

TOWN OF CLAY CITY

ORDINANCE 2021-1

WHEREAS, the of Town of Clay City, Indiana lacks any substantial regulation of maintaining or regulating animals including livestock within the municipal limits; and

WHEREAS, it is in the best interest of public health of the citizens of the Town of Clay City that regulations be in place to provide for the health and welfare of the community; It is therefore,

NOW, THEREFORE, BE IT ORDAINED by the Town of Clay City Town Council as follows:

CCMC 3-10-1 Clay City Animal Control Ordinance

Section 1. **DEFINITIONS:** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- a. **ANIMAL:** Animal shall be defined and include the following:
 - i. "Farm" animal which would include but not be limited to, cows, horses, swine, goats, and pigs.
 - ii. "Exotic" animals which would include but not limited to alpacas, llamas and ostriches.
- b. **COUNTY ANIMAL SHELTER:** The county-owned facility established for the purpose of animal control, care and disposition, supervised by an under the control of the County Board of Health.
- c. **FOWLS:** Any turkey, duck, pigeon or winged creature not belonging to the insect world, but not including small caged birds such as canaries, parakeets, parrots and the like, normally kept as pets.
- d. **OWNERS:** Any person having the right of property in, or custody of, any animal.
- e. **RESTRAINT:** To be under restraint on the premises of the owner, or accompanied by a responsible person and under that person's control, so as to prohibit such animal from becoming a nuisance.

Section 2. REGULATIONS: The following regulations shall constitute the Clay City Animal Control Ordinance.

a. SHELTER: Generally.

- i. No owner shall confine or allow an animal to remain outside, during weather conditions which would constitute a health hazard to the animal, without providing appropriate shelter including shelter from sun and rain during summer and shelter from inclement weather and temperature below 40 Deg. F during winter. Winter shelter shall be well-lined with straw or other similar substance.
- ii. All animals shall be kept in a sanitary manner. The owner shall maintain all animal areas or areas of animal contact so as to prevent odor or sanitation problems.
- iii. Food and water. All animals shall have fresh, potable drinking water and be provided with food that is nutritional for the age of the species in adequate amounts to maintain good health.

b. MEDICAL CARE: All animals shall be provided with necessary health care.

c. ANIMALS IN HEAT: Every animal in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.

d. HITCHING OR TYING.

- i. No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck.
- ii. Animals that are tied, hitched or fastened shall wear a properly fitted collar or harness other than a choker type; provide, that this section does not prohibit a proper use of a choker collar in the training of animals.
- iii. Any tying device shall be attached to the animal's collar or harness and shall be at least 12 feet in length.

e. **NOISY ANIMALS:** It shall be unlawful for the owner of any animal to allow continuous noise from any animal in their custody.

f. **REMOVAL OF EXCREMENTS:** The owner of any animal shall immediately remove the animal's excrements from public land or the property of another, and from the owners own property if a nuisance is created, except any blind person with a guide dog is exempt from this section's application to public property.

g. **RESTRAINT.**

- i. Animals must be confined to the owner's real property and not permitted to run loose. While on the owner's real property, the animal must be secured without means of escape by leash or confined to a pen, fenced enclosure, corral, cage, house or other secure enclosure. No electric fence allowed in corporate limits due to danger to other animals and children in town.
- ii. When the animal is taken off the owner's real property, the animal must be secured by a lead or other appropriate device.

h. **CERTAIN ANIMAL PROHIBITED.**

- i. It shall be a violation to keep animals listed in section 2 under ANIMALS or FOWLS. Any animals declared as a **service or emotional support animal** shall be kept within the dwelling of the said person it is assigned to.
- ii. The keeping of chickens shall be permitted only under the following restrictions.
 - A. Chickens may be kept only in the back yard or a property that is used for a single family dwelling.
 - B. No more than six female chickens shall be maintained per single family dwelling.
 - C. Chickens kept pursuant to this section shall be secured and confined to the owner's property at all times.
 - D. A chicken coop or other similar structure that provides shelter from the elements shall be provided. Only one such structure shall be permitted per single family dwelling.
 - E. No person shall keep any chicken coop or other structure where chickens are kept closer than 50 feet from any neighboring residential dwelling.

