

## **AUTHORITY OF THE CLARK COUNTY DRAINAGE BOARD**

Before filing a complaint with the Clark County Drainage Board, please review the following to be certain that your situation is something which can be addressed by the Board.

Additional information can be found at the website.

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### **INDIANA CODE 36-9-27.4**

#### **OBSTRUCTION OF MUTUAL DRAINS OR NATURAL SURFACE WATERCOURSES**

**Area:**

All of Clark County.

**Responsibility:**

The County Surveyor visits the site to determine if the issue involves a Mutual Drain or Natural Surface Watercourse and if so, whether there is an Obstruction. The terms Mutual Drain, Natural Surface Watercourse and Obstruction are defined in the statute.

If the County Surveyor reports to the Board that there is an Obstruction the Board gives notice to the parties and holds a hearing at which the owners of the property where the Obstruction exists and the owners of property affected by the Obstruction may present evidence.

**Authority:**

The Board, based on the evidence presented at the hearing, will determine if the Obstruction was created intentionally and then depending on that determination, will take steps to remove or cause the removal of the Obstruction.

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### **CLARK COUNTY ORDINANCE 2010-11**

#### **REVIEW AND APPROVAL OF DRAINAGE PLANS**

**Area:**

The unincorporated areas of Clark County.

**Responsibility:**

With a few exceptions, the review of drainage plans for a new development or redevelopment activity which disturbs 1 or more acres, to be certain that the drainage plan meets the minimum standards set forth in the Ordinance.

**Procedure:**

The plans are reviewed by the Clark County Engineer or the Clark County Surveyor and a report is presented to the Board.

**Authority:**

So long as the plans meet the minimum standards set forth in the Ordinance the Board will approve the drainage plan.

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**ORDINANCE 13-2007****INVESTIGATE DRAINAGE DEFECTS, INCIDENTS OR DRAINAGE PROBLEMS****Area:**

The unincorporated areas of Clark County.

**Responsibility:**

The Board shall make inquiries into reported drainage defects, incidents or drainage problems. The inquiry is usually completed by the Clark County Engineer.

**Authority:**

The Board, based on the report after the inquiry, will then make a referral to the governmental agency with authority over the geographical area where the drainage defects, incidents or drainage problems has occurred.

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**ORDINANCE NO. 20-2004****CONSTRUCTION SITE RUNOFF CONTROL****Area:**

A part of the unincorporated area of Clark County.

**Responsibility:**

The Clark County Soil and Water Conservation District by agreement with Clark County administers the stormwater management permitting process. The Board will investigate complaints related to non-compliance with the stormwater management program.

**Authority:**

The Board may issue cease and desist order in the case of non-compliance with the stormwater management program.

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**WHERE THE CLARK COUNTY DRAINAGE BOARD HAS NO AUTHORITY**

The Board has no authority:

- > over issues involving the general flow of surface water;
- > to fix or repair constructed drainage structures on private property;
- > to construct or install drainage structures on private property, unless consents are obtained from all affected landowners and it is part of an approved County project.