ORDINANCE NO. 2019-29-CM

AMENDING TIPPECANOE COUNTY CODE SECTION 155.18

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

WHEREAS, on April 2, 2018, the Board of Commissioners adopted Ordinance 2018-11-CM; and

WHEREAS, the Ordinance had a scriveners error in County Code §155.18(A)(3)(d)(1) pertaining to Drainage Review Base Fee for rural estates. As written, subdivision (1) indicates that the fee for rural estates between 0 and 2 acres is $3,000 and subdivision (2) indicates that the fee for rural estates between 8 and 20 acres is $5,500, leaving a gap for rural estates between 2 and 8 acres; and

WHEREAS, the intent of the Board of Commissioners was for the ordinance to track the fees recommended by the Drainage Board and the Surveyor's office, and, from the context of the ordinance, it is clear that the intent of the Board was for the $3,000 fee to apply to rural estates between 2 and 8 acres;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Tippecanoe that Section 155.18 of the Tippecanoe County Code be amended to read as follows:

155.18 UNIFORM FEE SCHEDULE

(A) **Stormwater Management Permits.**

(1) 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 ("Stormwater Ordinance"), adopted by reference in §155.01 shall be as follows:

Phase II 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 acre
Equal to or greater than 3 up to less than 5	$500	$750 + $40 per acre	$750 + $40 per acre
Equal to or greater than 5	$500 + $20 per acre	$750 +$40 per acre	$750 + $40 per acre

Utility Work Annual Certification Processing Fee: $50

The Phase II 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.

(2) The following fees shall be charged for services required in addition to those included in the foregoing Phase II 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

(3) The following Drainage Review Base Fees for stormwater application permits shall be charged for services required in addition to those set forth in subdivisions (1) and (2):

Drainage Review Base Fees

(a) Major Subdivision

1. 0 to less than 8 acres	$3,500
2. 8 to less than 20 acres	$4,500
3. 20 + acres	$6,000 + $50/additional acre

(b) Minor Subdivision or Parcelizations that require Detention Storage per the Stormwater Ordinance will follow the same base fees as major subdivisions. If no detention storage is required, the project will be reviewed in house (No review fee but Phase II fees may still apply).

(c) Planned Developments

1. 0 to less than 8 acres	$4,200
2. 8 to less than 20 acres	$5,500
3. 20 + acres	$7,000 + $50/additional acre

(d) Rural Estates

1. 0 to less than 8 acres	$3,000
2. 8 to less than 20 acres	$4,000
3. 20 + acres	$5,500 + $50/additional acre

(e) Commercial & Industrial Sites

1. 0 to less than 2 acres	$3,000
2. 2 to less than 10 acres	$4,200
3. 10 + acres	$5,000 + $100/additional acre

(f) One Single Family Residence (constructed on 10 or more acres of land) – Outbuildings, swimming pools, etc. will be reviewed in-house (No review fee but Phase II may still apply).

Note A: Drainage Review Base Fee covers the cost up to three (3) reviews and associated review memos (typical for most projects).

Note B: If needed there will be a $750 charge for each additional review above the three (3) typically covered in the drainage review base fee.

Note C: All private non-linear utility projects shall follow same base fees as commercial and industrial sites, i.e., Electric Substations, Wastewater Plants, Drinking Water Facilities, other like or similar projects, etc.

Note D: If a project is located within a privately master-planned site/campus previously approved by the Tippecanoe County Drainage Board, there will be a flat $1,000 fixed review fee.

Note E: Any site that has been previously approved by the Tippecanoe County Drainage Board and is being submitted again because changes have been made to the previously-approved design will be charged a flat $1,500 fee.

Note F: If a site is located within a Drainage Impact Area Watershed per resolution, there will be an additional $5,000 fee added to the review cost.

Note G: All public facilities such as libraries, fire stations, schools, public waste water treatment facilities, etc., will be charged a flat fee of $1,500.

Note H: All Linear utility projects will be charged as follows:

a.	0 to less than 1 mile	$1,000
b.	1 to less than 5 miles	$2,000
c.	5 + miles	$3,500 + $50/additional mile

Note I: All Transportation Roads will be charged as follows:

a.	0 to less than 1 mile	$2,000
b.	1 to greater than 5 miles	$2,500
c.	5 + miles	$4,500 + $50/additional mile

Note J: All projects requesting preliminary approval by the Tippecanoe County Drainage Board will pay a flat fee of $1,200. When the project is re-submitted for final approval the above base fees will be required at that time.

Note K: When the Tippecanoe County Drainage Board is only approving discharge into a County-regulated drain because project is located inside City Limits, a flat fee will be charged as follows:

a.	0 to less than 8 acres	$1,000
b.	8 to less than 20 acres	$1,250
c.	20 + acres	$1,500 + $50/additional acre

Note L: All projects located within F-Lake, J. Berlowitz or A. Ross watersheds will be charged $15,000 per acre foot of storage needed in the Regional Detention Ponds.

In the event of a conflict between the fees listed in this subdivision (3) and any provision of the Stormwater Ordinance or Stormwater Technical Standards Manual, the fees listed herein shall govern.

(B) *Outlets.*

(1) 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
Subdivisions, 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.

(2) 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.

(C) *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.

(1) Individual Residences	$ 75
(2) Subdivisions, Multi-family, or commercial uses	$150

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

(D) *Encroachments*

(1) 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:

Subdivision: Per each secondary plat	$100
Individual: agricultural and single unit residential	$ 75
Commercial, multi-family, and business	$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

(2) 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.

(E) *Fill Permit Fees* The fee for individual fill permit reviews shall be $30.

(F) *Building Permit Reviews* The fee for individual building permit reviews shall be $30.

(G) *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 authorised by the Drainage Board shall be $100.

(H) *Obstruction Petitions* The filing fee for Obstruction Petitions filed in accordance with Indiana Code 36-9-27.4 shall be $150.

(I) *Alcoholic Beverage Verification Permits* The fee for certification of alcoholic beverage permit locations shall be $100.

(J) *General Provisions*

(1) 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.

(2) 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.

(3) 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, 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.

This Ordinance shall be in full force and effect immediately upon its passage and signing and retroactively to April 2, 2018.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 18th day of November, 2019, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

yes — David Byers, President

yes — Tracy Brown, Vice President

yes — Thomas Murtaugh, Member

ATTEST:

Robert Plantenga, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 18th day of November, 2019, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

Yes — David Byers, President

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