

ORDINANCE NUMBER 02-21-07-01

ORDINANCE SETTING ACCESS STANDARDS FOR COUNTY ROADS

BE IT ORDAINED by the Board of Commissioners of Brown County, Indiana:

200700001309
Filed for Record in
BROWN COUNTY, IN
GLENDA STODSDILL
04-13-2007 At 09:58 am.
ORDINANCE .00
OR Book 126 Page 1537 - 1543

SECTION 1. Purpose.

The purpose of this ordinance is to regulate access to, to insure proper traffic flow upon, to prevent damage to, to provide for proper drainage of, and to provide for safe travel upon Brown County roads, all in conformance with established standards for driveway access to public ways. It is recognized that due to Brown County's unique topography and the location and construction of existing roads in Brown County, some reasonable variation from established standards may in some instances be necessary, but such variation should be sparingly granted by the Brown County Highway Department and should always keep foremost the need to insure public safety and the maintenance of Brown County roads. Any reference to requirements or standards are considered to be guidelines to be applied by the Brown County Highway Department in the impartial exercise of its informed discretion. Any reference to distances or measurements or locations as referenced herein shall be construed to be typical in nature and shall be used only as a guide for field applications.

Regulation and control of driveways and approaches thereto are necessary to provide efficient and safe operation on the highways and to realize the full potential of the highway investment. Landowners adjacent to highways have certain rights and expectations regarding access to their property. The public has certain rights and expectations regarding freedom of movement, safety, and the efficient expenditure of public highway funds. It is the responsibility of the Brown County Highway Department to regulate and control the location, design, and operation of driveways and approaches with due regard to the rights and needs of landowners and the public.

SECTION 2. DEFINITION OF TERMS

- Access:** A location which allows vehicular and/or pedestrian traffic to cross county road right-of-way line and is positioned at the connection of a driveway with the approach at the right-of-way line.
- Applicant:** A person, partnership, company, corporation, association, or agency making application for a permit to perform work on a driveway or an approach to a driveway.
- Application:** A formally prepared request for a permit which is presented by an applicant on a permit form to the Brown County Highway Department seeking permission to construct a driveway or approaches onto any Brown County road or on the public right-of-way adjacent thereto.
- Approach:** A way or place improved for vehicular or pedestrian traffic on the county road right-of-way which joins the pavement edge of the county road with a driveway or pedestrian walkway.
- Acceleration Lane:** A speed change lane, including taper, for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

- Deceleration Lane:** A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.
- Driveway:** An entrance, private drive or other access way or place not on a public right-of-way used by vehicles to gain access to a county inventory or non-inventory road, whether such road is maintained or not.
- Permittee:** The applicant following the issuance of a permit by the department.
- Permit:** A legal document in which the department gives written permission to an applicant following the issuance of a permit by the department.
- Sight Distance:** The distance visible to the driver of a passenger vehicle measured along the normal travel path of a roadway to a specified height above the roadway when the view is unobstructed to traffic.

ACCESS STANDARDS – DRIVEWAY, APPROACH OR ACCESS WAY.

- A. Driveways shall be located as to result in no undue interference with, or hazard to the free movement of normal vehicular traffic and so that areas of traffic congestions will not be created on the highway. In accordance with this principle, driveways shall be located where the highway alignment and profile are favorable. There should be no sharp curves, steep grades, or sight distance restrictions. To the extent feasible within the frontage limits, any driveway should be located at a point of optimum sight distance along the highway. An application for a driveway permit may be denied if adequate sight distance can not be obtained.
- B. Where a driveway is provided to a commercial establishment, the highway right-of-way and the adjacent borders shall be reasonably clear so that either the establishment itself or the appropriate sign located outside the right-of-way can be seen at a sufficient distance. This will enable proper and safe maneuvering by the motorist desiring to enter and leave the establishment.
- C. Driveways should not be situated within the functional boundary of intersections. The boundary includes the longitudinal limits of auxiliary lanes. The functional boundary should be larger than the physical boundary of the intersection.
- D. No private drive or other access way shall be made onto any county road in Brown County, Indiana, without a specific permit being first duly obtained from the Brown County Highway Dept. for that particular drive or access at the particular location stated in the application for the permit. Construction of a driveway entrance and approaches must be complete within one year after the permit for its construction is issued. Each permit expires one year after the permit is issued.

