

POND PERMIT

Permit #: _____

Date: _____

Owner of property: _____

Address: _____

Phone Number: _____

Where pond will be located: _____

Legal description: _____

Contractor: _____

Address: _____

Phone Number: _____

PLEASE PROVIDE THE DEPARTMENT WITH SETBACK MEASUREMENTS
(Setbacks shall be measured to the toe of the slope of the bank of the Pond, or to high water level of the Pond,
whichever is closer to the property line or roadway.)
PLEASE SUBMIT A DRAWING ILLUSTRATING SETBACKS

FRONT: _____

REAR: _____

BOTH SIDES: _____

What will the depth of the water be at normal elevation? _____

Are you aware of any tiles on this property that might need to be relocated? _____
(Please refer to the Surveyor's Office for further information in regards to tiles)

Are there any improvements on said property, and if so how far is the pond from those improvements? _____

If known, the direction of the flow of water prior to the construction of the pond.

What is the size, location, and elevation of the outlet pipe? _____

Are you aware of any flooding which may occur on the subject property? _____
Comments: _____

Applicant Signature: _____ Owner/Contractor

Authorized Signature: _____

AN ORDINANCE REGULATING PONDS

Be It Ordained by the Board of Commissioners of Hancock County, Indiana, That

Section I

Title XV of the Hancock County Code is amended by the addition of a new Chapter 157 as follows:

REGULATION OF PONDS

§157.01 Purpose and Intent:

It is the purpose and intent of this section to provide minimum standards and a permitting process for allowing the development of ponds or lakes within the County.

157.02 Authority:

The Hancock County Surveyor and the Hancock County Engineer are hereby authorized and directed to administer and enforce all the provisions of this section as applicable.

157.03 Application and Interpretation:

Whenever any words or phrases used herein are not defined herein but are defined in other applicable County Ordinances or State laws regulating development and/or drainage, any such definition therein shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.

157.04 Definitions:

County: Hancock County, Indiana

County Commissioners: The Board of Commissioners of Hancock County, Indiana.

Development: The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; or any clearing, grading, or other movement of land.

Drainage Board: Hancock County, Indiana Drainage Board IC 36-9-27

Enforcement Official: The individual(s) appointed by the Board of Commissioners of Hancock County, Indiana as the designated enforcement official (s) of the provisions of this Ordinance.

Excavation: The process in which dirt is hauled into or out of the given area.

Improvement: Any structure or man-made feature, which becomes part of, placed upon, or is affixed to land.

Land Parcel: A tract or plot of land. The term is usually used in the context of land use or legal ownership.

157.05 Permit Required:

No pond or lake shall be constructed, or increased in size, without a permit issued by the Hancock County Surveyor. Said permit shall be issued only in conformity with the provisions of this Ordinance. The following information shall be submitted with the application for a pond permit:

1. Site plan of the property showing the location of the proposed pond. Including:
 - a. The proposed distance of the pond will be from all property lines (as measured in accordance with Section F below)
 - b. The direction of flow of water prior to the construction of the pond
 - c. The size, location, and elevation of the outlet pipe, and the direction of the flow of water exiting the property
 - d. If any disturbance of the soil is to occur in any of the setback areas, spot elevations will need to be performed in those areas prior to the disturbance of the soil. Setback areas will then need to be returned to the original elevation prior to final inspection of the pond.
2. A permit fee of twenty-five dollars (\$25.00) shall be paid to the Hancock County Surveyor's Office when the permit is issued.
3. Permits shall be valid for one (1) year after the date of issuance.

157.06 Minimum Standards:

All ponds or lakes shall adhere to the following setbacks from property lines:

- a. Pond shall be separated from any road right-of-way by no less than one right-of-way width, measured from the top of the bank or the 100 year pool if no defined top of bank is present, using the most restrictive road right-of-way possible. If the width of the right-of-way is less than 50 feet, then the minimum distance between top of bank and road right-of-way shall be increased to 50 feet. Guard rails, berms or other structural measures may be considered in lieu of the above noted setbacks.
- b. Twenty (20) feet from all other property lines (high water level or excavating/site work- whichever is closest to property line).

