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GENERAL PROVISIONS

§ 56.001 FINDINGS.

Under state and federal regulations, the city is required to establish a regulatory mechanism for regulating stormwater quality management. Therefore, the city code is supplemented with this document to include stormwater quality in addition to quantity. The city finds that:

- (A) Water bodies, roadways, structures and other property within and downstream of the city are at times subjected to flooding;
- (B) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region;
- (C) Land development alters the hydrologic response of watersheds, resulting in increased stormwater run-off rates and volumes, increased flooding, increased stream channel erosion and increased sediment transport and deposition;
- (D) Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes and reservoirs;
- (E) Increases of stormwater run-off rates, soil erosion and non-point source pollution have occurred as a result of land development, and have resulted in a deterioration of the water resources of the city;
- (F) Increased stormwater run-off rates and volumes, and the sediments and pollutants associated with stormwater run-off from future development projects within the city will, without reasonable regulation and control, adversely affect the city's water bodies and water resources;
- (G) Illicit discharges have occurred as a result of illegal dumping and direct connections of non-stormwater flows, and have resulted in a deterioration of the water resources of the city;
- (H) Continued pollutant contributions from illicit discharges within the city will, absent a reasonable regulation, monitoring and enforcement, adversely affect the city's water bodies and water resources;
- (I) Stormwater run-off, soil erosion, non-point source pollution and illicit sources of pollution can be controlled and minimized by regulating stormwater management;
- (J) Adopting and implementing the standards, criteria and procedures contained and referenced in this chapter address many of the deleterious effects of stormwater run-off and illicit discharges; and
- (K) Adopting this chapter is necessary for the preservation of the public health, safety and welfare, and for the conservation of our natural resources.

(Ord. 06-15, passed 11-13-2006)

§ 56.002 PURPOSE.

The purpose of this chapter is to provide for the health, safety and general welfare of the citizens of city through the regulation of stormwater and non-stormwater discharges to the storm drainage system; to enhance economic objectives; and to protect, conserve and promote the orderly development of land and water resources within the city. This chapter establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with state and federal requirements. The objectives of this chapter are:

- (A) To reduce the hazard to public health and safety caused by excessive stormwater run-off;

(B) To regulate the contribution of pollutants to the storm drain system from active construction site run-off;

(C) To regulate the contribution of pollutants to the storm drain system from run-off from new development and redevelopment;

(D) To prohibit discharges of non-stormwater flow into the storm drain system; and

(E) To establish legal authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this chapter.

(Ord. 06-15, passed 11-13-2006)

§ 56.003 ABBREVIATIONS AND DEFINITIONS.

(A) *Abbreviations.*

<i>Abbreviation</i>	<i>Meaning</i>
BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act (Pub. L. No. 94-217), being 33 U.S.C. 1251 et seq.
EPA	Environmental Protection Agency
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewer System
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

(B) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL LAND-DISTURBING ACTIVITY. Tillage, planting, cultivation or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this chapter, the term does not include land-disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands and other infrastructures.

BASE FLOW. Stream discharge derived from groundwater sources as differentiated from surface run-off. Sometimes considered to include flows from regulated lakes or reservoirs.

BEST MANAGEMENT PRACTICES. Design, construction and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater run-off rates and volumes, prevent erosion and capture pollutants.

BUFFER STRIP. An existing, variable width strip of vegetated land intended to protect water quality and habitat.

CAPACITY (OF A STORM DRAINAGE FACILITY). The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

CATCH BASIN. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

CHANNEL. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

COMPREHENSIVE STORMWATER MANAGEMENT. A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

CONSTRUCTED WETLAND. A human-made shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

CONSTRUCTION ACTIVITY. Land-disturbing activities, and land-disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

CONSTRUCTION SITE ACCESS. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

CONTIGUOUS. Adjoining or in actual contact with.

CONTOUR. An imaginary line on the surface of the earth connecting points of the same elevation.

CONTOUR LINE. Line on a map which represents a contour or points of equal elevation.

CONTRACTOR or SUBCONTRACTOR. An individual or company hired by the project site or individual lot owner, his or her agent or the individual lot operator to perform services on the project site.

CONVEYANCE. Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains and roadways.

CROSS SECTION. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

CULVERT. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

DECHLORINATED SWIMMING POOL DISCHARGE. Chlorinated water that has either sat idle for seven days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than 0.05 milligram per liter) of chlorinated residual.

DESIGN STORM. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

DETENTION. Managing stormwater run-off by temporary holding and controlled release.

DETENTION BASIN. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

DETENTION STORAGE. The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

DETENTION TIME. The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

DETRITUS. Dead or decaying organic matter; generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

DEVELOPER. Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

DEVELOPMENT. Any man-made change to improved or unimproved real estate including but not limited to:

- (a) Construction, reconstruction or placement of a building or any addition to a building;
- (b) Construction of flood control structures such as levees, dikes, dams, or channel improvements;
- (c) Construction or reconstruction of bridges or culverts;
- (d) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than one hundred and eighty (180) days;
- (e) Installing utilities, erection of walls, construction of roads or similar projects;
- (f) Mining, dredging, filling, grading, excavation or drilling operations;
- (g) Storage of materials; or
- (h) Any other activity that might change the direction, height or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, reroofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation or the construction of permanent buildings.

DISCHARGE. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute or millions of gallons per day.

DISPOSAL. The discharge, deposit, injection, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including groundwaters.

DITCH. A human-made, open drainageway in or into which excess surface water or groundwater drained from land, stormwater run-off or floodwaters flow either continuously or intermittently.

DRAIN. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

DRAINAGE. The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also, see **NATURAL DRAINAGE**.

DRAINAGE AREA. The area draining into a stream at a given point. It may be of different sizes for surface run-off, subsurface flow and base flow, but generally the surface run-off area is considered as the **DRAINAGE AREA**.

DRY WELL. A type of infiltration practice that allows stormwater run-off to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

DURATION. The time period of a rainfall event.

ENVIRONMENT. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

ERODIBILITY INDEX. The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of $(R \times K \times LS)/T$ (from the Universal Soil Loss Equation) and $(C \times I)/T$ (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.

EROSION. The wearing away of the land surface by water, wind, ice, gravity or other geological agents. The following terms are used to describe different types of water erosion:

- (a) **ACCELERATED EROSION.** Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of humans.
- (b) **CHANNEL EROSION.** An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- (c) **GULLY EROSION.** An erosion process whereby run-off water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from one to two feet to as much as 75 to 100 feet.
- (d) **RILL EROSION.** An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils. See **RILL**.
- (e) **SHEET EROSION.** The gradual removal of a fairly uniform layer of soil from the land surface by run-off water.
- (f) **SPLASH EROSION.** The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface run-off.

EROSION AND SEDIMENT CONTROL. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

FILTER STRIP. Usually a long, relatively narrow area (usually 20 to 75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs or adjacent properties.

FLOATABLE. Any solid waste that will float on the surface of the water.

FLOOD or **FLOOD WATERS**. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the run-off of surface waters from any source.

FLOODPLAIN. The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The **FLOODPLAIN** includes both the floodway and the floodway fringe districts.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

FLOODWAY FRINGE. The portion of the floodplain lying outside the floodway, which is inundated by the regulatory flood.