F. When a chicken is taken off the owner's real property it must be confined to a cage or other secure enclosure.

G. The keeping of roosters is prohibited.

i. **ANIMALS RUNNING AT LARGE:** It shall be unlawful for the owner, keeper or possessor of any animal or fowl (including chickens) to permit the same to run at large upon any street or alley within the corporate limits of Clay City.

Section 3. VIOLATIONS: Any person, firm or corporation violating any provision of this chapter shall be subject to a civil penalty in the sum of ONE HUNDRED and 00/100 (\$100.00) Dollars and a separate offense shall be deemed committed on each day during or on which violation occurs or continues, up to TWO THOUSAND FIVE HUNDRED and 00/100 (\$2,500.00) Dollars.

SO ORDAINED this ____ day of _____, 2020.

Carl L. Haviland, President

Tim Rood, Vice President

Donella Baumgartner, Council Member

Attest:

Karla Pipes, Clerk Treasurer

Approved:

January 5, 2021

TOWN OF CLAY CITY

ORDINANCE 2022-2

WHEREAS, the Town of Clay City, Indiana has established its water utility hook-on fees pursuant to CCMC 2-4-7 and

WHEREAS, the Town of Clay City has determined that the actual costs incurred for the hook-on fees associated with a non-residential tap far exceeds the fees required under the current Ordinance and

WHEREAS, additional boring fees that may be required with a new "hook-on" should not be the responsibility of the Town; It is hereby,

ORDAINED by the Town of Clay City Town Council as follows:

CCMC 2-4-7 Section 7 Water Utility Hook-On Fees and Costs shall be as follows:

a.) A residential customer (requiring a one inch meter or less) shall pay the sum of One Thousand Two Hundred and 00/100 (\$1,200.00) Dollars to the Town of Clay City Water Utility Office for "hook-on" costs. Said sum of One Thousand Two Hundred and 00/100 (\$1,200.00) Dollars shall be paid in full before water utility service is provided to a new customer.

b.) A large use customer (requiring a meter of greater than one inch and no more than two inches) shall pay the sum of Four Thousand Four Hundred and 00/100 (\$4,400.00) Dollars to the Town of Clay City Water Utility Office for "hook-on" costs. Said sum of Four Thousand Four Hundred and 00/100 (\$4,400.00) Dollars shall be paid in full before water utility service is provided to a new customer.

c.) That if a "bore" is required to "hook-on" either a residential customer or a large use customer, said customer shall be responsible for the actual billed cost of boring. The Clay City Municipal Water System shall provide the cost of boring prior to initiating a "hook-on". The customer shall be responsible for paying the cost of boring, together with their designated "hook-on" costs in full, or subject to written agreement between the Town of Clay City and the customer, before water utility service is provided to a new customer.

SO ORDAINED this ____ day of _____, 2022.

Carl L. Haviland, President

Tim Rood, Vice President

Donnella Baumgartner, Council Member

Attest:

Karla Pipes, Clerk Treasurer

TOWN OF CLAY CITY

ORDINANCE 2022-4

An Ordinance to remove the Indiana Utility Tax from the Clay City Water Tariff.

WHEREAS, the Town of Clay City has been informed that its present computer billing system includes within it the application of the Indiana State Utility Tax and

WHEREAS, the Indiana State Utility Tax has been suspended/repealed, and

WHEREAS, the Town of Clay City seeks to remove the Indiana State Utility Tax from its tariff; IT IS HEREBY

ORDAINED as follows:

CCMC 2-4-10. The Removal of Indiana State Utility Tax.

The Clay City water service rates and charges shall no longer include the Indiana State Utility Tax as a part of its water service rates and charges pursuant to CCMC 2-4 et seq.

That the water service rates and charges provided under Clay City Municipal Code 2-4 et seq. shall remain in full force and effect as described within said Municipal Code.

SO ORDAINED this _____ day of _____, 2022.

