

CHAPTER 151: SUBDIVISIONS

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GENERAL PROVISIONS**§ 151.01 DEFINITIONS.**

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

APPLICANT. The owner of land proposed to be subdivided or his or her representative. Consent shall be required from the legal owner of the premises.

BLOCK. Property abutting on one side of a street, and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway or other definite barrier.

BOND. Any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Commission. All bonds shall be approved by the Commission whenever a bond is required by these regulations.

BUILDING. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and includes any structure.

COMMISSION. The Town Plan Commission.

CONDOMINIUM. A multiple-family dwelling in which each resident, known as a condominium owner, enjoys exclusive ownership of his or her individual apartment or dwelling unit by holding fee simple title thereto, while retaining an undivided interest as a tenant in the common facilities and areas of the building, or buildings and grounds in combination, which are used by all the residents. The relationship among owners of condominium units is defined by a **CONDOMINIUM DOCUMENT**. This definition shall include cooperatives.

COUNCIL. The Council of the Town.

CUL-DE-SAC, COURT or DEAD END STREET. A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

DEDICATION. The setting apart of land or interests in land for use by the public by ordinance, resolution or entry in the official minutes as by the recording of a plat.

DEVELOPER. Any person engaged in developing or improving a lot or group of lots or structures thereon for use occupancy.

EASEMENT. A grant by the property owner of the use of a strip of land by the public, a corporation or persons, for specified purposes.

FRONT SET BACK LINE. The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the front lot line.

FRONTAGE. The length along the street right-of-way line of a single lot, tract or development area between the side lot lines of the property. It is that side of a lot abutting a street and ordinarily regarded as the front of the lot.

IMPROVEMENT. Any alteration to the land or other physical constructions associated with subdivision and building site development.

JURISDICTION OF THE COMMISSION or JURISDICTIONAL AREA. The town and the contiguous unincorporated territory shown on a map filed by the Commission with the County Recorder, as permitted by I.C. 36-7-4-701.

LOT. A parcel, tract or area of land accessible by means of a street and for residential uses as set forth in this chapter, abutting upon a street or place for at least 60% of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the office of the County Recorder, or it may include parts of or a combination of the parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street shall be included.

LOT LINE.

(1) **FRONT LOT LINE.** In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the **FRONT LOT LINE**.

(2) **REAR LOT LINE.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

(3) **SIDE LOT LINE.** Any lot boundary line not a front lot line or a rear lot line.

MASTER PLAN or COMPREHENSIVE PLAN. The complete plan, or any of its parts, for the development of the town and unincorporated jurisdiction prepared by the Commission and adopted in accordance with I.C. 36-7-4-101 *et seq.*, as is now or may hereafter be in effect.

MONUMENT. Any permanent marker either of concrete, galvanized iron pipe or iron or steel rods, used to identify any tract, parcel, lot or street lines.

PLAT. A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

RESTRICTIVE COVENANT. A written promise or pledge to conform to a standard of quality.

RIGHT-OF-WAY. A strip of land occupied or intended to be occupied by transportation facilities, public utilities or other special public uses. **RIGHTS-OF-WAY** intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which the right-of-way is established.

SETBACK. The distance between a building and the nearest street right-of-way line or property line regardless of whether it is the front, side or rear of the building. It is an imaginary line that requires all buildings to be set back a certain distance from property lines.

STREET. A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, affording the means of access to abutting property. A **STREET** may be designed as a "highway," "thoroughfare," "parkway," "boulevard," "road," "avenue," "drive" or other appropriate name.

SUBDIVIDER. Any person engaged in developing or improving a tract of land which complies with the definition of a subdivision, as defined in this chapter.

SUBDIVISION.

(1) The division of any parcel of land shown as a unit, as part of a unit or as contiguous units on the last preceding transfer of ownership thereof, into two or more parcels, sites or lots, any 1 of which is less than 5 acres in area, for the purpose, whether immediate or future, of transfer of ownership; provided, however, that, the division or partition of land into parcels of 5 or more acres or not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where the sale or exchange does not create additional building sites, shall not be considered a **SUBDIVISION**.