FOOTING DRAIN. A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

GARBAGE. All putrescible animal solid, vegetable solid and semisolid wastes resulting from the processing, handling, preparation, cooking, serving or consumption of food or food materials.

GASOLINE OUTLET. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create 5,000 or more square feet of impervious surfaces, or generate an average daily traffic count of 100 vehicles per 1,000 square feet of land area.

GEOGRAPHICAL INFORMATION SYSTEM. A computer system capable of assembling, storing, manipulation and displaying geographically referenced information. This technology can be used for resource management and development planning.

GRADE.

- (a) The inclination or slope of a channel, canal, conduit and the like, or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.
- (b) The finished surface of a canal bed, roadbed, top of embankment or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit.
- (c) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

GRADING. The cutting and filling of the land surface to a desired slope or elevation.

GRASS. A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

GROUNDWATER. Accumulation of underground water, natural or artificial. The term does not include human-made underground storage or conveyance structures.

HABITAT. The environment in which the life needs of a plant or animal are supplied.

HIGHLY ERODIBLE LAND (HEL). Land that has an erodibility index of eight or more.

HOT SPOT DEVELOPMENT. Projects involving land uses considered to be high pollutant producers such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

HYDROLOGIC UNIT CODE. A numeric United States geologic survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

HYDROLOGY. The science of the behavior of water in the atmosphere, on the surface of the earth and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

ILLICIT DISCHARGE. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

IMPAIRED WATERS. Waters that do not or are not expected to meet applicable water quality standards, as included on IDEM's CWA § 303(d) List of Impaired Waters.

IMPERVIOUS SURFACE. Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

INDIVIDUAL BUILDING LOT. A single parcel of land within a multi-parcel development.

INDIVIDUAL LOT OPERATOR. A contractor or subcontractor working on an individual lot.

INDIVIDUAL LOT OWNER. A person who has financial control of construction activities for an individual lot.

INFILTRATION. Passage or movement of water into the soil. **INFILTRATION PRACTICES** include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells and porous pavement.

INLET. An opening into a storm drain system for the entrance of surface stormwater run-off, more completely described as a **STORM DRAIN INLET**.

LAND-DISTURBING ACTIVITY. Any human-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

LAND SURVEYOR. A person licensed under the laws of the state to practice land surveying.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where the land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, the land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

LOWEST ADJACENT GRADE The elevation of the lowest grade adjacent to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well.

LOWEST FLOOR Refers to the lowest of the following:

- (a) The top of the basement floor;
- (b) The top of the garage floor, if the garage is the lowest level of the building;
- (c) The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- (d) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - 1) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - 2) Such enclosed space shall be usable only for the parking of vehicles or building access.

MANHOLE. Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

MEASURABLE STORM EVENT. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half inch of rainfall.

MULCH. A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover and minimizes temperature fluctuations.

MUNICIPAL SEPARATE STORM SEWERS. An MS4 meets all the following criteria:

- (a) Is a conveyance or system of conveyances owned by the state, county, city, town or other public entity;
- (b) Discharges to waters of the United States;
- (c) Is designed or used for collecting or conveying stormwater;
- (d) Is not a combined sewer; and
- (e) Is not part of a publicly owned treatment works (POTW).

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM. A permit developed by the United States EPA through the Clean Water Act (Pub. L. No.94-217), being 33 U.S.C. 1251 et seq. In this state, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

NATURAL DRAINAGE. The flow patterns of stormwater run-off over the land in its predevelopment state.

NUTRIENT(S).

- (a) A substance necessary for the growth and reproduction of organisms.
- (b) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and

bacteria.

OPEN DRAIN. A natural watercourse or constructed open channel that conveys drainage water.

OPEN SPACE. Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural or other human-made activities.

OUTFALL. The point, location or structure where a pipe or open drain discharges to a receiving body of water.

OUTLET. The point of water disposal from a stream, river, lake, tidewater or artificial drain.

PEAK DISCHARGE or PEAK FLOW. The maximum instantaneous flow from a given storm condition at a specific location.

PERCOLATION. The movement of water through soil.

PERMANENT STABILIZATION. The establishment, at a uniform density of 70% across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding or other movement.

PERVIOUS. Allowing movement of water.

POINT SOURCE. Any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure or container from which pollutants are or maybe discharged (Pub. L. No. 92-500, § 502[14]).

POROUS PAVEMENT. A type of infiltration practice to improve the quality and reduce the quantity of stormwater run-off via the use of human-made, pervious pavement which allows run-off to percolate through the pavement and into underlying soils

PROFESSIONAL ENGINEER. A person licensed under the laws of the state to practice professional engineering in the state.

PROJECT SITE. The entire area on which construction activity is to be performed.

PROJECT SITE OWNER. The person required to submit a stormwater permit application, and required to comply with the terms of this chapter, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

RAIN GARDEN. A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

RECEIVING STREAM, RECEIVING CHANNEL or RECEIVING WATER. The body of water into which run-off or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins or constructed wetlands used as treatment.

RECHARGE. Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

REDEVELOPMENT. Alterations of a property that change a site or building in a way that there is disturbance of one acre or more of land. The term does not include the activities as exterior remodeling.

REFUELING AREA. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

REGIONAL POND A detention/retention basin sized to detain/retain the runoff from the entire

watershed, on-site and off-site, tributary to the pond's outlet.

REGULATORY FLOOD. The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and approved by the State Department of Natural Resources and the Federal Emergency Management Agency. The **REGULATORY FLOOD** is also known as the base flood.

REGULATORY FLOODWAY. See **FLOODWAY**.

RELEASE RATE. The amount of stormwater release from a stormwater control facility per unit of time.

RESERVOIR. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

RETENTION. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

RETENTION BASIN. A type of storage practice that has no positive outlet, used to retain stormwater run-off for an indefinite amount of time. Run-off from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

RETURN PERIOD. The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a 1% probability of being equaled or exceeded in any one year.

RIPARIAN HABITAT. A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

RIPARIAN ZONE. Of, on or pertaining to the banks of a stream, river or pond.

RUN-OFF. The portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

RUN-OFF COEFFICIENT. A decimal fraction relating the amount of rain which appears as run-off and reaches the storm drain system to the total amount of rain falling. A coefficient of 0.5 implies that 50% of the rain falling on a given surface appears as stormwater run-off.

SEDIMENT. Solid material (both mineral and organic) that is in suspension, is being transported or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface.

SEDIMENTATION. The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

SENSITIVE WATER. A water body in need of priority protection or remediation based on its providing habitat for threatened or endangered species, usage as a public water supply intake, relevant community value, usage for full body contact recreation, exceptional use classification as found in 327 I.A.C. 2-1-11(b), outstanding state resource water classification as found in 327 I.A.C. 2-1-2(3) and 327 I.A.C. 2-1.5-19(b).

SITE. The entire area included in the legal description of the land on which land-disturbing activity is to be performed.

