

**ORDINANCE NO. 2025- 08**

**AN ORDINANCE OF THE TOWN OF LAPEL, MADISON COUNTY,  
INDIANA, ESTABLISHING A RIGHT-OF-WAY ACTIVITY PERMIT  
AND STANDARDS FOR STREET REPAIR**

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**WHEREAS**, it is in the best interest of the Town of Lapel to establish a policy to ensure that all excavation and construction work performed in the public right-of-way within the corporate boundaries of the Town of Lapel is completed in a manner that results in conformity with accepted street repair standards; and

**WHEREAS**, it is necessary to have a compliance program to assure that the established processes and standards are followed for all activity within the Town right-of-way and on Town owned or controlled property; and

**WHEREAS**, the Town of Lapel desires to regulate the use of right-of-way through, under and/or over public ways, pursuant to I.C. §36-9-2-6; and

**WHEREAS**, the Town of Lapel desires to approve and adopt a Right-of-Way (ROW) Activity Permit Application Filing Process and Right-of-Way Activity Permit Fee Schedule.

**NOW, THEREFORE, BE IT RESOLVED**, by the Town Council of the Town of Lapel, as follows:

**Right-of-Way Activity and Street Repair**

- A. All work in public rights-of-way, (*easements, apparent easements,*) streets, alleys, sidewalks, curbs, or Town property requires the responsible party to have a current right-of-way (ROW) activity permit issued by the Town, including all public utilities unless exempt by Town staff.
- B. The Town reserves the right to deny an application for a right-of-way activity permit.
- C. The responsible party seeking a right-of-way activity permit must provide the following:
  - 1. Open cut maintenance bond, minimum of \$10,000 per location
  - 2. Surety bond, minimum \$2,000 per location. The Town reserves the right to mandate larger surety in the event of exceptional circumstances that may carry higher risk for usual damages.
  - 3. Blanket bond, minimum \$10,000
  - 4. Proof of Workers Compensation and Employers' Liability and General Liability with certificate of insurance listing the Town of Lapel as a certificate holder and additional insured, including waiver of subrogation and primary/non-contributory wording.

#### D. Fees.

1. The fees set forth in the Town fee schedule for the ROW activity permit apply for all work conducted in the public right-of-way.
2. All activity conducted in the Town right-of-way and on Town owned or controlled property which is not in compliance with the ROW activity permit and standards for street repair ordinance may be subject to additional fees as outlined below:
  - a. All work in the public right-of-way will be subject to inspection by the Town's (*Code Enforcer/Building Inspector*). Should reinspection be deemed necessary, responsible party will be subject to a reinspection fee of \$100 per each additional inspection.
  - b. A project that requires a ROW activity permit and responsible party does not properly obtain said permit, the responsible party will be subject to an additional fee of \$500 plus five (5) times the additional fees required for the ROW activity permit.
  - c. A project that requires a stop work order will incur an additional fee of \$1,000 in addition to a \$1,000 reinstatement fee that must be paid before work will be permitted to resume.
- E. All work in the public right-of-way requires the responsible party at a minimum to repair and recondition the involved public infrastructure and surrounding area. The Town, through Town staff, reserves the right to change the repair and recondition requirements.
- F. All work shall be conducted in accordance with Town street standards, INDOT standards and/or as determined by Town staff.
- G. Any entity conducting three or more open cuts in a roadway within a Town block or within a 1,000 foot section of roadway within twelve (12) months will be required to fill and resurface the block or road section. In all cases Town staff may require a block or section to be resurfaced as a condition of the ROW activity permit.
- H. At minimum, all disturbed sidewalks and driveway aprons must be replaced driveway-to-driveway or driveway-to-intersection using current Town street standards.
- I. The Town staff shall be responsible for the administration of the ROW activity permit filing process and creating the rules for the process and rules for any activities performed in the public right-of-way.
- J. The Town will hold the responsible party accountable for all work performed under the right-of-way activity permit. The responsible party also agrees to indemnify and hold harmless the Town, their employees and representatives against all claims, demands, judgments, actions, and expenses which may arise from all work and/or circumstances resulting from such work under this permit.

**Proposed Fees**

1. Basic right-of-way permit filing fee	\$100
2. Right-of-way boring	Additional \$1 per lineal foot
3. Right-of-way open cut (based on age of surface and location) a. 1-year old surface b. 2-year old surface c. 3-year old surface d. Cuts not involving improved surfaces	Additional \$1,000 + \$5 per square foot Additional \$500 + \$5 per square foot Additional \$300 + \$5 per square foot Additional \$5 per square foot
4. Reinspection fees	\$100 per additional inspection
5. Stop work order fees a. Stop work order fine b. Stop work order reinstatement fee	\$1,000 \$1,000
6. Failure to obtain permit fee	\$500 + five (5) times the required permit fees

This Ordinance shall be in full force and effect from and after its adoption.

[Signature Page Follows]

**PASSED AND ADOPTED** by the Town Council of the Town of Lapel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**TOWN OF LAPEL, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

\_\_\_\_\_  
Brian Robertson, President

\_\_\_\_\_  
Brian Robertson, President

\_\_\_\_\_  
Gary Shuck, Vice President

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Gary Shuck, Vice President

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Chad Blake, Member

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Chad Blake, Member

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Lindsey Washmuth, Member

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Roger Fouse, Member

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Roger Fouse, Member

ATTEST:

\_\_\_\_\_  
Teresa Retherford, Clerk-Treasurer

This Instrument Prepared By:

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