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, involving the **SUBDIVISION** and allocation of land as streets or other open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public utilities and facilities.
(Ord. 2-1998, passed 7-15-1998)

§ 151.02 RECORDING OF PLATS OR REPLATS.

(A) No plat or replat of a subdivision of land located within the jurisdiction of the Commission shall be recorded until it shall have been approved by the Commission, and the approval shall have been entered in writing on the plat by the President and Secretary of the Commission.

(B) (1) A subdivider desiring approval of a plat of a subdivision of any land lying within the jurisdiction of the Commission shall submit a written application therefore to the Commission.

(2) The application shall be accompanied by the information, requirements and plans required by this chapter.

(Ord. 2-1998, passed 7-15-1998)

§ 151.03 VARIANCES.

Where the subdivider can show that a provision of the zoning master plan would cause unnecessary hardship if strictly adhered to and where, in the opinion of the Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of the provision, the Commission may authorize a variance. Any variance thus authorized is required to be entered in writing in the minutes of the Commission and the reasoning on which the departure was justified shall be set forth.

(Ord. 2-1998, passed 7-15-1998)

PRELIMINARY AND FINAL PLATS**§ 151.15 PRELIMINARY PLAT.**

(A) The owner or subdivider shall provide a preliminary plat of the subdivision which shall show the manner in which the proposed subdivision is coordinated with the master plan and its provisions, including school and recreational sites; shopping center; community facilities; sanitation, water supply, the vicinity. However, no land shall be subdivided for residential use unless adequate access to the land over approved streets or thoroughfares exists or will be provided by the subdivider, or if the land is considered by the Commission to be unsuitable for that use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible and drainage; and other development, existing and proposed, in residents and the community as a whole.

(B) The subdivider shall provide the following:

(1) A location map, which may be prepared by indicating the data by notations on available maps, showing:

(a) The subdivision name and location;

(b) Any thoroughfares related to the subdivision; and

(c) Existing elementary and high schools, parks and playgrounds serving the area proposed to be subdivided and other community facilities.

(2) A preliminary plat, showing:

(a) The proposed name of the subdivision;

(b) Names and addresses of the owner, subdivider and the city planner, land planning consultant, engineer or surveyor who prepared the plan;

(c) Streets and rights-of-way, on and adjoining the site of the proposed subdivision, showing the names (which shall not duplicate other names of streets in the community, except as designated by the Commission) and including roadway widths, approximate gradients, types and widths of pavement, curbs, sidewalks, cross-walks, tree-planting and other pertinent data;

(d) Locations, widths and purposes of easements;

(e) A statement concerning the location and approximate size or capacity of utilities to be installed;

(f) Layout of lots, showing dimensions and numbers;

(g) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes;

(h) Contours of vertical intervals of one foot in the general slope of the site if less than 10% and at vertical intervals of 2 feet if the general slope is greater than 10%;

(i) Ground water levels stated in inches below ground surface and given at points of lowest ground surface elevation;

(j) Tract boundary lines showing dimensions, bearings, angles and references to section, township and range lines or corners;

(k) Building setback or front yard lines;

(l) Legend and notes;

(m) Other features or conditions which would affect the subdivision favorably or adversely;

and

(n) Scale, north point and date. The preliminary plat of the subdivision shall be drawn to a scale of 50 feet to 1 inch or 100 feet to 1 inch. However, if the resulting drawing would be over 36 inches in shortest dimension, a scale as recommended by the Commission may be used.

(3) A description of the protective covenants or private restrictions to be incorporated in the plat of the subdivision.

(C) The application shall be accompanied by a certified check or money order in the amount of \$35 and that amount shall be deposited in the General Fund.
(Ord. 2-1998, passed 7-15-1998)

§ 151.16 PRELIMINARY PLAT APPROVAL.

