - Appointment of Clerk-Treasurer

A. The Clerk-Treasurer is appointed and shall serve as the Violations Clerk; the Clerk administers the Bureau. The following officers and employees of the Town of Shadeland are duly authorized to issue uniform tickets (in the same form as the uniform traffic tickets now in use for traffic violations) upon witnessing a violation of an Ordinance listed herein:

1. Town Marshall or designee
2. Road Committee Chairman
3. Building Inspector

Section 3.3 - Acceptance of Payments

The Clerk-Treasurer and the Clerk's staff, as her agents, shall accept written appearance, waivers of trial, admissions of violations, and payment of civil penalties in the amount and for the violation as provided below.

Section 3.4 - Schedule of Ordinances

The following schedule of Ordinances (hereinafter "Ord.") and the Shadeland Municipal Code (hereinafter "SMC") provisions shall be subject to the jurisdiction of the Ordinance Violation Bureau and the first (1st) violations within a calendar year of said Ordinances and code provisions shall be subject to the civil penalty set further:

Ordinances or Code Provisions	Civil Penalty
As set forth in Ordinance 98-10	98-10(as set forth in Shadeland Ordinance 98-10)

The second (2nd) admission or judgment of a violation of the same Ordinance or code provision of one scheduled above within a calendar year shall be subject to the penalty set forth above plus Five Dollars ($5.00) as the total civil penalty. Any third (3rd) admission of a violation of the same Ordinance year shall be subject to the penalty set forth above plus Ten Dollars ($10.00) as the total civil penalty. [Can't be over One Hundred Dollars ($100.00)]

Section 3.5 - Amendments of Code and Ordinances

The provisions of the Shadeland Municipal Code and the Ordinances referred to herein are hereby amended to provide and declare the civil penalty scheduled with the said Ordinance or code provision to be the specific civil penalty for the violation of said Ordinance or code provision.

Section 3.6 - Alternative Penalties

This Ordinance provides penalties which are alternative to existing penalties for Ordinance Violations. The Town may proceed under the penalty schedule set forth in this Ordinance or proceed under existing Ordinances. All existing provisions of the Shadeland Municipal Code not changed by this Ordinance remain in full force and effect.

Section 3.7 - Severability of Sections

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceable shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

TITLE II

PLANNING, DEVELOPMENT, SAFETY AND PUBLIC HEALTH

MUNICIPAL CODE
TOWN OF SHADELAND
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MUNICIPAL CODE
TOWN OF SHADELAND
TITLE II
HEALTH, SAFETY, PLANNING, AND DEVELOPMENT ORDINANCE
FOR
THE AREA PLAN OF THE TOWN OF SHADELAND, INDIANA

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana have reviewed and considered the Comprehensive Plan for Tippecanoe County, Indiana, adopted 16 September 1981, by Tippecanoe County Area Plan Commission, and

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana have reviewed proposals, plans, data, and other information related to the health, safety, planning, and development of the Town, uncluding the Town of Shadeland Development Plan of 1997, and

WHEREAS the Council of Trustees of the Town of Shadeland, is aware of the present high level of public attention to ground water quality, and

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana is advised of the authority granted to it by the Indiana General Assembly, specifically but not limited to Indiana Code 36-7-2, and Indiana Code 36-1-3, and

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana desire to protect the health, safety, and welfare of the residents and property owners of the Town of Shadeland, and

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana desire to provide for the orderly change in property uses and allow residents and property owners to each have maximum use and enjoyment of their property consistent with a similar right to each other property owner in the Town, and

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana desire to make the procedures for orderly change as simple and economical as possible, consistent with notice and due process requirements to protect all residents and property owners alike, and

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana desires to protect people from personal injury or property loss or damage from buildings or structures within the Town which are in such condition to be unsafe for human habitation or unsafe to passers-by or other persons

upon the premises or containing conditions which are likely to cause physical damage or contribute to physical damage to surrounding real estate, and on the property of other persons, and

WHEREAS the Council of Trustees further desire to protect the citizens of the Town of Shadeland from conditions which may exist on land and in buildings which attract vermin, insects, and other unwanted pests which are likely to contribute to disease and other health hazards in the community, and

WHEREAS the Council of Trustees of the Town of Shadeland, Indiana have determined that the interests of the citizens of the Town of Shadeland, Indiana can best be protected by an Ordinance regulating the conditions of real estate and buildings, providing for the owners thereof an opportunity to correct the conditions and providing for the removal of the building and/or conditions,

WHEREAS, there is no public water supply for most of the Town of Shadeland, and

WHEREAS, much of the private water supply has unique geological problems; and

WHEREAS, there is no public or private wastewater treatment facilities for most of the Town of Shadeland; and

WHEREAS, much of the soil in the Town of Shadeland has severe limitations for septic field absorption; and

WHEREAS, there is no public or private storm water system for most of the Town of Shadeland; and

WHEREAS, the Town Council has spent substantial time and funds to collect all soil, geological, hydrological, transportation and utility data on drainage, and

WHEREAS, the Town Council mailed invitations to all Town residents and taxpayers inviting them to numerous public meetings, and

WHEREAS, the Town Council has adopted the goals and principles of the 1997 Development Plan of the Town of Shadeland, which was unanimously adopted as the comprehensive plan for the entire Town of Shadeland on the 11th November 1997 by Resolution 97-20, and

WHEREAS, the Town Council of the Town of Shadeland, Indiana has determined that the interests of the citizens of the Town of Shadeland, Indiana can best be protected by Ordinances regulating land use, conditions of real estate and buildings, providing for the owners thereof an opportunity to correct conditions and providing for the removal of buildings and/or conditions.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF SHADELAND AS FOLLOWS:

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE II, CHAPTER 1
PURPOSES AND DEFINITIONS

Section 1.1 - Purposes

A. The standards of this Ordinance are adopted for the following specific purposes:

1. To protect and provide for the public health, safety, and general welfare of theparticipating jurisdictions.

2. To guide the future growth and development of the Town of Shadeland.

3. To provide for adequate light, air, and privacy, to secure safety from fire,flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.

4. To protect the character and the social and economic stability of all parts ofthe Town and to encourage the orderly and beneficial development of all parts of the Town.

5. To protect and conserve the value of land throughout the Town and the valueof buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.

6. To guide public and private policy and action in order to provide adequate andefficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

7. To provide the most beneficial relationship between the uses of land andbuildings and the circulation of traffic throughout the Town, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements proximate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

8. To establish standards of design and procedures for subdivisions andresubdivisions, in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land. 2-3

9. To insure that public facilities and services are available and will havesufficient capacity to serve proposed subdivisions.

10. To prevent the pollution of air, streams, and ponds, to assure the adequacyof drainage facilities, to safeguard the water table, and to encourage the wise use and management of natural resources throughout the Town in order to preserve the integrity, stability, and beauty of the community and the value of the land.

11. To preserve, the natural beauty and topography of the Town and to insureappropriate development with regard to these natural features.

12. To provide for open spaces through the most efficient design and layout ofthe land, including the use of average density in providing for minimum width and area of lots, while preserving the density of land as established in the Municipal Code of the Town of Shadeland.

13. To protect and preserve tillable farmland.

14. To direct residential development toward non-tillable land.

Section 1.2 - Division of Land

A. Land Division Alternatives.

1. A tract of land in existence on the 19th of November 1979, or lawfully created after 19 November 1979, can only be divided either by:

a. The procedure of the Conservation Subdivision Ordinance of the Townof Shadeland, Title II, Chapter 2, as set forth at page 2-18 et seq. of the
Municipal Code of the Town of Shadeland;

b. An approved planned development as set forth in Title II, Chapter 7and 8, of the Municipal Code of the Town of Shadeland beginning at page 2-107; or

c. An approved parcelization as set forth in Title II, Chapter 4, Section 4.6 of the Municipal Code of the Town of Shadeland at page 2-56 to 258.

B. Conditions of Permit, Variance, and Special Exception.

1. No permit for improvements or request for variance or special exception shall be approved on any tract of land unless on or for a parcel as defined in this Code or a tract resulting from the lawful division of such a parcel and which in all ways complies with this Code, or said tract is at least forty (40) acres in size.

C. Exempt Divisions

1. The following kinds of divisions of existing parcels of land are exempt from the land division rules of this Ordinance of the Town of Shadeland:

a. A division of land into two (2) or more tracts all of which are at leastforty (40) acres in size;

b. A division of land for the sale or exchange of tracts to correct errorsin an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;

c. A division of land for the acquisition of street right-of-way, oreasement; and

d. A division of land for the sale or exchange of tracts between adjoiningland owners, provided that no additional building sites other than for accessory buildings are created by the division.

Section 1.3 - Definitions

A. As used in this Code, the term:

1. "accessory building" means a subordinate use that relates to the same lot as a principal building and not used or designed for human occupancy;

2. "accessory use" means a subordinate use that relates to the same lot as a primary use and is a use other than human occupancy;

3. "alley" means a right-of-way, other than a street, road, cross- walk, or easement, that provides secondary access for the special accommodations of the abutting property;

4. "applicant" means the owner or owners of real estate who makes application to the Town for action by the Town affecting the real estate owned thereby;

5. "arterial street" means a street designed for high volume traffic; "billboard" see "sign, outdoor advertising";

6. "block" means an area that abuts a street and lies between two adjoining streets or barriers such as a railroad right-of-way or a waterway;

7. "boarding house" means a building, not available to transients, in which meals are regularly provided for compensation for at least three but not more than thirty persons;

8. "building" means a roofed structure for the shelter, support, enclosure, or protection of persons, animals, or property (each part of such a structure that is separated from the rest by unbroken party walls is a separate building for the purposes of this Ordinance);

9. "building area" means the horizontal projected area of the buildings on a lot, excluding open areas or terraces, unenclosed porches not more than one story high, and architectural features that project no more than two feet;

10. "building line" means the line that establishes the minimum permitted distance on a lot between the front line of a building and the street right-of-way line;

11. "business" refers to the purchase, sale, or exchange of goods or services, or the maintenance for profit of offices or recreational or amusement enterprises;

12. "business district" refers to AB, LB, LBS, GB, and SC districts;

13. "cemetery" includes any columbarium, crematory, mausoleum or mortuary operated in conjunction with and on the same tract as the cemetery;

14. "city" means any classified city;

15. "clear distance" means the unobstructed distance from any given point, mobile home or line to the closest point or points of adjacent mobile home or mobile homes;

16. "clinic" means an establishment in which patients are admitted for medical or dental study or treatment and in which the services of at least two physicians or dentists are provided;

17. "condominium" means real estate lawfully subjected to IC 32-1-6 (the Horizontal Property Law) by the recordation of condominium instruments, in which undivided interest in the common areas and facilities are vested in the condominium unit owners;

18. "corner lot" means a lot at the junction of and abutting two intersecting or intercepting streets;

19. "council" means the Council of the Town of Shadeland; "county" means Tippecanoe County, Indiana;

20. "day nursery" means any place operated by any person who received for pay three (3) or more children under eighteen (18) years of age for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day, or, any place operated by a person, society, agency, corporation or institution, or any other group wherein are received for pay three (3) or more children under eighteen (18) years of age for group care, without transfer of custody, for more than four (4) hours and less than twenty-four (24) hours per day.

21. "detached building" means a building that has no structural connection with another building;
22. "drive-in" means an establishment selling foods, frozen desserts, or beverages to consumers, the establishment being designed, intended or use for the consumption of such items on the premises outside of the building in which they were prepared;

23. "dwelling" means a building or part of a building that is used primarily as a place of abode, but not including a hotel, motel, lodging house, boarding house, or tourist home;

24. "dwelling unit" means a dwelling or part of a dwelling used by one family as a place of abode;

25. "family" means one or more persons related by blood, marriage, or adoption and not more than two (2) unrelated natural persons living as a single housekeeping unit;

26. "farm" means an area used for agricultural operations, including truck gardening, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry;

27. "feeder street" means a street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to real arterial streets;

28. "flood hazard areas" means those flood plains which have not been adequately protected from flooding caused by the regulatory flood, and are shown on the zoning map or on the Flood Hazard or Floodway-Flood Boundary Maps of the Federal Insurance

Administration or maps provided to the Town from the Indiana Natural Resource Commission;

29. "flood plain" means the area adjoining the river or stream which has been or may hereafter be covered by flood water from the regulatory flood, including those area defined as the regulatory floodway and floodway fringe;

30. "flood protection grade" means the elevation of the lowest floor of a building, including the basement, which shall be two (2) feet above the elevation of the regulatory flood; "floodway" see "regulatory floodway";

31. "floodway fringe" means that portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood;

32. "foundation" means the supporting member of a wall or structure;

33. "fraternity, sorority, or student cooperative" means an unrelated group of persons living as a single housekeeping unit, recognized under state or federal tax law as a notfor-profit entity and recognized as a student living unit by a college or university;

34. "front line," with respect to a building, means the foundation line that is nearest the front lot line;

35. "front lot line:"
    a. for an interior or through lot, means the line marking boundary between thelot and the abutting street center or a lake or water-course; and
    b. for a corner lot, means the line marking the boundary between the lot and theshorter of the two abutting street segments, except as deed restrictions specify otherwise;

36. "front yard" means the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage;

37. "general industrial use" means manufacturing, processing, extraction, heavy repairing, dismantling, storage, or disposal of equipment, raw materials,

manufactured products or wastes, in which some operations, other than transportation, are performed in open area;

38. "group home" means a single self-contained children's home established and operated by the county department of welfare, licensed private child placement agency or licensed incorporated group established for the purpose of receiving and caring for up to eight children who are attended by parents;

39. "ground floor area" means the area of the building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breeze-ways, terraces, garages, and exterior stairways;

40. "hardship" means a perceived difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, selfimposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of this Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable;

41. "height", with respect to a building, means the vertical distance from the lot ground level to the highest point, for a flat roof; to the deck line, for a mansard roof; and to the mean height between eaves and ridges, for a gable, hip, or gambrel roof;

42. "home service" means the use of a home for a business or professional service which does not involve treating or attending a person or animal, except consultation or treatment by members of the medical and dental professions, beauticians and seamstresses, which is established entirely within a dwelling unit and is conducted only by members of the family residing in the same dwelling unit;

43. "industrial district" refers to I and IR districts;

44. "industrial park - Research and Manufacturing" means a planned industrial district in which buildings and lands may be used for research, offices, experimental or testing laboratories, light industrial, non-nuisance manufacturing, storage and

distribution facilities and other customary uses that meet with the requirements of the comprehensive plan;

45. "interior lot" means a lot other than a corner lot or a through lot;

46. "junk yard" means a place, usually outdoors, where waste or discarded used property other than organic matter, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard;

47. "kennel" means a place primarily for keeping four or more dogs, or other small animals that are ordinarily kept as pets, and are at least four months old;

48. "land division" means the creation of new parcels under Title 2, Chapter 1, Section 1.2(pg. 2-4) of the Municipal Code of the Town of Shadeland;

49. "light industrial use" means manufacturing, processing, extraction, heavy repairing, dismantling, storage, disposal of equipment, raw materials, manufactured products or wastes, in which all operations, other than transportation, are performed entirely within enclosed buildings and for which all loading and unloading facilities are enclosed;

50. "limited access highway" means a highway to which abutting properties are denied access;

51. "local street" means a street designed primarily to provide access to abutting properties;

52. "lodging house" means a building, not available to transients, in which lodgings are regularly provided for compensation for at least three (3) but not more than thirty
(30) persons;

53. "lot" means a tract or parcel of land of at least sufficient size to meet minimum planning requirements and to provide open spaces as are herein required. Such lot shall have frontage on a public street of at least fifty percent of (50%) whose maximum lot width abuts the street. However, all tracts and parcels created after the effective date of this Ordinance with frontage on a public road shall have a depth of that tract or parcel not greater than twice the width of the frontage along said public road;

54. "lot coverage" means the percentage of the lot area that is represented by the building area;

55. "lot ground level"

a. for a building having walls abutting (this is, generally parallel to and notmore than five (5) feet from) one street only, means the elevation of the sidewalk at the center of the wall abutting the street;

b. for a building having walls abutting more than one (1) street, means theaverage of the elevations of the sidewalk at the centers of all walls that face streets; and

c. for a building having no wall abutting a street, means the average level ofthe ground adjacent to the exterior walls of the building;

56. "lot width" means the distance between the side lot lines as measured on the building line;

57. "manufactured home" means a single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

a. Shall have been constructed after January 1, 1981 and must exceed ninehundred fifty (950) square feet of occupied space per I.C. 35-7-4 (d);

b. Is attached to a permanent foundation of masonry construction and has apermanent perimeter enclosure constructed in accordance with the One (1) and
Two (2) Family Dwelling Code;

c. Has wheels, axles and towing chassis removed;

d. Has a pitched roof with a minimum rise of two-twelfth (2/12); and

e. Consists of two (2) or more sections which, when joined, have a minimum dimension of twenty inches by forty-seven and one-half inches (20' x 47.5') in length or width enclosing occupied space;

58. "mineral extraction" means
a. mining or quarrying; and
b. removal of earth materials;

59. "mobile home" means any vehicle without motive power designated by the manufacturer or maker with hitch and undercarriage to permit attachment of axles and wheels, and so

designed to permit its being used as a conveyance upon public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a single-family dwelling;

60. "mobile home park" means any site, lot, field, or tract of land under single ownership, or ownership of two (2) or more persons upon which two (2) or more mobile homes to be used for human habitation are parked, either free of charge or for revenue purposes, and shall include any street use or intended for use as part of the facilities of such mobile home park. A mobile home park does not include a mobile home sales park on which unoccupied mobile homes are parked for inspection or sale;

61. "mobile home park street" means a public or private way other than an alley which affords a primary means of access to abutting property within a mobile home park;

62. "mobile home subdivision" means any site, lot, field or tract of land under single ownership, or ownership of two (2) or more persons, which is to be divided into smaller sites, lots, fields, or tracts of land, which smaller sites, lots, fields, or tracts of land are to be sold for use by the purchaser to park such purchaser's mobile home;

63. "non-conforming use" means a use that exists at the time a provision of this Ordinance is passed but does not comply with it;

64. "non-tillable land" means land determined as non-tillable as defined and shown in the records of the Farm Services Agency of the United States Department of Agriculture offices in Tippecanoe County or its successor;

65. "occupied space" means the total area of earth horizontally covered by the structure, excluding garages, patios and porches and other accessory structures;

66. "One and Two Family Dwelling Code, Indiana" means the nationally recognized model building code adopted by the Indiana Administrative Building Council (ABC) as mandated by Public Law 360, Act of 1971, and, which includes those supplements and amendments promulgated by the ABC;

67. "open use" means the use of a lot without a building, or a use for which a building with a floor area no larger than five percent (5%) of the lot area is only incidental;

68. "parcel" means a piece of land, the location, shape, and size of which is determined by the official record of the last transfer of its ownership transacted before the Unified Subdivision Ordinance of Tippecanoe County was enacted (19 November 1979) or the last division by recordation of a plat prior to the enactment of that Ordinance provided such plat is not a violation of any previous Ordinance;

69. "parcelization" means a division of land, complying fully with Title II, Chapter 4, Section 4.6 (pgs. 2-56 to 2-58) of this Code, otherwise exempt from all other land division provisions of this Ordinance;

70. "permanent foundation" means a structural system for transposing loads from a 2-12

structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil;

71. "permanent perimeter enclosure" means a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for necessary openings, constructed in accordance with the One (1) and Two (2) Family Dwelling Code;

72. "person" includes a corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person;

73. "planned industrial district" means a tract of land which is subdivided and developed according to the comprehensive plan for the use of a community of industries, with streets, rail lead tracks, and utilities installed before sites are sold to prospective occupants. The district is characterized by low density occupancy, plus a park-like character, with protective restrictions what are written into deeds or leases;

74. "plat" means a map or chart that shows a division of land and is intended to be filed for record;

75. "principal building" means a building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof (with respect to residential uses, it means the main dwelling);

76. "private garage" means a garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments;

77. "private school" means a school other than a public school;

78. "professional office" means an office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons, or pharmacists, and realtors or insurance agents, and brokers;

79. "public camp" means an area of land used or designed to be used to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits, but not including a travel trailer park;

80. "public parking garage" means a garage, other than a private garage, where parking but not repairs are available to members of the public or to persons occupying a hotel, club, or similar facility; 2-13

81. "public street" means a street established for or dedicated to the public use;

82. "rear lot line" for an interior or corner lot means the lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot it means the line ten (10) feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line;

83. "rear yard" means the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard;

84. "recreational vehicle" means a portable vehicular structure designed as a temporary dwelling for travel and vacation uses which:

    a. is identified on the unit by the manufacturer as a travel trailer; and

    b. is not more than eight (8) feet in body width; and

    c. is of any weight provided its body length does not exceed twenty-nine feet(29); or:
    a. is a structure mounted on an automobile or truck; and

    b. is designed to be used for sleeping and human habitation;

85. "recreational vehicle park" means any site, lot, field, or tract of land under single ownership of two (2) or more people, designed with facilities for short term occupancy by recreational vehicles only;

86. "refuse transfer station" means a general, private, or commercial use of a site to load or unload refuse, compact or temporarily house in small quantities refuse, with the general purpose of compacting refuse for removal to a sanitary landfill, incinerator, or other more permanent facility;

87. "regulatory flood" means that flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; this flood is equivalent to a flood having a probability

of occurrence of one percent (1%) in any given year;

88. "regulatory floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood;

89. "residential district" refers to R1, R1A, R1B, R2, R3, and R4 Districts;

90. "scrap metal yard" means a general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts filings, clippings, and all other metal items of every type, and which acquire such items incidental to its connection with the other general

industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for sale and shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as wood, paper, rags, garbage, bones, and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard;

91. "section" means a unit of a manufactured home at least ten (10) feet in width and thirty (30) feet in length;

92. "shared housing" means any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms; and that the total number of occupants does not exceed four (4) regardless of the number of bedrooms;

93. "side lot line" means a lot boundary line other than a front or rear lot line;

94. "side yard" means the horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than the architectural appurtenance projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open latticeenclosed fire escape, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space;

95. "sign" means a visual device or structure used for advertising, display or publicity purposes; 2-15

96. "sign, outdoor advertising" means a structural poster panel or painted sign, either freestanding or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the activities on the premises upon which it is located;

97. "sign, temporary" means an on-premise advertising devise not fixed to a permanent foundation, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located;

98. "special exception" means the authorization of a use that is designated as such by this Ordinance as being permitted in the district concerned if it meet special conditions, and upon application, is specifically authorized by the Council;

99. "street" means a right-of-way that is established by a recorded plat to provide the principal means of access to abutting property;

100. "structural change" means a substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof;

101. "subdivision" means the division of an existing parcel of land into at least two (2) smaller parcels so that the subdivider can do any of the following with one or more of the divided parcels:

   a. transfer ownership,
   b. construct buildings,
   c. create new building sites under the authority of Title II, Chapter 3, Section 3.5(pg. 2-49) of of the Municipal Code of the Town of Shadeland and the Subdivision Ordinance of the Town of Shadeland;

102. "Subdivision planning districts set forth here Ordinance" means the Unified Subdivision Ordinance of Tippecanoe County as amended until the effective date of any enactment of a designated succeeding Ordinance by the Town. But nothing in said Ordinance or its amendments shall invalidate this Ordinance or Code in any way, and all references to zoning therein are to be read so as to conform to the in;

103. "Through lot" means a lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake;

104. "tourist home" means a building in which not more than five (5) guest rooms are used to provide or offer overnight accommodations to transient guests for compensation;

105. "town" means the Town of Shadeland;

106. "tract or tract of land" means a specifically described area of land, and this definition may include a "parcel" or a "lot".

107. "trade or business school" means a secretarial or business school or college that is not publicly owned, is not owned, conducted or sponsored by a religious, charitable, or non-profit organization, and is not a school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering, hairdressing, or the industrial or technical arts;

108. "transfer station" see "refuse transfer station";

109. "use" means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment;

110. "use variance" means the approval of a use other than that prescribed by this Code;

111. "variance" means a specific approval granted by the Town Council of Shadeland in the manner prescribed by this Code, to deviate from the development standards (such as height, bulk, area) that the Code otherwise prescribes;

112. "yard" means a space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this Code.

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Purposes and Benefits

1. Preferred Living

Rural permanently protected areas with long views, woods and wildlife supporting cover is the desired premium residential location for many people. Others prefer the convenience of dense, urban living. However, the suburbs can be the worst of both worlds, long commutes and urban density. Thus, suburban lots in well planned Conservation Subdivisions usually command a premium price, by retaining attractive park-like permanently protected areas as recommended by Shadeland's citizens during l997 Town Plan development. Plus, Conservation Subdivisions reduce urban sprawl by preserving a portion of the land for agriculture and/or recreation.

2. Best Land Use Is Partially Conserved

Many communities offer incentives to get "new-wealth generating" manufacturers to locate on their land. Likewise, the farms of Shadeland generate new wealth, which raises the community living standard. Farms pay more in taxes than they consume in public services. Residences, except for high dollar homes, consume more in services than they contribute in taxes. So, building homes on excellent farmland can be a double step backward. Conservation Subdivisions partially offset the losses, by offering the same number of homes as a conventional checkerboard subdivision, but retaining one-half (½) the useable land as common ground, which can preferably be farmed or used for recreation, etc.

3. Feeding a Prosperous World

_____ Shadeland is fortunate to be located in one of the great breadbaskets of the world. The temperate latitudes of North America between four hundred (400) and one thousand (1000) feet elevation, and moist air sucked up naturally from the Gulf

of Mexico, provides necessary rainfall to Indiana and neighboring states. Various crops can be grown, which help conserve the loamy soils by crop rotation. As the population of the world continues to burgeon and Asia becomes more prosperous, the demand for food will make Shadeland's farmland steadily more valuable. Conservation Subdivisions are a compromise method of preserving some agricultural land for the future, rather than paving over this gift of nature.

4. Clean Air through Green Space

Industries, businesses, homes, vehicles, etc., all contribute to air pollution by consuming oxygen and emitting carbon dioxide, nitrates, and other pollutants. So, industrial growth in the Lafayette area is rightfully limited by EPA requirements. However, agricultural crops, trees, shrubs, grasses, etc., absorb carbon dioxide and replenish oxygen into the atmosphere. Thus, for clean air, green belts are needed in and around metropolitan areas. Shadeland's use of Conservation Subdivisions provides a needed greenbelt for long term population and industrial growth for Tippecanoe County.

B. Alternatives in Division of Land

1. Due to the established geological problems or challenges in the Town ofShadeland the minimum standard for determining residential density shall be four acres for a single family residence. Actual lot size may be less than four acres if the lot is part of a development which achieves the above density. Any greater density (less than four acres per family unit) shall only occur with the Town Council approval due to special natural or manmade factors which are set forth in writing. Such factors shall include at least a private or publicly approved drinking water system, a storm sewer system and a sanitary sewer system, provisions for protection of farmland, animal and plant life, and provisions to accommodate increased road traffic. The Town Council will not usually approve any development which results in increased run-off on neighbors or Town roads.

2. Permits for buildings or improvements will only be allowed on existing tractsof land in compliance with the Town Ordinances or tracts of land created in compliance with the Town Ordinances. The only allowed land divisions resulting in tracts suitable for building will be under the Parcelization Ordinance, the Planned Unit Development Ordinance, or the Conservation Subdivision Ordinance.

C. Definitions

1. Conservation Subdivisions. A conservation subdivision is a residential area that:

   a. conserves one-half (½) of the land as permanently undeveloped property;

   b. has the historic, scenic and cultural objects, and the land to be conserved, designed in first; and the home sites and access laid out last;

   c. has home sites which are preferably located on non-tillable or poor agricultural ground and away from ridge lines and highways; or

   d. has homes which should view forest, scenic areas, or long vistas, rather than each other.

1. Primary Conservation Areas. A Primary Conservation Area is a site where buildings are prohibited due to severely constraining elements such as wetlands, land that is generally inundated (land under ponds, lakes, creeks, etc.), watercourses, intermittent streams, all of the floodway and floodway fringe within the 100-year flood plain, as shown on official FEMA maps, steep slopes over twenty-five (25%) or soils subject to erosion, all rights-of-way, and land under permanent easement prohibiting future development (including easements for drainage, access, and utilities).

2. Secondary Conservation Areas. Secondary Conservation Areas are preserved green space and shall include tillable acres and the most sensitive and noteworthy natural, scenic, cultural and agricultural resources. Secondary Conservation Areas equal at least one-half of the net tract acreage.

   All tillable acres must have a minimum twenty-four (24) foot clear open span recorded easement for access for heavy farm equipment.

3. Net Tract Acreage. Net tract acreage is total parcel acreage minus Primary Conservation Area.

Section 2.2 - Site Planning Procedures For Conservation Subdivisions

A. General

1. Process Overview. The sequence of actions prescribed in this article is listed below. These steps shall be followed sequentially and may be combined only at the discretion of the Planning Committee or the Town Council:

   a. Pre-application Discussion

   b. Existing Features (Site Analysis) Plan

   c. On-site Walkabout by the Town's Planning Committees and Applicant

   d. Pre-submission Conference

   e. Conceptual Preliminary Plan (conceptual illustration of permanently protected areas, potential house sites, street alignments, and tentative lot lines, prepared according to the four-step (4) design process described herein)

   f. Preliminary Plan Submission, Determination of Completeness, Review of overall planning concepts, and Decision

   g. Preliminary Engineering Certification

   h. Maintenance

   i. Public Hearing

   j. Final Plan Submission, Determination of Completeness, Review, and Decision

   k. Supervisors' Signatures

   l. Recording at County Recorder

B. Elements of the Preliminary Plan Process

1. <u>Pre-Application Discussion</u>. A pre-application discussion is strongly 2-25

encouraged between the applicant, the site designer(s), and the Planning Committee. The purpose of this informal meeting is to introduce the applicant and the site designer(s) to the Town's planning Ordinance and procedures, and to discuss the applicant's objectives in relation to the Town's official policies and Ordinance requirements. The Town may designate a consultant experienced in development design and in the protection of natural features and permanently protected areas to meet with the applicant and to attend or conduct meetings required under this Ordinance. (The cost of these consultant services shall be paid for through subdivision review fees paid by the Applicant.)

2. Existing Features (Site Analysis) Plan. Plans analyzing each site's special features are required for all proposed conservation subdivisions, as they form the basis of the design process for permanently protected areas, house locations, street alignments, and lot lines. The applicant or his/her representative shall bring a copy of the Existing Features (Site Analysis) Plan to the on-site walkabout. Detailed requirements for Existing Features (Site Analysis) Plans are contained in another section of this Ordinance, but at the minimum must include:

   a. contour map based at least upon topographical maps published by the U.S. Geological Survey;

   b. Primary Conservation Areas as defined in Title II, Chapter 2, Section 2.1(C)(2)(pg. 2-24);

   c. soil boundaries as shown on the Tippecanoe County soil map; and

   d. the location of significant natural, cultural, and historic features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks and trails.

   These Existing Features (Site Analysis) Plans shall identify both Primary Conservation Areas as defined in Title II, Chapter 2, Section 2.1(C)(2)(pg. 2-24) and Secondary Conservation Areas, as defined in Title II, Chapter 2, Section 2.1(C)(3)(pg.2-24) of this Ordinance. Together, these Primary and Secondary Conservation Areas comprise the development's proposed permanently

protected areas, the location of which shall be consistent with the design criteria listed in the Town's Development Plan. The Existing Features

(Site Analysis) Plan shall later form the basis for the Conceptual Preliminary Plan, which shall show the tentative location of permanently protected areas, houses, streets, and lot lines in new subdivisions, according to the four-step design process described in Title II, Chapter 2, Section 2.2(B)(6)(pg.2-28) below.

3. On Site Walkabout. After the Existing Features (Site Analysis) Plan has been prepared, the Planning Committee shall schedule a mutually convenient date to walk the property with the applicant and his/her site designer. The purpose of this visit is to familiarize Town officials with the property's special features, and to provide them an informal opportunity to offer guidance (or at least a response) to the applicant regarding the tentative location of the Secondary Conservation Areas and potential house locations and street alignments. If this walkabout is not scheduled before submission of the Conceptual Preliminary Plan (sketch plan), it should occur soon thereafter.

4. Pre-Submission Conference. Prior to the submission of a Conceptual Preliminary Plan (sketch plan), the applicant shall meet with the Planning Committee to discuss how the four-step approach to designing subdivisions, described in Title II, Chapter 2, Section 2.2(B)(6)(pg.2-28) below, could be applied to the subject property. At the discretion of the Planning Committee this conference maybe combined with the on-site walkabout.

5. Conceptual Preliminary Plan. After the pre-submission conference, a Conceptual Preliminary Plan (sketch plan) shall be submitted for all proposed subdivisions. As used in this Ordinance, the term "Conceptual Preliminary Plan" refers to a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for permanently protected areas, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. These drawings shall be prepared by a team that includes a landscape architect and a civil engineer.

A Conceptual Preliminary Plan shall be submitted by the applicant to the Town Council, who will then submit it to the Planning Committee for review for the purpose of securing an early agreement on the overall pattern of Primary and Secondary Conservation Areas, as well as streets, house lots and potential trail linkages (where applicable), prior to any significant expenditure on engineering costs in the design of streets, storm water management, or the accurate delineation of internal lot boundaries.

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6. Four-Step Process. Each Conceptual Preliminary Plan (sketch plan) shall follow a four-step design process, as described below. When the conceptual Preliminary Plan is submitted, applicants shall be prepared to demonstrate to the Planning Committee that these four (4) design steps were followed by their site designers in determining the layout of their permanently protected areas, proposed streets and house lots.

a. Designating the Permanently Protected Areas. During the first and most important step, all potential conservation areas (both Primary and Secondary) are identified, using the Existing Features (Site Analysis) Plan. Primary Conservation Areas are defined in Title II, Chapter 2, Section 2.1(C)(2)(pg.2-24). Secondary Conservation Areas are defined in Title II, Chapter 2, Section 2.1(C)(3)(pg.2-24) and shall comprise fifty percent (50%) of the remaining non-primary land.

Guidance on which parts of the remaining land to classify as Secondary Conservation Areas shall be based upon:

- the procedures described in Conservation Design for Subdivisions*:* A Practical Guide to Creating Open Space Networks, produced by Natural Lands Trust and published by Island Press;

- the permanently protected areas criteria contained in Title II, Chapter 2, Section 2.2(A)(1)(e)(pg.225) of the above guide;

- the evaluation criteria listed in Title II, Chapter 2, Section 2.2(A)(1)(e)(pg.2-25) above;

- information from published data and reports; and

- conversations with existing or recent owners of the property, and members of the Town Council and Planning Committee.

b. Location of House Sites. During the second step, potential house sites are tentatively located. Because the proposed location of houses within each lot represents a significant decision with potential impacts on the ability of the development to meet the fifteen (15) Evaluation Criteria

contained in Title II, Chapter 2, Section 2.3(E)(pg.2-34) below, subdivision applicants shall identify tentative house sites on the Conceptual Preliminary Plan and proposed house sites on the detailed Final Plan. House sites should generally be located not closer than one hundred feet (100') from Primary Conservation Areas, but may be situated within fifty feet (50') of Secondary Conservation Areas, in order to enjoy view of the latter without negatively impacting the former. The building "footprint" of proposed residences may be changed prior to construction by more than fifty feet (50') in any direction with majority approval from the members of the Planning Committee. Any changes involving less than fifty (50) feet do not require Town approval but will require approval of the Tippecanoe County Health Department.

c. Street and Lot Layout. The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on both the Primary and Secondary Conservation Areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over twenty-five percent (25%) shall be strongly discouraged. Street connections shall generally be encouraged to minimize the number of new cul-de-sacs to be maintained, and to facilitate easy access to and from homes in different parts of the property (and on adjoining parcels). Cul-de-sacs shall generally be designed with a central island containing indigenous trees and shrubs (either conserved on site or planted). The Town generally prefers the creation of residential streets, with homes not directly across from each other, in order that the maximum number of homes in new developments may enjoy views of permanently protected areas. The Town generally encourages the creation of round-a-bouts and discourages stop signs. Utility and drainage easements shall be designated.

d. Lot Lines. The fourth step is simply to draw in the lot lines (where applicable). These are generally drawn midway between house locations and may include L-shaped lots, often called "flag-lots", but otherwise meeting the town's minimum standards for lots.

7. Preliminary Engineering Certification. Prior to approval of the Conceptual Preliminary Plan, the applicant shall submit to the Planning

Committee a "Preliminary Engineering Certification" that the approximate layout of proposed

streets, houselots, and permanently protected areas lands complies with the Town's planning and subdivision Ordinances, particularly those sections governing the design of subdivision streets and storm water management facilities. This certification requirement is meant to provide the Town with assurance that the proposed plan is able to be accomplished within the current regulations of the Town. The certification shall also note any waivers needed to implement the plan as drawn.

8. Maintenance Plan. Prior to approval of the Conceptual Preliminary Plan, the applicant shall submit to the Planning Committee, a detailed maintenance plan setting forth how all common and permanently protected areas shall be preserved and protected.

C. Approval of Preliminary Plan by Council of Trustees of Town of Shadeland.

1. Public Hearing - The preliminary plan shall only be approved after a public hearing with timely notice.

2. Advance Notices to Neighbors and the Public - Notice shall be given to all neighbors and the public as required for all other land divisions.

3. Prohibition of "Sliders" - In order to protect ground water and neighbor's property rights no right to a division of any real estate tract shall be transferred to any other tract of real estate.

4. Recording Requirement - All Town Council approvals of land divisions require recording the approvals in all affected land legal descriptions, including the boldface capitalized words: "NOT SUBJECT TO FURTHER LAND DIVISION", in all Conservation Subdivisions and Plan Unit Developments, and, when applicable, in all parcelizations.

   All conservation easements, restrictive covenants, and other documents required by the Town Council, or the Town Ordinances, shall be recorded prior to the issuance of any building permits for that development.

5. Easements - Land included in the required conservation easements may be further restricted by the Town Council to the land's own historic, agricultural use of the production of commercial agricultural products, such as corn,

soybeans, wheat, and other crops included in U.S. Farm Service Agency Programs or productive grassland.

Section 2.3 - Standards For "Conservation Subdivision Design" A. Determining Home Site Density or "Yield" -

Applicants shall have the option of estimating the legally permitted density in one of two ways:

1. Mathematically, by calculating the net tract acreage Title II, Chapter 2, Section
2. 1(C)(4)(pg.2-24) and dividing by four (4) acres, per home site.

2. Laying out a conventional subdivision yield plan.
Such "yield plans" consist of conventional lot and street layouts and must conform to the Town's regulations governing lot dimensions, land suitable for development (for example, not including wetlands), street design, and parking. Although such plans shall be conceptual in nature, and are not intended to involve significant engineering costs, they must be realistic and must not show potential house sites or streets in areas that would not ordinarily be legally permitted in an conventional layout. Minimum lot size is four (4) acres.

In order to prepare a realistic "yield plan," applicants generally need to first map the Primary Conservation Areas on their site.

B. Size of Home Sites -

Since home site yield is based on a maximum density of four (4) acres per home site, but one-half (½) of the net tract acreage is set aside as undeveloped permanently protected areas; then the actual minimum net building site acreage is two (2) acres or larger. Septic fields may extend under community permanently protected areas, if acceptable to the Town on an individual basis.

C. Minimum Percentage of Permanently Protected Areas

1. The minimum percentage of land that shall be designated as permanent permanently protected areas shall be a minimum of fifty percent (50%) of the total tract area, after deducting the Primary Conservation Areas. This land is not to be further subdivided. All of this land shall be protected through a conservation easement held by the Town or by a recognized land trust or conservancy. This land shall have a recorded easement prohibiting future

development (including easements for drainage, access, and utilities) in a form approved by the Town. This minimum fifty percent (50%) of the adjusted net tract acreage (secondary

conservation area) shall generally be designated as undivided permanently protected areas to promote appropriate management by a single entity according to approved land management standards and to facilitate easement monitoring and enforcement.

2. In subdivisions where the gross density is one dwelling per ten (10) or more acres, the required permanently protected areas may be included within individual lots, which cannot be further subdivided or parcelized. Any lot capable of further subdivision shall be restricted from further subdivision through a permanent conservation easement, and/or a restrictive covenant, as appropriate, in a form acceptable to the Town and duly recorded in the Recorder's Office.

3. The required permanently protected areas, if not used for agricultural purposes, may be used, without restriction, for underground drainage fields for individual or community septic systems, and for "spray fields" for spray irrigation purposes in a "land treatment" sewage disposal system. However, "mound" systems protruding above grade and aerated sewage treatment ponds shall be limited to no more than ten percent of the required minimum permanently protected areas.

4. Storm water management ponds or basins, which are not preexisting, may be included as part of the minimum required permanently protected areas, as may land within the rights-of-way for underground storm-drainage pipelines. However, land within the rights-of-way of high-tension power lines is primary conservation area and shall not be included as comprising part of the minimum required permanently protected areas.

D. Location of Permanently Protected Areas -

The location of permanently protected areas conserved through compact residential development shall be consistent with the policies contained in the Town's Development Plan, and with the recommendations contained in this section and the following section ("Evaluation Criteria".) Permanently protected areas shall be comprised of two (2) types of land: "Primary Conservation Areas" and "Secondary Conservation Areas." All lands within both Primary and Secondary Conservation Areas are required to be protected by a permanent conservation easement, prohibiting further development, and setting other standards safe-guarding the site's special resources from negative changes.

1. Primary Conservation Areas. These sensitive lands are deducted from the total parcel acreage to produce the "Net Tract Acreage," on which density shall be based.

2. Secondary Conservation Areas. In addition to the Primary Conservation Areas, at least fifty percent (50%) of the remaining land shall be designated and permanently protected. Although the locations of Primary Conservation Areas are pre-determined by the locations of flood plains, wetlands, steep slopes, and soils subject to erosion, greater latitude exists in the designation of Secondary Conservation Areas [except that they shall include a one hundred (100) foot deep buffer alongside wetlands' soils classified as "very poorly drained" in the Tippecanoe County soil survey map].

The location of Secondary Conservation Areas shall be guided by the maps and policies contained in the Town's Development Plan, which include all or part of the following kinds of resources: tillable acres, mature woodlands, aquifer recharge areas, areas with highly permeable ("excessively drained") soil, significant wildlife habitat areas, historic, archaeological or cultural features listed (or eligible to be listed) on national, state or county registers or inventories, and scenic views into the property from existing public roads. Secondary Conservation Areas are defined in Title II, Chapter 2, Section 2.1 (C)(3)(pg.224), and therefore typically consist of farm fields, upland forest, meadows, pastures, and part of the ecologically connected matrix of natural areas significant for wildlife habitat, water quality protection, and other reasons. Although the resource lands listed as potential Secondary Conservation Areas may comprise more than half of the remaining land on a development parcel (after Primary Conservation Areas have been deducted), no applicant shall be required to designate more than fifty percent (50%) of that remaining land as a Secondary Conservation Area.

3. General Locational Standards. Lots shall be designed outside of, and around, both the Primary and Secondary Conservation Areas, which together constitute the total required permanently protected areas. The design process should start with the delineation of all potential permanently protected areas, after which potential house sites are located. Following that, access road alignments are identified, with lot lines being drawn in as the final step. This "four-step" design process was further described in Title II, Chapter 2, Section 2.2(B) (6) (pg.2-28) above. Both Primary and Secondary Conservation Areas shall be placed in

undivided preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all

residents of the development. Undivided permanently protected areas shall be directly accessible to the largest practicable number of lots within a conservation subdivision. To achieve this, the majority of house lots should abut undivided permanently protected areas in order to provide direct views and access. Safe and convenient pedestrian access to the permanently protected areas from all lots not adjoining the permanently protected areas shall be provided (except in the case of farmland, or other resource areas vulnerable to trampling damage or human disturbance). Where the undivided permanently protected areas are designated as separate, noncontiguous parcels, no parcel shall consist of less than three (3) acres in area nor have a length-to-width ratio in excess of 4:1, except such areas that are specifically designed as village greens, ballfields, upland buffers to wetlands, water bodies or watercourses, or trail links.

4. Interconnected Permanently Protected Areas Network. As these policies are implemented, the protected permanently protected areas in each new subdivision will eventually adjoin each other, ultimately forming an interconnected network of Primary and Secondary Conservation Areas across the Town. To avoid the issue of the "taking of land without compensation", the only elements of this network that would necessarily be open to the public are those lands that have been required to be dedicated for public use, never more than ten percent (10%) of a development parcel's gross acreage, and typically configured in a linear fashion as an element of the Town's long-range permanently protected areas network.

E. Evaluation Criteria -

In evaluating the layout of lots and permanently protected areas, the following criteria will be considered by the Planning Committee as indicating design appropriate to the site's tillable land under easement, natural, historic, and cultural features, and meeting the purposes of this Ordinance. Diversity and originality in lot layout shall be encouraged to achieve the best possible relationship between development and conservation areas. Accordingly, the Planning Committee shall evaluate proposals to determine whether the proposed conceptual preliminary plan:

1. Protects and saves all flood plains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).

2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands that raise an equal or greater preservation concern, as described in items Title II, Chapter 2, Section 2.3 (E)(5)(pg.2-34) and Title II, Chapter 2, Section 2.3 (E)(8)(pg. 2-34) below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.

3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs, and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species found in a typical nearby roadside verge or hedgerow).

4. Maintains or creates an upland buffer of natural native species vegetation of at least one hundred feet (100') in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

5. Designs around existing hedgerows and tree-lines between fields or meadows, and minimizes impacts on large woodlands [greater than five (5) acres], especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, development in woodlands of any size on highly erodible soils with slopes greater than ten percent (10%) should be avoided. However, woodlands in poor condition with limited management potential can provide suitable locations for residential development. When any woodland is developed, great care shall be taken to

design all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. For example, in open agrarian landscapes, a deep "no-build, no-plant" buffer is recommended along the public thoroughfare where those views or vistas are prominent or locally significant. The concept of "foreground meadows", with homes facing across a broad grassy expanse to a public thoroughfare (as illustrated in fig.5-5 of Conservation Design for Subdivisions: A Practical Guide to Creating Open Space Networks*),* is strongly preferred to mere buffer strips, with or without berms or vegetative screening. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.

7. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency.

9. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, cellar holes, earthworks, and burial grounds.

10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads. Establishes buffer zones along the scenic corridor or rural roads with historic buildings, stone walls, hedgerows, and so on.

11. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value. Deciduous shade trees shall be planted at forty-foot (40') intervals on both sides of each street, so that the

neighborhood will have a stately and traditional appearance when they grow and mature. These trees shall generally be located between the sidewalk or footpath and the edge of the street, within a planting strip not less than five feet (5') in width.

12. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.

13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood permanently protected areas system. All roadside footpaths should connect with off-road trails, which in turn should link with potential non-agricultural permanently protected areas on adjoining non-agricultural undeveloped parcels (or with existing permanently protected areas on adjoining developed parcels, where applicable).

14. Provides permanently protected areas that are reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust. For example, fragmentation of permanently protected areas should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The permanently protected areas shall generally abut existing or potential permanently protected areas land on adjacent parcels (such as in other conservation subdivisions, farmland, public parks, or properties owned by or eased to private land conservation organizations). Such permanently protected areas shall be designed as part of larger contiguous and integrated systems, as per the policies in the Town’s Development Plan.

15. On sites not served by public sewerage or a centralized private sewage treatment facility, soil suitability for individual septic systems shall be

demonstrated. The Planning Committee shall review the certified soil scientist's report as a basis for approval.

Section 2.4 - Ownership and Maintenance of Permanently Protected Areas

A. General

Different ownership and management options apply to the permanently protected areas created through the development process. The permanently protected areas shall remain undivided and may be owned and managed by an individual, a homeowners' association, the Town, or a recognized land trust or conservancy. (However, in low-density rural subdivisions with ten or more acres per dwelling, all or part of the required permanently protected areas may be located within the house-lots.) A public land dedication, not exceeding ten percent (10%) of the total original parcel size, may be required by the Town, through these permanently protected areas, to facilitate trail connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and permanently protected areas, prior to approval of the Conceptual Preliminary Plan.

B. Ownership Standards

Common permanently protected areas within a development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, subject to a conservation easement to the Town, and also subject to approval by the Town Council.

1. Offer of Dedication. The Town shall have the first offer of dedication of undivided permanently protected areas in the event said land is to be conveyed. Dedication shall take the form of a conservation easement, or fee simple ownership. The Town may, but shall not be required to, accept undivided permanently protected areas provided:

a. Such land is accessible to the residents of the Town;

b. There is no cost of acquisition other than any costs incidental to thetransfer of ownership such as title insurance;

c. The Town agrees to, and has access to, maintain such lands; and

d. A satisfactory maintenance agreement is reached between thedeveloper, condominium or homeowners' association, and the Town. Where the Town accepts dedication of common permanently protected areas that contains improvements, the Town may require the posting of financial security to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 2-38

eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements. The Town may assign or lease any part of its interest in the permanently protected areas to the Town Park and Recreation Board, or another legal entity for the community benefit.

