

ORDINANCE NO. 07-09-12

AN ORDINANCE AMENDING ORDINANCE NO. 4/26/99B, WHICH
ESTABLISHED PROCEDURES AND FEES FOR PERMITS FOR
ACCESS TO REGULATED DRAINS WITHIN HAMILTON COUNTY

HAMILTON COUNTY CODE 36-9-27-1

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 interest 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 those procedures.

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

1. Any person or entity performing work within the drainage shed or easement of a regulated drain shall conform with the requirements set out herein.
2. Outlets: Any person, partnership, corporation, or any other entity seeking to discharge any municipal, private, or mutual drains into a regulated drain under the jurisdiction of the Hamilton County Drainage Board shall make application to the Hamilton County Surveyors Office.
 - a. All applications shall be on forms provided by the Hamilton County Surveyor and shall meet the specifications set out herein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hamilton County Surveyor. Applications shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agents capacity, i.e., Contractor, Realtor, Engineer, Tenant, Attorney, Surveyor, etc.
 - b. Multiple outlets for the same drain may be included on the same outlet request permit form if outlets occur on same tax parcel. Multiple outlets for the same drain on separate tax parcels shall require separate outlet request permit forms. Multiple outlets occurring on the same tax parcel but for separate drains shall require a separate outlet request permit form for each drain involved. Each outlet shall be charged separately.
 - c. Permits shall expire one (1) year from the date of approval if work has not commenced. All permits shall expire two (2) years from the date of approval. If permit expires prior to start or completion of work, the permit must be renewed by submitting an additional fee which shall be double the previous permit fee.

- d. Temporary outlets shall follow the same requirements as set out above except such permits shall expire within six (6) months from date of approval. If permit expires prior to completion of work, permit must be renewed by submitting additional fee which shall be double the previous permit fee.
- e. For the purpose of this County Code Section an Indirect Outlet shall be considered as any drainage facility outletting into a private or mutual drain, municipal storm drainage facility or natural or manmade watercourse which is within the drainage shed of a regulated drain and utilizes the regulated drain as its ultimate discharge point.
- f. A Direct Outlet shall be considered as any drainage facility outletting directly into a regulated drain without utilizing a private or mutual drain or municipal storm drainage facility or natural or manmade watercourse.
- g. The County Surveyor's Office shall charge the following application fees to any person, partnership, corporation, or any other entity filing an application to discharge private or mutual drains into a regulated drain under the jurisdiction of the County Drainage Board:

Direct Outlets:

Individual Residences or Farms	\$ 75.00
Subdivisions, Multi-family, or Commercial uses	\$150.00

Indirect Outlets:

Subdivision, Multi-family, or Commercial uses	\$150.00
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These rates shall be charged for both permanent outlets and temporary outlets. No fee shall be required for those discharges to be made indirectly to a regulated drain for individual residential lots and agricultural drains. However, any such indirect discharge within the drainage shed of a regulated drain shall be required to file an application.

3. Crossings: Any person, partnership, corporation, or any other entity seeking to cross either under, over, or through a regulated drain under the jurisdiction the Hamilton County Drainage Board with any structure or improvement shall make application to the Hamilton County Surveyor's Office.

- a. All applications shall be on forms provided by the Hamilton County Surveyor and shall meet the specifications set out herein. Such application shall contain any plans, specifications and any other information as deemed necessary by the Hamilton County Surveyor. Applications shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agents capacity, i.e., Contractor, Realtor, Engineer, Tenant, Attorney, Surveyor, etc.
- b. Multiple crossings for the same drain may be included on the same crossing request permit form if crossings occur on same tax parcel. Multiple crossings for the same drain on separate tax parcels shall require separate crossing request permit forms. Multiple crossing occurring on same tax parcel but for separate drains shall require a separate crossing request permit form for each drain involved. Each crossing shall be charged separately.
- c. Permits shall expire one (1) year from the date of approval if work has not commenced. All permits shall expire two (2) years from the date of approval. If permit expires prior to start and/or completion of work permit must be renewed by submitting an additional fee which shall be double the previous permit fee.
- d. Temporary crossing shall follow the same requirements as set out above except such permits shall expire within six (6) months from date of

approval. If permit expires prior to completion of work permit must be renewed by submitting additional fee which shall be double the previous permit fee.

- e. The County Surveyor's Office shall charge the following application fees to any person, partnership, corporation, or association who applies for authority to cross under, over, or through a regulated drain, with any structure of improvement.

Individual Residences or farms	\$ 75.00
Subdivisions, Multi-family, or commercial uses	\$150.00

These rates shall be charged for both permanent crossings and temporary crossings.

4. Non-enforcement Agreements: Any person, partnership, corporation, or any other entity seeking to encroach with-in a regulated drainage easement with any structure, landscaping or other improvement must make application to the Hamilton County Surveyor's Office for review and gain approval by the Hamilton County Drainage Board for the proposed encroachment.

- a. All applications shall be on forms provided by the Hamilton County Surveyor and shall meet the specifications set out herein. Such application shall contain any plans, specifications, recorded deed, any easement agreements, and any other information as deemed necessary by the Hamilton County Surveyor. Applications shall be signed by the owner of record.
- b. Multiple non-enforcement requests for the same drain may be included on the same request form if encroachments occur on the same tax parcel. Multiple non-enforcement requests for the same drain for separate tax parcels shall require separate request forms. Multiple non-enforcement

requests occurring on the same tax parcel but for separate drains shall require a separate request form for each drain involved. Each request shall be charged separately per request form.