(A) Upon receipt of an application for primary approval, the Commission staff shall review the application for technical conformity with the standards fixed in this chapter. Within 30 days after receipt, the staff shall announce the date for a hearing before the Commission and provide for notice in accordance with division (B) of this section. The Commission shall, by rule, prescribe procedures for setting hearing dates and for the conduct of hearings.
(I.C. 36-7-4-705)

(B) After the staff has announced a date for a hearing before the Commission, it shall:

(1) Notify the applicant in writing;

(2) Give notice of the hearing by publication in accordance with I.C. 5-3-1; and

(3) Provide for due notice to interested parties at least 10 days before the date set for the hearing. The Commission shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.
(I.C. 36-7-4-706)

(C) (1) Review of application for primary approval determines that the application and plat comply with the standards in this chapter, it shall make written findings and a decision granting primary approval to the plat.

(2) If, after the hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying preliminary approval and shall provide the applicant with a copy.

(3) Preliminary approval plat by the Plan Commission may be appealed. However, it may not be taken directly under I.C. 36-7-4-1016 until administrative remedies are exhausted.

(4) This chapter applies to any subdivision of land, whether or not it is exempted from the notice and hearing requirements of this series under I.C. 36-7-4-701(d).

(I.C. 36-7-4-707)

(Ord. 2-1998, passed 7-15-1998)

§ 151.17 FINAL PLAT.

The final plat shall meet the following specifications.

(A) The final plat may include all or only a part of the preliminary plat which has received approval.

(B) The original drawing of the final plat subdivision shall be drawn to a scale of 50 feet to 1 inch. However, if the resulting drawing would be over 36 inches in shortest dimension, a scale of 100 feet to 1 inch may be used. Three black- or blue-line prints shall be submitted with the original final plat or, in order to conform to modern drafting and reproduction methods, 3 black-line prints and or a disapproval of a only under I.C. 36-7-4 to court for review of the reproducible print shall be submitted.

(C) The following basic information shall be shown:

(1) Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 5,000 feet;

(2) Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plan;

(3) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;

(4) Accurate metes and bounds description of the boundary;

(5) Source of title of the applicant to the land as shown by the last entry in the books of the County Recorder;

(6) Street names;

- (7) Complete curve notes for all curves included in the plan;
- (8) Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines;
- (9) Lot numbers and dimensions in accordance with zoning regulations;
- (10) Accurate locations of easements for utilities and any limitations on the easements;
- (11) Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use;
- (12) Building set back or front yard lines and dimensions;
- (13) Locations, type, material and size of all monuments and lot markers;
- (14) Plans and specifications for the improvements required in this chapter;
- (15) Restrictions of all types which will run with the land and become covenants in the deeds for lots;
- (16) Name of the subdivision;
- (17) Name and address of the owner and the subdivider;
- (18) North point, scale and date;
- (19) Certification by a registered professional engineer or registered land surveyor;
- (20) Certification of dedication of streets and other public property; and
- (21) Certificates for approval by the Commission.
(Ord. 2-1998, passed 7-15-1998)

§ 151.18 FINAL PLAT APPROVAL.

(A) The final plat must be submitted to the within 30 days of preliminary approval, accompanied by one of the following:

- (1) A certificate that all improvements and installations for the subdivision required for its approval have been made or installed in accordance with specifications; and

(2) A bond which shall:

(a) Run to the town;

(b) Be in an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this chapter;

(c) Be with surety satisfactory to the Commission; and

(d) Specify the time for the completion of the improvements and installations.

(B) Upon the completion of the improvements and installations required of a subdivider for the approval of a final plat, and prior to the acceptance thereof for public maintenance by the town, the subdivider shall provide a 3-year maintenance bond which shall:

(1) Run to the town;

(2) Be in an amount equal to 20% of the cost of the improvements and installations as estimated by the Commission;

(3) Provide surety satisfactory to the Commission;

(4) Warrant the workmanship and all materials used in the construction, installation and completion of the improvements and installations to be of good quality, and have been constructed and completed in a workman-like manner in accordance with the standards, specifications and requirements of this chapter and the satisfactory plans and specifications therefor; and

(5) Provide that for a period of 3 years the installations and improvements have been completed or are accepted for public maintenance by any appropriate governmental unit or agency thereof, the subdivider will, at his or her own expense, make all repairs to the improvements and installations or the foundations thereof, which may become necessary by reason of improper workmanship or materials, with the maintenance, however, not to include any damage to the improvements and installations resulting from forces or circumstances beyond the control of the subdivider or occasioned by the inadequacy of the standards, specifications or requirements of this chapter.

