

**THE TOWN OF WILLIAMS CREEK TOWN COUNCIL
OF MARION COUNTY, INDIANA**

ORDINANCE NO. 2022-03

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WILLIAMS CREEK,
INDIANA, AMENDING CHAPTER IV, ARTICLE 1 AND REPEALING CHAPTER IV,
ARTICLE 2, SECTION 3 OF THE MUNICIPAL CODE FOR THE TOWN OF WILLIAMS
CREEK**

WHEREAS, the Town of Williams Creek, an included town located wholly within the boundaries of the consolidated City of Indianapolis, Indiana, has retained governmental interest and supervision for matters relating to the streets or land within the public rights-of-way; and

WHEREAS, the Town of Williams Creek exercises its governmental interest and supervision for land within the public rights-of-way through its Town Council and designated agents, employees, consultants and independent contractors; and

WHEREAS, construction of new residential structures and alterations, repairs, and remodels to existing residential structures or grounds may result in temporary, and potentially permanent, modifications both to public rights-of-way and drainage discharge patterns onto public rights-of-way and may result in costs to the Town of Williams Creek to maintain the public rights-of-way; and

WHEREAS, civil engineering consulting services are necessary for the Town of Williams Creek to assess the potential effects of any modifications to the public rights-of-way and the discharge of surface water and/or storm drainage onto the public rights-of-way and to protect the health, safety, and welfare of residents;

WHEREAS, it is appropriate to require those who may benefit from a modification to the public rights-of-way or from the discharge of drainage onto the public rights-of-way to pay a fee for the Town of Williams Creek to obtain civil engineering consulting services and to maintain the public rights-of-way; and

WHEREAS, it is the desire of the Town of Williams Creek to assess fees that are equitable based on the nature of the proposed residential improvement project; and

NOW THEREFORE, BE IT ORDAINED, by the Town Council of the Town of Williams Creek, Marion County, Indiana, that pursuant to this ordinance, that the following chapters, articles and sections of the Municipal Code of the Town of Williams Creek shall be amended or repealed to read as follows:

**CHAPTER IV, ARTICLE 1 IS AMENDED AS FOLLOWS:
CHAPTER IV
PUBLIC WORKS ACTIVITIES**

**ARTICLE 1: PUBLIC RIGHTS-OF-WAY -- EXCAVATION OR DISTURBANCE --
DRAINAGE**

Section 1. Permit Required. Any person or business seeking to begin a construction, remodeling, or land altering project in the Town of Williams Creek shall obtain a Town of Williams Creek Residential Improvement Permit from the Town Engineer prior to beginning the project if the Building Standards and Procedures, municipal code, or any other law or regulation of the City of Indianapolis requires the person or business:

(1) to obtain a Residential Stormwater/Floodplain Development Permit, a Class-2 (Residential) Development Permit, or a Driveway Access Construction Permit from the City of Indianapolis before starting the project; or

(2) to submit an Infrastructure Review Application to the City of Indianapolis before starting the project.

In deciding whether to issue a Town of Williams Creek Residential Improvement Permit, the Town Engineer shall determine if the project may result in a temporary or permanent modification of any public street, public right-of-way, public space, or public easement; or a modification to the discharge of surface water or storm drainage onto a public right-of-way and shall assess and minimize the potential negative effects of any such modifications on the public rights-of-way and infrastructure of the Town of Williams Creek and the health, safety, and welfare of the residents of the Town of Williams Creek.

Section 1.1. Interpretation, Fee Schedule, Appeal, and Revocation. This Chapter shall not be interpreted so as to relieve any individual, group, or organization of any obligation to obtain permits, request inspections, or carry out any work within the guidelines and standards of any ordinance of the Town of Williams Creek, the City of Indianapolis, or the State of Indiana.

Fee Schedule. The Town Council has the authority to charge the fees in Schedule A upon a vote at a Town Council meeting. The fees include five hours of Town Engineer review of plans and feedback to a permit applicant. If a permit applicant requires additional Town Engineer review and feedback or if a permit applicant chooses to appeal the determination of the Town Engineer, the permit applicant is responsible for any additional Town Engineer fees that may result. The Town Engineer may complete the review on an expedited basis for an additional fee as provided in Schedule A, but the Town Engineer is not required to do so. The Clerk-Treasurer will invoice the permit applicant based on the advice of the Town Engineer. All permit fees must be paid in full prior to issuance of the permit. The fees collected under this section shall be deposited into an account for the use and benefit of the Town of Williams Creek.

Appeal. Upon the Town Engineer's determination of the appropriate permit fee and any required plan revisions, all permit applicants against whom a fee is assessed or who are required to modify a plan shall have the right to appeal the Town Engineer's determination to the Town Council. This appeal must be delivered to the Clerk/Treasurer in writing within thirty (30) days of the Town Engineer's notice of determination to the permit applicant. Upon receiving a written appeal, the Clerk/Treasurer will refer the matter to the Town Council for review. During a review period, the Town Council shall conduct a public hearing to make a decision regarding the relief requested in the appeal. The Town Council may consider the appeal on an expedited basis for an additional fee as provided in Schedule A, but the Town Council is not required to do so.

