



# City of Carmel

## CARMEL LAND USE AND SPECIAL STUDIES COMMITTEE MEETING AGENDA

WEDNESDAY, JUNE 3, 2026 - 5:30 PM  
CARMEL CLAY PUBLIC LIBRARY, BOARD ROOM, SECOND FLOOR

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### 1. THE PURPOSE OF THIS MEETING IS TO DISCUSS:

- a. **Ordinance Z-707-26**; An Ordinance of the Common Council of the City of Carmel, Indiana, Establishing Fees Related to Zoning and Development Applications and Violations in the Unified Development Ordinance for the City's Engineering Department and Amending the UDO Fees to Comply with HEA 1001; Sponsor: Councilor Ayers.

**Synopsis:**

This Ordinance amends the Filing Fees in Article 1, Section 1.29 of the Unified Development Ordinance.

- b. **Ordinance D-2826-26**; An Ordinance of the Common Council of the City of Carmel, Indiana, Amending Chapter 8, Article 65, Section 8-65 of the Carmel City Code; Sponsors: Councilors Ayers, Joshi, Minnaar, Snyder.

**Synopsis:**

Ordinance amending excavation and right-of-way disturbance permit, maintenance and restoration requirements, as well as amending penalties for violation.

- c. **Unified Development Ordinance Review**

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### Land Use and Special Studies Committee Members

**Anita Joshi, Chair**  
Appointed by City Council  
Jan - Dec 2026

**Teresa Ayers**  
Appointed by City Council  
Jan - Dec 2026

**Ryan Locke**  
Appointed by City Council  
Jan - Dec 2026

**Tony Green**  
Appointed by City Council  
Jan - Dec 2026

**ORDINANCE Z-707-26**  
**AN ORDINANCE OF THE COMMON COUNCIL OF THE**  
**CITY OF CARMEL, INDIANA**

*An Ordinance establishing fees related to Zoning and Development applications and violations in the Unified Development Ordinance for the City’s Engineering Department and amending the UDO fees to comply with HEA 1001.*

**Synopsis:** This Ordinance amends the Filing Fees in Article 1, Section 1.29 of the Unified Development Ordinance.

**WHEREAS**, City of Carmel’s Unified Development Ordinance, (the “UDO”) established fees for various zoning and development applications that help offset the City of Carmel’s (the “City”) administrative and processing burdens, as well as mitigate the impacts of new development on public infrastructure and services; and

**WHEREAS**, the City’s Department of Engineering seeks to establish reasonably necessary fees to partially offset said administrative, processing, and inspection costs in accordance with the UDO and the State law; and

**WHEREAS**, the 2026 House Enrolled Act 1001 requires that any fees adopted before January 1, 2027, only be increased once every five years and by an amount not more than the combined annual percentage change in the Consumer Price Index for all Urban Consumers, as published by the United States Bureau of Labor Statistics, for the preceding five years; and

**WHEREAS**, pursuant to Indiana Code § 36-7-4-602, the Common Council is authorized to amend the text of the UDO.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Carmel, Indiana, that, pursuant to IC 36-7-4-600 et seq. and after Docket No. PZ-2026-00082 OA having received a favorable recommendation from the Carmel Advisory Plan Commission on Tuesday, May 19th, 2026, hereby adopts this Ordinance to amend Article 1.29 of the UDO, to read as follows:

**Section I:** The foregoing recitals are incorporated herein by this reference.

**Section II:** Amend Article 1: Administration, Section 1.29: Filing Fees, as follows:

**1.29 Filing Fees:**

Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the ~~filing~~ fees hereinafter specified and shall be paid to the City of Carmel and collected by the Department of Community Services **or the Department of Engineering**. On or before December 31st of ~~each~~ **every fifth** year from January 1, 2027 or as otherwise required by State law, the Director of Community Services shall determine if there has been an increase in the Consumer Price Index **for Urban Consumers** (United States city average) prepared by the United States ~~Department of Labor Bureau of Labor Statistics, for the preceding five years.~~ **, by comparing the arithmetic mean of the Index for July, August, and September of the current year with the same three-month period of the preceding year. If there has been an increase, the increase shall be stated as a percentage of the arithmetic mean for the three-month period for the year preceding the current year (the Adjustment Percentage). The Adjustment Percentage shall be rounded to the nearest one-**

