

ORDINANCE NO. 2005-51-CMDB

**AMENDING TIPPECANOE COUNTY CODE
ADDING NEW CHAPTER/SECTION 155.18**

**ESTABLISHING UNIFORM FEE SCHEDULE FOR
TIPPECANOE COUNTY DRAINAGE BOARD
AND SURVEYOR'S DEPARTMENT**

WHEREAS, the members of the Board of Commissioners of the County of Tippecanoe, in the State of Indiana (Commissioners) are also members of the Tippecanoe County Drainage Board (Drainage Board); and

WHEREAS, Indiana Code 36-9-27-73 authorizes the Tippecanoe County Drainage Board to establish and collect reasonable fees and costs from petitioners in drainage proceedings; and,

WHEREAS, 327 IAC 15-13 (Rule 13) requires Tippecanoe County to develop and implement a comprehensive Stormwater Quality Management Plan (SWQMP) including the enforcement of requirements for storm water discharges from construction activities under 327 IAC 15-5 (Rule 5); and

WHEREAS, The Board of Commissioners of the County of Tippecanoe, State of Indiana, and the Tippecanoe County Drainage Board have enacted the Comprehensive Stormwater Management Ordinance of Tippecanoe County, Ordinance 2005-04-CM, for the purpose of implementing such programs and desire to establish a uniform schedule of fees for such implementation and enforcement.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Tippecanoe, State of Indiana, and the Tippecanoe County Drainage Board, that the Tippecanoe County Code be amended to add a new Section 155.18 establishing a Uniform Fee Schedule for the Tippecanoe County Drainage Board and Surveyor's Department reading as follows:

**UNIFORM FEE SCHEDULE FOR THE TIPPECANOE COUNTY
DRAINAGE BOARD AND SURVEYOR'S DEPARTMENT**

1. Stormwater Management Permits.

- A. The fees for review of drainage submittals, preliminary plans, and/or construction plans and accompanying information and data in accordance with the Tippecanoe County Stormwater Management Ordinance, (Ordinance 2005-04-CM) shall be as follows:

Base Permit Fees

| Acreage | Residential | Commercial | Industrial |
|--|---------------------|---------------------|-------------------|
| 0 up to less than ½ | \$150 | \$250 | \$250 |
| Equal to or greater than ½ up to less than 1 | \$200 | \$300 | \$300 |
| Equal to or greater than 1 up to less than 3 | \$350 | \$500+\$40 per acre | \$500+\$40 per |
| Equal to or greater than 3 up to less than 5 | \$500 | \$750+\$40 per acre | \$750+\$40 per |
| Equal to or greater than 5 | \$500+\$20 per acre | \$750+\$40 per acre | \$750+\$40 per |

Utility Work Annual Certification Processing Fee: \$50

The Base Permit Fees set forth above shall include three on-site inspections, administrative fees, and three annual post-construction inspections. The foregoing fees shall be charged for each phase of multi-phased projects.

B. The following fees shall be charged for services required in addition to those included in the foregoing Base fees:

Additional Permit Fees

| | | |
|---|---|--------------------------------------|
| Additional Inspections | During the construction process resulting from inadequate site conditions or additional post-construction inspections | \$50 each |
| Grading Plan Revisions and Amended Notices of Intent | For each additional revision or amended notice | \$25 each |
| Engineering Review (not required for single lot review) | Out-sourced | Actual cost per Ordinance 2005-04-CM |

2. Outlets

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 | \$75 |
| Subdivision, Multi-family, or Commercial uses | \$150 |

Indirect Outlets:

| | |
|---|-------|
| Subdivision, Multi-family, or Commercial uses | \$150 |
|---|-------|

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

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 | \$75 |
| Subdivisions, Multi-family, or commercial uses | \$150 |