The setback for the side and rear property lines shall be measured to the toe of the slope of the bank of the pond, or the high water level of the pond, whichever is closer to the property line or roadway. In no case shall any excavation occur, or fill be placed, in the required setback area or within any regulated drain easement.

In no case shall the direction or volume of water exiting the property be permanently altered due to the construction of the pond.

The Hancock County Surveyor's Office shall be notified by the property owner and/or excavation contractor when work commences of the construction of the pond. Prior to the removal of excavating equipment, the Hancock County Surveyor's Office will be contacted and will give final approval of the newly constructed pond.

157.07 Variance Procedure:

Variance from the minimum requirements of this section shall be filed in the Hancock County Surveyor's Office to be reviewed by the Hancock County Drainage Board.

A request for a variance from the minimum setback requirements or alteration of the direction of volume flow from the property shall be submitted to the Hancock County Surveyor. A filing fee of One Hundred dollars (\$100.00) shall be paid to the County.

Inspections- The Hancock County Surveyor's Office shall be notified by the property owner or excavating contractor when work commences on the construction of a pond to insure compliance with the requirements set forth in this section.

If any tiles are cut, broken down, or rendered less effective during development activity on a land parcel, the landowner shall be responsible for the repair, replacement, or relocation of the tile on the land parcel to maintain the amount on drainage through the lot that existed prior to the development act.

157.08 Enforcement, Violation, Remedies and Penalties:

1. Complaints Regarding Violations

- a. Any person may file a written complaint whenever a violation of this Ordinance occurs or is reasonably believed to have occurred. The complaint shall state reasonable fully and accurately the particulars thereof, and be filed the Hancock County Surveyor. The County shall investigate and may take action upon such complaint as provided in this Ordinance.

2. Enforcement Official

- a. The Hancock County Surveyor and Hancock County Engineer are hereby designated as enforcement officials who are authorized and directed to implement the enforcement of the Ordinance.

3. Access to Property and Inspections

- a. The enforcement officials, and designated persons acting on their behalf, may inspect any property in the County at any reasonable time for the purposes of determining or enforcing compliance with the provisions of this Ordinance.

- b. By making application for a permit as provided in this Ordinance, an applicant certifies that the applicant is acting as an authorized agent for the property owner.

157.09 Violations, Remedies and Penalties

It shall be the duty of the enforcement official to enforce the provisions of this ordinance.

1. The following shall constitute a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Ordinance:
 - a. The construction, erection, or location of any improvement in violation of the provisions of this Ordinance.
 - b. The use or development of property in a manner, which does not conform to the provisions of this Ordinance.
 - c. Any act contrary to the provisions and requirements of this Ordinance; or
 - d. Altering, damaging, or removing any drainage related improvements required by the Hancock County Surveyor and/or Hancock County Engineer as part of a development plan or subdivision approval as part of a variance or special exception approval, or any other action that compromises the development standards.
2. Any activity considered a violation of this Ordinance is declared to be a common nuisance.
3. A person acting as owner, agent, principal, lessee, contractor, engineer, surveyor, or otherwise who, whether individually or in concert with another, knowingly acts contrary to the provisions and requirements of this Ordinance, shall be liable for maintaining a common nuisance.
4. Private covenants or agreements imposing standards different than those in this Ordinance shall not impose an enforcement obligation on the Hancock County Drainage Board.
5. The owner, tenant, or occupant of any structure or land and any architect, engineer, surveyor, contractor, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.
6. The following process shall be followed by the enforcement official when pursuing a violation of this Ordinance:
 - a. The Hancock County Surveyor shall provide up to thirty (30) days for a violation to come into compliance with this Ordinance. If at the time the violations have not been corrected, then
 - b. The enforcement official shall send written notice to the person believed responsible for the violation, and to the property owner

