

**Floyd County Board of Commissioners
Ordinance regarding Driveway Permits**

Whereas, the Floyd County Board of Commissioners met on February 2, 2010 on this matter pursuant to the creation of a driveway permit process in an effort to promote public health, safety, and general welfare of the community.

Whereas, this ordinance applies to the construction and modification of private driveways onto the County Roadway System,

NOW, THEREFORE,

BE IT Ordained, that the Floyd County Board of Commissioners pass the Floyd County Driveway Permit Ordinance in an effort to promote public safety, ensure public health and general welfare of the community through the adoption of these processes.

Section 1: Authority

The Floyd County Board of Commissioners enacted the Floyd County Driveway Permit ordained through the authority provided under Indiana Code.

Section 2: Severability

If any article, chapter, clause, provision, portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other article, chapter, clause, provision or portion of this Ordinance.

Section 3: Jurisdiction

This Ordinance shall apply to all land within the Floyd County, Indiana except that which lies within the municipal jurisdiction of the City of New Albany, towns of Georgetown and Greenville.

Section 4: General Provisions

- A. No person shall construct or improve a driveway without first obtaining a Driveway Permit from the Floyd County Board of Commissioners designate, the County Infrastructure Coordinator/Engineer Office. Prior to the consideration of an application, an applicant must submit to the County Infrastructure Coordinator/Engineer Office an application which shall accurately describe the location of the proposed driveway and the specifications required by this ordinance for driveway construction.
- B. Any re-graveling of previously constructed driveways does not constitute a change/improvement and would not require an application for a permit.
- C. No building permit for new construction will be issued until the driveway permit has been issued.
- D. A driveway permit will be issued for the purpose of permitting vehicular access or other means of travel from a public County Road to a private driveway, road and field road for all persons seeking a building permit. All driveway specifications for construction in the ordinance will apply.

- E. The applicant, who may be the owner, agent, or contractor, shall submit a location construction plan showing specifications including grade, slope, width, length of the driveway. Said construction plan will specify completion dates for culvert placement, aggregate placement, erosion control procedures, and final application of 2 inch layer of gravel. Any proposed driveway constructed or modification shall be accompanied by a drainage plan presented at time of the application. The drainage plan shall include the following:
 - a. a site plan indicating the location of any ditch and location of any culvert.
 - b. a timetable for re-seeding of disturbed area.
 - c. size and material of any culvert to be used
- F. Driveway permits shall be valid for a period of one year from date of issue. Re-application for a permit will be required for any improvements not completed during the period. Re-application permits will not be denied without reasonable cause.
- G. The County Infrastructure Coordinator/Engineer Office will provide a written finding if the application is rejected detailing the issues to be resolved. The written findings shall be sent to the applicant via certified mail.
- H. A driveway permit is transferable to a new owner. Transfer of ownership does not effect the time period of a valid permit.

Section 5: Driveway Requirements

- A. All roads within approved platted subdivisions shall meet the requirements of the Floyd County Subdivision Control Ordinance.
- B. The driveway must have in-back-out area with a radius of at least ninety (90) degrees.
- C. All intersections must maintain an area (Sight Visibility Triangle) where primary or accessory structures, trees, vegetation (other than agricultural crops), or signs (other than road signs) are not allowed to be placed or to project between a height of 3 and 8 feet measured from the nearest top-of-the curb (or edge of pavement where curbs are not present.) The Sight Visibility Triangle shall be established by connecting points located along the intersecting rights-of-way at distances from the point of intersection required.
- D. The driveway shall have a width including lane and tapers at the place of intersection with the public road of at least eighteen feet (18') and an obstructed view of three hundred feet (300') at that place.
- E. Driveway intersections with County Roads shall provide a leveling area to ensure public safety that is appropriate with topography. Driveway slopes shall not exceed 10 percent.
- F. Driveway shall setback from adjoining property lines a minimum of five feet (5')
- G. Each driveway shall have a culvert at the ditch line where the driveway meets the public road unless it part of a development which has a curb and gutter system. The culvert shall be no less than eighteen inches (18") in diameter unless determined by the County Infrastructure Coordinator/Engineer Office that a smaller culvert or none is needed. .
- H. All cost of the construction of driveway, including the cost of culverts and engineer's plan, if required, shall be paid by the applicant property owner requesting the permit.

- I. Shared driveways shall require a recorded maintenance and use agreement submitted with the driveway application. This agreement shall bind future owners to terms and conditions of the maintenance and use agreement.
- J. The County Infrastructure Coordinator/Engineer may request an engineer's plan if the proposed site is deemed to have safety concerns.
- K. An applicant can request a waiver of the requirements. Such waiver must be approved by the Floyd County Board of Commissioners. Any associated cost such as engineering review necessary for the Floyd County Board of Commissioners to determine the merits of the wavier shall be the responsibility of the applicant property owner.

Section 6: Driveway Plan Requirements

- A. The applicant may prepare and submit an applicant for a driveway permit. The applicant shall submit the following information regarding the driveway.
 - a. Precise location of the driveway on a site plan submitted as part of the application
 - b. Precise location of the driveway staked on the property to identify proposed site.
 - c. Grade of driveway at intersection
 - d. Location of any retaining walls or structures
 - e. Location and size of culverts
 - f. Erosion Control measures
 - g. Timetable for completion of driveway and driveway activities
- B. The Floyd County Board of Commissioners may require the applicant to obtain a plan prepared by a professional engineer licensed in the State of Indiana prior to the construction or modification of any proposed driveway. An engineer's plan is required:
 - a. For a driveway or segment of a driveway whose construction requires a disturbance of land with a slope of twenty-five percent (25%) unless waived by the Floyd County Board of Commissioners.
 - b. For a driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the County Infrastructure Coordinator/Engineer Office.
 - c. When the County Infrastructure Coordinator/Engineer's Office request a plan for reasonable cause associated with public health, safety or general welfare.

Section 7: Penalties


- A. Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, the applicant property owner(s) shall pay a fine. The County Infrastructure Coordinator shall act as the enforcement agent of the Floyd County Board of Commissioners and shall have the power to issue said fine. The property owner shall be notified of the violation and have ten (10) days to correct the violation. If the violation is not corrected within the ten (10) day time period, the County Infrastructure Coordinator shall notified the property owner via certified mail of the imposition of the fine. The fine shall be \$100 per day per incident until the violation is corrected. The property owner may appear before the Floyd County Board of Commissioners to appeal the violation. The Floyd County Board of Commissioners have the ability to waive or reduce the fine based on reasonable cause.

Section 8: Definitions


- A. Driveway means a private driveway, road, field road or other traveled way, giving access from a public County Road to one or more buildings located or to be constructed on adjacent lands.
- B. Shared Driveway means a private driveway serving more than one residence. The maintenance of the shared driveway is the responsibility of the property owners.
- C. Sight Visibility Triangle means a triangular shaped portion of land established at street intersection in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SO RESOLVED this 2ND day of February, 2010.

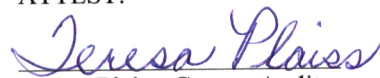
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OF THE COUNTY OF FLOYD


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Charles Freiberger, Commissioner

ATTEST:


Teresa Plaiss, County Auditor