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

4. Encroachments

The County Surveyor's Office shall charge the following application fees to any person, partnership, corporation, or association filing an application for an Encroachment Agreement pursuant to Indiana Code 36-9-27-33:

| | |
|---|-------|
| <u>Subdivision:</u> Per each secondary plat | \$100 |
| <u>Individual:</u> agricultural and single unit residential | \$75 |
| <u>Commercial, multi-family, and business</u> | \$100 |

Utility:

| | |
|---|-------|
| Underground construction, grading, trenching or excavation parallel to the drain for up to 400 feet of continuous construction: | \$100 |
| For each 400 feet or part thereof of continuous construction parallel to the drain thereafter | \$70 |

In addition to the above fees for each type of request there shall be collected an additional fee equal to the amount charged by the County Recorder for recording the Encroachment Agreement.

5. **Fill Permit Fees**

The fee for individual fill permit reviews shall be: \$30

6. **Building Permit Reviews**

The fee for individual building permit reviews shall be: \$50

7. **Individual Site Plan Reviews**

The fee for review of each individual site plan for sites disturbing one (1) acre or more, or for individual site plan reviews authorized by the Drainage Board shall be: \$100

8. **Obstruction Petitions**

The filing fee for Obstruction Petitions filed in accordance with Indiana Code 36-9-27.4 shall be: \$150

9. **General Provisions**

- A. All filing fees are non-refundable. All monies shall be payable to the Tippecanoe County Treasurer. The County Surveyor's Office shall maintain records of the fees collected hereunder on forms prescribed by the State Board of Accounts. The fees collected hereunder for Outlets, Crossings, and Encroachments shall be deposited in the maintenance fund, if any, for the regulated drain affected thereby, and if none, to the General Drain Improvement Fund. The fees collected for Obstruction Petitions shall be deposited in the County General Fund. All other fees collected hereunder shall be deposited in the Phase II Stormwater Fund established pursuant to Resolution 2005-19-CM. No fee shall be required to be paid by any unit of the County for construction, maintenance, or remodeling of any public facility.
- B. The fees for Outlets and Crossings include application review, initial inspection, and one (1) re-inspection. The fee for each additional re-inspection shall be equal to two (2) times the initial application fee. After the third re-inspection, the County Surveyor shall order the work necessary for compliance to be done in accordance with Indiana Code 36-9-27-46 and 36-9-27-47.
- C. Any person found in violation of any provision of this Ordinance shall be guilty of a civil infraction and be subject to the Enforcement Provisions of the Comprehensive Stormwater Management Ordinance, Ordinance 2005-04-CM, which provisions are incorporated herein by reference, and include fines of not less than \$500 for a first offense, and not less than \$1,000 for each subsequent offense, plus damages, expenses, costs and attorney fees.
- D. This Ordinance shall be in full force and effect immediately upon its passage and signing.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 21st day of November, 2005, by the following vote:

VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Yes

KD Benson
KD Benson, President

Yes

John L. Knochel
John L. Knochel, Vice President

Yes

Ruth E. Shedd
Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga
Robert A. Plantenga, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 19th day of December, 2005, by the following vote:

VOTE

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

Yes

KD Benson
KD Benson, President

Yes

John L. Knochel
John L. Knochel, Vice President

Yes

Ruth E. Shedd
Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga
Robert A. Plantenga, Auditor of
Tippecanoe County

Adopted and approved by the Tippecanoe County Drainage Board on first reading this 7th day of December, 2005.

TIPPECANOE COUNTY DRAINAGE BOARD

Ruth E. Shedd
Ruth E. Shedd, President

John L. Knochel
John L. Knochel, Vice President

KD Benson
KD Benson, Member

ATTEST:

Brenda Garrison
Brenda Garrison, Secretary

Adopted and approved by the Tippecanoe County Drainage Board on second reading this 19th day of December, 2005.

TIPPECANOE COUNTY DRAINAGE BOARD

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Ruth E. Shedd, President

John L. Knochel
John L. Knochel, Vice President

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