Carl L. Haviland, President

Tim Rood, Vice President

Donnella Baumgartner, Council Member

Attest:

Karla Pipes, Clerk Treasurer

TOWN OF CLAY CITY

ORDINANCE 2020-7

ORDINANCE REGULATING THE OPERATION OF GOLF CARTS AND UTILITY TERRAIN VEHICLE WITHIN THE CORPORATE LIMITS OF THE TOWN OF CLAY CITY, INDIANA

WHEREAS, the of Town of Clay City, Indiana has, within its jurisdiction, streets and roads that it maintains and controls; and

WHEREAS, there are citizens within the corporate limits of the Town of Clay City who own and operate golf and off-road vehicles who desire to be able to operate said devices on city streets; and

WHEREAS, the City is entitled to regulate the operation of golf carts and off-road vehicles on city streets pursuant to Indiana Law; and

WHEREAS, the City desires to allow citizens to operate golf carts and off-road vehicles on the city streets, with certain restrictions and regulations.

NOW, THEREFORE, BE IT ORDAINED by the Town of Clay City Town Council as follows:

CCMC 5-5-1 Regulation of Operation of Golf Carts and Utility Terrain Vehicles.

Section 1. **Definitions:** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicated or requires a different meaning.

- a. **CITY STREET:** The entire width between the boundary lines of every way publicly maintained when any part of the way is open to the use of the public for purpose of vehicular travel within the corporate limits of the Town of Clay City.
- b. **DRIVER'S LICENSE:** A valid license to operate a motor vehicle issued by the state of Indiana or any other state.

c. **FINANCIAL RESPONSIBILITY:** Has the meaning set forth in IC 9-25-2-3. Means ability to respond in damages for each motor vehicle registered by a person for liability that arises out of the ownership, maintenance, or use of the motor vehicle in the following amounts:

(1) Twenty-five thousand dollars (\$25,000) because of bodily injury or death of any one (1) person

(2) Twenty Five thousand dollars (\$25,000) because of injury to or destruction of property in any one (1) accident.

d. **GOLF CART:** As the term is set forth in IC 9-13-69-7, means a four (4) wheeled motor Vehicle originally and specifically designed and intended to transport one or more individuals and golf clubs for the purpose of playing the game of golf on a golf course.

e. **OFF-ROAD VEHICLE** for Pursuant to IC 9-13-2-117.3, under "UTILITY TERRAIN VEHICLE also call UTV or Side by Side has the meaning set forth in IC 14-8-2-185.

IC 14-8-2-185 sets forth the following definition of utility terrain vehicle: under "Off-road vehicle" for purposes of IC 14-16-1 and IC 14-19-1-0.5, means motor driven vehicle with 4 to 6 wheels and equipped with a steering wheel capable of cross-country travel:

(1) Without benefit of a road;

(2) On or immediately over land or other natural terrain.

(d)The term includes the following:

(1) A multi wheel driven or low pressure tire vehicle.

f. **OPERATE (OPERATION):** To exercise any control over the function or movement of a GOLF CART OR UTV.

Section 2. Operation of GOLF CART or UTV; The operation of GOLF CART or UTV within the city on a CITY STREET is strictly prohibited unless the machine is operated and equipped in full compliance with this chapter. Including being equipped with a factory installed steering wheel.

Section 3. Operator;

Only a person 16 years of age and holding a valid driver license or state issued ID, or above the age of 14 with a person over the age of 18 holding a valid driver's license and who is also seated in the front seat with the minor may operate a GOLF CART. To operate a UTV, you must hold a valid driver's license and those under 18 must wear a helmet.

Section 4. Financial Responsibility;

- a. The operator or owner of a GOLF CART or UTV must show: financial responsibility when operating a GOLF CART or a UTV.
- b. Written proof of financial responsibility must be available on the GOLF CART or of UTV or carried by the operation at all times of operation of the GOLF CART or UTV.

Section 5. Time of Operation; No CART or UTV shall be operated one-half-hour before sunset and one-half-hour after sunrise unless the GOLF CART or UTV is equipped with two operating headlights described as "one on each side of the front of the GOLF CART or UTV also there must be two operating tail lights with brake lights, one on each side of the rear of the GOLF CART or UTV, all of which are visible from a distance of 500 feet".

Section 6. Place of Operation;

- a. GOLF CARTS or UTV's may be operated on City Streets which have a posted speed limit of 30 mph or less.
- b. GOLF CARTS and UTV's may not be operated on sidewalks.
- c. GOLF CARTS and UTV's may not be operated on the following highways except to cross the highway at intersections in a path of 90 degrees to the highways: State Road 59, State Road 246 and State Road 157.

