



# VERMILLION COUNTY

## **DRAINAGE BOARD**

*RULES OF PROCEDURE*

*FORMS AND APPLICATIONS*

*As of 18 August 2021*

General Index page Rules of Procedure

A. Index	3 – 4
B. Articles I – XIII	5 – 18
Forms Applications Directions and Diagrams	
A. Drainage Board Review	20
B. Legal Drain Instructions Encroachment, Outlet, Perimeter Drain Hook Up	21 - 26
C. Liability of Legal Drain Encroachment	27
E. Vacating a Legal Drain	28 - 29
F. Petition to Remove Obstruction	30
G. Drainage Board Fees	31

ARTICLE I

AUTHORITY,  
DUTIES.....5

    Section 1.  
    Authority.....5

    Section 2.  
    Duties .....5

    Section 3.  
    Membership .....5

    Section 4.  
    Meetings.....5

ARTICLE II

OFFICERS AND RECORDING  
SECRETARY .....6

    Section 1. Board  
    Officers.....6

    Section 2. Duties of Board  
    Officers.....6

ARTICLE III CONDUCT OF  
MEETINGS.....7

    Section 1.  
    Quorum .....7

    Section 2.  
    Voting .....7

    Section 3. Order of  
    Business.....8

ARTICLE IV PUBLIC  
HEARINGS .....8

    Section 1.  
    Procedure .....8

    Section 2.  
    Conduct.....9

ARTICLE V DISPOSITION OF PETITIONS.....	10	Section 1.
Motions .....	10	
Section 2.		
Dismissals .....	10	
Section 3.		
Withdrawals .....	11	
Section 4.		
Continuance .....	11	
Section 5.		
Approval.....		
.....12		
Section 6. Disapproval.....		
.....13		
 ARTICLE VI FILING PROCEDURES.....		
.....13		
Section 1.		
Application.....	13	
Section 2. Filing		
Deadlines.....	14	
Section 3. Eligible		
Applicants.....	14	
 ARTICLE VII NOTICE REQUIREMENTS.....	14	
Section 1.		
Contents .....	14	
Section 2.		
Publication.....		
.....14		
Section 3. Mailed Notice.....		
.....15		
Section 4. Evidence of Notice.....		
.....16		
Section 5. Multiple Approvals And Multiple		
Notices.....	16	

3.

ARTICLE VIII

COMMITTEES.....	
.....16	
Section 1.	
Authority.....	16

ARTICLE IX

BOARD

RECORDS .....  
.16

    Section 1.  
Responsibility .....16

    Section 2. Minutes.....  
.....16

    Section 3. Tape Recordings.....  
.....16

    Section 4. Board Case  
Files .....17

    Section 5. Public  
Records .....17

ARTICLE X

FEES.....  
.....17

    Section 1. Schedule of  
Fees .....17

    Section 2. Payment  
Required.....17

    Section 3.  
Waivers .....17

ARTICLE XI

AMENDMENTS AND SUSPENSION.....  
.....18

    Section 1. Amendments.....  
.....18

ARTICLE XII

SEPARABILITY .....  
.....18

ARTICLE XIII

CERTIFICATION OF  
ADOPTION.....18

## RULES OF PROCEDURE VERMILLION COUNTY DRAINAGE BOARD

### ARTICLE I AUTHORITY, DUTIES

#### Section 1. Authority

The Vermillion County Drainage Board (hereinafter called "Board") exists under authority of Indiana Code 36-9-27-4, and all acts supplemental and amendatory thereto.

#### Section 2. Duties

The Duties of the Vermillion County Drain Board shall be those set forth in IC 36-9-27-1, et seq, "DRAINAGE LAWS" and such other responsibilities as may be adopted by the Board.

#### Section 3. Membership

The Board shall consist of three or five members in accordance with IC 36-9-27-5.

#### Section 4. Meetings

All meetings of the Board shall be conducted in accordance with IC-36-9-27-7, The Indiana Open Door Law, and any amendments thereto. On-site inspections of property involved in petitions before the Board shall not be considered meetings.

a. Regular meetings - The Board shall hold a regular meeting on the second (2<sup>nd</sup>) Wednesday of each month. Whenever the regular meeting date falls on an official holiday or precedes Election Day, another date shall be selected. A schedule of all regular meetings shall be published each year. All regular meetings shall be held in the public hearing room of the Vermillion County Courthouse at the times designated on the schedule of meetings, unless otherwise designated by the Board.

b. Special Meetings - In accordance with the provision of IC 36-9-27-7(d), special meetings of the Board may be called at any time by the Chairman, any two (2) members, or the county surveyor, by mailing a written notice setting forth the time, date, and place of the meeting to each member not less than five (5) days before the date of the meeting. A member may waive the mailing of notice of a special meeting by filing a written waiver with the secretary or by his presence at the meeting.

c. Cancellation - Whenever there is a lack of business for Board consideration, the Chairman may dispense with a regular meeting. Whenever it is determined that a quorum is not available for a regular or special meeting, the Chairman of the Board shall dispense with such

meeting, and all business scheduled for such meeting will be automatically continued to the next regular or special meeting. The Chairman of the Board also may dispense with a scheduled regular or special meeting in the event of a natural disaster, snow emergency, or similar causes.

d. In such cases, the secretary of the Board shall give written or oral notice to the Board members and those having business before the Board if possible, and notify the news media of the cancellation. In the event of cancellation for any reason, the Chairman may require re-notification to interested parties, with such notice to be paid for by the petitioner or by the Board, as the Chairman deems appropriate.

