

ORDINANCE 4 -2005

**Clay County, Indiana
Road Access Ordinance**

**ORDINANCE REGULATING PRIVATE ENTRANCES TO THE CLAY COUNTY
HIGHWAY SYSTEM AND MAILBOX APPROACHES ALONG THE
CLAY COUNTY HIGHWAY SYSTEM**

WHEREAS, the Board of Commissioners of Clay County, Indiana has determined that it is in the best interest of the County to regulate the construction and maintenance of private entrances, driveways, mailbox approaches and all other means of ingress and egress to and from adjoining properties adjacent to the County Highway System rights-of-ways;

NOW THEREFORE, be it ordained by the Board of Commissioners of Clay County, Indiana as follows:

**SECTION I
NAME**

This ordinance shall be known as the "Road Access Ordinance."

**SECTION II
SCOPE**

It shall be unlawful for any person, firm, or corporation to access for any purpose, any road, street, highway, or alley in the Clay County Highway System without first constructing an appropriate access to such roadway in conformance with the provisions of this ordinance. Any access or drainage modification in use of the date of adoption of this ordinance is exempt from the provisions and will remain exempt until such time as there is a modification to the use of the access or drainage modification or until such time as the use of the adjoining property changes or until such time as an improvement is made to the adjoining property which requires the acquisition of a building permit.

It shall also be unlawful for any person, firm, or corporation to construct an entrance, driveway, approach, or mailbox approach which connects to any road, street, highway, or alley in the Clay County Highway System without first making application for a permit and receiving said permit to construct such entrance, driveway, approach, or mailbox approach. Such application shall be made on a form approved by the Clay County Highway Department. Upon receipt of the application, the Clay County Highway Department shall approve or deny the application within fourteen days of its receipt. No

construction on the County right-of-way shall commence prior to the receipt of the approved permit.

It shall also be unlawful for any person, firm or corporation to fill any drain or ditch which is located within the County right-of-way without first filing with the Clay County Highway Department an application for and receiving a permit for such work. The application shall be made on a form approved by the Clay County Highway Department. Upon receipt of the application, the Clay County Highway Department shall approve or deny the application within fourteen days of its receipt. No construction on the County right-of-way shall commence prior to the receipt of the approved permit.

This ordinance shall not apply to the construction of any entrance, driveway, approach, or mailbox approach or modification to any drainage made under contract with or by order of the Board of County Commissioners through its proper officials. The provisions of this ordinance pertaining to the permit fee shall not apply to work being done by any city, town, municipal corporation, or any other County, or by any agency of the State, provided that such entities shall comply with all other applicable provisions of this ordinance.

This ordinance applies only to that portion of any driveway or access or drainage modification which is within the County right-of-way.

SECTION III PERMIT APPLICATION

Before an approach is constructed under the provisions of this ordinance, an application for a permit for such construction shall be made to the Clay County Highway Department at their office. The application shall be on a form approved by the Clay County Highway Department and shall be accompanied by a site plan, supporting analyses and designed certified by a professional engineer licensed in the State of Indiana, unless the requirement for certification is waived by the Clay County Highway Department. The application shall be signed by the applicant and by the owner of the property. When a proposed access crosses one or more parcels to provide access to an additional parcel, an access easement must be properly obtained and recorded in the Office of the Clay County Recorder. The proposed access easement for such an access shall be submitted with the application. A copy of the recorded easement shall be submitted to the Clay County Highway Department prior to completing the construction of the work. The following information shall be shown on the site plan or attached to the application:

1. Property lines
2. Road right of way
3. Distance from intersecting roads
4. Width and type of road surface
5. Existing drainage features, including ditch cross section, culvert type and size

- and other drainage features
6. Proposed drainage features, including hydraulic analyses of any proposed improvements
 7. Locations of existing driveways and structures
 8. Locations of proposed driveways and structures
 9. Width and type of surface of proposed driveway
 10. Copy of plat for platted parcels
 11. Name, address and telephone number of the constructor
 12. Copy of a proposed easement for ingress and egress when the proposed driveway crosses property other than the parcel where the drive terminates (The easement shall be recorded and a copy of the recorded easement delivered to the Clay County Highway Department after the permit application is approved and before the construction is completed)
 13. Other pertinent information requested by the Clay County Highway Department

Applications for driveways or mailbox approaches serving multi-family residential, commercial or industrial property shall also include the following information in addition to the information prescribed above:

14. Proposed parking locations and arrangements
15. Proposed traffic control devices
16. Proposed limitations on the use of driveways, such as entrance only, exit only, employees only, trucks only, etc.
17. Location of any loading docks or other special access features

Within fourteen days of the receipt of a complete application as set forth in this ordinance, the Clay County Highway Department shall either issue a permit for the construction of the approach or deny the application and inform the applicant the reasons for denying the application. Permits may be issued with modifications to the proposed site plan or other restrictions. No work shall commence on the construction of the approach until the permit has been issued. The permit shall be retained at the site of the construction and shall be displayed to any Clay County Official requesting to see the permit.