~~tenth of one percent and may not exceed four percent (4%), unless otherwise provided by ordinance.~~ Whenever the Director determines that there has been an increase, the Director shall make an ~~corresponding~~ adjustment to the filing and inspection fees (including late fees) that are assessed under this ~~Article 1.29 Filing Fees~~, in order to recoup increases in personnel, ~~processing, inspection,~~ and administrative costs within the Departments. However, the adjustment may not be greater than the ~~combined annual percentage change of the Consumer Price Index for the preceding five years.~~ ~~Adjustment Percentage determined under this paragraph~~ ~~If the personnel and administrative cost increase substantially, an amended fee ordinance shall be presented to the City Council.~~ However, if the cost substantially changes from the amount described in this Section, the Common Council, after conducting a public hearing, may adjust the fees above the allowable amount to accurately reflect such cost increase. ~~The adjusted fees as determined by the Director under this paragraph take effect on January 1 of the succeeding year~~

**Section III: Amending Article 1: Administration, Section 1.29(B): Withholding Permits, as follows:**

B. Withholding Permits: The Department of Community Services ~~and the Department of Engineering are~~ ~~is~~ empowered to withhold issuing new permits or granting inspections to any individual, firm, or corporation until all previously required permits, inspections and Certificates of Occupancy have been issued and all fees paid.

**Section IV: Amending Article 1: Administration, Section 1.29(D): Fee Schedule, by adding the following Engineering Fees:**

1.29 Filing Fees

1. ZONING, ~~ENGINEERING,~~ & DEVELOPMENT FEES

| PLAN COMMISSION APPLICATIONS   | FEE        |
|--|------------|
| Engineering Development Plan Review (includes 5 review cycles)                           | \$1,500.00 |
| Engineering Development Plan Review (after 5th cycle, each)                              | \$300.00   |
| Engineering Development Plan Amendment Review  | \$300.00   |
| Engineering Major Primary Plat Review  | \$675.00   |
| plus per lot   | \$75.00    |
| Engineering Minor Primary Plat Review  | \$300.00   |
| Engineering PUD Ordinance Review   | \$675.00   |
| Engineering PUD Ordinance Amendment Review   | \$300.00   |
| Engineering Secondary Major Plat Review  | \$300.00   |
| plus per lot   | \$75.00    |
| Engineering Minor Secondary Plat Review  | \$200.00   |
| Engineering Major Plat Amendment, Replat, Right-of-Way Vacations or Plat Vacation Review | \$300.00   |
| plus per lot   | \$75.00    |
| Engineering Minor Plat Amendment, Replat   | \$300.00   |
| Engineering Rereview   | \$300.00   |

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| BOARD OF ZONING APPEALS  | FEE        |
| Engineering Use Variance Review  | \$225.00   |
| Engineering Special Use/Special Exception Review   | \$175.00   |
| 2. Permits and Inspections Fees  |            |
| CONSTRUCTION INSPECTIONS   | FEE        |
| Engineering Project Inspection (single family homes exempt)<br>(includes preconstruction meeting, construction monitoring, & bond inspections) | \$3,900.00 |
| Engineering First Failed Inspection<br>(includes improvement inspections, bond inspections, & proof rolls)                                     | \$100.00   |
| Engineering Non-Business Hour Inspection Fee (per hour)  | \$175.00   |
| Engineering CCTV Review per hour   | \$75.00    |
| Stop Work Order  | \$500.00   |
| Stop Work Order Reinstatement Inspection   | \$500.00   |
| INSPECTION LATE FEES   | FEE        |
| Engineering Failure to schedule inspection   | \$200.00   |

**Section V:** The Engineering Department fees established by this Ordinance shall take effect ninety (90) days after the Ordinance’s publication.

