

ORDINANCE NO. 2026-5

AN ORDINANCE ESTABLISHING PROCEDURES AND FEES FOR
PERMITS FOR ACCESS TO REGULATED DRAINS WITHIN
LAPORTE COUNTY

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

WHEREAS, Indiana Code 36-9-27 and the County's home rule powers under Indiana Code 36-1-3 authorize the County to regulate access to and encroachment upon regulated drains and to establish reasonable fees therefor, and Indiana Code 36-9-27-33 governs non-enforcement (consent to encroach) agreements; and,

WHEREAS, the LaPorte 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 Board of Commissioners of LaPorte County, upon the recommendation of the LaPorte 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. Crossings: Any person, partnership, corporation, or any other entity seeking to cross either under, over, or through a regulated drain under the jurisdiction the LaPorte County Drainage Board with any structure or improvement shall make application to the LaPorte County Surveyor's Office.
 - a. All applications shall be on forms provided by the LaPorte County Surveyor's Office and shall meet the specifications set out herein. Such application shall contain any plans, specifications and any other information as deemed necessary by the LaPorte County Surveyor's Office. Applications shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's 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 the same tax parcel. Multiple crossings for the same drain on separate tax parcels shall require separate crossing request permit forms. Multiple crossings occurring on the 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 determine and certify 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. All fees shall be paid to the County Treasurer, and no fee shall be collected or held by the County Surveyor's Office, as provided in Section 4.

Individual Residences	\$ 150.00
Subdivisions, Multi-family, or commercial uses	\$1,000.00

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

3. 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 LaPorte County Surveyor's Office for review and gain approval by the LaPorte County Drainage Board for the proposed encroachment.

- a. All applications shall be on forms provided by the LaPorte County Surveyor's Office 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 LaPorte County Surveyor's Office. 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 determine and certify 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	\$150.00
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Individual

Agricultural and single unit residential	\$150.00
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Commercial, multifamily, and business	\$150.00
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Utility

Underground construction, grading, trenching or excavation	\$1,000.00
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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. The

County Treasurer shall collect this recording -fee component and transmit it to the County Recorder upon recording of the Non-enforcement Agreement.

4. General Requirement: No part of any filing fee for non-enforcement or crossing shall be returnable to the applicant. All fees shall be paid directly to the County Treasurer, who shall issue a receipt and deposit the fees as miscellaneous revenue in the Drainage Board General Fund in accordance with IC 5-13-6-1. The County Surveyor's Office shall not collect or hold any fee; it shall determine and certify the fee due and shall issue the applicable permit or approval upon proof of payment to the County Treasurer. The County Treasurer shall maintain records of the fees collected on forms prescribed by the State Board of Accounts. 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 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 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 crossings of regulated drains shall be backfilled without inspection by this office. Failure to comply with this requirement may result in the re-excavation of the crossing so as to provide inspection.
- 5. 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 LaPorte County.
 - b. A municipal utility owned by a unit of government located within LaPorte 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 LaPorte County.
- 6. A person who violates this County Code Section commits an ordinance violation, enforceable by the County under IC 34-28-5. A civil penalty of up to Two Thousand Five Hundred Dollars (\$2,500.00) may be imposed for a first violation, and up to Seven

Thousand Five Hundred Dollars (\$7,500.00) for a second or subsequent violation. Each day of violation constitutes a distinct and separate violation.

7. Nothing herein shall be construed to repeal any prior practice, ordinance, or procedure of LaPorte County Drainage Board or the LaPorte County Surveyor's Office concerning the issues set out herein.

8. This Ordinance shall be effective upon passage, and Section 6 concerning penalties for an ordinance violation shall be effective upon publication pursuant to Indiana law.

9. All Ordinances, practices and procedures of the LaPorte County Surveyor's Office and the LaPorte County Drainage Board and all ordinances in conflict with this Ordinance are hereby repealed.

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

Approved by the LaPorte County Drainage Board on the 11th day of August, 2026.

LAPORTE COUNTY DRAINAGE BOARD

[Signature] Pres.

Member

[Signature] VP

Member

[Signature]

Member

[Signature]

Member

[Signature]

Member

ALL OF WHICH IS ORDAINED by the Board of Commissioners of LaPorte County this 17th day of August 2026.

ORIGINAL

BOARD OF COMMISSIONERS OF
LAPORTE COUNTY



President

Vice President



Member

ATTEST: 
_____, Auditor

Approved August 17, 2026