

DEERFIELD REGIONAL STORM WATER DISTRICT  
CODE OF REGULATIONS

CHAPTER IV

DRAINAGE ASSISTANCE POLICY

401. PURPOSE: To clarify the District's policies and procedures with respect to the management of Storm Water runoff issues.
402. PROCEDURE: Any request to the District Board for assistance ("Request") must be submitted on the District's "Request for Assistance" form. Upon receipt of a Request for Assistance, the Board shall consider said Request and, after performing a preliminary investigation, determine whether District involvement is appropriate and whether such Request involves construction, repair or reconstruction which would meet one of the five criteria to be eligible for financial assistance according to the policy in Section 403 herein.

If, following a preliminary investigation, the Board determines that (i) District involvement is appropriate and (ii) the Request involves construction, repair or reconstruction meeting one of the five criteria in Section 403 and (iii) is not otherwise excluded from consideration by Section 403, then the Board may do one or more of the following, if sufficient funding is available for such purpose(s):

- a. provide a technical evaluation of the issue, either through the District's consulting engineer or any other appropriate entity, or
- b. provide the Requesting party with any existing reports, studies or other information which the District maintains in its records and which may provide insight into the nature or cause of the problem, subject to applicable copying charges; or
- c. enter into an agreement with the District's consulting engineer or any other appropriate entity to develop a solution to the problem; or
- d. provide information on possible funding sources, including the District, that may be available to the resident or parcel owner to correct the problem; or
- e. provide District funding in accordance with Chapter IV herein, to be applied toward some or all costs related to the construction, repair or



reconstruction of Public Improvement projects which comply with the Policy contained in Section 402 of these Regulations.

- f. Construct, repair or reconstruct Public Improvements financed in whole or in part through special assessments levied upon properties which may benefit from the Public Improvements.

If, after performing a preliminary investigation, the Board determines that District involvement is appropriate and the Request does NOT involve construction, repair or reconstruction meeting one of the five (5) criteria in Section 403 and if sufficient funding is available, the Board may do one or more of the following:

- a. provide the Requesting party with any existing reports, studies or other information which the District maintains in its records and which may provide insight into the nature or cause of the problem, subject to applicable copying charges; or
- b. provide information on possible funding sources that may be available to the resident or parcel owner to address the issues presented in the Request; or
- c. if the Request is to evaluate a Storm Water quantity issue which results in flooding or road ponding, then the Board may provide a technical evaluation of the issue, either through the District's consulting engineer or any other appropriate entity and/or design a solution to the flooding or road ponding.

403. POLICY: To the extent permitted by budgetary limitations, it shall be the District's policy to attempt to assist the property owners within the District in resolving Storm Water flooding and drainage issues.

- A. Any real property owner within the limits of the District may present such issues to the District Board and request that the District Board consider providing District assistance in the resolution of such issue.
- B. It shall be the policy of the District that District funds, at the Board's sole discretion, May be expended to pay for some or all costs associated with the District's construction, repair or reconstruction of Public Improvements, but only if such Public Improvements meet all of the elements of at least one of the following five criteria:



1. Criterion 1 Such Public Improvements are:
  - a. located within a "storm sewer" or "drainage" easement as designated on a plat recorded in the Warren County Recorder's office; and
  - b. such Public Improvement projects are not a part of the installation of a storm water management system included as part of the development of undeveloped land.
  
2. Criterion 2 Such Public Improvements are:
  - a. or should be located within a Primary Drainage System or a Secondary Drainage System or involve the construction, reconstruction or repair of a Primary Drainage System or a Secondary Drainage System.
  
3. Criterion 3 Such Public Improvements are:
  - a. necessary to alleviate unreasonable amounts of surface water infiltration of a Private Property; and
  - b. said unreasonable surface water infiltration is caused by, or, in part, contributed to, by the conveyance of water from Public Property, to the Private Property.
  
4. Criterion 4 Such Public Improvements are:
  - a. located within a road right-of-way; and
  - b. the Township and the County are unable or unwilling to perform said Public Improvements.
  