**Section VI:** After December 31, 2026, all fees collected pursuant to UDO Section 1.29 shall be maintained in special fund(s) dedicated solely to reimbursing the costs incurred relating to the imposition and amount of the fee as outlined in this Ordinance. Each such fund shall be maintained as a separate line item in the City's budget. Money in such fund(s) may not revert to the general fund or any other fund of the City.

**Section VII:** All prior Ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

**Section VIII:** This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor or as otherwise outlined herein.

**ADOPTED** by the Common Council of the City of Carmel, Indiana this \_\_\_\_\_ day of \_\_\_\_\_ 2026, by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

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Matt Snyder, President

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Ryan Locke, Vice President

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Jeff Worrell

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Teresa Ayers

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Shannon Minnaar

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Anita Joshi

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Adam Aasen

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Anthony Green

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Rich Taylor

ATTEST:

\_\_\_\_\_  
Jacob Quinn, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of \_\_\_\_\_  
2026, at \_\_\_\_\_ .M.

\_\_\_\_\_  
Jacob Quinn, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_  
2026, at \_\_\_\_\_ .M.

\_\_\_\_\_  
Sue Finkam, Mayor

ATTEST:

\_\_\_\_\_  
Jacob Quinn, Clerk

**ORDINANCE NO. D-2826-26**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
AMENDING CHAPTER 8, ARTICLE 65, SECTION 8-65 OF THE CARMEL CITY CODE**

**Synopsis: Ordinance amending excavation and right-of-way disturbance permit, maintenance and restoration requirements, as well as amending penalties for violations**

**WHEREAS**, the City of Carmel (the “City”) within the reasonable exercise of its police power, has the power to regulate the use of public ways and rights-of-way within its jurisdiction; and

**WHEREAS**, the Common Council previously enacted Ordinances to regulate excavations of the City’s streets, alleys, sidewalks, and other rights-of-way and providing for permits, regulations and restrictions on such excavations; and

**WHEREAS**, with the City's rapid growth has come a significant increase in excavations, cuts, and other disturbances to public rights-of-way by private owners, contractors, and utilities. This has created a heightened need for right-of-way patching, repair, and restoration. Therefore, the Common Council finds it to be in the best interest of the health, safety, and general welfare of City residents to enact more comprehensive regulations for these activities.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. The following subsections of Carmel City Code Section 8-65 are hereby amended and shall read as follows:

“§ 8-65 Excavations, **Cuts, and Other Disturbances** in ~~Streets~~ **Rights-of-Way and City Easements—**Permits and Regulations.

(a) Permit.

**(1) Prior to beginning any work described herein, a Right-of-Way Permit from the City is required for any person, business, or entity wishing to make any cut, excavate, tunnel under, undermine, install a construction entrance or other facility, or in any manner damage or interfere with (collectively "right-of-way disturbance") a roadway, alley, street, sewer, sidewalk, multi-use path, buried facilities, City-owned easement area, swale, drainage system or other right-of-way (collectively "rights-of-way"), or to place equipment or materials that interfere with rights-of-way or other City infrastructure’s free and unobstructed use.**

~~Any person wishing to make any cut into the pavement or into any other portion of any street, sidewalk, curb or public place, or to excavate therein, or to excavate beneath the surface for the construction, alteration or repair of any driveway, sewer, sidewalk, or water line or other buried facility, or for the installation of any such work, shall obtain a permit from the City prior to beginning any such work ("Right-of-Way Permit").~~

51 (2) Permit Application. Right-of-Way Permit application shall be submitted to the City's Engineering  
52 Department, signed by a person or an authorized representative of an entity wishing to make a right-  
53 of-way disturbance. The application shall state the name and address of the applicant; the nature,  
54 location and purpose of the right-of-way disturbance; the date of requested commencement; date of  
55 completion of the work, and the list of contractors/subcontractors hired to perform the work.  
56 Additionally, ~~Any person seeking a Right-of-Way Permit~~ the applicant shall provide the following  
57 information at the request of the Engineering Department:  
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- 59 a) Proof of licensure (when applicable);
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- 61 b) Proof of insurance;
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- 63 c) Proof of participation in Gold Shovel Standard or similar program;
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- 65 d) Proof of training for executives, management, and crews;
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- 67 e) Indiana Proactive training (or approved equivalent) for executives, managers and  
68 Subcontracting principals; and
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- 70 f) Indiana 811 Online excavation training for all supervisors, subcontractors and crews.