SLOPE. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or

percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise); e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and width (W) components for horizontal angles). Also note that according to international standards (metric), the slopes are presented as the vertical or width component shown on the numerator; e.g., 1V:2H. **SLOPE EXPRESSIONS** in this chapter follow the common presentation of slopes; e.g., 2:1 with the metric presentation shown in parenthesis, e.g., (1V:2H). **SLOPES** can also be expressed in percents. **SLOPES** given in percents are always expressed as $(100 \cdot V/H)$; e.g., a 2:1 (1V:2H) slope is a 50% slope.

SOIL. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

SOIL AND WATER CONSERVATION DISTRICT. A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water and related resource conservation, use and development within its boundaries. A subdivision of state government with a local governing body, established under I.C. 14-32.

SOLID WASTE. Any garbage, refuse, debris or other discarded material.

SPILL. The unexpected, unintended, abnormal or unapproved dumping, leakage, drainage, seepage, discharge or other loss of petroleum, hazardous substances, extremely hazardous substances or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

STORM DURATION. The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

STORM EVENT. An estimate of the expected amount of precipitation within a given period of time. For example, a ten-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour period.

STORM SEWER. A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a **STORM DRAIN**.

STORMWATER. Water resulting from rain, melting or melted snow, hail or sleet.

STORMWATER DRAINAGE SYSTEM. All means, natural or human-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

STORMWATER MANAGEMENT SYSTEM. A collection of structural and nonstructural practices and infrastructure designed to manage stormwater on a site. This system may include but is not limited to erosion control measures, storm drainage infrastructure, detention/retention facilities and stormwater quality BMP's.

STORMWATER QUALITY MANAGEMENT PLAN. A comprehensive written document that addresses stormwater run-off quality.

STORMWATER QUALITY MEASURE. A practice, or a combination of practices, to control or minimize pollutants associated with stormwater run-off.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

STORMWATER RUN-OFF. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

STRIP DEVELOPMENT. A multi-lot project where building lots front on an existing road.

SUBDIVISION. Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

SUBDIVISION, MAJOR. All subdivisions not classified as minor subdivisions and resulting in the creation of more than four (4) lots, including but not limited to subdivisions requiring any new street or extension of Lebanon facilities or the creation of any public improvements.

SUBDIVISION, MINOR. A subdivision of land which results in the creation of four (4) or fewer new lots or the reconfiguration of existing lots and which does not involve the construction or extension of public or private streets or utilities.

SUBSURFACE DRAIN. A pervious backfield trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

SURFACE RUN-OFF. Precipitation that flows onto the surfaces of roofs, streets, the ground and the like and is not absorbed or retained by that surface but collects and runs off.

SWALE. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. **SWALES** conduct stormwater into primary drainage channels and may provide some groundwater recharge.

TEMPORARY STABILIZATION. The covering of soil to ensure its resistance to erosion, sliding or other movement. The term includes vegetative cover, anchored mulch or other non-erosive material applied at a uniform density of 70% across the disturbed area.

TILE DRAIN. Pipe made of perforated plastic, burned clay, concrete or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

TOPOGRAPHIC MAP. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

TOPOGRAPHY. The representation of a portion of the earth's surface showing natural and human-made features of a given locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

TRAINED INDIVIDUAL. An individual who is trained and experienced in the principles of stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience or completion of coursework that enable the individual to make judgments regarding stormwater control or treatment and monitoring.

URBAN DRAIN. A drain defined as "Urban Drain" in Indiana Drainage Code.

URBANIZATION. The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

VEGETATED SWALE. A type of vegetative practice used to filter stormwater run-off via a vegetated, shallow-channel conveyance.

WATER QUALITY. A term used to describe the chemical, physical and biological characteristics of water, usually in respect to its suitability for a particular purpose.

WATER RESOURCES. The supply of groundwater and surface water in a given area.

WATERBODY. Any accumulation of water, surface or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

WATERCOURSE. Any river, stream, creek, brook, branch, natural or human-made drainageway in or into which stormwater run-off or floodwaters flow either continuously or intermittently.

WATERSHED. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. **WATERSHEDS** are often broken down into subareas for the purpose of hydrologic modeling.

WATERSHED AREA. All land and water within the confines of a drainage divide. See also **WATERSHED**.

WETLANDS. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(Ord. 06-15, passed 11-13-2006)

§ 56.004 RESPONSIBILITY FOR ADMINISTRATION.

The city shall administer, implement and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the city to qualified persons or entities acting in the beneficial interest of or in the employ of the city.

(Ord. 06-15, passed 11-13-2006)

§ 56.005 CONFLICTS.

The provisions of this chapter shall be deemed as additional requirements to minimum standards required by other city ordinances, and as supplemental requirements to Indiana's Rule 5 regarding *Stormwater Discharge Associated with Construction Activity*, (327 I.A.C. 15-5) and Indiana's Rule 13 regarding *Stormwater Run-off Associated with Municipal Separate Storm Sewer System Conveyances* (327 I.A.C. 15-13). In case of conflicting requirements, the most restrictive shall apply.

(Ord. 06-15, passed 11-13-2006)

§ 56.006 INTERPRETATION.

Words and phrases in this chapter shall be construed according to their common and accepted meanings, except that words and phrases defined in § 56.003 shall be construed according to the respective definitions given therein. Technical words and technical phrases that are not defined in this chapter but which have acquired particular meanings in law or in technical usage shall be construed according to those meanings.

(Ord. 06-15, passed 11-13-2006)

§ 56.007 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater run-off amounts may be increased by human-made or natural causes. This chapter does not

imply that land uses permitted will be free from stormwater damage. This chapter shall not create liability on the part of the city or any officer, representative or employee thereof, for any damage which may result from reliance on this chapter or on any administrative decision lawfully made thereunder.

(Ord. 06-15, passed 11-13-2006)

PROHIBITED DISCHARGES AND CONNECTIONS

§ 56.020 APPLICABILITY AND EXEMPTIONS.

(A) This section shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of the city, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping and contaminated run-off.

(B) Any nonstormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for the subject discharge to the storm drain system, is exempted from this section.

(C) Finally, any construction project which has had its drainage plan approved by the city prior to the effective date of this chapter shall be exempt from all requirements of this chapter that are in excess of the requirements of ordinances in effect at the time of approval.

(Ord. 06-15, passed 11-13-2006)

§ 56.021 PROHIBITED DISCHARGES AND CONNECTIONS.

(A) No person shall discharge to a water body, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively prevent pollutants from also being discharged with the stormwater, through the use of best management practices (BMPs).

(B) The city is authorized to require dischargers to implement pollution prevention measures, using BMPs, necessary to prevent or reduce the discharge of pollutants into the city's stormwater drainage system.

(Ord. 06-15, passed 11-13-2006) Penalty, see § 56.999

§ 56.022 EXEMPTED DISCHARGES AND CONNECTIONS.

Notwithstanding other requirements in this chapter, the following categories of non-stormwater discharges or flows are exempted from the requirements of this section:

- (A) Water line flushing;
- (B) Landscape irrigation;
- (C) Diverted streamflows;
- (D) Rising groundwaters;

- (E) Uncontaminated groundwater infiltration;
- (F) Uncontaminated pumped groundwater;
- (G) Discharges from potable water sources;
- (H) Foundation drains;
- (I) Air conditioning condensation;
- (J) Irrigation water;
- (K) Springs;
- (L) Water from crawl space pumps;
- (M) Footing drains;
- (N) Residential and commercial lawn watering;
- (O) Individual residential car washing;
- (P) Flows from riparian habitats and wetlands;
- (Q) Dechlorinated swimming pool discharges;
- (R) Street wash water;
- (S) Discharges from firefighting activities;
- (T) Naturally introduced detritus (e.g., leaves and twigs); and
- (U) Uncontaminated flows from roof drains.

