

**WHITESTOWN TOWN COUNCIL  
ORDINANCE NO. 2024-24**

**AN ORDINANCE ESTABLISHING ENCROACHMENT SPECIFICATIONS FOR THE  
TOWN OF WHITESTOWN'S RIGHT OF WAYS**

WHEREAS, the Town of Whitestown (the "Town") is a political subdivision existing under the provisions of Ind. Code § 36-4-1, *et. seq.*;

WHEREAS, the Whitestown Town Council (the "Council") is the fiscal body of the Town;

WHEREAS, the Council is responsible for and seeks to promote and protect the public health, safety and general welfare of the community, which includes the Town's infrastructure, such as public streets, sidewalks, and rights-of-way;

WHEREAS, the Council has determined there is a need to adopt encroachment specifications to preserve and protect the Town's rights-of-way;

WHEREAS, the Town is responsible for maintaining all streets and structures accepted within the rights-of-way, and it is therefore necessary to set minimum standards for the construction of all improvements for which the Town will be responsible in order to avoid assuming unnecessary maintenance costs and inconvenience to the citizens and businesses of the Town;

WHEREAS, the Town believes it is in the best interests of the community to adopt this ordinance to protect, maintain, and enhance the Town's rights-of-way by establishing minimum standards for construction, as well as provide procedures to control, review, and approve the construction and maintenance of projects where the Town's rights-of-way are affected;

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown that:

**SECTION I. Definitions.**

1. Department: Department of Public Works or DPW
2. Emergency – A situation with the possibility of causing damage or injury per IC 8-1-26-19
3. Engineer – Town of Whitestown Engineer

**SECTION II. Right-of-way encroachments.**

Any person, firm, or corporation desiring to open, cut, bore into or under any street, alley, or other public way, paved or unpaved, or to obstruct the right-of-way for the express purpose of construction, vending, or any other purpose restricting the intended use of the right-of-way within the limits of the Town shall be required to obtain a specific permit for such purpose.

### **SECTION III. Encroachment permit authority.**

The public works department has the legal responsibility for the management of all Town property. The proper use of the public rights-of-way are within the legal authority of the public works department. All encroachments shall be in accordance with this article and subject to the authorization of the public works department. The Council hereby grants the Town Engineer the authority to approve encroachment permits. The Engineer shall have the right to appoint a deputy to perform the duties of encroachment permit administration.

### **SECTION IV. Types of right-of-way encroachments.**

The following right-of-way encroachments shall require a permit:

1. *Right-of-way cuts.*
  - a. The extension of services to a new development from existing town right-of-way;
  - b. The extension of services to existing homes in the right-of-way;
  - c. Upgrade of service to a single user within the right-of-way;
  - d. Directional bores within the right-of-way;
  - e. Parallel, diagonal or perpendicular cuts through the existing pavement, sidewalk, trail or right-of-way;
  - f. Installation of overhead services within the right-of-way;
  - g. The installation or replacement of utility poles;
  - h. Emergency encroachments; and
  - i. Open trenching.
2. *Right-of-way blockage.*
  - a. Obstruction due to dumpsters, construction equipment, materials or signage;
  - b. Sidewalk sales commercial and residential;
  - c. Business awnings, canopies, or sign encroachments;
  - d. Authorized plantings within the right-of-way;
  - e. Building faces restoration and renovations;
  - f. Any work pertaining to drive approaches or sidewalk replacement.
3. *Curb cuts/new access into existing town right-of-way.*
  - a. New residential driveways;
  - b. Upgrade or extension of commercial or residential driveways;
  - c. Addition of auxiliary lanes to existing development in accordance with town standards.
4. *Special provision encroachments.*
  - a. Pavement resurfaced within 36 months of encroachment application.
  - b. Brick streets, alleys, sidewalks or any other brick surface within the right-of-way of the town.

### **SECTION V. Encroachment application and permit procedures.**

All encroachment permit applications shall be in written form. Applications must be submitted to the public works department prior to the encroachment being granted. The encroachment permit application shall be administered and reviewed by the public works department and approved only after the required conditions of the permit have been established and all conditions are met to the satisfaction of the Engineer or designee.

Applications must be submitted by the party responsible for the work. Permits will not be issued to sub-contractors or third-party permitting companies. Permit applications must be filled out completely. Missing or incorrect information will not be accepted.

