

**ORDINANCE NO. 2025- 07**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAPEL,  
INDIANA, ACTING AS THE BOARD OF PUBLIC WORKS AND SAFETY,  
ADOPTING THE MADISON COUNTY DRAINAGE ORDINANCE AS THE  
TOWN OF LAPEL STORM WATER CONTROL ORDINANCE**

**WHEREAS**, the Town of Lapel, Indiana, has established a Department of Storm Water Management (hereinafter "The Department") pursuant to the authority granted by Indiana Code § 8-1.5-5; and

**WHEREAS**, the Department of Storm Water Management is charged with protecting public health, safety, and welfare by regulating storm water runoff, drainage, and related matters within the jurisdictional limits of the Town; and

**WHEREAS**, Madison County, Indiana, has duly enacted a Drainage Ordinance providing standards for storm water control, drainage, detention, and best management practices pursuant to Indiana Code § 36-9-27; and

**WHEREAS**, the Town Council of Lapel, as the legislative body of the Town and acting as the Board of Public Works and Safety, desires to adopt uniform drainage standards consistent with those already in effect in Madison County in order to ensure regional consistency, fairness, and predictability for property owners, developers, and the public; and

**WHEREAS**, pursuant to Indiana Code § 36-1-3, towns are authorized to adopt drainage and storm water control regulations, including by reference to the applicable county ordinance.

**NOW, THEREFORE, BE IT ORDAINED** BY THE TOWN COUNCIL OF THE TOWN OF LAPEL, INDIANA, ACTING AS THE BOARD OF PUBLIC WORKS AND SAFETY, THAT:

**Section 1.** Adoption by Reference: The Madison County Drainage and Stormwater Ordinance, as amended from time to time, a copy of the current version of which is attached hereto as Exhibit A, is hereby adopted by reference as if fully set forth herein, and shall apply to all property within the corporate limits of the Town of Lapel.

**Section 2.** Enforcement Authority: The Lapel Department of Storm Water Management shall have authority to enforce the provisions of the Madison County Drainage Ordinance as adopted, including but not limited to review of drainage plans, issuance of permits, inspections, and enforcement actions.

**Section 3.** Conflicts: In the event of any conflict between the Madison County Drainage Ordinance and any existing Town of Lapel ordinance, the more stringent requirement shall apply unless otherwise directed by state law.

**Section 4. Fees and Penalties:** All fees, penalties, and enforcement remedies authorized under the Madison County Drainage Ordinance are hereby adopted and shall be applied by the Department of Storm Water Management within the Town of Lapel.

**Section 5. Severability:** If any provision of this Ordinance is held invalid, such invalidity shall not affect other provisions that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

**Section 6. Developer Responsibility for Costs:** Any developer or landowner planning or constructing a development within the Town of Lapel that requires the creation, alteration, or improvement of an existing regulated drain shall be solely responsible for funding the full cost of such drainage improvements, including but not limited to design, construction, and related administrative expenses.

**Section 7. Determination of Scope:** The scope, design, and specifications of drainage improvements required to accommodate a development shall be determined by the Town of Lapel Department of Storm Water Management. The Department shall rely on the technical expertise of the County Surveyor and County Engineer, and, at its discretion or the Surveyor's and Engineer's recommendation, may engage a qualified third-party engineering firm to assess, plan, or oversee the necessary improvements.

**Section 8. Pre-Development Coordination:** Developers or landowners must submit drainage plans for review and approval by the Drainage Board prior to commencing construction. Such plans shall demonstrate compliance with town drainage standards and include provisions for funding the identified improvements, as determined by the Department.

**Section 9. Funding Mechanism:** The Department may require the developer or landowner to provide payment, establish an escrow account, or enter into a binding agreement to ensure funds are available for the drainage improvements before development permits are issued or construction begins.

**Section 10. Town Oversight:** The County Surveyor, County Engineer, or a qualified third-party engineer shall act as technical advisor to the Department and shall oversee the implementation of drainage improvements to ensure compliance with the Department's directives and applicable town/county standards. Should a third-party engineering firm be engaged, it shall report to the Department.

**Section 11. No Public Funds:** The town shall not use public funds, including assessments on unrelated properties within a watershed, to subsidize drainage improvements that primarily benefit a specific development, unless such improvements are part of a broader, pre-existing town drainage plan unrelated to the development in question.

**Section 12. Effective Date:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law, and shall apply to all development projects submitted for review on or after said adoption date.

**PASSED AND ADOPTED** by the Town Council of the Town of Lapel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**TOWN OF LAPEL, INDIANA, BY ITS TOWN COUNCIL**

Voting Affirmative:

Voting Opposed:

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Brian Robertson, President

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Brian Robertson, President

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Gary Shuck, Vice President

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Gary Shuck, Vice President

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Chad Blake, Member

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Chad Blake, Member

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Lindsey Washmuth, Member

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Lindsey Washmuth, Member

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Roger Fouse, Member

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Roger Fouse, Member

ATTEST:

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Teresa Retherford, Clerk-Treasurer

This Instrument Prepared By:

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