2. Homeowners' Association. The undivided permanently protected areas and associated facilities may be held in common ownership by a homeowners' association. The association shall be formed and operated under the following provisions:

a. The developer shall provide a description of the association, includingits bylaws and methods for maintaining the permanently protected areas.

b. The association shall be organized by the developer and shall beoperated with a financial subsidy from the developer, before the sale of any lots within the development.

c. Membership in the association is automatic and mandatory for allpurchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.

d. The association shall be responsible for maintenance of insurance andtaxes on undivided permanently protected areas, enforceable by liens placed by the Town on the real estate of the development. The association may place liens on the homes or houselots of its members who fail to pay their association dues in a timely manner. Such liens may require the imposition of penalty interest charges.

e. The members of the association shall share equitably the costs ofmaintaining and developing such undivided permanently protected areas. Shares shall be defined within the association bylaws.

f. In the event of a proposed transfer, within the methods here

permitted, of undivided permanently protected areas land by the homeowners' association, or of the assumption of maintenance of undivided permanently protected areas land by the Town, notice of such action shall be given to all property owners within the development.

g. The association shall have or hire adequate staff to administercommon facilities and property and continually maintain the undivided permanently protected areas, as specified by the Town Council approved maintenance plan.

h. The homeowners' association may lease permanently protectedareas lands to any other qualified person, or corporation, for operation and maintenance of permanently protected areas lands, but such a lease agreement shall provide:

(1). That the residents of the development shall at all times have access to the permanently protected areas lands contained therein, except farmlands.

(2). That the undivided permanently protected areas to be leased shall be maintained for the purposes set forth in this Ordinance; and

(3). That the operation of permanently protected areas facilities may be for the benefit of the residents only, or may be open to the residents of the Town, at the election of the developer and/or homeowners' association, as the case may be.

i. The lease shall be subject to the approval of the Town Council andany transfer or assignment of the lease shall be further subject to the approval of the Town Council. Lease agreements so entered upon shall be recorded with the County Recorder within thirty (30)

days of their execution and a copy of the recorded lease shall be filed with the
Town.

3. Condominiums. The undivided permanently protected areas and associated facilities may be controlled through the use of condominium agreements, approved by the Town. Such agreements shall be in conformance with the state's uniform condominium act. All undivided permanently protected areas land shall be held as a "common element."

4. Transfer of Easements to a Private Conservation Organization. With the permission of the Town, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve permanently protected areas and/or natural resources, provided that:

a. The organization is acceptable to the Town, and is a bona fideconservation organization with perpetual existence;

b. The conveyance contains appropriate provisions for properreverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions or attempts to further subdivide or develop any of the land; and

c. A maintenance agreement acceptable to the Shadeland TownCouncil is entered into by the developer and the organization.

C. Maintenance Standards

1. The ultimate owner of the permanently protected areas (typically a homeowners' association) shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the permanently protected areas through annual dues, special assessments, etc. The homeowners' association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

2. In the event that the association or any successor organization shall, at any time after establishment of a development containing undivided permanently protected areas, fail to maintain the undivided permanently protected areas in reasonable order and condition in accordance with the development plan, the Town may serve written notice upon the owner of record, setting forth the

manner in which the owner of record has failed to maintain the undivided permanently protected areas in reasonable condition.

3. Failure to adequately maintain the undivided permanently protected areas in reasonable order and condition constitutes a violation of this Ordinance. The Town is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days. Failure to timely remedy a violation as required by the Order is consent to the Town's maintenance at the property owners' cost.

4. Should any bill or bills for maintenance of undivided permanently protected areas by the Town be unpaid by November 1 of each year, a late fee of fifteen percent (15%) shall be added to such bills and a lien shall be filed against the premises in the same manner as any other municipal claim.

Section 2.5 - Final Plan Submission

A. Final Subdivision Plat Procedure

1. Submission Requirements

Following preliminary approval and approval of construction plans by the Town Council, the applicant, if he wishes to proceed with the subdivision, shall file with the Shadeland Town Council a request for final approval of a subdivision plat. The application shall:

a) Be submitted on forms acceptable to the Town Council;

b) Include the entire subdivision, or section thereof which derivesaccess from an existing State, County, or local government roadway;

c) Be accompanied by ten (10) copies of the final subdivision plat asdescribed in this Ordinance;

d) Include acreage calculations for Primary and SecondaryConservation Areas, development sites, road and streets;

e) Totally comply with the Ordinance and the terms and conditions ofprimary approval;

f) Be accompanied by the performance bond, if required, in a formsatisfactory to the Town's Attorney and in an amount established by the Council upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements; and

g) Be accompanied by a conservation easement, restrictive covenants,and property owner's association documents in a form approved by the Town's Attorney, where proposed by the subdivider or required by the Council. A copy of the restrictive covenants shall appear on the plat documents. All restrictive covenants shall include a provision that no further land division may occur on the new tracts.

2. Determination of Conformance (Secondary Approval)

In order to be recorded, a final subdivision plat shall be found to be in conformance with the preliminary approval by the Council at a public meeting. If the final subdivision plat deviates from the preliminary plat that received preliminary approval, the subdivision shall be resubmitted to the Council at a public meeting for a new preliminary approval. Council review shall be requested by the subdivider in writing no less than thirty (30) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Council shall place the matter on its next regular meeting agenda.

The Town Planning Committee shall review the proposal and submit a written report and recommendations to the Council and the applicant. The Council, at the public meeting shall approve or disapprove the final plat. If granted approval it shall be signed by the designated officials. If not granted approval then the subdivider shall be informed as to the insufficiency of his submittal. No final plat approval may occur without prior payment to the Town of all fees due to the Town.

3. Sectionalizing Plats

Prior to granting final approval of a major subdivision plat, the Council may permit the

plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Council may require that the performance bond be in an amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least twenty (20) lots or twenty (20) percent (20%) of the total number of lots contained in the approved plat, whichever is less. The approval of all remaining sections not filed with the Town shall

automatically expire after five (5) years of the date of primary subdivision approval of the subdivision plat, unless the expiration date has been extended.

B. Signing and Recording a Plat

1. Signing of a Plat

a. When a bond is required, the Designated Town Officials shall endorse final approval on the plat by signing the certificate after the bond has been approved, and all conditions of the preliminary approval have been satisfied.

b. When installation of improvements is required, the designated officials shall endorse final approval on the plat by signing the certificate after all conditions of the preliminary approval have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Town Council and showing all necessary improvements have been accomplished.

2. Assurance to Subdivider

a. If the subdivider elects to install all improvements before he applies for final approval and it is shown that the conditions of the Ordinance have been met, and if the final plat completely conforms to the preliminary approval, the Council shall grant final approval.

3. Recording of Plat

a. The designated official shall sign the certificate granting final approval which shall be part of the tracing cloth or reproducible mylar of the subdivision plat, plus two (2) mylar prints of the subdivision plat. The mylar prints shall be returned to the subdivider and his engineer or surveyor. 2-44

b. It shall be the responsibility of the subdivider to file the plat with the County Recorder within thirty (30) days of the date of signature and furnish proof of recording to the Town.

c. No building permits will be issued or approved in the platted area until the plat, and all other documents required to be recorded, are recorded, and written proof is furnished to the Town Clerk-Treasurer.

C. Final Subdivision Plat

1. General

The final subdivision plat shall be presented in ink on tracing cloth or reproducible mylar at an appropriate scale on sheets not larger than twenty-four by thirty-six inches (24" x 36"), and show any changes or additions required by the conditions of preliminary approval.

2. Additional Plat Requirements

All revision dates must be shown as well as the following:

a. Name of subdivision; if the final subdivision plat is only a portion of the preliminary subdivision plat; each section or addition shall be separately designated;

b. Legal description of the subdivision which shall include Section, Township, Range and government township;

c. Name, address, seal and certification of the Registered Land Surveyor preparing or certifying the subdivision, as shown in Appendix "A";

d. Scale, graphic bar scale, date and north arrow;

e. Township, Range or Section Line accurately tied to the subdivision by bearing and distances in feet and hundredths thereof;

f. Boundary of subdivision, based on accurate traverse survey with angular and lineal dimensions in feet and hundredths thereof; the traverse survey shall be 2-45

closed to a minimum accuracy of one to ten thousand (1:10,000); a boundary closure sheet shall be provided;

g. Boundary of Primary Conservation Area(s) with accurate locational dimensions in feet and hundredths, or degrees, minutes and seconds, and chordal lengths; acreage in tenths;

h. Boundary of Secondary Conservation Areas (other than public right-of-way,) to be dedicated or reserved for public use or semi-public use or areas to be reserved for the common use of all property owners, shall be shown on the drawing and labeled as to its use and shall have a separate legal description on the drawing with accurate dimensions in feet and hundredths thereof and bearings expressed in degrees, minutes and seconds; acreage in tenths;

i. Exact location, width and name of all streets within the subdivision and exact location and width of all alleys, crosswalks and other easement; all radii, central angles, points of curvature and tangency, length of tangents, lengths of acres, widths or rights-of-way and similar data shall be shown for all street; all street lines shall be tied to other streets and alleys with accurate dimensions in feet and hundredths thereof and angles or bearings;

j. All easement dimensioned and identified as to their specific uses;

k. All lot numbers and lines with accurate dimensions in feet and hundredths thereof, and bearings expressed in degrees, minutes and seconds; lots in sections or additions to a subdivision with the same name shall not bear the same lot number as any other lot throughout the several sections or additions;

l. All recorded subdivisions bounding the final subdivision plat shall be shown in dotted lines with name, section, or addition and Recorder's Book and Page Number; and

m. Dimensioned building setback lines.

Section 2.6 - Miscellaneous - Compliance

No lots are to be sold or permits issued in any development under this Ordinance until the conservation easements and ownership documents under Title II, Chapter 2, Section 2.4(pg.237) Ownership and Maintenance of Permanently Protected Areas, and the restrictive covenants under Title II, Chapter 2, Section 2.5(pg.2-42) Final Plan Submission are recorded.

TOWN OF SHADELAND
TITLE II
CHAPTER 3
RESTRICTIONS ON LAND USE SO AS TO PROTECT NEIGHBORS
BY REDUCING THE IMPACT OF LAND USE CHANGES

Section 3.1 - Use on 1 January 1985

A. Each land use that was occurring and in compliance with and consistent with the Ordinances in effect on the 1st day of January l985 shall be considered the proper use of that tract of that tract land on that date.

Section 3.2 - Use Change Approval Needed

A. Any change in land use after that date shall be done only by the prior approval of the Shadeland Town Council. Any approval of a change in land use shall be done only after notice has occurred, as set forth in Chapter 18 of Title II of the Municipal Code of the Town of Shadeland. Anyone wishing to establish a new use may receive approval if they establish sufficient buffering so that their adjoining neighbors shall not be adversely affected by any increased traffic, noise, light, smell, or any other change in neighborhood activity or appearance as determined by the Town Council.

Section 3.3 - Bufferyards Defined

A. The bufferyard is a unit of border yard together with any required planting. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this Ordinance are designed to reduce or eliminate nuisances between adjacent land uses or between a land use and a public road. The planting units required of bufferyards will be calculated to insure that they do, in fact, function as "buffers" in each specific situation. Bufferyards shall be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse effects of noise, odor, or danger from fires or explosions.

No bufferyard plantings shall be allowed to overhang on agricultural land of an adjoining property owner.

Section 3.4 - Bufferyards May Be Required

A. The Town Council may require the establishment of bufferyards of sufficient design and

planting so as to ensure the protection, health and safety and quiet enjoyment of each resident and property owner of the Town of Shadeland. The property owner requesting a change in use shall propose an appropriate bufferyard design from those set forth in Title II, Chapter 6, Section 6.10 to 6.13 (pgs. 2-81 to 2-85). The specific bufferyard design required shall be determined by the Town Council. A fence alone shall not be sufficient bufferyard.

All required bufferyards shall have a Town Council approved, recorded covenant allowing the Town Council to enforce continual property owner maintenance of the bufferyard.

Section 3.5 - Right-of-way Dedication

A The Town Council may require as a condition of change of land use, the dedication of sufficient right-of-way to allow proper access and traffic planning. The dedication of such right-of-ways shall be not less than forty (40) feet from the center of the road. Said dedication shall be by grant of right-of-way to the Town of Shadeland. But the dedication amount shall be negotiated if forty (40) feet makes the affected tract unuseable.

Section 3.6 - Bufferyard Requirement

A. The following illustrations graphically indicate the specifications of each bufferyard.Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options thereof illustrated. The "plant unit multiplier" is a factor by which the basic number of plant material required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, shall be first approved by the Town Council.

1. Commentary: The options within any bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted where possible. Generally, the plant materials which are identified as acceptable are determined by the type(s)of soil present on the site. The following illustrations (pg. A-51) have mathematically rounded the number of plant units required for each option within a given bufferyard. In actual practice, mathematically rounding would be applied to the total amount of plant material required by a bufferyard, not to each one hundred (100) foot length of bufferyard. All of the following illustrations are drawn to scale and depict the bufferyard according to the average projected diameter of plant materials at five (5) years after planting. 2-49

B. Each illustration (pg. A-51) depicts the total bufferyard located between two uses.

C. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as"structure required" in the following illustrations(pg. A-51), wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity use. Whenever a wall is required, in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption. A required berm shall include any ditch or space, as well as the raised grade area.

D. The following plant material substitutions shall satisfy the requirements of thissection.

1. In bufferyards G, H, I, J, and K,(pg. A-51) evergreen canopy or evergreenunderstory trees may be substituted for deciduous canopy forest trees without limitation.

2. In bufferyards C, D, E, F, S/1, S/2, and AG,(pg.A-51) evergreen canopy orevergreen understory trees may be substituted as follows:

a. In the case of deciduous canopy forest trees, up to a maximum of fifty (50%)percent of the total number of the deciduous canopy trees otherwise required.

b. In the case of deciduous understory, without limitation.

3. In all bufferyards, evergreen or conifer shrubs may be substituted fordeciduous shrubs without limitation.

4. In all bufferyards required of public service uses, the public service use maysubstitute evergreen canopy or evergreen understory plant material for canopy forest trees and understory plant materials, without limitation.

E. If the development on the adjoining use is existing, planned, or deed-restricted forsolar access, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

F. Any existing plant material which otherwise satisfies the requirements of this sectionmay be counted toward satisfying all such requirements.

G. The exact placement of required plants and structures shall be satisfied:

1. Evergreen (or conifer) class III and IV (pg.A-51)plant materials shall beplanted in clusters rather than singly in order to maximize their chances of survival.

2. Berms with masonry walls (BW/1, BW/2, and BW/3)(pg.A-51) required ofbufferyard J and K(pg.A-51) options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.

   a. When berms with walls are required, the masonry wall shall becloser than the berm to the higher intensity use.

   b. Within a bufferyard, a planting area at least five (5) feet widecontaining fifteen (15) percent of the total plant requirements (based on the multiplier = 1) shall be located between the masonry wall and the higher intensity class use. These plants shall be chosen to provide species and sized to reduce noise in conjunction with the wall.

H. All bufferyard areas shall be seeded with lawn or prairie unless ground cover is already established.

Section 3.7 - Trees

All tree planting shall be setback from property lines and Town road easements at least a distance equal to the usual mature limb overhang.

1. Any violation of this Ordinance may be enforced only, when and if,branches encroach upon a neighbor’s property or extend over the property line or interfere with traffic safety.

2. The penalty for any violation of this Ordinance shall be the maximum fineallowed by law, the actual cost of removal of overreaching branches, and all reasonable enforcement costs, all of which shall be a lien on the violators real estate.

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE II
CHAPTER 4
DISTRICTS

Section 4.1 - Kinds of Districts: Establishment

A. The Town is divided into the following kinds of districts:

1. Agriculture Districts, designated "A", are established to include substantial areas where little or no urbanization has occurred or is likely to occur in the near future.

2. Flood Plain Districts, designated "FP", are established to include lowland areas adjacent to lakes and ponds and areas that are within the flood plain of rivers and creeks and thus subject to inundation and damage from flood waters up to the elevation of the regulatory flood.

3. Forestry Conservation Districts, designated "FC", are established to include land that is for the most part rough topographically, where conservation of soil and water is desirable and is adaptable to broad scale conservation and recreational use.

4. Residence Districts, designated "R1", are established to include areas for low density single-family residences only.

5. Residence Districts, designated "R1A", are established to include areas for medium density single-family residences only.

6. Residence Districts, designated "R1B", are established to include areas for relatively high density single-family residences only.

7. Residence Districts, designated "R2", are established to include areas of medium density single and two-family residences.

8. Residence Districts, designated "R3", are established to include areas for relatively high density single, two-family, and multiple-family residences.

9. Residence Districts, designated "R4", are established to include areas for all types of residential use.

10. Accommodation Business Districts, designated "AB", are established to include areas that are close to expressway interchanges, at locations on interregional traffic routes and recreation lakes and waters and are appropriate to the limited shopping and service needs of those locations. 2-53

11. Local Business Districts, designated “LB” and “LBS”, are established to include areas that are close to residential areas and appropriate to meeting their shopping and service needs. The “LBS” District permits filling or service stations in addition to the uses permitted in the “LB” District.

12. General Business Districts, designated “GB”, are established to include areas that are appropriate to all kinds of business and services.

13. Central Business Districts, designated “CB”, are established to include core business areas in the Town.

14. Shopping Center Districts, designated “SC”, are established to provide retail shopping facilities in areas where no clear pattern of business use now exists.

15. Industrial Districts, designated “I”, are established to include most of the existing industrial facilities and areas best suited for future industrial use because of location, accessibility and other conditions.

16. Industrial Reserve Districts, designated “IR”, are established to include areas that have some potential for industrial use but not sufficiently to be included in the I Districts.

17. Planned Development Districts, designated P.D., R, C, I, L, and E, are established for the purposes and under the conditions set forth in Chapter 8 hereof.

Section 4.2 - Boundaries: In General

A. The boundaries for the districts established by Title II, Chapter 2, Section 4.1(pg. 2-54)are shown on the existing map which is a part of this Ordinance. Except as provided by Title II, Chapter 2, Section 4.3(pg. 2-54) and 4.4(pg. 2-55), such boundaries may be changed only by amending this Ordinance. Upon such amendment, the town Clerk-Treasurer shall cause such change to appear on the existing map and shall so certify to the Council at its next regular meeting.

B. When the exact boundaries of a district are uncertain, they shall be determined by use ofthe scale on the existing map.

C. When a right-of-way is vacated, the districts adjoining each side are respectively extendedto the center of the area so vacated.

D. If the boundary line of a district divides a lot having frontage of a street so that the frontpart of the lot lies in one district and part of the lot lies in another, a restriction that applies to the front part of the lot applies to the entire lot.

Section 4.3 - Boundaries: Shopping Center Districts

A. The boundaries of each SC District are as fixed by the Town and posted by it on the existing map. Each such district must be at least four (4) acres in area.

Section 4.4 - Boundaries: Flood Plain Districts

A. The boundary of an FP District may be changed on application for an improvement location permit under Section 7.1 of the Indiana Flood Control and Water Resource Commission, after investigating the land involved, determines:

1. That the requested change would not endanger the public welfare; and

2. That the elevation of such land is at or above the elevation of the regulatory flood. Suchdetermination shall be made in writing upon the request of the applicant who shall provide the Flood Control and Water Resources Commission with a scale drawing identifying the location, dimensions and elevations related to the USGS datum of the land for which the improvement location permit is sought. If the land within the boundary of an FP District is certified by a Registered Land Surveyor or Registered Professional Engineer as having an elevation at or above the regulatory flood elevation, as determined by the Indiana Natural Resources Commission, that area of land so certified will be removed from the FP designation and will become zoned as the adjacent areas on the existing map. Should the adjacent areas contain more than one zoning district, the line dividing those existing districts shall be extended through the land so removed from the FP District. Should an area, certified as having natural ground elevation at or above that of the regulatory flood, be adjacent to no district other than flood pain (i.e., surrounded by flood plain), it will be designated FC,

Forestry Conservation, until or unless the legislative body alters that designation by Ordinance. However, in the case of islands created by fill material only those islands located in the floodway fringe will be redesignated. Islands created in the floodway will still be considered part of the floodway. However, in no case shall an area derive FC zoning from its adjacency to land removed by certification. It shall derive its zoning from the adjacent district.

B. Buildings permitted on lands within one hundred (100) feet of the FP District shall berequired to comply with the flood protection grade.

C. All lands within the flood plain having an elevation below that elevation determined by theIndiana Natural Resources Commission to be the regulatory flood elevation for that location shall be in the FP District.

Section 4.5 - Subdivisions, Planned Developments and Condominiums

A. The subdivision of land pursuant to the requirement of the Subdivision Ordinance of the Town of Shadeland shall be permitted only in these districts: A, FP, FC, R1, R1A, R1B, R2, R3, R4, CG, AB, LB, LBS, GV, SC, I and IR. The intended principal use of each of the proposed lots within a proposed subdivision shall govern the specific district or districts appropriate to the land to be subdivided, as per Title II, Chapter 3, Section 3.1(pg. 2-48) of this Ordinance.

B. However, the following classifications of subdivisions shall only be permitted in the R1,R1A, R1B, R2, R3, or R4 districts:

1. Major subdivisions intended entirely for residential use; and

2. Any portions of major subdivisions intended for residential use;

Planned Developments shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L and PD-E, as per Title II, Chapter 8, Section 8.2(pg. 2-115) of this Ordinance. In order to provide greater design and development techniques and a more efficient use of land, the design and development of uses within these districts may deviate from the standards prescribed by the Subdivision Ordinance.

C. Condominiums, as defined and regulated in IC 32-1-6 (the Horizontal Property Law), shall beconsidered for planning purposes to be Planned Developments, and consequently shall be permitted only in these districts: PD-R, PD-C, PD-I, PD-L, and PD-E, as per Title II, Chapter 8, Section 8.2(pg. 2-115) of this Ordinance.

Section 4.6 - Parcelization

A. Introduction.

1. A division of land into tracts two (2) acres or more in size, but less than forty (40)acres, is called parcelization and is limited to the creation of a total of five (5) new tracts.

B. Necessary Conditions for Parcelization.

1. A land division qualifying as a parcelization shall be shown as meeting thefollowing conditions:

a. Adequate surface and sub-surface drainage shall exist or shall be created sothat the Town Council is satisfied that no drainage problems are imposed upon any other land owner or the Town roadways.

b. No tract created by the parcelization process shall be less than two (2)acres in size, however, under appropriate circumstances the Council may require adjustment in the size of a tract if such factors as health, safety or topography are served by such adjustment in size.

c. After the completion of the parcelization process there may not be a total ofmore than six (6) tracts of real estate, none of which are eligible to be parcelized again. The Council may require the recording of a restriction on each of the resulting tracts and that notice be given to any buyer that the parcel is not eligible to be parcelized.

d. If a tract created by parcelization does not have sanitary sewer serviceavailable to it, that tract shall contain within its boundaries sufficient soil of a kind to allow for the proper installation and operation of an on-site sewage disposal system to the satisfaction of the Town Council.

e. If a tract created by parcelization has frontage on a public road, the landdivider shall dedicate to the public real estate of at least a forty (40) foot width to the center of the road, and of a length along that public road equal to the length of that tract along that roadway.

f. If a tract created by parcelization has frontage on the public road, the depthof that tract shall not be greater than twice the length of that frontage, such depth being measured from the front lot line to the rear lot line of the tract. The Town Council may vary this condition, if such variance is in the best interest of the health and safety of the Town.

g. If a tract created by parcelization requires a shared private roadway,because such tract lacks frontage on a public road, such shared roadway shall be fully constructed in accordance with either the standards established by the Town of Shadeland for public roads or receive the written approval of the Town's Consulting Engineer. Such shared private roadway need only provide access as far as the tract's property line and is not intended to include any individual drive within the tract. Each tract created by parcelization with access to a shared private roadway shall have a recorded covenant imposing a maintenance obligation on each tract with access to the shared private roadway.

h. No parcelization shall occur until after the posting of signs and giving ofnotice as set forth in Title II of this Municipal Code.

i. The Council may, by stated good cause, waive notice requirements, tractsize, road requirements, or other requirements, if such waiver is consistent with the purposes of this Ordinance as set forth at Title II, Chapter 1, Section 1.1(pg. 2-3).

C. Certification.

1. A favorable vote at a Town Council meeting on the request of the parcelizationmay be subject to a designated official's receipt and approval of the following:

a. Written evidence that the County Board of Health has been satisfied by aduly authorized representation of a qualified soil testing service as to the presence within the tract of sufficient soil of a kind defined by Indiana State Board of Health Bulletin HSE 25-R or its successor to allow for the proper installation of an on-site septic sewage disposal system;

b. Official documentation indicating the dedication of right-of-way to theappropriate jurisdiction;

c. Metes and bounds description of the tract being created indicating that depth is no more than twice the frontage;

d. Written evidence that the person to whom the tract is to be conveyed iscognizant of the necessity to construct a private roadway to the standards previously indicated, or to assure its construction to the satisfaction of the building permit issuer, prior to the issuance of a building permit for that tract; and

e. Satisfactory evidence or a bond to insure that all drainage, roads, anddocumentation will be completed as required by this Ordinance and the Town Council.

f. Satisfactory evidence that signage and notices have occurred to meet thestandards and requirements set forth in Title II Chapter 11 (pg. 2-134 to 2135) of this Municipal Code.

D. Parcelization Review Process.

1. Upon receipt of the request for parcelization, the Council may approve at the samemeeting by suspension of rules, or refer to the Planning Committee to report at the next regular meeting, or may simply move to consider at the next regular meeting.
2. An applicant for parcelization will usually receive an approval or disapproval atthe next subsequent regular meeting of the Town Council.

CHAPTER 5
AUTHORIZED LAND USES

Section 5.1 - Primary Uses

A. Primary uses are authorized in the districts established by or under Title II, Chapter 3,Section 3.1(pg. 2-48) as shown by an "X" in the following table (pg. 2-63 to 2-69). Where the use is designated for the district with "S", the use is permitted in that district only if a special exception has been granted under Chapter 8. Where it is marked by an "A", the use is permitted in that district only if it has been approved by the Council as necessary to the convenience of employees and the effective operation of an industrial use. All "LB" District uses are permitted in the "LBS" District; where the "X" is followed by an asterisk, the use is permitted in the "LBS" District but not in the "LB" District.

B. No primary use shall extend beyond the boundaries of a lot. Section 5.2 - Accessory Uses

A. Accessory uses such as the following are authorized in all districts:

1. Bird baths and bird houses
2. Accessory buildings
3. Curbs
4. Driveways
5. Fences and hedges
6. Lamp posts
7. Mail boxes
8. Name plates
9. Parking spaces
10. Private swimming pools enclosed by a 4-foot high fence, or 4-foot vertical enclosure integral with an above ground pool.
11. Public utility installations for local services (such as pools, lines, hydrants, and telephone booths). 12. Retaining walls
13. Trees, shrubs, plants and flowers
14. Walks

Section 5.3 - Nonconforming Uses

A. A use that exists on the date on which this Ordinance or an amendment to it is passed may, ifotherwise lawful, be continued, and a more restricted use may be substituted for it even though that use or the more restricted use does not conform to the Ordinance or amendment. Such a use may be extended to other parts of the same building if the extension involves no structural changes other than those required by law.

B. A use otherwise covered by subsection (a) may not be carried on in a building that iserected after the use becomes a nonconforming use. However, a use designated for a building for which an improvement location permit is issued before this Ordinance or an amendment to it is passed by,

if otherwise lawful, be carried on even though it does not conform to the Ordinance or amendment, but only if:

1. Construction is diligently carried on before the expiration of ninety (90) days afterthe date of the permit; and

2. The building is completed according to the filed plans before the expiration ofthree (3) years after the date the Ordinance or amendment, as the case may be, is passed.

C. A use covered by subsection (A) or (B) ceases to be authorized if:

1. It is discontinued for a twelve-month (12) period during which it is succeeded by no other non-conforming use; or

2. It is an open use and five (5) years have elapsed since the date the Ordinance oramendment, as the case may be, was passed.

D. A use otherwise covered by subsection (A) or (B) may not be carried on in a building that isdamaged, by more than one and one-half (1 ½) of its current assessed value, by fire, explosion, act of God, or the public enemy.

Section 5.4 - Special Exceptions

A. The Council may grant a special exception for a use in a district if, after a hearing under Title II, Chapter 5, Section 5.1(pg. 2-59), it finds that:

1. Title II, Chapter 5, Section 5.1(pg. 2-59) authorizes a special exception for that use in that district;

2. The requirements for special exceptions prescribed by this Ordinance will be met; and

3. Granting the exception will not subvert the general purposes served by thisOrdinance and will not, because of traffic generation, placement of outdoor lighting, noise production or hours of operation, materially and permanently injure other property or uses in the same district and vicinity.

B. The granting of a special exception under subsection (A) is unnecessary for a use authorized by Title II, Chapter 5, Section 5.1(pg. 2-59), if the use existed on the date the preceding Ordinance was passed (26 April 1965). However, this subsection does not extend to the expansion of such a use if it involves the enlargement of a building, structure, or land area.

C. To be eligible for the granting of a special exception under this section, a person must apply for an improvement location permit under Title II, Chapter 10, Section 10.1(pg. 2-132). If the Council grants the special exception, it shall direct the Clerk-Treasurer to issue the improvement location permit for the special exception.

Section 5.5 - Variances

A. The Council may grant a variance with respect to specific property or an intended use if, after a hearing under Title II, Chapter 11, Section 11.4(pg. 2-135), it finds that:

1. There are special circumstances relating to the property or intended use that do notgenerally affect other property or other uses of the same kind in the same district and vicinity.

2. The special circumstances create hardship in that if the variance is not granted, asubstantial property right that is enjoyed by other properties in that district and vicinity cannot be enjoyed.

3. The granting of the variance will not be materially detrimental to the publicwelfare or materially injurious to other property or uses in that district and vicinity.

4. The granting of the variance will not materially change the character of that districtand vicinity, materially lower the value of adjacent property, or materially increase congestion in the streets.

Section 5.6 - Garage or Yard Sale

A. As used herein "garage or yard sale" is defined as a public or private sale conducted by theowner or occupier of a premises, and conducted within a residence, garage, other accessory building or outside thereof, which sale is of six or more items of personal property owned by the owner or occupier for the purpose of resale or acquired within one year of the date of such sale.

B. A garage or yard sale may be conducted one time in anyone calendar year on any premiseslocated in any R1 R1A, R1B, R2, R3, or R4 zone, but no such sale shall be conducted for more than five (5) consecutive days.

C. All items of personal property sold at such garage or yard sale shall be owned by theowner or occupier of the premises.

D. Such garage or yard sale shall only be conducted during the hours from sunrise to sunset.

E. All personal property exhibited for sale outside any structure during such garage or yardsale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.

Section 5.7 - Sale of Personal Property at Private Residences

A. As used herein “garage or yard sale” is defined as a public or private sale conducted bythe owner of occupier of a premises, and conducted within a residence, garage, other accessory building or

outside thereof, which sale is of three or more items of personal property owned by the real property owner or occupier of the premises.

B. A garage or yard sale may be conducted one time in any one calendar year on anypremises, but no such sale shall be conducted for more than five (5) consecutive days.

C. All items of personal property sold at such garage or yard sale shall be owned by theowner or occupier of the premises.

D. Such garage or yard sale shall only be conducted during the hours from sunrise to sunset.

E. All personal property exhibited for sale outside any structure during such garage or yard sale shall be removed from the outside and placed within a structure immediately following the last day of such sale. All signs erected for such garage or yard sale shall likewise be removed.

F. Property owners or occupiers of the premises may display on their premises one (1) or two(2) items for sale for not more than two (2) weeks and not more than twice a year. Such items offered must be owned by the real property owner or occupier of the premises.

G. Violation of Title II, Chapter 5, Section 5.7(pg. 2-62) shall be subject to the sameenforcement rights, fines, and penalties set forth for nuisance violations in the Shadeland Municipal Code.

H. Agricultural products, sold by the grower on the grower's premises, are exempt from theabove restrictions.

INSERT GRAPH

INSERT GRAPH

2-64 2-65 2-66 2-67 2-68

Section 5.8 - Unlawful Noise – Prohibited

A. It is unlawful for any owner, occupant, agent or person in possession or control of any structure, lot, thing or building or premises to make, continue or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise which injures or endangers the comfort, health, peace or safety of others within the Town or their peaceful enjoyment of their property or homes.

Section 5.9 - Unlawful Noise – Enumerated

A. The following acts, among others, are declared to be loud, disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

1. Horns and Signal Devices. The sounding of any horn or signal device on anyautomobile, motorcycle, bus or train, or any other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion, or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonable loud or harsh sounds; and the sounding of any signal device of any unreasonable or unnecessary period of time;

2. Radio, Stereo, Musical Instruments. The playing of any radio, stereo, televisionset, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, phonograph, machine or device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section;

3. Yelling, shouting, hooting, or the making of any other loud noises on the publicstreets, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in any office or of any persons in the vicinity;

4. Animal Noises. The keeping of any animal, which by causing frequent or longcontinued noise, shall disturb the comfort or repose of any persons. However, nothing in this Ordinance shall restrict or prohibit livestock farming consistent with the usual customs of the community.

5. Whistle or Siren. The blowing of any whistles or sirens, except to give notice ofthe time to begin or stop work or as a warning of fire or danger or as reasonable to test operation of such devices.

6. Engine Exhaust. This discharge into the open air of any exhaust of any engine, orinternal combustion engine, except through a muffler or other devise which effectively prevents loud or explosive noises therefrom. 2-69

Section 5.10 - Deposits of Unwholesome Substances

A. The following conditions constitute the deposit of an unwholesome substance and theexistence of a menace to health and are declared to be prohibited, unlawful, and to constitute a public nuisance, if the same are found to exist on any public or private property within the Town:

1. All noxious weeds;

2. Putting any filth into any cistern, reservoir, trough or other place in which watermay be kept which belongs to the Town or any individual therein, or in any manner to injure the same;

3. The throwing, placing, causing to be placed or suffering to remain the existence of any putrid or unsound meats, fish, vegetables, tin cans or rubbish of any kind, or any other deleterious substance or obnoxious matter which is in any way offensive or which will likely become putrid or offensive;

4. Manure in any quantity which is not securely protected from flies or treated as required by the enforcement officials;

5. Filthy littered or trash-covered cellars, house yards, barnyards, stable yards, factoryyards, or vacant lots;

6. Any cellar, vault, drain, privy, pool, sewer, sink, catch-basin or premises whichshall become noxious, foul, or offensive or which may emit foul or offensive odors, gases, effluvia or stenches;

7. The maintenance or keeping of any farm animals, poultry, birds, dogs, or cats insuch a manner that the same are or may become injurious to the health or offensive to the inhabitants in the vicinity of the same. However, nothing in this Ordinance shall restrict or prohibit livestock farming consistent with the usual customs of the community.

8. Putting into or allowing the introduction into, any groundwater of any unhealthysubstance.

B. The following listed acts, conditions and things are declared to be and to constitute a publicnuisance and a violation of this chapter if the same are found to exist on public or private property within the Town:

1. Open or uncovered cisterns, cellars, wells, pits, excavations, sewers or vaultssituated in any open or unfenced area.

2. Any building or part thereof which, by reason of its unsanitary condition or itsbeing infected with disease, is unfit for human habitation or which from any other cause is a source of sickness among the inhabitants of the Town or which otherwise endangers the public health.

3. Any unsafe or unhealthy storage or handling of substances which may contaminateor pollute ground water.

4. The burning of any animal or human waste in such a manner as to interfere with otherproperty owners reasonable use of their property.

Section 5.11 - Notice

A. Whenever any nuisance shall be found to exist which is referred to in the above section, theproper Town authority is authorized to serve notice in writing upon the owner, occupant, agent or person in possession or control of any structure, lot, thing, building or premises in or upon which any such nuisance may be found or upon the person owning or causing any such nuisance requiring him to abate such nuisance within reasonable time.

B. In place of service of notice upon such person above mentioned, the notice may be postedupon the premises, structure or thing; it shall not be necessary in any case to specify or designate in the notice the manner in which the nuisance shall be abated unless it is deemed advisable to do so. Such notice may be given or served by any officer who is so directed or delegated. If a person so notified shall neglect or refuse to comply with the requirements of such order by abating such nuisance within the specified time, such person shall be guilty of a violation of the provisions of this Code.

C. In the event of refusal or neglect on the part of the notified offender to obey such order withinthe time limit named in the order, the proper Town authority shall have the power and authority to remove and abate the unlawful conditions thereof, which shall be paid from the treasury upon sworn vouchers of such persons and the costs and expenses shall be a lien on the property to be placed on the expense of the owner or occupant. If the person fails to pay the charge for such expense, the Clerk-Treasurer may, after the charges have gone unpaid for a period of six (6) months, certify the amount due of such charge from each person to the county auditor and the amount of such charge shall be placed upon the tax duplicate by the county auditor and collected as the taxes are collected.

Section 5.12 - Compliance

A. No permit, special exception, variance, or approval shall be given to any applicant by the administrative officer, or the Council, if the applicant at the time of the application owes money to the Town, other than taxes that may have occurred but not yet be due, or is in violation of any Ordinance at the time of the application. Upon payment of the funds and compliance with the Ordinances, the applicant's request will be considered like any other request.

Section 6.1 - Height of Structures

A. Except as otherwise provided by this section, no structure may be erected or changed so as tomake its height greater than twenty-five (25) feet if it is in an RI, RIA, RIB, R2, or FC District, or thirtyfive (35) feet if it is in an A, R3, R4, AB, LB, GB, SC, or IR District or one hundred feet if it is in a CB or I District.

B. A clinic that is authorized as a special exception under Title II, Chapter 5, Section 5.3(pg. 2-59)may be erected or changed to a height no greater than forty (40) feet or the height prescribed for the district by subsection (A), whichever is greater. A hospital that is authorized as a special exception under Title II, Chapter 5, Section 5.3(pg. 2-59) may be erected or changed to a height not greater than one hundred feet or the height prescribed for the district by subsection (A), whichever is the greater.

C. In a GB District, a business or light industrial structure may be erected or changed to a heightnot greater than seventy- five (75) feet. In a CB, I, or IR District, a business or industrial structure may be erected or changed to any height.

D. An agricultural structure may be erected or changed to any height necessary for its operation.

E. The following structures may be erected or changed to a height not greater than thirty-five (35)feet when permitted in an RI, or R2 District, or seventy-five (75) feet when permitted in an IR District:

1. Boarding or lodging house
2. Church or temple (including bulletin board)
3. College or university
4. Fraternity, sorority, or student cooperative
5. Home professional office
6. Housing for tenant or seasonal workers engaged in agricultural operations
7. Lodge or private club
8. Mortuary
9. Municipal or government building
10. Nursing home or home for the aged
11. Outdoor advertising signs
12. Plant nursery
13. Public library or museum
14. Public park or recreation facility
15. School
16. Trade or business school

F. In an R3, R4, CB, or GB District, a multi-family structure may be erected or changed to a heightgreater than prescribed for the district by this Ordinance when all specified yards are increased by two (2) feet for each foot that the height of the building exceeds the height limit for the district prescribed by this Ordinance.

G. The height of a business structure may exceed the height otherwise prescribed for it by thisOrdinance by two feet for each foot that the front and rear setbacks exceed the setbacks prescribed by this Ordinance.

H. Spires, church steeples, chimneys, cooling towers, elevator bulkheads, fire towers, scenerylofts, penthouses, stacks, tanks, water towers, transmission towers, and necessary mechanical appurtenances may be erected or changed to any height that is not otherwise prohibited.

Section 6.2 - Maximum Lot Coverage: Residential Uses

District	Rl	R1A	R1B	R2	R3	R4	AB	LB	GB	CB	IR	A	FC
Percentage of Coverage	25	25	30	30	40	40	25	25	25	60	30	20	10

Section 6.3 - Minimum Floor Area: Residential Uses

No dwelling may be erected or changed so that its ground floor size, in square feet, is less than that prescribed by the following table:

Ground Floor Area in Square Feet, Per Dwelling Unit

Kind of Dwelling	Rl	RIA	RIB	R2	R3	&	R4
(a) One Story Dwellings							
1) Single family	1200	900	900	900	900		
2) Two-family	900	900					
3) Multi-family (same as two-family less 100 sq. ft. per dwelling unit) 4) Individual Mobile Home							720

Continued from above

Kind of Dwelling	AB	LB	GB	CB	IR	A	FC
(a) One Story Dwellings							
1) Single family	900	900	900	--	900	900	900
2) Two-family	900	900	900	900	900	900	--
3) Multi-family (same as two-family less 100 sq. ft. per dwelling unit)							
4) Individual Mobile Home	--						

Kind of Dwelling	R1	R1A	R1B	R2	R3	&	R4
(b) More than One-Story Dwellings							
1) Single family	1200	900	900	900	900		
2) Two-family	900	900					

3) Multi-family (same as two-family plus 100 sq. ft. per dwelling unit)

Kind of Dwelling	AB	LB	GB	CB	IR	A	FC
(b) More than One-Story Dwellings							
1) Single Family	900	900	900	--	900	900	900
2) Two-family	900	900	900	--	900	900	--
3) Multi-family (same as two-family plus 100 sq. ft. per dwelling unit*)							

Section 6.4 - Minimum Lot Size: Residential Uses

A. A lot on which a dwelling is erected or changed may not be smaller in area, in square feet perdwelling unit, than that prescribed for it by the table on the next page.

B. A lot on which a dwelling is erected or changed may not be smaller in width, in linear feet,than that prescribed for it by the following table:

Kind of Dwelling	DISTRICT					
	R1	R1A	R1B	R2	R3	R4
Single-family	100	100	80	80	80	80
Two-family	--	--	--	80	80	80
Multi-family	--	--	--	80	80	80

	DISTRICT						
	AB	LB	GB	CB	IR	A	FC
Single-family	80	80	80	--	80	100	100
Two-family	80	80	80	80	80	100	--
Multi-family	80	80	80	80	--	--	--

C. If a subdivision designed for single-family dwellings contains at least the acreage shownbelow, ten percent of the lots in the subdivision may be twenty percent smaller than the minimum lot size otherwise prescribed by subsection (a):

District		R1	R1A	R1B	R2	R3	R4
Acres	10	5	5	5	5	5	

District	AB	LB	GB	CB	IR	A	FC

Acres	5	5	5	-	5	15	15

D. However, all tracts or parcels created after the effective date of this Ordinance with frontageon a public road shall have a depth of that tract or parcel not greater than twice the width of the frontage along said public road.

Section 6.5 - Minimum Lot Size: Uses Requiring Special Exceptions

A. A lot on which one of the following uses is located may not be smaller in area than the area prescribed for that use opposite it in the following table: (see page 2-77)

Use	Minimum Lot Size
Airport	80 acres
Cemetery or crematory	20 acres
Clinic	15,000 sq. ft.
Commercial facilities for raising and breeding non-farm fowl and animals	1 acre
Commercial greenhouse	25,000 sq. ft.
Heliport	1 acre
Hospital	5 acres
Industrial park - Research and Manufacturing	15 acres
Junk yard	10 acres
Kindergarten or day nursery	110 sq. ft. per child
Penal or correctional institution	320 acres
Police station or fire station	15,000 sq. ft.
Public camp	5 acres
Public or commercial dump or garbage disposal plant	5 acres
Public or commercial sanitary fill, refuse	10 acres
Public or employee parking lot	1,500 sq. ft.
Riding stable	20,000 sq. ft. plus 5,000 sq. ft. for every horse over fo
Seasonal fishing or hunting lodge	*
Shopping center	4 acres
Stadium or coliseum	5 acres
Tourist home	*
Warehouse	*
Wholesale produce terminal	15 acres

* The requirements of the district for residential use in which the special exception is to be located apply to it.

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Section 6.6 - Standard Setbacks

A. The minimum depth of from yard for a lot abutting a major arterial street is sixty (60) feet. Majorarterial streets in the Town of Shadeland are: State Rd. 25, High Gap Rd. 375 W., South-western Rd. 800 S., Lilly Road 200 S., 175 W., and 150 W. between St. Road 25 and 800 S.

The minimum depth of front yard for a lot abutting a minor arterial street is forty (40) feet. Minor arterial streets in the Town of Shadeland are: 300 S., 400 S., 450 S., 500 S., 625 S., 700 S., 660 S., 150 W. (north of 550 S.), 100 W., 250 W., 475 W., 500 W. (Frank Royer Rd.), Sleeper Rd., and Old Shadeland Rd.

The minimum depth of front yard for a lot abutting a local street is twenty-five (25) feet. However, if in a residence or business district, twenty-five percent (25%) of the lots in a block are occupied by buildings, the minimum depth of front yard for the block is the average setback of those buildings. A

through lot has a front yard on each abutting street. Any street not listed as an arterial street in this paragraph is considered a local street.

B. The minimum depth of a rear yard for a residential use is fifteen (15) feet in an AB, LB, GB, orCB District and twenty-five (25) feet in any other district in which the use is permitted. The minimum depth of rear yard for a business or industrial use is fifteen (15) feet, except for service to water areas by business uses permitted in an AB District. One half (½) of an alley abutting the rear of a lot may be counted as part of the rear yard. The minimum rear yard of an accessory building to a residential use is ten (10) feet except for fences and hedges which may be placed on the property line.

C. The minimum side yard for a residential use is six (6) feet from the nearest foundation of abuilding except for a CB District where there is no such requirement.

D. Except where a business district adjoins a residence district, there is no minimum side yard fora business use. Where a business district is separated from an adjoining residence district by a street, the minimum side yard is five (5) feet. Where the two (2) districts adjoin within the same block, the minimum side yard is ten (10) feet.

E. Except where an industrial use adjoins a residence district, a side yard need not be provided foran industrial use. However, if a side yard is provided, it must be at least six (6) feet. Where the use adjoins a residence district, the minimum side yard is thirty (30) feet.

F. New livestock confinement feeding operations, as commonly defined and understood in theagricultural community, shall not be constructed within one thousand three hundred twenty-one (1321) feet of any other property owner unless said construction or operation is waived in writing in a recordable form by said adjoining property owner.

Section 6.7 - Setbacks: Accessory Buildings in Residential Districts

A. In a residential district, an accessory building may be located no closer to a side lotline than six (6) feet and no closer to the front lot line than the rear line of the principal building.

B. If an interior lot abuts a corner lot or an alley separating them and the front yards ofthe two (2) lots are perpendicular to each other, an accessory building on the rear lot line of the corner lot may be located no closer to the street abutting the interior lot than the principal building on the interior lot.

Section 6.8 - Setbacks: Vision Clearance at Intersections

A. At the intersection corner of each corner lot, the triangular space determined by the two (2) lot lines at that corner and by a diagonal line connecting the two (2) points on those lot lines that are twenty-five (25) feet respectively from the corner shall be kept free of any obstruction to vision between the heights of two and one-half (2 ½) and twelve (12) feet above the established grade.

Section 6.9 - Setbacks: Uses Requiring Special Exception

A. The following uses are subject to the special setbacks prescribed, in feet, by the following table. If no figure appears for a front yard setback, the standard setback prescribed by Title II, Chapter 6, Section 6.6 (A)(pg. 2-78) applies.

Use	Front	Side	Rear
Bottled gas storage and distribution	300	300	300
Cemetery or crematory	---	50	50
Clinic	—	10	30
Commercial greenhouse	100	40	40
Commercial facilities for raising and breeding non-farm fowl and animals	100	100	100
Hospital	100	40	40
Industrial Park-Research and Manufacturing	50	75 (abutting residential use) 35 (abutting other use)	
Junk yard	300	150	150
Kindergarten or day nursery	—	20	15
Liquid fertilizer storage and distribution	300	300	300
Mineral extraction, borrow pit or top			

Soil removal and their storage areas	150	150	150
Outdoor theater	100	40	40
Outdoor commercial recreational Enterprise	—	40	40
Penal or correctional institution	100	100	100
Petroleum tank farm	300	300	300
Private recreational development	—	40	40
Public camp	100	40	40

Public or commercial sanitary fill, refuse dump or garbage disposal plant	300	300	300
Public or commercial sewage disposal plant	300	300	300
Riding stable	100	100	100
Sales barn for livestock resale	300	300	300
Stadium or coliseum	—	50	50
Wholesale produce terminal	100	75 (abutting residential use) 35 (abutting other use)	

B. Buildings with the following uses may be located no closer to interior roads than the distances, in feet, respectively prescribed by the following table:

Use	Setback
Industrial park	50
Outdoor commercial recreational enterprise	20
Public camp	20
Wholesale produce terminal	50

Section 6.10 - Buffering: Minimum Distances from Residential District or Use

A. A mineral extraction area, borrow pit, or topsoil removal area (including storagearea), penal or correctional institution, public or commercial sewage disposal plant, sales barn for livestock resale, truck freight terminal, or wholesale produce terminal may not be located closer to an R1, R1A, R1B, R2, R3, R4, or IR District than three hundred (300) feet. A junk yard may not be located closer to such a district than thirteen hundred twenty (1320) feet.

B. A parking area or loading berth for any of the following uses may not be locatedcloser to a residential district than the distance, in feet, listed opposite it in the following table:

Use	Parking Area	Loading Berth
Airport or heliport	25	100
Clinic	10	—
Commercial facilities for raising and breeding non-farm fowl and animals	25	100
Commercial greenhouse	—	50
Country club or golf course	10	—
Hospital	25	50
Industrial park – Research and Manufacturing	25	100
Junk yard	1320	1320
Mineral extraction, borrow pit, or topsoil Removal, and their storage areas	----	300
Mobile home park or travel trailer park	25	----
Outdoor commercial recreational enterprise	25	50
Penal or correctional institution	300	300
Police station or fire station	10	----
Private recreational development	25	----
Public camp	25	----
Sales barn for livestock resale	50	100
Shopping center	25	50
Stadium or coliseum	25	50
Truck freight terminal	100	100
Wholesale produce terminal	100	100

Section 6.11 - Buffering: Fences and Walls

A. The following uses shall be fenced or walled as respectively prescribed by the following table:

Use	Enclosure
Airport or heliport (where located at ground level) if accessible to public	6-foot woven wire fence
Artificial lake of three (3) or more acres if accessible to public	6-foot woven wire fence
Drive-in	6-foot wire mesh fence
Kindergarten or day nursery (play area only)	4-foot wire mesh fence
Junk yard	Solid wall or solid painted fence sufficient to hide from view
Mineral extraction, borrow pit, topsoil removal, and their storage areas (where they abut residential uses)	6-foot woven wire fence
Outdoor commercial recreational enterprise, if accessible to public	6-foot woven wire fence
Outdoor theater	8-foot solid opaque fence
Private swimming pool, if accessible to public	6-foot wire mesh fence
Public or commercial dump or garbage disposal plant	6-foot solid painted fence
Public or employee parking area (along front line and such other boundaries as the commission considers necessary to protect residential property), except at approved entrances and exits	4-foot masonry wall, six inches thick, or other suitable barrier
Wholesale produce terminal	6-foot wire mesh fence

Section 6.12 - Buffering: Screen Planting Abutting Residential Use

A. Tight screen planting, effective at all times to block the view from abutting residential uses, shall be provided for the following use in accordance with the following table, the dimensions of the screen to be the minimum five (5) years after the use is established.