(Ord. 06-15, passed 11-13-2006)

§ 56.023 STORAGE OF HAZARDOUS OR TOXIC MATERIAL.

Storing or stockpiling hazardous or toxic material within any drainageway, or in its associated floodway or floodplain, is strictly prohibited. Storing or stockpiling hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any materials from entering any temporary or permanent stormwater conveyance or drainageway.

(Ord. 06-15, passed 11-13-2006) Penalty, see § 56.999

§ 56.024 PRIVATE PROPERTY MAINTENANCE DUTIES.

Every person owning property through which a drainageway passes, or that person's lessee, shall keep and maintain that part of the drainageway located within their property boundaries, free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that the structures will not become a hazard to the use, function or physical integrity of the watercourse.

(Ord. 06-15, passed 11-13-2006) Penalty, see § 56.999

§ 56.025 SPILL REPORTING.

- (A) Any discharger who accidentally discharges into a water body any substance other than

stormwater or an exempted discharge shall immediately inform the City Fire Department or Police Department concerning the discharge. A written report concerning the discharge shall be filed with the City Fire Department or Police Department by the dischargers, within five days. The written report shall specify:

- (1) The composition of the discharge and the cause thereof;
- (2) The exact date, time and estimated volume of the discharge;
- (3) All measures taken to clean up the accidental discharge and all measures proposed to be taken to prevent any recurrence; and
- (4) The name and telephone number of the person making the report, and the name of a person who may be contacted for additional information on the matter.

(B) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter against a discharger for the discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section.

(Ord. 06-15, passed 11-13-2006) Penalty, see § 56.999

§ 56.026 INSPECTIONS AND MONITORING.

(A) *Storm drainage system.* The city will periodically inspect the portion of the storm drainage system under the city's control in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being released into the storm drainage system. It could also include spot testing of waters from the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet run-off.

(B) *Potential polluters.* If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the city may inspect and/or obtain stormwater samples from stormwater run-off facilities of the subject discharger to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the city's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of the inspection or sampling. The city shall provide the discharger reasonable advance notice of the inspection and/or sampling. The city or its properly identified representative may place on the discharger's property the equipment or devices used for the sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in §§ 56.105 through 56.110 of this chapter.

(C) *New development and redevelopment.* Following approval of final stormwater plans by the city, new development and redevelopment sites shall be inspected by the city's properly identified representative. This inspection will be to ensure all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this section.

(Ord. 06-15, passed 11-13-2006)

STORMWATER QUANTITY MANAGEMENT

§ 56.040 APPLICABILITY AND EXEMPTIONS.

The storage and controlled release rate of excess stormwater run-off shall be required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions and any redevelopment or other new construction located within the city. Possible exceptions to the requirement are minor subdivisions and parcelization as described in the zoning code of the city. The city, after thorough investigation and evaluation, may waive the requirement of controlled run-off for minor subdivisions and parcelization.

(Ord. 06-15, passed 11-13-2006)

§ 56.041 POLICY ON STORMWATER QUANTITY MANAGEMENT.

(A) It is recognized that most streams and drainage channels serving the city do not have sufficient capacity to receive and convey stormwater run-off from continued urbanization. Accordingly, the storage and controlled release of excess stormwater run-off shall be required for all developments and redevelopments (as defined in § 56.003) located within the city. Release rate requirements, downstream restriction considerations, acceptable outlet, adjoining property impact considerations and compensatory floodplain storage rates are detailed in the City of Lebanon Stormwater Technical Standards Manual.

(B) The City of Lebanon Stormwater Management Board is authorized, but not required, to classify certain geographical areas as “Designated Drainage Areas”. In determining Designated Drainage Areas, the City of Lebanon Stormwater Management Board shall consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility. Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as a Designated Drainage Area by the City of Lebanon Stormwater Management Board. Special terms and conditions for development within any Designated Drainage Area shall be included in the stormwater management permit.

The City of Lebanon Stormwater Management Board may establish an Infrastructure Development Fee (“IDF”) Rate for a Designated Drainage Area. The City of Lebanon Stormwater Management Board may also waive an established Infrastructure Development Fee for consideration of land rights, construction costs, or other agreeable interests.

The magnitude of the IDF for a given parcel will be determined by the declared IDF Rate and the volume of detention storage necessary to prevent an increase in downstream flow rates and/or upstream flooding elevations. A master hydrologic and hydraulic model for the Designated Drainage Area will be developed and maintained under the direction of The City of Lebanon Stormwater Management Board.

All developments and redevelopments must submit a hydrologic model with accompanying hydrologic parameter calculations for the parcel(s) being developed. The model and hydrologic parameters will be incorporated into the master hydrologic and hydraulic models, under the direction of The City of Lebanon Stormwater Management Board, to determine the detention storage necessary to mitigate any detrimental effect of the development on the stormwater drainage for the City. The resulting detention volume will be multiplied by the IDF Rate to establish the IDF for the development. The IDF Rate established by The City of Lebanon Stormwater Management Board shall be subject to approval by the Common Council for the City of Lebanon.

(Ord. 14-05, passed 03-24-2014)

§ 56.042 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

The calculation methods as well as the type, sizing and placement of all stormwater facilities shall meet the design criteria, standards and specifications outlined in the City of Lebanon Stormwater Technical Standards Manual. These methods and procedures in the are consistent with the policy stated above.

(Ord. 06-15, passed 11-13-2006)

§ 56.043 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) After the approval of the stormwater management permit by the city and the commencement of construction activities, the city has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section and the terms and conditions of the approved permit.

(B) Long term inspection and maintenance of stormwater quantity facilities shall be the responsibility of the project site owner. All public and privately owned stormwater quantity facilities will be inspected by representatives of the project site owner, property owner or homeowners association, no less than once every two years. A certified inspection report completed by a professional engineer or licensed surveyor, which covers physical conditions, available storage capacity and the operational condition of key facility elements, will be provided to the city. Stormwater quantity facilities shall be maintained in good condition in accordance with the terms and conditions of the approved stormwater management permit, and shall not be subsequently altered, revised or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions to the permit. If deficiencies are found during the inspection, the owner of the stormwater system will be required to take all necessary measures to correct the deficiencies within 180 days. If the owner fails to correct the deficiencies within the allowed time period, the city will undertake the work and collect from the owner using lien rights if necessary.

(C) Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved. Stormwater detention/retention basins may be donated to the city or other unit of government designated by the city for ownership and permanent maintenance providing the city or other governmental unit is willing to accept responsibility.

(Ord. 06-15, passed 11-13-2006)

STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

§ 56.055 APPLICABILITY AND EXEMPTIONS.