- of the property involved if different, indicating the nature of the alleged violation and ordering the action necessary to correct it.
- c. If the violation is not corrected, the enforcement official shall send a written notice identified as being the final notice, and shall state what action the enforcement official can take if the violation is not corrected. The notice shall indicate that an appeal may be filed to the Hancock County Drain Board and the procedure for filing an appeal.
 - d. In all violation notices, a reasonable time period shall be expressed and allotted for compliance
 - e. If the compliance is not achieved by the deadline specified in the final notice, the enforcement official may impose one or more of the remedies listed in Section 8 of this Ordinance
 - f. The enforcement official working with the County Attorney may file a complaint against the person responsible for and prosecute the alleged violation
7. The enforcement official may impose any one or all of the following remedies listed below for any violation of this Ordinance:
- a. A "STOP WORK ORDER" whereby all work on the improvement authorized by issuance of a permit on the property shall cease at the time of posting. A written "STOP WORK ORDER" shall be sent to the property owner, contractor, or other appropriate individual specifying what action is necessary to release within the time limitation. Failure to adhere to this time limitation is a violation of this Ordinance
 - b. A revocation of any permit issued for work on the property
 - c. Bring an action to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance, or action taken under this Ordinance. Further, an action may also seek the imposition of a penalty under Section 10.99 of the Hancock County Code.
 - d. Bring action for injunction. This action may seek to enjoin a person or entity from violating, or continuing to violate any provision of this Ordinance and/or maintaining a common nuisance. Further, it may seek the prevention, removal, or abatement of the violation
 - e. Any other remedy or penalty provided for herein, or other applicable authority
8. Any person found to be in violation of this Ordinance in an enforcement action brought under this Ordinance shall be responsible to pay reasonable costs and expenses, including attorney fees, incurred to the County in connection with the prosecution of such action..

157.10 Fee Schedule

As a condition of the submittal and the review of the plans by the Hancock County Surveyor and/or Hancock County Engineer the applicable fee shall be first paid. The fee shall be set by resolution of the Hancock County Commissioners upon recommendation of the Drain Board.

Adopted this 17 day of April, 2006

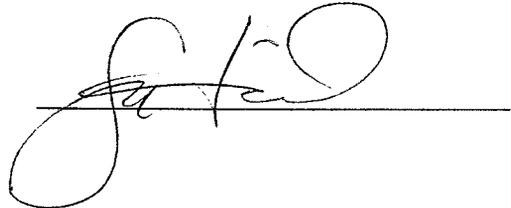
Board of Commissioners
Hancock County, Indiana