Use	Screen

Artificial lake of three (3) acres or more	6 feet high; 3 feet wide
Commercial facilities for raising and breeding non-farm fowl and animals	6 feet high; 3 feet wide
Industrial park – Research and Manufacturing	25 feet high
Mineral extraction, borrow pit, topsoil removal, and their storage areas	6 feet high; 3 feet wide
Motel	8 feet high; 3 feet wide
Outdoor commercial recreational enterprises	8 feet high; 3 feet wide
Private recreational development	8 feet high; 3 feet wide
Private swimming pool	6 feet high; 3 feet wide
Public camp	8 feet high; 3 feet wide
Public or commercial sanitary fill or refuse dump or garbage disposal plant (along abutting street)	6 feet high; 6 feet wide
Public utility substation or exchange (along abutting street)	Adequate for purpose
Riding stable	6 feet high; 3 feet wide
Shopping center	6 feet high; 3 feet wide

Truck freight terminal	6 feet high; 6 feet wide
Wholesale produce terminal	6 feet high; 6 feet wide

Section 6.13 - Entrances

A. This subsection limits the number of entrances to an arterial street or a numberedhighway. However, it does not apply to entrances for emergency use only.

B. Each of the following uses, for which special exceptions are prescribed by Title II,Chapter 5, Section 5.1(pg. 2-61), is limited to one (1) entrance:

1. Artificial lake of three (3) or more acres
2. Clinic
3. Commercial facility for raising and breeding non-farm fowl and animals
4. Commercial greenhouse

5. Country club or golf course

6. Junk yard

7. Mineral extraction, borrow pit, topsoil removal, and their storage areas

8. Outdoor theater

9. Penal or correctional institution

10. Private recreational development

11. Public camp

12. Public or commercial sanitary fill or refuse dump or garage disposal plant

13. Public or commercial sewage disposal plant

14. Radio or television tower

15. Railroad right-of-way and uses essential to railroad operation

16. Riding stable

17. Sales barn for livestock resale

18. Telephone exchange or public utility substation

19. Tourist home

20. Truck freight terminal

21. Wholesale produce terminal

C. Each of the following uses, for which special exceptions are prescribed by Title II,Chapter 5, Section 5.1(pg. 2-61), is limited to two (2) entrances:

1. Airport or heliport

2. Cemetery

3. Outdoor commercial recreational enterprise

D. As used in this Section, the term “entrance” means a passageway from premises tothoroughfare by which vehicles enter or leave.

Section 6.14 - Loading

A. Business uses, except those that do not receive or transport goods in quantity by truck delivery, shall be provided with loading berths (which, if open, shall be paved with a hard or dust-proof surface) as shown in the following table:

Use	Gross Floor Area (square feet)	Berths
Retail stores, department stores, wholesale establishments	3,000 or more but not more than 15,000	1
Storage uses and other business uses	Each 25,000 or fraction	1 add .

Office buildings	100,000 or less	1
	More than 100,000 but not more than 336,000	2
	Each 200,000 or fraction thereof, more than 335,000	1 add .

B. Each of the following uses for which special exceptions are provided by Title II,Chapter 5, Section 5.1(pg. 2-61), and shopping centers, shall be provided with loading berths, as showing in the following table. Loading berths must not face on the bordering highway and must be at least as far from the nearest residential use as the number of feet shown.

Use	Berths	Distance from nearest residential district (feet)
Commercial facilities for raising and breeding non-farm fowl and animals	1	100
Commercial greenhouse	15,000 sq. ft. or less - 1 Over 15,000 sq. ft. - 2	50

Hospital	200 beds or less - 1 More than 200 beds but not more than 500 beds - 2 More than 500 beds - 3	—
Industrial park	Same as subsection C	100
Junk yard	2	300
Riding stable	1	—
Shopping center	Per development plan	50

Stadium or coliseum	2	50
Wholesale produce terminal	Per development plan	100

C. Industrial uses shall be provided with loading berths as shown in the following table.:

Gross Floor Area of Industrial Use (square feet)	Berths
15,000 or less	1
More than 15,000 but not more than 40,000	2
More than 40,000 but not more than 100,000	3
Each 40,000 or fraction thereof, more than 100,000	

D. Each loading berth prescribed by this Section must provide at least a twelve (12) footby forty-five (45) foot loading space with a fourteen (14) foot height clearance.

E. As used in this Section, the term "loading berth" means an off-street, off-alley areadesigned or used to load goods on, or unload goods from vehicles.

Section 6.15 - Parking

A. To reduce traffic problems and hazards by eliminating unnecessary on-street parking,every use of land must include on- premises parking sufficient for the needs normally generated by the use, as provided by this section. Parking spaces or bays contiguous to the street, required by subdivision or other ordinances, are in addition to and not in place of the spaces so required.

B. As used in this section, the term:

1. "parking space" means an area, not including any of a street or an alley, designed or used for the temporary parking of a motor vehicle;

2. "parking area" means a group of parking spaces or an open area not including anypart of a street or an alley, designed or used for the temporary parking of motor vehicles.

C. Parking spaces shall be provided as follows:

Uses	Required Parking Spaces
Airport or heliport	1 per 2 employees plus 1 per based or daily transient aircraft
Artificial lake of 3 acres or more	1 per 2 users
Automobile or trailer sales area	1 per 1,000 sq. ft. used for retailing
Automobile sales and repair (indoor)	1 per 200 sq. ft. of floor area
Banks, business offices, professional offices, similar business uses, postal stations, telegraph offices, and similar uses	1 per 500 sq. ft. of floor
Boarding or lodging house or sorority, or student cooperative house	1 per 3 occupants
Bowling alley	3 per lane plus 1 per 6 spectator seats
Business uses not otherwise listed	As determined by the Council
Cemetery or crematory	1 per 2 employees plus 1 per 4 seats in the crematory
Church or temple	1 per 6 seats in main auditorium
Clinic	1 per 2 employees plus 3 per doctor
College or university	As determined by the Council

Country club or golf course	1 per 2 employees plus 3 per golf hole

Dancing academy	1 per 200 sq. ft. of floor area
Department store, retail showroom, apparel shop, flower shop, drugstore, hardware store, stationer, news-dealer, record shop, photo studio, barber shop, beauty shop, reducing salon, restaurant, delicatessen, bakery, grocery, meat market, supermarket, cold-storage locker service (individual), roadside sale stand, floor area electrical appliance shop, radio-TV shop, dressmaker, millinery, tailor and pressing shop, shoe repair, dry cleaning shop, self-service laundry, laundry agency, billiard room, tavern, night club, and similar business uses	1 per 125 sq. ft. of (see paragraph (i) of this section) (pg. 2-94)
Fishing or hunting lodge (seasonal)	1 per 3 guests
Fraternity	1 per 2 occupants
Greenhouse (commercial), facilities for raising or breeding non-farm fowl or animals (commercial)	1 per 3 employees plus 1 per 125 sq. ft. of sales area
Home service	1 in addition to residence requirement
Hospital	1 per 4 beds plus 1 per doctor plus 1 per employee plus 1 per hospital vehicle

Hotel	1 per 3 employees plus 1 per 2 sleeping rooms
Industrial park - Research and Manufacturing	1 per 2 employees on largest shift
Industrial uses generally	1 per 3 employees
Junk yard	1 per 2 employees
Kindergarten or day nursery	1 per 2 employees plus 1 per 5 children
Mobile home park or travel trailer	2 per mobile home or park trailer stand

Mortuary	1 per 6 seats in main auditorium
Motel	1 per sleeping room
Nursing home or home for aged	1 per 7 persons
Outdoor commercial recreational use	1 per 3 employees plus 1 per 500 sq. ft. of use area
Penal or correctional institution	1 per 3 employees plus 1 per 10 inmates (capacity)
Police station of fire station	1 per 3 employees on shift
Private club or lodge	1 per 6 active members
Private recreational development	1 per 2 customers or members

Public camp	1 per camp site plus 1 per cabin
Public library, museum, or municipal	1 per 125 sq. ft. ground or government building floor area of buildings
Public or commercial sewage disposal plant	1 per employee on shift
Radio or TV tower	1 per employee on shift
Railway right-of-way, railroad	1 per 2 employees where operational use headquartered
Railway station or motor bus station	1 per 10 seats in waiting room plus 1 per 2 employees of connected retail use
Residential use, including apartments	2 per dwelling unit
Riding stable	1 per 5,000 sq. ft.
School	1 per 3 staff members plus 1 per 6 auditorium seats
Shopping center	1 per 60 sq. ft. of sales area
Stadium or coliseum	3 per 4 employees plus 1 per 4 seats

Telephone exchange or public utility substation	1 per employee
Theater (indoor)	1 per 6 seats
Theater (outdoor)	1 per 2 employees

Tourist home	1 per employee plus 1 per sleeping accommodation
Trade or business school	1 per 3 students and staff
Truck freight terminal	1 per 2 employees plus 4 for customers
Veterinary hospital for small animals,	1 per 3 animal spaces or kennel (cages or pens)
Wholesale produce terminal or warehouse	1 per 2 employees

D. Each of the parking spaces required by this section must be at least nine (9) feet wideand twenty-two (22) feet long for parallel parking or twenty (20) feet long for right angle parking or eighteen (18) feet long for sixty (60) degree parking, or seventeen (17) feet long for forty-five (45) degree parking [the latter three (3) lengths being measured at right angles to the edge of the usable parking area forming the angles], exclusive of passageways.

E. The parking spaces prescribed by this section for a business or an industrial use mustbe located on the premises or on a site approved by the Board, at least part of which is within three hundred (300) feet of the premises. However, parking spaces may not be located in the required front yard except in business and industrial districts.

F. Some parking areas must conform to the location requirements prescribed in Title II,Chapter 6, Section 6.10(pg. 2-81). In addition, a parking area for a business use must, if in the open, be paved with a hard and dust-proof surface.

G. A group of business or industrial uses may provide a joint parking area if the numberof spaces in the area at least equals the aggregate of the spaces required for the several uses.

H. A church or temple that requires a parking area at times when nearby uses do not needtheir parking facilities may, by agreement approved by the Board, use those facilities instead of providing its own.

I. Parking requirements may be waived or reduced by the Council.

J. Not more than four (4) trailers (recreational, semi, or commercial) shall be storedoutside a building for more than thirty (30) days on any real estate that is not in an industrial planning district. The storage outside of more than four (4) trailers shall be considered an industrial activity and is required to have a special exception approved by the Town Council and is allowed, if approved, under “other uses not specified” in general business,

industrial, industrial reserve and agriculture planning districts.

Section 6.16 - Miscellaneous Residential Restrictions A. In an R1, R1A, R1B, R2, R3, R4, or IR District:

1. An accessory building may not be erected before the principal building except on afarm; and

2. In the case of a through lot, the area at each end of the lot between the setback lineand the middle of the street shall be treated as if it were part of the front yard.

Section 6.17 - Signs

A. In any district, except as noted, the provisions of this subsection shall be applied toeffect the safety of motorists and facilitate traffic movement.

1. No sign shall be erected or maintained at any location where, by reason of itsposition, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.

2. No sign shall contain or make use of any phrase, symbol, shape, form, or characterin such a manner as to interfere with, mislead, or confuse moving traffic.

3. No exterior sign having flashing, intermittent, or animated illumination shall bepermitted except in those AB, GB, and CB districts wherein general street lighting is provided and traffic movement on adjoining streets is regulated at thirty-five (35) miles per hour or less.

B. In any district, the provisions of this subsection shall apply.

1. No part of any sign which is attached to the exterior wall of a building shall beerected to a

height in excess of six (6) feet above the roof or parapet line of such building.

2. No illuminated sign shall be permitted within fifty (50) feet of property in anyresidence district unless the illumination of such sign is so designed that it does not reflect or shine light onto such property.

3. No part of any free-standing sign shall be erected to a height greater than thatspecified for other structures in the district in which the sign is located; rooftop sign structures shall not extend more than thirty (30) feet above the roof line nor shall such sign structures extend beyond or overhang any exterior wall of the building upon which they are secured.

4. The minimum setback of free-standing signs from street rights-of-way shall not beless than those given below or as is provided in Title II, Chapter 6, Section 6.6(pg. 278) of this ordinance.

Minimum Setbacks

Area of Sign per Face	Minimum Setback
5 square feet or less	2 feet
5 to 14.9 square feet	10 feet
15 to 49.9 square feet	20 feet
50 to 99.9 square feet	30 feet
100 or more square feet	60 feet

5. The area of a sign shall be determined by the smallest circle, triangle, or rectanglethat can be used to enclose the sign, exclusive of supporting members that bear no message.

6. No free-standing sign shall be erected or maintained on or within any easement orright-of-way, public or private, without special permission in writing from that person or persons entitled to give such permission.

7. No sign shall be erected or maintained at any location if said sign is for rent orlease or used for commercial purposes or activities not related to the owner of the site or commercial activities on the site of the sign.

C. In any residence district, the provisions of this subsection shall apply.

1. A nameplate which shall not exceed one (1) square foot in area is permitted foreach dwelling unit of a single-family, or row house structure; such nameplate shall indicate nothing other than name and/or address of the occupant, and/or customary home occupation. No other sign shall be allowed. This paragraph shall not be construed to prohibit each dwelling unit from also displaying a house-numbering plate for identification.

2. Multiple-family residences and residential projects of all types may displayidentification signs indicating nothing other than name and/or address of the premises and/or the name of the management. Such sign shall not exceed nine (9) square feet in area.

3. For uses other than those listed in paragraphs one (1) and two (2), bulletin boardsor identification signs indicating nothing other than name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises; such signs shall not exceed twelve (12) square feet in area.

4. For each use of paragraphs two (2) and three (3) eligible to display a sign, only one(1) sign per street frontage shall be permitted; except that uses occupying extended frontages shall be permitted one (1) such sign per five hundred (500) feet of frontage.

D. In any business district, except as herein provided, the provisions of this subsectionshall apply.

1. Residential uses shall be subject to the provisions of subsection (c).

2. Each public recreation, community facility, or clinic use, shall be permitted one (1) bulletin board or identification sign not to exceed twelve (12) square feet, except that uses occupying extended frontages shall be permitted one (1) such sign per five hundred (500) feet of frontage.

3. Each primary use other than those listed in paragraphs one (1) and two (2), signsshall be permitted as accessory uses according to the number and net area of signs set forth below:

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Business Use Signs and Sign Area

District	Number of Signs	Net Sign Area (each)
AB & SC	3	60 square feet
LB	1	30 square feet
GB & CB	2	40 square feet

4. Except in those blocks where twenty-five percent (25%)of the lots are already occupied by business uses and where overhanging signs are already established, no sign shall project over a lot line and no sign shall project into a required yard by more than two (2) feet.

E. In any industrial district, each business or industrial use shall be permittedidentification signs on the lot only as incidental uses, not to exceed two (2) such signs or a net area of three hundred (300) square feet.

F. The signs permitted by this subsection shall be allowed in any district.

1. Each permitted or required parking area that has a capacity of more than five (5) cars shall be permitted one (1) sign, not more than two (2) square feet in area, designating each entrance or exit from such parking area; and one (1) sign, not more than nine (9) square feet in area, identifying or designating the conditions of use of such parking area for each twenty-five (25) spaces.

2. One (1) "For Sale" or "For Rent" sign not more than twelve (12) square feet in areafor each dwelling unit, garage, or other quarters where appropriate.

3. One (1) sign, not more than twenty (20) square feet in area, pertaining to the saleof agricultural products raised on the premises.

4. Signs established by, or by order of, any governmental agency.

5. One (1) sign, not more than twelve (12) square feet in area, for construction anddevelopment, giving the name of the contractors, engineers, or architects, shall be

permitted but only during the time that construction or development is actively underway.

6. For an event of public interest sponsored by a church, governmental agency,school, or a charitable organization, on premises owned by church, governmental agency, school or charitable organization, one (1) temporary sign, on the premises on which the event will take place, shall be permitted to be erected not more than thirty (30) days before the event set forth on the sign and shall be removed immediately after the event. Also, permitted, off such premises are directional and informational signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event of public interest. Such directional signs shall not be erected more than fourteen (14) days before the public event in questions and shall be removed forty-eight (48) hours after such public event.

G. No outdoor advertising sign structure shall contain more than two (2) facings and nofacing shall display more than two (2) signs.

Section 6.18 - Water Pollution

A. No authorization of a use under this Ordinance includes the authority to discharge liquid or solid wastes into public waters except as permitted under the Stream Pollution Control Law (Acts of 1943, Chapter 214, as amended). Plans and specifications for proposed sewage and other waste treatment and disposal facilities must be approved by the Stream Pollution Control Board.

Section 6.19 - Industrial Restrictions: Smoke

A. No light industrial use may emit more than ten (10) smoke units per stack or smoke inexcess of Ringelmann No.2. However, once during any twenty-four (24) hour period, for soot blowing, process purging and fire cleaning, each stack may emit an additional ten (10) smoke units and during that time it may smoke up to and including Ringelmann No.3.

B. No general industrial use may emit more than sixty (60) smoke units per hour perstack or smoke in excess of Ringelmann No.2. However, once during any six (6) hour period, for soot blowing, process purging and fire cleaning, each stack shall be permitted an additional ten (10) smoke units and during that time it may emit smoke up to and including Ringelmann No.3.

C. In this section, the term:

1. "Ringelmann number" means the number of the area on the Ringelmann chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann chart is described in the

U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No.1 shall be considered as no smoke or Ringelmann No. 0; and

2. "smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading shall then be multiplied by the time in minutes during which it is observed. The products so computed shall then be added to give the total number of smoke units observed during the entire observation period.

Section 6.20 - Industrial Restrictions: Particulate Matter

A. The rate of emission of particulate matter from all sources within the boundaries of any lot may not exceed a net figure of one (1) pound per hour per acre for a light industrial use, or three (3) pounds per hour per acre for a general industrial use, of which no more than ten percent (10%) by weight may be particles larger than forty-four (44) microns (325 mesh). The net rate of emission shall be computed by:

1. Determining the maximum emission in pounds per hour from each source ofemission within the boundaries of the lot and dividing this figure by the number of acres of lot area, thus obtaining the gross hourly emission rate per acre for each source;

2. Deducting from that gross rate the appropriate correction factors for height ofemission and stack velocity as respectively specified in subsection (B) and (C), thus obtaining the net hourly emission rate per acre for each source, and

3. Adding the individual rates of emission so computed to obtain the total net hourly emission rate per hour from all sources within the boundaries of the lot.

B. The allowance for height of emission is as follows (interpolate for intermediate values):

Height of Emission above Grade (feet)	Correction for Light Industrial Use (pounds per hr. per acre)	Correction for General Industrial Use (pounds per hr. per acre)
50	0.01	0.02
100	0.06	0.12
150	0.10	0.20

200	0.16	0.32
300	0.30	0.60
400	0.50	1.00
500 and above	0.50	1.50

C. The allowance for velocity of emission is as follows (interpolate for intermediate values):

Exit Velocity Up (feet per second)	Correction for Light Industrial Use (lbs. per hr. per acre)	Correction for Gen. Indust. Use (lbs. per . hr. per acre
0	0	0
20	0.03	0.06
40	0.09	0.18
60	0.16	0.32
80	0.24	0.48
100 and above	0.50	0.00

D. Dust and other kinds of air pollution that are borne by the wind from such sources within lot boundaries as storage areas, yards, and roads shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or other means.

E. As used in this section, the term "particulate matter" means divided liquid or solidmaterial that is discharged and carried along in the air.

Section 6.21 - Industrial Restrictions: Odor

A. No light or general industrial use may release an unreasonably objectionable odor that is detectable in the neighborhood.

Section 6.22 - Industrial Restrictions: Toxic Materials

A. For a light or general industrial use, the emission of toxic and noxious materials may not produce any concentration at a residence or business district boundary line exceeding the following percentage of the threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year, as adopted at the annual meeting of the American Conference of Governmental Industrial Hygienists:

1. Light Industrial Use ten percent (10%) General Industrial Use thirty percent (30%) Section

6.23 - Industrial Restrictions: Glare and Heat

A. No light or general industrial use may cause heat at the lot line so intense as to be apublic nuisance or hazard. No such use may cause illumination at or beyond any residence district boundary in excess of 0.1 foot candle.

B. As used in this section, the term "foot candle" means a unit of illumination equal to the illumination at all points that are one (1) foot from a uniform point source of one (1) candle power.

Section 6.24 - Industrial Restrictions: Vibration

A. No light industrial use may cause at a lot line, continuous earthborn vibrations higher than the limits set forth in column “I” of the following table. Nor may it cause at any residence district boundary, continuous earthborn vibrations higher than the limits set forth in column “II”.

Frequency (cycles per second) More than		I Displacement (inches) But not more than	II Displacement (inches)
0	10	.0008	.0004
10	20	.0005	.0002
20	30	.0002	.0001
30	40	.0001	.0001
40	50	.0001	.0001
50	–	.0001	.0001

Discrete pulses that do not exceed one hundred (100) pulse per minute may not produce higher than twice the displacement specified in the table.

B. No general industrial use may cause at any AB, LB, GB, I, or IR District boundary continuous earthborn vibrations higher than the limits set forth in column “I” of the following table. Nor may it cause at any residence district boundary continuous earthborn vibrations higher than the limits set forth in column “II”.

Frequency (cycles per second) More than		I Displacement (inches) But not more than	II Displacement (inches)

0	10	.0020	.0004
10	20	.0010	.0002
20	30	.0006	.0001
30	40	.0004	.0001
40	50	.0003	.0001
50	--	.0002	.0001

Discrete pulses that do not exceed one hundred (100) impulses per minute may not produce higher than twice the displacement specified in the table. C. As used in this section, the term:

"Resultant displacement" means the maximum amount of motion in any direction as determined by any three (3) component (simultaneous measuring system approved by the commission); and "three (3) component measuring system" means instrumentation that can measure earthborn vibrations in a horizontal as well as a vertical plane.

Section 6.25 - Industrial Restrictions: Noise

A. At no boundary of a residence or business district may the sound pressure level of any light or general industrial use (except for background noises produced by sources not under control of this Ordinance, such as the operation of motor vehicles or other transportation facilities) exceed the following decibel limits:

Octave Band Frequency (Cycles per second) More than	But not more than	I Maximum Permitted Sound Level (decibels) along Residence District Boundaries	II Maximum Permitted Sound Level (decibels) along Business District Boundaries
20	75	72	79
75	150	67	74
150	300	59	66
300	600	52	59
600	1200	46	53
1200	2400	40	47
2400	4800	34	41
4800	---	32	39

The prescribed limits of column I apply between 8:00 a.m. and 6:00 p.m. At other times, the allowable levels in each octave band are each reduced by six (6) decibels.

B. Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured and calibrated according to standards prescribed by the American Standard Association. Measurements shall be made using the flat C network of the soundlevel meter and the fast meter movement of the octave band analyzer. Impulsive noises are subject to the performance standards prescribed by this section if they cause rapid fluctuations of the needle of the sound-level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as irregular and intermittent noises, shall be controlled so as not to be a nuisance to adjacent uses.
C. As used in this section, the term:

1. "Octave band" means all the frequencies from one (1) frequency to a second. Insound octave bands, the second frequency is usually twice the first one (1); and
2. “Octave band filter" means an electrical device that separates the sounds in eachoctave band and presents them to the sound - level meter. Section 6.26 - Industrial Restrictions: Fire Hazards

A. Solid substances ranging from free or active burning to intense burning may bestored, used or manufactured only within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

B. The storage, utilization or manufacture of flammable liquids or material whichproduce flammable vapors or gases shall be permitted in accordance with the rules and regulations of the State Fire Marshall. A certificate of compliance, issued by the State Fire Marshall's office, stating that the plans and specifications for a light or general industrial use comply with the rules and regulations of the State Fire Marshall shall accompany the application for an improvement location permit. C. As used in this section, the term:

1. “Free burning" means a rate of combustion described by a substance that burnsactively and easily supports combustion.

2. "Intense burning" means a rate of combustion described by a substance that burnswith a high degree of activity and is consumed rapidly.

Section 6.27 - Industrial Restrictions: Detonation Materials

A. No activity involving the storage, use or manufacture of materials that decompose by detonation may be carried on except in accordance with the rules issued by the State Fire Marshall and the State Administrative Building Council. These materials include primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; high explosives such as TNT, RDX, HMX, PETN, and pyric acid; propellants and their components, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyides , tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric

acid, per chlorates, chlorates , and hydrogen peroxide in concentrations greater than thirtyfive percent (35%); and nuclear fuels, fissionable materials and products, and reactor elements such as uranium 235 and plutonium 239.

Section 6.28 - Industrial Restrictions: Exceptions

A. Title II, Chapter 6, Section 6.19(pg. 2-98) to Title II, Chapter 6, Section 6.27(pg. 2105) inclusive do not apply to:

1. Site preparation or construction, maintenance, repair, alteration, or improvement ofbuildings, structures, equipment, or other improvements on or within the lot line;

2. The operation of motor vehicles or other facilities for the transportation ofpersonnel, materials, or products;

3. Conditions beyond the control of the user such as fire, explosion, accident, failure,or breakdown;

4. Safety or emergency warning signals or alarms necessary for the protection of life,limb or property.

Section 6.29 - Industrial Restrictions: Light Industrial Uses Near Agriculture or Residence Districts

A. The performance standards prescribed by Title II, Chapter 6, Section 6.19(pg. 2-98) to Title II, Chapter 6, Section 6.28(pg. 2-105) for light industrial uses apply also to general industrial uses that are located within five hundred (500) feet of an "A" District or a Residence District boundary.

Section 6.30 - Restrictions along Streams

A. The following buildings and structures are the only ones that may be erected within afloodway fringe: recreational apparatus and unenclosed shelters; parking spaces, detached unenclosed carports and the driveways serving them; water wells and fountains, and transmission lines for water, sewer, gas, oil, electric, telephone and cable television; fences; mailboxes; bridges and public streets.

B. When required by the Indiana Department of Natural Resources, the buildings andstructures listed in Title II, Chapter 6, Section 6.30(A)(pg. 2-106) may be erected within a regulatory floodway only if a permit to construct in a floodway has been issued.

C. Water wells, water lines and sewage facilities located within a flood plain shall beconstructed to eliminate contamination of or by floodwater.

PLANNED UNIT DEVELOPMENT

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PLANNED UNIT DEVELOPMENT

Section 7.1 Purposes

A. The purpose of this Ordinance is to provide an alternative flexible land useordinance which is consistent with the Town of Shadeland Development Plan. The Town encourages the use of Planned Unit Developments in order to more properly suit the characteristics of the land and the surrounding area. Planned unit developments should provide for an economy of shared services and facilities.

Planned Unit Developments may be appropriate for use to ensure a more compatible use with

surrounding areas and to foster the creation of attractive, healthful, efficient, stable environment for living, shopping or working.

B. The Planned Unit Development and procedures may apply to the development ofpresently developed lands, or open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their characteristic of the area in which located.

C. The Planned Unit Development Ordinance is intended to encourage innovations inland development techniques so that the growing demands of the community may be met with greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

D. The Planned Unit project should also encourage a more efficient use of landwhich reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

E. In furtherance of the purpose and intent of Planned Unit Development, the TownCouncil may waive certain other requirements of the Municipal Code of the Town of Shadeland upon written findings.

F. The failure to comply with any provisions of the Municipal Code of the Town ofShadeland may be a basis for the Town Council to disapprove proposed developments, proposed parcelizations, or proposals in changes of land use, all of which must, under the Municipal Code of the Town of Shadeland, be approved by the Town Council.

G. No permit shall be granted or approval given by the Town Council for anyPlanned Unit Development, conservation subdivision, mobile home park, parcelization, change of use or any other Municipal Code requiring Town Council approval unless Town Council approved, written, provisions are included for drinking water, storm water, and wastewater.

Section 7.2 Origination of Proposals

A. Any person, corporation, partnership or association having an ownership interest in a proposed development, or any group of owners united in interest, acting jointly, and by an agreement to carry out a proposal in accordance with the procedures hereinafter established, may submit a proposed plan for a complete development of a site. A parcel or site proposed for a Planned Unit Development need not be under single ownership where the proposed development consists of a group of structures or improvements capable of being developed separately but must be in accordance with a single, unitary plan, and in which the separate owners have given their expressed agreement to assure its completion as planned to the satisfaction of the Council.

Section 7.3 Procedure

A. The authorization of the Development of a Planned Unit shall be subject to theprocedures expressed herein:

1. The request for approval of a Planned Unit shall be signed by the ownersof all the real estate involved in the development or have their consent attached.

2. The request, which shall include a preliminary plan and plat for any areaproposed for development as a Planned Unit Development shall be filed with the Clerk-Treasurer. The preliminary plan and plat shall include:

a. Proposed layout of streets, open space and other basic elements ofthe plan.

b. General identification of location and types of structures and theiruse categories within the area, including proposed densities of said uses.

c. Proposals for handling traffic, parking, sewage disposal, drainage,tree preservation and removal, lighting, signage and other pertinent development features.

d. A separate location map to scale shall show the boundary lines ofadjacent land and the existing planning districts of the area proposed to be developed as well as the adjacent land.

e. A general statement of the covenants to be made a part of thePlanned Development as well as the order and estimated time line of development.

f. A statement of the proposed order of development of the majorelements of the project, including whether the development will be in phases, and, if so, the order and content of each phase.

B. The preliminary plan shall be presented in triplicate and to a scale ratio not toexceed 100' = 1". The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the appropriate checkpoint agencies for their review and comment.

C. The plans will be submitted to the Planning Committee of the Town of Shadelandwho may choose to meet with the petitioners.

D. Site visit by Town Council and Planning Committee with the Developer.

E. The Planning Committee may request or require modifications prior to submittal to the Town Council.

Section 7.4 Preliminary Plan Hearing

A. The petition, if and as modified, shall then be heard by the Council and subject tothe procedures applicable thereto. The Council may approve, amend, or

disapprove the plan and may impose any reasonable conditions. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Development" and be signed by the President of the Council and the Clerk-Treasurer and one (1) copy shall be permanently retained in the Town offices.

B. Upon approval by the Council, the applicant shall prepare his detailed plan.

Section 7.5 Approval of Detailed Plan

A. Before any development takes places, the petitioner shall present to the Council, adetailed plan specifying the location, composition, and general engineering features of all parking, lighting, traffic volume, flow control, signage, lots, drainage, sewage, water supply facilities, recreation facilities, site perimeter treatment and other site development features including general locations of proposed buildings. The Council may then refer to the Planning Committee or approve said detailed plans by motion duly adopted, upon an affirmative finding that the detailed plan is consistent with the Approved Preliminary Planned Development as adopted and passed by the Council. Having so once approved the detailed plan, the Council shall have no further authority to review or act thereon, except as to enforcement, and amendatory ordinance, and as hereafter provided for.

B. The approved detailed plan shall be stamped "Approved Detailed PlannedDevelopment" and be signed by the Clerk-Treasurer with one (1) copy permanently retained in the Town office and one (1) copy shall be sent to the Designated Permit Officer.

C. Approval, unless extended, of the first phase of the detailed plan shall be obtainedwithin two (2) years of the original preliminary Plan Hearing and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the Preliminary Plan by the Council.

D. In the event that approval of a detailed plan is not timely obtained, the Council mayinitiate an amendment of the Ordinance relating to said land, or any resident or land owner may request such action.

E. The Approved Preliminary Plan may provide for development of the propertyinvolved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Development.

F. Approval shall expire after a period of five (5) years from the approved phasing ofthe preliminary plan unless the development is 50 percent (50%) completed in terms of public improvements including streets, parks, walkways, utility installations, and sanitary sewers. Determination of the amount of completion shall be made by the Town Council.

Section 7.6 Covenants and Maintenance

A. Covenants, when required by the Council, shall be set forth in detail and shallprovide for a provision for the release of such restriction only by execution of a document

so stating and suitable for recording signed by the Council President and Town Clerk-Treasurer upon authorization by the Council, and by all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Council and shall be specifically enforceable by the Council.

B. The Council may require the recording of covenants for any reasonable public orsemi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, those specific covenants shall automatically terminate. If such termination occurs, the petitioners may then submit for approval by the council a modified detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.

C. The Council may require, based upon the approved detailed plan, the recording ofcovenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Development. Such development standards may include, but are not limited to, requirements as to the following:

1. Lot area.

2. Floor area.

3. Rations of floor space to land space.

4. Area in which structures may be built. ("Buildable area")

5. Open space.

6. Setback lines and minimum rear yards.

7. Building separations.

8. Height of structures.

9. Signs

10. Lighting.

11. Aesthetic Amenities.

12. Water Sources.

13. Sewage.

14. Wastewater Capacity.

15. Storm Water Drainage

16. Fire Protection Facilities

17. Off-street parking and loading space.

18. Design standards.

19. Phasing of development.

D. The petitioner shall be required to provide financial assurance for the satisfactoryinstallation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Municipal Code of the Town of Shadeland.

E. Adequate provision shall be made for a private organization with directresponsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is selfperpetuating.

F. Common facilities which are not dedicated to the public shall be maintained tostandards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental units.

G. All private streets shall be maintained by the aforementioned private organizationin such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that

said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

H. Developments fronting through roads shall usually be restricted to a maximum of three (3) entrances per mile on the through road.

Section 7.7 Recording

A. All approved Detailed Planned Unit Development Plans and Plats andmodifications thereof shall be recorded in the office of the Tippecanoe County Recorder within two (2) years after approval, but before any development takes place.

B. Upon completion of all development, “as built plans” shall be submitted, by theDeveloper, to the Clerk-Treasurer. It is the Developer’s responsibility to record the “as built plans” within thirty (30) days from the completion of the development or thirty (30) days from the request to record by the Clerk-Treasurer.

Section 7.8 Permit

A. An improvement location permit shall be issued for a Planned Development District when all pre-construction items have been completed by the developer, including written approval of the Town Attorney, any other consultants required by the Town Council, and the Clerk-Treasurer. Any Town costs or expenses shall be reimbursed to the Town prior to issuance of a permit.

Section 7.9 Construction

A. No construction or installation work shall be done on any public improvements(streets, drains, etc.) until satisfactory plans and specifications thereof have been submitted to the Clerk-Treasurer and the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate Governmental Engineer of his intention to begin such work, in order that inspections may be made as the work progresses.

B. All development shall be in conformity with the approved Detailed Planned Unit Development and any material deviations from the approved Detailed Planned Unit Development shall be subject to appropriate enforcement action as provided for in this Ordinance.

Section 7.10 Extensions, Abandonment, Expiration

A. Extensions of the time for accomplishing any matters set forth herein may begranted by the Town Council for good cause shown. In the event the Council disallows a requested extension, the

petitioner may appeal said determination to the Council. If an extension is granted such extension shall be recorded.

B. Upon the abandonment of a development authorized under this section[abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Development for twenty-four (24) consecutive months, or upon the expiration of five (5) years from the approval of a Detailed Planned Unit Development], an amendment may be initiated as provided by law to the ordinance so that the land will be changed into a category or categories which most nearly approximate its then existing use or such other planning category or categories which the Council deems appropriate.

Section 7.11 Rules of Procedure

A. All proceedings brought under this section shall be subject to the Rules of Procedure of the Town, where not inconsistent with the procedure otherwise stated herein.

Section 7.12 Limitation of Planning

A. The Council shall not initiate any amendments to the planning ordinance concerning the property involved in a Planned Unit Development before completion of the

development as long as development is in conformity with the approved Detailed Planned Unit Development and is proceeding in accordance with the time requirements imposed herein.

TITLE II

CHAPTER 8

PLANNED DEVELOPMENT DISTRICTS

Section 8.1 Intent of Districts

A. The purposes of these regulations are to provide greater design flexibility in thedevelopment of land when consistent with the Comprehensive Development Plan and intent of this Ordinance. The use of Planned Development Classifications shall be encouraged when the use of such regulations promotes a harmonious variety of uses, and/or provides for an economy of shared services and facilities, and/or are compatible with surrounding areas and/or foster the creation of attractive, healthful, efficient and stable environments for living, shopping or working.

B. The Planned Development regulations and procedures may apply to the developmentof presently developed lands, or open or vacant lands, and may apply to parcels of relatively small size as well as large-scale developments and their relationship with other surrounding uses and the overall characteristic of the area in which located.

C. Planned Development regulations are intended to encourage innovations in landdevelopment techniques so that the growing demands of the community may be met with

greater flexibility and variety in type, design and layout of sites and buildings and by the conservation and more efficient use of open spaces and other amenities generally enhancing the quality of life.

D. Planned Development projects should also encourage a more efficient use of landwhich reflects the changes in the technology of land development so that resulting economies may accrue to the benefit of the community at large.

E. In furtherance of the purpose and intent of a Planned Development, the provisions ofTitle II, Chapter 6, Section 6.1(pg. 2-72) through Title II, Chapter 6, Section 6.17(pg. 2-94) inclusive of this Ordinance shall not be applied, or be applicable, to or in a Planned Development District.

Section 8.2 Classifications of Planned Development

A. Upon preliminary review of a Planned Development proposal by the Council as provided by this Ordinance, such proposal shall be identified by the general character of dominant use of the development. Such proposals shall be classified by the following designations:

1. "PD-R" Planned Development - Residential

Any development consisting of not less than three (3) acres in which more than eighty percent

(80%) of the interior floor area of all buildings to be included in the development are used for residential purposes or those accessory purposes customarily related to residential use. 2. "PD-C" Planned Development - Commercial

Any development consisting of not less than four (4) acres in which all of the interior floor area of all buildings to be included in the development is to be used for commercial purposes.

3. "PD-I" Planned Development - Industrial

Any development consisting of not less than five (5) acres in which more than eighty percent (80%) of the interior floor area of all buildings to be included in the development are used for industrial or manufacturing purposes or such accessory uses customarily relating to industrial uses with the balance of such interior floor area, if any, being intended for such commercial uses as reasonably relate to the support or convenience of the intended industrial uses or their occupants.

4. "PD-L" Planned Development - Leisure

Any development consisting of not less than five (5) acres in which the principal activity, whether conducted within or outside of a building or other structure, relates to recreation, amusement, the exhibition of sports events, the conducting of games and athletics, or the provision of open space for any passive or active endeavor. In these districts, such

commercial structures or uses as reasonably relate to the principal activity of the development shall also be permitted.

5. "PD-E" Planned Development - Extraordinary

A development not otherwise distinguishable under any previous classification, containing less than the minimum land area and/or less than the stated minimum proportions of any single dominant use or function, and in which the proposed uses of interior and exterior spaces require unusual design flexibility to achieve a completely logical and complementary conjunction of uses and functions.

Section 8.3 Origination of Proposals

Any person, corporation, partnership or association having an ownership interest in a proposed development, or any group of owners united in interest, acting jointly, and in pursuance to an agreement to carry out the proposal in accordance with the procedures hereinafter established, where such individual owner or group of owners in making such proposal intends to act as adopted and indicates the requisite capabilities to carry out such proposal. A parcel, or site proposed for Planned Development need not be under single ownership where the proposed development consists of a group of structures

or improvements capable of being developed separately but in accordance with a single, unitary plan, and in which the separate owners have given their expressed intentions as will facilitate their mutual enterprise, and assure its completion as planned to the satisfaction of the Council.

Section 8.4 Filing Procedure

A. The authorization of a Planned Development shall be subject to the procedures expressed herein:

1. Submit a petition for new planning district designation for the appropriate PDclassification, which petition shall be signed by the owner or owners of all real estate involved in the petition for the Planned Development, or which petition shall have attached thereto the consent of all such owners to the filing of such Petition, and to the change to a PD classification of their real estate included.

2. The petition, which shall include a preliminary plan and plat for any area proposed fordevelopment as a Planned Development shall be filed with the Clerk-Treasurer. The preliminary plan and plat shall include:

    a. Proposed layout of streets, open space and other basic elements of the plan.

    b. General identification of location and types of structures and their usecategories within the area, including proposed densities of said uses.

    c. Proposals for handling traffic, parking, sewage disposal, drainage, treepreservation and removal, lighting, signage and other pertinent development features.

d. A separate location map to scale shall show the boundary lines of adjacent landand the existing zoning of the area proposed to be developed as well as the adjacent land.

e. A general statement of the covenants to be made a part of the PlannedDevelopment as well as the order and estimated time of development.

f. A statement of the proposed order of development of the major elements of theproject, including whether the development will be in phases, and, if so, the order and content of each phase.

3. The preliminary plan shall be presented in triplicate and to a scale ratio not to exceed100' = 1". The preliminary plan may include any additional graphics which will explain the features of the development. It shall also be provided to the appropriate checkpoint agencies for their review and comment. These checkpoints are as follows:

   a. Town Highway Engineer

   b. County Surveyor

   c. Tippecanoe Soil and Water Conservation District

   d. County Health Department

   e. Town Park and Recreation Committee

   f. Tippecanoe School District

   g. County Sheriff Department

   h. Shadeland Fire Department

   i. Shadeland Town Attorney

4. Within twenty-five (25) days after filing, the Clerk- Treasurer or her representativeshall consult with the petitioner regarding the petition and checkpoint agency comments. After such consultation the petitioner may make modifications to the petition.

5. After consultation with the Clerk-Treasurer and after making any modifications tothe proposed preliminary plans, the Petitioner shall file in triplicate a "Final Propose Preliminary Plan" which shall:

   a. Include all documents included in the preliminary plan.

   b. Include an index identifying all documents included in the preliminary plan.

c. Include a cover sheet indicating that it is the Final Proposed PreliminaryPlan and indicating the date and case number.

d. Be bound or stapled together and all documents therein reduced to a size nolarger than 8 1/2 X 14 inches except for the maps and sketches.

Section 8.5 Preliminary Plan Hearing

A. The petition, if and as modified, shall then be heard by the Council and subject to the procedures applicable thereto. The Council may approve, amend, or disapprove the plan and may impose any reasonable conditions. If approved, the preliminary plan shall be stamped "Approved Preliminary Planned Development" and be signed by the President and the Clerk-Treasurer of the Council and one (1) copy shall be permanently retained in the Town offices. B.

Upon approval by the Council, the applicant shall prepare his detailed plan.

Section 8.6 Approval of Detailed Plan

A. Before any development takes places, the petitioner shall present to the Council, adetailed plan specifying the location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreation facilities, site perimeter treatment and other site development features including general locations of proposed buildings. The Council shall then approve said detailed plans by motion duly adopted, upon an affirmative finding that the detailed plan is consistent with the Approved Preliminary Planned Development as adopted and passed by the Council. Having so once approved the detailed plan, the Council shall have no further authority to renew or act thereon, except as to enforcement, an amendatory ordinance, and as hereafter provided for.

B. The approved detailed plan shall be stamped "Approved Detailed PlannedDevelopment" and be signed by the Clerk with one (1) copy permanently retained in the Town office and one (1) copy shall be sent to the Administrative Officer.

C. Approval, unless extended of the first phase of the detailed plan shall be obtained within two (2) years and approval of the balance of the detailed plan shall be obtained within five (5) years after adoption of the Planned Development District by the Council.

D. In the exercise of continuing jurisdiction, the Administrative Officer may fromtime
to time approve only minor modifications of the approved Detailed Planned Development in a manner consistent with the approved Preliminary Planned Development. Such modifications shall not include any increase in density, any lessening of aesthetic treatments, any alteration of frontage or general building location, any change in type of use, or any change in access points.

E. In the event that approval of a detailed plan is not timely obtained, the Council mayinitiate an amendment of the ordinance relating to said land or any resident or land owner may request such action.

F. The Approved Preliminary Plan may provide for development of the propertyinvolved in phases. If such phasing is included as a part of the approval of the preliminary plan, the petitioner may submit partial detailed plans which correspond to the phases involved. Such partial detailed plans, when approved, shall be treated in the same manner as approved detailed plans for an entire Planned Development.

G. Approval shall expire after a period of five (5) years from the approved phasing ofthe preliminary plan unless the development is 50 percent (50%) completed in terms of public improvements including streets, parks, walkways, utility installations and sanitary sewers. Determination of the amount of completion shall be made by the Administrative Officer.

Section 8.7 Covenants and Maintenance

A. Covenants, when required by the Council, shall be set forth in detail and shallprovide for a provision for the release of such restriction by execution of a document so stating and suitable for recording signed by the Council President and Clerk upon authorization by the Council and all of the owners of property in the area involved in the petition for whose benefit the covenant was created. Such covenants shall provide that their benefits run to the Council and shall be specifically enforceable by the Council.

B. The Council may require the recording of covenants for any reasonable public orsemi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioners shall then submit for approval by the Council a modified detailed plan for such land, otherwise consistent with the approved Preliminary Planned Development.

C. The Council may require, based upon the approved detailed plan, the recording ofcovenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Planned Development. Such development standards may include, but are not limited to, requirements as to the following:

1. Lot area.

2. Floor area.

3. Ratios of floor space to land space.

4. Area in which structures may be built. ("Buildable area")

5. Open space.

6. Setback lines and minimum rear yards.

7. Building separations.

8. Height of structures.

9. Signs.

10. Off-street parking and loading space.

11. Design standards.

12. Phasing of development.

D. The petitioner shall be required to provide financial assurance for the satisfactoryinstallation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of the Unified Subdivision Control Ordinance of Tippecanoe County, Indiana.

E. Adequate provision shall be made for a private organization with directresponsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Planned Development, and, in such instance legal assurances shall be provided which show that the private organization is selfperpetuating.

F. Common facilities which are not dedicated to the public shall be maintained tostandards assuring continuous and adequate maintenance. Common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

G. All private streets shall be maintained by the aforementioned private organizationin such a manner that adequate access is provided at all times to vehicular traffic so that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. All streets and roadways not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

Section 8.8 Recording

A. All approved Detailed Planned Development Plans and Plats and modifications thereof shall be recorded in the office of the Tippecanoe County Recorder within two (2) years after approval, but before any development takes place.

Where upon completion of all development, the exact measurements, as to the location of buildings or structures erected during the development, are deemed desirable for public

record by recording thereof, the developer may submit a copy of the "Approved Detailed Planned Development" to the Administrative Officer as an amended approved Detailed Development with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original Approved Detailed Planned Development, shall re-approve, date and sign said amended approved Detailed Planned Development, which the developer may then record.

Section 8.9 Permit

A. An improvement location permit shall be issued for a Planned Development District upon full compliance to the approved Detailed Planned Development.

Section 8.10 Construction

A. No construction or installation work shall be done on any public improvementsuntil satisfactory plans and specifications thereof of the Subdivision Control Ordinance of Tippecanoe County, Indiana have been submitted to the Clerk-Treasurer and the petitioner has, at least twenty-four (24) hours in advance, notified the appropriate Governmental Engineer of his intention to begin such work, in order that inspections may be made as the work progresses.

B. All development shall be in conformity with the approved Detailed Planneddevelopment and any material deviations from the approved Detailed Planned Development shall be subject to appropriate enforcement action as provided for in this Ordinance.

Section 8.11 Extensions, Abandonment, Expiration

A. Extensions of the time for accomplishing any matters set forth herein may begranted by the Administrative Officer for good cause shown. In the event the Administrative Officer disallows a requested extension, the petitioner may appeal said determination to the Council.

B. Upon the abandonment of a development authorized under this section[abandonment shall be deemed to have occurred when no improvements have been made pursuant to the approved Detailed Planned Development for twenty-four (24) consecutive months], or upon the expiration of five (5) years from the approval of a Detailed Planned Development for a development which has not been completed, an amendment may be initiated as provided by law to the Ordinance so that the land will be changed into a category or categories which most nearly approximate its then existing use or such other planning category or categories which the Council deems appropriate. If an extension is granted such extension shall be recorded.

Section 8.12 Rules of Procedure

A. All proceedings brought under this section shall be subject to the Rules of

Procedure of the Town, where not inconsistent with the procedure otherwise stated herein.

Section 8.13 Limitation of Planning

A. The Council shall not initiate any amendments to the planning ordinance concerning the property involved in a Planned Development before completion of the development as long as development is in conformity with the approved Detailed Planned Development and proceeding is in accordance with the time requirements imposed herein.

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE II
CHAPTER 9
MOBILE HOME ORDINANCE

Section 9.1 Short Title

A. This Ordinance may be cited as the "Mobile Home Ordinance of Shadeland".

Section 9.2 Definitions

A. As used in this Ordinance, the term: "applicant" means the owner or owners of real estatewho makes application to the Council for action by said Council affecting the real estate owned thereby.

B. "Clear distance" means the unobstructed distance from any given point, mobile home or lineto the closest point or points of adjacent mobile home or mobile homes.

C. "Mobile home" means any vehicle without motive power designated by the manufacturer ormaker with hitch and undercarriage to permit attachment of axles and wheels, and so designed to permit its being used as a conveyance upon public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a single-family dwelling.

D. "Mobile home park" means any site, lot, field, or tract of land under single ownership, orownership of two (2) or more persons upon which two (2) or more mobile homes to be used for human habitation are parked, either free of charge or for revenue purposes, and shall include any street used or intended for use as part of the facilities of such mobile home park. A mobile home park does not include a mobile home sales area on which unoccupied mobile homes are parked for inspection or sale.

