

ORDINANCE 2014 - 10

AN ORDINANCE OF THE TOWN OF NASHVILLE, INDIANA ADOPTING PUBLIC WORKS STANDARDS

WHEREAS, the Town lacks adopted standards to design capital improvement projects and to review development projects; and

WHEREAS, the Town Council has determined it is beneficial to the Town of Nashville to adopt Public Works Construction Standards; and

WHEREAS, the Town Council recognizes the need for construction standards to mitigate confusion and minimize the impact of poor construction techniques of public health and safety; and

WHEREAS, the Town Council understands that construction standards enhance the development process.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, INDIANA, THAT:

Section 1. Chapter 53 is hereby added to the Town of Nashville Code of Ordinances, this chapter shall read as follows:

CHAPTER 53: PUBLIC WORKS CONSTRUCTION STANDARDS

Sections:

53.001 Findings

53.005 Adoption of Public Works Standards

53.010 Definitions

53.015 Minor Revisions and Administrative Approval

53.020 Copies on File

53.025 Application and Intent

53.030 Registration and Administration Fees

53.035 Right of Entry and Inspection

53.040 Responsibility for Violations

53.100 Sidewalk Standards

53.150 Location of Applicable Standards

53.990 Penalty

53.001 Findings

The Town Council has determined that the Town lacks adopted standards to design capital improvement projects and to review development projects; it is beneficial to the Town of Nashville to adopt Public Works Construction Standards; the need for construction standards to

ORDINANCE 2014 -10

mitigate confusion and minimize the impact of poor construction techniques of public health and safety; and the understands that construction standards enhance the development process.

53.005 Adoption of Public Works Standards

The Town of Nashville adopts the "Standard Plans for Public Works Construction," 2009 edition and newer revisions as they are made available, the latest version of INDOT's Standards and Specifications, and the existing engineering designs for public works completed to date.

53.010 Definitions

- a) "Sidewalk" means the part of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

53.015 Minor Revisions and Administrative Approval

The Town Superintendent is authorized to adopt, administratively, minor revisions to the public works standards to better implement the standards or allow for changes in design and construction technology and methods occurring after the effective date of this ordinance codified in this chapter.

53.020 Copies on File

One copy of the Town of Nashville' Public Works Standards shall be available in the office of the Clerk Treasurer for review and copying by members of the public. Additionally, any minor administrative revisions made by the Town Superintendent subsequent to the effective date of the ordinance codified in this chapter shall be dated by the Town Superintendent, and a copy of the Public Works Standards revisions shall be made available in the office of the Clerk Treasurer for review and coping by members of the public.

53.025 Application and Intent

All projects that are in or within ten (10) feet of the road right of way that are comprised of any element or design found in this chapter shall meet the minimum requirements as listed in this chapter. If the work being performed is limited to the elements or designs found in this chapter, the Town Superintendent may approve the work (without any additional approvals) at his discretion.

53.030 Registration and Administration Fees

If the applicable project is required to pay a fee for a Certificate of Appropriateness or a Road Right of Way Permit, then no additional fee required. Otherwise, a Public Works Project Application must be completed, a review fee of \$35.00 paid to the Town of Nashville, and the application approved by the Town Superintendent.

53.035 Right of Entry and Inspection

Right of entry or reentry is limited to the project area for inspections. If an owner fails to comply with the permitting process or if there is a complaint, the inspection shall be performed from within the road right of way.

53.040 Responsibility for Violations

All violations will be cited and noticed to the owner of record and shall become the owner's responsibility. The owner of any property containing an applicable element or design of this chapter shall be obligated to provide written notice to any prospective purchaser of a property

ORDINANCE 2014 -10

containing any violations, fees, or obligations imposed by the Town regarding that property with project violations. Failure of the owner to comply with this section shall constitute a violation of this chapter. If the owner sells or otherwise disposes of the property to another party, the new owner shall not be entitled to any extension of time to correct or address such violations as existed at the time of sale, transfer or conveyance of the property.

53.100 Sidewalk Standards

- a) **Exhibit A** – “Standard Plans for Public Works Construction”, 2009 edition, pages 100-1 (sheet 1 and 2), 101-2 (sheets 1 and 2), 111-4 (sheets 1 thru 10), 112-2, and 113-2 (sheets 1 and 2)
- b) **Exhibit B** – Indiana Department of Transportation Standard Drawing No. E 604-SWCR-01 thru E 604-SWCR-13
- c) **Exhibit C** – Nashville Standard Plans for Public Works Construction, Main Street Sidewalk Standards (Sheets 1 thru 6)

53.150 Location of Applicable Standards

- a) The standards set forth in **53.100 a) Exhibit A** shall be used in all areas of Town except those areas specified in subsection **b) and c) of 53.150**.
- b) The standards set forth in **53.100 b) Exhibit B** shall be used in all areas of the Town that abuts or is within a state road right of way.
- c) The standards set forth in **53.100 c) Exhibit C** shall be used in the Salt Creek Plaza area, the Village District, and areas as designated by the Town Superintendent between the Village District and other public facilities outside the Village District.

53.990 Penalty

- a) A person who violates or fails to comply with the requirements of this chapter is guilty of a misdemeanor and shall be fined one hundred dollars (\$100.00) for the first offense; for the second and subsequent offense(s) shall be fined five hundred dollars (\$500.00).
- b) Each day that an owner of a property with a noncompliance fails to comply with the requirements of this chapter shall constitute a separate offense.
- c) In addition to any other penalty for this section, this chapter may be enforced by suit for injunction, action for damages, or any equitable relief appropriate to the enforcement of this chapter.

Section 2. Severability: If any sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase or work of this ordinance.

Section 3. Effective Date: This Ordinance shall be in full force and effect from and after its passage by the Town Council of the Town of Nashville.

ORDINANCE 2014 -10

IT IS SO ORDAINED ON THIS 18th day of DECEMBER, 2014 BY THE
AUTHORITY OF THE NASHVILLE TOWN COUNCIL.

Robert Kirlin
Council President Robert Kirlin

☒ yea ☐ nay ☐ abstain

Charles B. King
Council Vice-President Charles B. King

☒ yea ☐ nay ☐ abstain

R. Sean Cassidy
Council Member R. Sean Cassidy

☒ yea ☐ nay ☐ abstain

Jane Gore
Council Member Jane Gore

☒ yea ☐ nay ☐ abstain

Arthur Omberg
Council Member Arthur Omberg

☒ yea ☐ nay ☐ abstain

ATTEST:

Brenda K. Young
Clerk-Treasurer, Brenda K. Young