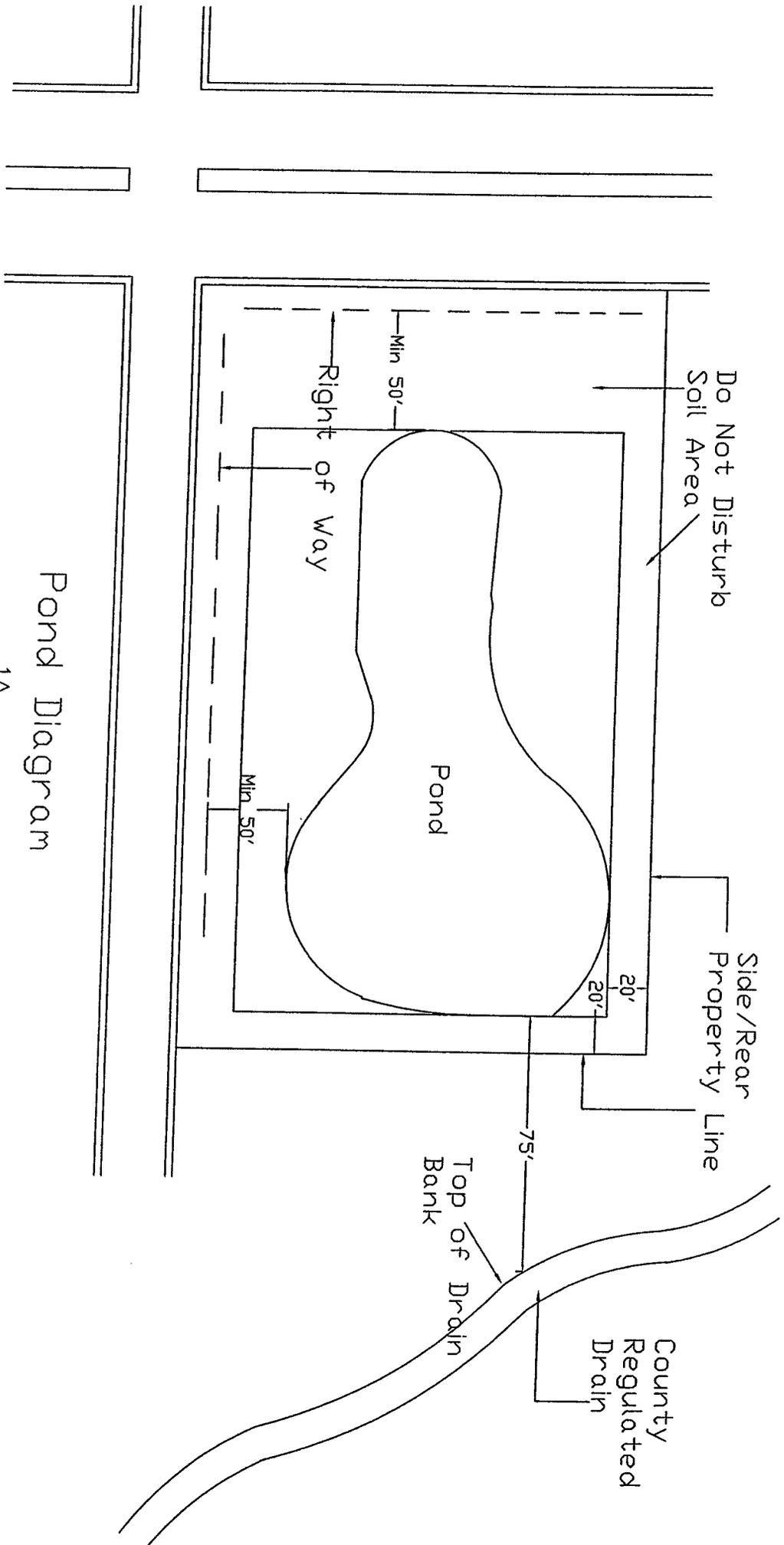


President

Attest: Yicki L Saunders
Hancock County Auditor

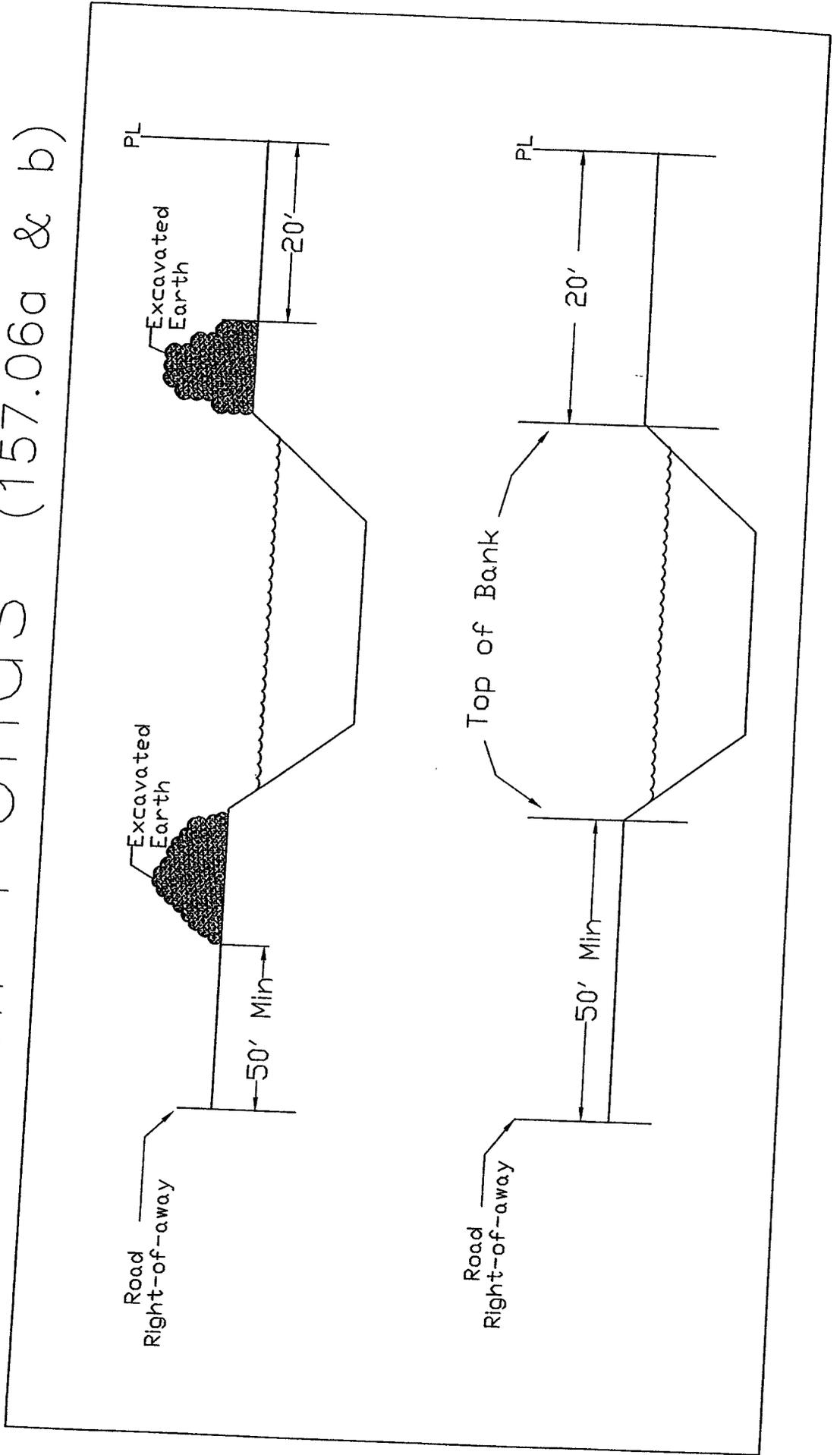






Pond Diagram
1A

Minimum Standards on all Ponds (157.06a & b)



A RESOLUTION SETTING FEES FOR THE REGULATION OF PONDS

Be It Resolved by the Board of Commissioners of Hancock County, Indiana, That

<u>Fee Type</u>	<u>Cost</u>
Permit Fee	\$25.00
Application for Variance from Development Standards	\$100.00
<u>Fine Type</u>	<u>Cost</u>
Starting pond construction without Obtaining permits	\$250.00 fined to contractor
Finishing pond without obtaining final Approval from County Surveyor	\$250.00 fined to contractor
Construction and/or excavation/site work In setback areas without County Surveyor Approvals	\$1000.00 fined to contractor

Section I

Pursuant to the authority set out on Section 157.10 of Chapter 157 of Title XV of the Hancock County Code the following fees are set effective immediately:

Adopted this 24 day of April, 2006.

Board of Commissioners
Hancock County, Indiana


President

Attest: 
Hancock County Auditor