The Clay County Highway Department shall retain in their files all applications and a copy of permits issued. All permits issued in compliance with this ordinance shall be an original and two copies. The original shall be issued to the applicant, one copy shall be retained by the Clay County Highway Department and the other copy shall be forwarded to the Clay County Building Department.

SECTION IV TIME

The permit for construction of access to or modification of the drainage system of the Clay County Highway System shall be valid for a period of one year from the date of the issuance of the permit. At the end of the one year period the permit shall become

void unless an extension is applied for and received by the applicant prior to the expiration of the permit. All construction shall be completed by the expiration date of the permit. Application for the extension of the permit shall be made by the Clay County Highway Department on a form approved by the Clay County Highway Department. The extension of a permit shall be subject to any new requirements enacted since the issuance of the original permit. The Clay County Highway Department shall within fourteen days of the date of application for the extension either extend the permit for a one year period or provide in writing the reasons for the denial of the extension of the permit.

SECTION V SPECIFICATIONS

These specifications are the minimum allowable, unless a design prepared and certified by a licensed professional engineer and approved by the Clay County Highway Department determines that lesser standards are appropriate for a particular situation. Also, these standards may be increased when determined by an engineering evaluations that particular situations will require greater standards.

A. Single Family Residential Driveway or Mailbox Approach

Minimum Width of Driveway	12 Feet
Maximum Width of Driveway	20 Feet
Minimum Culvert Diameter	12 Inches
Minimum Culvert Length	12 Feet Longer than Driveway Width
Culvert Material	Reinforced Concrete Corrugated Steel Corrugated Aluminum Acrylonitrile-Butadiene- Styrene (ABS Plastic) Smooth Lined
Minimum Cover over Culvert	As Recommended by Culvert Manufacturer, 9 inches minimum
Minimum Sight Distance	400 Feet
Minimum Distance to Intersection 50 Feet Material	Compacted Aggregate, #53 Concrete Asphalt on Comp. Aggregate
Minimum Thickness of Paving Material	8 inches of Comp. Agg. 3 inches of asphalt on 6 inches of Comp. Agg. 6 inches of concrete
Minimum Angle of Intersection	70 Degrees

B. Multi-family residential, Commercial or Industrial Approaches:

Minimum Driveway Width	24 Feet
Maximum Driveway Width	40 Feet
Minimum Culvert Diameter	12 Inches
Minimum Culvert Length	12 Feet Longer than Driveway Width
Culvert Material	Reinforced Concrete Corrugated Steel Corrugated Aluminum Acrylonitrile-Butadiene-Styrene (ABS Plastic) Smooth Lined
Minimum Cover over Culvert	As Recommended by Culvert Manufacturer, 12 inches minimum
Minimum Sight Distance	500 Feet
Minimum Distance to Intersection	150 Feet
Minimum Distance to Driveway Material	100 Feet Compacted Aggregate, #53 Concrete Asphalt on Comp. Aggregate
Min. Thickness of Paving Material	10 inches on Comp. Agg. 4 inches of asphalt on 8 inches of Comp. Agg. 8 inches of concrete
Minimum Angle of Intersection	70 Degrees

c. Field Entrance:

Minimum Driveway Width	16 Feet
Maximum Driveway Width	40 Feet
Minimum Culvert Diameter	12 Inches
Minimum Culvert Length	12 Feet Longer than Driveway Width
Culvert Material	Reinforced Concrete Corrugated Steel Corrugated Aluminum Acrylonitrile-Butadiene-Styrene (ABS Plastic) Smooth Lined
Minimum Cover over Culvert	As Recommended by Culvert Manufacturer, 9 inches minimum
Minimum Sight Distance	400 Feet

Minimum Distance to Intersection 50 Feet
Material

Compacted Aggregate, #53
Unimproved

Minimum Thickness of Material
Minimum Angle of Intersection

6 inches Comp. Aggregate
70 Degrees

D. All materials to be incorporated into work on the County right-of-way shall conform to the then current Indiana Department of Transportation Standard Specifications. Materials proposed to be incorporated into the work which are not included in the Indiana Department Transportation Standard Specifications shall only be used if they are approved by the Clay County Highway Department. Detailed technical specifications for such materials shall be submitted to the Clay County Highway Department when requested by them.