All applications submitted will be subject to up to a seven-working-day review period. No work will be allowed prior to the completion of the review. A penalty fee of up to \$500.00 will be enforced by the town with a stop work order for unauthorized work performed before permits are approved. All permit work shall be performed Monday through Friday, during the hours of 7:00 a.m. to 6:00 p.m., unless otherwise pre-approved by the Engineer and/or his designee. Permittee's are responsible for reimbursement of any overtime incurred by the inspectors for any work done outside of the normal business hours of Monday through Friday, 7:00 a.m. to 6:00 p.m. Extended hours or weekend work must have prior authorization from Town Engineer. Possession of a properly endorsed encroachment permit by the town shall constitute permission to encroach upon the town rights-of-way. The permit shall be available at all times, on site during the period of encroachment.

- (1) *Standard encroachment permit application.* Standard encroachment permit applications must be obtained through the Whitestown Public Works Department, Whitestown Municipal Complex, 6210 Veterans Drive, Whitestown, IN 46075. The permittee must submit the original encroachment permit application, and a drawing of the proposed right-of-way encroachment to the Engineer or designee. Upon the receipt of the application, the permittee shall be notified after a review period of up to ten working days of the approval or denial of the submitted application. Permits shall be returned by mail only when the permittee provides the proper postage and envelopes.
- (2) *Emergency encroachment permit application.* In the event that public safety is a concern after normal business hours, the town may grant an emergency permit. Emergency encroachment permits are to be in written form. Permit must be filled out on site by a town representative for the permit to be valid. No facsimile forms are accepted. All standard encroachment permit fees apply. The emergency permit will become void 24 hours from the time indicated by the town representative on the permit. The fee for an emergency permit shall be 2x the applicable permit fee.
- (3) *Road Closure permit.* If the permittee needs the road surrounding the project closed, the permittee is responsible for obtaining a road closure permit, which shall have a fee of \$25.00 per application.

- (4) *Additional permits.* The permittee is responsible for obtaining any other necessary permits prior to the approval of the encroachment application; including, but not limited to the following:
- a. Boone County permits;
  - b. Indiana Department of Transportation permits;
  - c. Department of Natural Resource permits;
  - d. Indiana Department of Environmental Management; and
  - e. Federal permits through the Army Corps of Engineers.
- (5) *Notification of residents.* The permittee shall be responsible for the proof of proper notification of all residents affected by the proposed encroachment, as determined by the town. A copy of the notice(s) shall be provided to the public works department to become part of the encroachment permit documentation.
- (6) *Traffic control.* Traffic control shall be required for all encroachments that restrict the natural flow of traffic. All temporary traffic control measures shall conform to the latest addition of the Indiana Manual on Uniform Traffic Control Devices. Unless otherwise approved, the street shall be kept open to all traffic while undergoing improvements. Where so provided on maintenance of a traffic plan, approved by the Engineer, traffic may be bypassed over a detour route. The detour route markings shall be erected, maintained, and removed by the contractor. The portion of street being used by public traffic shall be kept in such conditions that traffic will be adequately accommodated. Flashing type II barricades or drums in accordance with INDOT Specification 801.09, shall be placed at 100-foot intervals where drop-offs of greater than three inches are adjacent to the shoulder until the aggregate or earth wedge is replaced. In areas allowing on-street parking, a distance of 50 feet to 25 feet may be requested.
- (7) *Encroachment start procedures.* The public works department shall require notification prior to the start of any encroachment. In accordance with IC-8-1-26, an I.U.P.P.S. authorization number must be received a minimum of 72 hours prior to any encroachment in the right-of-way. Failure of notification prior to the start of the encroachment shall result in a \$100.00 fine. If the encroachment duration is more than five working days, written weekly updates shall be provided to the Engineer and/or his designee and daily notification shall be required at the discretion of the Engineer. A copy of the approved encroachment permit shall be required to be on site at all times.
- (8) *Permit life.* Encroachment start dates shall be provided on the encroachment permit application. If encroachment does not commence within 45 working days of the permit approval date, the permit shall be considered void and the encroachment application shall be resubmitted for approval consideration. All work must be completed within 60 working days of the application approval date. Exceptions shall be noted on the permit application and shall be authorized by the Engineer only.
- a. Completion dates and times on all open cuts will be noted by town inspectors on-site at the time of final inspection of the permit.