- E. Any driveway shall have a minimum property clearance of at least 25 feet, which is recommended to allow a vehicle to perform the maneuver from one driveway to another with a minimal turning path. If the recommended property clearance can not be obtained, the Brown County Highway Department will determine the acceptable clearance. No approach shall be so constructed that any part of the same extends in front of property belonging to a person other than the permittee, unless both property owners sign a joint application for a permit, except for deceleration lanes, acceleration lanes, or passing lanes, as required by the Brown County Highway Department or the Indiana Department of Transportation.
- F. All drainage pipes or tiles used in the construction of driveways and approaches shall be a minimum of 12 inches in diameter and the Brown County Highway Department may require larger pipes or tiles if, in its judgment, local conditions require a larger size for proper drainage. This requirement shall apply to all new or modified driveways and approaches. All pipe or tile and other drainage structures shall be furnished by the permittee. All pipe or tile and other drainage structures used shall meet the approval of the Brown County Highway Department as to type, quality, size and length. All pipe or tile and other drainage structures shall be a minimum of 30 feet in length.
- G. All driveways and approaches shall be so constructed that they shall not interfere with drainage of, or cause erosion to, the road. The profile grade of the approach from the edge of the county highway shall slope down and away at -4% or the same rate as the highway shoulder grade. It shall be constructed in a manner that no surface water or debris will flow onto the highway. At the point where the driveway intersects with the roadway no driveway surface may be higher than the edge of the road.
- H. All disturbed areas shall be fertilized and seeded or sodded to prevent erosion. All driveways shall have a stabilized surface such as but not limited to asphalt, concrete, or crushed stone.
- I. The construction of driveways and approaches shall not interfere with any existing structure, utility or any public right-of-way without specific permission in writing from the Brown County Highway Department and all other owners thereof.
- J. Adequate sight distance varies considerably because of many physical elements such as tire air pressure, composition of tires, tire tread pattern, vehicle braking system, type and condition of the road surface and the presence of water, mud, ice, or snow. Because the coefficient of friction is lower on wet pavement than on dry pavement, the wet condition governs in determining stopping distances. Values for the minimum stopping sight distance based on the prevailing speed range are provided in tables 11.1 and 11.2, as found in the current INDOT Driveway Permit Manual. Those sight distances are based on 3.5 foot driver eye height and 4.5 foot vehicle height.

TABLE 11.1 : SIGHT DISTANCES (METRIC)

Posted Speed Limit (km/h)	Prevailing Speed Range (km/h)	Brake Reaction Distance (meters)	F (Wet)	Braking Distance (Level) (meters)	Stopping Sight Distance (meters)
50	42-61	29-43	0.35	20-42	49-85
60	52-71	36-50	0.34	31-59	67-109
70	62-81	43-57	0.32	47-81	90-138
80	72-91	50-64	0.31	66-106	116-170
90	82-101	57-71	0.30	89-134	146-205
100	92-111	64-78	0.30	112-162	176-240

TABLE 11.2 : SIGHT DISTANCES (ENGLISH)

Posted Speed Limit (mph)	Prevailing Speed Range (mph)	Brake Reaction Distance (feet)	F (Wet)	Braking Distance (Level) (feet)	Stopping Sight Distance (feet)
30	25-37	92-136	0.35	60-131	152-267
35	30-42	110-155	0.34	88-173	198-328
40	35-47	129-173	0.32	128-230	257-403
45	40-52	147-191	0.30	172-291	319-482
50	45-57	166-210	0.30	225-361	391-571
55	50-62	184-288	0.30	278-427	462-655
60	55-67	202-246	0.29	348-516	550-762
65	60-72	221-265	0.29	414-596	635-861

- K. No entrance or approach shall be located or constructed so as to interfere with or prevent the proper location of necessary road signs.
- L. The permittee shall assume responsibility for all maintenance of the permittee's driveways and approaches thereto, including the distance from the right-of-way line to the edge of the traveled roadway. Maintenance shall include, but not be limited to keeping culverts or drain pipes or tiles free of any obstruction or debris so that water can properly and freely flow.
- M. No driveway entrance or approach shall be relocated or its dimensions altered without the written consent of the Brown County Highway Department.
- N. By applying for and accepting a permit, the permittee assumes all responsibility for any injury or damage to persons or property resulting directly or indirectly from or arising out of the construction or existence of his or her approach or driveway.
- O. The permittee shall remove or relocate his or her driveway entrance or approach when requested to do so by the Brown County Highway Department in the interest of safety to county road traffic. For the purpose of road or bridge construction or improvements, driveway entrances and approaches shall be removed upon the request of the Brown County Highway Department.

- P. The right-of-way area adjacent to or between driveway approaches may be graded at the permittee's expense, subject to drainage requirements as determined by the Brown County Highway Department. The permittee may plant in this area grass, flowers or low growing shrubs that never attain sufficient height to obstruct clear vision in any direction based on 3.5 foot driver eye height or interfere with drainage.
- Q. All work on driveways and approaches shall be done in accordance with the approved plans and the latest issue of the Indiana State Highway Standard Specifications, and shall meet the approval of the Brown County Highway Department.
- R. No persons shall cut, dig, trench, or otherwise interfere with the surface or subsurface of any county road which is a part of the Brown County road system, or the right-of-way or easement adjacent to any county road, unless that person first obtains a permit from the office of the Brown County Highway Department.
- S. No private approach or other vehicle access road onto a county road shall be less than 28 feet in width where it crosses the side ditch and the drainage pipe shall be exposed at least twelve 12 inches at each side of the driveway or access road. For two-accesses, the width of a private approach or other vehicle access road onto a county road shall be 35 feet if one or more of the following apply:
- (1) Vehicle volume is expected to exceed 5 vehicles per hour at the peak hour of the day.
 - (2) Multi-unit vehicles (i.e. tractor trailer trucks) will use the access.
 - (3) Single-unit vehicles of more than 30 feet in length will use the access.
 - (4) Vehicles of more than 16 feet in width will use the access.