5.

## ARTICLE II OFFICERS AND RECORDING SECRETARY

### Section 1. Board Officers

In accordance with IC 36-9-27-7(a), at its first regular meeting of each year, the Board shall elect from its members a Chairman, Vice Chairman, and Secretary. The Board shall appoint a recording secretary, and an attorney.

### Section 2. Duties of Board Officers

a. Chairman - The Chairman shall preside over Board meetings and on behalf of the Board shall exercise general supervision over the affairs of the Board, the appointment of committees and representatives, and determination of points of order and procedure, and the signing of all official documents.

b. Vice Chairman - The Vice Chairman shall have authority to act as Chairman of the Board during the absence or disability of the Chairman.

c. Secretary - The Secretary shall certify all official acts of the Board and the Vice Chairman, the Secretary shall preside, provided, however, the first and only item of business to be presented by such presiding officers shall be the election of a Chairman pro tempore. In the event of the absence or disability of the Secretary, the Chairman of the Board shall select a Secretary pro tempore.

d. Directives - Any policies or assignments to the secretary not covered by these regulations shall be by resolution of the Board.

## ARTICLE III CONDUCT OF MEETINGS

### Section 1. Quorum

A majority of the voting members of the board constitutes a quorum, and the concurrence of a majority of the voting members present at a meeting is necessary to authorize any action under this chapter.

### Section 2. Voting

a. Majority - No action of the Board is official unless it is authorized at a regular or special meeting by a majority of the voting members present at the meeting.

b. Conflict of interest - In accordance with IC 36-9-27-12, whenever it appears, in any proceeding for the construction, reconstruction, or maintenance of a regulated drain, that a member of the board has an interest in the proceedings because of his ownership of real property affected by the drain, that member shall immediately disqualify himself from serving on the board in those proceedings. However, the fact that county highways will be affected by any proceedings does not disqualify a regular member of the board. In addition, a Board member may not participate in a hearing or decision concerning a matter in which he/she has an interest. A member shall declare his/her known conflict of interest. The Board shall enter in its record the fact that its member has a disqualification. Members are expected to disclose any personal, non-financial interest in any matter before the Board, and may refuse to participate and vote on such matter. A member who has a conflict of interest shall leave the Board table. Such member may join the audience but may not give testimony on the matter before the Board. Nothing in this section shall prevent a member of the Board from presenting a petition on his/her own behalf, but members shall not appear before the Board on behalf of others.

c. Required - Except as provided in "b" above, a majority of the voting members of the board constitutes a quorum. An abstention or refusal to vote is, in effect, a declaration that they consent that the majority of the quorum may act for the body of which they are members. d. Absentee - Absentee or proxy voting shall not be permitted. Members must be present for the public hearing in order to be eligible to vote on any matter. In the event that a member is absent for part of a public hearing, such member's eligibility to vote on the matter shall be at the discretion of the Chairman.

### Section 3. Order of Business

The order of business shall be as listed below, except that said order of business may be changed by the Chairman upon the consenting vote of a majority of those members.



1. Call meeting to order
2. Roll call of members
3. Approval of Minutes
4. Public Hearings
5. Old Business
6. New Business
7. Reports and Recommendations
8. Adjournment

7.

## ARTICLE IV PUBLIC HEARING

### Section 1. Procedure

a. Opening the hearing - The Chairman shall call the docket number of the item scheduled for public hearing and declare the public hearing open.

b. Order of testimony - The order of testimony shall be as follows:

1. Background and comments by the County Surveyor
2. Swearing in witnesses
3. Presentation of request by petitioner
4. Comments and questions by members of the audience
5. Rebuttals
6. Summations

c. Procedure for presentation and debate - Petitioner(s) and remonstrator(s), respectively, may be permitted a maximum of twenty (20) minutes for the presentation of evidence, statements, and argument at the public hearings of every case at the discretion of the Chairman:

1. Petitioner(s) and persons appearing in support of the case being heard by the Board may have fifteen (15) minutes for the presentation of evidence, statements and argument in support of the matter being considered. A reasonable addition time may then be allowed for cross-examination of petitioner's witness.

2. Remonstrator(s) and persons appearing in opposition to the case may then be given twenty (20) minutes for the presentation of evidence, statements, and argument in opposition to the matter being considered. A reasonable additional time may then be allowed for cross-examination and redirect examination of remonstrator's witnesses.

3. The petitioner(s) may then have five (5) minutes for rebuttal, which shall include only evidence, statements, and arguments in rebuttal of remonstrator's evidence and a brief closing statement. The Chairman may, unless otherwise directed by a majority of the Board in session at the time, have authority to extend the total of twenty (20) minute periods specified above, where appropriate in the interest of affording to all interested parties a fair hearing.

d. Closing the hearing - After all public comments have been heard under the rules of this section, the Chairman shall declare the hearing closed and shall call for a motion. Additional public comment shall not be permitted after the close of the hearing. Any motion which has been made and seconded is open for discussion by the Board members, but such motion is closed to

discussion by the public unless the Chairman specifically allows such discussion. The Chairman shall have the authority to limit such discussion by the public or the Board members.

e. Voting - Each motion on a matter requiring a public hearing shall be by voice vote of the members, in accordance with the provisions of Article III, Section 2 of these rules. The vote of each member shall become a part of the record on the petition, and the vote of each member shall be disclosed by any Board officer or the secretary for anyone requesting such information.