E. "Mobile home subdivision" means any site, lot, field, or tract of land under single ownership,or ownership of two (2) or more persons, which is to be divided into smaller sites, lots, fields, or tracts of land, which smaller sites, lots, fields, or tracts of land are to be sold for use by the purchaser to park such purchaser's mobile home.

F. "Recreational vehicle" means a portable vehicular structure designed as a temporary dwellingfor travel and vacation uses which:

1. Is identified on the unit by the manufacturer as a travel trailer; and

2. Is not more than eight (8) feet in body width; and

3. Is of any weight provided its body length does not exceed twenty-nine (29) feet.

OR:

1. Is a structure mounted on an automobile or truck; and

2. Is designed to be used for sleeping and human habitation.

G. "Recreational vehicle park" means any site, lot, field, or tract of land under singleownership, or ownership of two (2) or more people, designed with facilities for short term occupancy by recreational vehicles only.

H. "Mobile home park street" means a public or private way other than an alleywhich affords a primary means of access to abutting property within a mobile home park.

Application Procedure for Mobile Home Park

Section 9.3 Filing

A. The applicant for approval of a mobile home park shall file five (5) copies of the development plans of such mobile home park with the Clerk-Treasurer.

Section 9.4 Hearing

A. The Council at its regular meeting will hold hearings for action as hereinafter set forth on all such development and improvement plans for a mobile home park filed with the Clerk on or before the 1st day of the month in which such regular meeting is held.

Section 9.5 Preparation of Development Plans

A. All development plans for a mobile home park shall contain the following information:

1. A vicinity key map of an appropriate scale.

2. Description:

   a. Proposed name of such mobile home park.

   b. Location by quarter section, township and range, or by other legaldescription.

   c. Name and address of the applicant.

   d. Name, address, and seal of registered professional engineer or landsurveyor preparing the plat.

   e. Scale of the plan, north point, and date.

3. Existing Conditions:

a. Boundary line of proposed mobile home park indicated by solidheavy line.

b. Location, width, and names of all existing or prior dedicated streetsor public ways abutting or in said area of the proposed mobile home park, railroad and utility rights-of-way, parks and other public open spaces within said area, and location of permanent buildings or structures.

c. Any existing sewers, water mains, culverts, drainage tile orunderground facilities within the area of the proposed mobile home park.

d. Existing planning districts of proposed mobile home park andadjacent tracts.

e. Other conditions on the tracts such as water courses, marshes, rockoutcropment, wooded areas, etc.

4. Proposed Conditions:

a. Layout of streets and sidewalks with width thereof, whetherdedicated or private street, together with typical cross section.

b. Layout of any alleys, crosswalks, and easements.

c. If lots are laid out, the dimensions and number thereof.

d. Land to be set aside for common use of the tenants of the mobilehome park.

e. All setback lines.

f. Location of all proposed permanent buildings, storage area, office and community center.

Section 9.6 Improvement Plan

A. At the time of filing the development plan, the applicant shall also file three (3) copies of the proposed improvement plans which shall contain the following information:

1. Description:

a. The same information as contained in Title II, Chapter 9, Section 9.5 (A)(2)(pg. 2-125) above.

2. Proposed Conditions:

a. Plan and profile sheets of the proposed mobile home park streets,including typical cross-section showing pavement design.

b. Plans for the proposed handling of surface water drainage,including plan and profile sheets of storm sewers, if included in the proposed improvements.

Section 9.7 Public Hearing

A. The Council shall hold a public hearing prior to granting approval of any mobile home park plans. The applicant shall give at least ten (10) days notice prior to such hearing, giving notice thereof in such form as may, from time to time, be prescribe by the Council. Such notice shall be given in the prescribed manner, and proof of such notice shall be filed prior to such hearing, and shall be a condition precedent to the right of the said Council to conduct such hearing. At the hearing the Council may either approve, deny, or modify the plans presented by the applicant. If the plans for a mobile home park are modified or denied by the Council, the Council shall promptly notify the applicant of such action, together with the reasons for such modification or denial.

Section 9.8 Design Requirements of Mobile Home Parks

A. The design requirements of a mobile home park are as follows:

1. Each mobile home park shall contain a minimum of five (5) acres.

2. Mobile home stands must be so located when occupied by a mobile home,the clear distance between a mobile home and any adjacent mobile home will be not less than twenty (20) feet, except end to end clear distance which may not be less than ten (10) feet.

3. No mobile home shall be located closer than twenty feet to any buildingwithin the mobile home park.

4. The minimum depth of front yard of a mobile home park, where such parkabuts a major arterial street, is sixty (60) feet.

The minimum depth of front yard of a mobile home park, where such park abuts a minor arterial street, is forty (40) feet.

The minimum depth of front yard of a mobile home park, where such park abuts a local street, is twenty-five (25) feet.

If such mobile home park abuts on two (2) or more streets, then there shall be a front yard on each street.

5. The minimum depth of side and rear yards of a mobile home park shall betwenty-five (25) feet, unless adequate screen planting is provided and as provided, approved by the Council. When so approved, the minimum depth of side and/or rear yard shall be ten (10) feet.

6. Each mobile home, or mobile home stand, or mobile home space shall beprovided with two (2) parking spaces adjacent thereto, which parking

spaces shall have unobstructed access to a mobile home park street. No on-street parking shall be permitted.

7. The clear distance between any mobile home and the centerline of theabutting mobile home park street shall be a minimum of twenty-five (25) feet.

8. Each mobile home shall have access to, and the use of, general storagespace of a minimum of ninety (90) cubic feet in a building of fireproof design, or storage space under the mobile home may be used provided said storage is shielded from view by underpinning the mobile home.

9. Mobile home park streets shall be paved either with portland cementconcrete or bituminous concrete (including the surfacing procedure commonly known as "Chip and Seal"). Such streets shall be a minimum of twenty-four (24) feet in width and shall, if to be publicly maintained, be built in conformance with the current street construction standards of the governmental unit in which such mobile home park is located.

10. A paved sidewalk shall be installed on at least one (1) side of each mobilehome park street. The minimum width of such sidewalks shall be three (3) feet.

11. The Council may, as part of its approval, require curbs and/or gutters inmobile home parks where, in the opinion of the said Council, drainage of surface water as provided by the applicant in its development plans, is insufficient to properly carry such surface water.

12. Surface drainage as approved by the Council shall be installed andmaintained by the applicant or his successor in title.

13. There shall be a maximum of two (2) entrances to a mobile home park,unless a different number is approved by the Council.

14. A maximum of nine (9) mobile homes shall be permitted per acre. Thismaximum shall be determined from the gross acreage of the mobile home park.

15. Prior to the issuance of an improvement location permit, an applicantmust file with the Clerk, a letter from the Indiana State Board of Health, evidencing approval by such board and compliance with the requirements of such board.

Section 9.9 Mobile Home Subdivision

A. The procedure and design of a mobile home subdivision shall be the same as those provided for in the Unified Subdivision Control Ordinance.

Section 9.10 Recreational Vehicle Parks

A. A procedure for a recreational vehicle park shall be as provided herein for a mobile home park, and the design, installation and maintenance shall be as required by the State Board of Health.

Section 9.11 Authorized Uses

A. Mobile home parks, mobile home subdivisions, recreational vehicle, parks, and individual mobile homes are permitted in the planning districts as follows, and no special exception shall be permitted therefrom:

1. Mobile home parks shall be permitted in R3 and R4 planning districts.
2. Mobile home subdivisions shall be permitted in R3 and R4 planningdistricts.
3. Recreational vehicle parks shall be permitted in AB, A, GB, and IRplanning districts and, when permission is granted by the Indiana state Board of Health and the Department of Natural Resources, in FP planning districts.
4. Individual mobile homes shall be permitted in R3 and R4.

Section 9.12 Minimum Ground Floor Area

A. In approved mobile home parks there shall be no minimum ground floor area requirements for mobile homes located therein. Where permitted, individual mobile homes outside of approved mobile home parks, mobile home subdivisions and recreational vehicle parks shall have a minimum of seven hundred twenty (720) square feet of ground floor area.

Section 9.13 Improvement Location Permit

A. Following approval of a mobile home park by the Council, the Clerk, upon application, including a letter of approval from the state Board of Health, as required in Title II, Chapter 9, Section 9.8(pg. 2-127), and payment of fees, shall issue to the applicant, an improvement location permit.

Section 9.14 Enforcement

A. Any person may, by suit in a circuit or superior court of the county, enjoin theviolation of this Ordinance or any approved plans hereunder.

B. The Council may enjoin any violation of this Ordinance or any approved planshereunder or may, by mandatory injunction in the circuit or superior court of the county, require the removal of any structure erected in violation of this Ordinance or any approved plans hereunder.

C. A use that violates this Ordinance shall be treated as if it were a commonnuisance,
and it may be abated in the same manner as such a nuisance.

D. Any person who shall violate any of the provisions of this Ordinance fails tocomply herewith or with any of the requirements thereof, or who shall build, reconstruct, or structurally alter any building, structure, or roadway in violation of any plan submitted and approved hereunder shall, for each and every violation or noncompliance, be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars ($10.00) and not more than three hundred dollars ($300.00), and each day that such violation of noncompliance shall be permitted to exist, shall constitute a separate offense. Section 9.15 Judgment and Attorney Fees

A. That in the event that the Town of Shadeland , Indiana, files Ordinance violation charges or seeks injunctive or other relief before any Court, then upon any determination in favor of the Town, the Town shall be further entitled to recover and have judgment against such person, persons, entity, or entities violating this Ordinance for the Town's reasonable attorney's fees incurred in prosecuting any of the actions therein, court costs, and all other related costs.

Section 9.16 Tie-downs Required

A. All mobile homes in the Town of Shadeland whether occupied, or in storage,within thirty (30) days of being located in the Town of Shadeland must be securely tied down with anchors and tie-downs that meet State Code requirements or the approval of the Town of Shadeland Building Inspector as designated by the Town Council. The failure of the owner to comply with this Section is a violation, subject to penalty, as otherwise set forth in this Code.

B. After notice, if the owner fails to tie-down a mobile home, the Town may takesuch action as necessary to protect the citizens of the Town of Shadeland and impose a lien on the owner of the mobile home and on the owner of the real estate in which the mobile home is located.

CHAPTER 10
SPECIAL EXCEPTIONS AND SPECIAL USE CHANGES

Section 10.1 Applicability

No special exception may be granted under Title II, Chapter 5, Section 5.3(pg. 2-59), no SC District may be established under Title II, Chapter 3, Section 5.3(pg. 2-59), no change in an FP District may be made under Title II, Chapter 3, Section 5.4(pg. 2-602), and no other change in the use of land (except an agricultural use) that involves a change in any structure on or in any land, or in the condition of the land, may be made unless the Town Council, on application, authorizes the change.

Section 10.2 Industrial Uses: Certificate of Compliance

A. If an application for an improvement location permit relates to a light or general industrial use, it must be accompanied by a certificate of compliance, subscribed by a registered professional engineer of the state, stating that the use will meet the performance standards of the district concerned. After a ten (10)-day period has elapsed during which the Administrative Officer has not required additional information or objected in writing, he shall issue the permit.

Section 10.3 Special Provisions

A. An improvement location permit for a special exception or a shopping center maynot be issued until the application has been approved by the Council and the Administrative Officer has been notified by the Council of the approval.

B. For each SC District symbol on the Zone Map, not more than one (1)improvement location permit may be in effect at one (1) time.

C.

1. If a person to whom an improvement location permit has been issued for ashopping center or a planned residential development fails to begin construction within twenty-four (24) months after the permit is issued, fails to complete thirty percent (30%) of the total plan within thirty-six (36) months after the permit is issued or within twelve months after construction is begun (whichever period expires later), or fails to comply with the approved plan, he may be required by the Council on its own initiative, and shall be required by it upon written request of any interested person, to show cause why the permit should not be revoked. However, an order to show cause may not be issued for failure to begin construction on time if in the meantime construction has begun.

2. In a proceeding to show cause under paragraph one (1), the Council shallhold a public hearing, of which written notice shall be published according to law and sent by registered mail to the holder of the permit. This

notice must be published and mailed at least ten (10) days before the date set for the hearing.

3. At the hearing, evidence may be presented by any person present. If, on theevidence, the Council finds that the holder of the permit has failed as described in paragraph one (1), it shall revoke the permit. However, if it considers the failure correctable within six (6) months, it may defer revocation and continue the hearing until a specified day within that period.

D. Upon application by the holder of an improvement location permit for a shopping center or planned development, the Council may change the plan on which the permit is based. The Council shall handle the application as if it were an original application for an improvement location permit for a special exception. If it approves the application, the Council shall notify the Building Commissioner who shall issue an amended permit reflecting the approved change.

Section 10.4 Records

A. A record of each improvement location permit and each certificate of occupancy shall be kept by the Administrative Officer. Upon request, a copy shall be furnished to any person having a proprietary or possessory interest in the premises concerned.

Section 10.5 Issuance or Denial

A. The Administrative Officer shall accept the application and issue the improvement location permit or deny the application together with a statement of reasons for the denial within a period of eight (8) days following its submittal, except for the longer period of time which may be required for industrial uses as provided in Title II, Chapter 10, Section 10.2(pg. 2-132).

Section 11.1 Hearings

A. Upon application for a special exception or variance and upon appeal from a decision of the Administrative Officer, the Council shall hold a public hearing. Public notice, setting forth the time and place, shall be given at least twenty-one (21) days before the date of the hearing in the same manner and with the same requirements as set forth in Title II, Chapter 18, Section 18.1(pg. 2-181). Other interested parties shall be notified as provided by the Council. The cost of such notices shall be borne by the person applying or appealing. All such hearings shall have the same notice and signage requirements as set forth in Title II, Chapter 18, Section 18.1(B)(pg. 2-181) .

Section 11.2 Administrative Officer

A. The Council shall designate an Administrative Officer in the Town of Shadeland who will have principal responsibility for enforcing this Ordinance.

Section 11.3 Enforcement

A. Any person may, by suit in a circuit or superior court of the county, enjoin theviolation of this Ordinance.

B. The Council may, by mandatory injunction in the circuit or superior court of thecounty, require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition permitted in violation of this Ordinance.

C. A use that violates this Ordinance shall be treated as if it were a commonnuisance,
and the owner or possessor of the structure, land, or premises upon which the use is maintained shall be liable for such nuisance.

D. Any person who shall violate any of the provisions of this Ordinance or fail tocomply therewith or with any of the requirements thereof, or who shall build, reconstruct or structurally alter any building in violation of any detailed statement or plan submitted and approved thereunder shall, for each and every violation or noncompliance, be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars ($10.00) and not more than three hundred dollars ($300.00), and each day that such violation or noncompliance shall be permitted to exist shall constitute a separate offense.

E. That in the event that the Town of Shadeland, Indiana, files Ordinance violationcharges or seeks injunctive or other relief before any Court, then upon any determination in favor of the Town, the Town shall be further entitled to recover and have judgment against such person, persons, entity, or entities violating this Ordinance for the Town's reasonable attorney's fees incurred in prosecuting any of the actions therein, court costs, and all other related costs.

Section 11.4 Appeals

A. A decision of the Administrative Officer enforcing this Ordinance may beappealed to the Council by any person who is adversely affected by the decision.

B. On an appeal under subsection (a), the Council may make any decision that theAdministrative Officer might have made.

C. A decision of the Council is subject to review by *certiorari*.

Section 11.5 Exclusion

A. Nothing in this Ordinance or in any rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, plan commission or board of zoning appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the state of Indiana or by any state agency, or the use of property owned or occupied by the state of Indiana or by any state agency. As used in this section, the term "state agency" shall means and include all agencies, boards, commissions, departments, and institutions, including Purdue University and other state educational institutions of the state of Indiana.

CHAPTER 12
UNSAFE BUILDING AND/OR STRUCTURE

Section 12.1 Unsafe Conditions - Unlawful

A. That any condition or conditions of any building, structure or part thereof in the Town of Shadeland, Indiana, which for any reason is a clear and present danger to the health or physical being of persons, or is an unreasonable danger to property other than the structure itself, are hereby declared to be unlawful conditions or an unlawful condition.

Section 12.2 Unsafe Conditions - Specified

A. That in determining whether a condition or conditions of a structure are unlawful condition or conditions within the means of this Ordinance, all relevant factors are to be considered including but not limited to the following:

1. A building or structure, or any part of a building or structure, that is:

    a. In an impaired structural condition that makes it unsafe to a personor property;

    b. A fire hazard;

    c. A hazard to the public welfare;

    d. A public nuisance; or

    e. Dangerous to a person or property because of a violation of a statuteor ordinance concerning building condition or maintenance; is considered an unsafe building.

2. For purposes of this chapter:

    a. An unsafe building; and

    b. The tract of real property on which the unsafe building is located;are considered unsafe premises.

Section 12.3 Cause Irrelevant

A. That an unlawful condition under this Ordinance remains unlawful regardless whether the condition is a result of design deterioration, alteration, or other factor.

Section 12.4 Present Use Considered

A. That for the purposes of this Ordinance in determining whether a condition or conditions of a building or structure is an unlawful condition, the present use of the building or structure shall be considered, and the reasonably foreseeable class of persons who may be directly affected thereby shall be considered and the property, whether real or personal, which may be affected by any unlawful condition and which is reasonably foreseeable shall be considered in determining whether any condition or conditions is or are unlawful.

Section 12.5 Inspection

A. That when the hearing authority for the Town of Shadeland, Indiana or such other person who is charged by the Council of Trustees of the Town of Shadeland, Indiana with enforcement of the provisions of this Ordinance believes that an unlawful condition under this Ordinance may exist, then they shall make inspection of the structure or premises for the purpose of determining whether any unlawful conditions exist under this Ordinance. In the

event that the hearing authority cannot agree as to whether or not an unsafe building condition exists, then they shall consult with a certified, licensed and practicing architect or engineer for a final determination. In making a determination with respect to an unsafe building condition or conditions, the hearing authority may consult with any other person reasonably necessary to make such determination, including but not limited to, the state Fire Marshall, the Union Township Volunteer Fire Department, Fire Chief, and the Tippecanoe County Health Officer.

Section 12.6 Orders

A. Upon the determination that an unsafe building or conditions exist, the hearing authority may issue an order requiring action relative to any unsafe premises, including:

1. Vacating of an unsafe building;

2. Sealing an unsafe building against intrusion by unauthorized persons, inaccordance with a uniform standard established by Ordinance;

3. Extermination of vermin in and about the unsafe premises;

4. Repair of an unsafe building to bring it into compliance with standards forbuilding condition or maintenance prescribed by law;

5. Removal of part of an unsafe building; and

6. Removal of an unsafe building. B. The order must contain:

1. The name of the person to whom the order is issued;

2. The legal description or address of the unsafe premises that is the subject ofthe order;

3. The action that the order requires;

4. The period of time in which the action is required to be accomplished,measured from the time when the notice of the order is given;

5. If a hearing is required, a statement indicating the exact time and place ofthe hearing, and stating that person to whom the order was issued is entitled to appear at the hearing with or without legal counsel, present evidence, crossexamine opposing witnesses, and present arguments;

6. If a hearing is not required, a statement that an order under subsection (A) (2) becomes final ten (10) days after notice is given, unless a hearing is requested in writing by a person holding a fee interest or life estate interest in the unsafe premises, and the request is delivered to the enforcement authority before the end of the ten (10) day period;

7. A statement briefly indicating what action can be taken by the enforcementauthority if the order is not complied with;

8. A statement indicating the obligation created by IC 36-7-9-27 relating to notification of subsequent interest holders and the enforcement authority; and

9. The name, address, and telephone number of the enforcement authority.

C. The order must allow a sufficient time of at least ten (10) days from the time whennotice of the order is given to accomplish the action, the order may require that a substantial beginning be made in accomplishing the action within thirty (30) days.

D. The order expires two (2) years from the day the notice of the order is given,unless one (1) or more of the following events occurs within that two (2) year period:

1. A complaint requesting judicial review is filed under I.C. 36-7-9-9.

2. A contract for action required by the order is let at public bid under I.C. 367-9-11.

3. A civil action is filed under I.C. 36-7-9-17. E. Notice must be given by:

1. Sending a copy of the order or statement by registered or certified mail tothe residence or place of business or employment of the person to be notified, with return receipt requested;

2. Delivering a copy of the order or statement personally to the person to benotified; or

3. Leaving a copy of the order or statement at the dwelling or usual place ofabode of the person to be notified.

F. If, after a reasonable effort, service is not obtained by a means described insubsection (E), service may be made by publishing a notice of the order or statement in accordance with I.C. 5-3-1 (5-3-1-1 - 5-3-1-9) in the county where the unsafe premises are located. However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5(b) in I.C. 36-7-9-5(b), (1), (2), (4), (5), (6), (7), and (9) of said chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority.

G. When service is made by any of the means described in this section, except bymailing or publication, the person making service must make an affidavit stating that he has made the service, the manner in which the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

H. The date when notice of the order or statement is considered given is as follows:

1. If the order or statement is delivered personally or left at the dwelling orusual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at his dwelling or usual place of abode.

2. If the order or statement is mailed, notice is considered given on the dateshown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.

3. Notice by publication is considered given on the date of the second day thatpublication was made.

I. Notice of orders, notice of statement of rescission, notice of continued hearings,and notice of a statement that public bids are to be let need not be given to a person holding a property interest in an unsafe premises if:

1. No instrument reflecting the property interest held by the person is recordedin the recorder's office of the county where the unsafe premises is located;

2. The order or statement was recorded in accordance with I C 36-7-26 of thischapter; and

3. The enforcement authority has receive neither written information noractual notice of the identity of the person who holds a property interest in the unsafe premises.

A person who fails to record an instrument reflecting an interest in his unsafe premises is considered to consent to action taken under this chapter relative to which notice would otherwise be given

Section 12.7 Violation

A. That the failure of the person, persons, entity or entities to whom the notice of unlawful condition or conditions was sent, to correct the conditions within the time provided in the notice, shall constitute a violation of this Ordinance, and each day that any unlawful condition shall continue after that date shall be considered a separate violation of this Ordinance unless a request for hearing has been filed.

Section 12.8 Hearing

A. In the event of a hearing before the hearing authority of an unlawful condition or conditions, the hearing authority shall hear evidence of the individuals named in the notice and may conduct any additional fact finding process which it may determine necessary, and within a reasonable time thereafter shall issue a final determination of whether any unlawful condition or conditions exist, and in the event the enforcement authority finds any unlawful condition or conditions to exist after hearing, the enforcement authority shall specifically set forth in writing the unlawful conditions found to exist, the findings of fact upon which their decision is based and a specific but reasonable date in which the unlawful conditions are to be corrected, copies of which shall be delivered to the individuals named in the notice.

Section 12.9 Failure to Correct

A. Any failure by any person, persons, entity or entities named in the final determination of the hearing authority to correct the unlawful condition or conditions which were found to exist within the time period provided by the Town Council, shall constitute a violation of this Ordinance and for each such condition which exists after said date and each day that any such unlawful condition shall exist after the date in which the person, persons, entity or entities were allowed to correct the same, shall constitute a separate violation of this Ordinance for each unlawful condition which exists.

Section 12.10 Injunctive Relief

A. That in the event that any person, persons, entity or entities of whatsoever nature violates the provisions of this Ordinance the Town may take action in any court of proper jurisdiction in this county to obtain a mandatory injunction or other relief, require such person, persons, entity or entities to correct the unlawful conditions and to request any other temporary and preliminary injunctive relief to protect persons and property and further, may request final orders requiring the structure or building to be removed, sold, or other relief which is proper under the circumstances.

Section 12.11 Penalty

A. That in addition to applying for any injunctive relief, the Town may file Ordinance violation charges against any person, persons, entity or entities violating this Ordinance, and for each unsafe building condition violation such person, persons, entity

or entities shall be fined one hundred dollars ($100.00) for each violation of this Ordinance. Each day shall be a separate violation.

Section 12.12 Judgment and Attorney Fees

A. That in the event that the Town of Shadeland, Indiana files Ordinance violation charges or seeks injunctive or other relief before any Court, then upon any determination in favor of the Town, the Town shall be further entitled to recover and have judgment against such person, persons, entity, or entities violating this Ordinance for the Town's reasonable attorney's fees incurred in prosecuting any of the actions therein, court costs, and all other related costs.

Section 12.13 Real Estate Included

A. That for the purposes of this Ordinance any building or structure shall include the real estate upon which such building or structure is located.

Section 12.14 Notice to Owners

A. That when any unlawful condition or conditions exist under this Ordinance, which are within the control of the owner or owners of the real estate upon which the building or structure is situate, then notice shall be given to those owners who appear on record.

Section 12.15 Notice to Lessee

A. That in the event it is determined that the unlawful condition or conditions under this Ordinance which exist are solely within the control of the lessee of a building or structure other than the owner, then notice shall be given to such lessee or other person in addition to the owner or owners of the building or structure.

Section 12.16 Severability

A. That in the event that any part or parts of this Ordinance are declared to be unconstitutional or invalid in any part or parts, such part or parts shall be deemed severable and shall not affect the remainder of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Section 12.17 Hearing Authority Established

A. The Council of Trustees of the Town of Shadeland, Indiana herein establishes a hearing authority which refers to the persons in the provisions adopted in this Ordinance.

UNSAFE AND VACANT BUILDINGS

Section 12.18 - Unsafe and Vacant Buildings

A. The Town hereby incorporates and adopts Indiana Code 36-7-9 and makes it applicable to and within the Town of Shadeland. The Clerk-Treasurer of the Town shall be the executive officer responsible for administration of this Ordinance and the provisions of

Indiana Code 36-7-9. The Town Council of the Town shall be the hearing authority responsible for conducting all hearings permitted or required the provisions of Indiana Code 36-7-9.

Any building or part of a building which by reason of its lack of repair, unsanitary condition, its being infested with rats, vermin, or insects, or which for any reason is unfit for human habitation or constitutes a source of danger to the health and safety of the inhabitants of this Town, shall constitute a public nuisance and shall be unlawful as such.

TITLE II

CHAPTER 13

ADULT ENTERTAINMENT BUSINESS

Section 13.1 Intent and Purpose

A. In the development and adoption of this Ordinance, it is recognized that there are some adult business uses which due to their very nature have serious objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life, in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such businesses under their jurisdiction to ensure that these adverse secondary effects will not contribute to the blighting or downgrading of adjacent neighborhoods nor endanger the well-being of the youth in their communities. The special regulations deemed necessary to control the undesirable externalities arising from these enterprises are set forth below. The primary purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these adult uses by restricting their close proximity to churches, parks, schools, and residential areas.

Section 13.2 Definitions

A. "Adult Bookstore" shall mean an establishment having as a preponderance of itsstock in trade or its dollar volume in trade, books, magazines, periodical, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

B. "Adult Cabaret" shall mean a nightclub, bar, theater, restaurant or similarestablishment which frequently features live performances by topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified anatomical areas and/or which regularly feature films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons.

C. "Adult Drive-In Theater" shall mean an open lot or part thereof, with appurtenantfacilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other consideration, to persons in motor vehicles or on outdoor seats in which a preponderance of the total presentation time is devoted to the showing of materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

D. "Adult Entertainment Business" shall mean an adult bookstore, adult motion picturetheater, adult mini motion picture theater, adult motion picture arcade, adult cabaret, adult drive-in theater, adult live entertainment arcade, or adult service establishment.

E. "Adult Live Entertainment Arcade" shall mean any building or structure which containsor
is used for commercial entertainment where the patron directly or indirectly is charged a fee to view from an enclosed or screened area or booth a series of live dance routines, strip performances or other gyrational choreography which performances are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas.

F. "Adult Mini Motion Picture Theater" shall mean an enclosed building with a capacity ofmore than five (5) but less than fifty (50) persons, used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to the showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

G. "Adult Motel" shall mean a hotel, motel, or similar establishment offering public accommodations for any form of consideration which provides patrons, upon request, with closedcircuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

H. "Adult Motion Picture Arcade" shall mean any place to which the public is permitted orinvited wherein coin or slug-operated or electronically, electrically or mechanically controlled still

or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at anyone time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

I. "Adult Motion Picture Theater" shall mean an enclosed building with a capacity of fiffty(50) or more persons used for presenting films, motion pictures, video cassettes, slides or similar photographic reproductions in which a preponderance of the total presentation time is devoted to showing of materials which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

J. "Adult Service Establishment" shall mean any building, premises, structure, or other facility, or any part thereof, under common ownership or control which provides a preponderance of services involving specified sexual activities or display or specified anatomical areas.

K. "Agriculture District" shall be as defined in Title II, Chapter 15(pgs. 2-158) above.

L. "Church District" shall include all areas within 1000 feet of a house of worship or regularreligious assembly.

M. "Enlargement" shall mean an increase in the size of the building, structure or premises inwhich the adult entertainment business is conducted by either construction or use of an adjacent building or any portion thereof whether located on the same or an adjacent lot or parcel of land.

N. "Establishing an Adult Entertainment Business" shall mean and include any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business, whether or not an adult entertainmentbusiness, to any of the adult entertainment businesses defined herein;
3. The addition of any of the adult entertainment businesses defined herein to anyother existing adult entertainment business; or
4. The relocation of any such business.

O. "Integrated Center" shall mean a building containing a number of individual, unrelatedand separately operated uses which share common site facilities and services such as driveway entrances and exits, parking areas, truck loading, maintenance, sewer and water utilities, or similar common facilities and services; or one (1) or more buildings containing individual, unrelated and separately operated uses, occupying a site under one (1) ownership or management for lease, and utilizing one (1) or a combination of the aforementioned common site facilities or services.

P. "Nonconforming Adult Use" shall mean any building, structure or land lawfully occupiedby an adult entertainment business or lawfully situated at the time of passage of this Ordinance or amendments thereto, which does not conform after the passage of this Ordinance or amendments thereto with the regulations of this Ordinance.

Q. "Reconstruction" shall mean the rebuilding or restoration of any nonconforming adult usewhich was damaged or partially destroyed by an exercise of the power of eminent domain, or by

fire, flood, wind, explosion or other calamity or act of God if the damage or destruction exceeds twothirds (2/3) of the value of the structure or the facilities affected.

R. "Residential District" shall include Rl, RIA, RIB, R2, R3, and R4 Districts.

S. "Resumption" shall mean the reuse or reoccupation of a nonconforming adult use whichhas been discontinued for a period of six or more consecutive months.

T. "Services Involving Specified Sexual Activities or Display - of Specified AnatomicalAreas," as used in subsection J, shall mean and include any combination of two (2) or more of the following activities:

1. The sale or display of books, magazines, periodicals, or other printed matter, orphotographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas;

2. The presentation of films, motion pictures, video cassettes, slides, or similarphotographic reproductions which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas for observation by patrons;

3. The operation of coin or slug operated or electronically, electrically ormechanically controlled still or motion picture machines, projectors or other image producing devices to show images to five (5) or fewer persons per machine at anyone time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas;

4. Live performances by topless and/or bottomless dancers, go-go dancers, exoticdancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas;

5. The operation of a massage school, massage parlor, massage therapy clinic,bathhouse, escort service, body painting studio, or nude modeling studio, as these terms are defined in Section 17-725 of the Code of City of Indianapolis, and any amendments thereto.

U. "Specified Anatomical Areas" shall mean and include any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks,anus or female breasts below a point immediately above the top of the areolae; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquelycovered.

V. "Specified Sexual Activities" shall mean and include any of the following:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts of human masturbation, sexual intercourse or sodomy;
3. Fondling or other erotic touchings of human genitals, pubic regions, buttocks orfemale breasts;
4. Flagellation or torture in the context of a sexual relationship;
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
6. Erotic touching, fondling or other such contact with an animal by a human being;or
7. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or inconnection with any of the activities set forth in 1 through 6 above.

W. "Structural Alteration" shall mean any change which would prolong the life of thesupporting members of a building or structure such as bearing walls, columns, beams or girders, except such changes as are ordered made pursuant to the provisions of the Unsafe Building Law, IC 36-7-9-1, and any amendments thereto.

Section 13.3 Prohibitions

A. The establishment, enlargement, reconstruction, resumption or structural alteration of anyadult entertainment business shall be prohibited if such business is within five hundred (500) feet of two (2) other such businesses or within five hundred (500) feet of any existing church district, school district, park district, agriculture district, or residential district within the Town of Shadeland, Indiana.

B. Provided further, that no adult entertainment business shall be established, enlarged,reconstructed, resumed or structurally altered unless the site or proposed site is located in a General Business District, or Industrial District.

Section 13.4 Measurement of Distances

A. The distance between one (1) adult entertainment business and another adult entertainment business shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each such business. The distance between an adult entertainment business and any church, school, park, or any agriculture, or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall to the adult entertainment business to the nearest property line of the church, school, park or agriculture, or residential district. If any adult entertainment business is part of or included within an integrated center, only the portion of said center or leased space occupied by such adult entertainment business shall be included in determining the closest exterior structural wall of said establishment.

Section 13.5 Exterior Display

A. No adult entertainment establishment shall be conducted in any manner that permits theobservation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public way.

B. "Number of Signs". Not more than one (1) business wall sign shall be permitted for anadult entertainment business and said sign shall be permitted only on the front facade. In addition to the one (1) permitted business wall sign, an adult entertainment business not located within an integrated center shall be permitted not more than one (1) pole or ground sign structure if it is an entity of commercial development held in either private ownership or long-term lease, and which meets all of the requirements of the planning district in which it is located. Such requirements shall include direct access to a public street from that property and a full amount of required parking on the site with the use. All other sign structures shall be prohibited.

C. "Sign Surface Area". The sign surface area of a business wall sign for an adultentertainment business shall not exceed an amount equal to five percent (5%) of the front building facade of the first floor elevation (first 10 feet) of the premises occupied by the adult entertainment business, or one hundred (100) square feet, whichever is the lesser. The maximum sign surface permitted, shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.

D. "Lighting". Signs and sign structures may be illuminated, provided, however, suchillumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

Section 13.6 Continuation of Nonconforming Use

A. The lawful use of land or buildings existing at the time of the adoption of this Ordinance may continue although such use does not conform to the regulations specified herein, subject to the provisions set forth in Title II, Chapter 13, Section 13.3 (pg. 2-147) above.

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE II
CHAPTER 14
SEWAGE DISPOSAL AND DRAINAGE ORDINANCE

Be it ordained and enacted by the Town Council of the Town of Shadeland, State of Indiana:

Section 14.1 - Definitions

Unless the contents specifically indicate otherwise, the meaning of terms used in the Ordinance shall be as follows:

A. "Health Officer" means the health officer of Tippecanoe County.

B. "Dwelling" means any house or placed used or intended to be used by human occupantsas a place of residence.

C. "Duplex" means a dwelling with two (2) separate living quarters for two (2) separatefamilies.

D. "Person" means any individual, partnership, co-partnership, firm, company, corporation,association, trust, estate or his legal representative or agent.

E. "Residential sewage disposal system" means all equipment and devices necessary forproper conduction, collection, storage, treatment and on-site disposal of sewage from a one (1) or two (2) family dwelling. Included within but not limited to the scope of this definition are building sewers, septic tanks, subsurface absorption fields, and privy vaults.

F. "Private sewage disposal system" means any sewage disposal facility not owned by amunicipality or sanitary district or controlled by the State Board of Health and shall include septic tanks, aeration treatment tanks, finger systems, or other subsurface absorption fields.

G. "Percolation tests" means a procedure used to determine the ability of soils to absorbsewage effluents.

H. "Septic tank" means a watertight structure into which sewage is discharged for settlingand solids digestion.

I. "Distribution box" means a structure designed to distribute the effluent from a septic tankequally into the various sections of pipe of an absorption system.

J. "Sewage" means the water-carried waste derived from the ordinary living processes ofhumans or animals.

K. "Sanitary sewage system" means, for the purposes of this Ordinance, a system of sewerswhich conveys sewage away from the lot on which it originates for treatment.

L. "Privy" means a structure, either permanent or portable housing a toilet, using either avault or earthen pit or chemical treatment for excreta disposal without water carriage.

M. "Subsurface absorption field" means open-jointed or perforated pipes laid in a system oftrenches into which the effluent from the distribution box is discharged for direct absorption into the soil.

N. "Soil profile observation" means observation of the physical characteristics of the soilhorizons or layers to a depth of at least five (5) feet.

O. "Slight soil limitations" means those soils defined by the National Cooperative Soil Survey of Tippecanoe that are relatively free of limitations or limitations that are easily overcome.

P. "Moderate soil limitations" means those soils defined by the National cooperative SoilSurvey of Tippecanoe County whose limitations need to be recognized but can be overcome with careful design.

Q. "Severe soil limitations" means those soils defined by the National Cooperative SoilSurvey of Tippecanoe County that are unsuitable for conventional septic tank and subsurface absorption field installation.

R. "Public water supply" means any public area or community water supply provided by anapproved municipality or privately owned source. Not to include private individual wells.

S. "Planned development" means any land development which requires the specific planningdistrict entitled “Planned Development”.

T. "Council" means the Town Council of the Town of Shadeland.

Section 14.2 - Private Sewage Disposal System

A. Where a sanitary sewage system is not available, all persons owning or leasing propertyshall comply with the following provisions of this Ordinance for a private sewage disposal system.

B. It shall be unlawful for any person to place, deposit, or permit to be deposited in anyunsanitary manner upon public or private property within the Town of Shadeland , State of Indiana, or in an area under the jurisdiction of said Town, any sewage. This does not prohibit usual and customary disposal of farm animal wastes.

C. At any business building situated within the County of Tippecanoe, State of Indiana,where there is installed a private sewage disposal system which is not connected to a sanitary sewage system and no sanitary sewage system is available, there shall be established, installed or constructed and maintained a private sewage disposal system which shall comply with the standards of the
Indiana State Board of Health or in such other manner approved by the Indiana State Board of Health. Copies of such Bulletin SE. 13 are herewith incorporated by reference as part of this section and two (2) copies are filed in the office of the Clerk-Treasurer as well as at the offices of the Tippecanoe County Auditor and Tippecanoe County Health Office for public inspection.

D. No privies shall be permitted except on a temporary basis and then only by special permit.All such privies shall comply with Bulletin SE. 11, a copy of which is incorporated by reference hereto and made a part hereof. Except, in the case of chemical toilets no pit will be required.

E. Should any defect exist or occur in any private sewage disposal system or privy fail to meetthe requirements in paragraph (B), paragraph (C), paragraph (D) and cause an unsanitary condition, the defect shall be corrected by the owner, occupant or agent of the occupant. Failure to do so shall be subject to the penalties prescribed in Title II, Chapter 17, Section 17.22, (pg. 2-180) of the Ordinance.

F. Wherever a public sanitary sewage system becomes available and is within one hundred(100) feet of the property line of a building or residence or business that is served by a private sewage disposal system or privy, situated within the Town of Shadeland, State of Indiana, a direct connection of the building sewer may be ordered by the Health Officer or the Council to be made to said sewer and any septic tanks, seepage pits, outhouse, privy pits, and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner. The direct connection to sanitary sewage system shall be made within one hundred eighty (180) days of issuance of orders of connection. EXCEPTION: When the building served by an individual private sewage disposal system is more than two hundred (200) feet from the property line, said building shall be exempt from requirement of connection to sanitary sewer, so long as an adequate private individual sewage disposal system is in use and can be maintained.

G. Whenever a new business building or subdivision is developed in an area where a sanitarysewage system is available, a connection shall be made to said sewer according to plans submitted for approval prior to construction of project unless an exception is granted in writing by either the Health Officer or by the Shadeland Town Council.

H. After receiving an order in writing from the County Board of Health or the duly appointedHealth Officer, the owner, the occupant or agent of the occupant of the property shall comply with the provisions of this Ordinance as set forth in said order and within the time limit included therein. Said order shall be served on the owner and the occupant or on the agent of the owner but may be served on any person who, by contract with the owner, has assumed the duty of complying with the provisions of any order.

Section 14.3 - Requirements for Permits

A. Before the commencement of construction or repair of a private sewage disposal system,the owner or his agent shall apply in writing to the Tippecanoe County Health Office for a permit to construct or repair a private sewage disposal system, which application shall set out the date of the intended construction, repair, enlargement, exact location, any plans, specifications and other information available, and expressly stating that the owner has complied, and will at all times comply with the standards set out in this Ordinance. An inspection fee of ten dollars ($10.00) for each permit will be paid at the time of application. Such building permits as would be applicable must also be obtained.

B. The County Health Officer, or his agent, may inspect the work at any stage of construction. The owner or his agent shall notify the County Health Officer when the work is ready for inspection. If the County Health Officer or his agent find that the sewage disposal system has not been constructed in accordance with the standards established by this Ordinance, he shall order such corrections as are

necessary to bring the system into compliance and that occupancy approval shall be withheld until the system is brought into compliance.

C. The Health Officer shall issue permits for the installation , of residential sewage disposal systemsin those areas designated “slight soil limitations" if the septic tank size is at least one thousand (1000) gallons with a subsurface absorption field of seven hundred (700) square feet for any dwelling up to and including three (3) bedrooms. Each additional bedroom over three (3) will require an additional one hundred fifty (150) square feet of subsurface absorption field. All parts of the sewage disposal system must be kept at least fifty (50) feet from any water well. Wherever possible, the water well should be placed on higher ground than that of the sewage disposal system. The minimum lot size is twenty thousand (20,000) square feet with one hundred (100) feet frontage [in case of a cul-de-sac lot, the lot must average approximately one hundred (100) feet in width]. The other provisions of sections will also apply here. For lot size requirements for duplex [two (2)-family dwelling] see Title 2, Chapter 6, Section 6.2 to 6.5(pgs.2-73 to 2-75).

D. Because of the hazard regarding potential contamination of wells through the more permeable"slight rated soils", development shall be limited to twenty (20) contiguous lots per approval unless a public water supply is provided or an exception is granted in writing by the Health Officer or the Council. If any difficulty or health hazard occur, then a public water supply or public sanitary sewage system shall be approved by the development corporation. No further development will be permitted if a health hazard exists.

E. The Health Officer shall issue permits for the installation of residential sewage disposalsystems in those areas designated "moderate soil limitations" if the septic tank size is at least one thousand (1000) gallons with a minimum sub-surface absorption field or at least nine hundred (900) square feet for any dwelling of up to and including three (3) bedrooms. Each additional bedroom over three (3) will require an additional three hundred (300) square feet of sub-surface absorption field. All parts of the sewage disposal system must be kept at least fifty (50) feet from any water well. Wherever possible, the water well should be placed on higher ground than that of the sewage disposal system. The minimum lot size is twenty-five thousand (25,000) square feet with one hundred twenty-five (125) feet frontage. [In the case of a cul-de-sac lot, the lot must average approximately one hundred twenty-five (125) feet in width]. The other provisions of Section 119 will also apply here. For lot size requirements for duplex [two (2)-family dwelling] see Title II, Chapter 6, Section 6.2 to 6.5(pgs. 2-73 to 2-75).

F. 1. Subsurface absorption fields shall not be constructed in soils rated as having severe to very severe limitations for subsurface sewage disposal by the Soil Conservation Service, U.S. Department of Agriculture, unless that limitation is not present as shown by field investigation or can be overcome in accordance with criteria that the Indiana State Board of Health has set forth for construction of alternative systems on severe rated soils.

2. Where soil conditions preclude the installation of a subsurface absorption field sewage disposal system, the Indiana State Board of Health, after consultation with the local health agency, may approve uses of such alternative equipment, facility or pollution control device as is deemed necessary. Furthermore, the Indiana State Board of Health may, through Regulations, have prior approved alternative systems by which the local Board would not have to obtain a second approval if the plans submitted by the

applicant comply with the prior approved systems filed with the County Board of Health.

G. The soil type shall be determined by the National Cooperative Soil Survey of TippecanoeCounty as prepared by the United States Department of Agriculture Soil Conservation Service in cooperation with Purdue University.

H. If in the judgment of the Health Officer, the owner or his agent, further investigation iswarranted, an on-site Soils Investigation and evaluation may be required, in writing, from the Tippecanoe County Soil and Water Conservation District. The owner or his agent may also submit additional information to the Health Officer. This additional information will include the results of at least two (2) soil profile observations to a depth of at least five (5) feet in the areas of the proposed sub-surface absorption field.

I. All sub-surface absorption systems located on sloped ground [up to twelve percent(12%)] shall be constructed according to the requirements set out in Part VI of Indiana State Board of Health Bulletin SE 8, a copy of which is incorporated by reference hereto and made a part hereof. J. No private sewage disposal system shall serve more than one (1) single structure.

K. All components of a private and/or residential sewage disposal system shall bemaintained in good working order at all times.

L. No part of a residential sewage disposal system shall be located closer than twenty-five(25) feet to a surface-water drain tile, running stream or surface water drainage way. The rules and regulations of the Tippecanoe County Drainage Board will apply for any legal ditch or drain. All parts of the system must be kept at least fifty (50) feet from any water well.

M. The Tippecanoe County Board of Health shall hear appeals of any order, requirement,decision or determination made under Title II, Chapter 17, Section 17.18, paragraphs G and H (pg. 2-179), Title II, Chapter 17, Section 17.8, paragraph D (pg. 2-177) of this Ordinance. A majority of the members of the Tippecanoe County Board of Health will hear appeals of requirements, decisions or determinations; made under Title II, Chapter 14(pgs. 2-149 to 2-156).

1. Appeals must be written and fully describe circumstances of appeal.

2. The appeal must be received no later than sixty (60) days after the requirement,decision or determination is made by the Health Officer or his duly authorized representative.

3. The Board of Health will conduct a hearing on the matter within thirty (30) daysafter appeal is received.

The Tippecanoe County Board of Health may, upon a finding that it will not constitute a health hazard, reduce the square footage requirements for both lot and sub-surface absorption field size for a subdivision lot that was plotted before the adoption of this Ordinance.

N. All plastic sewer pipe used in sub-surface absorption fields shall meet the followingstandards:

1. Only plastics with a minimum crush one hundred (100) lbs./foot will be acceptablein any new installation of a private and/or residential sewage disposal system in this county.

2. Only plastics of a "rigid" type (usually ten (10) feet lengths) with proper joints andconnections, will be accepted in the system.

3. Only plastics with three (3) rows of perforated holes (three (3) rows of holes, onehalf (½) inch or more in diameter, equally spaced) will be accepted for usage in the absorption drenches.

4. Brittle (easily crushed) plastics, made in whole or in part from reclaimed materialwill not be accepted.

O. A permit for the installation of a private and/or residential sewage disposal system,whether issued prior to or after the adoption of this Ordinance, shall lapse and be void if work has not been started within one hundred eighty (180) days and completed within one (1) year after its issuance.

Section 14.4 - Commercial and Industrial Construction.

A. Permits for the installation of conventional septic tank and subsurface absorption fieldsewage disposal systems for commercial or industrial construction shall not be issued by the Health Officer in those areas with soils classified as having severe properties because of slow permeability and poor drainage characteristics.

B. Building sites that will be for commercial construction and need private sewage disposaland water supply must contain a minimum of five (5) acres or more on soils that have a degree of limitation of "slight" or "moderate". Size of sewage disposal system will be based on information in Indiana State Board of Health Bulletin SE. 13.

Section 14.5 - Subdivisions

A. Subdivisions designed to utilize on-site residential sewage disposal systems, the plans forwhich were duly approved, in writing, by the administrative authority (local Health Board) prior to December 18, 1977, are exempt from the provisions of this Ordinance relating to the design and installation of residential sewage disposal systems.

B. Proposals submitted to the Health Officer for approval for new subdivisions whereconventional residential sewage disposal systems will be used, shall not be acceptable in those areas where soil conditions are classified as "severe".

C. Proposed subdivisions where residential sewage disposal systems will be used must be inareas where soils are classified as having "slight" or "moderate" limitations. In the area of "slight limitations" lot size must be a minimum of twenty thousand (20,000) square feet with one hundred

(100) feet frontage. In the area of "moderate limitations" lot size must be twenty-five thousand (25,000) square feet with one hundred twenty-five (125) feet frontage.

D. Subdivisions shall not exceed twenty (20) lots unless public water supply is provided. See provisions of Title II, Chapter 14, Section 4.3, paragraph D(pg. 2-152).

Section 14.6 - Duplex Dwellings

A. Proposed duplex dwellings that will use residential sewage disposal systems must belocated in soils with "slight" or "moderate" limitations. Each duplex must be located on at least one and one-half (1 1/2) acres with two hundred (200) feet frontage.

B. Each duplex dwelling with two (2) bedrooms per unit [total of four (4) bedrooms perstructure] will require a one thousand five hundred (1500) gallon septic with "slight" limitation, and one thousand two hundred (1200) square feet of sub-surface absorption field in soils with "moderate" limitations. Each bedroom over four (4) per structure will require an additional three hundred (300) square feet of sub-surface absorption field.

C. No duplex requiring conventional private individual sewage disposal systems shall beconstructed on "severe" rated soil unless that limitation is not present as shown by field investigation or can be overcome as provided in accordance with criteria that the Indiana State Board of Health has set forth from construction of alternative systems on severe rated soils.

D. No multiple-family units will be on private and/or residential sewage disposal systems.

E. In consideration of Planned Developments, on private individual sewage disposalsystems,
prior to the time of change of planning district, the Health Department must review preliminary drawings and/or plans and the provisions of this Ordinance will apply. In the case of Planned Developments, variance within the requirements of this Ordinance (example - lot frontage) will be considered so long as adequate sewage disposal and satisfactory water supply is not jeopardized. Planned Developments must comply with minimum areas listed herein unless otherwise approved in writing by the Health Officer or the Council.

F. No Planned Developments requiring conventional private individual sewage disposalsystems can be placed on severely rated soils unless that limitation is not present as shown by field investigation or can be overcome as provided in accordance with criteria that the Indiana state Board of Health has set forth from construction of alternative systems on severe rated soils.