(A) The city will require a stormwater pollution prevention plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of the construction plans and specifications. Any project located within the city that includes clearing, grading, excavation and other land-disturbing activities, resulting in the disturbance of one acre or more of total land area, is subject to the requirements of this section. This includes both new development and redevelopment. This section also applies to disturbances of less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land, within the MS4 area. Section 56.057 provides guidelines for calculating land disturbance.

(B) For an individual lot where land disturbance is expected to be one acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the city and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with §§ 56.085 through 56.093 of this chapter; regardless of whether the individual lot is part of a larger permitted project site.

(C) An individual lot with land disturbance less than one acre, located within a larger permitted project

site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. These individual lots are not required to submit their own stormwater permit application, but must obtain a stormwater review approval prior to receiving a building permit. Details of the permitting process are contained in §§ 56.085 through 56.093.

(D) It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to city in accordance with §§ 56.085 through 56.093 of this chapter. It will be the responsibility of the project site owner to ensure compliance with this chapter during the construction activity and implementation of the construction plan, and to notify the city with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all persons engaging in construction and land-disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this section and this chapter.

(Ord. 06-15, passed 11-13-2006)

§ 56.056 POLICY ON STORMWATER POLLUTION PREVENTION.

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control) and proper on-site materials handling. The developer must submit to the city a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage and construction sequencing. The following principles apply to all land-disturbing activities and should be considered in the preparation of a stormwater pollution prevention plan within the city area.

(A) Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.

(B) Existing natural vegetation should be retained and protected wherever possible. Areas immediately adjacent (within 35 feet of top of bank) to watercourses and lakes also should be left undisturbed wherever possible. Unvegetated or vegetated areas with less than 70% cover that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to reduce erosion potential. Alternative measures to site stabilization may be acceptable if the project site owner or his or her representative can demonstrate he or she has implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area.

(C) All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.

(D) The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included (publication w/ standards and forms).

(E) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

(F) Appropriate measures shall be implemented to prevent wastes or unused building materials,

including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable state statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or groundwater or degrade soil quality.

(G) Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

(H) Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.

(I) Natural features, including wetlands, shall be protected from pollutants associated with stormwater run-off.

(Ord. 06-15, passed 11-13-2006)

§ 56.057 CALCULATIONS, DESIGN STANDARDS AND SPECIFICATIONS.

(A) In calculating the total area of land disturbance, for the purposes of determining applicability of this section to the project, the following guidelines should be used.

- (1) Off-site construction activities that provide services (for example, road extensions, sewer, water and other utilities) to a land-disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- (2) Strip developments will be considered as one project site and must comply with this section unless the total combined disturbance on all individual lots is less than one acre and is not part of a larger common plan of development or sale.
- (3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - (a) For a single-family residential project site where the lots are one-half acre or more, one-half acre of land disturbance must be used as the expected lot disturbance;
 - (b) For a single-family residential project site where the lots are less than one-half acre in size, the total lot must be calculated as being disturbed; and
 - (c) To calculate lot disturbance on all other types of projects sites, such as industrial and commercial projects project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one acre in size, in which case the total lot must be calculated as being disturbed.

(B) The calculation methods as well as the type, sizing and placement of all stormwater pollution

prevention measures for construction sites shall meet the design criteria, standards and specifications outlined in the *Indiana Stormwater Quality Manual* and the City of Lebanon Stormwater Technical Standards Manual. The methods and procedures included are in keeping with the above stated policy and meet the requirements of IDEM's Rule 5.

(Ord. 06-15, passed 11-13-2006)

§ 56.058 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) Following approval of the stormwater management permit by the city, and commencement of construction activities, the city has the authority to conduct inspections of the site to ensure full compliance with the provisions of this section, the *Indiana Stormwater Quality Manual* and the terms and conditions of the approved permit.

(B) A self-monitoring program must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. Monitoring of erosion and sediment control measures on individual lots covered under the stormwater permit for a larger project must be included in the self-monitoring program. An inspector, approved by the city, shall perform a written evaluation of the project site by the end of the next business day following each measurable storm event. If there are no measurable storm events within a given week, the site should be monitored at least once in that week. Weekly inspections shall continue until the entire site has been stabilized and a notice of termination has been issued. The inspector should look at the maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage structures and construction materials storage/containment facilities, to ensure they are functioning properly. The inspector should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations. The resulting evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures and corrective actions recommended and completed.

(C) The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this section, all measures necessary to adequately prevent polluted stormwater run-off. Recommendations by the inspector for modified stormwater quality measures should be implemented.

(D) Although self-monitoring reports do not need to be submitted to city, the city has the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention measures. All evaluation reports for the project site must be made available to the city, in an organized fashion, within 48 hours of a request.

(Ord. 06-15, passed 11-13-2006)

STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

§ 56.070 APPLICABILITY AND EXEMPTIONS.

(A) In addition to the requirements of §§ 56.055 through 56.058, the stormwater pollution prevention plan, which is to be submitted to the city as part of the stormwater management permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously filter stormwater run-off from the stabilized site. Any project located within the city that

includes clearing, grading, excavation and other land-disturbing activities, resulting in the disturbance of 10,000 square feet or more of total land area, is subject to the requirements of this section. This includes both new development and redevelopment, and disturbances of less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land within the MS4 area.

(B) The requirements under this section do not apply to the following activities:

- (1) Agricultural land-disturbing activities;
- (2) Forest harvesting activities;
- (3) Construction activities associated with a single-family residential dwelling disturbing less than five acres, when the dwelling is not part of a larger common plan of development or sale;
- (4) Single-family residential developments consisting of four or less lots;
- (5) A single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale; or
- (6) Individual building lots within a larger permitted project.

(C) The requirements under this section do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

- (1) Landfills that have been issued a certification of closure under 329 I.A.C. 10;
- (2) Coal mining activities permitted under I.C. 14-34; and
- (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the State Department of Environmental Management under 329 I.A.C. 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(D) It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the city in accordance with §§ 56.085 through 56.093 of this chapter. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs in compliance with this chapter and with the approved stormwater management permit, and to notify the city with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this section and this chapter.

(Ord. 06-15, passed 11-13-2006)

§ 56.071 POLICY ON STORMWATER POLLUTION PREVENTION.

(A) It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased run-off rates and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and redevelopment continues in the city area measures must be taken to intercept and filter pollutants from stormwater run-off prior to reaching regional creeks, streams and rivers in order to preserve fishable and

swimmable conditions. Through the use of best management practices (BMP), stormwater run-off will be filtered and harmful amounts of sediment, nutrients and contaminants will be removed. The project site owner must submit to the city, a stormwater pollution prevention plan (SWPPP) that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified by the city.

(B) A minimum of 25 feet width of vegetative filter strip must be provided along top-of-bank of all open ditches.

(C) Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc and polyaromatic hydrocarbons in stormwater run-off. These requirements will apply to all new facilities and existing facilities that replace their tanks.

(Ord. 06-15, passed 11-13-2006)

§ 56.072 CALCULATIONS, DESIGN STANDARDS AND SPECIFICATIONS.

(A) Calculation of land disturbance should follow the guidelines discussed in § 56.057.

(B) The calculation methods as well as the type, sizing and placement of all stormwater quality management measures, or BMPs, shall meet the design criteria, standards and specifications outlined in the City of Lebanon Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.