Section 7. Unattended GOLF CARTS and UTV's; No person shall leave or allow any GOLF CART and UTV's to remain unattended on any city street while the motor is running, or the key is in the ignition.

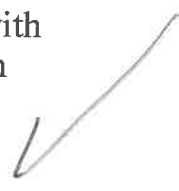
Section 8. Occupants;

- a. The number of occupants in a GOLF CART or UTV shall be Limited to the number of persons for whom factory seating is installed and provided on the GOLF CART or UTV.
- b. The operator and all occupants shall be seated in the GOLF CART or UTV and no parts of the bodies of the operator or any occupants shall extend outside the perimeter of the GOLF CART or UTV while driving the GOLF CART or UTV.
- c. The operator of the GOLF CART or UTV may not hold a pet, child or any other item or items which interferes with the operations of said GOLF CART or UTV.

Section 9. Traffic Rules; The operator of a GOLF CART or UTV shall comply with all traffic rules and regulations of the State of Indiana or adopted by Ordinance by the Town of Clay City, Indiana regarding or governing the operation of motor vehicles.

Section 10. Slow Moving Vehicle Signs; All GOLF CARTS and UTV's must display on the back of the GOLF CART or UTV a "slow moving vehicle" sign according to provisions set forth in IC 9-21-9-2 or a red or amber flashing lamp according to provisions set forth In IC 9-21-94.

Section 11. Registration;

- a. All GOLF CARTS and UTV's shall be required to register annually with the Town of Clay City, Indiana and all UTV's must be registered with the Indiana Bureau of Motor Vehicles. *Amended to 3.*
- b. The annual registration fee for each ~~GOLF~~ GOLF CART and UTV shall be \$5.00 for the initial registration and ~~\$1.00~~ \$3.00 for each subsequent year. Payments shall be due on or before April 1st of each year; 
- c. Each registered GOLF CART and UTV shall be provided a decal by the Town of Clay City to be affixed to the left front side of the GOLF CART and UTV and a registration card shall also be provided;
- d. Registration. Shall be from April 1st through March 31 of the following year;
- e. For the initial year of 2021, the deadline to register each GOLF CART and UTV shall be April 1, 2021.

Section 12. Utility Terrain Vehicles;

- a. In addition to the Clay City registration requirements set forth herein, all UTV's shall also comply with any registration requirements of the State of Indiana, including but not limited to, state registration for use on county roads.
- b. Each UTV shall comply with all provisions of IC 14-16-1, et seq. including registering with the State of Indiana to operate a UTV on county roads.

Section 13. Penalties;

- a. A violation of any provision of this Ordinance shall be subject to the following potential penalties:
 1. A Warning and 30 day requirement to obtain a registration upon the first violation;
 2. Twenty Five dollars (\$25.00) for a second violation;
 3. Fifty dollars (\$50.00) for third violation;

4. One Hundred and Twenty Five dollars (\$125.00) for fourth violation and for any subsequent violation.
- b. A violation is defined as any separate violation which occurs in a single occurrence of operation.
- c. Any funds recovered for violation of this chapter shall be deposited in the general fund of the Town of Clay City.

Section 14. Time of Effect;

This Ordinance shall be in full force and effect following its approval and its implementation upon April 1, 2021.

SO ORDAINED this 1st day of December, 2020.

Carl L. Haviland, President

Tim Rood, Vice President

Donella Baumgartner, Council Member

Attest:

Karla Pipes, Clerk Treasurer

Approved

**TOWN OF CLAY CITY
ORDINANCE 2021-6**

WHEREAS, the Town of Clay City has established by Ordinance its Personnel Policy pursuant to CCMC 6-2 et seq., and

WHEREAS, the Town Board of the Town of Clay City believes that changes and alterations need to be made to the policy as set forth within the Personnel Policy's Ordinance, It is hereby,

ORDAINED, that the Town of Clay City, Indiana as follows,

CCMC 6-2-5 VACATION

Sec. 5: Each new employee shall be placed on a six (6) month probationary period. After one (1) year, including the six (6) month probationary period, the employee shall be entitled to one (1) weeks' vacation for the following year.

After the completion of the second year of employment, the employee shall be entitled to an additional week for a total of two (2) weeks.

The employee must give a minimum of two (2) weeks' notice before taking any vacation time.

