

## Allen County Private Pond Construction Requirements

The Allen County Surveyor's Office requires the submittal and approval of a pond permit for the construction of any private pond that will be greater than 1000 square feet in surface area and is not regulated as a retention or detention pond (retention and detention ponds have their own set of standards). Additionally, a permit will be required for any existing pond that shall have its surface area increased by more than 1000 square feet. The permit requirements for private ponds are as follows:

- A.) Fill out and submit an Application for Pond Permit Form.
- B.) Plan review fee (\$100) and inspection fee (\$100) for a total of \$200 must be paid, with check or money order payable to Allen County Treasurer. Check or money order sent to the Allen County Surveyor's Office.
- C.) The project site owner must sign and submit the Allen County Surveyor's Office Pond Construction Waiver of Liability, Assumption of Risk and Indemnity Agreement certifying that the county is not responsible for future accidents, incidents, or damages as a result of the construction of this pond. This agreement should be recorded in the Allen County Recorder's Office with a copy of the recorded agreement provided to the Allen County Surveyor's Office.
- D.) Need a site plan and drainage plan with items drawn to scale showing the following:
  - The general vicinity of where the project site is located
  - The boundary of the property the pond is to be constructed on and the location of buildings on or near the property. (Re: IAC 865, a boundary survey in the form of a Retracement Survey, Original Survey, or a Surveyor Location Report should be provided)
  - The proposed location of the pond and distances from property lines, ditches, streams, roadways, tile, septic systems, wells, and utility/drainage easements. Identify if any county regulated tile will be impacted along with any other known tile or open drain systems that will be impacted
  - Show how tile interceptions will be dealt with and addressed to prevent adverse harm to other property owners. The petitioner/owner shall be responsible for the repair, replacement, or relocation of any tile, open ditches, or other drainage facilities to the extent necessary to maintain the amount of drainage through the parcel or tract that existed prior to the construction of the pond
  - The pond cannot obstruct or raise any natural overland flow path where potential damages from flooding could occur on non-petitioner real estate. Fill area shall not obstruct the flow of surface water from adjacent properties without their consent. Show on plans how the water will be rerouted to prevent adverse harm to neighboring properties. (Re: I.C. 36-9-27.4)
  - Show the design dimensions of the pond and pond banks, grade within the pond, the depth of the pond and normal pool level, and the location and size of the proposed outlet and emergency overflow and where water will be discharged. Water outflow shall be discharged at the point of natural outflow by topography, unless a drainage easement or agreement is established between affected property owners, approved by the Allen County Drainage Board, and recorded in the Allen County Recorder's Office. (Re: I.C. 36-9-27)
  - The Allen County Surveyor's Office will review the drainage patterns and contours of the area in and around the proposed pond as depicted on the Allen County GIS website at [www.acimap.us](http://www.acimap.us)