(Ord. 06-15, passed 11-13-2006)

§ 56.073 EASEMENT REQUIREMENTS.

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line fitters, infiltration systems, conveyances, systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements.

(Ord. 06-15, passed 11-13-2006)

§ 56.074 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) After the approval of the stormwater management permit by the city and the commencement of construction activities, the city has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section, the drainage and the terms and conditions of the approved permit.

(B) Stormwater quality facilities shall be maintained in good condition, in accordance with the operation and maintenance procedures and schedules listed in the City of Lebanon Stormwater Technical Standards Manual and the terms and conditions of the approved stormwater permit, and shall not be subsequently altered, revised or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions in the permit. Following construction completion, inspection and maintenance of stormwater quality facilities shall be the long-term responsibility of the property owner. Assignment of responsibility for maintaining stormwater quality facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved. Stormwater detention/retention basins may be donated to the city, for ownership and permanent maintenance providing the city or other governmental unit is willing to accept responsibility.

(C) All public and privately owned stormwater quality facilities will be inspected by representatives of

the project site owner no less than once a year until the project is complete and the property changes hands. At that point, the property owner assumes responsibility for having annual inspections of the stormwater quality facilities completed. The inspections shall be completed by an inspector, approved by the city, and will follow the operation and maintenance procedures included in the City of Lebanon Stormwater Technical Standards Manual and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. A copy of each inspection report will be provided to the city. If deficiencies are found during the inspection, the owner of the stormwater quality facility will be required to take all necessary measures to correct the deficiencies within 180 days. If the owner fails to correct the deficiencies within the allowed time period, the city will undertake the work and collect from the owner using lien rights, if necessary.

(Ord. 06-15, passed 11-13-2006)

PERMIT REQUIREMENTS AND PROCEDURES

§ 56.085 PRELIMINARY DRAINAGE APPROVALS.

In order to gain an understanding of the drainage requirements for a specific project, a developer may submit preliminary drainage plans and calculations, certified by a licensed professional engineer or a licensed land surveyor registered in the state for review by the city. A preliminary drainage approval must be obtained prior to preliminary plat approval for subdivisions. The direction provided by the city during a review is based on preliminary data and shall not be construed as an approval or binding on either party. The following is a general listing of minimum data requirements for the review of preliminary drainage plans:

- (A) Two complete sets of plans;
- (B) Drainage narrative;
- (C) Watershed boundaries with USGS contours or best information possible;
- (D) Existing and proposed regulated drains;
- (E) Drainage calculations to support narrative:
 - (1) Existing and proposed run-off;
 - (2) Existing and proposed curve number;
 - (3) Existing and proposed time of concentration; and
 - (4) Upstream and downstream restrictions.
- (F) Letter of intent for obtaining any needed consents, off-site easements or right-of-way;
- (G) Topographic map of the project with layout; and
- (H) Possible advance payment of the city's professional fees incurred or to be incurred for the review of the plans.

(Ord. 06-15, passed 11-13-2006)

§ 56.086 PERMIT PROCEDURES.

This subchapter applies to all development or redevelopment of land that results in land disturbance of 10,000 square feet or more. Individual lots with land disturbance less than 10,000 square feet that are developed within a larger permitted project site should refer to §§ 56.055 through 56.058 for plan review requirements and procedures.

(Ord. 06-15, passed 11-13-2006)

§ 56.087 INFORMATION REQUIREMENTS.

(A) *Generally.* Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in §§ 56.020 and 56.070. If a project or activity is exempt from any or all requirements of this chapter, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing less than 10,000 square feet of land, developed within a larger permitted project site. Review and approval of the lot is covered under § 56.088.

(B) *Elements of permit submittal.* The different elements of a permit submittal include a Draft Notice of Intent (NOI), proof of publication of a public notice, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana.

(C) *Draft Notice of Intent.* The NOI is a standard form developed by IDEM which requires general project information. As part of the City of Lebanon Stormwater Management Permit Application package, the NOI form should be completed in full based on data and information available at the time of application.

An updated version of this form, accompanied by proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, will need to be resubmitted later after the Stormwater Management Permit is granted and at least 48 hours prior to commencement of construction. The publication must include the following language:

(Company name, address) is submitting an NOI letter to notify the city and the State Department of Environmental Management of our intent to comply with the requirements of the city stormwater code, as well as the requirements of 327 I.A.C. 15-5 and 327 I.A.C. 15-13, to discharge stormwater from construction activities for the following project: (name of the construction project, address of the location of the construction project). Run-off from the project site will discharge to (stream(s) receiving the discharge(s)).

(D) *Construction Plans.* Construction plan sheets and an accompanying narrative report shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans need to include items listed in the application checklist provided in the City of Lebanon Stormwater Technical Standards Manual.

(E) *Stormwater Drainage Technical Report.* A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be

accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the application checklist provided in the City of Lebanon Stormwater Technical Standards Manual.

(F) *Stormwater Pollution Prevention Plan for Construction Sites.* For sites with total disturbance of one (1) acre or more, a stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance. The SWPPP and construction plans must include the items listed in the application checklist provided in the City of Lebanon Stormwater Technical Standards Manual. For land disturbances totaling 10,000 square feet or more of land area but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the City of Lebanon Technical Standards must be designed and shown on the plans.

(G) *Post-Construction Stormwater Pollution Prevention Plan.* For sites with total land disturbance of 10,000 square feet or more of total land area, a post-construction stormwater pollution prevention plan must be designed to, at least, meet the requirements of this Ordinance and must include the information provided in the City of Lebanon Stormwater Technical Standards Manual. The post-construction storm water pollution prevention plan must include items listed in the application checklist provided in the City of Lebanon Stormwater Technical Standards Manual.

(Ord. 06-15, passed 11-13-2006)

§ 56.088 REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT.

(A) Although no permit is required for individual lots disturbing less than 10,000 square feet of land, developed within a larger permitted project, a formal stormwater review will be required before a building permit can be issued. All stormwater management measures necessary to comply with this chapter must be implemented in accordance with permitted plan for the larger project.

(B) The following information must be submitted to the city, for review and approval, by the individual lot operator, whether owning the property or acting as the agent of the property owner, prior to the issuance of a building permit:

(1) A site layout for the subject lot and all adjacent lots showing building pad location, dimensions and elevations and the drainage patterns and swales;

(2) Erosion and sediment control plan that, at a minimum, includes the following measures:

(a) Installation and maintenance of a stable construction site access;

(b) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance;

(c) Minimization of sediment discharge and tracking from the lot;

(d) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of 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;

(e) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization; and

(f) Self-monitoring program including plan and procedures.

(3) Certification of compliance stating that the individual lot plan is consistent with the stormwater management permit, as approved by the city, for the larger project.

(C) The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

(Ord. 06-15, passed 11-13-2006)

§ 56.089 CHANGES TO PLANS.

(A) Any significant change or deviation in the detailed plans and specifications after approval of the stormwater management permit shall be filed in duplicate with, and approved by, the city prior to the land development involving the change.

(B) Copies of the changes, if approved, shall be attached to the original plans and specifications.

(Ord. 06-15, passed 11-13-2006)

§ 56.090 FEE STRUCTURE.