71 If, in the opinion of the Engineering Department, the proposed right-of-way disturbance is expected to  
72 affect the use of abutting or adjoining properties, the Engineering Department Director or his/her  
73 designee may require the applicant, at the applicant's sole expense, to notify the affected property  
74 owners or tenants of the proposed work via letter, signs, or other means, as well as provide contact  
75 information of a representative to answer questions about the work. The notice issued by the Right-of-  
76 Way Permit holder must also identify the utility or entity that hired the Right-of-Way Permit holder to  
77 perform the work.

78 The term "applicant" refers to both the person or entity to whom a permit is issued, as well as the  
79 person who owns the facility or installation for which the permit is issued. The applicant is responsible  
80 for complying with all current federal, state, and local laws, regulations, and requirements.

81 The Engineering Department may impose reasonable conditions on the issuance of the Right-of-Way  
82 Permit and the performance of the applicant's work. These conditions are put in place to protect public  
83 health, safety, and welfare, to ensure the structural integrity of the rights-of-way, and to minimize  
84 disruption and inconvenience to the traveling public.

85 (3) Permit Commencement and Expiration. Unless an extension has been requested at least forty-eight  
86 (48) hours prior to the requested start date, work outlined in the application must commence on the  
87 date indicated on the permit; otherwise, the permit will automatically terminate. Unless an extension is  
88 formally obtained, every permit issued will expire at the end of the period specified within the permit.  
89 Engineering Department may extend the Permit's commencement or expiration date due to  
90 emergencies, severe weather, or other unforeseen circumstances.

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92 (43) Permit Fees. Before issuance of the Right-of-Way Permit, an applicant must pay a non-refundable  
93 permit/review fee. The fee will vary depending on the type of right-of-way disturbance as  
94 follows:

|    |                                    |                  |
|----|------------------------------------|------------------|
| 97 | Application fee:                   | \$50.00          |
| 98 | Street/roadway excavation/cut fee: | \$500.00 per cut |
| 99 | Path/Sidewalk excavation/cut fee:  | \$200.00 per cut |

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Utility potholing utilizing the “Utilicor” or other approved process per the City’s standards is exempt from the permit fees outlined herein.

~~Right of Way Permit applicants must pay a fifty dollars (\$50) Right of Way Permit fee to the Engineering Department prior to the issuance of said Permit. The City reserves the right to revoke a Right of Way Permit for any violation of this section. Right of Way Permit revocations may be appealed to the Board of Public Works and Safety upon written request within seven days of the revocation.~~

(b) **Permittee’s Liability and Indemnification.** Except in cases of gross negligence by the City, its officers, or its employees, neither the City nor any of its personnel will be held responsible for any damages caused by any work, including but not limited to excavations, in any rights-of-way under the authority of a permit. The permittee shall be solely liable for any damage or loss occasioned by any act or omission connected with the permitted work. The permittee must fully indemnify, hold harmless, and defend the City, its officers, and employees from and against any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney’s fees), damages, and liabilities of every kind. This includes any and all claims to which the City, its officers, or employees may be subjected for any type of personal injury, death, or property damage arising from or connected with any such act or omission.

~~(c) Any person performing any work described in this section and pursuant to a permit from the City, shall agree to indemnify the City and any other party interested in such work or its performance against all claims, demands, actions, judgments, losses and expenses which may arise from any injuries to any person or damage to any property resulting from such work, or from any conditions created by such work in the street or any public place.~~

(d) **Bond.** The following shall be required of each applicant to obtain a Right-of-Way Permit:

(1) Before a permit is issued, every applicant must post a performance security with the Engineering Department. This security may be either an individual or blanket bond, naming the City as the obligee, or an irrevocable letter of credit from a bank, naming the City as the sole beneficiary, to be honored upon presentment. The required security amount is as follows:

- a) Blanket Bond – public utility work (\$25,000)
- b) Individual Permit Bond - all other disturbances (\$5,000)
- c) Custom amount - Special circumstances based on project scope

The effective term of the security shall be as follows, depending on the type of work:

- a) Three (3) years for right-of-way excavations, cuts, or push/bores, starting from the date of work approval.
- b) One (1) year for all other types of right-of-way disturbances.