CCMC 6-2-6 SICK LEAVE/PERSONAL DAYS


Sec. 6: Each employee shall be placed on a six (6) month probationary period. After six (6) months, the employee shall be entitled to two (2) sick days for the remainder of that year. At the beginning of the second year the employee will receive an additional three (3) days for a total of five sick/personal days per year.

CCMC 6-2-8 HOLIDAY PAY


Sec. 8: Each employee shall receive holiday pay starting after the completion of their six (6) month probationary period.

The list of approved holidays by the Town of Clay City shall be, New Years Day, Good Friday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

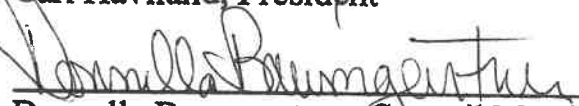
SO ORDAINED this 6 day of July, 2021



Carl Haviland, President



Timothy Rood, Vice President



Donella Baumgartner, Council Member

ATTEST:



Karla Pipes, Clerk-Treasurer

TOWN OF CLAY CITY

ORDINANCE 2022-1

WHEREAS, the Town of Clay City, Indiana has provision for assessing parking fines for those violating certain parking ordinances established by the Town of Clay City; and

WHEREAS, the Town of Clay City believes that enhanced fines for parking violation will discourage illegal parking in the Town of Clay City; It is hereby,

ORDAINED by the Town of Clay City Town Council as follows:

CCMC 5-1-6(b)

b.) Any persons violating the provisions of this no parking ordinance may be subject to a fine of \$15.00 provided that said fine is paid within five (5) days of the offense, or \$30.00 if paid more than five days after the offense and that said fines may be enforced in an appropriate jurisdictional court.

SO ORDAINED this ____ day of _____, 2022.


Carl L. Haviland, President

Tim Rood, Vice President

Donella Baumgartner, Council Member

Attest:

Karla Pipes, Clerk Treasurer

Approved 
1/4/22

**TOWN OF CLAY CITY
ORDINANCE 2021-8**

WHEREAS, the Indiana Department of Environmental Management has recommended enforcement procedures to ensure compliance with Indiana's Water Regulations; and,

WHEREAS, 675 IAC, Article 16, Rule 1.4, of the Indiana Plumbing Code, as adopted by the Indiana Fire Prevention and Building Safety Commission, requires protection of the public water supply from contaminants due to backflow through connections to fire protection and standpipe systems; and,

WHEREAS, the Indiana Department of Environmental Management authorizes the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination of all potable water system; It is hereby,

ORDAINED, as follows,

CCMC 2-7-1 CLAY CITY CROSS CONNECTION CONTROL ORDINANCE

Sec. 1. That a cross connection shall be defined as any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town of Clay City water system, and the other, water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

Sec. 2. That no person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any cross connection. No interconnection shall be established whereby potable water from a private, auxiliary, or emergency water supply other than the regular public water supply of Town of Clay City may enter the supply or distribution system of said municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the Clay City Water Utility and by the Indiana Department of Environmental Management in accordance with 327 IAC 8- 10.

Sec. 3. That it shall be the duty of the Clay City Water Utility to cause inspections to be made of all properties served by the public water system where cross connections with the public water system is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be established by the Clay City Water Utility.

Sec. 4. That upon presentation of credentials, the representative of the Clay City Water Utility shall have the right to request entry at any reasonable time to examine the property served by a connection to the public water system of Town of Clay City for cross connections. On request, the owner, lessee, or occupant of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of access or refusal of requested pertinent information shall be deemed evidence of the presence of cross connections.

Sec. 5. That the Clay City Water Utility is hereby authorized and directed to discontinue water service to any property wherein any connection in violation of this ordinance exists, and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public water system.

Water service shall be discontinued only after reasonable notice is served on the owner, lessee, or occupants of the property or premises where a violation is found or suspected to exist. Water service to such property shall not be restored until the cross connection(s) has been eliminated in compliance with the provisions of this ordinance.

Sec. 6. That, if it is deemed by the Clay City Water Utility that a cross connection or an emergency endangers public health, safety, or welfare and requires immediate action, and a written finding to that effect is filed with the clerk of the Town of Clay City and delivered to the consumer's premises, service may be immediately discontinued. The consumer shall have an opportunity for hearing within 10 days of such emergency discontinuance.

