

ORDINANCE NO. 2012- 16

COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA

**AN ORDINANCE REGARDING RIGHTS-OF-WAY FOR THE
CITY OF LEBANON, INDIANA**

WHEREAS, Indiana law provides that municipalities have jurisdiction and control over public rights of way within their corporate boundaries, pursuant to I.C. 36-9-2-5,6, & 7; and

WHEREAS, Indiana law provides that municipalities may regulate and plan for the rights-of-way, public ways and thoroughfares and their use pursuant to I.C. 36-7; and

WHEREAS, The City of Lebanon, by and through its Department of Planning and Zoning Administration, enforces the Unified Development Ordinance (“Zoning Code”) and certain Lebanon City Code (“City Code”) provisions that relate to the use and development of real estate within the jurisdiction of the City of Lebanon and the use and of public rights-of-way; and

WHEREAS, as part of the enforcement activities described above, the Department of Planning and Zoning Administration (“Department”) regulates construction, installation and excavation of structures placed in or, modifications to, public ways, thoroughfares, public easements and rights-of-way; and

WHEREAS, The Department has noticed the proliferation of structures being placed or installed in public rights-of-way without approval of the Department, causing potential damage and danger to the citizens of Lebanon; and

WHEREAS, the Council has determined that it is in the best interests of the citizens of Lebanon and will promote the public health safety and welfare that any structures or materials placed within the public rights-of-way in the City of Lebanon be regulated and controlled by the Department.

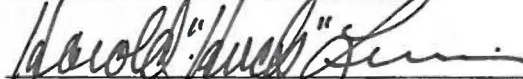
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL FOR THE CITY OF LEBANON, INDIANA,

1. Any individual, company, or utility that desires to place any item, structure or physical object (including wires, cables, conduit, pipes, junction boxes, relays or other items) within any designated public right-of-way, public easement, thoroughfare, or property owned or maintained by the City of Lebanon (“public right-of-way”), must apply for a Right-Of –Way Permit for such work with the Lebanon Department of Planning and Zoning Administration (“Department”).
2. The Department may establish reasonable fees for the Permit Application.

3. The Permit Application must contain and include sufficient drawings and specifications detailing the work to be conducted and materials to be installed in the public rights-of-way.
4. The Permit Application may only be approved after presentation to, and the approval of, the Technical Advisory Committee ("TAC").
5. The TAC or Department may provide that a bond be posted by the Applicant in sufficient amount to provide for any reconstruction or damage to other structures in the public right-of-way.
6. The Permit Application shall contain an acknowledgement that the Applicant is financially responsible to the City or any other entity that incurs damage as a result of Applicant's work or installation in the public right-of-way.
7. Any individual who performs work in a public right-of-way, or installs any structure or material in a public right-of-way without first obtaining a Permit, or performs work outside the scope of any Permit issued, as delineated above, shall be fined in an amount of Three Hundred Dollars (\$300.00) per day of violation for failure to comply with any of the terms or conditions of this ordinance.

ALL OF WHICH IS ADOPTED this 26th day of November, 2012
by the Lebanon City Council of the City of Lebanon, Indiana.


LEBANON CITY COUNCIL



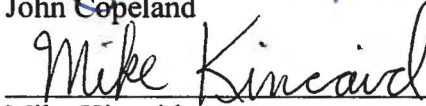
Harold "Huck" Lewis, Mayor



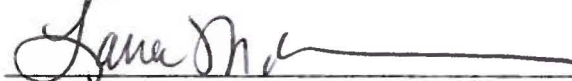
Keith Campbell



John Copeland



Mike Kincaid



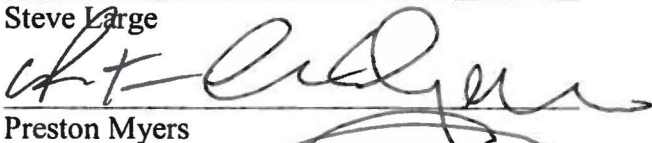
Lana Kruse



Jeremy Lamar

Absent

Steve Lorge



Preston Myers

ATTEST:

Tonya Thayer

Tonya Thayer,
Clerk-Treasurer, City of Lebanon, Indiana