The maintenance security will be released by the Engineering Department at the end of the required period upon the permittee's request.

The security will only be released after the work is completed, inspected, and accepted by the Engineering Department, at the expiration of the required term. The approval is contingent upon the City's disturbed property being restored to a condition that is as good as or better than its state prior to work commencement, in compliance with all City standards and the conditions of the Right-of-Way Permit. Additionally, any subcontractors used to complete the work must meet these same security requirements.

~~(1) In the event that a cut runs lengthwise along right-of-way, the applicant wishing to proceed with such work shall be required to post a bond on the basis of \$20 per lineal foot; provided however that said bond shall be in an amount of not less than \$2,000.~~

- (e) **Worksite Maintenance and Inspection.** The permittee is required to post a clearly visible sign, barricade, or other device that includes the permittee's name and contact information. A copy of the approved permit must be on site and able to be presented during all active work. During all work, the permittee must maintain a clean worksite and ensure that no debris or construction materials affect surrounding areas. If traffic control is necessary, the permittee must maintain it in accordance with the latest edition of the Indiana Manual on Uniform Traffic Control Devices and all other applicable local, state, and federal laws. An alternate route for pedestrians must be provided and must comply with the Americans with Disabilities Act (ADA). The permittee shall secure all open right-of-way disturbances and at a minimum shall implement the following measures:

(1) All soft surface right-of-way disturbances shall be covered or fenced.

(2) Roadway, alley, and street pavement disturbances shall be steel plated and secured.

(3) All sidewalk and multiuse path disturbances shall be temporarily compacted with stone backfill.

The City reserves the right to actively monitor and inspect **work performed pursuant to the Right-of-Way Permit** ~~excavation activities located within public right-of-way~~. Such inspection may include, but is not limited to, spot inspections, ~~regular~~ documentation review, ~~random~~ verification with vacuum excavation of projects, and all such other investigations as are appropriate for the **work performed project**.

- (f) **Underground Utility Location.** All underground utility locates must be examined and crossings confirmed (pursuant to I.C. 8-1-26), via hand digging, vacuum excavation, **or any such method contemplated by the statute.** ~~Right-of-Way Permit holders excavating in developed areas shall spot existing underground utility facilities with hand digging, vacuum excavation, or similar means to confirm drill head location for boring at a regular interval no more than every fifty (50) feet.~~

- (g) **Restoration of Right-of-Way.**

(1) **Restoration of surface.** All work and right-of-way restoration must be completed within the dates specified on the permit. For work performed between November 1st and March 1st, the restoration of vegetation may be delayed until weather conditions are favorable, but it must begin no later than April 1st. Subject to adverse weather conditions, all restoration work shall be completed within 14 business days after the work pursuant to the Permit is complete; however, excavation backfill after any below surface work shall be completed within 24 hours. The permittee shall not leave any open holes or

trenches after excavation backfill. The permittee is responsible for restoring the work area and surrounding right-of-way, including trench backfill and paving, to a condition that is as good as, or better than, the original state. Following completion, the permittee must inspect the work area and maintain this condition for an applicable maintenance guarantee period, with the exception of natural wear. All materials and restoration methods must comply with current Indiana Department of Transportation Standard Specifications, as well as any applicable City ordinances, policies, or regulations. All waste generated during the work must be disposed of in accordance with all relevant City, federal, and state statutes, rules and regulations. Under no circumstances is any debris to be left in the right-of-way.