- (9) *Inspection cancellation notices.* Cancellation of any scheduled inspections is required prior to inspection. Failure of prior notice will result in a penalty fee of \$250.00 per inspection.
- (10) *Temporary and permanent patches.* Maintenance periods will begin with the final inspection date approved by the Engineer and/or his representative. All open cuts in streets and alleys shall have permanent patches in place no later than 20 working days of the temporary patch inspection date, or within the permit life whichever comes first. Winter cut procedures will be determined by the Engineer and/or his representative for each individual permit application. Temporary construction patches shall be maintained to the satisfaction of the Engineer until permanent patches are complete. Bricks shall be replaced with original bricks removed from patches. Concrete and sod areas are to be restored to equal, if not better condition within the 20-working-day completion period. All patches listed in Section II shall be maintained by the permit application holder for a period of one year. All temporary patch methods are to be determined by the Engineer or his representative.
- (11) *INDOT encroachment permits.* The town shall have the authority to review all Indiana Department of Transportation encroachment permits obtained for work within the town's corporate limits.
- (12) *Permit Reviews.* All encroachment permits defined in Section IV shall be reviewed and/or inspected by the town before, during, or after the work is completed.

#### **SECTION VI. Encroachment permit insurance and bonding.**

- (1) The applicant shall either file or have on file with DPW a performance and maintenance bond for the project. The company writing the bonds shall be licensed/listed to do business in the State of Indiana. The performance bond shall be in a penal amount not less than ten thousand dollars (\$10,000.00) for unlimited multiple street cuts in any one calendar year. The bond shall be in effect for a duration of 3 years from the date of issuance of each permit. The applicant shall also furnish DPW with a maintenance bond for each application which shall be in effect for a minimum period of three (3) years after completion of work. All bonds shall be for the use and benefit of DPW and the Town of Whitestown. The performance bond posted with respect to each permit shall not be released until an approved inspection is received on the restoration of public right-of-way.
- (2) The applicant shall either file or have on file with the Department of Public Works a general liability insurance policy. The statement of insurance shall be on file with DPW. The insurance company shall be licensed to do business in the State of Indiana. The amount of the insurance shall be not less than five hundred thousand dollars. (\$500,000.00) for injury to one person and not less than one million dollars (\$1,000,000.00) for injuries to more than one person and not less than two hundred fifty thousand dollars (\$250,000.00) for damages to property. The insurance policy shall have a rider attachment for all listed general contractors to be covered on the permit.

## **SECTION VII. Encroachment permit fees and public improvement responsibilities.**

A separate encroachment permit application shall be required for each individual right-of-way cut or encroachment. Each standard application in Sections IV(1) and (3) shall require a minimum \$150.00 fee to be paid upon the receipt of the approved encroachment permit. Exceptions are encroachments as defined in Section IV(1)(h) shall require an additional fee of \$0.10 per foot if extended over 100 feet. Encroachments defined in Section IV(2) are valid for 30 days and require a \$25.00 fee. Encroachments as defined in Section IV may require review of construction plans by the town.

- (1) Special provision encroachment fees as stated in Section IV(4) are as follows. These fees are in addition to the standard encroachment fees.
  - a. Pavement resurfaced within 12 months of encroachment applications shall require a \$300.00 fee. This fee is to be paid upon the receipt of the approved encroachment application.
  - b. Pavement resurfaced within 24 months of encroachment application shall require a \$200.00 fee. This fee is to be paid upon receipt of the approved encroachment application.
  - c. Pavement resurfaced within 36 months of encroachment application shall require a \$100.00 fee. This fee is to be paid upon receipt of the approved encroachment application.
  - d. For any brick streets, alleys, sidewalks or any other brick surface within the right-of-way controlled by the Town of Whitestown, a fee of \$100.00 shall be required upon receipt of the approved encroachment application.
  - e. The town may invoke special fees per the approval of the public works department when applicable for encroachments not covered within these standards.
- (2) The public works department shall have exclusive authority to grant a street cut request on all primary and secondary arterials as determined by the applicable Thoroughfare Plan. The street cut methods shall conform to the related details of this article and the latest version of the Town of Whitestown Utility and Infrastructure Construction Standards.
- (3) Street cuts requiring authorization by the public works department, shall be a minimum 1½-inch mill and overlay for the entire effected street surface for streets paved within three years of the encroachment permit application date as listed under Section IV(4).
  - a. Open street cuts parallel, diagonal or perpendicular to the travel lanes shall require a full pavement width mill and overlay. The required resurfaced area shall extend a minimum of ten feet beyond each of the saw cut edges, as determined by the Engineer and/or his representative.
- (4) The Engineer shall require the implementation of special methods of street cuts from November 1 through April 30 to ensure temporary street cut patches do not interfere with the normal operation of the public works department or other town services.