(C) Within a reasonable time after application for approval of the final plat, the Commission shall approve or disapprove it. If the Commission approves, he or she shall affix the Commission's seal upon the plat, together with the certifying signature of its President and Secretary. If it disapproves, it shall set forth the reasons for the disapproval in its own records and provide the applicant with a copy.
(Ord. 2-1998, passed 7-15-1998)

STANDARDS OF DESIGN**§ 151.30 CONFORMANCE TO CHAPTER AND MASTER PLAN.**

(A) The final plat of the subdivision shall conform to the principles and standards of design contained in this chapter.

(B) The subdivision plan shall conform to the principles which are generally exhibited in the master plan.

(Ord. 2-1998, passed 7-15-1998)

§ 151.31 STREET DESIGN.

(A) The street and alley layout shall provide access to all lots and parcels of land within the subdivision and where streets cross other streets, jogs shall not be created.

(B) Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.

(C) Certain proposed streets, where appropriate, shall be extended to the boundary line of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

(D) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

(E) The minimum right-of-way of residential streets, marginal access streets or cul-de-sacs shall be 50 feet. All cul-de-sacs shall terminate in a circular right-of-way with a minimum diameter of 100 feet or other arrangement for the turning of all vehicles conveniently within the right-of-way. No street terminating in a cul-de-sac shall exceed 600 feet in length, excluding the diameter of the cul-de-sac.

(F) The center lines of streets should intersect as nearly at right angles as possible.

(G) At intersections of streets or alleys, property line corners shall be rounded by arcs of at least 20 feet radii or by chords of the arcs.

(H) If the smaller angle of intersection of 2 streets is less than 60 degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Plan Commission.

(I) Intersections of more than 2 streets at 1 point shall be avoided.

(J) Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in their design.

(K) Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a limited access highway by the appropriate highway authorities, provision shall be made for a marginal access street, or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and those streets.

(L) Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:

- (1) Arterial streets: 500 feet.
- (2) Feeder streets and parkways: 300 feet.
- (3) Residential streets: 150 feet.

(M) Curvature measured along the center line shall have minimum radius as follows:

- (1) Arterial streets: 500 feet.
- (2) Feeder and parkways: 300 feet.
- (3) Residential streets: 150 feet.

(N) Between reversed curves on arterial streets, there shall be a tangent of not less than 100 feet and, on feeder and residential streets, the tangent shall be not less than 40 feet.

(O) Maximum grades for streets shall be as follows:

- (1) Arterial streets: not greater than 6%.
- (2) Feeder and residential streets and alleys: determined by good engineering practices.

(P) The minimum grade of any street gutter shall not be less than 0.5%.

(Ord. 2-1998, passed 7-15-1998)

§ 151.32 BLOCKS.

(A) Blocks should not exceed 1,250 feet in length.

(B) Blocks shall be of sufficient width to permit 2 tiers of lots of appropriate depth, except where an interior street parallels a limited access highway or an arterial street or a railroad right-of-way. (Ord. 2-1998, passed 7-15-1998)

§ 151.33 LOTS.

(A) All lots shall abut on a street.

(B) Side lines of lots shall be at approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

(C) Double frontage lots should not be platted. However, where desired along arterial streets, lots may face on an interior street and back on the thoroughfares. In that event a planting strip for a screen, at least 20 feet in width, shall be provided along the back of each lot.

(D) Widths and areas of lots shall be not less than that provided in the town's zoning ordinance for single family dwellings for the district in which the subdivision is located. However, when a water main supply system or a sanitary sewer system are not available, the lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the state's Board of Health regulations shall become the required minimum lot area.