Sec. 7. That all consumers using toxic or hazardous liquids, all hospitals, mortuaries, wastewater treatment plants, laboratories, and all other hazardous users install and maintain a reduced pressure principal backflow preventer in the main water line serving each building on the premises. The backflow preventer must be installed in an easily accessible location not subject to flooding or freezing.

Sec 8. The reduced pressure principle backflow preventers shall not be installed below ground level.

Sec. 9. That this ordinance does not supersede the Indiana Plumbing Code, the IDEM Rule 327IAC 8-10 but is supplementary to it.

Sec. 10. That if, in the judgment of the Superintendent of Water, an approved backflow prevention device is necessary for the safety of the public water system, the Superintendent of Water will give notice to the water consumer to install such an approved device immediately. The water consumer shall, at his own expenses, install such an approved device at a location and in a manner approved by the Superintendent of Water and shall have inspections and tests made of such approved devices as required by the Superintendent of Water and in accordance with the IDEM Rule 327 IAC 8-10.

SO ORDAINED this ____ day of _____, 2021.

Carl Haviland, President

Timothy Rood, Vice President

Donnella Baumgartner, Council Member

ATTEST:

Karla Pipes, Clerk-Treasurer

Approved
10/15/21

TOWN OF CLAY CITY

ORDINANCE 2023-1

AN ORDINANCE ESTABLISHING CONDITIONS AND REQUIREMENTS TO OBTAIN RIGHT-OF-WAY ACTIVITY PERMIT

WHEREAS, the Town of Clay City has recently permitted right-of-way work to be performed and

WHEREAS, the unpermitted work has resulted in damage to the Town of Clay City's water utilities and

WHEREAS, the Town of Clay City finds it necessary to establish conditions and requirements for issuance of right-of-way permits to ensure that work is performed in a manner that is the least disturbing to the public or damage to the Town's infrastructure and

WHEREAS, the Clay City Town Board finds that the adoption of this Ordinance is necessary in order to protect the public health, safety and welfare; It is hereby,

ORDAINED by the Town of Clay City Town Council as follows:

CCMC 4-8-1 Clay City Right-of-Way Activity Permit

Section 1 Permit Requirements. Any an all work in the right-of-way ("ROW") that is not included in the limits of an otherwise permitted construction project shall require a permit from the Town Clerk or the Town Board's designee. A project that requires and does not have a ROW permit shall be subject to a stop work order and a fee of \$400.00. Any work completed after the stop work order is delivered shall incur a \$500.00 per day fee which shall be satisfied before the permit is issued.

Section 2 Lane Restrictions. Any ROW permit requiring lane restrictions shall require the contractor supply a traffic maintenance plan per INDOT traffic control standards, and in compliance with the Indiana Manual on Uniform Traffic Control Devices, with the application to the Town Clerk or the Town Board's designee, by email no later than ten (10) days prior to the lane restriction activity.

Section 3 Backfill. All ROW excavation within five (5) feet of the right-of-way shall be backfilled with flowable fill or any other suitable material as directed by the Town Clerk or the Town Board's designee.

Section 4 Asphalt Paving. Asphalt pavement shall be neatly saw cut on each side two (2) feet wider than the trench opening. The pavement and base material shall be replaced according to the specifications set forth by the Town Clerk or the Town Board's designee. All seams must be cleaned and tack-coated to provide a seamless joint to the surrounding pavement. No cold patch shall be used except for temporary patching, which will be maintained by the contractor for the duration until HMS pavement can be installed.

Section 5 Concrete Paving. Concrete pavement shall be neatly saw cut and the whole disturbed panel shall be removed and replaced. There will need to be at least two (2) feet of undisturbed soil on each side of the excavation to allow the concrete patch to bridge the excavation. The new concrete patch shall be installed using Class A concrete. The finish is to match the existing finish of the surrounding pavement. All concrete patches shall be created with a curing compound.

Section 6 Ditches. Ditches disturbed by excavation shall be properly graded, seeded and blanketed to allow for positive drainage. The blanket needs to be approved by the Town Clerk or the Town Board's designee.

Section 7 Grass. Grass areas that are disturbed shall have a minimum of six (6) inches of aggregate free soil installed and seeded (equal to or better than the existing grass). The stabilization needs to be completed within fourteen (14) days from the date of completion of the install and/or repair.

