

**ALLEN COUNTY CODE TITLE 10
DEPARTMENT OF HEALTH**

**ARTICLE 6
STORM WATER DISPOSAL ORDINANCE**

10-6-1 Chapter 1: Definitions

10-6-1-1

1. **Sanitary Sewer:** The term “sanitary sewer” shall mean a sewer that conveys liquids and water carried wastes from residences, commercial buildings, industrial plants and institutions and to which storm, surface and ground waters are not intentionally allowed to enter. (This definition is out of 330.1 IAC 3-1-2[25]).
2. **Person:** The term “person” means an individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, municipal corporation, school district or other legal entity. (This definition is out of IC 13-7-1-17).
3. **Surface Water:** The term “surface water” shall mean the water which is found on the surface of the earth and shall include water which comes from falling rain or melting snow or ice, and which is temporarily flows vagrantly upon or over the surface of the ground as the natural elevations and depressions of the surface of the earth may guide it.
4. **Ground Water:** The term “ground water” or subterranean water shall mean all water which fills all natural openings under the earth’s surface, including all ground water courses, artesian bases, reservoirs, lakes and other bodies of water below the earth’s surface. (This definition is out of IC 13-2-1-4).
5. **Point Source:** The term “point source” shall mean any discernible, confined and discreet conveyance including, but not limited to, any pipe, down spout, sump pump, conduit or container. (This definition is out of 330.1 IAC 3-1-2 [21]).
6. **Enforcement Agency:** The term “enforcement agency” shall be the Building Commissioner of the Building Department of Commissioner’s legally designated agent.

10-6-2 Chapter 2: Prohibition

10-6-2-1

No person shall allow the discharge of surface water or ground water from any point source on property which they own or control into any sanitary sewer unless such discharge is with the written approval of the utility controlling the sanitary sewer into which such discharge is being placed.

10-6-3 Chapter 3: Enforcement Service of Notices and Orders Hearings

10-6-3-1

Notice of Violation: Whenever the enforcement agency determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, it shall give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:

- a. Be put in writing;
- b. Included a statement of the reasons why it is being issued;
- c. Allow reasonable time for performance of any act it requires;
- d. Be served upon the owner or the owner's agent by reading, or certified mail, return receipt requested, and posting of a notice of such within three (3) feet of the U.S. mail box affixed to the structure, or upon any door facing an abutting public street. In the event, notice may be published concerning said violation.
- e. In addition to the notice set forth above, any person with a substantial property interest in the subject property shall receive notice by certified mail, return receipt requested, which notice shall be mailed not later than five (5) days after the initial attempt to notify the Owner pursuant to the preceding provision.

10-6-3-2

Action Taken on Hearing: After such hearing, the enforcement agency shall sustain, modify or withdraw the notice, depending upon its finding as to whether the provisions of this Ordinance have been complied with.

- a. If the enforcement sustains or modifies such notice, it shall be deemed to be an order.
- b. Any notice served pursuant to A.C.C. 10-5-2-1 shall automatically become an order if a written petition for a hearing is not filed in the office of the enforcement agency within 10 days after such notice is served.

10-6-3-3

Recording of Hearing: The proceedings at such hearing, including the findings and decision of the enforcement agency, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the enforcement agency. Such record shall also include a copy of every notice or order issued in connection with the matter.

- a. Any person aggrieved by the decision of the enforcement agency may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.
- b. If the final order of the enforcement agency is not carried out within 30 days after it becomes effective, the enforcement agency may contract to have the violation corrected in conformance with its order. The owner shall be responsible for all costs incurred in correcting said violation and said sums shall become a lien upon the property of the Owner, including the reasonable cost of collection, including attorney’s fees, if any.

10-6-4 Chapter 4: Penalties

10-6-4-1

Notice of Violation: Any person violating any provision of this Ordinance may be fined up to and including \$1,000.00 per day for each day the violation is allowed to occur.

THE BOARD OF COMMISSIONERS OF
ALLEN COUNTY, INDIANA

By: _____
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By: _____
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ATTEST:

Linda K. Bloom, Allen County Auditor