The decision of the Town Council shall be final, except that the decision may be reviewed and amended to the extent allowed under relevant provisions of Indiana law. No permit shall be issued while any type of appeal or review of the Town Engineer's determination is pending.

Revocation. The Town Engineer or Town Council may revoke an issued permit and issue a stop-work order if the plan as presented in the application is not followed.

Section 2. Surety Bond. If, in the opinion of the Town Clerk/Treasurer, a surety bond is required, the permit applicant shall give a surety company bond, in an amount to be fixed by the Town Clerk/Treasurer, conditioned that the applicant will suitably guard and protect any excavation or construction, and defend, save and indemnify the Town from all actions, suits, costs, damages and expenses whatsoever, including attorney fees, for, or on account of any injuries or damages received or sustained by any party or parties, by or from acts or omissions of the applicant or the applicant's contractors or employees, in doing such work or by or from the existence of such excavation; that the applicant will carry out the work according to the terms and conditions of the application and permit; and that the applicant will restore such streets, and public places to their former condition, and to complete such work as speedily as possible, and when completed, to notify the Town Clerk/Treasurer.

Section 3. Construction Parking. The Town of Williams Creek Residential Improvement Permit application shall include a plan for contractor employee, sub-contractor, and laborer vehicle parking. The parking plan shall provide either (1) evidence of sufficient parking on-property to ensure that no project-related vehicles are parked on residential streets or other public rights-of-way; or (2) if lot size or access prohibits on-property parking of all project-related vehicles, an alternative plan that minimizes on-street parking.

Section 4. Repair Costs. Any person or business that engages in a construction, remodeling, or land altering project in the Town of Williams Creek that damages any public street, public right-of-way, public place, or public easement shall be responsible for paying the costs of repair. Any and all such repairs shall be authorized by the Town Council. The Town Clerk/Treasurer shall provide written notice of any such damage and

the costs of repair within one (1) year of completion of the project. The costs of repair shall be paid to the Clerk/Treasurer within thirty (30) days of receipt of notice.

Section 5. Duty to Place Barriers on Excavation. It shall be the duty of every person, firm, or corporation excavating or constructing any improvement in any street, alley, right-of-way or other public place under any contract with the Town or by virtue of any permit or permission granted by the Town whereby such work, if left exposed, might prove to be dangerous to pedestrians or vehicles, to erect a barrier or fence at such excavation or other work in such a manner as to avoid danger to pedestrians or vehicles that may be traveling over such streets: and to continue to maintain the said barrier or fence until the work shall be completed or the obstruction or danger removed. It also shall be the duty of such persons, firms or corporations, to place a sufficient number of warning lights at such excavations or other work at twilight and to keep the same running throughout the nighttime hours. All barriers or other safety devices placed in and around such excavations shall meet all federal, state and local laws and regulations relative to the safety of all employees related to such project, as well as the vehicular and pedestrian traffic that is exposed to any risk created by such excavation and/or construction.

Section 6. Penalties. Any person or business violating any provision of this chapter shall have committed an infraction, with each day of prohibited activity being a separate and distinct violation and subject to being penalized accordingly. The fines shall be payable through the court of the Town of Beech Grove, IN or other entity having jurisdiction as approved by the Town Council. The fines collected under this section shall be deposited into an account for the use and benefit of the Town of Williams Creek.

Any person or business who violates the provisions of this chapter shall be guilty of an infraction, punishable by a fine of not more than: (1) First offense: \$250; (2) Second offense: \$500; (3) Third offense: \$1,000; (4) Fourth and subsequent offenses: \$2,500.

Citations for violation of this chapter may be issued by the Town Marshal or any deputy duly sworn and acting on behalf of the Town of Williams Creek.

CHAPTER IV, ARTICLE 2, SECTION 3 IS REPEALED.

*Passed upon motion duly made,
recorded, and unanimously
supported.*

R. Matthew Huff
Heather Murray
[Signature]
[Signature]

Schedule A
Residential Improvement Permit
Fee Schedule

These fees include five hours of plan review and feedback by the Town Engineer to the permit applicant. If a permit applicant requires additional Town Engineer review and feedback prior to the Town Engineer's determination, or if a permit applicant chooses to appeal the determination of the Town Engineer, the permit applicant is responsible for any additional Town Engineer fees that may result.

Project	Fee
Construction of a new residence	\$1500 + .10/sq ft
Addition to an existing residence	\$1200 + .10/sq ft (additional square footage only)
Accessory structure	\$1000 + .10/sq ft
In-ground pool or spa	\$600
Driveway / ROW alteration	\$500

Expedited review fee (for initial review or appeal): \$1,000