Section 14.7 - Power of Inspection

A. The County Health Officer or his agent bearing proper credentials and identification shall be permitted to enter upon all properties at the proper time for the purposes of inspection, observation, measurement, sampling and testing necessary to carry out the provisions of this Ordinance.

Section 14.8 - Enforcement

A. Any person found to be violating any provision of this Ordinance shall be served by theCounty Board of Health or the duly appointed Health Officer, with a written order stating the nature of

the violation and providing a reasonable time limit, but not exceeding ninety (90) days for violations of Title II, Chapter 12 (pg. 2-136); and no less than thirty (30) days and no more than one hundred

eighty (180) days for violations of Title II, Chapter 12(pg. 2-136). The written order shall be duly served either by certified mail or personal service by the Health Officer of Tippecanoe County.

B. Any person who shall continue any violation of this Ordinance beyond the time limitprovided for in paragraph a above shall be guilty of a misdemeanor. On conviction the violator shall be punished for the first offense by a fine of not more than five hundred dollars ($500.00); for the second offense by a fine of not more than one thousand dollars ($1,000.00) to which may be added imprisonment for a determinate period not exceeding ninety (90) days and each day after the expiration of the time limit for abating unsanitary conditions and completing improvements to abate such conditions as ordered by the County Board of Health, or by the duly appointed Health Officer of the County, shall constitute a distinct and separate offense.

C. Any person violating any of the provisions of this Ordinance shall become liable to theTown of Shadeland for any expense, loss or damage incurred by the Town by reason of such violation and such expenses including the Town's attorney fees, as well as fines shall be a lien upon the real estate which is the site of the Ordinance violation.

Section 14.9 - Registration of Engineers, Land Surveyors

A. The Tippecanoe County Health Officer shall maintain a list of Registered Engineers and Land Surveyors who are qualified by experience and/or educational background to provide soil testing analysis for the purpose of determining the soil limitations. Any Registered Engineer or Land Surveyor may be placed upon this list maintained in the office of the Board of Health of Tippecanoe County by filing with the Board his name, address, telephone number and a listing of his education and/or experience qualifications.

PROTECTION OF FARMLAND

BE IT ORDAINED BY THE TOWN OF SHADELAND that a Chapter 17 be added to Title II of the Municipal Code of the Town of Shadeland.

Section 15.1 Purpose

A. This Ordinance is to protect the farmland of the Town of Shadeland and encourage thatany development, land division, or land use change, also protect the farmland and the water supply of the citizens of the Town of Shadeland.

B. It is declared policy of the Town to preserve, protect and encourage the development andimprovement of its agricultural land for the production of food and other agricultural products. When non-agricultural land uses extend into agricultural areas, agricultural operations can become the subject of lawsuits. As a result, agricultural operators are sometimes forced to cease or curtail their operations. Others are discouraged from making investments in agricultural improvements to the detriment of the economic viability of the Town's agricultural industry as a whole. It is the purpose of the Ordinance to reduce the loss to the Town of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to constitute a nuisance, trespass, or other interference with the reasonable use and enjoyment of the land, including but not limited to, smoke, odors, flies, dust, noise, chemical or vibration; provided that nothing in this Ordinance shall in any way restrict or impede the authority of the State and of the Town to protect the public health, safety and welfare.

C. It is in the public interest to promote a more clear understanding between agriculturaloperations and non-agricultural residential neighbors concerning the normal inconveniences of agricultural operations which follow generally accepted agricultural practices and do not endanger public health or safety.

D. This Ordinance is not intended to and shall not be construed as in any way modifying orabridging local, state or federal laws relating to health, safety, zoning, licensing requirements, environmental standards including those standards which relate to air and water quality, and the like.

E. An additional purpose of this Ordinance is to promote a good neighbor policy by advising purchasers and users of property adjacent to or near operations of the inherent potential problems, such as noises, odors, dust, flies, chemicals, smoke, vibration, and hours of operation that may accompany agricultural operations. It is intended that, through mandatary disclosures, purchasers and users will better understand the impact of living near agricultural operations and be prepared to accept attendant conditions as the natural result of living in or near rural areas. However, this Ordinance shall be effective regardless of whether disclosure was made in accordance with Title II Chapter 15 Section 15.5 herein (pg. 2-159), "Right to Farm Notice and Real Estate Transfer Disclosure").

Section 15.2 Definitions

A. "Agricultural Land" means all real property within the boundaries of the Town ofShadeland that is included as farms with the Tippecanoe County Farm Service Agency or all other land which has been used as an agricultural operation continuously for one (1) year.

B. "Agricultural Operation" includes, but is not limited to, the cultivation and tillage of the soil,composting, production, harvesting and processing of agricultural crops, raising poultry, production of eggs; production of milk and dairy products; production of livestock, including pasturing, production of bees and their products; production of fish, production of fruit, vegetables and other horticultural crops; production of aquatic plants, agriculture, production of timber and any commercial agricultural procedure performed as incident to or in conjunction with such operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market, and usage of land in furtherance of educational and social goals, such as 4-H, Future Farmers of America, and the like.

C. "Generally Accepted Agricultural Practices" means those methods used in connection withagricultural operations which do not violate applicable federal, state or local laws or public health safety and welfare and which are generally accepted agricultural practices in the agriculture industry. Generally Accepted Agricultural Practices include practices which are recognized as best management practices and those methods which are authorized by various governmental agencies, bureaus and departments, such as the Tippecanoe County Cooperative Extension Service of Purdue University.

Section 15.3 Limitation of Actions

A. No lawsuit may use as its basis any Town Ordinance with respect to an agriculturaloperation conducted on agricultural land if the agricultural operation was, at the time the interference was alleged to arise, conducted substantially in accordance with generally accepted agricultural practices.

B. Notwithstanding any provision of this section, no action alleging that an agriculturaloperation has interfered with the reasonable use or enjoyment of real property or personal well-being shall be maintained if the plaintiff has not utilized the dispute resolution process, as defined in Title II, Chapter 15, Section 15.4 (pg. 2-158) herein.

Section 15.4 Resolution of Disputes and Procedure for Complaints, Investigation, and Decisions

A. Nuisances which affect public health.

1. Complaints. A person may complain to the Tippecanoe County Health Departmentor the Town Council designated official to declare that a nuisance which affects public health exists.

2. Investigations. The Tippecanoe County health officer or Town designated officialmay investigate all complaints of nuisance received against an agricultural operation. When a previous complaint involving the same condition resulted in a determination by

the official that a nuisance condition did not exist, the official may investigate the complaint, but the official may also determine not to investigate such a complaint. The Tippecanoe County Health Department may initiate any investigation without citizen complaint.

3. Declaration of Nuisance. If the official determines that a nuisance exists, theHealth Department or the Town Council may declare the existence of a nuisance. In determining whether a nuisance condition exists in connection with an agricultural operation the official shall apply the criteria provided in this Ordinance. Further, the official may consider the professional opinion of the Tippecanoe County Cooperative Extension Service of Purdue University or other qualified experts in the relevant field, in determining whether the agricultural operation under investigation is conducted in accordance with generally accepted agricultural management practices.

B. Resolution of Disputes Regarding Agricultural Operations. Should any controversy ariseregarding an interference with the use or enjoyment of property from agricultural operations conducted on agricultural land, the parties to the controversy shall submit the controversies to the Town Council of the Town of Shadeland.

Section 15.5 Right to Farm Notice and Real Estate Transfer Disclosure

A. Upon any transfer of real property, by any means, the transferor shall provide thepurchaser or lessee a statement specifically advising the purchaser or lessee of the existence of this Right to Farm Ordinance, which shall be substantially in the form set forth in Appendix A.

B. Any owner offering to lease or sell any real estate in the Town of Shadeland shall furnishto prospective lessees or buyers a Right to Farm Notice, substantially in the form set forth in Appendix B.

C. Penalty for Violation. A seller, transferor, or assignor who violates any provision of thissection is guilty of an infraction punishable by a civil penalty not exceeding one hundred dollars ($100.00). Failure to comply with any provision of this Right to Farm Notice and Real Estate Transfer Disclosure section shall not prevent the recording of any document, or the title to real property or any mortgage or deed of trust made in good faith or for value, and it shall not affect the application of this Ordinance.

Section 15.6 Covenant Required

A. Any division of land in the Town of Shadeland on which the owner wishes to immediately or subsequently build residences shall include the following covenant on the plat of a subdivision, or in the deed creating a division so the newly created tract will have the following required covenant:

1. "The owner of this real estate, for himself and for all future owners and occupantsof said real estate or any source of division thereof, for and in consideration of the right to develop the real estate for other than for agricultural purposes, hereby first acknowledge

and agree that this real estate is in or adjacent to an area presently in agricultural use, which uses include, but are not limited to, the production of crops, animal husbandry, land application of animal waste, the raising, breeding, and sale of livestock and poultry, including confinement feeding operations, application of fertilizers and pesticides, use of farm machinery, and sale of farm products;

2. Second, the owners, transferees, and assigns waive any and all objections to anysuch agricultural uses on any real estate within two (2) miles of any boundary of the tract described by this instrument, whether such uses currently exist, are enlarged, or changed for use in the future to another agricultural use;

3. Third, the owners, transferees and assigns agree that such agricultural usecurrently existing, enlarged, or changed, do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily injury to their parities, or directly endanger human health; and

4. Fourth, the owners, transferees and assigns of this real estate created this covenantfor the benefit of the residents of the Town of Shadeland and all persons engaged in agricultural uses within two (2) miles of any boundary of this tract of real estate and is enforceable by any of the residents or taxpayers of the Town of Shadeland together with such other covenants as may be required by the Town of Shadeland Protection of Farm Land Ordinance."

Section 15.7 Protect Farmland in Conservation Easements

Land included in the required conservation easements may be further restricted by the Town Council to the land's own historic, agricultural use of the production of commercial agricultural products, such as corn, soybeans, wheat, and other crops included in U.S. Farm Service Agency Programs or productive grassland.

APPENDIX A

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY LOCATED IN THE TOWN OF SHADELAND, COUNTY OF TIPPECANOE, STATE OF INDIANA, DESCRIBED

AS:

THIS STATEMENT IS A DISCLOSURE OF THE EXISTENCE OF THE TOWN OF SHADELAND RIGHT TO FARM ORDINANCE IN COMPLIANCE WITH THE SHADELAND MUNICIPAL CODE:

SELLER'S INFORMATION

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

THE TOWN OF SHADELAND ALLOWS AGRICULTURAL OPERATIONS (as defined in the TOWN OF SHADELAND'S Right to Farm Ordinance) WITHIN THE TOWN. You may be subject to inconveniences or discomforts arising from such operations, including but not limited to, noise, odors, fumes, dust, flies, the operation of machinery of any kind (including aircraft), vibration, the storage and disposal of manure, and the application of fertilizers and pesticides. The Town of Shadeland has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered to be an interference with reasonable use and enjoyment of land, if such operations are conducted in accordance with generally accepted agricultural management practices. The Town of Shadeland has established a process to assist in the resolution of certain possibly agriculturally related disputes. This process encourages the settlement of disputes on whether agricultural operations on agricultural lands are generally accepted agricultural practices and are causing interference with the personal well-being and the reasonable use and enjoyment of land. If you have any questions concerning this policy, please contact the Town of Shadeland Clerk-Treasurer for additional information.

APPENDIX B

TOWN OF SHADELAND RIGHT TO FARM NOTICE

The Town of Shadeland recognizes and supports the right to farm agricultural lands in a manner consistent with generally accepted agricultural management practices. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with odors, flies, fumes, dust, the operation of machinery of any kind (including aircraft), vibration, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers and pesticides. The Town of Shadeland has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered to be an interference with reasonable use and enjoyment of land, if such operations conducted on agricultural lands are being conducted in accordance with generally accepted agricultural practices. If you have any questions concerning this policy, please contact the Clerk-Treasurer.

AN ORDINANCE TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF THE TOWN OF SHADELAND

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Section 16.1 Definitions

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. Abandoned Vehicle or Junk Vehicle

1. A vehicle located on public property illegally.

2. A vehicle left on public property continuously without being moved for three (3) days.

3. A vehicle located on public property in such a manner as to constitute a hazard orobstruction to the movement of pedestrian or vehicle traffic on a public right-of-way.

4. A vehicle that has remained on private property without the consent of the owner, orperson in control, of that property, for more than forty-eight (48) hours.

5. A vehicle from which there has been removed the engine, transmission, or differentialor that is otherwise partially dismantled or inoperable and left on public property.

6. A vehicle that has been removed by a towing service or a public agency upon requestof an officer enforcing a statute or ordinance other than this chapter, if the vehicle once impounded is not claimed or redeemed by the owner or his agent within fifteen (15) days of its removal.

7. A vehicle that is six (6) or more model years old and mechanically inoperable, andis left on private property continuously in a location visible from public property for more than thirty (30) days.

8. A vehicle that is six (6) or more model years old, is without a valid current statelicense displayed on the vehicle, and is left on private property continuously in a location visible from public property for more than thirty (30) days.

B. Abandonment

1. The voluntary relinquishment of possession by the owner with the intention of terminating his ownership, but without vesting possession in any other person.

C. Animal Shelter

1. Any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

D. Animals At Large

1. Animals which are off the premises of the owner while not under the control of the owner or other person by leash, cord, chain, or other device of actual physical restraint or under the control of and accompanying the owner or other person who has the ability to control the dog or cat by voice command.

E. Deposits of Unwholesome Substances

1. The following conditions constitute the deposit of an unwholesome substance and the

existence of a menace to health and are declared to be prohibited, unlawful, and to constitute a public nuisance, if the same are found to exist on any public or private property within the town;

a. All noxious weeds;

b. Putting any filth into any cistern, reservoir, trough or other place in whichwater may be kept;

c. The throwing, placing, causing to be placed or allowing the existence ofany putrid or unsound meats, fish, vegetables, tin cans or rubbish of any kind, or any other deleterious substance or obnoxious matter which is in any way offensive or which will likely become putrid or offensive;

d. Manure in any quantity which is not security protected from flies ortreated as required by the enforcement officials;

e. Filthy littered or trash-covered cellars, house yards, barnyards, stableyards, factory yards, or vacant lots;

f. Any cellar, vault, drain, privy, pool, sewer, sink, catch-basin or premiseswhich shall become noxious, foul, or offensive or which may emit foul or offensive odors, gases, effluvia or stenches;

g. The maintenance or keeping of any farm animals, poultry, birds, dogs, orcats in such a manner that the same are or may become injurious to the health or offensive to the inhabitants in the vicinity of the same. However, nothing in this Ordinance shall restrict or prohibit livestock farming consistent with the usual customs of the community.

h. Putting into or allowing the introduction into, any groundwater of anyunhealthy substance.

F. Dog, Cat or Animal. Include both the male and female.

G. Humane Officer. Any person designated by the state, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state or any marshal or deputy marshal.

H. Identified Complaint. A complaint in which the identity of the complainant is known to any Town Official and whose identity is made a matter of public record or released to any person desiring the same.

I. Nuisance Acts And Conditions. The following listed acts and conditions are declared to be and to constitute a public nuisance and a violation of this chapter if the same are found to exist on public or private property within the Town:

1. Open or uncovered cisterns, cellars, wells, pits, excavations in residential areas, sewers or vaults situated in any open or unfenced area

2. Any building or part thereof which, by reason of its unsanitary condition orits being infected with disease, is unfit for human habitation or which from any other cause is a source of sickness among the inhabitants of the Town or which otherwise endangers the public health.

3. Any building or part thereof which by reason of its condition is unsafe to bein or near due to its imminent collapse or susceptibility to be blown onto another person or their property.

4. Any unsafe or unhealthy storage or handling of substances which maycontaminate or pollute ground water.

5. The burning of any animal or human waste in such a manner as to interferewith other property owners' reasonable use of their property.

6. The making, continuation or causing to be made or continued any excessive,unnecessary, or unusually loud noise or any noise of others within the Town or their peaceful enjoyment of their property or homes.

7. A condition which arises by a dog barking consistently or by, at intervals,chasing bicycles or automobiles on the streets or sidewalks of the Town.

8. A condition which arises by a dog, cat, or other animal destroying, defacing,or damaging shrubbery, lawns, or flowers or which results in the general discomfort of citizens in the neighborhood where the dog, cat, or other animal is harbored.

9. A condition which arises from the accumulation of animal excreta on theproperty of the owner, public, or any other citizen so as to cause an obnoxious odor, create a situation which could draw of breed insects, attract vermin or cause a public health nuisance.

10. All accumulations of junk, litter, rubbish, tin cans, or trash of any kind shallconstitute a public nuisance and shall be unlawful as such.

11. Any machinery not connected with the operation of a household or business;or any equipment, including but not limited to refrigerators or freezers, with doors intact; in any open or unfenced area, or in any building or structure to which the public has access, shall constitute a public nuisance and shall be unlawful as such.

12. To cause, suffer, or permit the growth of weeds; or noxious, noisome, oroffensive vegetation; or the deposit or accumulation of weeds, or noxious, noisome or offensive vegetation, matter, or substance; or the existence of stagnant water, in or upon any portion of the lots, parcels of ground, or tracts of land.

13. To allow the dog, cat, or other animal to run at large within the Town at anytime.

14. To conduct a garage or yard sale more than five (5) days in one (1) twelvemonth period.

15. To allow a mobile home, house trailer, or similar portable facility, whetheroccupied, or in storage, to be located in the Town of Shadeland for more than thirty (30) days without being securely tied down with anchors and tie-downs, which meet state code requirements, or the approval of the Town of Shadeland Building Commissioner, as designated by the Town; in order to protect both the occupants and those in the area that might be hurt by an unsecured mobile facility.

16. To allow more than four (4) trailers (recreational, semi, or commercial) to bestored outside a building for more than thirty (30) days on any real estate that is not in an industrial planning district.

J. Animal Owner. Any person owning, keeping, or harboring a dog, cat or other animal.

K. Public Nuisance. "Public Nuisances" shall include, but not be limited to, nuisance, acts and conditions found to exist upon any public or private property within the corporation limits of the Town, which is a danger to the health, safety, and general welfare of the citizens of the Town.

L. Running In Pack. Three (3) or more dogs, cats or other animals at large together.

M. Vicious Animal. Any animal that has been known to have bitten or otherwise physically molested without provocation a human being, inflicting a personal injury, or an animal who promiscuously attacks other animals.

Section 16.2 - Unlawful Noise -- Prohibited

It is unlawful for any owner, occupant, agent or person in possession or control of any structure, lot, thing or building or premises to make, continue or cause to be made or continued any excessive, unnecessary, or unusually loud noise or any noise of others within the Town or their peaceful enjoyment of their property or homes.

A. Unlawful Noise - Enumerated. The following acts, among others, are declared to be loud,
disturbing, injurious and unnecessary and unlawful noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

1. The making of any sound that exceeds fifty (50) decibels at the property lineof the origin of the source from 11:00 p.m. until 7:00 a.m. the following day. Sounds from a source regulated by this section shall be measured at or inside the property line of property other than that in which the sound source is located. [At the property line, two (2) people should be able to have a normal conversation (without yelling) if the noise level is fifty (50) dba or less].

2. Horns and Signal Devices. The sounding of any horn or signal device on anyautomobile, motorcycle, bus or train, or any other vehicle while not in motion, except as a danger signal or to give warning of intent to get into motion,

or, if in motion, only as a danger signal after or as brakes are being applied and decelerating of the vehicle has begun; the creation by means of such signal devices of any unreasonable loud or harsh sounds; and the sounding of any signal device of any unreasonable or unnecessary period of time; 2-166

3. Radio, Stereo, Musical Instruments. The playing of any radio, stereo,television set, home theater, amplified or unamplified musical instruments, loudspeaker, tape recorder, or other electronic sound-producing devices, in such a manner or with such volume at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel, hospital or other type of residence, or of any persons in the vicinity. The operation of any such set, instrument, or sound producing device in such a manner as to be plainly audible on a property or in a dwelling unit other than that in which it is located, shall be prima facie evidence of a violation of this section;

4. Public Noise Making. Yelling, shouting, hooting, or the making of any otherloud noises on the public streets, or the making of any such noise at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel, hospital or other type of residence, or in any office or of any persons in the vicinity;

5. Animal Noises. The keeping of any animal, which by causing frequent orlong continued noise, shall disturb the comfort or repose of any persons. However, nothing in this Ordinance shall restrict or prohibit livestock farming consistent with the usual customs of the community.

6. Whistle or Siren. The blowing of any whistles or sirens, except to give noticeof the time to begin or stop work or as a warning of fire or danger or as reasonable to test operation of such devices.

7. Engine Exhaust. The discharge into the open air of any exhaust of any engine,or internal combustion engine, except through a muffler or other devise which effectively prevents loud or explosive noises therefrom.

8. Repetitive Gun Fire. The repetitive firing of fire arms for more than three (3) consecutive hours, such as to disturb the quiet enjoyment of immediate neighbors. It is a specific defense to a charge of violating this section that the sound was made by animals, except for the repetitive barking of a dog, or that the sound was made by an authorized emergency vehicle in responding to an emergency call or acting in the time of an emergency, or that the sound was made as a danger warning signal by any warning device required by law, or that normal conversation can occur at the point of complaint.

This section should not be construed to conflict with the right of any person to maintain an action to evade a noise nuisance under the laws of the state of Indiana.

Section 16.3 - Abatement

A. Whenever any public nuisance shall be found to exist upon any public or privateproperty within the Town, any Town Official of the Town may issue an order to the person maintaining the nuisance or to the owner or occupant of the premises to abate the nuisance within three (3) days if upon public property or ten (10) days if upon private property. If any person, firm or corporation so notified shall neglect, fail, or refuse to comply with the requirements of the order by abating the nuisance within the specified time, the person, firm, or corporation shall be punishable under Title II, Chapter 16, Section 16.17 (pg. 2-172).

B. In the event of refusal or neglect of the notified offender to obey the order and abatethe nuisance as ordered, the Town Official shall have the unlawful condition abated. The costs and expenses of the abatement shall be a lien upon the real estate of the person maintaining the nuisance, and shall be placed on the tax duplicates by the auditor and collected as taxes are collected.

ANIMALS

Section 16.4 - Confinement Requirement

A. All owners shall confine within a building or secure enclosure every vicious dog, or any dog, cat, or other animal when in heat or rutting; and it shall be unlawful for any owner to remove their dog, cat, or other animal from a building or enclosure at any time so as to permit contact with another animal except for planned breeding purposes.

Section 16.5 - Vicious Animals

A. Every vicious animal shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owners.

Section 16.6 - Barking Dogs

A. It shall be unlawful for any person to keep or harbor within the Town any animal that creates a nuisance or which by loud and frequent or habitual barking, howling, or yelping causes annoyance or disturbance to the neighborhood.

Section 16.7 - Number of Animals Restricted

A. It shall be unlawful for any person to keep or harbor within the Town more than three (3) dogs and three (3) cats beyond the age of weaning, unless kept in a properly licensed kennel. Section 16.8 - Use of Shelter

A. The Town Council may arrange for access to the service of an animal pound or shelter. The Town Council is authorized to enter into contracts for fulfillment of its duties hereunder and to make payments thereunder in amounts not to exceed monies appropriated for such purposes by the Town Council.

Section 16.9 - Care Required

A. No owner shall fail to provide his animals with sufficient food and water, protection from the weather, and reasonable care as may be necessary to prevent suffering. Violation of this section may result in the Town Marshall or Clerk-Treasurer abating this unlawful pursuant to Title II, Chapter 16, Section 16.3(pgs. 2-167).

Section 16.10 - Mistreatment Prohibited

A. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an

animal or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

Section 16.11 - Abandonment Prohibited

A. It shall be unlawful for any owner of any dog, cat, or other animal to abandon the same within the Town.

Section 16.12 - Poisoning Prohibited

A. It shall be unlawful for any person to throw or deposit any poisonous substance in any of the streets, alleys, parks, commons, yards, or other places, whether public or private, within the Town, so that the poison could be consumed by any animal; except, that it shall be lawful for a person to expose on their own property common rat poison mixed only with vegetable substance.

Section 16.13 - Owner Responsible For Animal Waste

A. The owner of every animal shall be responsible for the prompt removal of any excreta deposited by their animal on public areas and on their own property and shall not permit defecation on private property other than their own.

ANIMAL RESTRAINT

Section 16.14 Restraint

A. It shall be unlawful for any owner of any dog, cat, or animal to allow the dog, cat, orother animal to run at large within the Town at any time.

B. All owners shall confine within a building or secure enclosure every vicious dog orany dog, cat, or other animal when in heat or rutting; and it shall be unlawful for any owner to remove their dog, cat, or other animal from a building or enclosure at any time so as to permit contact with another animal except for planned breeding purposes.

C. Every vicious animal shall be confined by the owner within a building or secureenclosure and shall be securely muzzled or caged whenever off the premises of its owner.

D. It shall be unlawful for any person to keep or harbor within the Town any animal thatcreates a nuisance or which by loud and frequent or habitual barking, howling, or yelping causes annoyance or disturbance to the neighborhood.

E. It shall be unlawful for any person to keep or harbor within the Town more than three (3) dogs and three (3) cats beyond the age of weaning unless a carrier permit is acquired and is current.

Section 16.15 Impoundment and Violation Notice

A. The Council may arrange for and maintain an animal pound or shelter. The Council is

authorized to enter into contracts for fulfillment of its duties hereunder and to make payments thereunder in amounts not to exceed monies appropriated for such purposes.

B. Unless otherwise provided herein, it shall be the duty of the Animal Warden or any member of any Police Department to apprehend and impound any dog, cat, or any other animal or fowl doing any of the following acts:

1. Running at large.
2. Abandoned.
3. Not confined.
4. Frequent, habitual barking.
5. Not registered, licensed, and tagged.
6. On a verified written complaint to the Council of the Town by any personconcerned, charging that any dog, cat, or other animal, is rabid or is suspected of so becoming or has bitten any human being and on order of the Council after notice by the Council to the owner, keeper, or harborer thereof as circumstances will permit. Any animal so impounded shall be retained for a period of ten (10) days.
7. On a verified written complaint made to the Animal Warden or any PoliceDepartment of a violation of this chapter, in the discretion of any person authorized to give official warnings, an official warning may be given the owner of the dog, cat, or other animal, in lieu of any other provision of this chapter; except, that not more than two (2) official warnings shall be given to anyone owner concerning the same animal in any three (3)-month period.

C. In lieu of impounding an animal found at large, the Animal Warden, Humane Officer, police officer or Health Officer may issue to the known owner of the animal a notice of chapter violation. This will be filed in the Clerk's office where it will be held for twenty-one (21) days, during which time a ten dollar ($10.00) fine can be paid. If payment is not made during this time, it shall be filed in Court.

D. Not later than three (3) days after the impounding of any dog, cat, or other animal,the caretaker of the pound shall notify the owner by ordinary united states mail or by telephone of the impoundment and the reason therefor. In the event that the owner is unknown, no notice of any kind need be given.

E. Except if the impoundment is by reason of Title II, Chapter 16, Section 16.15(B)(6)(pg. 2-170), in which event the days set forth herein shall control, the owner of any impounded dog, cat, or other animal may reclaim immediately the dog, cat, or other animal on fulfillment of the following obligations:

1. If the dog, cat, or other animal has been picked up or captured by a Town employee, police person, or other authorized agent of the Town, the owner shall pay a redemption fee of ten dollars ($10.00), except for the case in which the impounded animal is a female in heat that has not been restrained in accordance with Title II, Chapter 16, Section 16.15 (B)(pg.2-170), in which case the owner shall pay a redemption fee of twenty-five dollars ($25.00).

2. In addition to the payment required in Title II, Chapter 16, Section 16.15 (E) (1) (pg.2-170) above, the humane association may charge a boarding fee not greater than the prevailing fees charged by the local veterinarians for each day or part thereof that the animal shall be impounded and an impoundment fee to help defray costs of handling and record keeping.

3. Notwithstanding any other provision of this chapter, no dog or cat impoundedshall be released if the dog or cat has not been registered, licensed, and tagged as provided in this chapter, until those requirements have been satisfied. In addition, if the impounded dog or cat is not required to be licensed, before the dog or cat shall be released, the owner shall see that a veterinarian inoculates the dog or cat against rabies and certifies such to the Council.

F. All dogs, cats, or other animals impounded under this chapter and not redeemedwithin three (3) days after giving notice to the owner, as required in Title II, Chapter 16, Section 16.15 (C)(pg. 2-170) above, or within five (5) days of impoundment when the owner is unknown, or within twenty-four (24) hours after the expiration of the time provided under Title II, Chapter 16, Section 16.15 (B)(6)(pg. 2-170) above, or are not registered, licensed, or tagged as required in this chapter or any dog, cat, or other animal which appears to be suffering from rabies, hydrophobia, mange, or other infectious or contagious disease shall be released to the Town humane association to be disposed of by the society in a humane manner. Any animal destroyed by the humane society, that is believed to be suffering from rabies, hydrophobia, mange, or other infectious disease shall be forthwith reported by the humane society to the Council.

G. Whenever the Animal Warden or Police Department find any dog, cat, or otheranimals running in packs, vicious or in such condition as to be too dangerous to attempt to capture the animal, then the Animal Warden or Police Department is authorized to disposed of the animal, where it may be found, by shooting it.

H. Whenever the Health Department receives a written complaint, and finds it valid,that animal excreta has accumulated to nuisance level, the Health Department shall issue a written order to be complied with within seven (7) days from the postmark of the letter, or the Health Officer shall order the animal impounded.

Section 16.16 Enforcement

A. The Council shall have the authority to appoint a person to perform the duties of anAnimal Warden. That person shall serve at the pleasure of the Council.

B. The Animal Warden shall cause to be kept a record of all dogs, cats, or otheranimals impounded in the pound or animal shelter, which record shall show the date of impoundment, the reason therefor, person bringing the animal to the pound and the kind, sex, color, and breed of the animal impounded.

C. It shall be the duty of the Animal Warden, during the months of April, May, or Juneto examine all available public records to ascertain the names of all persons living in the Town who own a dog or cat, to compare the records with those persons having dogs or cats licensed, and to send an official warning to those persons known to have an unlicenced dog or cat of their violation of this chapter. The findings of the Animal Warden shall be the identified complaint.

D. It shall be a violation of this chapter to interfere with a Humane Officer, Animal Warden, or police officer in the performance of his duties.

Section 16.17 Penalty

A. Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than one thousand dollars ($1,000.00). A separate offense shall be deemed committed on each day that a violation occurs or continues.

JUNK CARS Section 16.18 -
Abandoned or Junk Vehicles as Nuisance; Exceptions

A. Because of the danger to health from vermin, insects, and rodents, and because of thedanger to the safety of children attracted by such vehicles, abandoned and junk motor vehicles, as defined herein, are hereby declared to be nuisances, except in lawfully operated junk yards. The provisions of this sub-chapter shall not apply to auto salvage yards or junkyards that are duly-operated and licensed by the state and the Town and are operated and located in a planning district in which that business is allowed.

B. It shall be unlawful for any person to live as their sole residence in a travel trailer,recreational vehicle, or motor vehicle.

Section 16.19 - Removal From Private Property

A. Whenever the designated Town Official shall find any abandoned or junk vehiclelocated or stored in the open upon private property within the corporate limits of the Town, he shall issue an order to the owner of the vehicle to remove it within ten (10) days. Notice of this order shall be placed upon the vehicle and copies of the notice shall be served upon any adult occupying the real estate upon which the vehicle is located and also upon the owner of the vehicle, if his name and whereabouts are known. If no occupant of the real estate or owner of the vehicle can be found, a notice affixed to any building on the real estate shall constitute notice to the owner and occupant of the real estate and to the owner of the vehicle. If there is no building on the real estate, the notice may be affixed elsewhere on the real estate.

B. If the abandoned or junk vehicle is not removed within ten (10) days pursuant to theorder and notice, as provided in the preceding paragraph, and if the order is not stayed by the issuing officer pursuant to a written request showing good cause for a permanent or temporary stay, the Town Marshal of the Town shall file an action in Court, and the Court shall issue a summons for the property owner to appear in Court. At his appearance, the property owner, upon a finding of a violation of any provision of this chapter, will be ordered by the judge to remove the vehicle from the property.

Section 16.20 - Removal From Public Property

A. Whenever the designated Town Official shall find any abandoned or junk vehicle placed or stored in the open upon public property within the corporation limits of the Town, he shall issue an order to the owner of the vehicle to remove it within three (3) days. Notice of this order shall be placed upon the vehicle. If the vehicle is not removed within three (3) days pursuant to the order and notice, the Town Marshal shall cause the vehicle to be removed by a junk or salvage yard or wrecker service. The cost and expense of removal shall be paid by the owner of the vehicle.

Miscellaneous

Section 16.21 - Noxious Weeds - To Be Removed

A. It shall be required of and made the duty of each and every person, firm, or corporation having the management or control or being the owner, occupant, or agent of any lot, parcel of ground, or tract of land located within the Town, to destroy weeds or noxious or noisome vegetation as defined by Indiana Code, by mowing or killing them by flame or chemical as necessary so that the weeds or vegetation do not attain a height of more than twelve (12) inches from the ground, but said weeds or noxious, noisome, or offensive vegetation shall be destroyed by mowing or killing, no less often than four (4) separate and distinct times each year, with each separate and distinct time being at least one (1) month subsequent to the last mowing or killing and prior to May 1, June 15, August 1, and September 15 of each year hereafter. The failure to do so by any person, firm, or corporation shall constitute a violation of this Ordinance. Section 16.22 - Compliance

A. No permit, special exception, variance, or approval shall be given to any applicantby the administrative officer, or the Council, if at the time of the application, the applicant owes money to the Town, other than taxes that may have accrued but are not yet due, or if the applicant is in violation of any Ordinance. Upon payment of the funds and compliance with the Ordinances, the applicant's request will be considered like any other request.

B. It is an acceptable defense against any violation of any of the above prohibitions orrestrictions that the alleged prohibition or restriction resulted from the lawful conduct of agricultural activity. Nothing in this Ordinance shall be construed as to prohibit lawful, commercial, agricultural activities.

Section 16.23 - Penalty

A. Any person, firm, or corporation having violating any of the provisions of thisOrdinance, for which another penalty is not provided, shall be fined in any sum not less than ten dollars ($10.00) or more than one thousand dollars ($1,000.00) for each offense.

B. Any person, firm, or corporation who violates any of the provisions of this Ordinance,or who interferes in any way with the due process of enforcement of any of the provisions of this chapter, or who does not obey within the time fixed any order issued under this Ordinance shall be subject to a fine of not less than ten dollars ($10.00) or more than five hundred dollars ($500.00). Each motor vehicle shall constitute a separate offense and a separate offense shall be deemed committed upon each day during which a violation occurs or continues.

C. Whenever in this Code, where no specific penalty is provided in this Ordinance, theviolation of any such provisions of this Code, Ordinance, rule or regulation shall be punishable by the maximum penalty allowed by law. Each day in which a violation of this Code occurs, shall constitute a separate offense.

D. If a condition violating an Ordinance of the Town exists on real property, officers ofthe Town may enter onto that property and may take appropriate action to bring the property into compliance with the Ordinance. However, before action to bring compliance may be taken, all persons holding a

substantial interest in the property must be given a reasonable opportunity to remove and to resolve the volatile condition and to bring the property into compliance. If action to bring compliance is taken by the Town, the expense involved may be made a municipal lien against the property. Such expense may include the curative expense and any court costs and attorney fees incurred by the Town to enforce any Town Ordinance. The Town may also foreclose and set the real estate for Sheriff's sale.

TOWN OF SHADELAND
TITLE II
CHAPTER 17
BUILDING STANDARDS

Section 17.1 - Authority.

A. This Ordinance is adopted pursuant to the authority of I.C. 36-7-2-9 and I.C. 2213-2.

Section 17.2 - Title.

A. This chapter and all amendments hereto shall be known as the "Building Code of the Town of Shadeland, "may be cited as such, and will be referred to herein as "this Code."

Section 17.3 - Purpose.

A. The purpose of this Code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

Section 17.4 - Building Inspector.

A. The Town may employ a Building Inspector who is hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever, in this Code it is provided that anything must be done to the approval of or subject to the direction of the Building Inspector, this shall be construed to give such officer only the discretion of determining whether this Code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by Ordinances or to enforce this Code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under I.C. 22-13-2-7(b). Each property owner shall file with the Town Clerk-Treasurer, after the completion of the project, a copy of any inspection report and an affidavit, in approved form, in which the owner, states under oath that all construction complies with State and Town building Codes. Said affidavit should also certify the land owner's compliance with all Ordinances of the Town of Shadeland. The Town Council may, on a fair and equal basis, grant a variance from any requirement herein, due to special circumstances. If a builder or inspector has been employed by the owner, each shall also sign a Compliance Certification.

Section 17.5 - Scope and Territorial Applicability.

A. The provisions of this Code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4, in the Town limits of the Town of Shadeland.

Section 17.6 - Adoption of Rules by Reference.

A. Building rules of the Indiana Fire Prevention Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference

in this Code and shall include later amendments to those Articles as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein:

1. Article 13 - Building Codes

    a. Fire and Building Safety Standards

    b. Indiana Building Code

    c. Indiana Building Code Standards

    d. Indiana Handicapped Accessibility Code

2. Article 14 -One (1) and Two (2) Family Dwelling Code

    a. Council of American Building Officials One (1) and Two (2) Family Dwelling

    b. CABO One (1) and Two (2) Family Dwelling Code; Amendments

    c. Standard for Permanent Installation of Manufactured Homes3.

    Article 16 - Plumbing Codes

    a. Indiana Plumbing Code

4. Article 17 - Electrical Codes

a. Indiana Electrical Code

b. Safety Code for Health Care Facilities5. Article 18 -

Mechanical Codes

    a. Indiana Mechanical Code

6. Article 19 - Energy Conservation Codes

    a. Indiana Energy Conservation Code

    b. Modifications to the Model Energy Code

7. Article 20 - Swimming Pool Codes

    a. Indiana Swimming Pool Code

B. Copies of adopted building rules, Codes and standards are on file in the office of the State Building Commissioner and the Tippecanoe County Public Library.

Section 17. 7 - Application for Permits.

A. No improvement location permit shall be issued for the foregoing purposes for a proposed building unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. In addition, if applicable, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Clerk-Treasurer before issuance of a permit for construction covered by such design release.

Section 17.8 - Permit Required.

An improvement location permit shall be obtained before beginning construction, alteration or repair of any building or structure under any of the following circumstances:

A. When such work includes the construction, reconstruction or movement of anypart or all of a foundation.

B. When such work includes a major change to an existing structure, including, butnot limited to, a new installation or complete replacement of, or a major addition to, the electrical system of the structure including, but not limited to, the installation of a meter base.

C. When such work includes the installation of, or an addition to, the plumbing orheating system of the structure.

D. When such work includes the replacement, removal, movement, construction, orreconstruction of, a roof, exterior wall or interior wall (excluding re-roofing, siding and other exterior improvements which in the Building Inspector's judgment do not affect the structural integrity or safety of the building).

Section 17.9 - Other Ordinances.

All work done under any permit shall be in full compliance with all other Ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such Ordinances.

Section 17.10 - Fees and Required Inspections.

A. An improvement location permit required by Title III Chapter 3 Section 3.7(pg. 2-6) shall be issued upon payment of the permit fee and a four hundred dollar ($400.00) compliance bond; provided that issuance of such permit is authorized under the Shadeland Municipal Code and provided further that the fee under said Ordinance is paid. The Town Council may reduce the fee due to special economic circumstances. A Permit fee shall be fifty dollar ($50.00). The owner shall furnish to the Clerk-Treasurer a total of the square footage covered by the permit. Any planning change request shall be accompanied by the sketch described in Title II, Chapter 10, Section 10.3 (pg.2-132), an information sheet, and a Permit Fee of one hundred dollars ($100.00).

Section 17.11 - Review of Application.

Prior to the issuance of any building permit, the Clerk-Treasurer shall require full compliance with the provisions of this Code.

Section 17.12 - Refunds.

A. Four hundred dollars ($400.00) will be refunded to each Permit recipient who has paid the Clerk-Treasurer a Compliance Bond and who has furnished to the Clerk-Treasurer all required completion documents within three hundred sixty-five (365) days of issuance of the permit.

Section 17.13 - Inspection Assistance.

A. The Town Building Inspector, in his discretion, may confer with the Chief of the Shadeland Volunteer Fire Department, or his designated representative, for assistance in the inspection of fire suppression, detection and alarm systems.

Section 17.14 - Entry.

A. Upon presentation of proper credentials, the Town Building Inspector or his duly authorized representatives may enter, at reasonable times, any building, structure or premises under the jurisdiction of this Code to perform any duty imposed upon him by this Code.

Section 17.15 - Stop Order.

A. Whenever any work is being done contrary to the provisions of this Code, the Town Clerk-Treasurer may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Town Clerk-Treasurer to proceed with the work.

Section 17.16 - Certificate of Occupancy.

A. No certificate of occupancy for any building or structure constructed after the adoption of this Code shall be issued unless such building or structure was constructed in compliance with the provisions of this Code. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by or with the approval of the Town Clerk-Treasurer.

Section 17.17 - Workmanship.

A. All work on the construction, alteration and repair of buildings or other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

Section 17.18 - Supplemental Requirements.

Town Council, also, to protect the health and safety of its residents makes the following supplemental requirements:

A. All secondary residential electrical entrance lines should be buried, unless a varianceof this provision, in writing, is acquired from the Town Council.

B. All entrance lines for cable, telephone and gas, on private property should be buried,unless a variance of this provision, in writing, is acquired from the Town Council.

C. All public restroom water valves on sinks, toilets and urinals shall be automatic,requiring no human contact in use.

D. All main entrances to retail establishments shall be an automatic self-opening door.

E. All public and commercial buildings shall meet the standards set by the Indiana StateFire Marshall.

F. All additions to mobile homes or modular homes shall be set on permanent masonryfoundations.

G. All agricultural access easements shall be a minimum of forty (40) feet wide andrecorded.

H. All home-based business activities are prohibited unless the outside portion of theactivities, (parking, traffic, etc.) are shielded or buffered from adjoining property owners.

I. All earthwork projects shall meet the standards set forth in attached Article I.(pg.A-1.)

J. All storm sewer systems shall meet the standards set forth in the attached Article IV.(pg.A-17.)

K. All streets shall meet the standards set forth in attached Article V. (pg.A-22 and 39)

L. All street lighting shall meet the standards set forth in the attached Article VI. (pg.A-40)

Section 17.19 - Violations.

A. It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip., use, occupy or maintain any building or structure, other than fences, under the jurisdiction of this Code or cease or permit the same to be done, contrary to or in violation of the provisions of this Code.

Section 17.20 - Right of Appeal.

A. All persons shall have the right to appeal any order of the Clerk-Treasurer first through the Town Council and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I. C. 22-13-2-7 and I.C. 4-21.5-3-7.

Section 17.21 - Remedies.

A. The Town Clerk-Treasurer shall refer violations of this Code to the Town Council who may bring actions for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Town Clerk-Treasurer, and any such action

for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Code.

Section 17.22 - Penalties.

A. If any person, firm or corporation shall violate any of the provisions of this Code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully ordered, within the time prescribed by the Town Clerk-Treasurer, or shall fail, neglect or refuse to obey any lawful order given by the Town Clerk-Treasurer in connection with the provisions of this Code for each such violation, failure or refusal, such person, firm or corporation shall be subject to a civil penalty for each violation in an amount not more than two thousand five hundred dollars ($2,500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

TOWN OF SHADELAND
TITLE II
CHAPTER 18
MISCELLANEOUS

Section 18.1 Amendments

A. This Ordinance may be amended in conformance with the procedure as set forth inthis Code.

B. Whenever any lot or parcel of real estate is being considered for change of district, in additionto all other notices, a sign shall be posted in a conspicuous place on the lot or parcel of real estate not more than twenty-five (25) feet from the front property line and on lots or parcels adjoining more than one (1) street, a separate sign as herein required and shall be erected so as to face each street adjoining said lot or parcel, which sign shall conform to the following specifications:

1. Said sign shall be of durable material and have overall measurements of not less thantwo (2) feet by four (4) feet.

2. The words, NOTICE OF REQUEST FOR REZONING shall be printed or painted onthe sign in bold face letters at least four (4) inches in height, followed by letters at least one (1) inch in height, indicating that a request for rezoning is pending, that a public hearing on the request will be had before the Council and stating the date, time, and place of such meeting. Said sign shall be erected at least twenty-one (21) days before the public hearing before the Council and shall remain on said property until final action has been taken by the Council. Said posting shall be proved by affidavit filed with the ClerkTreasurer before any action is taken on said request before the Council.

3. Any request for action by the Council concerning a tract of real estate much followindividual notice to the owners of all other tracts of real estate with two hundred (200) feet of the original requesting tract. Proof of such notice shall be in writing and furnished to the Council. Unless said adjoining owner or owners appear in person at the Council Hearing. Notice shall be at least twenty-one(21) days prior to said Council meeting or the action may be continued to the next meeting. All notices must contain a street or location address of the requesting tract. Each of said required notices shall also be posted on the Town bulletin board at least twenty-one (21) days prior to the Council meeting.

4. Notice to a nearby property owner as required herein shall be by personal service,certified mail, return receipt requested, execution of a consent to the requested action, or in compliance with Rule Four of the Indian Trial Rules of Civil Procedure.

Section 18.2 Validity of Status Quo

A. Nothing in this Ordinance shall make unlawful any use, structure, tract, dimension or status of specification, which was lawful at the time of establishment, construction, or commencement of the affected property and uses, nor does the passage of this Ordinance validate any previously illegal or prohibited status or activity.

Section 18.3 Authority and Passage Process

A. It is the position of the Council that by the passage of this Municipal Code of the Town of Shadeland, that all statutorial requirements have been met, that the Town has authority to pass this Code and for all the provisions therein, that extraordinary efforts have been made to encourage citizen awareness of the Code's provisions and the possibility of its passage, including posted notices, posted text, front page top headline in the largest circulation daily newspaper, television and radio coverage, and dozens of public meetings. That no meeting has been closed to the public, and the process has taken over two (2) years. That considerable citizen input has been received and is included in the text of the Code. That numerous speeches and presentations have been made to the Council and the Planning and Zoning Committee, and there are pending urgent health and economic reasons why this Code should be passed. Section 18.4 Repealer

A. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

MUNICIPAL CODE
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MUNICIPAL CODE
TOWN OF SHADELAND
TITLE III
CHAPTER 1
PARTITION FENCES

Section 1.1 Existing Fences

A. All fences now constructed and used by adjoining landowners as a partition fence or fences, unless specially agreed upon by such landowners, shall be deemed partition fences and shall be repaired, maintained and paid for as herein provided.

Section 1.2 Lands Outside or Abutting Agricultural Lands

A. It shall be the duty of all owners of land whose land abuts or lies adjacent toagricultural lands, to separate said land from adjoining lands by a partition fence to be constructed upon the line or lines dividing or separating said lands whether said lands were divided heretofore or may hereafter be divided.

B. Except as hereinafter otherwise provided, or in case no division of said partition fencehas been made between the landowners for the building or repairing or rebuilding of such partition fence, then in such case the landowner, whose land lies to the east of said fence, shall build the north half thereof and the landowner whose land lies to the west of said fence,

shall build the south half thereof and if the landowner's land lies north of the fence to be built, rebuilt or repaired, he shall build, rebuild or repair the west half thereof, and if the land lies to the south of such fence, such landowner shall build the east half thereof.

C. If either of such landowners shall have constructed one-half (1/2) of any partitionfence, other than the half prescribed in subsection (b) of this section, and shall have maintained such one-half (1/2) of such partition fence for a period of not less than five (5) years, such landowners shall thereafter be entitled to continue to maintain such one-half (1/2) of such fence, notwithstanding any of the provisions of subsection (b) of this section.

D. If any landowner fails to build, rebuild or repair such fence after receiving notice as ishereinafter provided, the Township Trustees wherein said land or line is located, shall build, rebuild or repair such fence as is hereinafter provided.