SECTION 3. EXISTING DRIVEWAYS.

- A. The Brown County Highway Department may require the removal and replacement of existing driveways and associated approaches and/or the drainage pipe and tiles for existing private drives when necessary to insure proper drainage or in the interest of safety to county road traffic or maintenance of the county roads in accordance with the access standards set forth in Section 2.
- B. The cost of all drainage pipes, tiles or structures required by the Brown County Highway Department to be replaced as well as all other costs of replacement shall be paid by the owner of the property served by the driveway.
- C. The Brown County Highway Department may, but is not required to, furnish such assistance as it may deem necessary for the removal and replacement of existing drives and associated approaches and/or drainage pipes and tiles, such as technical assistance, equipment and grading.
- D. All work on existing drives shall be in accordance with the access standards set forth in Section 2 and shall be acceptable to and meet the approval of the Brown County Highway Department.

SECTION 4. PERMIT APPLICATION.

A form shall be developed and used by the Brown County Highway Department for the application by any person seeking a permit to construct a driveway or approaches onto any Brown County road or on the right-of-way adjacent thereto.

SECTION 5. Permit Fees.

- A. The following schedule of fees shall be charged for driveway permit onto the Brown County roads if the permit is obtained before the driveway and any intended approaches are built: (Inspection fee will be credited to all permits on final inspection if approved. Otherwise, the non-refundable fee will only cover first inspection.)

Inspection Fee	\$35.00
Private Drive	\$65.00
Logging or Other Temporary Access (6 months or less)	\$65.00
Farm Drive	\$65.00
Commercial Drive	\$20500
Major Subdivision Entrance	\$275.00
Minor Subdivision Entrance	\$205.00

- B. If any person who is required to obtain a permit pursuant to this ordinance fails to do so before building the subject driveway, the schedule of fees charged is as follows:

Inspection Fee	\$70.00
Private Drive	\$130.00
Logging or Other Temporary Access	\$130.00
Farm Drive	\$130.00
Commercial Drive	\$410.00
Major Subdivision Entrance	\$550.00
Minor Subdivision Entrance	\$410.00

- C. After the location of a driveway is approved and the pipe size, if required, is determined, the applicant may either construct the drive immediately or provide a \$200.00 deposit, via certified check, cashier's check or money order made payable to Brown County, Indiana, to allow a building to be built on the property to be served by the driveway prior to the construction of the driveway.

- D. After a driveway is constructed, the Brown County Highway Department shall be contacted for final approval. If the driveway is approved, a certificate of final approval may be obtained from the Brown County Hwy. Department. A copy of the certificate will be sent to the Brown County Department of Planning and Zoning. If a deposit was posted, the applicant will be notified when the deposit is released and he or she may pick it up the at the Brown County Auditor's office.

- E. If the proposed driveway construction has not been completed within one year from the filing date, the permittee will need to reapply for a new permit or apply for an extension.

SECTION 6. SEVERABILITY

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, the adjudication shall not affect the validity of this ordinance as a whole or any section, provision or part hereof not specifically adjudged invalid or unconstitutional.

SECTION 7. REPEALER.

A. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Upon its adoption, this ordinance repeals Brown County Ordinance Number 11-21-94-3.

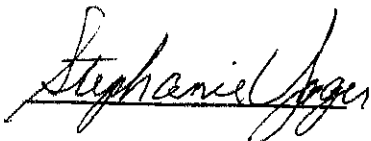
B. All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Upon its adoption, this ordinance repeals Brown County Ordinance Number 08-02-04-01.

SECTION 8. EFFECTIVE DATE.

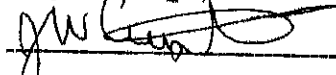
This ordinance shall be in full force and effect from and after its passage.

APPROVED AND ORDAINED this 21st day of February, 2007.

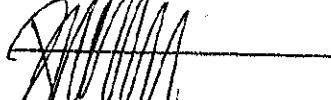
**BOARD OF COMMISSIONERS OF
BROWN COUNTY, INDIANA**



Stephanie Yager, President

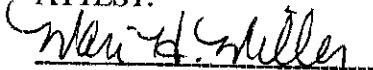


Bill Austin, Vice-President



Blake Wolpert, Member

ATTEST:



Mari H. Miller, Brown County Auditor