8.

## Section 2. Conduct

a. Representation - The petitioner may appear in person, by agent, or attorney, and present any supporting witnesses, evidence, statements, and arguments in favor of the request. Remonstrators and persons in favor of the request may appear in person, by agent, or by attorney, and present witnesses, evidence, statements, and arguments. Any person interested in any petition shall have the right but shall not be required to enter a written appearance in the hearing.

b. Board participation - The Board members shall be provided adequate opportunity to examine witnesses and question any evidence, statements and arguments in the interest of a fair hearing.

c. Identification - All persons wishing to be heard on any matter in a public hearing must stand before the Board and provide their names and addresses for the record.

d. Commentary addressed to Board - All commentary at a public hearing shall be addressed to the Board through its Chairman. Such commentary shall not be permitted between opposing parties without the consent of said officer.

e. Authority of Chairman - The Chairman shall have the authority to prohibit repetitious and irrelevant testimony and shall have authority to limit the length of testimony by each speaker deemed appropriate to a fair public hearing.

f. Orderly conduct - Every person appearing before the Board shall abide by the order and direction of the Chairman. Discourteous, disorderly, or contemptuous conduct shall not be tolerated, and the Chairman may take such action as is deemed necessary to prevent such conduct.

## ARTICLE V DISPOSITION OF PETITIONS

### Section 1. Motions

The final disposition of any petition duly filed and brought before the Board shall be in the form of a motion, properly adopted, specifically setting forth such disposition.

### Section 2. Dismissal

a. Want of prosecution - The Board may dismiss a petition if the petitioner or authorized representative does not appear to present and speak in favor of such petition or if such petition has been improperly filed as determined by the Board.

b. Lack of jurisdiction - The Board shall dismiss a petition if it finds it has no jurisdiction over such matter.

c. If the petition is dismissed for want of prosecution, the petition shall not be again placed upon the docket for a hearing within a period of one hundred eighty (180) calendar days from the date of the originally scheduled hearing, except upon a motion duly adopted by a majority of the membership of the Board to permit such re-docketing. In the event a petition is dismissed for want of prosecution, a new filing fee shall be required unless a majority of the membership of the Board, by motion duly made and adopted, waives the imposition of an additional filing fee.

### Section 3. Withdrawal

a. Without prejudice - Any petition may be withdrawn without prejudice provided a written request for withdrawal signed by the petitioner or an authorized representative is received by the Board's secretary at least fourteen (14) calendar days before the scheduled hearing.

b. With prejudice - Any request for withdrawal made less than fourteen (14) calendar days before the scheduled hearing may be granted or denied by the Board. Such request may be in writing or oral and must state the reasons for the request. If the Board votes to permit withdrawal, the petition shall not again be placed on the docket for a hearing within a period of one hundred eighty (180) calendar days from the date of the originally scheduled hearing,

except upon a motion duly adopted by a majority of the membership of the Board to permit such re-docketing.

c. Not permitted - No petition may be withdrawn after a motion has been made and seconded and a vote has been ordered by the Chairman.

10.

#### Section 4. Continuance

a. Requests by interested party – One continuance for petitioner(s) and one continuance in total for any person or entity to whom notice was given pursuant to Article VII herein. If requested by Petitioner, the request must be in writing and filed with the County Surveyor no later than five (5) business days immediately preceding the day of the scheduled hearing. The request will be allowed as a matter of right and without cause shown. The request shall include whether it is the first request for continuance. The Petitioner shall give notice to all interested parties required to be served with notice pursuant to Article VII herein, and to attorneys who have entered their appearance or are known to represent the petitioner(s) or remonstrator(s). If a continuance is granted, the petition shall be rescheduled for the next available meeting, unless otherwise requested. A request to reschedule to a date other than the next available meeting may only be granted by the Board.

If a continuance is granted, then the Petitioner shall re-notify all individuals previously notified pursuant to Article VII of the new date and time of the rescheduled hearing. Said notice of rescheduled hearing shall be given pursuant to Article VII.

The Petitioner must also give notice to all persons or entities receiving notice pursuant to Article VII of the filing of the request for continuance by mailing a copy of the request to each person or entity, first class, postage prepaid, at the time the request is filed with the Surveyor.

The Petitioner must file with the Surveyor at the time the request for continuance is filed a "Certificate Of Mailing Notices" in the following Form:

"I, \_\_\_\_\_, affirm under penalties of perjury that I mailed or personally caused to be mailed to the individuals or entities shown on the attached Exhibit a copy of the "Request For Continuance", first class, postage prepaid, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Signature: \_\_\_\_\_

Printed: \_\_\_\_\_

All other interested parties except the Petitioner may obtain a continuance as a matter of right and without cause shown. Other interested parties except the Petitioner are encouraged to request a continuance five (5) business days immediately preceding the scheduled hearing. If a request is made at least five (5) business days immediately preceding the scheduled hearing, then the notice requirements imposed upon the petitioner shall be complied with by the requesting party.