- E.) Need erosion control measures for the site showing the following:
- Installation and maintenance of appropriate perimeter erosion and sediment control measures to prevent adjacent lots from being damaged by runoff. Adjacent lands disturbed by the pond construction must be repaired and stabilized with seeding or some other form of stabilization immediately. Any land disturbing activity occurring off of petitioners' real property shall be pre-ordained by written agreement with the affected land owner.
  - Erosion and sediment control measures for concentrated flow areas such as swales and pipe outfalls
  - Show where seeding will be done and measures that will be utilized to address disturbed ground
  - Nearby storm sewer inlet protection measures must be shown if storm inlets are present
  - Show the pond bank stabilization measures that will be done
  - Provide a note to the contractor that there must be clean-up of sediment that is either tracked or washed onto roads. Clearing of the sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules
  - If the projected land disturbance will be more than one (1) acre, compliance with Rule 5 (327 IAC 15-5) shall be required and a Notice of Intent will need to be filed with the Indiana Department of Environmental Management (IDEM)
- F.) All ponds shall be separated from any road right-of-way by no less than fifty (50) feet, measured from the top of bank or the normal fixed pool if no defined top of bank is present, using the most restrictive right-of-way possible. The owner shall be responsible for verifying the right-of-way width with the State or local government agency having jurisdiction over said public road and provide this information to the Surveyor's Office. Use of adequately-designed guard rails, berms, or other structural measures are encouraged and may be considered in lieu of the above-noted setbacks to minimize the chances of vehicles sliding into the pond.
- G.) If there is no pond bank, the high water mark of the pond should be a minimum of twenty (20) feet from all property lines. For ponds with banks, the embankment fill should be a minimum of twenty (20) feet from all property lines. A variance to these setback requirements will be granted if a written agreement is established between affected property owners and recorded in the Allen County Recorder's Office to allow a variance to this requirement. Two or more property owners may construct a pond across property lines if there is a written agreement established between affected property owners and recorded in the Allen County Recorder's Office.
- H.) Due to the safety considerations of the public and emergency rescue personnel, no water storage area, permanent or temporary, shall be constructed under or within twenty (20) feet of any high voltage electric line or utility pole. Variation from this policy shall require written approval from the affected utility and a variance request and approval of the same by the Allen County Drainage Board.
- I.) Per Allen County Board of Health requirements, the pond must be fifty (50) feet from any septic field. This includes septic fields of adjoining neighbors. If the pond has an overflow pipe, this would be measured from the normal pool level of the pond. If there is no overflow pipe, then the 50 feet would be measured from top of bank.

- J.) It is recommended that a horizontal safety ledge five (5) to eight (8) feet in width be incorporated in which the water depth of the pond over the ledge does not exceed 18 inches anywhere within 5 – 8 feet of the normal water level of the pond or a security fence around the pond be incorporated as a safety precaution.
- K.) The pond should have an outfall pipe or overflow weir that discharges to an adequate capacity drainage conveyance such as a waterway, county regulated tile, drainage easement or drainage agreement, or other approved drainage facility. If an acceptable drainage conveyance is not present and the outlet or weir opens onto the owner's property where flow will discharge to an adjoining property, the outlet opening must be located at a distance from the property line equal to or greater than the largest length of the pond. This distance would be measured from the property line where the outfall water will flow to the outlet. Compliance with this provision shall not relieve the owner from any additional duties under Indiana law with respect to the discharge of such water onto an adjoining property.
- L.) If there is added artificial water being drained to a pond from an outside source such as a geothermal system, the pond outfall must flow to an approved drainage conveyance such as a waterway, county regulated tile, drainage easement or drainage agreement, or other approved drainage facility.
- M.) It is recommended that the constructed pond have a detention volume of no less than 6 inches (distance between primary outfall and emergency overflow should be a minimum of 6 inches). Greater detention depth may be required for approval based on the adequacy of the conveyance system.
- N.) The Allen County Surveyor's Office may make a determination upon preliminary review that a certified Drainage and Erosion Control Plan (certified by a Professional Engineer, Professional Land Surveyor, or Registered Architect) may be required of the petitioner.
- O.) No excavation shall occur and no fill shall be placed within seventy-five (75) feet of any regulated drain unless authorized by the Allen County Drainage Board. The excavated dirt from the pond shall not be placed within a floodplain or wetland. Pond can be constructed within floodplain but no banks will be allowed.
- P.) If the pond outlet opens into or connects to a county drain or tile, the owner must obtain prior approval of the Allen County Drainage Board.
- Q.) Ponds constructed within a floodway or floodplain will also need Department of Planning Services Approval. In addition ponds constructed within a floodway will need Indiana Department of Natural Resources (IDNR) approval.
- R.) The pond permit shall be valid for two (2) years after the date of issuance. If no work has occurred in connection with the permit within two (2) years of permit issuance, the permit shall be null and void and the petitioner shall be required to apply for and obtain a new permit. If work has started but is not completed, an extension can be requested.