Section 1.3 Defaulting Landowner; Lawful Partition Fence; Floodgates

A. All partition fences shall be built, rebuilt, and kept in repair at the cost of the several landowners whose lands are enclosed or separated by such fences equally according to the number of rods or proportion thereof such landowner may have along such line of fence, whether his, her or their title be in fee simple or a life estate. If any landowner, as above defined, shall fail or refuse to compensate for building, rebuilding or repairing his, her, or their proportion of fence, any landowner interested in such fence, after having built, rebuilt, or repaired his proportion of such fence, shall give to the defaulting landowner, his agent or tenant, twenty (20) days' notice to build, rebuild or repair his proportion of such fence, as the case may be, and if such defaulting party shall fail to build, rebuild or repair such fence within said time, such landowner shall then notify the Township Trustee of the township wherein.

said lands are located of such fact: Provided, That where the fence sought to be established, rebuilt or repaired is on a township line, in such case, the complaining landowner or landowners shall notify the trustee of the township wherein the lands of the complaining landowner or landowners are located of the improvement he or they may desire made, and such trustee shall have jurisdiction of such matter, unless disqualified as hereinafter provided, estimate the costs for such fence, building, rebuilding or repairing the same, as the case may be, and, within a reasonable time after being notified, such trustee shall make out a statement and notify such defaulting party of the probable cost of building, rebuilding or repairing such fence, as the case may be, and if after twenty (20) days, said fence is not built, rebuilt or repaired by such defaulting landowners, such trustee such township shall build, or repair such fence, as the case may be: Provided, That such trustee shall use only the materials for such fence as are most commonly used by the farmers of such community: Provided, further, That if such trustee of such township is disqualified to act, then it shall be lawful and it shall be the duty of the trustee of the adjoining township, residing nearest to where such fence is situated, to act in the premises, upon receiving a notice so to do by any landowner interested therein: also, Provided, further, That a lawful partition fence shall be a straight board and wire fence or a straight wire or a straight board fence or a picket fence four (4) feet high, a straight rail fence four and one-half (4 1/2) feet high, a worm rail fence five (5) feet high, and all fences of every structure to be sufficiently tight and strong to hold hogs, sheep, cattle, mules and horses: Provided, further, That if a ditch or creek crosses the division line between two (2) landowners, necessitating additional expense in the maintenance of the part over such stream, if such landowners cannot agree upon the proportionate share of each, the Township Trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each landowner:

Provided, further, That if any trustee is related to any of the parties interested or is an interested party himself, then it shall be lawful for the trustee of any other township residing nearest to where such fence is situated to act in the premises: Provided, further, That in all cases where a ditch or creek forms, covers or marks the dividing line, or any part thereof, of the lands of separate and different landowners of this state so that partition fences such as are required and provided for in this act cannot be built and maintained on such dividing line, then, and in all such cases, such partition fences shall be built and maintained under the provisions of this act as near to such boundary line as may be, and each landowner shall be required, on his own land, to build a separate partition fence, and to maintain the same at his own cost: Provided, further, That in all cases where partition fences, such as are required and provided for in this act, cross any ditch or creek and, by reason thereof, it is impracticable to construct or maintain that portion of said fence as would cross said ditch or creek as a stationary fence, then, and in all such cases, there shall be erected, in lieu of such portion of said fence across said ditch or creek, and as a part of such partition fence, floodgates or other similar structures, sufficiently high, tight and strong to turn hogs, sheep, cattle, mules and horses or other domestic animals, and so constructed as to swing up in times of high water, and such floodgates or other similar structures shall be so built and constructed as to connect continuously such partition fences: and, Provided, further, That if the building and maintenance of such floodgates or other similar structure occasions additional expenses and such landowners cannot agree upon the character of floodgate or other similar structure, or upon the proportionate share of the cost thereof to be borne by each, the Township Trustee, upon notice in writing from either landowner of such disagreement and the nature thereof, shall appoint three (3) disinterested citizens of said township who shall determine the kind of structure and apportion the cost of such floodgate or other structure between such landowners, taking into consideration the parts and portion of such fence being maintained by each landowner. And the determination of a majority of such arbitrators of any matter or matters submitted to them shall be final and binding on each landowner. The compensation of such
arbitrators shall be Twenty Dollars ($20.00) each, which shall be

paid by said landowners in the proportion they are ordered to bear the expense of such gate or structure. In case either of both of such landowners shall fail to construct or compensate for constructing the structure determined upon by such arbitrators in the proportion determined, within thirty (30) days from such determination, such Township Trustee shall proceed at once to construct such gate or structure and collect the cost thereof, including the compensation of such arbitrators, from such defaulting landowner or landowners, in the same manner as is provided for ordinary partition fences. And such floodgate or other structure shall be repaired, rebuilt or replaced in accordance with the determination of said arbitrators.

Section 1.4 Expenses; Construction and Maintenance

A. As soon as such trustee has had such fence built, rebuilt or repaired, he shall make out a certified statement in triplicate of the actual cost incurred by him in the building, rebuilding or repairing of such fence, adding to such statement Twenty Dollars ($20.00) per day for every day actually employed by him in performing the service required herein, one (1) copy to be handed to or mailed to the landowner affected by the work, one (1) copy to be retained by the trustee as a record for the township, and the other to be filed in the auditor's office of the county wherein said fence is located and where the lands of the landowner affected by said work are located. At the same time, the trustee shall also file with the county auditor, a claim against the county for the amount shown in the statement so filed with the county auditor. The county auditor shall examine said claims and statement as other claims are examined, and shall represent the same to the board of commissioners at their next regular

meeting, and unless there is an apparent error in such statement of claim the board of commissioners shall make allowance and the county auditor shall issue his warrant therefor to the Township Trustee submitting the same, out of the county general fund, without any appropriation being made therefor by the County Council. The amount so paid out of the county general fund shall be placed by said auditor on the tax duplicate against the lands of the landowner affected by said work, and shall be collected as taxes are collected, and when so collected, shall be paid into the county general fund. The fees taxed for the Township Trustee shall be his sole property when paid by the county.

Section 1.5 Construction and Maintenance by Township; Personal Liability

A. There shall be no personal liability upon the Township Trustee for any contract he may make by reason of this act for the building, rebuilding or repairing of fences as herein provided, but the contractor shall receive his pay from the township funds, the same to be reimbursed when said contract-price is paid into the county treasury.

Section 1.6 Construction and Application of Law

A. This Ordinance shall be liberally construed in favor of the objects and purposes for which it is adopted and shall apply to all agricultural lands, whether enclosed or unenclosed, cultivated or uncultivated, wild or wood lot.

Section 1.7 Severability Clause

A. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional. (Ordinance 85-1)

TITLE III
CHAPTER 2
CABLE TELEVISION

WHEREAS, Insight Communications and Tri-County Communications corporation desire to acquire non-exclusive franchises from the Town of Shadeland, and to provide TV cable service to the citizens of the Town of Shadeland; and

WHEREAS, the Town Council of the Town of Shadeland have; arrived at an agreement with said companies which they believe to be fair to the citizens of said Town, and believe based thereon, non-exclusive franchises should be granted.

THEREFORE, be it ordained by the Town Council of the Town of Shadeland as follows:

Section 2.1 Approval of Agreements

A. The agreements attached hereto between the Town of Shadeland, Indiana, and Times Mirror Cable Television of Lafayette, Inc. d/b/a Dimension Cable Services, and Tri-county

Communications Corporation are hereby approved and the Town Officers are hereby authorized to execute said contract on behalf of the Town of Shadeland, Indiana.

Section 2.2 Approval of Non-Exclusive Franchises

A. The non-exclusive franchises provided for therein are granted by the Town ofShadeland subject to the terms and conditions of said agreement.

TITLE III
CHAPTER 3
BUILDING STANDARDS

Section 3.1 - Authority.

A. This Ordinance is adopted pursuant to the authority of I.C. 36-7-2-9 and I.C. 22-13-2.

Section 3.2 - Title.

A. This chapter and all amendments hereto shall be known as the "Building Code of the Town of Shadeland", may be cited as such, and will be referred to herein as "this Code."

Section 3.3 - Purpose.

A. The purpose of this Code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.

Section 3.4 - Building Inspector.

A. The Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of this Code. Whenever, in this Code it is provided that anything must be done to the approval of or subject to the direction of the Building Inspector, this shall be construed to give such officer only the discretion of determining whether this Code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this Code shall be, or power to require conditions not prescribed by Ordinances or to enforce this Code in an arbitrary or discriminatory manner. Any variance from adopted building rules are subject to approval under I.C. 22-13-2-7(b).

Section 3.5 - Scope and Territorial Applicability.

A. The provisions of this Code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under I.C. 22-15-4, in the town limits of the Town of Shadeland.

Section 3.6 - Adoption of Rules by Reference.

A. Building rules of the Indiana Fire Prevention Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this Code and shall include later amendments to those Articles as the same are published in the Indiana Register of the Indiana Administrative Code with effective dates as fixed therein:

1. Article 13 - Building Codes

a. Fire and Building Safety Standards
b. Indiana Building Code
c. Indiana Building Code Standards
d. Indiana Handicapped Accessibility Code

2. Article 14 -One and Two Family Dwelling Code

a. Council of American Building Officials One and Two Family Dwelling
b. CABO One and Two Family Dwelling Code; Amendments
c. Standard for Permanent Installation of Manufactured Homes

3. Article 16 - Plumbing Codes

a. Indiana Plumbing Code

4. Article 17 - Electrical Codes

a. Indiana Electrical Code
b. Safety Code for Health Care Facilities

5. Article 18 - Mechanical Codes

a. Indiana Mechanical Code

6. Article 19 - Energy Conservation Codes

a. Indiana Energy Conservation Code
b. Modifications to the Model Energy Code

7. Article 20 - Swimming Pool Codes

a. Indiana Swimming Pool Code

B. Copies of adopted building rules, codes and standards are on file in the office of theBuilding Inspector.

Section 3.7 - Permit Required.

A. An improvement location permit shall be obtained before beginning construction, alteration or repair of any building or structure under any of the following circumstances:

1. When such work includes the construction, reconstruction or movement ofany part or all of a foundation;

2. When such work includes a major change to an existing structure, including,but not limited to, a new installation or complete replacement of, or a major addition to, the mechanical system, the plumbing system, and/or the electrical system of the structure

including, but not limited to, the installation of a meter base;

3. When such work includes the replacement, removal, movement,construction, or reconstruction of a roof, exterior wall or interior wall (excluding re-roofing, siding and other exterior improvements which do not affect the structural integrity or safety of the building).

Section 3. 8 - Application for Permits.

A. No improvement location permit shall be issued for the foregoing purposes for aproposed building unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3-1, shall be provided to the Building Inspector before issuance of a permit for construction covered by such design release.

B. Unless previously approved by the Town Council no improvement location permitshall be issued prior to the issuance of an access permit from the Town Clerk-Treasurer.

C. The Town Clerk-Treasurer may issue an access permit, with the written approvalof the Town Road Consultant, after he has made an on-site inspection of the proposed access to the Town Road and the proposed location of the mail and paper boxes. The Town Road Consultant's approval shall include the determination whether a culvert is necessary to insure adequate drainage alongside Town roads. All roadside culverts under access roads shall be a minimum of a twelve (12) inch thirty-two (32) foot reinforced concrete culvert, or other material approved by the Town road consultant. Mailboxes and paper boxes may not be ganged or installed with any horizontal structure to support multiple boxes.

Section 3.9 - Other Ordinances.

A. All work done under any permit shall be in full compliance with all other Ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such Ordinances.

Section 3.10 - Fees and Required Inspections.

A. An improvement location permit required by Section 3.7 shall be issued upon payment of inspection fees according to the following schedule; provided that issuance of such permit is authorized under the Municipal Code of the Town of Shadeland and provided further that the fee under said Ordinance is paid.

TYPE OF CONSTRUCTION	STANDARD NUMBER OF INSPECTIONS
Single Family Dwelling	5
Two Family Dwelling	5

Single and Double Wide Mobile Homes	3	
Manufactured Housing (Modular)	4	
Meter Base-Electrical Update	1	ADDITIONAL
Alterations (Interior)	2	*Electric Meter - 1 *Foundation Work - 1
Additions to Existing	3	*Electric Meter - 1
Garage (Attached)	3	
Garage (Detached)	2	*Electric Meter - 1
Pole Barn (Non-Farm)	2	*Electric Meter - 1
Carport	2	
Deck\Porch	2	
Swimming Pool (Above Ground)	1	
Swimming Pool (In Ground)	2	
Apartment - Motel - Hotel - Business-Commercial - Public Educational - Institutional - Church - Industrial - Warehouse -Bulk Storage - And Others *Conference w\inspector required		
Temporary Structures (Time Limit)	1*	
Accessory Bldg. over 120 sq. ft.	2	*Electric Meter -1

*Inspector has prerogative of requiring additional inspections, or waiver, if appropriate.

Section 3.11 - Review of Application.

A. Prior to the issuance of any building permit, the Building Inspector shall require full compliance with the provisions of this Code.

Section 3.12 - Inspections.

A. After the issuance of any building permit, the Building Inspector shall make, or shall cease to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this Code and the terms of the permit. Re-inspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this Code.

Section 3.13 - Inspection Assistance.

A. The Building Inspector, at his discretion, may confer with the Chief of the Shadeland Volunteer Fire Department, or his designated representative, for assistance in the inspection of fire suppression, detection and alarm systems.

Section 3.14 - Entry.

A. Upon presentation of proper credentials, the Building Inspector or his duly authorized representatives may enter, at reasonable times, any building, structure or premises under the jurisdiction of this Code to perform any duty imposed upon him by this Code.

Section 3.15 - Stop Order.

A. Whenever any work is being done contrary to the provisions of this Code, the Building Inspector may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Inspector to proceed with the work.

Section 3.16 - Certificate of Occupancy.

A. No certificate of occupancy for any building or structure constructed after the adoption of this Code shall be issued unless such building or structure was constructed in compliance with the provisions of this Code. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by or with the approval of the Building Inspector.

Section 3.17 - Workmanship.

A. All work on the construction, alteration and repair of buildings or other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.

Section 3.18 - Supplemental Requirements.

A. The Town Council also, to protect the health and safety of its residents, makes the following supplemental requirements:

1. All secondary residential electrical entrance lines should be buried, unlessa variance of this provision, in writing, is acquired from the Town Council.

2. All entrance lines for cable, telephone and gas, on private property should beburied, unless a variance of this provision, in writing, is acquired from the Town Council.

3. All public restroom water valves on sinks, toilets and urinals shall be automatic,requiring no human contact in use.

4. All main entrances to retail establishments shall be an automatic self-openingdoor.

5. All public and commercial buildings shall meet the standards set by the IndianaState Fire Marshall.

6. All additions to mobile homes or modular homes shall be set on permanentmasonry foundations.

7. All agricultural access easements shall be a minimum of 40 feet wide andrecorded.

8. All home-based business activities are prohibited unless the outside portion ofthe activities, (parking, traffic, etc.) are shielded or buffered from adjoining property owners.

9. All earthwork projects shall meet the standards set forth in attached Article I.(pg. A-1)

10. All storm sewer systems shall meet the standards set forth in the attachedArticle IV.(pg. A-17)

11. All streets shall meet the standards set forth in attached Article V.(pg. A-22 to39)

12. All street lighting shall meet the standards set forth in the attached ArticleVI.(pg. A-40)

Section 3.19 - Violations.

A. It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip., use, occupy or maintain any building or structure, other than fences, under the jurisdiction of this Code or cease or permit the same to be done, contrary to or in violation of the provisions of this Code.

Section 3.20 - Right of Appeal.

A. All persons shall have the right to appeal any order of the Building Inspector first through the Town Council and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of I. C. 22-13-2-7 and I.C. 4-21.5-3-7.

Section 3.21 - Remedies.

A. The Building Inspector shall refer violations of this Code to the Town Board, who may

bring actions for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Inspector, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this Code.

Section 3.22 - Penalties.

A. If any person, firm or corporation shall violate any of the provisions of this Code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully ordered, within the time prescribed by the Building Inspector, or shall fail, neglect or refuse to obey any lawful order given by the Building Inspector in connection with the provisions of this Code for each such violation, failure or refusal, such person, firm or corporation shall be subject to a civil penalty for each violation in an amount not more than Two Thousand Five Hundred Dollars ($2,500.00). Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense.

Section 3.23 - Effective Date.

A. This Ordinance shall be in full force and effect from and after adoption of this Ordinance.

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE III
CHAPTER 4
ANTENNAS

Section 4.1- Purpose. The purpose of this chapter is to regulate the design, construction, placement, modification, and removal of wireless communications facilities (WCF); to allow the providers of wireless communications services to provide for adequate coverage and capacity while minimizing the total number and overall impact of additional towers; to encourage colocation, the use of attached facilities, and the use of appropriate public and semi-public properties where possible; to require designs and parameters compatible with adjacent land uses; to conserve the scenic, historic, aesthetic and environmental quality of the Town of Shadeland (Town) and the tourism industry based on thereon from the adverse impacts of wireless communications facilities development; promote long-range planning and cooperation between the citizens and property owners of the Town of Shadeland and the wireless communications services providers; to protect the public health, safety and general welfare of the community; and to give due regard to the policies of Shadeland's Comprehensive Plan in evaluating proposals for wireless communications facilities.

Section 4.2 - Permitted, Conditional and Exempt Uses

A. Permitted Uses. Permitted uses include:

1. Co-location: placement of an Antenna Array if located on:

    a. A legal existing or previously approved WCF;

    b. A previously constructed broadcast tower; or,

    c. An existing communications tower where the engineering specificationsof the tower(s) permit and no increase in the height of the tower is required.

2. Attached Wireless Communications Facilities; placement of an Antenna Arrayif integrated with/within another existing structure (i.e. a building facade, church steeple, water tower) and no more than a fifteen (15) foot increase in the height of the existing structure is required.

3. Replacement of a legal, existing WCF, Support Structure, or Antenna Arraywith a similar facility of an equal or smaller size, subject to the application procedures, general requirements and abandonment provisions of this Chapter.

B. Exemptions. The following wireless communications facilities are exempt from the provisions of this chapter: police, fire, ambulance and other emergency dispatch; amateur (HAM) radio; antennas used solely for residential household television and radio reception and satellite dishes measuring 2 meters or less in diameter.

C. Prohibitions. WCF not expressly permitted under subsection (A), Permitted Uses, or not exempted under subsection (B), Exemptions, are prohibited.

D. Conditions of Approval. The following conditions apply to all permitted and conditional uses:

1. All Wireless Communications Facilities and Support Structures shall bedesigned for, and constructed in accordance with, provisions for co-location;

2. Applicants and/or petitioners agree to make a good faith effort on termsconsistent with any applicable national agreement or on terms common to the region, to accommodate requests for co-location that originate from a provider, from the WCF owner, or from the Town;

3. Property owners and/or agents shall accept and accommodate the provisions forco-location prescribed by this Ordinance, and shall agree to the renting or leasing of space on a Support Structure or WCF, for co-location, at fair market prices and terms without discrimination.

4. Upon completion of the Support Structure or WCF, owners and/or operators ofthe Support Structure or WCF agree to make a good faith effort to accommodate co-location (placement of additional Antenna Arrays) in a timely manner, including those WCF or Antenna Arrays proposed by other service providers.

5. No approval for a WCF or Support Structure shall become valid untilauthorization (written approval) or a written statement of no objection from all relevant federal, state or local agencies with regulatory authority has been submitted to the Town's Clerk-Treasurer.

Section 4.3 - General Requirements

A. The following requirements apply to all WCF that are erected or placed within theTown's jurisdictional area after the effective date of this chapter:

1. For each application, the property owner(s), WCF owner(s), and wirelesscommunications service provider(s) shall be considered co-applicants and shall be jointly and severally subject to the provisions of this Ordinance.

B. Each permit application for placement of a WCF, WCF Support Structure or AntennaArray shall be accompanied by the following:

1. Application Form. A completed application form, with original signatures from all applicants including the property owners(s), WCF owner(s), and wireless communications service provider(s).

2. Statement. A written statement with illustrations that describes the proposed Wireless Communications Facility (type of construction, tower height, provisions for co-location).

3. Inventory. Inventory of the provider's existing Wireless Communications Facilities and/or Antenna Arrays within Tippecanoe County and within three (3) miles of the

boundaries of the Town's planning jurisdiction, along with a plan describing any potential future facility locations. The inventory and master plan shall include:

a. Locations of all existing and proposed facilities (by property address, latitude/longitude coordinates, and township, range, section, 1/4 section);

b. Height and type of each existing and proposed facility (including antenna types, output frequency, number of channels, power output and maximum power output per channel);

c. For each existing and proposed facility, information on the practicalcapacity for accommodating additional co-located antenna arrays;

d. Delineation of existing and anticipated coverage patterns in TippecanoeCounty with brightly colored radial plots showing clear demarcations between signal strengths; for each existing and proposed facility, signal propagation and radio frequency studies and plots shall be prepared, clearly identified, and signed by a qualified radio frequency engineer (power density calculations shall be in accordance with "worst case" formulas, assuming operation at maximum power and maximum capacity);

e. For each existing or proposed facility, type(s) of services to be provided(i.e. paging PCS, etc.)

4. Site Plan. A drawing to scale, with the following information:

a. Property lines, with distances and bearings illustrated:

b. Existing site improvements, including buildings and structures;

c. Existing/proposed roadways and easements on the property;

d. Proposed wireless communications facilities; and

e. Proposed landscaping, including existing vegetation where applicable.

5. Visual Impact Analysis. A visual impact analysis that includes:

a. Current photographs of significant man-made or natural featuresadjacent to the proposed WCF or Support Structure, indicating those features that will provide buffering for adjacent properties and rights-ofway;

b. A photographic presentation that depicts current site conditions with asuper-imposed image of the proposed facilities to demonstrate the anticipated views of the proposed site and facilities upon completion of all improvements. Four views shall be illustrated, at a minimum, from points directly to the north, south, east, and west of the proposed facility at distances no less than one-half (½) mile and no greater than one (1) mile. 3-14

6. Maintenance and Facility Removal Agreement. For each WCF or Support Structure, a maintenance and facility removal agreement signed by the applicants and/or petitioners. This agreement shall bind the applicants and all successors in interest to properly maintain the exterior appearance of all facilities and, ultimately, remove all facilities upon abandonment in compliance with the provisions of this chapter and any conditions of approval. This agreement shall bind the applicants to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Shadeland for any and all costs incurred to perform any work required by this agreement that the applicants fail to perform. This agreement shall be signed by the applicants and by the Town Council President and recorded in the office of the appropriate County Recorder.

7. Indemnification. The Town of Shadeland shall not enter into any lease agreement or authorize the placement of any WCF or Support Structure unless the Town of Shadeland obtains an adequate indemnification from the applicants (owners/operators) and/or wireless communications service providers. This indemnification must:

   a. Release the Town of Shadeland from all liability arising out of theconstruction, operation, removal or repair of a wireless communications facility and/or antenna array. Parties to a wireless communications agreement agree to not sue or seek any monies or damages from the Town of Shadeland in connection with the above.

   b. Indemnify and hold harmless the Town of Shadeland, its elected andappointed officials, agents, servants and employees, from and against all claims, demands, or causes of action whatsoever, and the resulting losses, costs, expenses, attorney's fees, liabilities, damages, orders, judgments or decrees, sustained by the Town of Shadeland or any third party arising out of, or resulting from, each wireless communications facility's owner's, operator's, agent's, employee's, or servant's negligible acts, errors or omissions.

   c. Provide that the covenants and representations relating to theindemnification provision shall survive the term of any agreement and continue in force and effect as to the responsibility of the party to indemnify.

8. Proof of Insurance. At a minimum, adequate insurance covering liability, bodily injury and property damage must be obtained and maintained for the entire period the wireless communications facility is in existence. The Town shall be named as an additional insured. A certificate of insurance verifying such insurance shall be submitted at the time of application.

9. Reports. Copies of inspections or reports that are required by, and have been submitted to, the FAA and/or the FCC.

10. Fee. The fee, in accordance with the standards set by the Town.

11. Proof of Escrow Account. A certificate of funds in escrow, for the benefit of the Town, in the amount of Five Thousand Dollars ($5,000.00) per support structure and

One Thousand Dollars ($1,000.00) per antenna array (the amount applicable to support structures shall not apply to Attached WCF). The escrow account shall be established with a bank located within sixty (60) miles of Shadeland, Indiana. The Town's Clerk-Treasurer shall have the authority to draw funds from the account as needed to ensure compliance with the maintenance, indemnification, insurance and abandonment provisions of this Chapter. The account may be released or closed upon the discontinuation of the subject WCF and upon demonstration of compliance with all requirements of this Chapter.

C. The above requirements are continuing requirements and binding on the Applicants,their successors and assigns. In the event of a draw of funds, the Applicants shall be required to restore the escrow account to its original amount. The Applicants, their successors and assigns shall be required to submit documented proof of compliance with the foregoing requirements:

1. Annually;
2. When ownership of the facility changes;
3. When ownership of the WCF site changes;
4. Prior to the expiration or invalidation of a submitted document;
5. Upon any other event that would reasonably call the validity or effectivenessinto question.

D. The failure to maintain the insurance coverage or the escrow account in the mannerrequired above shall be a violation of the Town's Municipal Code. In addition to all other available remedies, the Town may seek a court order that mandates the maintenance of the coverage or account and/or that immediately and permanently prohibits the use of the WCF until compliance with this Chapter is demonstrated.

E. Each application for placement of a Wireless Communications Facility or AntennaArray shall be subject to Co-location Review.

F. The Town shall employ, on behalf of the county and at the applicant's expense, anindependent technical expert to review and assess all technical application materials or conclusions.

Section 4.4 - Provisions for Hiring Independent Consultant

A. Upon submission of an application for a WCF, or petition for amendment to the WCFOverlay, the Town shall hire one or more independent consultants of its own choosing. These consultants shall be qualified professionals with an appropriate combination of training, record of service, and/or certification in one of the following fields: telecommunications/radio-frequency engineering; structural engineering; electromagnetic fields (EMF); and, if determined by the Town Council, other fields.

B. The Town shall provide the independent consultant with a copy of the completeapplication for analysis and review.

C. The independent consultant(s) shall provide an estimate for the cost of reviewing theapplication to the Town. The Town shall forward this estimate in writing to the applicant, the applicant shall promptly pay this fee during the review process (separate from the general application fee). The

estimate shall be regarded as a decision of the Town. No application will be processed and no public hearings (where applicable) will be scheduled until full payment has been made.

D. The consultant(s) shall work under the direction of the Town (if a conditional use orvariance is requested). Copies of the consultant(s)' findings and reports shall be made available to the applicant not less than seven (7) days prior to any scheduled public hearing(s), and the applicant shall be given the opportunity to respond to said reports in writing and at the applicable public hearing(s).

Section 4.5 - Co-location Review

A. Co-location shall be required for Wireless Communications Facilities or AntennaArray, unless specifically exempted by the provisions of this section.

B. Procedures. The Town shall, upon request and\or upon submittal of an application, provide applicants with a list of all known existing and proposed wireless communications facilities or support structures that lie within one mile of the proposed site and the names of the applicable owners or providers, based upon the existing inventory of wireless communications facilities in Tippecanoe County and upon known co-location opportunities.

C. Basis for Relief. Relief from co-location under this section shall require independent professional verification of the applicant's data and an independent professional evaluation that supports exception from co-location. Relief from this section may be justified by the following:

1. Existing Wireless Communications Facilities or Support Structures do not fallwithin location tolerances based upon Radio Frequency mapping;

2. Proposed sites(s) do not meet minimum height requirements based upon RadioFrequency engineering data;

3. Existing Wireless Communications Facilities or Support Structures do not meetstructural integrity requirements for the proposed antenna array; or

4. Placement of the proposed Wireless Communications Facility and/or AntennaArray would impair, or be impaired by, the emission of Radio Frequencies.

D. Amendments to the Overlay. A finding that relief from the co-location requirement is justified does not, in itself, imply or guarantee approval of any petition for amendment to the WCF Overlay. All petitions for amendment to the WCF Overlay shall be subject the criteria specified by this section and all procedures and requirements described in this section.

Section 4.6 - Performance Standards

A. Security. For all WCF excepting Attached WCF, a perimeter fence at least eight (8) feet high shall be installed to circumscribed and contain the WCF, along with all accessory structures and/or facilities. Use of razor wire is prohibited.

B. Lighting. Security lighting is not required. However, if security lighting is installed it shall be confined to accessory structures, directed downward to minimize glare or intrusion into adjoining 3-17

properties, and all other illumination is prohibited. Any white strobe light shall be shielded from the ground so as to minimize visibility from the ground and not illuminated during nighttime hours. Nighttime tower lights shall be red and shielded from the ground so as to minimize visibility from the ground.

C. Landscaping.

1. The following planting requirements shall be applied to all applications orpetitions for construction of WCF and/or Support Structures:

a. A double staggered row of evergreen trees, planted at seven (7) ft. inheight (measured from grade) and at no more than fifteen (15) ft. intervals along the perimeter of the fence to screen the facilities from adjoining properties; or

b. A mix of deciduous shade trees (2.5)" caliper and large deciduousshrubs (at least 48") of sufficient density along the perimeter of the fence to adequately screen the facilities from adjoining properties.

2. Existing vegetation within twenty (20) feet of the security fence that ispreserved shall be credited towards planting requirements.

3. The provisions of this section may be waived, in whole or in part, by thePlanning Committee upon a determination that: site conditions would not be adequate to support landscape plantings; or, that architectural camouflage ("stealth" design) will ensure compatibility with adjoining land uses and eliminate the need for screening.

4. All landscape plantings shall be properly maintained or replaced as necessaryto ensure their good health and viability for the life of the WCF and/or Support Structure.

D. Signage. Identification signage, no more than three square (9) feet in total area, shall be required for each WCF/Support Structure, and/or accessory facility. Identification signage shall include the name(s) of the facility owner(s) or operator(s) and a 24-hour emergency telephone number, and shall be affixed to a perimeter fence where possible. Off-premise and other advertising signage is prohibited.

E. Attached WCF. Attached WCF shall be appropriately integrated with, or within, existing structures with due consideration given to siting/placement, designed to minimize visual

impact and Antenna Arrays shall not exceed the height of the existing structure by more than fifteen (15) feet.

F. Noise.

1. Noise-producing equipment shall be sited and/or insulated to guarantee that noincrease in noise above ambient levels measured at the property line occur.

2. Backup Generators, if used, shall only be operated during power outages and fortesting and maintenance purposes. Routine testing and maintenance, if conducted, shall only be conducted between the hours of 8:00 a.m. and 5:00 p.m. Monday through Saturday.

G. Color and Camouflage.

1. All WCF, support structures, accessory buildings, poles, antennas, and otherexternal facilities shall be painted upon installation and thereafter repainted as necessary with a "flat" paint. Except where dictated by the FAA, point color shall, at the discretion of the Planning Director or Plan Commission, be designed to minimize visibility and blend with the surrounding environment. To this end, improvements which will be primarily viewed against soils, trees or grasslands shall be painted colors matching these landscapes while elements that rise above the horizon shall be painted a blue or gray that matches the typical sky color at that location.

2. Accessory buildings and\or structures shall be designed to be architecturallysimilar and compatible with each other, and shall not exceed twelve (12) feet in height and seven hundred fifty (750) square feet in area. Accessory buildings and/or structures shall be used only for the housing of equipment needed to service the WCF and/or Antenna Array(s) located on the premises. Where possible, accessory buildings and/or structures shall be attached or clustered so as to appear as one building. Exterior facades shall incorporate materials, textures and colors that blend with the surroundings to minimize visual impact.

The Town shall reserve the right to require architectural camouflage, or "stealth design", if a proposed site is deemed sensitive for any of the following reasons:

a. The prospective site is located in, or within 300 feet of, propertyofficially designated as "historic" by the State of Indiana, or the Town of Shadeland, listed with the Indiana Historic Site and Structures Inventory, or located within property listed with the National Register of Historic
Places;

b. The prospective site lies in, or within 300 feet of, a right-of-wayclassified as a scenic corridor by the Town's Comprehensive Plan.

H. Materials. Excepting Attached WCF, all Support Structures shall be constructed of galvanized metal. The provisions of this section may be waived by the Planning Department upon a determination that architectural camouflage ("stealth" design) will satisfy the intent of this section.

I. Health and Safety.

1. All WCF and/or Support Structures shall be constructed, operated, maintainedand monitored in compliance with all applicable Federal (i.e. FCC and FAA) and State standards requirements.

2. WCF and/or Support Structures that would be classified as a hazard to airnavigation, as defined by the Federal Aviation Administration, shall not be permitted.

Section 4.7. - Temporary WCF

A. Temporary WCF or antennas shall be permitted for test purposes, emergencycommunications

or in the event of equipment failure for a maximum period of two (2) weeks.

B. If the applicant is investigating co-location opportunities for a proposed Antenna Array,and demonstrates with written documentation that good faith co-location negotiations are in process, a temporary WCF may be approved by the Town for a period not to exceed six (6) months.

C. An improvement location permit shall be required for each temporary WCF.

Section 4.8 - WCF Overlay Amendment

A. Any WCF or Support Structure that is no longer needed or used for its intended purposeshall be considered abandoned and shall be reported immediately by the service provider to the Planning Department. All abandoned WCF and/or Support Structures shall be completely removed by, and at the expense of, the service provider and/or owner within six (6) months from the date of abandonment and the surface of the site shall be restored to a condition suitable for redevelopment.

B. Any discontinued WCF or Support Structure not completely removed within six (6)months from the date of abandonment may be removed by the Town. Costs associated with the dismantling and removal of an abandoned WCF or Support Structure and site restoration shall be paid by the service provider and/or owner as bound by the terms of the maintenance and facility removal agreement.

C. In the event that costs are not covered by the applicant as described above, the Townreserves the right to withdraw funds, as needed, to cover costs associated with removal an abandoned WCF through disbursement of funds from the Escrow Account.

TOWN OF SHADELAND
TITLE III
CHAPTER 5
REDEVELOPMENT COMMISSION

Section 5.1 - General Plan

A. The Town Council is the body charged with the duty of developing a general plan for the Town of Shadeland.

Section 5.2 - Redevelopment Commission Recommendations

A. The Town Council has had submitted to it certain declaratory and recommending Resolutions and supporting data by the Shadeland Redevelopment Commission.

Section 5.3 - Recommendations Conform to Plan

A. The Town Council determines that the declaratory and recommending Resolutions of the Shadeland Redevelopment Commission conforms to the plan of development of the Town of Shadeland and the Town Council does hereby approve the proposed Resolutions and plans.

Section 5.4 - Order Approving Recommendations

A. The Town Council hereby issues its written order approving the recommendations of the Shadeland Redevelopment Commission as set forth in Resolutions 99-2, 99-3 and 99-4.

Section 5.5 - Council Approves Resolutions

A. And further the Town Council approves each of above Resolutions of the Shadeland Redevelopment Commission and they direct the Clerk-Treasurer to take such actions as is necessary to accomplish the purposes of said Resolutions.

Section 5.6 - Designation of TIF District

A. The Shadeland Town Council does hereby designate that portion of the Town of Shadeland that lies north of an east-west line through Town Road 400 South as a proposed tax increment financing (TIF) district for a period of fifteen (15) years.

Section 5.7 - Council Approves Redevelopment Plan

A. The Shadeland Town Council approves the redevelopment plan for the above designated area as set forth in Exhibit “A”. (pg. A-51)

Section 5.8 - Council to Take Actions

A. The Shadeland Town Council instructs the Clerk-Treasurer to take such actions as to provide notice and to take such other actions as to accomplish the objectives of this Ordinance. 3-21

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE III
CHAPTER 6
RIGHT-OF-WAY PROTECTION

Section 6.1 - Council Approval Needed

A. No device or structure shall be installed in or on any Town property, street, airspace, alley, or right-of-way without prior written approval from the Town Council.

Section 6.2 - Agreement Required

A. Any continuing use of Town property other than roads shall be by written agreement with the Town and any present user shall report to the Town Clerk-Treasurer by 1 January 2002, the ownership of any structure using Town streets, airspace, alleys, and right-of-ways; unclaimed structures may be removed by the Town without any obligation by the Town to any owner; and any owner shall furnish an indemnity agreement to the Town for any claimed items on the Town property.

Section 6.3 - Fee Assessed

A. That starting 1 January 2002 all poles located in the Town's streets, airspace, alleys, and right-of-ways shall be assessed a rental fee of Ten Cents ($.10) per pole, per month unless the Town has a written agreement with the pole owners.

Section 6.4 - Fee Increased

A. That starting 1 January 2003 all poles located in the Town's streets, airspace, alleys, and right-of-ways shall be assessed a rental fee of One Dollar ($1.00) per pole, per month unless the Town has a written agreement with the pole owners.

Section 6.5 - Further Fee Increased

A. That starting 1 January 2004 all poles located in the Town's streets, airspace, alleys, and right-of-ways shall be assessed a rental fee of Ten Dollars ($10.00) per pole, per month, unless the Town has a written agreement with the pole owners.

Section 6.6 - Tower Per Fee

A. That any commercial, non-agricultural towers built after the enactment of this Ordinance shall have a permit fee of Three Thousand Dollars ($3,000.00) and an annual pre-paid fee of One Thousand Two Hundred Dollars ($1,200.00), in addition to any other obligations or requirements.

Section 6.7 - Agreement Allows Reduction

A. The above fees may be reduced by a prior written agreement for rental use.

Section 6.8 - Fees Use Designated

A. That any fees collected, under this Ordinance, may be set aside to use to clean up or remove any unclaimed or abandoned towers and poles in order to protect the Town's residents and visitors.

Section 6.9 - Interest on Delinquent Account

A. The Clerk-Treasurer shall be authorized to charge the maximum legal rate of interest on
all delinquent accounts in addition to a Five Dollars ($5.00) per day late charge.

Section 6.10 - Penalty

A. A penalty of ten percent (10%) shall be added to all delinquent accounts.

Section 6.11 - Due Date

A. All Town bills shall be paid by the 15th day of each month.

Section 6.12 - Collection Procedures

A. If any payment is not paid for fees and charges on or before sixty (60) days from the date the fee or charges were originally due, then the Clerk-Treasurer is authorized to institute collection procedures for such non-payment.

Section 6.13 - Extra Fees

A. In the event the Clerk-Treasurer institutes a collection procedure for such nonpayment, such collection procedure may include, but not be limited to, the use of a collection agency, if appropriate, or the employment of an attorney causing small claims to be filed in an appropriate Court against such non-paying users or the filing of any permissible statutory lien. In the event utilization of a collection agency or employment of an attorney is required, the Town of Shadeland shall pay any and all fees affiliated therewith. Notwithstanding, the Town of Shadeland shall seek the recovery of Court costs and such attorney fees and all other costs and expenses of collection, including postage in the collection procedure against such delinquent account.

Section 6.14 - Publish Delinquent Accounts

A. Accounts more than thirty (30) days delinquent may be published in the Town Newsletter or posted on the Town bulletin board.

Section 6.15 - Municipal Lien Filed

A. The Clerk-Treasurer is authorized to file municipal lien on all delinquent accounts.

Section 6.16 - Legal Action Allowed

A. The Shadeland Town Council may approve requests to proceed with legal action against the property or the person owing money to the Town of Shadeland.

Section 6.17 - Foreclosure

A. That legal proceedings may include foreclosure of a municipal lien on the property, garnishment of wages, or seizure of property.

Section 6.18 - Compromises Allowed

A. The Shadeland Town Council or designated officers may, under certain extraordinary circumstances, authorize the compromising or settlement of delinquent accounts.

Section 6.19 - Repeal Conflicts

A. This Ordinance repeals any prior Ordinance in conflict with the above provisions.

MUNICIPAL CODE
TOWN OF SHADELAND
TITLE III
CHAPTER 7

Section 7.1 - Agricultural Easements Recorded

A. Property owners shall record all agricultural access easements with a minimum forty (40) foot width which allows passage of agricultural equipment. Passage shall be clear to a height of fifteen (15) fifteen feet. It is recommended that easements be along property boundary lines.

Section 7.2 - Safe Access

A. Each property owner is responsible to ensure adequate safe access to agricultural land. Violation of Section 1 shall be subject to the same enforcement rights, fines, and penalties set forth for nuisance violations in the Shadeland Municipal Code.

Section 7.3 - Use of Surface Area

A. Each property owner may determine the surface use of the easement area consistent with maintaining usable access to agricultural lands.

Section 7.4 - Effective Upon Passage

A. This amendment shall be effective upon passage.

TITLE IV

PUBLIC WORKS,

TRANSPORTATION, AND FACILITIES

MUNICIPAL CODE
TOWN OF SHADELAND
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CHAPTER 1 SPEED LIMIT ORDINANCE

Section 1.1 - Purpose.

A. The purpose of this Ordinance is to establish reasonable and safe maximum speed limits on Shadeland Town roads.

Section 1.2 - Definitions.

A. VEHICLE. As used herein, means every device in, upon, or by which any person or property is or may be transported or drawn upon a road.

B. BUILT UP OR URBAN AREA. As used herein means the territory contiguous to and including any highway which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less that one hundred twenty five (125) feet for a distance of five hundred (500) feet or more.

C. SCHOOL ZONE. As used herein means the territory contiguous to and including any road which is within one quarter (1/4) miles of any building, public or private, which is used primarily for the education of children, including nursery schools, kindergartens, grammar schools, and high schools.

Section 1.3 - Speed Regulations.

A. No person shall drive a vehicle on a Town road in Shadeland, Indiana at a speed that isgreater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.

B. The limits specified in this section shall be the maximum lawful speeds on the Town roadsof Shadeland, Indiana and no person shall drive a vehicle on a road at a speed in excess of such maximum limits:

1. Thirty (30) miles per hour in any school zone, subdivision, or other built up or urbanarea;

2. Forty-five (45) miles per hour on any gravel road;

3. Fifty (50) miles per hour on any black-top, concrete or other hard surfaced road.

Section 1.4 - Exceptions.

A. Special Hazard:

1. The only exception will be a reduced speed limit when a special hazard exists that requires lower speed for compliance with paragraph A. above of this Ordinance, and such lower speed is posted.

B. Tippecanoe County School Corporation Property:

1. No person shall operate any motor vehicle or bicycle on school property ofTippecanoe School Corporation at a speed in excess of 10 miles per hour or in a reckless manner, or in a manner damaging to school property.

2. All motorized vehicles, bicycles, and other traffic on any property of TippecanoeSchool Corporation shall observe all designated traffic signs at all times.

3. No vehicle shall be parked at any time on any property of Tippecanoe SchoolCorporation except in the areas designated for such parking.

4. No motorized vehicles shall be operated on any school property of TippecanoeSchool Corporation except for ingress or egress to designated parking areas or to deliver or pick up personnel or material as necessary for approved school functions.

5. No motorized vehicles, bicycles, or other vehicles shall be operated or parked in anymanner except as stated in paragraph 1 through 4, inclusive above without the prior written approval of the personnel in charge of the school property on which such vehicle is being operated or parked. C. Town Road 800 South:

From Town Road 500 W. to the west property line of the Southwestern School grounds, the maximum speed limit shall be 50 mph. From the west property line of the Southwestern School grounds to State Road #43 the maximum speed limit shall be 45 mph except within the limits of the property owned by the Tippecanoe School Corporation upon which the Southwestern High School and the Mintonye grade school are located, the maximum speed limit shall be 20 mph when children are present.

Section 1.5 - Severability Clause

A. If any section, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any Section, provision, or part thereof not adjudged invalid or unconstitutional.

ROAD PARKING ORDINANCE

Section 2.1 - Purpose

A. The purpose of this Ordinance is to regulate parking on Shadeland Town roads.

Section 2.2 - Parking Restrictions

A. No person shall park any vehicle upon any road, street, or in an alley in such a manneror under such conditions as would leave available less than ten feet of the width of the roadway for free movement of traffic.

B. No person shall park a truck that is wider than eight feet or higher than ten (10) feet orlonger than twenty-eight (28) feet, which dimensions shall include any load carried thereon on any road, street, or alley, except when loading or unloading as provided by this chapter or other Ordinance of the town.

C. No person shall park a semitrailer, either along or coupled to a tractor on any road,street, or alley, that is when alone or coupled to a tractor, wider than eight (8) feet, higher than ten (10) feet or longer than thirty-six (36) feet, which dimensions shall include any load carried thereon, except when loading or unloading.

D. No person shall park a bus that is wider than eight (8) feet or higher than ten (10) feet orlonger than twenty-six (26) feet on any road, street, or alley.

E. No person shall park any vehicle whose gross weight, including any load, exceeds seventhousand (7,000) pounds on any road, street, or alley, except when loading or unloading.

F. No person shall park any vehicle wider than seven and one-half (7 ½) feet on anyunimproved road or street or any road or street whose paved surface is less than forty (40) feet, except when loading or unloading.

G. No person shall park any vehicle over seven (7) feet high within fifty (50) feet of anyintersection, except when loading or unloading.

Section 2.3 - Exceptions

A. The provisions of subsection (b), (c), (d), (e), and (f) of the above section shall notapply to any state highway within the town, nor to any vehicle which incurs mechanical failure when the person in charge of the disabled vehicle has placed one (1) lighted flare or electric lantern at least one hundred (100) feet in front of such vehicle and one (1) lighted flare or electric lantern at least one hundred (100) feet to the rear of such vehicle.

B. The Clerk-Treasurer of the Town of Shadeland may for specific purposes and for alimited time, grant approval for parking of vehicles not in compliance with the above section.

Section 2.4 - Penalty

A. Any person who violates any provision of Title IV of this Code shall be guilty of a misdemeanor and subject to a fine of a maximum of Five Hundred Dollars ($500.00) for each violation.

Section 2.5 - Severability

A. If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any Section, provision, or part thereof not adjudged invalid or unconstitutional.

CHAPTER 3
HIGHWAY ACCESS STANDARDS ORDINANCE

Section 3.1 - Purpose.

A. The purpose of this Ordinance is to regulate access to Shadeland roadss to insure proper traffic flow, conformance with established standards and adequate drainage.

Section 3.2 Access Standards - Private Drive.

A. No private drive or other access way shall be made onto any roads in the Town of Shadeland, Indiana without a specific permit being first duly obtained from the Shadeland Town Council, or its designee, for that particular drive or access at that particular location.

B. No entrance shall be closer than five (5) feet to the adjacent property line and noapproach shall be so constructed that any part of the same extends in front of property belonging to a person other than the permittee, unless both property owners sign a joint application for a permit, except for de-acceleration lanes, acceleration lanes, or passing lanes, as required by the Shadeland Town Council.

C. All drainage pipes or tile used in the construction of driveways and approaches shall bea minimum of twelve (12) inches in diameter and as much larger as the Council shall deem necessary for property drainage, and on all new driveways and approaches shall be furnished by the permittee. All pipe or tile and other drainage structures used shall meet the approval of the Shadeland Town Council as to type, quality, size, and length.

D. All driveways and approaches shall be so constructed that they shall not interfere withdrainage of, or cause erosion to, the street or roads. If it is proposed to construct any portion of an approach on a slope or grade greater than fifteen (15) percent, the grade or slope shall be designated on the application. If no designation of grade is shown on the application, the approach shall not be constructed on a grade greater than fifteen (15) percent.

E. All disturbed areas shall be fertilized and seeded or sodded to prevent erosion.

F. The construction of such driveways and approaches shall not interfere with any existingstructure, utility or any town right of way without specific permission in writing from the Shadeland Town Council or the owner thereof.

G. Concrete headwalls or other obstacles will not be permitted.

H. All entrances and approaches shall be so located as to provide adequate sight distancein both directions along the roads for safe access to the roads without interfering with traffic on the roads.

I. No entrance or approach shall be located or constructed so as to interfere with or preventthe proper location of necessary roads signs.

J. The permittee shall assume responsibility for all maintenance of such approaches from theright of way line to the edge of the traveled roadway. If the approach or driveway is built of loose aggregate, said aggregate shall be bound with some material so as to prevent loose aggregate from being carried onto the highway pavement, or the permittee shall keep the pavement free of loose aggregate at all times.

K. No such entrance or approach shall be relocated or its dimensions altered without writtenconsent of the Shadeland Town Council.

L. On the day preceding the beginning of work under any permit for approach construction,the permittee shall secure special permission to proceed from the Shadeland Town Council.

M. The permittee shall assume all responsibility for any injury or damage to persons orproperty resulting directly or indirectly from the construction of any approach or driveway.

N. The permittee shall remove or relocate any such entrances or approaches when requestedto do so by the Council in the interest of safety to highway traffic. For the purpose of Road or Bridge construction or improvement, said driveway entrances and approaches shall be removed at any time upon the request of the Shadeland Town Councilor Tippecanoe County if Bridge construction is involved. Permits issued for driveway entrances and approaches may be rescinded at any time by the Shadel and Town Council. Driveway entrances and approaches must be complete within one year after the permit is issued: otherwise, their permit will be canceled.

O. The right-of-way area adjacent to or between the approaches may be graded at thepermittee's expense, subject to drainage requirements as determined by the Shadeland Town Council. The permittee may plant in this area grass, flowers, or low growing shrubs that never attain sufficient height to obstruct clear vision in any direction or interfere with drainage.

P. All work shall be done in accordance with the approved plans; and the latest issue of theIndiana state Highway Standard Specifications, and shall meet the approval of the Shadeland Town Council.

Q. No driveway or other vehicle access road onto a public highway shall be less than twelve(12) feet in width where it crosses the side ditch and the drainage pipe shall be exposed at least twelve (12) inches at each side of the driveway or access road.

R. Each Driveway permit shall specify the type of use permitted on the driveway for whichthe permit is granted, and no alteration or other type use of such driveway, when constructed, shall be permitted without re-application and the granting of a new permit for the additional or altered use of said driveway.

Section 3.3 Access Standards - Public Utility.

A. It shall be unlawful to construct, operate, maintain or install any wire, cables or otherequipment for the transmission of electric current, impulses, sounds, voices or communications in, on, over, across or along any street or highway or the right-of-way therefor, in the Town of Shadeland without having fully complied with the provisions of this Ordinance.

B. No one shall construct, install, operate or maintain any wires, cables or other lines of anynature in, on, over, across or along the right-of-way of any street or highway of Shadeland at a height less than twenty (20) feet from the ground or other surface immediately under such wire, cable or line; and, if said wires, cables or other lines carry electric current of one hundred ten (110) volts or more, it shall be unlawful to construct, install, operate or maintain any such wire, cable or line at a height less than twenty-five (25) feet from the ground or other surface immediately under such wire, cable or line.

Section 3.4 Permit Application.

A. No person shall cut, dig, trench, or otherwise interfere with the surface, or subsurface, ofany highway or street which is a part of the Shadeland Highway System, or the easement adjacent to any such roads unless such person shall first obtain a permit from the Shadeland Town Council.

B. Form "A", hereto attached, and made a part of this Ordinance, hereby is adopted andapproved and shall be used for the application by any person seeking a permit pursuant to this section of this Ordinance to cut into a Shadeland road or Street.

C. Form "B", hereto attached, and made a part of this Ordinance, hereby is adopted andapproved and shall be used for the Permit Bond by any person seeking a permit pursuant to this Ordinance.

D. The minimum bond required of any person obtaining a permit pursuant to this Ordinanceis five thousand dollars ($5,000.00), which bond shall be a continuing one and shall remain in effect for a period of three (3) years from the time the work is completed, which bond is to assure the Shadeland Town Council that Shadeland specifications have been adhered to and all work done in workmanlike manner, except that the minimum bond required of private property owners for work performed in the right-of-way adjacent to their own property shall be one thousand dollars ($1,000.00).