Provided further, however, that any interested party other than Petitioner may request and obtain one (1) continuance as a matter of right and without cause shown by appearing at the scheduled hearing and making a request to the Board prior to the commencement of the hearing. Once the hearing has begun no continuance shall be granted to anyone except for good cause shown or upon motion of the Board. If a continuance is granted by the Board at the time of the hearing, then the party requesting and obtaining the continuance shall renotify all interested parties of the new time and date of the rescheduled hearing pursuant to Article VII herein. If the continuance is granted upon motion of the Board, then the Board shall determine as a part of the motion who shall be responsible for re-notifying all interested parties.

The term "business day" shall mean any day the office of the Vermillion County Surveyor is actually open for business and in computing the period of "three (3) business days", neither the day of the filing of the written continuance request with the Surveyor or the day of the scheduled hearing will be included.

## Section 5. Approval

a. Subdivisions and final planned unit developments - The Board has the authority to approve the drainage plans for subdivisions of land and planned unit developments under the terms of the Subdivision Control Ordinance, section 6-102-5 DRAINAGE and any other duties or responsibilities that the Board may adopt.

1. Preliminary approval- A motion to approve a petition may be conditional upon a petitioner's compliance with a requirement or requirements imposed by the Board. Such condition(s) of approval shall be specifically stated and recited to the petitioner. The Board may impose a time limit upon the fulfillment of any such requirement(s). The petitioner shall be required to notify the Board's secretary of the fulfillment of such requirements by filing an affidavit of compliance with the Board. If the time for fulfillment of the condition(s) is stated in the Board's decision, such affidavit shall be filed within thirty (30) calendar days after the time allowed for fulfillment. In the event any condition of the decision has not been fulfilled or the time for compliance has 13 expired, the decision shall be revoked and rescinded.

2. Final approval- Petitioners may be required to appear before the Board for a subsequent hearing on final approval. Petitioners shall not seek a hearing date for final approval until such is recommended by the staff.

12.

3. Time Limitations Governing Preliminary Approval and Extensions of Time- If the Board has not imposed time limits upon the fulfillment of any requirements imposed pursuant to Sub-Subsections 1 above, preliminary approval shall automatically expire two (2) years from the date of the approval being granted. If the Board has imposed time limits, then such time limits shall control. If an application for final approval is not filed within the time limits imposed pursuant to Sub-Subsection 1 above or, in any event, within two (2) years from the date that preliminary approval was granted, such preliminary approval will be deemed to be null and void and of no force or effect. The Board, for good cause shown, may allow an extension of time for any time limit imposed herein. Applicants seeking an extension of time shall file their requests no later than thirty (30) days prior to the date of expiration of preliminary approval. Failure to file for an extension of time at least thirty (30) days prior to the expiration of preliminary approval will result in an automatic denial of the request for extension of time. If a request for extension of time is timely filed, the Petitioner shall appear before the Board at a date and time fixed by the Board to explain why final approval could not be sought within the time limits imposed. All notices required to be given for preliminary and final approval shall be given in the event a Petitioner seeks an extension of time. The Board shall, in its sole discretion, determine whether or not an extension of time shall be allowed.

#### Section 6. Disapproval

If the Board finds that a petition does not meet the criteria established by ordinance(s) or state statute(s) for approval, it shall deny the request. No petition which has been denied pursuant to this Section shall again be placed on the docket for hearing for a period of one hundred eighty (180) calendar days from the date of such denial, except upon a motion duly adopted by a majority of the membership of the Board to permit such re-docketing. A new filing fee shall be required unless a majority of the Board, by motion duly made and adopted, waives the imposition of an additional filing fee.

### ARTICLE VI FILING PROCEDURES

#### Section 1. Application

Each petition to the Board shall be filed in the office of the Surveyor and be on application forms approved by the Board. They shall be accompanied by such information and exhibits as specified on such forms and/or required by applicable ordinances. Any communication purporting to be a petition not on the prescribed forms or not containing the information required shall be considered incomplete and shall not be docketed. Any application which is incomplete at the time of the filing deadline shall not be docketed.

## Section 2. Filing Deadlines

The secretary shall prepare, no later than the fifteenth (15) day of December of each year, a schedule of the filing deadlines for the ensuing year. Such schedule shall provide for adequate time for the surveyor to review the proposal and offer technical advice to the Board and shall provide adequate time of issuance of required notices. Any application which is incomplete at the time of the filing deadline shall not be docketed

13.

## ARTICLE VII

### NOTICE REQUIREMENTS

#### Section 1. Contents

Any notice of public hearing by federal, state, or local law shall contain as a minimum the following information:

- a. Docket number and the substance of the matter to be heard.
- b. General location by mailing address, township, and recorded legal description of the property.
- c. Name of the person or agency initiating the matter to be heard.
- d. Time, date, and place of the hearing.
- e. Statement that the petition may be examined at the office of the County Surveyor.
- f. Statement that interested parties may offer an oral opinion at the hearing or may file written comments concerning the matter to be heard prior to or at the hearing.
- g. Any other information which may be required by law to be contained in such notice.

#### Section 2. Publications

Notice by publication containing all necessary information shall be given by the petitioner(s) in a newspaper of general circulation in Vermillion County, at least ten (10) calendar days before the hearing, and proof of publication shall be made by an affidavit of the publisher attached to a copy of the notice taken from the newspaper in which it was taken and filed with the Board. Such affidavit shall specify the county, the time of publication, and the paper in which the notice was published. The petitioner(s) shall assume the cost of said publication. Proof of such publication shall be provided to secretary by petitioner and kept in the appropriate file.