(A) *Fee amounts.* As a condition of the submittal and the review of development plans by the city, the applicant shall agree to pay the city the actual costs incurred by the city with respect to the review of all drainage submittals, preliminary plans, final plans and/or construction plans and accompanying information and data.

(B) *Time of payments.*

(1) Before the meeting at which the city is scheduled to consider approval of the applicant's final stormwater management plan, the city will furnish a written statement to the applicant specifying the total cost of professional engineering fees incurred by the city in connection with the review of the applicant's submittals, plans and accompanying information and data, including the total hours expended by the professional engineer and support staff, and the amount required to be paid by applicant.

(2) As a condition of approval of final drainage plans by the city, the applicant shall pay to the city the sum set forth in the statement. The city may issue a billing statement before the project advances to the final approval stage, and the payment is due by applicant upon receipt of the billing statement regardless of whether the project is advanced to the final approval stage.

(3) The city shall have the right to not accept the drainage improvements or to not approve the advancement of any project for which the professional engineering fees have not been paid.

(C) *Method of payment.*

(1) Fees shall be paid by one of the following methods:

- (a) Certified check;
- (b) Cashier's check; or
- (c) Money order.

(2) All checks shall be made payable to:

City of Lebanon
401 South Meridian Street
Lebanon, IN 46052

(D) *Refund of payment.* Fees are refundable only if the city determines that compliance by the development to this chapter is not necessary.

(Ord. 06-15, passed 11-13-2006)

§ 56.091 REQUIRED ASSURANCES.

As a condition of approval and issuance of the permit, the city shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been approved and before construction begins. The assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan and any permit conditions. The assurance shall be for an amount equal to 100% of the total costs of all stormwater management measures for the entire project. The above mentioned costs shall be based on an estimate as prepared by a registered engineer or land surveyor. The costs shall be for the installation and continuous monitoring and maintenance of erosion control measures and the construction and continuous monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs, as regulated under this chapter. Assurances shall be for a minimum of \$500. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to ensure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

(Ord. 06-15, passed 11-13-2006)

§ 56.092 TERMS AND CONDITIONS OF PERMITS.

(A) In granting a stormwater management permit, the city may impose terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner shall ensure compliance with these terms and conditions. Noncompliance with the terms and conditions of permits will be subject to enforcement as described in §§ 56.105 through 56.110.

(B) The project site owner shall inform all general contractor, construction management firms, grading or excavating contractors, utility contractors and the contractors that have primary oversight on individual building lots of the terms and conditions of the terms and conditions of the stormwater management permit and the schedule for proposed implementation.

(C) In the event that a project site is determined to impact or discharge to a sensitive area or is located in an impact drainage area, the city may require more stringent stormwater quantity and quality measures than detailed in this chapter or in the *Indiana Stormwater Quality Manual*.

(Ord. 06-15, passed 11-13-2006)

§ 56.093 CERTIFICATION OF AS-BUILT PLANS.

(A) After completion of construction of the project and before final acceptance of the improvements, a professionally prepared and certified as-built set of plans shall be submitted to the city for review. Additionally, a digital copy of the as-built plans is required in a format approved by the city. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities and shall include;

- (1) Pipe size and pipe material;

- (2) Invert elevations;
- (3) Top rim elevations;
- (4) Pipe structure lengths;
- (5) BMP types, dimensions and boundaries/easement;
- (6) "As-planted" plans for BMPs, as applicable;
- (7) Data and calculations showing detention basin storage volume;
- (8) Data and calculations showing BMP treatment capacity; and
- (9) Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the city. (See certificate in publication with standards and forms.)

(B) As-built plans shall be submitted to the city with a notice of termination (NOT).

(C) The property owner, developer or contractor shall be required to file a three-year maintenance bond or other acceptable guarantee with the city, prior to acceptance, in an amount not to exceed 10% of the cost of the stormwater drainage system located outside the public road rights-of-way, and in a form satisfactory to the city's Attorney, in order to assure that the stormwater system installation was constructed according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that the project was done in accordance with the approved plans and this chapter. The bond or other acceptable guarantee shall be in effect for a period of three years after the date of the final project approval by the city.

(D) To verify that all storm drainage pipes are functioning properly, visual recordings (via closed circuit television) of storm drains shall be required, once following the completion of installation and the second time before release of maintenance bonds, These visual recordings will be scheduled by the city and paid for by the developer. Notices shall be provided to the city within 72 hours following the completion of installation and again at least 30 days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled.

(Ord. 06-15, passed 11-13-2006)

ENFORCEMENT

§ 56.105 COMPLIANCE.

In addition to the requirements of this chapter, compliance with the requirements set forth in local zoning regulations is also necessary. Compliance with all applicable ordinances of the city as well, as with applicable state statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this chapter shall be the most recent edition available. Violations of the requirements of this chapter are subject to the penalties listed in § 56.999.

(Ord. 06-15, passed 11-13-2006)

§ 56.106 STOP WORK ORDER.

Whenever work is being done contrary to the provisions of this code or approved final stormwater

management plans, the city may order the work stopped by notice in writing served on any person engaged in the doing or causing of the work to be done, and any persons shall forthwith stop the work until authorized by the city to proceed with the work. The city may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this chapter or to avoid or reduce the effects of noncompliance herewith. The cost of any protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

(Ord. 06-15, passed 11-13-2006) Penalty, see § 56.999

§ 56.107 FAILURE TO COMPLY OR COMPLETE.

In addition to any other remedies, should any owner fail to comply with the provisions of this chapter, the city may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be obligated to promptly reimburse the city for all costs of the work.

(Ord. 06-15, passed 11-13-2006)

§ 56.108 SUSPENSION OF ACCESS TO STORM DRAIN SYSTEM.

(A) *Suspension due to emergency situations.* The city may, without prior notice, suspend storm drain system discharge access to a person when the suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drain system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take those steps as deemed necessary to prevent or minimize damage to the storm drain system or waters of the United States, or to minimize danger to persons.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the storm drain system in violation of this chapter may have their storm drain system access terminated if the termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for a reconsideration and hearing.

(Ord. 06-15, passed 11-13-2006)

§ 56.109 CORRECTIVE ACTION.

Nothing herein contained shall prevent the city from taking any other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the storm drain system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the city's NPDES permit, attorney's fees and other costs and expenses.

(Ord. 06-15, passed 11-13-2006)

§ 56.110 APPEALS.

(A) Any person to whom any provision of this chapter has been applied may appeal the action or decision to the city. The appeal must be made in writing and shall be made no later than 30 days after the action or decision being appealed. The appeal shall identify the matter being appealed, and the basis for the appeal. The city shall consider the appeal and make a decision whereby it affirms, rejects or modifies the

action being appealed. In considering any appeal, the city may consider the recommendations of the city and the comments of other persons having knowledge of the matter.

(B) In considering any appeal, the city may grant a variance from the terms of this chapter to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

(1) The application of the chapter provisions being appealed will present or cause practical difficulties for a development or development site; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the chapter; and

(2) The granting of the relief requested will not substantially prevent the goals and purposes of this chapter, nor result in less effective management of stormwater run-off.