E. All work to be placed on the County right-of-way shall be construed in accordance with the then current applicable Indiana Department of Transportation Standard Details or standard details that Clay County may adopt from time to time. In lieu of using the above standard details, industry wide accepted engineering standards may be used when proposed by the applicant and approved by the Clay County Highway Department. Such standards shall be submitted with appropriate references by the applicant to the Clay County Highway Department for review when requested.

F. All modifications to the drainage ways adjacent to any County Highway or on County right-of-way shall be designed to fully pass a Q10 storm event and to prevent a Q50 storm event from inundating the traveled portion of the roadway or shoulder with any water. When requested by the Clay County Highway, all engineering hydraulic analyses and calculations shall be submitted for review and approval.

G. Any culvert installed on the County Right of Way shall be installed so that the flow line of the culvert matches the flow line of the ditch, both horizontal and vertical alignment. Culverts shall not be higher than the ditch grade so that they impound water upstream from the culvert or lower than the ditch grade so they are filled with material. At locations where water could not now nor in the future flow through a culvert, a culvert will not be required.

H. Sight distance shall be measured in accordance with the then current edition of *A Policy on Geometric Design of Highways and Streets*, published by the American Association of State Highway and Transportation Officials. The vehicle shall be situated in the driveway oriented perpendicular to the roadway it is about to enter at such a location in the driveway as to produce the most limited sight distance possible.

I. The applicant shall be responsible for the erection and maintenance of all necessary traffic control signs, lights, barricades and other traffic

control devices in conformance with the then current Indiana Department of Transportation Standard Specifications and Standard Details and the *Indiana Manual of Traffic Control Devices for Streets and Highways*. Such devices are required during the period of construction of the work on the County right-of-way and will be required on a permanent basis when warranted by the manual. The traffic control devices shall be erected before any construction commences and shall be maintained in proper working order until all construction is completed. Construction shall not restrict the use of any lane of traffic without the full utilization of flaggers to regulate traffic. When the Clay County Highway Department becomes aware of any breach of the requirements of this paragraph. They shall immediately repair or install such traffic control devices, and they shall be reimbursed in a timely manner by the applicant for all costs resulting from such work.

J. Access shall be located such that they do not interfere with or be a hazard to the free movement or traffic traveling on the adjacent roadways and such that traffic congestion will not result from the access.

K. No access shall be constructed unless the required sight distance is provided. When a parcel of ground does not have a location along its frontage which provides the required sight distance, it shall be the responsibility of the applicant to make necessary modifications to the public right-of-way, including the roadway, to develop the required sight distance. Such modifications shall be designed and certified by a professional engineer licensed in the State of Indiana. The engineer shall be approved by Clay County. The applicant shall submit the proposed design to Clay County for approval prior to commencing the construction of the modifications and shall bear all costs for the modifications. If additional right-of-way or utility adjustments are required for the modifications, the county will assist in those activities, but the cost of such items shall be born by the applicant, including the cost of the time County employees spend on such activities and/or the cost of any consultants retained by the County to assist.

L. Approaches shall slope down and away from the public roadway at a maximum slope of six (6) percent and a minimum slope of two (2) percent for a distance of fifteen (15) feet. The profile grade of the approach shall be such that no water will drain from the driveway onto the traveled portion of the roadway. Any changes in the grade of the approach shall be connected with a vertical curve with a minimum length of ten (10) feet.

SECTION VI MAINTENANCE

Any applicant receiving a permit and constructing the approach or modifying the drainage ditch shall be responsible to maintain that portion of the approach or drainage modification which is within the public right-of-way, including any culvert pipes or other drainage structures and drainage ditches, in good condition and in such a manner as to prevent any obstruction or interference with the roadway, the traffic thereon, or with any

drain or ditch which serves the roadway. The requirement for maintenance shall remain as long as the access or drainage modification remains. The responsibility for maintenance shall be transferred to all subsequent owners of the property.

**SECTION VII
OTHER PERMITS REQUIRED**

The Clay County Building Department shall not issue a building permit for the construction or remodeling of any structure until a permit is issued in conformance with this ordinance. However, a permit is required for the construction of any access or modification of any ditch under the provisions of this ordinance whether or not a building permit is required.

**SECTION VIII
PENALTY**

A person that violates any provision of this ordinance shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). Each additional day of violation constitutes a separate violation.

ALL of which is considered, approved and adopted by legislative body of the County of Clay, State of Indiana, this 5th day of July, 2005.

Board of County Commissioners
Clay County, Indiana

David Parr /s/
Dave Parr, President

Charles Brown /s/
Charles Brown, Member

Daryl Andrews /s/
Daryl Andrews, Member

Attest:

Joseph M Dierdorf /s/
Joseph M. Dierdorf, Auditor