(E) Wherever possible, unit shopping centers based on sound development standards should be designed in contrast to the platting of lots for individual commercial use.

(F) Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets.

(Ord. 2-1998, passed 7-15-1998)

§ 151.34 EASEMENTS.

Where alleys are not provided, easements for utilities shall be provided. The easements shall have minimum widths of 12 feet, and where located along lot lines, ½ the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of the services.

(Ord. 2-1998, passed 7-15-1998)

§ 151.35 BUILDING SETBACKS.

Building setback lines shall be as provided in the zoning ordinance.
(Ord. 2-1998, passed 7-15-1998)

§ 151.36 PUBLIC OPEN SPACES.

Where sites for parks, schools, playgrounds or other public uses are located within the subdivision area as shown on the master plan, the Commission may request their dedication for those purposes or their reservation for a period of 1 year following the date of the final approval of the plat. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional 6 months.
(Ord. 2-1998, passed 7-15-1998)

§ 151.37 CONFORMANCE TO CHAPTER REQUIRED.

The improvement of the subdivision shall conform to the standards provided in this chapter.
(Ord. 2-1998, passed 7-15-1998)

§ 151.38 MONUMENTS AND MARKERS.

(A) Monuments and markers shall be placed so that the center of the pipe or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the finished grade.

(B) Monuments shall be set as follows:

- (1) At the beginning and ending of all curves along street property lines;
- (2) At all points where lot lines intersect curves, either front or rear;
- (3) At all angles in property lines of lots; and
- (4) At all other lot corners not established by a monument.

(C) Monuments shall be of stone, pre-cast concrete or concrete poured in place with a minimum dimensions of 4 inches by 4 inches by 30 inches. They shall be marked on top with an iron or copper dowel set flush with the top of the monument or deeply scored on top with a cross. Markers shall consist of iron pipes or steel bars at least 30 inches long.
(Ord. 2-1998, passed 7-15-1998)

§ 151.39 STREET SPECIFICATIONS.

(A) Streets (and alleys, where provided) shall be completed to grades shown on plans, profiles, and cross-sections provided by the subdivider, prepared by a registered professional engineer, and approved by the Commission.

(B) The streets shall be graded, surfaced, and improved to the dimensions required by such plans, profiles, and cross-sections, and the work shall be performed in a manner conforming to standard specifications prescribed by the State Department of Highways of Indiana as amended or revised from time to time.

(1) In a subdivision proposed to contain an average of more than two lots per gross acre, or in a subdivision not less than 5/8 inches in diameter; and

(2) Proposed to have a street or streets which are extensions of existing paved streets which are surfaced to a width of at least 26 feet, the street shall be surfaced to a minimum width of 26 feet from back of curb to back of curb. Alleys shall be surfaced to their full width.

(C) (1) The street surface shall be of Portland cement concrete or a flexible pavement and shall be constructed in accordance with design characteristics at least equal to those given below:

| <i>Kind of Pavement and Thickness</i> | <i>Arterial</i> | <i>Residential</i> |
|--|-----------------------------|----------------------|
| Portland Cement Concrete | As per state specifications | |
| Balance design thickness* | | 7½ to 5 to 7½ inches |
| Uniform design thickness | | |
| Flexible** | As per state specifications | |
| Hot asphaltic concrete surface | | 1 inch |
| Hot asphaltic concrete binder/base | | 2 inches |
| Compacted aggregate base | | 6 inches |
| Total thickness | | 9 inches |
| NOTES TO TABLE: * - Intersections to be of uniform design using edge thickness. ** - For intersections and parking strips on residential streets, use feeder street design characteristics. | | |

(2) All requirements for streets (right-of-way, width and paving) other than local residential shall be designed by the developer and approved by the Commission at the time of plat approval.

(D) Prior to placing the street surfaces adequate surface or subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be coated, corrugated pipe or other approved type not less than 4 inches in diameter approved by the Commission. Surface drainage pipe, when required, shall be corrugated metal pipe or other approved type not less than 12 inches in diameter approved by the Commission. Upon the completion of the street improvements, plans and profiles as built shall be filed with the Commission.