5. Criterion 5 Such Public Improvements are:
  - a. the installation, construction, repair, reconstruction or replacement of one or more master sump collecting lines that are depicted on a subdivision plat recorded in the Warren County Recorder's office; and
  - b. the master sump collecting line(s) functions as a Storm Sewer that receives Storm Water from the sump pump service lines that connect the sump pumps of at least two individual properties to the master sump collecting lines; and
  - c. An owner provides to the District such evidence, whether photographic or otherwise, which is satisfactory to the District, or provides a letter from a plumber or contractor, which such letter and /contractor are satisfactory to the District, certifying that the owners' individual service line is free flowing to the master sump collector line, is not the cause of any obstruction, and is not in need of any repair or replacement. Such letter shall be in a form provided by the District. In the event that it is determined by the District that such evidence or letter is inaccurate, misleading, or in error, in any respect, the owner



- shall be responsible for all costs and expenses of the District associated with the owner's request for assistance.
- d. For the purposes of this Criterion 5, Storm Water includes sump pump effluent in conformance with Warren County regulations.
  - e. For the purposes of this Criterion 5, if the cost to investigate, evaluate or study a master sump collection line issue is \$3,000 or less, the District manager may authorize the expenditure without trustee approval.
- C. It shall be the policy of the District that District funds shall *not* be expended to pay for any costs associated with the construction, repair or reconstruction of projects that do not meet at least one of criteria in Section 403.B herein, including, but not limited to:
1. Private Improvement projects.
  2. Projects or studies that address Storm Water issues caused by runoff from one or more Private Properties to one or more other Private Properties.
  3. The construction, repair, or reconstruction of improvements on private property, natural or man-made, for the purposes of stream bank stabilization. However, District funding is available to construct, repair or reconstruct improvements on private property, natural or man-made, for the purposes of stream bank stabilization to address such conditions if:
    - a. such improvements significantly address water quality; or
    - b. such improvements significantly address flooding issues; or
    - c. the stream bank erosion: (i) is unreasonable, and (ii) is adjacent to the discharge of a Public Improvement, and (iii) is the direct result of the discharge of said Public Improvement.
  4. The construction, repair, reconstruction, dredging or other maintenance of detention or retention basins, except for outlet structures which empty into such basins.
- D. The District shall not reimburse a Person for the costs associated with any project constructed by the Person or pursuant to a contract awarded by the Person. However, the District May reimburse any other political subdivision for costs associated with a project provided that such reimbursement is pursuant to a written agreement between the District and the other political subdivision.
- E. When feasible, the District Board may also initiate any Storm Water project, evaluation or study the Board deems necessary and appropriate and contribute funding toward the completion of the same in any amount the Board deems appropriate and feasible.



404. RANKING PROCEDURE: If the District determines that a Request for Assistance involves the construction, repair or reconstruction of a Public Improvement and otherwise meets one of the five (5) criteria in Section 403 herein to be eligible to be considered for possible District financial assistance, the District shall rank the Request according to the following procedure and the methodology outlined in Section 405 and Appendix 2 of these Regulations. All qualified Requests will be prioritized according to the rank number resulting from the applicable ranking methodology. All unresolved Requests will be regularly re-evaluated in relation to other Requests, at which time their ranking may change. Subject to available funding, any District financial assistance may be allocated to qualified Requests in the order of their rank Number. District financial assistance, if available, may be in any amount, as determined feasible and appropriate by the District Board. As necessary, the District Board reserves the right to deviate from the above ranking procedure when, in its sole judgment, it determines that emergency conditions, or special circumstances exist. The Board also reserves the right to disqualify any Request for Assistance found to contain intentionally falsified information or other deception. The Board shall promptly notify the Requesting party if the Request is deemed ineligible for District assistance.
405. RANKING METHODOLOGY: Requests for Assistance involving Eligible Public Improvements shall be prioritized according to the Ranking Methodology shown on Appendix 2 of these Regulations.
406. PUBLIC IMPROVEMENTS ON PRIVATE PROPERTY; EASEMENTS:
- A. Where required, Public Improvements may be constructed on Private Property within an Easement conveyed by an Owner to the District.
  - B. Following the initial construction and installation of the Public Improvements, it shall be the responsibility of the Owner to operate, maintain, and keep such Improvements in good working order, free from vegetation, debris, garbage, or other obstructions.
  - C. Further, the District shall have no duty or obligation to maintain said Improvements, and no liability in the event that Owner fails to maintain the same in good working order.
- 407-498 RESERVED
499. PENALTY. Whoever violates any provision of this Chapter or District directives pursuant to this chapter, including the submission of an intentionally falsified Request for Assistance or other deception shall be subject to the remedies of Section 199 PENALTY of these Regulations.

