



DRAINAGE PERMITS

*** Please note: As of May 1, 2025, if your project does not require Construction Stormwater General Permit (CSGP) coverage, a local drainage permit will not be required. If you are not sure whether CSGP coverage is required, please consult the Indiana Department of Environmental Management's page on [stormwater](#). ***

Sec. 561-221. - When drainage permits required; enforcement; exceptions.

- (a) Except for activity specified in subsection (b), it shall be unlawful for a person, partnership or corporation to undertake or accomplish any land alteration without having in force a written drainage permit obtained from the division of construction and business services. A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars (\$100.00), and each day that an offense continues shall constitute a separate violation. The controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department of business and neighborhood services.
- (b) The permit specified in subsection (a) shall not be required for:
 - (1) Excavation of cemetery graves;
 - (2) Refuse disposal sites where storm drainage is controlled by other regulations;
 - (3) Excavation for wells, excavation and backfills for poles, conduits, and wires of utility companies;
 - (4) Exploratory excavations or soil testing, under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects or land surveyors, that are backfilled;
 - (5) Ordinary cultivation of agricultural land including tilling, terracing, construction of minor open ditches and crop irrigation;
 - (6) The planting and tilling of gardens, flower beds, shrubs, trees and other common uses and minor landscaping of land appurtenant to residences;
 - (7) Fill and grading of a former basement site after the demolition of a structure, to conform to adjacent terrain;
 - (8) Fill of small holes caused by erosion, settling of earth or the removal of such materials as dead trees, posts or concrete;
 - (9) A fill less than one (1) foot in depth, and placed on natural terrain with a slope flatter than ten (10) percent, not intended to support structures, that does not exceed fifty (50) cubic yards per acre and does not obstruct drainage;
 - (10) Maintenance of drainage facilities;



- (11) Installation of septic systems, when a proper permit has been obtained;
 - (12) Construction of a driveway, when a proper permit has been obtained;
 - (13) Installation of building sewers, when a proper permit has been obtained;
 - (14) An enlargement or exterior change that does not exceed twenty-five (25) square feet in floor area to an existing structure, when no part of the structure, or the enlargement or exterior change to the structure, is located in an impacted drainage area;
 - (15) Placement of an accessory structure, not exceeding one hundred twenty (120) square feet in floor area, to a one- or two-family dwelling, when the accessory structure is not located on a permanent foundation;
 - (16) Exterior changes to a structure that do not change the ground floor area of the structure, unless the roof of the building is part of a retention-detention system; or
 - (17) Construction of a deck that extends over open ground at least eight (8) feet above grade or that is constructed so that water freely and directly flows through the deck to the ground below the deck.
- (c) The drainage permit must be obtained before any work is initiated with the exception of testing to determine procedures or materials.

(Code 1975, § 10½-30; G.O. 168, 1999, § 12; G.O. 15, 2001, § 53; G.O. 3, 2002, § 9; G.O. 63, 2009, § 39; G.O. 41, 2016, § 2)