(2) Failure to Restore. If the permittee fails to restore the right-of-way as required, the City Engineer or his/her designee will notify the permittee of any such deficiencies. The permittee must then correct the restoration work within a reasonable timeframe, not to exceed thirty (30) days. Should the permittee fail to meet this standard or timeframe, the Board of Public Works and Safety may authorize the Street Department or an independent contractor to perform the necessary restoration. In this instance, the permittee will be billed for all costs incurred by the City and must reimburse the City within thirty (30) days of receiving the invoice. The City may pursue legal action in a court of competent jurisdiction to collect any unreimbursed amount and reasonable attorney fees, court costs, and other costs of collection.

(3) The City, through its Code Enforcement Department, and at the direction of the City Engineer or their authorized representative, has the authority to order an immediate stoppage of work. This may occur if the permittee is found to be deviating from the permit conditions or if the continuation of work poses a serious threat to the life, health, safety, or well-being of the public. All work must cease immediately upon a work stoppage order and cannot resume until the specified issues are resolved and the City provides explicit permission to proceed.

(4) Steel Plates Requirements. Steel plates may only be used for temporary pavement cuts during emergency repairs or for excavations in paved areas expected to last more than one workday. When a plate is used, the City's Engineering Department must be notified. Each plate must be clearly marked with the owner's name or another visible identifier. Plates must be tacked down on all four corners with hot mix asphalt, and a one-foot-long asphalt ramp must be provided to reduce the transition from the pavement. Any plate remaining in the roadway for more than seven (7) days must be countersunk to allow for a smooth transition. However, from December 1st to April 1st, all plates must be countersunk regardless of the duration of the work.

~~(h) Said bond shall be cancelled only after the completion of the work and inspection and approval by the City Engineer. Such approval shall be based on the requirement that the public property disturbed be replaced in as good or better condition that was its condition prior to the beginning of said work, and upon the further requirement that the work shall be in conformance with the stated conditions of the work permit. In the event that the public property has not been restored to a condition as good or better than it had existed prior to the beginning of the work, the City may call upon the bonding company to perform such work or perform the restoration work itself and bill the Right of Way Permit Holder for the work performed.~~

(i) Public utilities. Utilities owned and operated by the City of Carmel shall not be required to post bond or other security pursuant to this section, ~~b~~But are required to comply with all other requirements of this section. The City may require public utilities performing ~~work excavation~~ within the ~~public~~ right-of-way to provide ~~active~~ supervision of such ~~work excavation or construction~~ if it is located within densely populated or urban environments, or near transmission ~~or distribution~~ facilities of public ~~for the involved~~

247 utilities. (Ord. D-107, 1-17-77)

