

## Will I Be Assessed Every Year?

No, each drain fund is to maintain a positive balance, usually 4 years' worth of collection. If a drain is assessed for more than 4 years, it is either underfunded or work is currently being performed or has been performed on the drain. A property owner may also be assessed for multiple regulated drains as smaller drainage systems flow into larger systems.

## I Do Not Live Next to a Drain, Why am I Being Assessed?

Even though you may not live next to an open stream or tile for which you are assessed, rainwater runoff from your property eventually makes its way to some type of ditch, underground pipe or tile system, or surface flow path through fields, wooded areas, yards, parking lots, and roads to the nearest conveyance system.

**Remember, everyone lives in a watershed!**

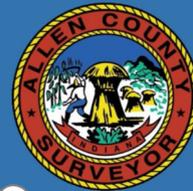
## Our Drains are Not a Trash Can!

It is important NOT to dispose of grass clippings, brush, trees, sediment, and debris within open ditches as this creates a potential for an obstruction of flow within that drain. This can create a potential for serious flooding and damage to private property. It also causes additional costs for the entire watershed as there is a cost to have these obstructions removed from the regulated drain. Additionally, debris such as pet waste, trash, household wastes and other items thrown into a river or stream can contribute harmful pollutants to that waterbody. This can have a negative impact on drinking water and fish and game habitats. Do your part to make sure that you are not adding pollutants to our rivers and streams! **Keep our ditches free of trash and debris!**



Be the solution to stopping stormwater pollution!

Created: 2020



# OWNER'S GUIDE TO REGULATED DRAINS



ALLEN COUNTY  
PARTNERSHIP FOR  
WATER QUALITY

## What is a Regulated Drain?

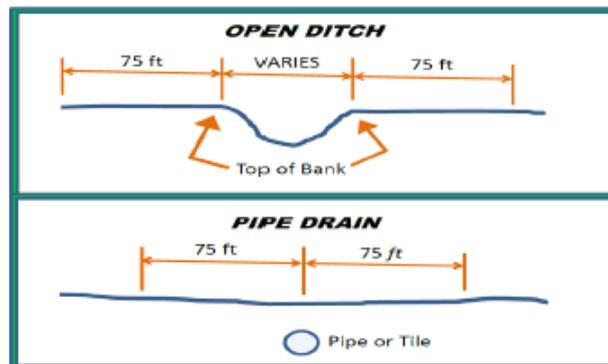
A regulated drain is typically an open ditch, tiled or piped system, or a combination of the two which has been petitioned by property owners to become regulated, thereby establishing jurisdiction by Indiana Code (IC 36-9-27) on the drain. The Surveyor's Office manages all regulated drains, including all necessary maintenance and reconstruction activities on those drains. Maintenance of a regulated drain includes periodically spraying for woody growth, removing obstructions, and making minor repairs to properly convey the flow of water within the drain from land within its watershed area. A watershed is an area of land by topography from which runoff water drains to a given point like a tile, stream, river, or lake.



## Permanent Structures in a Regulated Drain Easement

By Indiana Code 36-9-27, all county regulated drains established prior to September 2, 1984 and not classified as urban drains have a 150 foot minimum easement width; 75 feet from centerline of pipes and 75 feet from top of ditch banks, measured at right angles, plus the width of ditch. The 75 feet is a right-of-entry easement (county does not own the property) that allows the county surveyor, drainage board, or an authorized representative of the surveyor or the board to perform the required maintenance or reconstruction of a regulated drain.

No permanent structures, buildings, fences, driveways, etc. shall be built within the regulated drainage easement without consent from the Drainage Board.



To obtain consent from the Drainage Board for the placement of permanent structures, ponds, and pipe outfalls within the regulated drainage easement, please submit a completed Petition for Consent to Allow Permanent Structure in Legal Drain Pursuant of I.C. 36-9-27 along with the listed Drainage Board submittal requirements as found at <http://www.allencounty.us/drainageboard/drainage-board-forms>.

## Costs of Maintenance and Reconstruction

Property taxes do not support maintenance activities of regulated drains. These costs are paid by an assessment or user fee allocated to each benefited parcel of land within the watershed for that drain. Many regulated drains already have a periodic maintenance fund established that the County Surveyor's Office oversees. Each drain fund has its own account that is used for payment of work performed and to collect funds when needed to maintain a balance, which is evaluated each year.

If a regulated drain doesn't already have an established maintenance fund, then the property owners within that watershed may request that the Surveyor's Office establish one. A public hearing would be held through the Allen County Drainage Board as described in IC 36-9-27. Upon final approval and completion, the fund would be established to allow for future maintenance.

For more information, please visit:

- [www.allencounty.us/surveyor-s-office](http://www.allencounty.us/surveyor-s-office)
- [www.acwater.org](http://www.acwater.org)