E. Form "C", hereto attached, and made a part of this Ordinance, hereby is adopted andapproved and shall be used for the application by any person seeking a permit to construct a driveway onto any Shadeland road or street, or on the right-of-way adjacent thereto.

F. Form "D", hereto attached and made a part of this Ordinance, hereby is adopted andapproved and shall be used for the application by any person seeking a permit to install a pole line on, or across, any Shadeland road or street, or the right-of-way adjacent thereto.

G. Form "E", hereto attached, and made a part of this Ordinance, hereby is adopted andapproved and shall be used for the application by any person seeking a permit to close, or block, any Shadeland road or street.

H. Form “F”, hereto attached, and made a part of this Ordinance, is hereby adopted andapproved and shall be used for the application by any person seeking a permit to transport over width

objects of any nature over, across, or along Shadeland roads or streets.

I. The forms incorporated in this Ordinance are a part of the Shadeland Ordinance, and areto be used in accordance with all regulations of the Shadeland Town Council, including those stated in the forms.

Section - 3.5 Permit Fees.

A. Schedule of fees for uses of right-of-way and/or interference with normal use of Shadeland roads:

1. Driveway Permits:

Private Drive	$ 5.00
Farm Drive	5.00
Commercial Drive	50.00
Major Subdivision Entrance	150.00
Minor Subdivision Entrance	75.00
Parcelization Entrance	25.00

2. Road Cuts:

Gravel: $5.00/ foot, depth lane (12' width) or any part, except farm subsurface drain. Minimum: $30.00

Hard Surface: $10.00/foot, depth/lane or any part. Minimum: $75.00

3. Plowing in Cable:

$25.00, or $0.02 per Linear Foot (whichever is greater)

4. Trenching:

a. To 6" width: $25.00 Minimum; More than 2 miles, $0.03 per Linear Foot.

b. 711 through 1211: $25.00 Minimum; More than 2 miles, $0.06 per LinearFoot.

c. 13" through 24": $25.00 Minimum; To 1 mile, $0.15 per Linear Foot; 1 - 2miles, $0.11 per Linear Foot; More than 2 miles, $0.08 per Linear Foot

d. Over 24" Top Width: See Item (5) - Excavation. $25.00 Minimum.

5. Excavation:

Measure Maximum Depth Foot x Maximum Length Foot, $0.05 per Square Foot (Based on 1:1 Slopes) $25.00 Minimum.

6. Boring or Pushing Under Roadway:

(Total Cost per Location) $25.00 per Bore.

7. Over width Objects:

Over 10 foot wide - $50.00.

8. Pole Lines:

$50.00 per mile, or minimum of $25.00. (Construction or reconstruction of 3 adjacent poles, or more.)

Section - 3.6 Repealer.

A. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section - 3.7 Severability.

A. (a) If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any Section, provision, or part thereof not adjudged invalid or unconstitutional.

MUNICIPAL CODE

TOWN OF SHADELAND
TITLE V
RECREATION, CULTURE, AND COMMUNITY ACTIVITIES

APPENDIX

MUNICIPAL CODE
TOWN OF SHADELAND

APPENDIX

MUNICIPAL CODE
TOWN OF SHADELAND

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APPENDIX A

REAL ESTATE TRANSFER DISCLOSURE STATEMENT
THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY LOCATED IN THE TOWN OF SHADELAND, COUNTY OF TIPPECANOE, STATE OF INDIANA, DESCRIBED

AS:

THIS STATEMENT IS A DISCLOSURE OF THE EXISTENCE OF THE TOWN OF SHADELAND RIGHT TO FARM ORDINANCE IN COMPLIANCE WITH THE SHADELAND MUNICIPAL CODE:

SELLER'S INFORMATION

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

THE TOWN OF SHADELAND ALLOWS AGRICULTURAL OPERATIONS (as defined in the TOWN OF SHADELAND'S Right to Farm Ordinance) WITHIN THE TOWN. You may be subject to inconveniences or discomforts arising from such operations, including but not limited to, noise, odors, fumes, dust, flies, the operation of machinery of any kind (including aircraft), vibration, the storage and disposal of manure, and the application of fertilizers and pesticides. The Town of Shadeland has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered to be an interference with reasonable use and enjoyment of land, if such operations are conducted in accordance with generally accepted agricultural management practices. The Town of Shadeland has established a process to assist in the resolution of certain possibly agriculturally related disputes. This process encourages the settlement of disputes on whether agricultural operations on agricultural lands are generally accepted agricultural practices and are causing interference with the personal well-being and the reasonable use and enjoyment of land. If you have any questions concerning this policy, please contact the Town of Shadeland ClerkTreasurer for additional information.

TOWN OF SHADELAND RIGHT TO FARM NOTICE

The Town of Shadeland recognizes and supports the right to farm agricultural lands in a manner consistent with generally accepted agricultural management practices. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with odors, flies, fumes, dust, the operation of machinery of any kind (including aircraft), vibration, the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers and pesticides. The Town of Shadeland has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered to be an interference with reasonable use and enjoyment of land, if such operations conducted on agricultural lands are being conducted in accordance with generally accepted agricultural practices. If you have any questions concerning this policy, please contact the Clerk-Treasurer.

ARTICLE I

CONSTRUCTION STANDARDS FOR EARTHWORK

SECTION A - EXCAVATING AND BACKFILL FOR STRUCTURES

PART 1 - GENERAL

1.01 DESCRIPTION:

A. This section describes the work involved with excavating, filling and embankment for the various structures such as utility manholes, lift stations,

drainage structures, etc., as shown on the plans. The work shall include all excavation and trenching; handling, storage, transportation and disposal of excavated material; all necessary sheeting, shoring and protection of work; sub grade preparations; pumping and dewatering as necessary or required; protection of adjacent property-, backfilling; construction of fills and embankments; and other appurtenant work as required for the construction.

1.02 QUALITY ASSURANCE:

A. Testing and inspection services as required by this section shall be provided by Contractor. Tests will include hand auger probing, field density tests for verifying the degree of compaction ana excavation inspections to determine the limits of unsuitable material to be removed.

1.03 REFERENCES:

A. American Society of Testing Materials (ASTM) Publications:

1. ASTM D-424 Plastic Limit and Plasticity Index of Soils.

2. ASTM D-698 Moisture - Density Relations of Soils Using -5.5-lb. Rammer and 12-inch Drop.

3. ASTM D-1556 Density of Soil in Place by the Sand Cone Method.

4. ASTM D-2922 Density of Soil and Soil-Aggregate in Place by Nuclear Methods (Shallow Depth).

5. ASTMD-3017 Moisture Content of Soil and Soil-Aggregate in Place by Nuclear Methods (Shallow Depth).

B. Indiana Department of Transportation (Th"DOT) Publication: Latest edition of the Standard Specifications.

C. Occupational Safety and Health Administration (OSHA) Standards 29 CFR Part 1926 including sub-parts A, B, C, D, and P.

PART 2 - PRODUCTS

2.01 FILL MATERIALS:

A. Granular Backfill material shall be as defined in Section 211.02 ("B" Borrow) of the Indiana Department of Highways Standard Specifications, latest edition. Maximum stone size shall not exceed 1 inch or the maximum size recommended by the pipe manufacturer, whichever is smaller.

B. Coarse Aggregate shall be No.1 or No.2 size coarse aggregate as specified by Section 904.82 of the Indiana Department of Highways Standard Specifications, latest edition.

C. GENERAL FILL: General fill material shall consist of natural soils such as clays, : sands, and silts found in place, subject to the approval of the Engineer. Natural materials containing organics, gravels, and large rocks shall not be used for General Fill unless specifically approved by the Engineer.

D. STRUCTURAL BACKFILL: Structural Backfill material shall be the same as Granular Backfill as specified above..

E. POROUS BACKFILL: Porous Backfill material shall consist of gravel, or crushed stone meeting the requirements of ASTM 448, No.4 size coarse aggregate.

PART 3 - EXECUTION

3.01 EXCAVATION:

A. GENERAL:

1. Excavation shall be performed to the lines and grades shown on the plans. The work shall be performed in a safe and proper manner with suitable precautions being taken against all hazards. Excavations shall provide adequate working space and clearances for the work to be performed including the installation and removal of concrete forms. In no case shall excavation faces be undercut for extended footings.

2. Sub-grade surfaces shall be clean and free of loose material of any kind when concrete is placed thereon.

3. All suitable excavated material meeting the requirements of General Fill shall be used as backfill. in the formation of embankments or engineered fill, or for other purposes shown on the plans. All unsuitable material shall be removed from the site unless otherwise allowed by the Town. Satisfactory excavated materials

shall be stockpiled until required for fill or embankment. Stockpiles shall be graded and shaped for proper drainage.

4. Excavation work shall be performed in accordance with all applicable provisions of the OSHA Standards for excavation safety.

B. UNDERGROUND UTILITIES: Utilities shall be located in areas of work prior to commencement of work. Utilities are to remain in place, adequate means of support and protection during earthwork operations shall be provided. Should unknown or unidentified piping or other utilities be encountered during excavation, the Contractor shall consult applicable utilities immediately for directions. The Contractor shall cooperate with the Town and the utility companies in keeping respective services and facilities in operation. The Contractor shall repair damaged utilities to the satisfaction of the utility owner.

C. SHEETING AND SHORING: Except where banks are cut back on a stable slope, excavation for structures and trenches shall be properly and substantially sheeted, braced and shored, as necessary, to prevent caving or sliding, to provide protection for workmen and the work. Sheeting, bracing, and shoring shall be designed and built to withstand ail loads that might be caused by earth movement or pressure, and shall be rigid, maintaining shape and position under all circumstances. Sheeting and shoring shall comply with ail applicable requirements of the OSHA Standards for excavation.

D. UNSUITABLE BEARING MATERIAL: Materials encountered at design elevations which are considered inadequate for suitable bearing shall be removed and replaced. Removal shall be to a depth as required to reach suitable bearing material. Fill material shall consist of either Structural Backfill or concrete.

E. SUB-GRADE STABILIZATION:

1. Sub-grades for concrete structures shall be firm, dense, and thoroughly compacted and consolidated; shall be free from mud; and shall be sufficiently stable to remain firm and intact under the feet of the workmen.

2. Sub-grades for concrete structures which are otherwise solid, but which become mucky on top due to construction operations, shall be reinforced with crushed stone or gravel. The finished elevation of stabilized subgrades shall not be above sub-grade elevations shown on the Plans.

F. DEWATERING:

1. The Contractor shall provide and maintain adequate dewatering equipment to remove and dispose of all surface and ground water entering excavations, trenches, or other parts of the work. Each excavation shall be kept dry during sub-grade preparation and continually thereafter until the structure to be built,

or pipe to be installed therein is completed to the extent that no damage from hydrostatic pressure, flotation, or other cause will result.

2. All excavations which extend down to or below static ground water elevations shall be dewatered by lowering and maintaining the ground

water surface beneath such excavations a distance of not less than twelve inches (12") throughout the time the excavation remains open.

3. Surface water shall be diverted or otherwise prevented from entering excavated areas or trenches to the greatest extent practicable without causing damage to adjacent property.

4. The Contractor will be held responsible for the condition of any pipe or conduit which he may use for drainage purposes, and all such pipes or conduits shall be left clean and free of sediment.

5. Water shall be disposed of in such a manner as will not cause injury to public or private property nor be a nuisance or a menace to the public. The Contractor shall be responsible for any and all permits and approvals thereof necessary for disposal of the water.

3.03 BACKFILL AND EMBANKMENT:

A. MATERIALS:

1. All material placed in fills and embankments shall meet the requirements of General Fill as previously defined. No rocks or stones shall be placed in the upper eighteen inches (18") of any fill or embankment. Rocks or stones within the allowable size limit may be incorporated in the remainder of fills and embankments, provided they are distributed so that they do not interfere with proper compaction, except that no rocks or stones shall be placed in fill area under structures.

B. PLACEMENT:

1. The backfill and fill materials shall be evenly placed adjacent to structures, piping or conduit to the required elevations. Care shall be taken to prevent wedging action of backfill against structures or displacement of piping or conduit by carrying the material uniformly around the structure, piping or conduit to approximately the same elevation in each lift.

2. Where fill is required on both sides of a foundation or wall, the fill shall be placed simultaneously on each side. Fill against building walls shall not be placed until the first floor slab has been poured and set.

3. Fill against other work shall be in a manner and at such time as not to endanger the stability or damage the work. No fill shall be placed against water bearing walls until they have been tested for water tightness. No fill shall be placed over snow or frozen material.

4. Materials such as brush, hedge, roots, stumps, grass, and other organic matter shall not be incorporated or buried in the engineered fill.

C. COMPACTION:

1. Compaction of backfill and embankment material shall be accomplished by mechanical means such as vibratory plates or rollers. Compaction by jetting methods will not be performed unless specifically allowed by the Town. No backfill shall be deposited or compacted in water.

2. Backfill shall be placed in eight inch (8") loose layers and each layer compacted to not less than ninety-five percent (95%) of maximum dry density; the moisture content shall be within two percentage points of optimum as determined by ASTM D-698.

3. Embankment fill shall be placed in eight inch (8") loose layers and each layer compacted to not less than ninety-eight percent (98%) of maximum dry density. The moisture content shall be within two percentage points of optimum as determined by ASTM-698.

4. Granular fill under slabs shall be placed after the sub-grades have been leveled and cleared of all debris and immediately prior to pouring of the slab. Granular material shall be placed in eight inch (8") loose layers and each layer compacted to not less than ninety-eight percent (98%) of maximum dry density; the moisture content shall be within two percentage points above optimum as determined by ASTM D-698.

3.04 <u>COMPACTION TESTING:</u>

A. Sampling and testing shall be the responsibility of the Contractor. Tests shall be performed by an approved commercial testing laboratory or may be tested with approved facilities furnished by the Contractor. All test results shall be submitted to the Town.

B. Laboratory tests for moisture density relations shall be determined in

accordance with ASTM D-698. A minimum of one (1) test shall be performed

on each different type of material used for backfill. C. Field In-Place

Density Tests: A-7

1. The Contractor shall perform a sufficient number of compaction density tests to demonstrate that the required compaction requirements are being met. In general a minimum of one (1) satisfactory compaction test shall be performed for each cumulative lift length of four hundred feet (400') or quarter points of a building. Upon failure of a test, the lift shall be recompacted and retested. Additional tests will be required if the first tests consistently fail, if material changes, or if the Contractor's method of compaction changes.

2. Density tests shall be determined in accordance with ASTM D-1556, ASTM D2167 or ASTM D-2922. When ASTM D-2922 is used, the calibration curves shall be checked and adjusted using only the sand cone method as per ASTM D1556. ASTM D-2922 results in a wet unit weight of soil and when using this method, ASTM D-3017 shall be used to determine the moisture content of the soil. The calibration curves furnished with the moisture gauges shall be checked along with density calibration checks as described in ASTM- D3017. The calibration checks of both the density and moisture gauges shall be made at the beginning of a job and on each different type of material encountered. Copies of calibration curves and results of calibration tests shall be furnished to the Town.

SECTION B - TRENCHING AND BACKFILLING FOR UTILITIES

PART 1 - GENERAL

1.01 DESCRIPTION:

A. This work includes excavation and backfilling for all sewer lines, water lines, underground electric lines, gas lines and other utilities.

1.02 QUALITY ASSURANCE:

A. Testing and inspection services as required by this section shall be provided by the Contractor. Tests will include hand auger probing, field density tests for verifying the degree of compaction and excavation inspections to determine the limits of unsuitable material to be removed.

1.03 REFERENCES:

A American Society of Testing Materials (ASTM) Publications:

1. ASTM D-424 Plastic Limit and Plasticity Index of Soils.

2. ASTM D-698 Moisture - Density Relations of Soils Using five and one half pound (5.5 lb.) Rammer and twelve inch (12") Drop. A-8

3. ASTMD-1556 Density of Soil in Place by the Sand Cone Method.

4. ASTM D-2922 Density of Soil and Soil-Aggregate in Place by Nuclear Methods (Shallow Depth).

5. ASTM D-3017 Moisture Content of Soil and Soil-

Aggregate in Place by Nuclear Methods (Shallow Depth).

B. Indiana Department of Transportation (INDOT) Publication: Latest edition of Standard Specifications.

C. Occupational Safety and Health Administration (OSHA) Standards 29 CFR Part 1926 including Sub-parts A, B, C, D, and P.

1.04 CARE OF EXISTING STRUCTURES AND PROPERTY:

A. All poles, fences, sewer, gas, water, drainage or other pipes, wires, conduits, manholes, buildings, structures and property in the proximity of any excavation shall be supported and protected from damage by the Contractor during construction.

B. Wherever sewer, gas, water, drainage or other pipes or conduits cross the excavation, the Contractor shall support said pipes and conduits without damage to them and without interrupting their use during the progress of the work.

C. All property shall be thoroughly cleaned of all surplus materials, earth and rubbish placed thereon by the Contractor.

D. Any damage to poles, fences, sewer, gas, water, drainage or other pipes, wires, conduits, manholes, buildings, structures and property resulting from the Contractor's work shall be promptly repaired by the Contractor. The quality of all such repair work shall be to the satisfaction of the Town and the owner of said utility or structure.

1.05 EXISTING UNDERGROUND STRUCTURES AND UTILITIES:

A. The Contractor shall notify the appropriate utility companies at least seventy-two (72) hours prior to the start of construction.

1. The utility companies will locate any existing underground utilities and structures within the site limits.

2. The Contractor, prior to the start of construction, shall verify the location of any existing underground utilities and structures within the site limits. It is the Contractor's responsibility to make any and all exploratory investigation, by hand excavation, which may be necessary to verify or locate the utility pipes, wires, structures and appurtenances of others.

PART 2 - MATERIALS

2.01 BACKFILL MATERIALS:

A. Granular material, where required, shall comply with Article 211.02 of the INDOT Standard Specifications. Maximum stone size shall not exceed one inch (1") or the maximum size recommended by the pipe manufacturer, whichever is smaller.

B. Backfill and bedding for trenches shall consist of the various materials classified below as specified herein:

Class I: Angular, one fourth (1/4) to one half (1/2) inch graded stone such as crushed stone or number nine (#9) coarse aggregate as defined by Article 904.02 of the INDOT standard specifications.

Class II: Coarse sands and gravel with maximum particle size of one and one half inches (1 ½"), including various grades of sands and gravel containing small percentages of fines, generally granular and noncohesive, either wet or dry. Soil types GW, GP, SW, and SP are included in this classification.

Class III: Fine sand and clayey gravel including fine sands, sand-clay mixtures and gravel-clay mixtures. Soil types GM, GC, SM, and SC are included in this class.

Class IV: Silt, silty clays and clays, including inorganic clays and silts of medium to high plasticity and liquid limits. Soil types MH, ML, CH, and CL are included in this class.

C. Crushed stone materials shall be No. 53 complying with Article 904.02 of the INDOT Standard Specifications.

2.02 PIPE MATERIALS:

For the purpose of these specifications and as shown on the plans, rigid pipes and conduits shall include those made of steel, ductile iron, cast iron, concrete and vitrified clay. Flexible and semi-rigid conduits and pipes shall include those made of PVC, FRP, Polyethlyne, and other materials and determined by the Engineer.

PART 3 - EXECUTION

3.01 GENERAL:

A. All work shall conform to the requirements of all local, state and federal agencies having jurisdiction and the requirements of these specifications. A-10

3.02 GENERAL TRENCHING:

A. Not more than three hundred feet (300') of trench shall be opened at any time with not more than one hundred feet (100') opened in advance of the completed pipe laying operation.

B. Surface encumbrances, located so as to create a hazard to employees involved in excavation work or in the vicinity thereof at any time during operations, shall be removed or made safe before excavating is begun.

C. During excavation, material satisfactory for backfilling shall be stockpiled in an orderly manner at a distance from the banks of the trench sufficient to avoid

overloading and to prevent slides and cave-ins. Adequate drainage shall be provided for the stockpiles and surrounding areas by means of ditches, dikes, or other suitable methods. The stockpiles shall also be protected from contamination with unsatisfactory excavated material or other material that may destroy the quality and fitness of the suitable stockpiled material.

D. Grading shall be done. as may be necessary to prevent surface water from flowing into the excavation, and any water accumulating therein shall be removed so that the stability of the bottom and sides of the excavation is maintained. In wet trenches dewatering equipment shall be operated ahead of pipe laying and the water level kept below the pipe invert.

E. Excavation work shall be performed in accordance with all applicable provisions of the OSHA standards for trench and excavation safety and as recommended by the pipe manufacturer.

F. Excavation for manholes or similar structures shall be sufficient to leave at least twelve inches (12") clear between the outer structure surfaces and the face of the excavation or support members and be of sufficient size to permit the placement and removal of forms for the full length and width of structure footings and foundations. When concrete is to be placed in an excavated area, special care shall be taken not to disturb the bottom of the excavation. Excavation to the final grade level shall not be made until just before the concrete is to be placed.

G. Dust conditions shall be kept to a minimum by the use of water. The use of salt, or calcium chloride will not be permitted.

3.03 REMOVAL OF EXCAVATED MATERIALS:

A. As trenches are backfilled, the Contractor shall remove all surplus material, regrade and leave clear, free and in good order all roadways and sidewalks affected by the construction. During the progress of and until the expiration of the guarantee period, he shall maintain in good and safe conditions the surface or any street over the trenches and promptly fill all depressions over and adjacent to trenches caused by settlement of backfilling.

3.04 PAVEMENT REMOVAL:

A. Where necessary, the Contractor shall remove existing street pavements, driveways. curbs and sidewalks to the minimum width necessary to accommodate the sewer construction work and compaction equipment. Asphalt and concrete surfaces shall be cut and removed to straight lines parallel to the trench and joints to joints of pavements if possible.

3.05 PROTECTION AND CARE OF EXISTING FACILITIES:

A. All poles and overhead utility wires, fences, sidewalks, curbs, signal lights, mail boxes, road or street signs, culverts, building, and other surface structures shall be protected and preserved by the Contractor and shall be repaired, replaced, or otherwise restored to a condition equal to or better than they were before the

work was started. All water and gas mains and service; sewers and sewer services; drains, petroleum pipes, buried electric, telephone, television, telegraph and signal cables and conduits; manholes, storm water inlets, foundations and other subsurface structures shall be properly supported and protected during construction and left in a condition equal to or better than they were before the work started. Fire hydrants shall remain accessible to fire department personnel at all times.

3.06 STRUCTURES ENCOUNTERED:

A. The Contractor shall contact the Owners of the various utilities of facilities in the project area prior to the start of construction for the location of the various utilities or facilities. The Contractor shall take the necessary steps and actions to determine the exact location of underground utilities and facilities, and shall exercise sufficient care during construction to prevent damage to said utilities and facilities.

B. If, during the course of construction, it becomes necessary to relocate any water main, gas main, telephone cable or conduit, cable television, or electric line, it shall be the responsibility of the utility company involved to make the necessary relocation. However, the Contractor shall assume all risk and liability for any inconvenience, delay, or damage sustained by him due to any interference from the said underground utility or the operations of moving them.

C. Where existing sanitary and storm sewers exist which are in conflict with the construction of the proposed pipe, the Contractor shall relocate, or temporarily remove and reconnect said conflicting sewers. Contractor shall be responsible for properly handling any flow in said sanitary or storm sewers during the work. In either case, sewer shall be returned to a condition equal to or better than the condition at the start of construction. Water lines hall remain above all sanitary sewers and approved spacing distances shall be maintained.

D. All culverts, which are in conflict with the construction shall be relocated, or temporarily removed and relocated. Contractor shall be responsible for properly handing any flow through said culverts during the construction.

3.07 COVERING ENDS:

A. Before leaving the work for the night, during a storm, or for any other reason, care must be taken that the unfinished end of any pipe is securely closed with a tightly fitting cover or plug. Any earth or other material that may find entrance into the pipe, through any such open end of an unplugged pipe shall be removed at the Contractor’s expense.

3.08 STABILIZATION:

A. If portions of the bottom of trenches or excavations consist of material unstable to such a degree that, it cannot adequately support the pipe or structure, the bottom

shall be over-excavated and stabilized with granular material in compliance with Articles 211.02 and 211.04 of the INDOT Standard Specifications.

3.09 SHEETING AND BRACING:

A. Sheeting and bracing shall be placed in the trench, as may be necessary for the safety of the work and public, for the protection of the workmen, adjacent properties, and for the proper installation of the work in accordance with all applicable provisions of the OSHA standards.

B. Sheeting and/or bracing shall be progressively removed as the backfill is placed in such a manner as to prevent the caving in of the sides of the trench or excavation, and to prevent damage to the work.

C. Sheeting which is placed for the protection of the public, adjacent properties, or structures shall not be removed until the backfill has been placed and thoroughly compacted. While being removed, all vacancies left by this sheeting shall be carefully filled with sand free from silt, rammed into place, puddled or otherwise

3.10 PIPE BEDDING:

A. RIGID PIPE AND CONDUIT: All rigid conduit and pipe shall be laid to the lines and grades shown on the plans, unless otherwise directed by the Engineer. All rigid conduit and pipe shall be bedded in compacted Class I or II material, placed on a flat trench bottom. The bedding shall have a minimum thickness of four inch (4") or one-fourth (1/4) the outside pipe diameter below the pipe and shall extend halfway up the pipe barrel at the sides. All material shall be placed in the trench in approximately six inch (6") layers. Each layer shall be leveled and evenly distributed on both sides of the pipe so as not to disturb, displace or damage the pipe and shall be thoroughly compacted. When Class I or II materials are used, compaction may be accomplished by hand or

mechanical tamping. Bedding from the halfway point on flat pipe to a point six inches (6") above the top of the pipe shall be a Class I, II, III, or IV material placed in six inch (6") layers and thoroughly compacted to prevent settlement. Class III and IV material shall not be used when the trench is located in an area subject to vehicular traffic.

B. FLEXIBLE AND SEMIRIGID CONDUIT: All flexible and semirigid pipe shall be laid to the lines and grades shown on the plans, unless otherwise directed by the Engineer. All flexible and semirigid conduit shall be bedded in compacted Class I or Class II materials, placed on a flat trench bottom. The bedding shall have a minimum four inch (4") thickness or one-four (1/4) the outside pipe diameter below the pipe and shall extend to six inches (6") above the tope of the pipe level the full width of the trench. All material shall be placed in the trench in a maximum of six inch (6") layers (before compaction). Each layer, shall be leveled and evenly distributed on both sides of the pipe so as not to disturb, displace or damage the pipe and shall be adequately compacted. When Class I materials are used compaction may be accomplished by hand or mechanical tamping. When Class II materials are used compaction shall be accomplished only by hand or mechanical tamping to a minimum eighty-five percent (85%) Standard Proctor Density.

3.11 BACKFILLING:

A. AREAS NOT SUBJECT TO VEHICLE TRAFFIC.

1. For purposes of this specification, trenches shall be considered subject to vehicular traffic if any portion of the excavation is located within four feet (4') of a roadway or alley.

2. The trench between a level six inches (6") above the top of the pipe and the ground surface shall be backfilled with Class I, II, III, or IV materials. The Contractor shall consolidate the backfill by the back and forth travel of a suitable roller, wheeled device or other similar heavy equipment until no further settlement is obtained. Heavy equipment shall not be used until there is a cover of not less than three feet (3') over the pipes. To assist in promoting maximum settlement, the surface of the trench shall be left in a slightly convex condition. Periodical dressing of the backfill in the trench to promote the drainage and safety conditions shall be made during the course of the contract as required or ordered by the Engineer.

B. AREAS SUBJECT TO VEHICLE TRAFFIC

1. The trench between a level of six inches (6") above the top of the pipe and the surface, which are located in areas subject to vehicular traffic, shall be backfilled with Granular Backfill materials, deposited in maximum lifts of eight inches (8"). Each layer shall be thoroughly compacted by mechanical tamping to

not less than ninety-five percent (95%) density as determined by the Proctor Test (ASTM D-698).

2. Granular backfill materials shall terminate at a point below finished grade. sufficient to allow placement of the permanent surface materials. Where the permanent surface is asphalt or concrete the aggregate base thickness shall be the specified thickness of the pavement material plus six inches (6").

3. For portions of the trench surface not subject to traffic the backfill material shall end six inches (6") below the finished grade. This six inch (6") depth shall be filled with good top soil and seeded in accordance with these specifications.

C. No fill shall be placed against any manhole or other structure until placed concrete has been allowed to cure for at least three (3) days. Backfill shall be placed in such a manner that the structure will not be damaged by shock from falling earth. The backfill material shall be deposited and compacted as specified for final backfill, and shall be placed in such a manner as to prevent eccentric loading and excessive stress on the structure.

D. All buried utilities except water and sewer shall be protected by a plastic tell-tale at leastten inches (10") above.

3.12 COMPACTION TESTING:

A. Sampling and testing shall be the responsibility of the Contractor. Tests shall be performed by an approved commercial testing laboratory or may be tested with approved facilities furnished by the Contractor.

B. Laboratory tests for moisture-density relations shall be determined in accordance with ASTM D-698. A minimum of one test shall be performed on each different type of material used for backfill.

C. Field In-Place Density Tests:

1. Shall be performed in sufficient numbers to ensure that the specified compaction is being obtained. A minimum of one (1) test per lift of backfill for every five hundred feet (500') of installation shall be performed.

2. Shall be determined in accordance with ASTM D-1556, ASTM D-2167, or ASTM D-2922. When ASTM D-2922 is used, the calibration curves shall be checked and adjusted using only the sand cone method as per ASTM D-1556. ASTM D-2922 results in a wet unit weight of soil and when using this method, ASTM D-3017 shall be used to determine the moisture content of the soil. The calibration curves furnished with the moisture gauges shall be checked along with density calibration checks as described in ASTM D-3017. The calibration checks of both the density and moisture gauges shall be made at the beginning of a job and on each different type of material encountered.

D. All test results shall be submitted to the Town.

E. Trenches improperly compacted shall be reopened and then refilled and compacted to the density specified. Field in place density tests shall also be repeated for improperly compacted trenches that are reopened, refilled and recompacted.

ARTICLE IV

STORM SEWER SYSTEMS

SECTION A - STORM SEWERS

PART I - GENERAL

1.01 DESCRIPTION:

A. This section describes the materials and installation required for storm sewer piping systems.

B. Non-watertight joints will be allowed in this Article. Hydrostatic or air testing will not be required for storm sewers unless excessive leakage is suspected.

C. This specification covers the following types of materials for storm sewers:

1. Reinforced concrete pipe and fittings.

2. Polyvinyl chloride pipe (PVC).

3. Corrugated metal pipe.

4. Perforated under drain pipe.

1.02 PIPE INDENTIFICATION:

A. Each length of pipe shall bear the name of the manufacturer, location of the plant, and the date of manufacture. Each length shall likewise be marked to designate the class or strength of the pipe. The marking shall be made on the exterior or interior of the pipe barrel near the end and shall be plainly visible.

PART 2 - PRODUCTS

2.01 REINFORCED CONCRETE PIPE AND FITTINGS:

A. All concrete pipe shall conform to ASTM C76, "Reinforced Concrete Culvert Storm Drain and Sewer Pipe".

B. All concrete pipe shall be Class III, wall B, unless otherwise approved by the Town.

C. All reinforced concrete pipe joints shall be spigot groove type joint with O-ring gasket conforming to the ASTM C443 "Joints for Circular Concrete Sewer and Culvert Pipe, Using Rubber Gaskets".

D. Precast reinforced concrete end sections shall be in accordance with the cited specifications to the extent which they comply. End sections shall be sized to match the pipe.

2.02 POLYVINYL CHLORIDE PIPE (PVC):

A. PVC Pipe four inch (4") through fifteen inch (15") in diameter.

1. All PVC Pipe four inch (4") through fifteen inch (15") in diameter shall conform. to ASTM D-1784, Rigid Poly (Vinyl Chloride) and Chlorinated Poly (Vinyl Chloride) Compounds" and either:

a. ASTM F-794, “Poly (Vinyl Chloride) (PVC) Ribbed Gravity Sewer Pipe and Fittings Based on Controlled Inside Diameter",

b. ASTM F-949, “Poly (Vinyl Chloride) (PVC) Corrugated Sewer Pipe with a Smooth Interior and Fittings", or

c. ASTM D-3034, "Type PSM Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings”.

2. PVC sewer pipe shall be SDR 35 with cell classification of 12454-B or 12354C.

3. Pipe joints shall be push-on type conforming with ASTM D-3212 "Joints for Drain and Sewer Plastic Pipes using Flexible Elastomeric Seals". B. PVC pipe eighteen inch (18") through forty-eight inch (48") in diameter.

1. All PVC pipe eighteen inch (18") through forty-eight inch (48") in diameter shall conform to ASTM D-1784, "Rigid Poly (Vinyl Chloride) and Chlorinated Poly (Vinyl Chloride) Compounds and either:

a. ASTM F-94, “Poly (Vinyl Chloride) (PVC) Ribbed Gravity Sewer Pipe and Fittings based on Controlled inside Diameter”,

b. ASTM F-949, “Poly (Vinyl Chloride) (PVC) Corrugated Sewer Pipe with a Smooth Interior and Fittings", or

c. ASTM F-619, “Poly (Vinyl Chloride) (PVC) Large-Diameter Plastic Gravity Sewer Pipe and Fittings", for sizes eighteen inch (18") to twenty-seven inch (27") only.

2. Pipe shall be made from PVC compounds with a minimum cell classification of 12364A.

3. Pipe joints shall be push-on type conforming with ASTM D-3212.

C. Gaskets shall be factory installed and chemically bonded to the bell end of the pipe.

2.03 CORRUGATED METAL PIPE (CMP):

A. Corrugated Metal Pipe shall be aluminum-zinc-coated steel manufactured in accordance with ASTM A-806 "Aluminum-Zinc-Coated Steel Sheet (by Hot-Dip Process) for Storm Sewer/Drainage Pipe".

B. When required by the Drawings, bituminous coating for corrugated steel pipe shall meet the requirements of ASTM A-849 "Post-Coated (Bituminous) Corrugated Steel Sewer and Drainage Pipe".

C. End sections for CMP sewers or culverts shall be of the same material as the pipe. End sections and coupling bands shall be suitable for the pipe size specified. Band couplers shall have corrugations that mesh with the corrugations of the pipe.

D. Fittings such as stub-tee connections or saddles shall be shop fabricated.

2.04 PERFORATED UNDER-DRAIN PIPE:

A. Perforated under-drain pipe shall be corrugated polyethylene tubing manufactured in accordance with ASTM F-405 or ASTM F-667 (ten inches (10") to fifteen inches (15") only).

B. Under-drain piping shall be bedded with gravel or selected bedding material.

PART 3 - EXECUTION

3.01 GENERAL CONSTRUCTION REQUIREMENTS:

A. Before installing piping, the Contractor shall carefully verify location, depth, and type of joint needed and size of pipe to which connection is proposed. Contractor shall verify that the lines can be run as contemplated without interfering with footings, walls, other piping, fixtures, etc.

B. All lengths of pipe shall be dimensioned accurately to measurements established at the site and shall be worked into place without springing or forcing. Cut sections of pipe shall be de-burred.

C. Utmost care shall be exercised in transporting and handling all pipe, fittings, valves, etc., in order to avoid shock and damage to pipe and coatings. Lifting shall be by joist or skids when hand lifting is not feasible. Dropping of the pipe will not be permitted. Pipe must not be rolled against pipe already on the ground. Damaged or defective pipe and appurtenances shall be replaced.

D. The pipe shall be thoroughly cleaned before being laid and kept clean during construction.

E. The Contractor shall cut all pipe and drill all holes that may be necessary.

F. Pipe trenching and backfill shall be performed in accordance with Article I , Section C.

SECTION B - INLETS AND CATCH BASINS

PART 1 - GENERAL

1.01 DESCRIPTION:

A. The work of this section shall include the manufacturing and installation of pre-cast concrete storm sewer inlets and catch basins as detailed and specified herein.

1.02 DELIVERY, STORAGE AND HANDLING:

A. Pre-cast concrete structures shall be delivered to the site complete and in structurally sound condition. The Contractor shall take proper care in moving the structures to prevent cracking, breaking or otherwise damaging the structure.

PART 2 - PRODUCTS

2.01 GENERAL:

A. All pre-cast concrete structures to be used on the project shall be structurally sound and free of defects. Any spalled concrete or voids shall be properly repaired using equivalent strength grout and properly cured before placement. Structures showing excessive cracking or damage should be rejected and shall be replaced at the discretion of the Town.

2.02 CONCRETE STRENGTH:

A. All concrete used in the production of pre-cast inlets and catch basins shall have a minimum compressive strength of four thousand (4,000) psi at twenty-eight (28) days.

2.03 INLETS AND CATCH BASINS:

A. All pre-cast inlets and catch basins shall be manufactured in accordance with ASTM C-478 and the Indiana Department of Transportation (INDOT) "Standard Specifications".

B. Reinforced concrete pipe used as inlets or catch basins shall meet the requirements for concrete storm sewer pipe specified in Section A, paragraph 2.01 above.

C. Where practical, inlets and catch basins shall be of standard size and dimensions as identified by the INDOT standards.

2.04 CASTINGS:

A. If castings for inlets and catch basins are specified and are of either gray or ductile iron, then metal used in the manufacture of castings shall conform to ASTM A-48 Class 35B for gray iron or ASTM A-536 Grade 65-45-12 for ductile iron.

B. Castings shall be of uniform quality, free from blowholes, shrinkage, distortion orother defects.

C. Castings placed in roadways, drives, or other locations subject to vehicular traffic shall be heavy duty type, suitable for the applicable loadings.

PART 3 - EXECUTION

3.01 INSTALLATION:

A. Storm sewer inlets and catch basins shall be of the size and type shown on the plans and as detailed herein. Structures shall be installed level and true to grade.

B. Excavation and backfill for inlets and catch basins shall be in accordance with Article I**,** Section B. All structures shall be placed on a leveling surface consisting of a minimum of four inch (4") of stone or "B" borrow.

C. Where structures are placed in pavement areas or areas which may be paved in the future, the height of the casting shall be determined by the depth of pavement.

D. Inlet and outlet pipes shall extend beyond the structure walls a sufficient distance to allow for connections to the storm sewer system. Pipes shall be installed beyond the interior wall face and installed with anti-seep collars as to prevent leakage. All flow lines shall be grouted.

E. All piping shall be backfilled a minimum of six inches (6") of #8 washed gravel above the top of the pipe and along each side of the pipe.

ARTICLE V

CONSTRUCTION STANDARDS AND SPECIFICATIONS FOR STREETS AND DRAINAGE

I. DESIGN REQUIREMENTS:

A. The design of all street pavements, curbs, sidewalks, and drainage improvements shall meet the criteria specified in these design standards and to those listed in the following specification. Referenced specifications are to be the current edition.

1. Indiana Department of Highways (IDOH) Standard specifications.

2. American Association of State Highway Officials (AASHTO) Standards. B.

Minimum Pavement Design Standards:

1. Minimum Designs of Street Pavements Shall be as Follows:

Street Designation

Type of Payment	Arterial or Heavy Industrial **	Urban Collector or Light Industrial	Residential Collector	Residential
CONCRETE Uniform Thickness	8"	7"	6"	5"
FLEXIBLE # 1 H.A.C. Surface	2"	1 ½"	1 ½"	1 ½"
H.A.C. Base	14"	12"	10"	8"
FLEXIBLE # 2 H.A.C. Surface	1 ½"	1"	1"	1"
H.A.C. Binder	6"	5"	4"	3"
Comp. Aggregate Base	17"	15"	12"	10"

**See Section IV Special Requirements for Industrial and Commercial Subdivisions.

C. Grades

1. The maximum grade for local streets and cul-de-sacs shall be twelve percent (12%).

2. The maximum grade for all other streets shall be six percent (6%).

3. The minimum grade of concrete streets shall be point three percent (0.3%).

4. The minimum grade of all other types of streets for ditches shall be point four percent (0.4%).

2. MINIMUM STANDARDS FOR STREET DESIGN:

A. Minimum Widths:

1. Where local streets are designed to serve two and one-half (2 1/2) dwelling units or less per acre of ground, the minimum width pavement, includes curbs and gutters, shall be twenty-seven feet (27') measured back-to-back of curbs.

2. Where local streets are designed to serve for more than two and one-half (2 1/2) dwelling units per acre of ground, the minimum width of pavement including curbs and gutters, shall be thirty feet (30') measured back-to-back of curbs.

3. Where a waiver is granted to permit local streets to be constructed without curbs and gutters, the minimum width of pavement shall be thirty-two feet (32') including four foot (4') shoulders of compacted aggregate on each side.

4. The minimum width for a local street right-of-way shall be fifty feet (50') where curbs and gutters are constructed and sixty (60') where curbs and gutters are not constructed.

5. The minimum width for a collector or light industrial street right-of-way shall be sixty feet (60'), and the minimum width of pavement including curbs and gutters shall be forty-four feet (44').

6. The minimum width for an arterial or heavy industrial street right-of-way shall be eighty feet (80'), and the minimum width of pavement including curbs and gutters shall be forty-eight feet (48').

B. Visibility Requirements:

1. Minimum vertical visibility measured from four and one-half feet (4 ½') (eye level) to eighteen inches (18") (taillight) height, within traveled lanes shall be:

a. Three hundred feet (300') on arterial.

b. Three hundred feet (300') feet on collector streets.

c. Two hundred feet (200') on local streets, marginal access streets and cul-de-sacs.

d. One hundred feet (100') feet on streets shorter than five hundred feet (500').

2. Minimum horizontal visibility measured on center line shall be:

a. Two hundred feet (200') on arterials and collector streets.

b. One hundred feet (100') on all other streets.

C. Intersections:

1. Street curbs or edges on street pavement shall be rounded by radii of sufficient length to permit smooth flow of traffic.

2. Street intersections shall be as nearly at right angles as is possible, and no intersection shall be an angle of less than sixty (60) degrees.

3. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall not be permitted.

D. Site Distances at Intersections:

1. No fence, wall hedge or shrub planting which obstructs sight lines at elevations between two feet (2') and six feet (6') above the street, shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting twenty-five feet (25') from the intersection of said street lines, or in case of a rounded property corner, from the intersection of the street lines extended. The same sight line limitations shall apply to any lot within ten feet (10') from the intersection of a street line with the edge or a driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such lines.

E. Curbs and Gutters:

1. Curbs and gutters shall be required for all streets unless a waiver is granted.

2. Curbs and gutters may be in integral concrete curb of combined curb and gutter type and may be designed with either straight or rolled face.

F. Sidewalks:

1. Wherever a proposed subdivision lies adjacent to or between other subdivisions where sidewalks have been constructed, or wherever the

proposed subdivision will average two and one-half (2 ½) dwelling units or more per acre of ground, sidewalks shall be constructed on both sides of the street unless a waiver is granted.

III. MINIMUM STANDARDS FOR STREET CONSTRUCTION A.

General Requirements:

1. Minimum requirements for street construction shall be in accordance with "Standard Specification" of the Indiana Department of Highways, 1988 Edition and Supplemental Specifications, unless otherwise required by this Ordinance.

B. Preparation of Subgrade for Street Pavement:

1. After all earth work is substantially complete and all drains installed, the subgrade shall be brought to the lines and grades shown on the plans or as may be otherwise approved in accordance with these standards.

2. Unless otherwise provided, the upper six inches (6") of all subgrade shall be uniformly compacted to at least ninety-five percent (95%) standard density as determined by the provisions of AASHTO T99, "Compaction and Density of Soils". During subgrade preparations and after its completion, adequate drainage shall be provided at all times to prevent water from standing on the subgrade. Sub grade shall be so constructed that it will have as nearly as possible uniform density throughout. After compaction and final grading, the subgrade shall be finished with a three-wheel roller weighing not less than ten (10) tons. At areas not accessible to the roller, the required compaction shall be obtained with mechanical tamps or vibrators.

All sort yielding or otherwise unsuitable material which will not compact properly shall be removed. All rock encountered shall either be removed or broken off to conform with the required cross-section. Any holes or depressions resulting from the removal of such unsuitable material shall be filled with satisfactory material and compacted to conform with the surrounding subgrade surface. No placement of pavement shall be permitted on uninspected or unapproved sub grade and at no time when the sub grade is frozen or muddy. No hauling shall be done nor equipment moved over the subgrade when its condition is such that undue distortion results. If these conditions are present and equipment must cross the subgrade, the subgrade shall be protected with adequate plank runways, mats or other satisfactory means if hauling is done thereon.

The subgrade shall be prepared sufficiently in advance to permit proper inspection prior to paving so that the final elevation may be checked with a scratch template and compaction checked.

All utility excavations under the pavement shall be backfilled with Grade "B" borrow or FLOWABLE MORTAR and construction shall conform to Section 211 or Section 213 of the Standard Specifications or compacted thoroughly by other means. These locations shall be shown on the construction drawings as submitted to the approving authority.

C. Rigid (Plain Concrete) Pavement Construction:

1. The subgrade shall be properly dampened just prior to the placement of the concrete where it has become dry. Plain cement pavement shall generally be in

accordance with Section 501 of the Standard Specifications with the following exceptions:

a. Concrete may be placed with light paving equipment, vibratory strikeoffs, or hand methods as long as a satisfactory surface is obtained; b Maximum slump will be four inches (4");

c. Keyway joints may be semi-circular in section;

d. Texturing shall be by brooming or an acceptable surface drag material;

e. Variations of more than three-eights inch (3/8") from a ten foot (10') straight edge shall be corrected;

f. Pavements may be opened to traffic when compressive strength reaches at least three thousand (3000) psi.

2. Material shall comply with requirements for Class A Concrete of the Standard Specifications.

3. Weakened plane, transverse, contraction joints spacing shall not exceed:

a. Twenty (20') feet - eight inch (8") Pavement

b. Seventeen (17') feet - seven inch (7") Pavement

c. Fifteen (15') feet - six inch (6") Pavement

d. Twelve (12') feet - five inch (5") Pavement

Transverse contraction joints may either be formed or sawed dummy groove, ribbon or pre-molded strip type, and shall be one-fourth (1/4) the pavement depth.

When transverse joints are to be formed by sawing, care must be taken to saw the grooves soon after placing the concrete to prevent the formation of cracks due to contraction of the slab.

4. One of the above named joints shall be placed at every catch basin and manhole in line of pavement. The location of manholes, etc., in the pavement shall determine the exact location of the joints. All joints shall extend throughout curbs to full width of pavement.

5. Transverse expansion joints shall be placed at Tee intersections, tangent points of sharp curves, and wherever else shown on the plans.

6. Whenever the width between forms of the pavement under construction is greater than thirteen and one-half (13 ½) feet, longitudinal joints shall be constructed so as to divide the pavement into strips not to exceed thirteen and

one-half (13 ½) feet each. This may be accomplished by sawing or by installing a slot or groove as herein described for contraction joints.

7. Joint Filler. The joint filler for joints shall be equal to W. R. Meadows #164 Hot-Pour Rubber-Asphalt Sealer or Crafco Road Saver 211 Hot-Pour RubberAsphalt Sealer.

8. White membrane curing compound ASTM C-309 will be properly applied to give complete coverage immediately after finishing.

D. Flexible Pavement Construction

1. Pavement shall be constructed in accordance with the requirements of Section 401 of the Standard Specifications. Pavement shall be full-depth hot asphaltic concrete unless otherwise approved.

2. Where the approval has been granted allowing collector streets or local streets to be constructed with a compacted aggregate base, the base shall be placed on the prepared subgrade, compacted, primed, and covered with binder before being contaminated by construction traffic.

3. Materials and construction procedures shall comply with the requirements of Sections 303 and 403 of the Standard Specifications.

E. Curbs and Gutters and Sidewalks

1. Materials shall comply with the requirements for Class A Concrete of the Standard Specifications. Construction methods shall be in accordance with Sections 604.03 and 605.04.

2. Slipforming will be permissible.

F. Shoulders, Side Slopes and Ditches

1. All shoulders, side slopes and ditches shall be prepared in accordance with Section 208 of the Standard Specifications and construction plans required to be submitted by the applicant.

2. All shoulders, side slopes and ditches shall be protected from erosion by either sodding or seeding as set forth in Section 621 of Standard Specifications and as shown on the approved erosion control plan submitted by the applicant.

3. Side slopes having a grade in excess of two(2) to one (1) shall be protected by hand-laid riprap in accordance with Section 616.02 (c) of the Standard Specifications, and approved construction plans submitted by the applicant.

4. Ditches having a grade between three percent and five percent (3-5%) shall have a gutter consisting of sod, or if in excess of five percent (5%) shall have a gutter consisting of concrete of stone as shown on the approved construction plans submitted by the applicant.

E. Culverts

1. Culverts shall be constructed and installed wherever necessary, to provide adequate drainage without excessive headwater in accordance with the approved construction plans and specifications submitted by the applicant.

2. The location, size, and inlet and outlet elevations of each driveway culvert shall be determined at the time of the improvement location and building permit application. The minimum size of such culverts shall be twelve (12") inches in diameter but in no case less than that specified by the that specified by the approved construction plans and specifications submitted by the applicant. Minimum cover over any culvert will be twelve (12") inches or onehalf (1/2) the diameter of the culvert, whichever is greater.

IV. SPECIAL REQUIREMENTS FOR INDUSTRIAL AND COMMERCIAL SUBDIVISIONS

A. General

1. Where streets are designed to serve industrial or commercial subdivisions or sites, or other developments requiring service by many heavy commercial vehicles, the minimum thicknesses will be appropriate for the anticipated traffic.

2. Right industrial streets with heavy commercial vehicles in excess of one hundred (100) per day in any lane will be designed as Collectors or Arterials.

3. Heavy industrial streets with heavy commercial vehicles in excess of two hundred (200) per day in any lane will be designed as Arterials.

