

**WHITELAND TOWN COUNCIL  
ORDINANCE 2021-15**

**AN ORDINANCE AMENDING SECTION 154.61 OF THE WHITELAND SUBDIVISION  
CONTROL ORDINANCE TO MODIFY THE REQUIRED MAINTENANCE BOND  
AMOUNT ASSOCIATED WITH PUBLIC IMPROVEMENTS AND OTHER RELATED  
PROVISIONS**

Whereas, the Whiteland Town Council (“Council”) desires to increase from 10% to 25% the percentage amount of the maintenance bonds required to be posted by developers for the initial maintenance of newly constructed public improvements associated with subdivision development projects;

Whereas, Indiana Code 36-7-4-709 currently prohibits a municipality from requiring a maintenance bond that has an effective period greater than three (3) years;

Whereas, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the proposed text amendments contained herein to Section 154.61 of the Whiteland Town Code (a part of the Whiteland Subdivision Control Ordinance) regarding the required amount for maintenance bonds associated with public improvements, and related provisions (the “Amendments”);

Whereas, the Commission, after paying reasonable regard to 1) the Whiteland Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, has made a favorable/unfavorable/no recommendation by a vote of 6 for and 0 against, regarding the proposed Amendments, and has certified the same to the Council;

WHEREAS, the Council has considered the recommendation of the Commission and paid reasonable regard to items 1 thru 5 referred to above;

WHEREAS, the amendments herein are consistent with the following purposes, as required under I.C. 36-7-4-601(c):

- a. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- b. Lessening or avoiding congestion in public ways;
- c. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
- d. Otherwise accomplishing the purposes of I.C. 36-7-4;

Whereas, the Council finds it is in the best interest of the continued vitality, growth, and development of the Town to revise the provisions of the Subdivision Control Ordinance as provided in this ordinance; and

Whereas, the Council has given notice under I.C. 5-14-1.5-5 (the Open Door Law) of its intention to consider the amendment to the Whiteland Subdivision Control Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

Section 1. The text of the Whiteland Town Code is hereby amended to revise existing Section 154.61 (a part of the Whiteland Subdivision Control Ordinance), to read as follows:

**§ 154.61 MAINTENANCE OF PUBLIC IMPROVEMENTS.**

(A) The petitioner shall be required to maintain all public improvements serving the subdivision development and provide for snow removal on all streets until acceptance of said public improvements by the town.

(B) To assure the satisfactory condition of newly installed public improvements, at least one week prior to acceptance of the public improvements, the petitioner shall file a maintenance bond with the Plan Commission Staff, covering all public improvements serving the subdivision development, in an amount equal to 25% of the cost of the public improvements to be bonded, and in a form satisfactory to the Town Attorney, along with a cost itemization and substantiation to justify the bond amount provided, which shall be in form and substance satisfactory to the Plan Commission Staff. The maintenance bond shall be for a period of three years from the date of acceptance by the Town Council.

(C) The petitioner shall be required to enter into a maintenance agreement with the Town corresponding to the above-described maintenance bond to be provided. The maintenance agreement and maintenance bond shall be in a form acceptable to the Town Attorney, and shall be approved by the Town Council.

(D) The petitioner shall submit as-built drawings and plans for all public improvements in the form required by the Design Standards and Specifications Manual.

Section 2. The provisions of all other ordinances or resolutions in conflict with the provisions of this ordinance are of no further force or effect.

Section 3. If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity shall have no effect upon the remaining provisions of this ordinance.

Section 4. The provisions set forth in this ordinance shall become and remain in full force and effect (until their repeal by ordinance) on the date of adoption of this ordinance as evidenced by the signature of the executive as prescribed by Indiana Code 36-5-2-10.

[Remainder of Page Intentionally Left Blank]

PASSED through first reading by the Town Council on the 12 day of October, 2021, by a vote of 5 in favor and 0 against.

DULY PASSED AND FINALLY ADOPTED on second reading on the 12 day of October, 2021, by a vote of 5 in favor and 0 against.

**TOWN OF WHITELAND, INDIANA, TOWN COUNCIL**

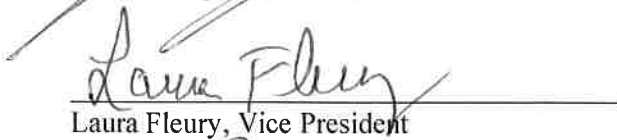
  
Joseph Saylor, President

Voting In Favor

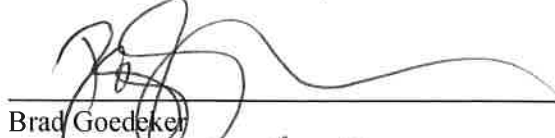
Voting Opposed

  
Joseph Saylor, President

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Joseph Saylor, President

  
Laura Fleury, Vice President

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Laura Fleury, Vice President

  
Brad Goedecker

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Brad Goedecker

  
David Hawkins

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David Hawkins

  
Richard Hill

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Richard Hill

Attest:

  
Debra L. Hendrickson, Clerk-Treasurer

**WHITELAND TOWN COUNCIL**  
**NOTICE OF INTENT TO CONSIDER**

**DATE:** Tuesday, October 12, 2021, and  
Tuesday, November 9, 2021

**TIME:** 7:00 p.m.

**PLACE:** Whiteland Town Hall  
549 Main Street  
Whiteland, Indiana 46184

At the meeting of the Whiteland Town Council on Tuesday, October 12, 2021, and also at the regular meeting of the Whiteland Town Council on Tuesday, November 9, 2021\*, the business to be considered will include the adoption of Ordinance No. 2021-15, An Ordinance Amending Section 154.61 Of The Whiteland Subdivision Control Ordinance To Modify The Required Maintenance Bond Amount Associated With Public Improvements And Other Related Provisions.

(\*Note: The Council has the option to finally adopt Ordinance No. 2021-15 at the October 12, 2021, meeting, in which case no further consideration of the ordinance would be expected at the November 9, 2021, meeting.)