## SECTION VIII. Encroachment Details

All work within public right-of-way for which a right-of-way permit is required shall be performed in accordance with, and conform to, the standards of this section.

(1) Worksites: The permittee/contractor is responsible for the following:

- a. Employing flaggers or traffic control officers on all thoroughfares or when a lane closure is necessary.
- b. Keeping job sites clean and free from trash and worksite debris.
- c. Securing excavation sites, including, but not limited to, pot holes, bore pits, and hand holes, to prevent public safety hazards, during the work day and after hours.
- d. Staging equipment and vehicles in a manner that does not encroach on private property or block access to private property, and that does not impede pedestrian or vehicle traffic.
- e. Preventing traffic hazards.

(2) Removal of Surface: The minimum size of all cuts shall be no more than four feet by four, unless otherwise approved by the department of public works. One by One pothole cuts with a vacuum truck will be allowed as needed. Erosion and sediment control measures shall be utilized during any excavations.

a. *Concrete Streets, Sidewalks and Alleys.*

i. Two methods of concrete surface removal are acceptable:

1. All cuts shall be saw-cut to one-third the depth of the pavement with a concrete saw. A minimum saw cut depth of two inches is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut.
2. All cuts shall be saw-cut full depth of pavement with concrete saw.
3. All cuts shall be made at pavement joints. When any portion of the panel is cut, the entire panel shall be removed and replaced.

b. *Asphalt Streets and Alleys.*

- i. All cuts shall be saw cut to minimum of one-third the depth of the pavement and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. A minimum saw cut of two inches is required.
- ii. Before final restoration is made, the cuts shall be "squared." The edges of all cuts are to be straight.

c. *Brick Pavers*

- i. All bricks from brick restoration area shall be salvaged for use in permanent restoration.

d. *Asphalt over Concrete or Brick*

- i. All cuts shall be saw-cut to the full depth of the asphalt and then completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. The edges of the asphalt are to be straight.

- ii. All bricks removed are the property of the Town of Whitestown at the direction of department of public works and shall be delivered to the Town garage, if directed by the Engineer.
- e. *Stone and/or Gravel Shoulders and Alleys.*
  - i. All cuts can be made by mechanical or manual means.
- f. *Sidewalks and Driveways*
  - i. One method of concrete surface removal is acceptable:
    - 1. All concrete surface cuts shall be saw-cut one-third the depth of the pavement with a concrete saw. A minimum saw cut of two inches is required. The cut shall then be completed with a mechanical hammer equipped with a suitable chisel, starting from the center of the cut. All cuts shall be made at pavement or panel joints. All cut panners shall be removed and replaced.
  - ii. One method of asphalt surface removal is acceptable:
    - 1. All asphalt surface cuts are to be saw-cut to a minimum depth of two (2") inches and then completed with a mechanical hammer equipped with a suitable chisel, starting at the center for the cut. The edges of all cuts are to be straight.

## **SECTION IX. Standards for Restoration**

Upon completion of work, restoration of right-of-way shall be performed in accordance with the following standards:

### **(1) Backfill**

- a. All excavations shall be backfilled as follows:
  - i. All cuts made in, on, or under any road surface shall be backfilled with flowable fill or approved stone material. Where a cut is outside the road surface, flowable fill or approved granular material shall be placed in that portion of the cut located within five feet of the road surface. All cut areas not under pavement, but under sidewalks or trails shall be backfilled with an approved granular material. All cut areas not under pavement or sidewalk shall be topped with six inches of topsoil for final restoration.
  - ii. For any water or sanitary sewer, pipe bedding shall be in accordance with the most recent version of the Town of Whitestown Town Standards.
  - iii. For any stormwater pipe bedding shall be in accordance with the most recent version of the Boone County Standards.

### **(2) Flowable Fill**

- a. All pavements shall be done according to flowable fill manufacturer's specifications.
- b. Flowable Fill shall be protected from freezing until the material has stiffened and bleeding water subsided. As the temperature nears freezing, additional curing time may be needed.



- c. Batch tickets for flowable fill are to be provided to DPW. If tickets are not provided, the inspector will assume that restoration has not been fully made and may require it to be performed again.