(Ord. 2-1998, passed 7-15-1998)

§ 151.40 SEWERS.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

THE SUBDIVIDER SHALL PROVIDE. The subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with those regulations.

(B) The subdivider shall provide the subdivision with a complete sanitary sewer system, which shall connect with an existing approved sanitary sewer outlet. However, when an approved outlet is not available, 1 of the following methods of sewage disposal shall be used:

(1) A complete sanitary sewer system to convey the sewage to a treatment plant to be provided by the subdivider in accordance with the minimum requirements of the state's Board of Health and any other appropriate state agencies.

(2) A private sewage disposal system on individual other approved sewage disposal system, when laid out in accordance with minimum standards of the state's Board of Health. However, sewage disposal system on individual lots consisting of a septic tank and the absorption field shall not be permitted if the water table is less than 30 inches below the ground surface and approved by the county's Health Department.

(C) The plans for the installation of a sanitary sewer, the state's Board of Health. Upon the completion of the sanitary sewer installation, the plans for the system as built shall be filed with the Commission.

(Ord. 2-1998, passed 7-15-1998)

§ 151.41 WATER.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

THE SUBDIVIDER SHALL PROVIDE. The subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with those regulations.

(B) The subdivider shall provide the subdivision with a complete water main supply system which shall be connected to an existing approved municipal or community water supply, except that when a municipal or community water supply is not consisting of a septic tank and the absorption field or sewer system shall be provided by the subdivider and approved, the subdivider shall provide 1 of the following:

(1) A complete community water supply system to be provided in accordance with the minimum requirements of the state's Board of Health; and

(2) An individual water supply on each lot in the subdivision in accordance with the minimum requirements of the state's Board of Health.

(C) The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the state's Board of Health. Upon completion of the water supply installation, the plans for the system as built shall be filed with the Commission.

(D) The town will participate in the initial installation of the water system on a 4-year payback from the date of the completion of the installation.
(Ord. 2-1998, passed 7-15-1998)

§ 151.42 STORM DRAINAGE.

(A) The Commission shall require curbs and gutters to be installed on each side of the street surface in all subdivisions.

(B) The curbs and gutters shall be of 1 of the suitable construction types required by this chapter and shall be constructed according to the following specifications.

(1) The base for the curbs and gutters shall be well-compacted on the existing base or grade.

(2) The minimum specifications shall be as shown for the types of cross-sections included with the ordinance codified in this chapter.

(3) All concrete used in the curbs and gutters shall meet Indiana Department of Transportation specifications and shall be a minimum of 3,500 PSI after 28 days.
(Ord. 2-1998, passed 7-15-1998)

§ 151.43 SIDEWALKS.

(A) Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with sidewalks and, whenever the proposed subdivision will average more than 3 dwelling units per gross acre included in the subdivision, the Commission shall require sidewalks to be installed on each side of the street at no additional expense to the town.

(B) When sidewalks are required, they shall be constructed of Portland cement concrete, at least 4 inches thick and 4 feet wide, and placed within the street right-of-way beginning 1 foot inside the right-of-way.
(Ord. 2-1998, passed 7-15-1998)

§ 151.44 STREET SIGNS.

The subdivider shall provide the subdivision with standard town street signs at the intersection of all streets. The signs shall be constructed and installed in accordance with the standard detail set forth in the ordinance codified herein.
(Ord. 2-1998, passed 7-15-1998)

§ 151.45 SPECIFICATIONS.

Any specifications for streets or those most currently described by the Indiana Department of Transportation and, in the event they are not, the specifications prescribed by the Indiana Department of Transportation shall control.
(Ord. 2-1998, passed 7-15-1998)

§ 151.99 PENALTY.

Whoever violates any provision of this chapter for which no penalty is otherwise provided, shall be fined not more than \$2,500. A separate offense shall be deemed committed on each day that a violation occurs or continues.

(Ord. 2-1998, passed 7-15-1998)

