

ORDINANCE 2011-03

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-04 ESTABLISHING A REGULATORY MECHANISM FOR REGULATING STORMWATER QUALITY MANAGEMENT**

WHEREAS, the Town of Leo-Cedarville, Indiana (“Town”) has adopted as a part of the Code of Ordinances of the Town of Leo-Cedarville, Indiana, Allen County Code Title 19, Articles 1, 2, and 3, together with any amendments thereto, as the Stormwater Management Ordinance for the Town; and

WHEREAS, the Town Council has determined that the Storm-water Management Ordinance, as codified in Allen County Code Title 19, does not adequately protect the safety and welfare of the citizens of the Town in that the Ordinance allows for the discharge of foundation drains and storm water drains into the subsurface of the pavement of the streets and roads which causes pre-mature erosion and deterioration of the Town roads, and because it allows drains to discharge directly onto the streets and roads and other rights of way causing the accumulation of water and ice on the rights of way of the Town,; and

WHEREAS, the Town Council has adopted a Subdivision Control Ordinance which requires subdividers to install subsurface drains below the curbs along both sides of every street, and makes it illegal for sump pumps, down spouts, or foundation drains to outlet directly onto any street or right of way (Leo-Cedarville Subdivision Control Ordinance, Article Six, at 6.2(B) and (C); and

WHEREAS, the Town Council finds, numerous homes built prior to the adoption of the Subdivision Control Ordinance, or built independently of a subdivided plat currently do discharge sump pumps, down spouts, or foundation drains directly onto streets or right of way which leads to premature deterioration of the roads and leads to frozen water on the roads during the winter causing public hazards within the rights of way; and

WHEREAS, the Town Council, upon the advice and recommendation of the Leo-Cedarville Stormwater Board hereby wishes to address this problem and extend the prohibitions contained with the Subdivision Control Ordinance to all residents within the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LEO-CEDARVILLE, INDIANA;

Section 1. It shall be illegal for any sump pumps, down spouts, or foundation drains, or other surface water drainage system [hereinafter “Drains”] to outlet directly onto any street, road, sidewalk, walk way or right of way within the Town of Leo-Cedarville, or to be connected with the sanitary sewer system. Such Drains shall either (1) be connected to an available subsurface drainage system (but not the street sub-base

drain) as approved by the Town Stormwater Drainage Board, or (2) if a subsurface drainage system is not available, such Drain shall be set back to discharge the water no less than five feet (5') from the right of way.

Section 2. It shall be the responsibility of the owner and resident of the property on which a Drain is located to insure that the water from the Drain is not discharging directly onto a sidewalk, walkway, road, street or right of way located within the Town; and to insure that such Drain, even if discharging no less than five feet (5') from the right of way, is not causing the accumulation of water or ice in the right-of-way. If a Drain is causing the accumulation of water or ice in a right of way, despite being set back 5' from the right of way, then the owner shall be responsible for taking steps necessary to prevent the accumulation of water or ice in the right of way.

Section 3. Any person, firm or corporation who violates this ordinance shall be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues

Section 4. All parts of previous ordinances in conflict herewith are repealed to the extent of said conflict.

Section 5. Except as it conflicts with this ordinance, Ordinance No. 2008-04 shall remain in effect and Allen County Code Title 19, Articles 1, 2, and 3, together with any amendments thereto, shall remain as the Storm-water Management Ordinance for the Town.

Section 6. This Ordinance shall be in full force and effect upon its execution by the Town Council President as attested by the Clerk-Treasurer and upon its publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Leo-Cedarville, Indiana, this \_\_\_\_\_.

Passed and adopted by the Town Council of the Town of Leo-Cedarville, Indiana on this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
R. Paul Steffens  
Council Member

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John Eastes  
Council Member

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John Clendenen  
Council President

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Tim Richards  
Council Member

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Gordon Liechty, Jr.  
Council Member

Attested:

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Pamela Spanuth  
Town Clerk Treasurer