#### Section 3. Mailed Notice

a. Method of Notice - Notice shall be given to owners of all property within a distance of six hundred (600) feet or two (2) property owners, whichever is greater, from the boundaries of the affected property. Notification by certified mail shall be sent not less than ten (10) calendar days prior to the hearing, with said notice containing the following information.

1. Docket number and the substance of the matter to be heard.
2. General location by mailing address, township, and recorded legal description of the property.
3. Name of the person or agency initiating the matter to be heard.
4. Time, date, and place of the hearing.

5. Statement that the petition may be examined at the office of the County Surveyor.
6. Statement that interested parties may offer an oral opinion at the hearing or may file written comments concerning the matter to be heard prior to or at the hearing.
7. Any other information which may be required by law to be contained in such notice.

14.

In the alternative, the petitioner(s) may present a list of all such owners, signed by such owners and acknowledging notice of the petition and hearing, said list having affidavit affixed attesting to the veracity of the list, with the petitioner(s) signature being notarized.

b. Determination of owners - The names and addresses of the property owners to be notified are to be determined from the records of the Auditor of Vermillion County. They shall be deemed to be the true names and addresses of the persons entitled to notice. For the purpose of determining adjoining parcels of land, the land described in said petition shall be deemed to include any adjoining land owned by the applicant, provided, however, such ownership shall not be deemed to include the entire length of the right-of-way of a street, railway or parcel involved. Land separated from petitioned property by streets, railways, easements and the like shall be deemed to be land adjoining the petitioned land.

#### Section 4. Evidence of Notice

Certified mail receipts and notarized affidavits listing the names and addresses of the property owners and proof of service of said notice shall be considered evidence that notice has been given. Personal appearance at the hearing shall constitute evidence of notice.

#### Section 5. Multiple Approvals and Multiple Notices

All provisions for notifications and publications shall apply to petitions that require multiple approvals. (For example, preliminary approval and final approval that are required for major plats.)

### ARTICLE VIII COMMITTEES

#### Section 1. Authority

The Chairman is hereby authorized to appoint permanent and temporary committees to facilitate the work of or advise the Board. Such committees may be comprised of Board members and other interested parties. A chairman shall be appointed for each committee, and reports on their assignments shall be made a part of the record. The Chairman shall be an ex- officio member of any committee.

### ARTICLE IX BOARD RECORDS



## Section 1. Responsibility

It shall be the duty of the recording secretary of the Board to maintain all Board files and records, including the official minutes of all meetings.

15.

## Section 2. Minutes

The recording secretary shall prepare an accurate record of all hearings and official actions of the Board, and the minutes representing such record shall be made available within a reasonable time after approval of the Board. Approved minutes shall be made available for inspection by the public in the Office of the County Surveyor.

## Section 3. Tape Recordings

The recording secretary may make taped copies or other mechanical recordings of the Board's proceeding. Such recording products shall remain on file in the Surveyor's office for a period not less than one (1) year from the date of the hearing or determination, whichever is later. Such recordings shall not be removed from the Surveyor's office other than by order of a court of competent jurisdiction. Interested parties may listen to such recordings, under the supervision of the Surveyor's staff.

## Section 4. Board Case Files

A file shall be maintained in the Surveyor's office for each item placed on the docket of the Board. Such files shall contain, as a minimum, the application form and supporting materials and any exhibits pertinent to the decision, conditions, or safeguards or other material related to the binding effects of the Boards actions.

## Section 5. Public Records

The records and files for the Board shall be made available to the public under the provisions of IC 5-14-3, the Indiana Access to Public Records Law, and any amendments thereto. The County Surveyor is hereby designated as the officer responsible for determining which documents of the Board are public records. Any person may file a written objection to a decision of the Surveyor under this section. Upon receipt of such objection, the Surveyor shall consult the Board Chairman and the Board attorney who shall decide whether a requested document is public record.

## ARTICLE X FEES

### Section 1. Schedule of Fees

The Board may establish a uniform fee schedule of fees to defray the administrative costs connected with processing and hearing petitions. Such fees shall not exceed the actual costs of providing such services. Fees established shall include fees for copying documents under the provisions of IC 5-14-3-8(d).

16.

### Section 2. Payment Required

In no case shall the Board take action on any petition for which applicable fees have not been paid in full. No part of any fee paid pursuant to this section shall be returnable to the petitioner.

### Section 3. Waivers

Nothing herein shall be construed to require a fee for actions initiated in the public interest of the Board.

## ARTICLE XI AMENDMENTS AND SUSPENSION

### Section 1. Amendments

Amendments to the Rules and Procedure may be made by the Board at any regular or special meeting upon the affirmative vote of a majority of the membership of the Board, provided, however, that the proposed amendment shall have been presented in writing at a previous regular meeting of the Board.

## ARTICLE XII SEPARABILITY

If any section, clause, provision, or portion of these rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these rules.