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- 249 (j) Street damage addressed. Section 6-51 of this Code addresses damage to streets.
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- 251 (k) Adverse Weather Conditions. Except in cases of an emergency as outlined in this section or with explicit
- 252 approval from the Engineering Department, no work shall be performed when adverse weather
- 253 conditions exist. This includes any conditions that would make the work unsafe for any person or would
- 254 cause damage or degradation to the right-of-way or surrounding property that would not normally occur
- 255 under typical conditions. The permittee is responsible for assessing and halting work when such
- 256 conditions, including but not limited to, heavy rain, deep freezing temperatures, or high winds, are
- 257 present.
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- 259 (l) Noise, Dust, Trash and Debris. Each permittee must conduct work in a manner that avoids unnecessary
- 260 inconvenience and annoyance to the general public and property occupants. The permittee must take all
- 261 appropriate measures to reduce noise, dust, and debris to the fullest extent possible. All work must be
- 262 carried out in compliance with applicable noise and nuisance ordinances. Except in emergency
- 263 situations, work is not permitted between the hours of 9:00 p.m. and 7:00 a.m. during weekdays and
- 264 8:00 p.m. and 8:00 a.m. during weekends and City-recognized holidays unless express written
- 265 permission has been obtained from the Board of Public Works and Safety. All trash, debris, and waste
- 266 materials must be properly disposed of and in accordance with all relevant City, federal, and state
- 267 statutes.
- 268
- 269 (m) Emergency Conditions. In the event of an emergency, such as a burst pipe, broken conduit, failure of
- 270 transmission, or distribution facilities or other critical utility infrastructure that immediately endangers
- 271 the public, the facility owner may take immediate, proper measures to remedy the situation without first
- 272 obtaining a Right-of-Way Permit. Such persons or entities must, however, retroactively apply for a
- 273 permit and comply with all other requirements no later than the end of the next business day.
- 274 Furthermore, the facility owner must notify an authorized City representative as soon as practicable,
- 275 leaving a voicemail if the representative is unavailable or if the emergency occurs outside of regular
- 276 business hours. This notification must include the caller's name and contact information, the nature and
- 277 exact location of the emergency, details on any necessary street closures or affected traffic, the scope of
- 278 expected repairs, contact information for the facility owner, and contact information for the contractor
- 279 hired to fix the issue, as well as the approximate time required for repairs. The City reserves the right to
- 280 take any action it deems necessary to respond to the emergency, and the cost of such action will be borne
- 281 by the owner of the facilities that caused the emergency.
- 282
- 283 (n) Denial of Right-of-Way Permit. Except in cases of an emergency or when required by law, the
- 284 Engineering Department may deny a permit if the applicant has failed to comply with the requirements
- 285 of this chapter in the past twelve (12) months or is currently not in full compliance. A permit may also
- 286 be denied if there are existing grounds for its revocation, or if its issuance for the particular date or time
- 287 would cause a conflict or interfere with other work being performed or a scheduled public event. In
- 288 making this determination, the Engineering Department will be guided by the safety and convenience
- 289 of ordinary public travel over the rights-of-way, along with considerations for public health, safety, and
- 290 welfare. The department may also deny a permit to protect the public health, safety, and welfare; to
- 291 prevent interference with travel; or to protect the rights-of-way or its users. In its discretion, the
- 292 Engineering Department may consider various factors, including the capacity of the rights-of-way, the
- 293 availability of other locations, the degree of disruption to surrounding property and businesses, the
- 294 condition and age of the rights-of-way, and whether the area is scheduled for reconstruction or

295 Ordinance D-2826-26

296 Page Six of Nine Pages

297 replacement.

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299 (o) Right-of-Way Permit Revocation. The City reserves the right to revoke any permit without a refund of  
300 the permit fee in the event of a substantial breach of its terms and conditions. A substantial breach is not  
301 limited to, but includes, any of the following:

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303 (1) Failure to Adhere to Work Plan: The permittee performs work that is outside the scope of the  
304 approved permit, including unapproved locations, methods, or materials.

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306 (2) Restoration Deficiencies: The permittee fails to restore the right-of-way to the specified standards  
307 or within the required timeframe after a notification of non-compliance.

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309 (3) Safety Violations: The permittee fails to establish and maintain adequate traffic control and worksite  
310 safety standards, posing a risk to the public.

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312 (4) Misrepresentation: The permittee provides false or misleading information in the permit application,  
313 either intentionally or unintentionally.

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315 (5) Financial Non-Compliance: The permittee fails to pay any fees, provide required security, or  
316 penalties due to the City in a timely manner.

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318 (6) Immediate Threat to Public Safety: The work is determined by the City Engineer to pose a significant  
319 and immediate threat to public safety, health, or welfare.

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321 If the Engineering Department determines a substantial breach has occurred, it will issue a written  
322 demand to the permittee to remedy the violation. This demand, which may be sent via email or other  
323 electronic communication, will state that continued violations could lead to permit revocation. The  
324 Department may also place additional or revised conditions on the permit. The permittee must contact  
325 the Department with an acceptable plan for correction within forty-eight (48) hours of receiving the  
326 notification. Failure to submit or implement an acceptable plan will be cause for immediate revocation.  
327 If a permit is revoked, the permittee will be responsible for reimbursing the City for all reasonable costs  
328 incurred in connection with the revocation, including restoration costs, collection costs, and, if  
329 authorized by law, attorney's fees.