Section 8 Final Inspection. Upon the completion of the installation or repairs the applicant is required to schedule a final inspection by the Town Clerk or the Town Board's designee. If all work and stabilization is completed to the sole satisfaction of the inspector and stabilization has been maintained for no less than twenty one (21) days, the inspector shall sign off on the release of the permit. The release of the permit does not release the contractor from settling and germination requirements of seventy (70%) percent germination.

Section 9 Right to Withhold Release. If the inspector deems the craftsmanship or quality of work to be questionable, the Town reserves the right to withhold the release for up to one (1) year from the date of the final inspection.

Section 10 Responsibility of Work. The Town of Clay City shall hold the applicant directly responsible for all work performed under the permit.

Section 11 Notification. The Town Clerk shall be notified a minimum of four (4) days prior to starting all pavement repairs so that an inspector may observe the placement of the new patch material. Failure to notify the Town Clerk shall result in removal and replacement of such material with the applicant responsible for the costs. Hours for this inspection shall occur during regular business hours of the Town.

Section 12 Liability. The applicant shall indemnify, defend and hold harmless the Town of Clay City, Indiana and its employees, agents, and representatives against any and all claims, demands, judgments, losses, and expenses related, directly or indirectly, or which may arise from any injury to person or persons or damage to property resulting or caused from or by the work, or from any condition created by the work in the street, public place or ROW by the applicant.

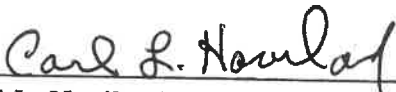
Section 13 Moving of Utilities. Applicant agrees to move/relocate its utilities within ninety (90) days upon written notice by the Town of Clay City, Indiana should it be necessary for the Town of Clay City to perform work in the street, public place, or ROW. Failure to move the utilities within ninety (90) days after receiving notice will result in a fine of \$1,000.00 per day. In addition, Applicant, by accepting a ROW permit, agrees to move any pre-existing utilities in the public ROW in the Town of Clay City in the same manner and process described herein.

Section 14 Schedule of Fees, Costs, and Fines.

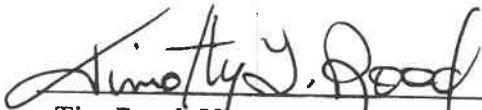
Activity Permit Filing Fee	\$50.00
ROW Boring	\$50.00, plus \$0.75 per lineal foot
ROW Open Cut	\$300.00, plus \$5.00 per square foot
Stop Work Reinstatement Fee	\$400.00 each time
Work Completed During Stop Work Order	\$500.00 per day
Failure to Relocate Utilities	\$1,000.00 per day after 90-day invoice

**ROW fees do not apply to repairs to existing sidewalks or curb and gutters.


SO ORDAINED this 1 day of August, 2023.



Carl L. Haviland, President



Tim Rood, Vice President



Donnella Baumgartner, Council Member

Attest:



Karla Pipes, Clerk Treasurer

Town of Clay City Right of Way Permit Application

Date: _____ **Amount Due:** _____
Contractor/Firm: _____ **Contact Name:** _____
Address: _____
Phone: _____ **Fax:** _____ **Email:** _____
Site Location: _____
Proposed Construction Start and End Date: _____
Type of Construction (Check all that apply):
Road Bore _____ **Open Cut/Dig** _____ **Ditch Excavation:** _____
Utility Pole _____ **Other:** _____
Cable/Telephone: _____ **Other (Specify):** _____

Project Description/Nature of Work:

I, _____, have been given a copy of Ordinance 2023-1, an ordinance establishing the process and regulations of utility cuts and excavation of roads, roadside ditches, and/or right-of-way's with the town limits of Clay City, Indiana. I agree to indemnify, hold harmless, and defend the Town of Clay City, its officers, agents, and employees for any and all claims resulting from injuries, including death, damages, or losses, including but not limited to the general public, which may arise, or which may be alleged to have arisen out of, or in connect with such excavation and occupancy.

(For Office Use Only)

SPECIAL CONDITIONS:

AUTHORIZED BY: _____
TOWN CLERK

ISSUE DATE: _____
EXP. DATE: _____