## ARTICLE XIII CERTIFICATE OF ADOPTION

These rules are hereby adopted by the affirmative vote of the Vermillion County Drainage Board this

\_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

# Forms Applications Directions And Diagrams



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## Requirements for Drainage Board Review

1. Application completed.
2. Seven (7) copies of Sketch plan and Drainage Calculations to be filed in the office of the Surveyor on appropriate date (one of which will go to the Area Planning Commission).
3. One check for the appropriate amount. (\$750.00, \$450.00, or \$250.00).
4. Notice by publication containing all necessary information shall be given by the petitioner in a newspaper of general circulation in Vermillion County, at least ten calendar days before the hearing, and proof of publication shall be made by an affidavit of the publisher attached to a copy of the notice taken from the newspaper in which it was taken and filed with the Board. Such affidavit shall specify the county, the time of publication, and the paper in which the notice was published. The petitioner shall assume the cost of said publication. Proof of such publication shall be provided to the Drainage Board secretary prior to meeting, by petitioner and kept in the appropriate file.
5. Method of Notice- Notice shall be given to owners of all property within a distance of six hundred feet or two property owners, whichever is greater, from the boundaries of the affected property. Notification by certified mail, return receipts requested, shall be sent not less than ten calendar days prior to the hearing, with said notice containing the following information. (Return receipts to be presented to Board secretary prior to meeting)
  - a. Docket number and the substance of the matter to be heard.
  - b. General location by mailing address, township, and recorded legal description of the property.

- c. Name of the person or agency initiating the matter to be heard.
- d. Time, Date, and place of hearing.
- e. Statement that the petition may be examined at the office of the County Surveyor.
- f. Statement that interested parties may offer an oral opinion at the hearing or may file written comments concerning the matter to be heard to or at the hearing.
- g. Any other information, which may be required by law to be contained in such notice.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
 VERMILLION COUNTY COURTHOUSE  
 ROOM 206  
 P.O. BOX 280  
 225 MAIN STREET  
 NEWPORT, IN 47966

APPLICATION FOR DRAINAGE BOARD REVIEW

DATE  
 FILED: \_\_\_\_\_  
 \_\_\_\_\_

PROJECT  
 NAME: \_\_\_\_\_  
 \_\_\_\_\_

PETTITIONER and AGENT: \_\_\_\_\_  
 \_\_\_\_\_

Address: \_\_\_\_\_  
 \_\_\_\_\_

REQUESTED HEARING  
 DATE: \_\_\_\_\_

TYPE OF PLAT OR SITE PLAN (Major, Minor,  
 Commercial): \_\_\_\_\_

PRELIMINARY OR  
 FINAL: \_\_\_\_\_

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_  
 RANGE \_\_\_\_\_

VERMILLION COUNTY DRAINAGE BOARD USE ONLY

DOCKET NUMBER \_\_\_\_\_ Approved \_\_\_\_\_

FEE: \_\_\_\_\_ Denied: \_\_\_\_\_

7 COPIES OF SKETCH PLAN \_\_\_\_\_ Continued \_\_\_\_\_

7 COPIES OF DRAINAGE CALCULATIONS \_\_\_\_\_

7 COPIES OF CONTOUR MAP \_\_\_\_\_ Prelim. (Date) \_\_\_\_\_

PROOF OF MAILING \_\_\_\_\_ AP Date: \_\_\_\_\_

PROOF OF NEWSPAPER NOTIFICATION \_\_\_\_\_

20.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## DRAINAGE BOARD APPROVAL REGARDING LEGAL DRAINS

### Encroachment

Under Indiana Statute the County Surveyor is the technical authority on regulated drains. (IC 36-9- 27-29). The Drainage Board shall oversee the project and provide permission to encroach onto a legal drain easement (IC. 36-9-27-33). The Board shall seek guidance from the County Surveyor when making these decisions.

1. The Drainage Board will acknowledge requests to encroach onto a legal drain easement. The steps required to be placed on the agenda; are as follows;

1. Six (6) copies of site plan, to be filed with the County Surveyor.

2. A filing date to correspond with that of a Minor Plat (approximately two weeks before a meeting).

3. One check in the amount of five (5) Dollars.

Encroachment is any permanent structure constructed or placed in the easement. Verification of “structure” and or “encroachment” should be directed to the Surveyor’s Office.

21.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## APPLICATION TO ENCROACH ONTO A REGULATED DRAIN

DATE  
FILED: \_\_\_\_\_

PROJECT  
NAME: \_\_\_\_\_

PETITIONER: \_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

REQUESTED HEARING  
DATE: \_\_\_\_\_

TYPE OF PLAT OR SITE PLAN (Major, Minor, Commercial): \_\_\_\_\_

PRELIMINARY OR FINAL: \_\_\_\_\_

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_  
RANGE \_\_\_\_\_ ) \_\_\_\_\_

\*No permanent structures, trees, shrubs or other woody vegetation shall be placed within the legal drain easement without the written consent of the Vermillion County Drainage Board. Any structure or vegetation or crops located within the legal drain easement, regardless of whether or not written consent was given, shall be removed by the owner, at the owner's expense, if so requested by the Vermillion County Drainage Board or the Vermillion County Surveyor. Any damage caused anything planted, erected, place, maintained, or existing within the easement shall be without liability to the Surveyor, the Drainage Board, or their representatives. Authority: 1.C.36-9-27-33 VERMILLION COUNTY DRAINAGE BOARD, 225 MAIN ST., NEWPORT, IN 47966.

