

ORDINANCE NO. 4-26-99-C

AN ORDINANCE ESTABLISHING STANDARDS FOR WORK  
IN REGULATED DRAINS WITHIN HAMILTON COUNTY

Hamilton County Code 36-9-27-17

WHEREAS, pursuant to Indiana Code 36-9-27, the Hamilton County Drainage Board, has the authority to establish, construct, reconstruct and maintain regulated drains and drainage structures within Hamilton County; and,

WHEREAS, Indiana Code 36-9-27-17 authorizes the Drainage Board to approve connections to the regulated drains within Hamilton County if there is sufficient capacity, and permits the Hamilton County Drainage Board to deny access to the regulated drain if the drain is inadequate to accept the connection without construction, reconstruction, or maintenance; and,

WHEREAS, on many occasions it is in the best interests of all of the land owners benefitted by a regulated drain, that connection to a drain be permitted only upon certain improvements to the drain which improvements should justifiably be made by the person seeking connection to the drain; and,

WHEREAS, the regulated drainage system within Hamilton County has limited capacity and in order to maximize the benefits of the drainage system to all of the citizens, it is in the best interest of the citizens of Hamilton County that an Ordinance be passed establishing procedures, regulations and fees, to be charged to persons seeking to connect to regulated drains within Hamilton County; and,

WHEREAS, the Hamilton County Drainage Board has in the past followed certain procedures for permitting access to regulated drains, and nothing herein should be construed as a renunciation or a repeal of those procedures.

IT IS THEREBY ORDAINED by the Hamilton County Drainage Board as follows:

1. Area of Jurisdiction: The provisions of this Ordinance shall regulate, guide and control the following areas within Hamilton County:

- a) All territory of the County that is not located within a municipality;
- b) All territory of a municipality located within the County that has adopted a policy or resolution that the territory of the municipality or a portion of the territory of a municipality be included under this ordinance; and
- c) All areas within a municipality which lie within the drainage shed of a regulated drain.

2. Outlets: All outlets into regulated drains or natural water courses, either direct or indirect, shall meet the standards prepared by the County Surveyor and the requirements set out in this ordinance. Outlets into regulated drains or natural watercourses shall provide a positive unobstructed or unrestrictive conveyance into said system. The following provisions shall be followed:

- a) All conveyances shall terminate into an approved adequate outlet;
- b) All outlets, either open drain or storm sewer, shall extend to the regulated drain or natural watercourse;
- c) All storm sewers shall extend to either a receiving storm sewer system or an open regulated drain or natural surface watercourse as approved by the Hamilton County Surveyor's Office;
- d) Storm sewers shall not outlet into rear yard swales.
- e) Outlets shall not directly discharge onto the ground surface as surface flow.

- f) Underwater discharges shall not be allowed. All discharges into a watercourse, pond or lake shall have the invert at or above the normal pool elevation or normal flow elevation for the receiving system.

3. Improvements to Watercourses:

- a.) Whenever a residential subdivision or commercial development constructs improvements upon lands, which is traversed by a watercourse, the Landowner/Developer shall make improvements to said watercourse. These improvements shall consist of the following:

- 1) All debris and obstructions within the channel (bank to bank) shall be removed. This shall include but not be limited to log jams and trash.
- 2) Clear all trees which are dead and leaning at a 45<sup>o</sup> or greater angle or trees which the roots are exposed in the channel and potentially will fall into the stream. In clearing, the tree shall be cut flush with the ground and treated with an EPA approved brush killer.
- 3) All stream bank erosion shall be repaired in an acceptable manner approved by the Hamilton County Surveyor's Office (hereinafter referred to as "the HCSO").

4. Whenever a residential subdivision or commercial development constructs improvements upon lands which is traversed by an open regulated drain the landowner/developer shall make improvements to said open regulated drain. These improvements shall consist of the following:

- a) All debris and obstructions within the channel (bank to bank) shall be removed. This shall include, but not be limited to log jams, beaver dams, rocks and trash.

- b) All trees and brush from bank to bank within the channel shall be removed. Trees and brush shall be removed on each side of the drain for a distance of 30 feet as measured from the top of the bank on both sides of that drain. Trees greater than 18" as measured at breast height may be saved if approved by the HCSO inspector.
- c) All open regulated drains shall have an onsite inspection prior to construction plans having been developed. Onsite inspection shall be with the HCSO plan reviewer, inspector and developer and/or his/her engineer.

5. Offsite Improvements: If an adequate outlet is not located on site, then off site drainage improvements may be required. Those improvements may include but are not limited to: Extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the county surveyor. Where the outfall from the storm water drainage system of any developer flows through real estate owned by others prior to reaching a regulated drain or natural watercourse, no approval shall be granted for such storm water drainage system until all impacted owners either consent in writing to such use of their real estate or are notified of such proposal and their rights to appeal any approval of the design. Proof of this notification must be submitted to the Hamilton County Surveyor.

6. Flood plain Management: The intent of Flood plain management is to protect against loss of property, protect human life, and maintain natural areas that help mitigate flooding. Therefore, in filling of land in the flood plain of regulated drains is prohibited. Flood plain boundaries are to be determined by using the flood way-flood boundary maps of the Federal Insurance Administration/ Federal Emergency Management Agency. Flood plain shall include flood way and flood way fringe

areas.