(3) Granular Backfill

- a. All granular backfill material shall be placed in maximum twelve inch loose lifts. The first lift or fill surrounding the pipe will be allowed in one loose lift or two feet to allow for the protection of the line being placed. Each lift of material must be compacted by mechanical means or by a combination of saturation and mechanical means to achieve at least 90% of its maximum wet density. If any method other than listed above is used, random testing may be required. The permittee shall provide compaction testing. The test shall be performed and accepted by the Engineer of the department of public works or designated representative.

(4) Earth Backfill

- a. Earth Backfill may be used in locations not requiring granular backfill. The earth backfill shall be made compatible with the adjacent surface. In established lawn areas, this includes seeding, mulching and restoring all contours. If the slope is greater than 3:1, restoration of the grass shall be made by sodding or with straw mats.
  - i. Earth backfill must follow any applicable stormwater regulations and will not be considered complete until a minimum of seventy (70%) vegetation is achieved.

(5) Temporary Restoration

- a. Between November 30 and April 1, cuts may be repaired in accordance with this section. Any cut temporarily repaired under this section shall be permanently repaired, by removing temporary patch in its entirety and permanently restoring the cut as required in this Ordinance. The temporary patch shall be defined as the material filling the space that the permanent surface restoration will occupy. Temporary restoration must be placed within fifteen days of the cut. All cuts repaired under this section shall have final restoration completed by June 1. The Permittee shall notify DPW within two business days of completion of final restoration. It shall be the responsibility of the Permittee to maintain the temporary patch until final restoration may be made.
- b. If a temporary patch is used it shall be as follows:
  - i. Backfill shall be brought to within twelve inches of surface, and a concrete cap shall be placed flush and contiguous with the existing pavement grade; or
  - ii. While work is continually in progress, the cut shall be covered with steel plates having a minimum thickness of three-fourths (3/4") inches which shall be secured so as not to move and constitute a hazard when open to traffic.

(6) Permanent Surface Restoration

- a. All cuts shall be repaired permanently in accordance with this section. The restoration of the surface of all cuts shall be completed by such methods and in such manner that the plane of the surface of the repair, and at the time of completion and thereafter, will be flush with all contiguous surfaces and will create no dissymmetry with the topography of the roadway. Also, the final surface elevation shall be flush and contiguous with the original surface. The surface restoration may be made by using milling, infrared or future technologies approved by the Engineer, unless a specific method is required by permit or by the inspector. All restoration shall be made in accordance with ADA Standards for Accessible Designs. The permit section reserves the right to require adherence to interim ADA rules created by the Department of Justice Access Board when it is in the best interest of the public to do so.
- b. The Permittee shall restore all pavement markings within the pavement surface restoration area included, but not limited to any special pavement markings. The Permittee shall obliterate all utility location markings on the curb, sidewalk, or trails that are not removed during restoration.
  - i. Concrete Streets, Sidewalks, and Alleys. Final repairs to concrete streets and alleys are to be made with concrete. All streets shall be repaired with concrete in accordance with current Town of Whitestown Standards. Existing pavement thickness shall be matched. When repairing or replacing reinforced concrete, either (a) the steel reinforcement shall be replaced in kind and properly grouted into the existing pavement sides one foot deep at two foot center-to-center spacing with a minimum of two bars per side.
  - ii. Asphalt Streets, Walk trails and Alleys. All asphalt streets and alley restoration must meet Whitestown Town Standards for asphalt.
  - iii. Brick Street, Alleys, and Sidewalks. Brick Restoration Areas shall be restored to their original surface condition and pattern.
    - 1. RESET BRICK PAVERS
      - a. Permittee must carefully remove and replace the existing brick pavers to provide a smooth surface matching the existing patten and to regrout brick joints.
      - b. Permittee shall protect the surrounding undisturbed brick and bed from loss of bedding or misalignment of brick. Any Brick or setting bed outside the repair area that is disturbed by permittee shall be reset per Whitestown Town Standards.
      - c. Each reusable brick may require minor cleaning to remove existing bedding or grout. If reusable bricks are replaced upside-down, the Permittee shall adequately clean each brick so that the new work will match the color of existing adjoining brick.