DRAINAGE BOARD USE ONLY	Fee
Paid _____	
DOCKET NUMBER _____	Approved _____
6 COPIES OF SITE PLAN _____	Denied _____
2 COPIES OF CONTOUR MAP _____	Continued _____

22.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## DRAINAGE BOARD APPROVAL REGARDING LEGAL DRAINS

### Outlet

Under Indiana Statute the County Surveyor is the technical authority on regulated drains. (IC 36-9-27-29). Permission to outlet (connect) into a legal drain requires the County Surveyors review (36-9-27-17). The Drainage Board shall oversee the project and provide permission to encroach onto a legal drain easement (IC. 36-9-27-33). The Board shall seek guidance from the County Surveyor when making these decisions.



1. The County Surveyor is required to review projects that desire to discharge (outlet) into a legal drain. The County Surveyor shall require that the discharge concerns regarding the request be settled prior to the Drainage Board hearing. The steps required to receive permission to outlet into a legal drain are as follows;

1. Six (6) copies of site plan.
2. Six (6) copies of Drainage Calculations.
3. The filing date should correspond with a major subdivision plat (approximately one month).
4. Fees correspond with that of a Minor, Commercial, or Major plat, review.

(Encroachment applications must accompany a discharge application)

Applications to Outlet are required for construction projects within the corporate limits of a municipalities. Such projects within the corporate limits of a municipality that discharge into a County Regulated Drain, must file an application to Outlet and an application to Encroach. Any question regarding legal drains should be directed to the Surveyor's Office for clarification.

23.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

APPLICATION TO OUTLET INTO A REGULATED DRAIN – WITHIN CITY LIMITS

DATE  
FILED: \_\_\_\_\_

PROJECT  
NAME: \_\_\_\_\_

PETTITIONER: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

REQUESTED HEARING

DATE: \_\_\_\_\_

TYPE OF PLAT OR SITE PLAN (Major, Minor,  
Commercial): \_\_\_\_\_

PRELIMINARY OR  
FINAL: \_\_\_\_\_

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_  
RANGE \_\_\_\_\_

DRAINAGE BOARD USE ONLY

DOCKET NUMBER \_\_\_\_\_  
Approved \_\_\_\_\_

FEE: \_\_\_\_\_  
Denied: \_\_\_\_\_

6 COPIES OF SITE PLAN \_\_\_\_\_  
Continued \_\_\_\_\_

6 COPIES OF DRAINAGE  
CALCULATIONS \_\_\_\_\_

2 COPIES OF CONTOUR MAP \_\_\_\_\_  
Preliminary \_\_\_\_\_

PROOF OF  
MAILING \_\_\_\_\_

PROOF OF NEWSPAPER  
NOTIFICATION \_\_\_\_\_

24.



**VERMILLION COUNTY**

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280

DRAINAGE BOARD APPROVAL REGARDING LEGAL DRAINS

PERIMETER DRAIN HOOK UP

Under Indiana Statute the County Surveyor is the technical authority on regulated drains. (IC 36-9-27-29). Permission to outlet (connect) into a legal drain requires the County Surveyors review (36-9-27-17).

1. The County Surveyor will acknowledge requests to Hook up a Perimeter Drain into a County Regulated Drain. The steps required to receive approval; are as follows;

- a. One (1) copies of site plan, to be filed with the County Surveyor.
- b. A performance bond, in the amount of one thousand dollars (\$1,000.00).

2. The tile connection shall be inspected by the County Surveyor.

- a. Contact the Surveyor's office Two business days prior to inspection.
- b. The performance bond will be released to petitioner after Surveyors inspection.

Any question regarding Regulated Drains should be directed to the County Surveyor.

25.



**VERMILLION COUNTY**

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET

APPLICATION FOR PERIMETER DRAIN HOOK UP TO A REGULATED DRAIN

DATE  
FILED: \_\_\_\_\_

REGULATED  
DRAIN: \_\_\_\_\_

PETTITIONER: \_\_\_\_\_

-

Address: \_\_\_\_\_

ESTIMATED DATE OF  
COMPLETION: \_\_\_\_\_

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_  
RANGE \_\_\_\_\_

Petitioner must give the County Surveyor advanced notice of 48 hours prior to inspection.  
County Surveyor must inspect hook-up prior to covering connection.

\* Work must be completed or withdrawn within one year of filing. After one year the performance bond will be deposited into the County General Fund.

DRAINAGE BOARD USE ONLY

DOCKET NUMBER \_\_\_\_\_

Approved \_\_\_\_\_

Performance Bond (\$1,000.00) \_\_\_\_\_

Denied: \_\_\_\_\_

1 Copy of site plan \_\_\_\_\_

Continued \_\_\_\_\_

County Surveyor Inspected

Connection: \_\_\_\_\_

Date Released Check: \_\_\_\_\_ Released Check

to: \_\_\_\_\_



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## STANDARD LETTER WITH APPROVALS OF CONSTRUCTION IN LEGAL DRAIN EASEMENTS

No permanent structures, trees, shrubs or other woody vegetation shall be placed within the legal drain easement without the written consent of the Vermillion County Drainage Board. Any structure or vegetation or crops located within the legal drain easement, regardless of whether or not written consent was given, shall be removed by the owner, at the owner's expense, if so requested by the Vermillion County Drainage Board or the Vermillion County Surveyor. Any damage caused anything planted, erected, placed, maintained, or existing within the easement shall be without liability to the Surveyor, the Drainage Board, or their representatives.