- a) If a Federal Emergency Management Agency Flood way-Flood boundary map does not establish a 100 year water surface elevation, the 100 year water surface elevation shall be established:
  - 1) By a site specific recommendation from the Indiana Department of Natural Resources; or
  - 2) Through a site specific engineering analysis performed by a registered professional engineer in the State of Indiana and approved by the Indiana Department of Natural Resources.
- b) Exceptions to this county code section are as follows:
  - 1) Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
  - 2) Forestry, wildlife areas and nature preserves.
  - 3) Parks and recreational uses except golf course and driving range.
  - 4) Public streets, bridges, and roadways.

7. General Requirements:

- a) All lots will be given access to a sub surface drain, open ditch or other adequate drain as determined by the surveyor.
- b) The allowable discharge rate is the staged detention for the 2-10-100 year, 24 hour storm events. For small storms (up to the predeveloped 10 year rate) the allowable discharge rate is the c.f.s. for a predeveloped 2 year storm.  
  
For storms with intensities between the predeveloped 10 year rate and the 100 year developed rate, the allowable discharge is the c.f.s. for the predeveloped

10 year storm. The difference is to be detained.

In some watersheds the allowable discharge rate shall be based upon the most restrictive downstream structure or channel capacity where the standard allowable release rate has been determined to cause flooding. Detention calculations shall be based on the SCS unit hydrograph or other approved method.

- c) Dry detention basins for residential subdivisions shall be located within areas designated as common areas. Dry detention areas shall not be located either partially or completely within residential lots. The common areas for said detention basins shall also be noted as drainage easement.

Dry detention basins shall be designed so as to allow for subsurface drainage (SSD) throughout. SSD shall be on 25' (on center) parallel runs, minimum of 0.5% gradient with 2' minimum cover and have a free positive outlet downstream of the outlet for the basin.

- d) For drainage facilities which will become regulated drain, the following requirements shall be followed:

- 1) Storm sewers shall be reinforced concrete pipe with a minimum diameter of 12". Storm sewers shall have a minimum of 2 feet in cover.
- 2) Subsurface drains (SSD) shall be a minimum diameter of 6" and shall be Schedule 35 PVC or Double Wall perforated or non-perforated plastic pipe.
- 3) Rear yard and side yard drainage easements for regulated drains shall

not be less than thirty (30) feet in width, 15' each ½ for storm sewers. Minimum drainage easements for open drains shall be 25' from the top of bank. Top of bank shall be determined by the County Surveyor.

- e) All structures shall have minimum finished floor elevations located at least two (2) feet above the 100 year water surface elevation of any watercourse, pond or lake. All development plans and construction plans shall have minimum finished floor elevation denoted on each lot or building.

8. A person who violates this County Code Section commits a Class A infraction. A judgment of up to Two Thousand Five Hundred Dollars (\$2,500.00) may be entered against a person who commits a violation under this County Code Section. Each day of violation constitutes a distinct and separate violation.

9. Nothing herein shall be construed to repeal any prior practice, ordinance, or procedure of the Hamilton County Drainage Board or the Hamilton County Surveyors Office concerning the issues set out herein.

10. This Ordinance shall be effective upon passage, and Section 8 concerning penalties for a Class A Infraction shall be effective upon publication pursuant to Indiana law.

11. All Ordinances, practices and procedures of the Hamilton County Surveyors Office and the Hamilton County Drainage Board and all ordinances in conflict with this Ordinance are hereby repealed.

12. The Hamilton County Drainage Board may, in its discretion, and upon good cause shown, grant a variance from the standards, terms and conditions of this Ordinance.

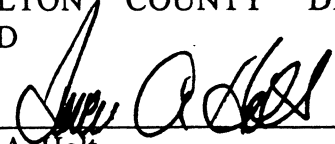
13. This Ordinance shall be codified as Hamilton County Code Section 36-9-27-17.


ALL OF WHICH IS RECOMMENDED by the Board of Commissioners of Hamilton County in their capacity as the Hamilton County Drainage Board and is ORDAINED by the Board of Commissioners of Hamilton County pursuant to Indiana Code 36-9-27-17 on the dates set out herein.

Approved by the Hamilton County Drainage Board on the dates set out herein.

HAMILTON COUNTY DRAINAGE BOARD

Date: 6-14-99

  
\_\_\_\_\_  
Steven A. Holt


  
\_\_\_\_\_  
Sharon R. Clark

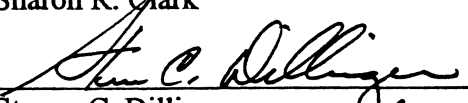
  
\_\_\_\_\_  
Steven C. Dillinger

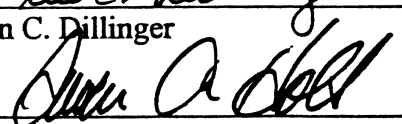
ALL OF WHICH IS ORDAINED this 14 day of June, 1999.

BOARD OF COMMISSIONERS OF HAMILTON COUNTY

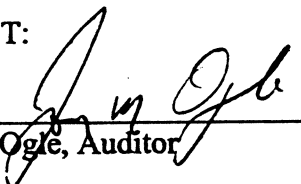
Date: 6-14-99

  
\_\_\_\_\_  
Sharon R. Clark

  
\_\_\_\_\_  
Steven C. Dillinger

  
\_\_\_\_\_  
Steven A. Holt

ATTEST:

  
\_\_\_\_\_  
Jon M. Ogle, Auditor