

**TOWN OF FORT BRANCH, INDIANA
ORDINANCE NO. 2024-1**

**AN ORDINANCE PROHIBITING THE DISCHARGE OF DRAINAGE WATER INTO
STREETS OR RIGHTS-OF-WAY**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF FORT BRANCH, INDIANA, AS FOLLOWS:

ARTICLE 1: It shall be unlawful for the owner, occupant, or person having control or management of any real estate within the town to discharge into the street or other public rights-of-way, water from downspouts, storm drainage pipes or systems, subsurface drains or sump pump outlets.

The practice of discharging water into public streets or other rights-of-way, especially in cold weather, from downspouts, storm drainage pipes or systems, subsurface drains or sump pump outlets, is detrimental and dangerous to the health, safety, and welfare of members of the public at large who use said streets and/or rights-of-way.

The practice of discharging into streets and on any other public rights-of-way water from downspouts, storm drainage pipes or systems, subsurface drains or sump pump outlets, is hereby declared a public nuisance, and it shall be unlawful for the owner, occupant, or person having control or management of any land within the town to discharge onto and/or into the streets or other public rights-of-way water from downspouts, storm drainage pipes or systems, subsurface drains and/or sump pump outlets.

ARTICLE II: The Clerk Treasurer or Town Marshall shall inform any individual in violation of this Ordinance by written notice. The individual shall have forty-eight (48) hours to correct the Ordinance violation.

ARTICLE III:

Any person who violates this Ordinance shall be fined in accordance with Indiana Code 36-1-3-8(a)(10)(B)(i)(ii) in an amount not to exceed two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.

- a) Injunction. In addition to the penalties provided herein, the town is empowered to bring a civil action to enjoin any person from violating any division, provision, or condition of this section.
- b) Attorney Fees: Any person found by a Court to have violated this Ordinance shall pay all costs and reasonable attorneys' fees incurred by the Town as a result of the Town's enforcement of this Ordinance.

PASSED AND ADOPTED by the Council of the Town of Fort Branch, Indiana, this 21st

Day of August, 2024.

ATTEST:
INDIANA

TOWN COUNCIL OF FORT BRANCH,



STACY ELPERS,
CLERK TREASURER, IAMC



SANDRA BIRCH, COUNCIL PRESIDENT



SCOTTY DELONG, COUNCIL MEMBER



ROBERT REINHART, COUNCIL MEMBER