## **SECTION X. Enforcement and Penalties.**

- (1) The Town Engineer and/or his designee are responsible for the inspection of all work done within the right-of-way regardless of whether a valid permit is obtained or not.
  - a. Inspections shall be charged at a rate of \$75.00 per hour for infrastructure inspections (water, sewer & road).
  - b. Any necessary re-inspections performed by the Town Engineer or his designee shall be charged at a rate of \$150.00 per hour.
  - c. If the inspection discloses that the work was performed in violation of state or local laws, the representative will issue a Notice of Violation and/or Stop Work Order. The letter will include the following:
    - i. The exact nature of the violation.
    - ii. The corrective action required in order to come into compliance.
    - iii. Any penalty assessed.
  - d. Each violation listed on the Notice of Violation constitutes a separate offense.
  - e. If the permittee does not comply with the Notice of Violation, the town is authorized to take further legal action and seek additional fines and fees.
- (2) Any person, firm, corporation, or any other entity who shall be in violation of Sections II-VII, or any amendment thereto, shall receive a fine of not more than \$1,500.00. Each day an entry or cut is made without the issuance of a proper permit under this chapter shall constitute a separate offense, and each separate offense shall subject the violator to a separate fine as provided herein. A second offense in the same calendar year shall result in a fine of \$2,500.00. Any subsequent offenses in the same calendar year shall result in a fine of \$5,000.00 and the denial of all additional permit filings that year.
- (3) Any person, firm, or corporation, or any other entity who shall be in violation of Subsections VIII(1)(a)-(e) shall be subject to a fine twice that of the original encroachment application fee. Each day an entry or cut is made without the issuance of a proper permit under this chapter shall constitute a separate offense, and each separate offense shall subject the violator to a separate fine as provided herein.
- (4) Any agency whose approval is required under this article or any interested person may seek an injunction against any person who violates or threatens to violate any provision of this article.
- (5) In accordance with any other sanction under this article, a person who fails to install or to maintain the approved public improvements in accordance with the approved construction plan shall be liable to the Town of Whitestown in a civil action for damages in an amount equal to the cost of installing or maintaining the controls, all engineering fees, court costs, litigation expenses, and attorneys' fees incurred by the town.
- (6) Any person, firm, corporation, or any other entity who fails to secure any service that can cause damage to property or health due to its failure, shall receive a \$1,500.00 penalty for every 24-hour period that corrections are not made. The 24-hour period will start from the time the damaged service is reported. This application should fall under Subsection V(2) on procedures and time frames.
- (7) Any governing authority that recovers damages in accordance with this subsection shall deposit them in a special fund, to be used solely for:

- a. Correcting, to the extent possible, the failure to install or maintain the public improvements according to the approved plans and specifications;
  - b. Correcting, to the extent possible, the failure to follow the procedures outlined under permits issued in accordance with this article; and
  - c. The administration of the construction inspection as per this article.
- (8) The town shall have the right to secure and/or complete, without prior notification to the applicant, any and all permit cuts found to be public safety concerns. Costs incurred by the town from any and all actions taken by the town shall be reimbursed by the applicant.
- (9) Failure to complete permanent patches within the 20-working-day requirement may result in a fine of \$100.00 per day, up to five working days. In the event the repairs are not made in this time period, the town may repair the patches at the expense of the applicant.
- (10) Upon receipt of a written violation resulting in penalties, the permittee may, within thirty (30) days of receipt of such violation, file a written appeal to the Town Council for review of penalties.
  - a. The Town Council shall complete its review within sixty (60) days of receipt of said request for appeal. The Council's determination on the appeal shall be in writing and set forth in detail the reasons for its decision.
  - b. In evaluating the appeal, the Town Council shall be bound by the standards and review criteria contained or referenced herein.
  - c. All determinations of the Town Council arising out of this section shall be final.

#### **SECTION XI. Severability.**

The provisions of this ordinance are severable, such that the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

#### **SECTION XII. Effective Date.**

This ordinance shall be in full force and effect from and after its passage, approval and adoption according to the laws of the State of Indiana.

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PASSED AND ADOPTED by the Town Council of the Town of Whitestown, Indiana this  
\_\_\_\_ day of \_\_\_\_\_, 2024.

TOWN COUNCIL, TOWN OF WHITESTOWN  
BOONE COUNTY, INDIANA

\_\_\_\_\_  
Cheryl Hancock

\_\_\_\_\_  
Dan Patterson

\_\_\_\_\_  
Courtenay Smock

\_\_\_\_\_  
Tobe Thomas

\_\_\_\_\_  
Eric Nichols

ATTEST:

\_\_\_\_\_  
Matthew Sumner, Clerk-Treasurer  
Town of Whitestown, Indiana