

ORDINANCE NO. 2016-13

ORDINANCE AMENDING CHAPTER 52 OF THE CODE OF ORDINANCES

WHEREAS, the storm water utility of the Town of Albany, Indiana provides services to residents and businesses located within the corporate boundaries of the Town; and

WHEREAS, the Town has established policies for its storm water system as currently codified in Chapter 52 of the Code of Ordinances; and

WHEREAS, the Town has determined a need to amend and clarify its current policies with regard to maintenance, liability, and safety of the Town's storm water system as they relate to the drainage tile or pipe located throughout the Town.

NOW THEREFORE BE IT ORDAINED by the Town of Albany:

SECTION 1. Section 52.15 of the Code of Ordinances shall be added as follows:

“§ 52.15 REGULATION OF DRAINAGE TILE AND PIPE LOCATED ON PRIVATE PROPERTY.

(A) Except as otherwise provided in this Section, any person intending to dig, excavate, or make any other alterations to land currently serviced by the Town's Storm Water System must notify the Town prior to the commencement of any work. This subsection is deemed satisfied upon the submission of the Construction Plans required by § 153.111 of the Albany Code of Ordinances.

(B) The advance notice requirement of Section (A) does not apply to any digging, excavation, or alteration to land that extends one foot or less below ground level.

(C) Any person digging, excavating, or altering land is required to immediately notify the Town upon the discovery of any existing drainage tile or pipe, regardless of whether such tile or pipe is or is not operational. Town shall inspect and record location before further excavation may proceed. Regardless of whether such digging, excavating, or altering land was subject to subsection (A) or exempted by subsection (B), above.

(D) If, upon inspection of an existing drainage tile or pipe, it is determined that the drainage tile or pipe is currently operational, the property owner shall be responsible for any maintenance or repairs necessary to ensure the drainage tile or pipe remains operational.

(E) The Town shall have the same right of entry upon all properties as provided in § 52.14 and if, upon inspection, it is determined that any

maintenance or repairs have not been completed as required, the property owner may be subject to the penalties provided in § 52.99. In addition to the existing penalty provisions, the Town reserves the right to undertake the work necessary to complete the required maintenance or repairs and to collect the cost of such maintenance or repairs from the property owner, including the use of liens, if necessary.

SECTION 2. All remaining sections of the Code of Ordinances shall remain in full force, except, any ordinance in conflict with the provisions stated herein shall be superseded and of no effect.

SECTION 3. This ordinance takes effect upon publication of the same.

Passed and adopted by the Town Council of the Town of Albany, Indiana, on the 8th day of August, 2016.

Randall Dunnuck, Council Member



James Norris, Council Member



Chris Kirby, Council Member



Philip Evans, Council Member

Chris Hamilton, Council Member

ATTEST:



Marcie Schlosser, Clerk-Treasurer