4. Special pavement requirements for traffic conditions in excess of minimum Arterial design standards for heavy commercial vehicles of four hundred (400) per day will be determined by on an individual case basis.

5. Heavy commercial vehicles- (HVC) are defined as two-axle, six-tired and heavier trucks.

V. TESTING

A. Core samples of all concrete or asphalt pavement at the rate of one (1) per one thousand (1000) lane feet (one (1) thirty foot (30') wide street equals two (2) lanes) will be required. The initial core costs shall be paid by the Contractor. If the initial cores indicate pavement which is thin or of insufficient strength, additional testing will be performed to isolate the inferior sections. The additional testing costs shall also be paid for by the Contractor. The results of the additional testing will determine what corrective action shall be done to bring the concrete pavement into compliance.

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TITLE

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RESIDENTIAL STREET

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RESIDENTIAL STREET

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PAVEMENT CROSS SECTIONS - JOIN LOCATION

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CONCRETE PAVEMENT - PLAN OF JOIN LOCATION

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JOINT DETAILS

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CURB DETAILS

STRUCTURE DETAILS

ARTICLE V

CONSTRUCTION STANDARDS FOR STREETS

SECTION A - STREETS AND ROADS

PART 1 - GENERAL -

1.01 DESCRIPTION:

The work of this section includes the supply of all materials, labor, and equipment required to construct all streets and roads.

1.02 QUALITY ASSURANCE:

All materials used shall be new, of minimum quality as specified . herein. Material testing and certification documents shall be made available to the Town or; its agents upon request. This information shall include, but not be limited to, materials testing reports, gradation analysis, and manufacturers certifications.

PART 2 - PRODUCTS -

2.01 GENERAL:

All materials used in construction of streets and roads shall meet the requirements of the latest revision of the Indiana Department of Transportation (INDOT) Standard Specifications.

PART 3 - EXECUTION -

3.01 GENERAL:

A. Streets and roads shall be installed in accordance with all applicable construction standards and practices of the INDOT Standard Specifications, and as detailed herein.

B. In addition to these standards, construction shall be performed as outlined in Chapter V "Local Roads and Streets" of the Association of State Highway and Transportation Officials *(*AASHTO*)* geometric design policies. Where conflict exists between these standards and AASHTO design policies, these standards shall take precedence.

ARTICLE VI
MISCELLANEOUS

SECTION A - STREET LIGHTING

PART 1 - GENERAL -

1.01 DESCRIPTION

A. This section includes the material and labor required for installing electric street lighting for commercial and residential subdivisions as specified herein. Street lighting shall be exterior grade luminaries and post with suitable ornamental style and finish to enhance developments and provide for security.

PART 2 - PRODUCTS -

2.01 LIGHTING FIXTURES

A. Lighting fixtures shall be pole mounted luminaries made of cast aluminum. All components including fixtures, ballasts, and lamps shall be U.L. or ETL listed for outdoor use and operated on 120 volt power.

B. Lamps shall be long lasting, high efficiency high pressure sodium type, 150 watts minimum output.

C. Fixtures shall include ballasts rated for -30 degrees F operating temperature, photo electric cell, and glass or acrylic refractors.

2.02 POLES

A. Light poles shall be made of cast aluminum 12' high minimum, and mounted to a concrete base. Poles shall be 0.188" minimum thickness and have a colored, factory applied finish.

B. Poles shall be of circular construction with tapered or straight-fluted shaft. Base size shall be suitable for the height and application as recommended by the manufacturer.

C. Poles shall be supplied with proper mounting hardware for attaching the light fixture as specified above.

PART 3 - EXECUTION -

3.01 GENERAL

A. Street lighting shall be required of all commercial and residential subdivisions as

required for security and safety of the public. Lighting shall be adequately spaced in parking lots and along streets as recommended by the Owner. As a minimum, lights shall be place at all street intersections and no more than 300' apart.

B. Lighting shall be connected to common circuits with utility costs paid by the subdivision homeowners association or commercial property owner.

C. Contractor shall provide concrete bases and anchor bolts for support of light poles. Bases may either be flush mounted (in residential areas) or above grade (in parking lots) as recommended for the application and required for safety.

SECTION B - CAST-IN-PLACE CONCRETE

PART I - GENERAL

1.01 DESCRIPTION

A. This section includes the materials equipment, and labor required for placing, finishing, and curing all cast-in-place concrete including roadways, driveways, curbs, sidewalks, thrustblocking, etc.

1.02 CODES AND STANDARDS

A. Work shall be in compliance with the following codes and standards unless more stringent requirements are specified.

1. ACI 301 - Specifications for Structural Concrete for Buildings

2. ACI 305 - Hot Weather Concreting

3. ACI 306 - Cold Weather Concreting

4. ASTM C31 - Making and Curing Concrete Test Specimens in the Field

5. ASTM C33 - Concrete Aggregates

6. ASTM C39 - Test for Compressive Strength of Cylindrical Concrete Specimens

7. ASTM C94 - Ready Mixed Concrete

8. ASTM C143 - Test for Slump of Portland Cement Concrete

9. ASThI CI50 - Portland Cement

11. ASTM C 172 - Sampling Fresh Concrete

12. ASTM C173 - Test for Air Content of Freshly Mixed Concrete by the Volumetric Method

13. ASTM C23l - Test for Air Content of Freshly Mixed Concrete by the Pressure Method

14. ASTM C260 - Air-Entraining Admixtures for Concrete

15. ASTM C494 - Chemical Admixtures for Concrete

16. ASTM C618 - Flyash and Raw or Calcified Natural Pozzolans for Use in Portland Cement Concrete

17. Indiana Department of Transportation Standard Specifications, latest edition

PART 2 - PRODUCTS -

2.01 CLASSES OF CONCRETE

A. Concrete used in the work shall be designated Class" A" or Class "B" on the basis of the minimum twenty-eight (28) day compressive strength developed when tested in accordance with ASTM C39. Class" A" concrete shall develop a minimum compressive strength of four thousand (4,000) pounds per square inch in twenty-eight (28) days. Class "B" concrete shall develop a minimum compressive strength of three thousand (3,000) pounds per square inch in twenty-eight (28) days. Class "A" concrete shall be used for all load bearing or structural concrete such as roads, drives, curbing, and utility structures. Class "'B" concrete shall be used on non-structural items such as sidewalks, thrustblocking, etc.

2.02 PORTLAND CEMENT

A. Different kinds of brands of cement, or cement of tile same brand from different mills, shall not be mixed on the same job.

B. All cement used in concrete for structures which will contain or carry liquids after completion, such as tanks and pipes, shall be air-entraining Portland Cement, conforming with ASTM C150, Type LA. or IIA Air entraining admixtures shall conform to ASTM C260.

C. All oilier cement shall be Portland Cement, conforming to either ASTM: C 150, Type I or Type III

2.03 AGGREGATE

A. AGGREGATE: Concrete aggregate shall conform to Section 904 of the Indiana Department of Transportation Standard Specifications, latest edition. All aggregate shall be stored in an approved manner, which will keep tile aggregate clean and free from foreign substances.

B. FINE AGGREGATE: Shall be natural sand of clean, hard, durable particles and shallconform to the Indiana Department of Transportation Standard Specifications, Size No. 23.

C. COARSE AGGREGATE: Shall be crushed stone or gravel of clean, sound, durable particles and shall conform to the Indiana Department of Transportation Standard Specifications, Class A, Size No.5 or No.8.

2.04 WATER

A. Water used in mixing that is known to be potable quality need not be tested. Any other water used shall be clean, free of oil, salt, acid, alkali, sugar, vegetable, or any other substance harmful to tile finished product. Water will be tested in accordance to the requirements of AASHTO T26.

2.05 ADMIXTURES MAY BE USED IN CONCRETE AS FOLLOWS:

A. AIR-ENTRAINING ADMIXTURE: Shall conform to the requirements of ASTM C260 and shall be added to tile mix in the amount necessary to produce the specified air content. Air-Entraining admixtures shall be Micro-Air by Master Builders, Darex or Airalon by W. R. Grace, or equal.

B. WATER-REDUCING ADMIXTURE: Shall conform to ASTM C494, type A or Type D (water reducing and retarding). Water reducing admixture shall be mixed separately from air-entraining admixtures in accordance with the manufacturer's printed instructions. Water-Reducing admixtures shall be Pozzolith 122-N or LL-960 by master Builders, WRDA with Hycol by W. R. Grace, or equal.

C. POZZALANIC ADMIXTURES: Shall be flyash or raw or calcined material pozzolans meeting tile requirement of ASTM C618 with the exception that the maximum loss of ignition should be less than six percent (6%). Pozzalanic admixtures may be used as a cement substitute with a maximum twenty percent (20%) substitution rate on a pound for pound basis.

2.06 PROPORTIONING CONCRETE MIXES:

A. All concrete shall be proportioned by the Water- Cement Ratio, unless specifically approved otherwise by the Engineer. The water-cement ratio shall be interpreted as the

ration of the total quantity of water, including surface water contained in the aggregate, in lbs., per lbs. of cement. Weight of water based on 62.4 lbs. per cu. ft. at 60°F.

B. Concrete shall be proportioned to give the required workability without exceeding the maximum quantities of mixing water, as follows:

Class of Concrete	Water-Cement Ratio (Ma.x.)	Lbs. of Cement Per Cu. Yd. Concrete Minimum	28-Day Compressive Strength (psi)
"A"	.45	564	4,000
"B"	.55	423	3,000

C. All concrete placed in the work shall have a slump between 3" and 5" when tested in accordance with ASTM Cl43 except that a maximum slump of 6" may be permitted by the Engineer for sections less than 6" thick.

D. All concrete shall include entrained air of not less than 5% nor greater than 7%. Air entraining admixtures shall be required unless air entrained concrete meeting the above requirements is used.

E. Adjustment shall be made to the mix to appropriate the amount of over design as required by ACI 318 Section 4.3.

2.07 RELATED CONCRETE MATERIALS

A. CURING COMPOUND: Shall be non-staining acrylic type curing compound conforming to ASTM C309, Type 1, clear. Curing compound shall in no way be detrimental to the application of sealers, finishes or flooring materials as may be specified.

B. CURING AND SEALING COMPOUND: Shall be non-staining acrylic type curing compound. Conform to ASTM: C309, type 1, clear; Kure-N-Seal as manufactured by Sonneborn or equal as approved by Engineer.

C. JOINT FILLER: Filler for expansion joints shall be ASTM Dl752, type preformed, self-expanding non-extruding strips formed from clean granulated cork particles securely bound together by a non-bitumen synthetic resin of an insoluble nature. Filler material shall be acid resistant and waterproof. Filler shall be W. R. Grace Code 4324 or equal.

D. JOINT SEALANT: Pourable two part polysulfide conforming to USAS A1116.1 and A Thiokol Building Trade Performance Specification Class A (self-leveling) Type II (35-45 Shore A). Sealant shall be W. R. Grace No-Trak or equal.

PART 3 - EXECUTION -

3.01 CONCRETE PLACEMENT

A. SITE CONDITIONS

1. Before placing concrete, the Contractor shall erect and clean all formwork and reinforcement.

2. Prevent groupings and conduits, pipes, and sleeves in concrete that would significantly impair the strength of the concrete.

3. Install all items to be embedded in concrete. Position accurately and secure against displacement. Do not embed aluminum items in concrete.

4. Remove all wood scraps, ice, snow, frost, standing water, and debris from areas in which concrete will be placed.

5. Before fresh concrete is placed against hardened concrete, the Contractor shall re-tighten the forms and clean and moisten the surface of the hardened concrete for bond to the fresh concrete.

6. Thoroughly moisten subgrade on which concrete is to be placed. Do not place concrete on frozen subgrade.

B. MIXING

1. All concrete incorporated in the work shall be trans-mixed in accordance with ASTM C94 for Ready Mix Concrete. Small batches of concrete may be job mixed by the Contractor when approved by the Engineer.

2. Addition of water to the concrete during transport or at the site is strictly prohibited.

3. When placed, the concrete's temperature shall be between 60 and 90 degrees F.

C. PLACEMENT

1. Convey concrete by methods and equipment capable of supplying concrete from mixer to place of final deposit without segregation and such that detectable setting of concrete does not occur before adjacent concrete is placed.

2. Use pumping equipment with sufficient deign and pumping capacity to ensure a practically continuous flow of concrete at the point of discharge without segregation. Water shall not be added in order to facilitate pumping.

3.

Limit vertical drop of concrete to four (4) feet unless appropriate equipment is used to prevent segregation.

4. Do not bear concrete conveying equipment on fresh concrete or reinforcement.

5. After concrete placing has started, the operation shall be carried on continuously until placement of the section is complete. Do not place a greater section of concrete at one time than can be properly finished.

6. Deposit concrete as nearly as practicable to its final position to avoid segregation due to re-handling or flowing.

7. Place concrete at a rate such that the concrete is at all times plastic and flows readily between reinforcement and into comers of forms without segregation.

8. Do not place concrete that has partially hardened, been re-tempered or contaminated by foreign materials.

D. ADVERSE CONDITIONS

1. INCLEMENT WEATHER: Do not place concrete during rain, sleet, or snow unless adequate protection is provided.

2. COLD WEATHER

a. When the air temperature is below 45 of, the Contractor shall use special means in mixring and placing concrete to prevent its freezing. It the air temperature is 35 of or less at the time of placing concrete, the water and aggregate shall be heated to a temperature of between 70°F and 150°F by means of steam or heat prior to being placed in the mixes provided uniform, results are obtained. When either aggregates or water are heated above 100 degrees F, they shall be combined in the mixes prior to adding cement.

b. Heated enclosures or insulation shall be provided as required to maintain the concrete surface temperature between 55 degrees of and 75 degrees of for a minimum of 3 days or until the concrete reaches its specified compressive strength.

c. Provide insulation or temporary backfill to protect all earth supported concrete from damage due to frost heaving.

d. Salt, antifreeze solutions, or other chemicals shall not be used.

3. HOT WEATHER

a. During hot weather, concrete shall not have a temperature which will

cause difficulty from loss of slump, flash set, or cold joints. The maximum temperature of concrete during placing shall be 90 of.

b. Before placing concrete, spray the sub grade, forms and reinforcement with water to keep them cool and to prevent absorption of water from the concrete.

c. Transport, place and finish concrete as quickly as practicable. Plan concrete delivery, placing techniques and consolidation methods to avoid cold joints.

d. Start curing the concrete immediately after finishing operations have been completed.

E. CONSOLIDATION

1. Thoroughly consolidate all concrete with high frequency vibrators, working the concrete thoroughly around reinforcement and embedded items and into corners of forms.

2. Use a sufficient number of vibrators, of appropriate size and type, to provide complete vibration throughout the concrete at the same rate it is placed. Provide at least one spare vibrator at the site for use in case of breakdown.

3. Provide properly spaced vibration of sufficient duration to produce complete consolidation, but not long enough to cause segregation. Continue vibration until mortar begins to puddle at the surface. Remove any excess free water that collects on the surface.

4. Supplement internal vibration with manual consolidation methods and external form vibration as required to produce concrete free of voids, honeycomb and rough surfaces. Vibrate forms in such a way as to avoid form displacement.

3.02 JOINTS

A. CONSTRUCTION JOINTS

1. The Contractor shall determine, in advance, the location of construction joints and arrange for the quantity of concrete to be poured to locate that joint at the position required by the Engineer. Joints shall be shear keyed as required by the Engineer, and shall be provided with dowel bars, lapping 24 diameters on each side of the joint, corresponding to the reinforcement perpendicular to the joint.

2. The joint surface of the new concrete previously hardened shall be kept wet for a period of not less than 30 minutes before the placing of new concrete.

Joints shall be perpendicular to the finished concrete surface.

3.

4. In order to allow for shrinkage, concrete shall not be placed against the second side of the construction joint, including those for columns and walls, for at least 12 hours after placement of the first side.

B. EXPANSION JOINTS

1. Joints shall be straight and true and cleared of all forming materials and debris. Expansion joint material shall be firmly held in place during placing and finishing of the concrete.

2. Reinforcement shall not be continued across expansion joints.

3. Provide joint filler and sealant materials as specified herein.

C. CONTRACTION (CONTROL) JOINTS

1. Construct contraction joints in slabs-on-grade to form panels or patterns indicated on the drawings. Unless otherwise shown, the joint location shall not exceed 30 feet in any direction.

2. Contraction joints shall be made by saw cutting the concrete. Saw cuts shall be 1/8" wide and 1/4" of the slab depth unless otherwise shown. Cutting shall be sufficient to support the weight of the saw and shall be completed before shrinkage stresses becomes sufficient to produce cracking.

3.03 FINISHING AND CURING

A. FINISHING

1. Any defective work discovered after the forms have been removed shall be corrected immediately. All surfaces shall be reasonable free from “honeycombs”, bulging, and aggregate pockets, and excessive depressions or projections. If any defects cannot be repaired satisfactorily in the opinion of the Engineer, the entire defective section shall be removed and replaced by the Contractor at his expense.

2. Immediately after the forms have been removed, all minor depressions resulting from the removal of metal ties, or from other causes, shall be carefully pointed with mortar consisting of 1 part cement and 3 parts sand. The surface film of all such filled areas shall be carefully removed before setting occurs.

3. Sidewalks shall be given a broom finish.

B. CURING

1. All exposed surfaces of concrete shall be satisfactorily cured by keeping

constantly moist for at least the first 5 days after placing. If applicable, alternate methods of curing such as a uniform membrane coating, burlap and straw, waterproof blankets, or other may be used. New concrete shall not be exposed to the sun or permitted to freeze. Concrete, when poured, shall be protected from rain for at least the six (6) hours following the initial set.

3.04 TESTING A.

REPORTS

1. The following information regarding concrete testing shall be provided by written report to the Town with three (3) days of completion of the seven (7) day and twenty-eight (28) day test.

   a. Project identification and portion of structure represented.

   b. Concrete mix class and specified compressive strength requirements.

   c. Weather conditions and air temperature.

   d. Concrete temperature, clump, and air content test results.

   e. Dates of placing and testing.

   f. Method of curing (field or laboratory).

   g. Strength test results.

B. STRENGTH TESTS

1. During the progress of the work, concrete samples shall be taken for the purpose of taking strength tests in accordance with ASTM C 172.

2. A minimum of 4 cylinders shall be taken and cured in accordance with ASTM C311 as follows:

   a. Each 50 cubic yards of concrete.

   b. Each 3,000 square feet of surface area for slabs and walls.

   c. Each class of concrete placed in a day's work.

Test each group of 4 cylinders for compressive strength in accordance with ASTM C39 as follows:

   a. One field cured cylinder to be tested at 7 days.

3.

b. Two laboratory cured cylinders to be tested at 28 days.

c. One spare.

4. The compressive strength shall be defined as the average of the strengths of two (2) cylinders made from the same sample of concrete and tested at twentyeight (28) days.

5. The compressive strength requirements of an individual class of concrete will be considered satisfactory if both of the following requirements are met:

a. The average of all sets of three (3) consecutive strength tests equal or exceed the specified compressive strength.

b. No individual strength test [average of two (2)cylinders] falls below the specified compressive strength by more than 500 psi.

6. If the strength level of an individual class of concrete is found to be unsatisfactory, conduct core testing in accordance with ASTM C 42, impactometer testing or load testing on the area of concrete in question as required by the Engineer. If such additional testing does not produce acceptable results, corrective measures will be required to ensure structural adequacy. Make appropriate adjustments to the concrete mix designs as required.

C. SLUMP TEST: A field slump test shall be taken in accordance with ASTM C143 for each group of cylinders required. Concrete batches which do not meet the specified slump ranges shall not be accepted for placement unless otherwise approved by the Engineer.

D. AIR CONTENT TESTS: One air content test shall be taken in accordance with ASTM C173 or ASTM C231 for each group of concrete cylinders which include air entrainment requirements.

E. NON-CONFORMING CONCRETE: After all testing has been complete, any concrete failing to meet the specified requirements will be rejected and removed and replaced unless otherwise accepted by the Town.

SECTION 4500. OPEN SPACE.

A. Land which is required by this Ordinance to remain as open space may be used for therecreation, agriculture, resource protection, amenity, and other purposes specified in this section. Open space land shall be freely accessible to all residents of a development with the exception land to those solely engaged in agricultural pursuits. This exception used for agricultural uses. Open space land shall not be occupied by

nonrecreational building, roads, or road rights-of-way except as permitted by this chapter nor shall include the yards or lots or single or multi-family dwelling units required to meet the minimum standards or parking areas.

B. All developments required by this Ordinance to provide open space shall meet thefollowing requirements:

1. Land designated as open space shall be maintained as open space and may not beseparately sold, subdivided, or developed except as provided below.

2. An open space plan shall be submitted as a part of this application for a planningcertificate. This plan shall designate and indicate the boundaries of all open space areas required by this Ordinance. The plan shall:

    a. Designate areas to be reserved as open space. The specific design of openspace areas shall be sensitive to the physical and design characteristics of the site.

    b. Designate the type of open space which will be provided.

    c. Specify the manner in which the open space shall be perpetuated,maintained, and administered.

3. The types of open space which may be provided to satisfy the requirements of thisOrdinance, together with the maintenance required for each type, are as follows:

    a. Natural areas are areas of undisturbed vegetation or areas replanted withvegetation after construction. Woodlands, woodland swamps (hydric soils), prairies, wetlands (hydric prairies), and savannah are specific types of natural areas. Maintenance is limited to removal of litter, dead tree and plant materials, and brush. Natural water courses are to be maintained as freeflowing and devoid or debris. Stream channels shall be maintained so as not to alter flood plain levels.

    b. Agricultural uses specified in Section 4104. No specific maintenance isrequired.

    c. Garden plots are the division of open space into plots for cultivation asgardens by residents. Maintenance may be limited to weeding and fallowing.

    d. Recreational areas are areas designed for specific, active recreational usessuch as totlots, tennis courts, swimming pools, ballfields, and similar uses. Recreational areas shall be accessible to all residents of the development. Maintenance is limited to insuring that there exist no hazards, nuisances, or unhealthy conditions.

e. Greenways are linear green belts linking residential areas with other openspace areas. These greenways may contain bicycle paths, footpaths, and bridle paths. Connecting greenways between residences and recreational areas are encouraged. Maintenance is limited to a minimum removal and avoidance of hazards, nuisances, or unhealthy conditions.

f. Lawns consist of grass with or without trees. Maintenance is limited tomowing to insure neatness.

g. Interim open space. Land intended for future development may bedesignated as a holding zone and thus remain vacant until such time as this land is annexed or rezoned as a development district.

4. All designated open space shall be large enough to be usable open space. Theminimum dimension for usable open space shall be ten (10) feet and the minimum area shall be one hundred (100) square feet.

C. Preservation of open space. Open space areas shall be maintained so that their use andenjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof:

1. Dedication of open space to the Town of Shadeland or an appropriate publicagency, if there is a public agency willing to accept the dedication.

2. Common ownership of the open space by a homeowner's association whichassumes full responsibility for its maintenance.

3. Dedication of development rights of open space may be made to an appropriatepublic agency with ownership remaining with the developer or homeowner's association. Maintenance responsibility shall remain with the property owner.

4. Dead restricted private ownership which shall prevent development and/orsubsequent subdivision of the open space land and provide the maintenance responsibility. In the event that any private owner of open space fails to maintain same according to the standards of this Ordinance, the Town of Shadeland, may, in accordance with the Open Space Plan and following reasonable notice and demand that deficiency of maintenance by corrected, enter the open space to maintain same. The cost of such maintenance shall be charged to those persons having the primary responsibility for maintenance of the open space.

D. When the forest preserve district has adopted a greenway, pedestrian, or bike pathwayplan, such pathways shall be provided, at the time of development, on all properties on which such pathways are shown.

SECTION 4600. LAND USE INTENSITY CLASSIFICATION AND BUFFERYARDS.

A. All land uses which are permitted by this Ordinance have been assigned a land useintensity class designation as set forth in the table of land use intensity class standards at Section 4602. This classification system separates uses on the basis of the type and degree of "nuisance" or negative impact they are likely to impose on land uses adjacent to them.

B. In order to minimize any negative effects that a more obnoxious or intensive use willimpose on its neighbors, this Ordinance requires that bufferyards be provided between uses.

C. Commentary: Traditional planning assumes that all uses of a single type (such as an office) always generate the same impacts or have the same levels of nuisance. Based on this assumption, traditional ordinances prescribe a single, unvarying standard for all such uses. Performance planning recognizes that the traditional assumption is erroneous. The office of an insurance agent with a single employee is clearly much different from a four-story rental office building, for example. In this Ordinance, the tremendous variability possible between uses of a single type forms the basis for the land use intensity classification system. Intensity is operationally defined in terms of measurable standards, including impervious surface coverage, building height and bulk, and traffic generation. Each land use intensity class, then, comprises those uses, which, when developed to specified permitted maximum "intensity", have similar "nuisance values".

D. Bufferyards are required to protect one class of use from adverse impacts caused by a usein another class or to ameliorate the impact two uses in the same class may have on one another. This regulation benefits both the developer and the adjoining landowner(s) because it allows the developer several options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice.

E. Each land use is listed in one or more use intensity classes. A use must meet all thestandards specified for that use in Section 4602. The standards which apply to the highest intensity class for a use shall be the maximum intensity permitted for that use. There are standards which set maximum density, impervious surface ratio, floor area, trip/acre during twenty-four (24) hours, height, exterior storage area, and damaged vehicle storage area. In addition, there are standards for road location and access, hours of operation, and site design (including landscaping, lighting, and signs).

SECTION 4601. LAND USE INTENSITY CLASS STANDARDS.

A. In keeping with the concept that performance should be the relevant measure of any land use regulation, the following section classifies uses according to their respective impact (all uses within a use class are considered to have an equal impact on neighboring uses). A developer may develop at an intensity which will minimize nuisances to neighbors or provide a denser bufferyard if the land is developed at greater intensities. The impacts of greater intensity may include greater impervious surface coverage, with associated increase runoff, heat generation, reduced percolation, and open space, increased bulk and height of buildings, increased traffic with associated noise and congestion, signs and exterior lighting visible from neighboring property, late hours of operation, and other nuisance. This, for example, an office use on any lot may meet the standards at intensity class IV, V, VI, VII, or VIII. The range of intensity classes open to a use does not affect whether it

can locate on its lot, but only how it can develop on that lot. Performance standards are specified for each intensity class; exceeding any single standard in an intensity class moves a use to the next higher intensity class. In the event that a use does not appear in the next higher intensity class, it may exceed any single criteria in the highest intensity class in which it is listed.

SECTION 4600. BUFFERYARDS: PURPOSE.

A. The bufferyard is a unit of yard together with the planting required thereon. Both theamount of land and the type and amount of planting specified for each bufferyard requirement of this Ordinance are designed to ameliorate nuisances between adjacent land uses or between a land use and a public road. The planting units required of bufferyards have been calculated to insure that they do, in fact function as "buffers".

B. Bufferyards shall be required to separate different land uses from each other in order toeliminate or minimize potential nuisances such as dirt, litter, noise, glare or lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

C. Commentary: one of planning's most important functions is the division of land uses into districts which ,at least in theory, contain compatible uses. All uses permitted in any district have generally similar nuisance characteristics. In theory, the location of districts is supposed to provide protection, but in practice this is not the case, since uses as diverse as single-family, one-acre lots, highway commercial uses, and general industrial uses can be and are adjacent to one another despite the previous Shadeland planning ordinance. Bufferyards will operate to minimize the negative impact of any use on neighboring uses.

SECTION 4604. LOCATION OF BUFFERYARDS.

A. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

SECTION 4602. TABLE OF LAND USE INTENSITY CLASS STANDARDS.

SECTION 4602. TABLE OF LAND USE INTENSITY CLASS STANDARDS. (PAGE 2)

SECTION 4605. DETERMINATION OF BUFFERYARDS REQUIREMENTS.

A. To determine the type of bufferyard required between two adjacent parcels or between a parcel and a street, the following procedure shall be followed:

1. Identify the land use category of the proposed use.

2. Identify the use category of the land use(s) adjacent to the proposed use by on-sitesurvey.

3. Identify the land use intensity class of all adjoining land use. Shadeland shallsupply this information.

4. Classify any street adjacent to the proposed use.

5. Determine the bufferyard required on each boundary (or segment thereof) of thesubject parcel.

B. Section 4606 specified the bufferyard required between adjacent land uses. Therequirements are expressed in terms which are further described and detailed in Sections 4606 through 4611 and Sections 4800 through 4806.

C. Bufferyard specifications are detailed and illustrated in Section 4607. The bufferyardsillustrated constitute the total bufferyard required between the two (2) adjacent land uses. Any of the options contained in Section 4607 for the required bufferyard shall satisfy the requirements of buffering between adjacent land uses.

D. Responsibility for bufferyard.

1. When a use is the first to develop on two (2) adjacent vacant parcels, this first useshall provide the buffer which Section 4606 requires next to vacant land.

2. The second use to develop shall, at the time it develops, provide all additionalplant material and/or land necessary to provide the total bufferyard required between those two (2) uses by Section 4606.

E. Existing plant material and/or land located on the pre-existing (first developed) land usewhich meets the requirements of this Ordinance may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

SECTION 4606. TABLE OF BUFFERYARD REQUIREMENTS.

A. The letter designations contained in this table refer to the bufferyard requirements and standards contained in Section 4607.

SECTION 4607. BUFFERYARD REQUIREMENTS.

A. The following illustrations graphically indicate the specifications of each bufferyard. Bufferyard requirements are stated in terms of the width of the bufferyard and the number o plant units required per one hundred (100) linear feet of bufferyard. The requirements of a bufferyard may be satisfied by any of the options thereof illustrated. The "plant unit multiplier" is a factor by which the basic number of plant material required for a given bufferyard is determined given a change in the width of that yard. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in this section. Sections 4800 through 4806 specify species and size of plant materials. Only those plant materials identified in these section shall satisfy the requirements of this Ordinance.

B. Commentary: The options within any bufferyard are designed to be equivalent in terms of their effectiveness in eliminating the impact of adjoining uses. Cost equivalence between options was attempted were possible. Generally, the plant materials which are identified as acceptable are determined by the type(s) of soil present on the site. The following illustrations have mathematically rounded the number of plant units required for each option within a given bufferyard. In actual practice, mathematically rounding would be applied to the total amount of plant material required by a bufferyard, not to each one hundred (100) foot length of bufferyard. All of the following illustrations are drawn to scale and depict the bufferyard according to the average projected diameter of plant materials at five (5) years after planting.

C. Each illustration depicts the total bufferyard located between two (2) uses.

D. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as"structure required" in the following illustrations, wherein their respective specifications are also shown. All required structures shall be the responsibility of the higher intensity use. Whenever a wall is required in addition to a berm, the wall shall be located between the berm and the higher intensity use, in order to provide maximum sound absorption.

E. The following plant material substitutions shall satisfy the requirements of this section.

1. In bufferyards G, H, I, J, and K, evergreen canopy or evergreen understory treesmay be substituted for deciduous canopy forest trees without limitation.

2. In bufferyards, A, B, C, D, E, F, S/1, S/2, and AG, evergreen canopy or evergreenunderstory trees may be substituted as follows:

    a. In the case of deciduous canopy forest trees, up to a maximum of fifty (50)percent of the total number of the deciduous canopy trees otherwise required.

    b. In the case of deciduous understory, without limitation.

3. In all bufferyards, evergreen or conifer shrubs may be substituted for deciduousshrubs without limitation.

4. In all bufferyards required of public service uses, the public service use maysubstitute evergreen canopy or evergreen understory plant material for canopy forest trees and understory plant materials, without limitation.

F. The following structures are equivalent and may be used interchangeably, so long as bothstructures are specified in the bufferyard illustrations in this section.

Structure	**Equivalent Structure**
F/3	B/1
F/4	B/2
F/5	B/3
F/6	BW/1
B/1	F/3
B/2	F/4
B/3	F/5
BW/1	F/6

G. If the development on the adjoining use is existing, planned, or deed-restricted for solaraccess, understory trees may be substituted for canopy trees where canopy trees would destroy solar access.

H. Any existing plant material which otherwise satisfies the requirements of this section maybe counted toward satisfying all such requirements.

I. The exact placement of required plants and structures shall be satisfied:

1. Evergreen (or conifer) class III and IV plant materials shall be planted in clustersrather than singly in order to maximize their chances of survival.

2. Berms with masonry walls (BW/1, BW/2, and BW/3) required of bufferyard J andK options are intended to buffer more significant nuisances from adjacent uses and, additionally, to break up and absorb noise, which is achieved by the varied heights of plant materials between the masonry wall and the noise source.

J. All bufferyard areas shall be seeded with lawn or prairie unless ground cover is alreadyestablished.

INSERT PAGE

SECTION 4606

TABLE OF BUFFERYARD REQUIREMENTS

INSERT PAGE

INSERT PAGE

BUFFERYARD Ag

BUFFERYARD **A**

INSERT PAGE

BUFFERYARD
BUFFERYARD **B**

C

INSERT PAGE

BUFFERYARD **D**

BUFFERYARD **E**

BUFFERYARD **F**

INSERT PAGE

BUFFERYARD

A-66

G

BUFFERYARD **H**

INSERT PAGE

A-67

INSERT PAGE

BUFFERYARD
BUFFERYARD **I**

BUFFERYARD **J**

INSERT PAGE

K

BUFFERYARD **S/1**

BUFFERYARD**S/2**

INSERT PAGE

BUFFERYARD

FENCES

BERMS

BERM WALLS

INSERT PAGE

A-70

SECTION 4608. USE OF BUFFERYARD

A. A bufferyard may be used for passive recreation; it may contain pedestrian, bike, orequestrian trails, provided that:

1. No plant material is eliminated.

2. The total width of the bufferyard is maintained.

3. All other regulations of the ordinance are met.

B. In no event, however, shall the following used be permitted in bufferyards:

1. Ice skating rinks.

2. Playfields.

3. Ski hills.

4. Stables.

5. Swimming pools.

6. Tennis courts.

C. Commentary: This section provides flexibility for the use of larger bufferyards. It enables public or private use of buffreyards for limited recreation uses, so long as the total buffer required by the original use is provided.

SECTION 4609. OWNERSHIP OF BUFFERYARDS.

A. Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be transferred to any consenting grantees, such as adjoining landowners, a part or forest preserve district, the Town of Shadeland, or an open space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this Ordinance.

SECTION 4610. EXCESS BUFFERYARDS.

A. Where the bufferyard required between a land use and vacant land turns out to be greaterthan that bufferyard whish is required between the first use and the subsequently developed use, the following options apply:

1. The subsequent use may provide one half (1/2) of the buffer required by Sections4606 and 4607. The existing use may expand its use into the original buffer area, provided that the resulting total bufferyard between the tow uses meets the bufferyard requirements of Sections 4606 and 4607.

2. The existing use may enter into agreements with abutting landowners to use itsexisting buffer to provide some or all of the required bufferyard of both land uses. The total buffer shall equal the requirements of Sections 4606 and 4607. Provided that such an agreemtn can be negotiated, the initial use may provide the second use some or all of its required bufferyard and/or extra land on which it might develop. The existing use may reduce its excess buffer by transferring part of all of the excess buffer to the adjoining landowner to serve as its buffer. Any remaining excess buffer area may be used by the existing se for expansion of that use or for transfer by it to the adjoining landowner to expand that adjoining use.

B. Commentary: Since vacant land may not be developed for years after the first use in established, this provision attempts to address the inevitable uncertainty about the bufferyard which would ultimately be required. It would not be equitable to require that the second use be responsible for all the buffer needed. This provision makes it possible to require buffering from the initial use established and, thereafter, if more buffer exists than is required, makes it possible to utilize land originally set aside for bufferyard.

SECTION 4611. CONTRACTUAL REDUCTION OF BUFFERYARD ABUTTING VACANT LAND.

A. When a land use is proposed adjacent to vacant land, and the owner of that vacant landenters into a contractual relationship with the owner of the land that is to be developed first, a reduced buffer may be provided by that first use, provided:

1. The contract contains a statement by the owner of the vacant land of an intent todevelop at no greater than a specified land use intensity class.

2. An agreement by that vacant landowner to assume all responsibility for additionalbuffer, if needed by the subsequent development of a less intense use than had been agreed upon, is transferred to the owner of the vacant (second in time to be developed) land.

B. Commentary: This contract mechanism provides a means for avoiding the provision of too large a buffer in areas where the owners of the vacant land have relatively firm plans for the ultimate use of their land, which plans do not include land use intensity requiring the greatest bufferyards.

SECTION 4612. SITE DESIGN STANDARDS.

A. The land use intensity classification standards (Section 4602) regulate landscaping (bothon-site and for parking areas), exterior lighting, and signs. The following sections detail the regulations which apply to each of the six (6) standards (R, A, B, C, D, and E) specified in Section 4602.

B. Commentary: Among nuisances frequently caused by individual uses are too many, to large, or ugly signs, the noise, glare, and unsightliness of parking lots, the massive scale or character of the buildings, and the brightness of glare of exterior lighting. It is clear that htese nuisance

aspects of a use are independent of the use per se: an otherwise tastefully conceived office can be a major nuisance because of large signs, bright lights, and parking areas. Regulatory standards for general landscaping, parking lot landscaping, lighting, and signs are imposed to control adverse impacts on abutting land uses.

SECTION 4613. GENERAL LANDSCAPING REQUIREMENTS.

A. This section details the general landscaping required of particular land uses by Section4602. The number and type of plant units required per three hundred (300) linear feet of nonresidential building(s) perimeter comprising the subject land use are specified for standards, R, A, B, C, D, and E. The landscaping requirements specified for residential uses (R) is the requirement per ten (10) dwelling units. The definitions of this Ordinance (defining plant units) shall be applicable to the terms utilized in this section.

B. The requirements of this section shall be applied proportionately when the total inear feetof building(s) perimeter varies from three hundred (300) feet for non-residential uses or ten (10) residential dwelling units. All required planting shall be located in areas which do not include any bufferyard or right-of-way. Existing plant materials which meet the requirements of this Ordinance may be counted as contributing to the total landscaping required by this section.

C. The following table specifies the type and number of plant units required by this section. Sections 4800 through 4806 further define the species and size of plant materials which may satisfy the requirements of this section.

INSERT PAGE

R

A

B

INSERT PAGE

C

D

E

EXHIBIT "A"

SHADELAND REDEVELOPMENT COMMISSION

Resolution 99-4

The Redevelopment Commission, and the Town of Shadeland, and the various committees and task forces have reviewed the access problems to the northwest portion of the town and the 1997 Development Plan and the problems of the residents and taxpayers of the northern portion of the Town.

In addition, the ecological threats to Wea Valley require consideration of the need to change traffic patterns so as to accomplish the following goals:

1. Given the northwest Town residents year around safe access to their homes by takingtraffic out of the flood plain and out of Wea Valley. The present traffic through a flood plain over two bridges, up a steep hill, through a plant site, over two railroad tracks, through a congested intersection should be able to be made more reliable and safer.

2. Protect potential recreation sites and wildlife in Wea Valley consistent with the Natureconservancy tracts.

3. Eliminate industrial traffic (presently on Town roads), and give the Eli Lilly Plant sitedirect access to State Road 25.

4. Reduce the amount of the road mileage under Town maintenance obligation.

5. Reduce the number of County bridges maintained by Tippecanoe County.

The potential industrial growth of Eli Lilly & Co., the Town's largest tax payer, can be encouraged while simultaneously improving the safety of the travel of the northwest Town residents by making substantial improvement in access to State Road 25 to the northwestern part of the Town.

The Town Council, the Shadeland Redevelopment commission should adopt, in the immediate future, a specific traffic route improvement plan. The Town should enter into a written agreement with the State of Indiana, Tippecanoe County, and Eli Lilly & co., to specificially divide responsibilities and costs to accomplish the above goals. This plan cannot be more specific until a specific plan has been agreed to by the above parties.

A-76

PERMIT NO _____

DATE_____

APPLICATION FOR PERMIT TO CUT INTO ROAD OR STREET RIGHT-OF-WAY

Application is hereby made this ____ day of _____, 20___, by _____ _____ for a permit to cut into road/street right-ofway at the following described location:

_____

_____

_____

_____

for the purpose of

_____

_____

___ W.O. No. or S. O. No.

_____ Type of surface where opening is to be made _____ Opening will be ____ feet long in right-of-way, and ____ feet long in road surface by ____ feet wide and ____ deep.

RESPONSIBILITY: If the inside face of trench is within three (3) feet of the edge of the road surface, I hereby agree to backfill the trench of the said opening with bank run gravel or crushed stone, which will be thoroughly compacted by tamping in layers not to exceed four (4) inches in depth to within twelve (12) inches of the present surface and to dispose of all surplus material and also to replace the remaining twelve (12) inches within the trench opening as per existing conditions prior to making trench, except that portion of the trench which is in the traveled road, the remaining twelve (12) inches will be backfilled with coarse gravel or crushed stone, maintained in a smooth and uniform condition for a period of not less than four (4) weeks after traffic is again permitted to pass over the filled trench, until such time the surface shall be replaced to existing conditions unless otherwise provided by special provisions.

For any cut other than the aforementioned conditions, I hereby agree to backfill the trench of said cut by thoroughly tamping the backfilling in layers not exceeding four (4) inches deep, unless provided by special provisions.

I FURTHER AGREE:

To furnish a drawing showing size, type, controlling dimensions, etc., of the proposed improvement relative to existing pavement, existing structures, existing right-of-way, and existing utilities.

To erect and maintain all necessary barricades, detour signs and warning lights, as set out in Section D of the Indiana Manual on Uniform Traffic Control Devices, to safely direct traffic over and around that part of the road where the above described work is to be done, so long as the work in any

To furnish a drawing showing size, type, controlling dimensions, etc., of the proposed improvement relative to existing pavement, existing structures, existing right-of-way, and existing utilities.

To erect and maintain all necessary barricades, detour signs and warning lights, as set out in Section D of the Indiana Manual on Uniform Traffic Control Devices, to safely direct traffic over and around that part of the road where the above described work is to be done, so long as the work in any way interferes with traffic.

To move or remove any structures installed under this permit, should future traffic conditions or road improvements necessitate and when requested to do so by the Shadeland Town Council.

To assume all responsibility for any injury or damage to persons or property resulting directly, or indirectly, from the work contemplated in this application.

To notify the Shadeland Town Council in advance of the time of beginning the work done under this permit.

To restore said property cut into or damaged, including said road and lateral cuts by applicant to its condition immediately prior to the applicants damage or cut to the satisfaction of the Shadeland Town Council's appointed Inspector.

In accordance with the Schedule of Fees, shown on the reverse side of this sheet, a check in the amount of $_____ (is attached) (will be forwarded upon receipt of invoice). If, in completing the work, a wider cut is made in the surface than that specified on this application, any additional amount due will be remitted to the Town of Shadeland upon completion of the project.

A Maintenance Bond, which is required on each permit, based upon one-hundred percent (100%) of the estimated cost of labor and materials needed to restore said applicant's opening or damage, and which is to remain in effect for a period of three (3) years from the date of completion of said work (is attached) (is on file with the Town of Shadeland Clerk's Office). Standard Bond Form # 76-102 shall be used and Bond shall be made payable to the Town of Shadeland.

CONTRACTOR_____

ADDRESS_____

_____

PHONE NO._____

APPLICANT_____

ADDRESS_____

_____

SIGNATURE_____

(Authorized Representative)

PHONE NO._____

FEE CHARGES BY THE TOWN OF SHADELAND

ROAD CUTS:

Gravel: $5.00/foot - depth/lane*, or

TRENCHING:

$25.00 Minimum

any part, except farm subsurface drain.
Minimum: $30.00

Hard Surface: $10.00/foot - depth/lane*, or any part.
Minimum: $75.00

*(12 foot width)

To 6" width: More than 2 mi. ($0.03 per L F)

7" through 12": More than 2 mi. ($0.06 per L F)

13" through 24": To 1 mi. ($0.15 per L F)
1-2 mi. ($0.11 per L F)
More than 2 mi. ($0.08 per L F)

Over 24" Top Width: (SEE EXCAVATION)

BORING OR PUSHING UNDER ROADWAY:

$25.00 per bore

EXCAVATION:

Measure Maximum Depth Foot times Maximum Length Foot times $0.05 per Square Foot. (Based on1:1 Slopes)

PLOWING IN CABLE:

$25.00 or $0.02 per L F (whichever is greater)

Minimum Charge: $25.00

NOTE: All checks should be made payable to the Town of Shadeland, and forwarded to the Town Clerk's Office.

GRANT OF PERMIT TO CUT INTO ROAD OR STREET RIGHT-OF-WAY

The Town of Shadeland hereby grants to

_____

_____ a permit to cut into the road or street right-of-way described herein, on condition that said applicant file with the Town of Shadeland Clerk's Office a Maintenance Bond made payable to the Town of Shadeland in the amount of

_____

($_____).

This permit shall expire one year from the ____ day of _____, ____, unless actual work has begun on the above mentioned location.

This permit is not effective until the above described Bond is filed.

If any person shall install a pipeline, conduit, or private drain, across or along any road or street, or shall block or damage same, without first obtaining a permit therefore, and filing a Bond with the Town of Shadeland Clerk's Office, as provided herein above, such person shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not exceeding One Thousand Dollars ($1,000.00).

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APPROVED THIS ____ DAY OF _____, ____.

_____
__
Signature

_____
__
Office or Position

TOWN OF SHADELAND

3125 South 175 West
Lafayette, Indiana 47909
(765) 477-0116 Office
(765) 477-0927 FAX

A-80

DATE:_____
__

PERMIT TO CONSTRUCT A DRIVEWAY ENTRANCE AND APPROACH

Permission is hereby granted to _____ to CONSTRUCT A DRIVEWAY ENTRANCE AND APPROACH ON THE (NORTH, SOUTH, EAST, WEST) side of Town Road _____ Sec. _____ at the following described location:
_____
_____
__ to serve as access to
_____. SIZE OF PIPE TO BE USED: _____, (EITHER GALVANIZED CORRUGATED STEEL OR REINFORCED CONCRETE PIPE.) OTHER CONDITIONS:
_____
_____
__.

UNDER THE TERMS OF THIS PERMIT, THE PERMITTEE SHALL COMPLY WITH THE FOLLOWING PROVISIONS:

1. No entrance shall be closer than five (5) feet to adjacent property line and noapproach shall be so constructed that any part of the same extends in front of property belonging to a person other than the permittee unless both property owners sign a joint application for a permit.

2. All drainage pipes or tile used in the construction of driveways and approachesshall be a minimum of twelve (12) inches in diameter and as much larger as the Town Board shall deem necessary for proper drainage, and on all new driveways and approaches shall be furnished by the permittee. All pipes or tile and other drainage structures used shall meet the approval of the Town Board as to type, quality, size, and length. (MUST BE AT LEAST 30
FEET LONG)

3. All driveways and approaches shall be so constructed that they shall not interferewith drainage of, or cause erosion to the street or highway. If it is proposed to construct any portion of an approach on a slope or grade greater than fifteen (15) percent, the grade or slope shall be designated on the application. If no designation of grade is shown on the application, the approach shall not be constructed on a grade greater than fifteen (15) percent.

4. All disturbed areas shall be fertilized and seeded or sodded to prevent erosion.

5. The construction of such driveways and approaches shall not interfere with anyexisting structure or any town highway right-of-way without specific permission in writing from the Town Board or other owner thereof.

6. Concrete headwalls or other obstacles will not be permitted under the terms of thispermit.

7. All entrances and approaches shall be so located as to provide adequate sightdistance in both directions along the highway for safe access to the highway without interfering with traffic on the highway.

8. No entrance or approach shall be located or constructed so as to interfere with orprevent the proper location of necessary highway signs.

9. The permittee shall assume responsibility for all maintenance of such approachesfrom the right-of-way line to the edge of the traveled roadway. If the approach or driveway is built of loose aggregate, said aggregate shall be bound with some material as to prevent loose aggregate from being carried onto the highway pavement, or the permittee shall keep the pavement free of loose aggregate at all times.

10. No such entrance or approach shall be relocated or its dimensions altered withoutwritten permission of the Town Board.

11. On the day preceding the beginning of work under any permit for approachconstruction, the permittee shall secure special permission to proceed from the local Town Board representative in charge.

12. The permittee shall assume all responsibility for any injury or damages to personsor property resulting directly or indirectly from the construction of any approach or driveway.

13. The permittee shall remove or relocate any such entrances or approaches whenrequested to do so by the Town Board in the interest of safety to highway traffic. For the

purpose of Road or Bridge construction or improvement, said driveway entrances and approaches shall be removed at any time upon the request of the Shadeland Town Council. Permits issued for driveway entrances and approaches may be rescinded at any time by the Shadeland Town Council. Driveway entrances and approaches much be completed within ninety (90) days after the permit is issued, otherwise, the permit will be canceled.

The right-of-way area adjacent to or between the approaches may be graded at the permittee's expense, subject to drainage requirements as determined by the Town Board. The permittee may plant in this area grass, flowers, or low growing shrubs that never attain sufficient height to obstruct clear vision in any direction.

All work shall be done in accordance with the approved plans, and the latest issue or the Indiana State Highway Standard Specifications, and shall meet the approval of the Shadeland Town Council.

THE ABOVE CONDITIONS ARE UNDERSTOOD AND AGREED TO:

__

_____	_____
Name (Property Owner)	Name (Contractor)
_____	_____
Address (Present Address)	Address
_____	_____
Date	Date
SHADELAND TOWN COUNCIL	I have inspected driveway entrance site, And approved for construction.
BY:_____	_____
	Shadeland Road Supervisor

THIS AGREEMENT MUCH BE EXECUTED BY THE CONTRACTOR
FOR THE PROJECT AND ALL OWNERS OF THE LAND SERVED THEREBY

TOWN OF SHADELAND
3125 South 175 West
Lafayette, IN 47909
(765) 477-0116 Office
(765) 477-0927 FAX