330  
331 (p) Penalties for non-compliance. Any permit holder or authorized subcontractor shall be subject to  
332 applicable penalties for the following violations:

- 333 (1) Failure to provide 24-hour advanced notice of starting permitted work
- 334 (2) Closure or restriction of traffic without advanced notification to Carmel Engineering Dept.
- 335 (3) Failure to provide proper traffic control
- 336 (4) Work completed without required inspections
- 337 (5) Failure to secure open right-of-way disturbances
- 338 (6) Failure to restore right-of-way

339  
340 Fine schedule for non-compliance

|     |                                     |            |
|-----|-------------------------------------|------------|
| 341 | First violation:                    | \$250.00   |
| 342 | Second violation:                   | \$500.00   |
| 343 | Third and any subsequent violation: | \$1,000.00 |

344 Each day of noncompliance constitutes a separate violation.

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(q) Penalties for Work Done Without a Permit or Notification to the City. Any person, business, or entity that performs work in a right-of-way without first obtaining a valid Right-of-Way Permit or, in case of emergencies, notifying the City, will be in violation of this Chapter. Such a party will be required to take the following actions to come into compliance and will be subject to applicable penalties:

- (1) Retroactively Obtain a Permit: Immediately apply for and secure the required Right-of-Way Permit.
- (2) Pay Fees and Fines: Pay all applicable permit fees as well as any fines as outlined in City ordinances.
- (3) Restore Damage: Correct any damage to the right-of-way in accordance with the standards for work completion and restoration detailed in this document.
- (4) Provide Security: Post all required maintenance bonds or other acceptable forms of security.
- (5) Comply with Regulations: Adhere to all other requirements and conditions specified in this document and other applicable City regulations.

Fine schedule for performing work without a permit per day:

|                                     |            |
|-------------------------------------|------------|
| First violation:                    | \$250.00   |
| Second violation:                   | \$750.00   |
| Third and any subsequent violation: | \$1,500.00 |

Each day constitutes a separate violation. Applicants with outstanding violations must pay these fines prior to obtaining another permit. Work performed without a permit on a different project would count as a subsequent violation.

~~(r) Penalties. Any person found to be in violation of this section shall be subject to a fine of not less than \$100 per day first the first such violation; to a fine of not less than \$500 per day for the second violation; and subject to a fine of not less than \$1,000 per day for the third and all subsequent violations. Each day constitutes a separate violation.~~

(s) Appeal Process for Violations. Any person or entity found to be in violation of the provisions of this section has the right to appeal that determination. The appeal must be submitted to the Board of Public Works and Safety, which will hear all such appeals at its next regularly scheduled meeting. After the hearing, the Board may confirm, reverse, or modify the original decision or action. The order issued by the Board will be considered final, and any further appeal must be made to a court of competent jurisdiction within thirty (30) days from the date the Board's order is issued.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 6. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

397 Section 7. The remaining portions of Carmel City Code Section 8-65 are not affected by this  
398 Ordinance upon its passage.

399  
400 Section 8. This Ordinance shall be in full force and effect from November 1, 2026 and signing by  
401 the Mayor and such publication as required by law.

402  
403 **PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2026, by  
404 a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays.

405  
406 **COMMON COUNCIL FOR THE CITY OF CARMEL**

407  
408 \_\_\_\_\_  
409 Matt Snyder, President

\_\_\_\_\_   
Ryan Locke, Vice-President

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411 \_\_\_\_\_  
412 Rich Taylor

\_\_\_\_\_   
Anthony Green

413  
414 \_\_\_\_\_  
415 Jeff Worrell

\_\_\_\_\_   
Teresa Ayers

416  
417 \_\_\_\_\_  
418 Shannon Minnaar

\_\_\_\_\_   
Adam Aasen

419  
420 \_\_\_\_\_  
421 Anita Joshi

422  
423 ATTEST:

424  
425 \_\_\_\_\_  
426 Jacob Quinn, Clerk

427  
428 Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_\_ day of  
429 \_\_\_\_\_ 2026, at \_\_\_\_\_ .M.

430  
431 \_\_\_\_\_  
432 Jacob Quinn, Clerk

433  
434 Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_\_ day of  
435 \_\_\_\_\_ 2026, at \_\_\_\_\_ .M.

436  
437 \_\_\_\_\_  
438 Sue Finkam, Mayor

439  
440 ATTEST:

441  
442 \_\_\_\_\_  
443 Jacob Quinn, Clerk