Authority: I.C.36-9-27-33



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## VACATING A LEGAL DRAIN

Under Indiana Statute the County Surveyor is the technical authority on regulated drains. (IC 36-9-27-29). The County Drainage Board has the authority to vacate all or a portion of a regulated drain. Proceedings to vacate a regulated drain are defined in IC 36-9-27-37. The Board shall seek guidance from the County Surveyor when making these decisions.

1. The Drainage Board will acknowledge requests to vacate a regulated drain. The steps required to begin the proceedings; are as follows;

a. A letter to the Board stating the intention of the petitioner to vacate all or a portion of a regulated drain. The Petitioner should attend the next scheduled Drainage Board meeting to request the Vacation hearing date and address any concerns the Board might have.

b. A check in the amount of (5) five dollars to the Johnson County Drainage Board.

2. Once the Drainage Board has determined a date for the hearing the petitioner needs to follow the proceeding of reconstruction (IC. 36-9-27-49 through 36-9-27-52).

a. Six (6) copies of the site plan should be provided two weeks prior to the Drainage Board meeting (corresponding with the filing deadline of a Minor Plat).

b. The Surveyors Office will provide the petitioner with a Docket number, and the size of the watershed.

Any question regarding legal drains should be directed to the Surveyor's Office for clarification.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## APPLICATION TO VACATE A REGULATED DRAIN DATE

FILED: \_\_\_\_\_  
\_\_\_\_\_

PROJECT  
NAME: \_\_\_\_\_

PETTITIONER and  
AGENT: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

REQUESTED HEARING  
DATE: \_\_\_\_\_

REGULATED  
DRAIN: \_\_\_\_\_

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_  
RANGE \_\_\_\_\_

### DRAINAGE BOARD USE ONLY

DOCKET NUMBER \_\_\_\_\_  
Approved \_\_\_\_\_

FEE: \_\_\_\_\_  
Denied: \_\_\_\_\_

6 COPIES OF SITE  
PLAN \_\_\_\_\_





information is per the Auditors Records. Also included is the estimated acres benefited by the drain for each tract listed.

6. Petitioner believes that the obstruction was: (Circle One)

Caused intentionally by the downstream owner.

Not caused intentionally by the downstream owner.

Signed \_\_\_\_\_ Signed \_\_\_\_\_

Printed \_\_\_\_\_ Printed \_\_\_\_\_

Ph. No.: \_\_\_\_\_ Ph. No.: \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

Filing Fee \_\_\_\_\_

30.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

## SCHEDULE OF FEES

### \* MINOR PLAT - 1 Fee

A. Fee for processing and review up to 2 hours: \$250.00

B. Hourly fee for review after a standard 2 hour limit with

approval of the petitioner: \$75.00 per hour (Preliminary, Final, or Preliminary and Final)

### \* MINOR SUBDIVISION REPLAT \$200.00

Plus \$75.00 per hour for over 2 hours

### \* MAJOR PLAT - 2 FEES

A. Fee for processing and review up to 8 hours: \$750.00

B. Hourly fee for review after standard 8 hour limit with

approval of the petitioner: \$ 75.00 per hour (Preliminary OR Final)

### \* MAJOR SUBDIVISION REPLAT \$400.00

Plus \$75.00 per hour for over 8 hours

### \* COMMERCIAL SITE PLAN - 2 FEES

- A. Fee for processing and review up to 6 hours \$450.00
- B. Hourly fee for review after standard 6 hours Limit with approval of the petitioner: \$ 75.00 per hour (Preliminary OR Final)

\* PETITION FOR REMOVAL OF OBSTRUCTION

- A. Fee for process and field review: \$250.00

\* OUTLET OR DISCHARGE INTO A LEGAL DRAIN (Within the corporate limits of a municipality)

Fee corresponds with the size of the project. (\$250.00, \$450.00, \$750.00)

\* PERMISSION TO ENCROACH ONTO A LEGAL DRAIN EASMENT – VACATION OF A LEGAL DRAIN \$ 5.00

\* ALL FEES ARE DUE ON THE DAY OF FILING.

31.



# VERMILLION COUNTY

VERMILLION COUNTY DRAINAGE BOARD  
VERMILLION COUNTY COURTHOUSE  
ROOM 206  
P.O. BOX 280  
225 MAIN STREET  
NEWPORT, IN 47966

APPLICATION FOR DRAINAGE BOARD REVIEW OF PRIVATE PARTY CONTESTED DRAINAGE

FILED: \_\_\_\_\_  
\_\_\_\_\_

COMPLAINANT  
NAME: \_\_\_\_\_

COMPLAINANT  
AGENT: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

ALLEDGED DEFENDANT  
NAME: \_\_\_\_\_

ALLEDGED DEFENDANT

AGENT: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

HEARING

DATE: \_\_\_\_\_

SECTION \_\_\_\_\_ TOWNSHIP \_\_\_\_\_

RANGE \_\_\_\_\_

DESCRIPTION OF ALLEDGED

OFFENSE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DETERMINATION OF DRAINAGE

BOARD: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTICE OF DRAINAGE BOARD DETERMINATION SENT TO DIPUTING PARTIES ON (DATE): \_\_\_\_\_