- c. Utility non-enforcements for projects affecting multiple drains shall require separate request forms for each drain affected. Utility non-enforcements for projects affecting a single drain but multiple tax parcels shall require a single request form.
- d. The County Surveyor's Office shall charge the following application fees to any person, partnership, corporation, or association filing an application for a Non-enforcement Agreement pursuant to Indiana Code 36-9-27-33:

Subdivision

Per each secondary plat \$100.00

Individual

Agricultural and single unit residential \$ 75.00

Commercial, multifamily, and business \$100.00

Utility

Underground construction, grading, trenching or excavation parallel to the drain for up to 400 feet of continuous construction \$100.00

For each 400 feet or part thereof of continuous construction parallel to the drain thereafter \$ 70.00

The above fees for each type of request includes the additional fee amount equal to the fee charged by the County Recorder for recording the Non-enforcement Agreement.

5. General Requirement: No part of any filing fee for outlet, non-enforcement, of crossing shall be returnable to the applicant. All monies shall be payable to the County Treasurer. The County Surveyor's Office shall maintain records of the fees collected pursuant to this County Code Section on forms prescribed by the State Board of Accounts. The fees collected under this County Code Section shall be periodically remitted to the County Treasurer and shall be deposited as miscellaneous revenues in the County General Fund. No fee shall be required to be paid by units of the County for construction, maintenance, or remodeling of any public facility.

- a. The fees outlined for outlets and crossings of this County Code Section include application review, initial inspection, and one (1) re-inspection. The fee for further inspections shall be set at two (2) times the initial fee for each re-inspection. After the third re-inspection, the County Surveyor shall order the work necessary for compliance to be done as per Indiana Code 36-9-27-46 and 36-9-27-47.
- b. Approvals received by the applicant from other Agencies, Departments or Municipalities shall not constitute approval for outlet, crossing or non-enforcement by the County Surveyor or Drainage Board.
- c. Failure to comply with this County Code Section may necessitate one or more of the following actions to be taken by the County Surveyor:
 1. Posting of Stop-work order on the project.
 2. The procurement of performance sureties.
 3. A denial for further storm water permits and/or approvals for the subject project in noncompliance with this County Code Section.
 4. Necessary legal action including injunctive relief by the County Surveyor to effect the implementation of the approved plan or restoration of the site.

d. The owner, developer, contractor and/or utility shall provide notification to the Surveyor's Office forty eight(48) hours prior to commencement of construction. A Stop-Work-Order shall be issued by the department for all projects, which are proceeding without the required "Notification of Work". In addition an inspection fee in the amount of \$100.00 will be charged to the permittee.

e. Once construction begins, the contractor shall be responsible for informing and/or notifying the Surveyor's Office of the following:

1. Daily work schedule including any changes in schedule, which affect a regulated drain.
2. Prior notification if work is to be performed on weekends and/or holidays.
3. Prior notification to storm water structures being Backfilled. No connection or crossings of regulated drains shall be backfilled without inspection by this office. Failure to comply with this requirement shall result in the re-excavation of the connection or crossing so as to provide inspection.

6. The fees established under this Ordinance shall not apply to work performed by the employees of; or a contractor constructing a project under contract and supervised by:

- a. A unit of government located within Hamilton County.
- b. A municipal utility owned by a unit of government located within Hamilton County.

- c. The State of Indiana.
- d. A private utility, only if any costs of the project are being paid by a unit of government located in Hamilton County.

7. 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.

8. 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.

9. 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.

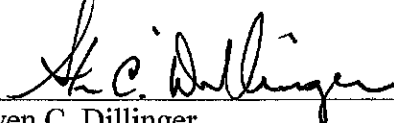
10. All Ordinances, practices and procedures of the Hamilton County Surveyors Office and the Hamilton County Drainage Board and all ordinances in conflict with this Ordinance are hereby repealed.

11. This Ordinance shall be codified as Hamilton County Code Section 36-9-27-1.

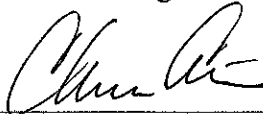
ALL OF WHICH IS RECOMMENDED by the Board of Commissioners of Hamilton County in their capacity as the Hamilton County Drainage Board and is ORDAINED by the Board of Commissioners of Hamilton County pursuant to Indiana Code 36-9-27-3(a)(2) on the dates set out herein.

Approved by the Hamilton County Drainage Board on the 9th day of July, 2012.

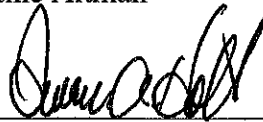
HAMILTON COUNTY DRAINAGE BOARD



Steven C. Dillinger



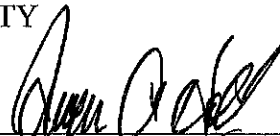
Christine Altman




Steven A. Holt

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Hamilton County
this 9th day of July, 2012.

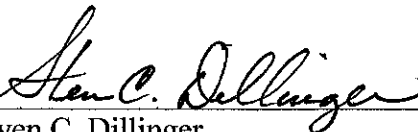
BOARD OF COMMISSIONERS OF HAMILTON
COUNTY



Steven A. Holt



Christine Altman



Steven C. Dillinger