(Ord. 06-15, passed 11-13-2006)

SCHEDULE OF RATES AND CHARGES FOR USERS OF THE STORMWATER SYSTEM

§ 56.125 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply; words used in the singular shall include the plural and the plural, the singular; words used in the present tense shall include the future tense. The word **SHALL** is mandatory and not discretionary. The word **MAY** is permissive. Words not defined herein shall be construed to have the meanings given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

DEVELOPED PROPERTY. Any lot or parcel of land altered from its natural state by the construction, creation or addition of impervious area, except public rights-of-way.

EDU (EQUIVALENT DWELLING UNIT). Each residential property is equal to one **EDU**. For nonresidential properties, an **EDU** is equal to 3,000 square feet of impervious area.

IMPERVIOUS AREA. Any part of any developed property that has been modified by the action of persons to reduce the land's natural ability to absorb and hold rainfall. This includes any hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions pre-existent to development. By way of example, **COMMON IMPERVIOUS AREAS** include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads or any cleared, graded, paved, graveled or compacted surface or packed earthen materials, or areas covered with structures of other surfaces which similarly impede the natural infiltration of surface water into the soil mantle.

LOT. The smallest separately, segregated parcel, unit or plat of land having an identified owner, boundaries and surface area which is documented for property tax purposes.

NONRESIDENTIAL PROPERTY. All properties not encompassed within the definition of residential property, including but not limited to, commercial, industrial, retail, multifamily, governmental, institutional, schools and churches.

PERSON. Any natural individual, corporation, partnership, institution or other entity.

RESIDENTIAL PROPERTY. Any lot or parcel existing within the city service area on which resides a single-family dwelling unit shall be considered **RESIDENTIAL PROPERTY**.

STORMWATER. The chemical compound of hydrogen and oxygen which is produced from

atmospheric clouds as rain, snow, sleet and hail.

STORMWATER AVAILABILITY FEES. The charge to a user for a new or additional connection to the city's stormwater system, charged in return for the city making available to the user the city's stormwater system consisting of all facilities, operations and maintenance activities.

STORMWATER DEPARTMENT USER FEE. A charge imposed on users of the city's stormwater system.

STORMWATER SYSTEM. All constructed facilities, including structures and natural watercourses under the ownership and/or control of the city, used for collecting and conducting stormwater to, through and from drainage areas to the point of final outlet, including, but not limited to, any and all of the following: inlets, conduits and appurtenant features, creeks, channels, catch basins, ditches, streams, streets, culverts, retention or detention basins; and excluding therefrom any part of the system of drains and watercourses under the jurisdiction of the County Drainage Board or waters of the state.

SURFACE WATER. Water occurring on the surface of the land, from natural causes such as rainfall, whether falling on the land in question or flowing onto the land in question.

UNDEVELOPED PROPERTY. That which has not been altered from its natural state by the addition or any improvements such as a building, structure or impervious surface, change of grade or landscaping.

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.126 STORMWATER DEPARTMENT USER FEE.

A Stormwater Department user fee shall be imposed on all property within the city, including those classified as non-profit or tax- exempt, for services and facilities, provided by the Stormwater Department. This user fee is deemed reasonable and is necessary to pay for the repair, replacement, planning, improvement, operation, regulation and maintenance of the existing and future stormwater system for the city.

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.127 STORMWATER DEPARTMENT USER FEE STRUCTURE.

(A) *Generally.* For the purposes stated herein, there is hereby assessed a Stormwater Department user fee to each Stormwater Department user within the surface water collection system of the city, in an amount as determined below. For purposes of imposing the Stormwater Department user fee, all lots and parcels within the collection system service area are classified as either:

- (1) Residential;
- (2) Nonresidential; or
- (3) Undeveloped.

(B) *Commercially owned residential property and subdivision development.*

(1) All commercially owned residential property shall be billed to the property owner not the renter or leasing tenant. All commercially owned property shall be figured using the impervious area method unless the property is a single-family dwelling unit converted to a duplex or other multifamily property. In these cases where the existing structures have not been expanded from the original state, the property owner shall be billed one EDU. In cases where the property structures have been expanded to accommodate

multifamily dwellings then the property shall be billed using impervious area.

(2) In the case of subdivision development the developer shall be charged the undeveloped property rate until the subdivision improvements have been completed. The developer will then be billed for those approved improvements. Example is the clubhouse and pool area, drive, sidewalks and road structures. Triggers for activating the changes will be building permits. Developers can subdivide then subdivision into sections so that each section may be phased from the undeveloped property into residential or non-development. Each section will then be treated as a separate property and billing.

(3) As builders buy a lot from a developer they will become responsible for the lot's stormwater fee. The fee will be figured using the same format used for developers.

(C) *Residential properties.* Monthly fees for residential properties located within the surface water collection system are hereby established as one EDU multiplied by the base rate.

(D) *Nonresidential properties.* Monthly fees for nonresidential properties located within the collection system service area are hereby established as the number of EDU each contains multiplied by the base rate. The number of EDU is determined by dividing the total amount of impervious area by 3,000 square feet, rounding the resulting calculated EDU to the next whole number, with two being the lowest whole number for each purpose.

(E) *Undeveloped properties.* Monthly fees for undeveloped properties located within the corporate boundary of the city are hereby established as \$0.10 per acre, rounding to the next whole ten acre increment, with a minimum charge being equal to the herein established base rate.

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.128 FEE ESTABLISHMENT PROCEDURE.

(A) The Stormwater Department user fee shall be based on the relative contribution of surface and stormwater run-off from a given parcel to the city's stormwater system. This Stormwater Department user fee rate is designed to recover and be able to pay the cost of rendering stormwater service to the users of the stormwater system, and shall be the basis for assessment of the city's Stormwater Department user fee. This rate is established so as to maintain adequate fund reserves to provide for reasonably expected variations in the cost of providing services, as well as variation in the demand for services. This rate shall be evaluated annually as to

its sufficiency to satisfy the needs of the Stormwater Department.

(B) The following methods may be used to determine the nonresidential factors:

(1) Computation of the parcel size or impervious area using on-site measurements of the apparent outside boundaries of the parcel or impervious area in or on the developed parcel, respectively, made by the city or on its behalf;

(2) Computation of the parcel size or impervious area using the dimensions of the parcel or impervious area in or on the parcels which are set forth and contained in the records of the office of the County Assessor;

(3) Estimation, calculation and computation of the parcel size or impervious area using aerial photography or photogrammetry, or using the information and data from on-site measurements of like or similar property or features or as contained in the records of the city or county; or

(4) Computation of parcel size or impervious area using data provided by the owner, tenant or developer. The authorized official may require additional information as necessary to make the

determination.

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.129 SCHEDULE OF RATES.

The Stormwater Department user fee base rate shall be implemented as follows:

(A) The base rate per month shall be \$3 and shall become effective, on the utility bills distributed beginning in January, 2008; and

(B) The base rate shall increase in the amount of \$0.25 per year to a final cap of \$5.

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.130 BILLING AND PAYMENT.

Rates and charges shall be prepared, billed and collected by the city in the manner provide by law and ordinance:

(A) The rates and charges for all users shall be prepared and billed monthly;

(B) The rates and charges shall be billed to the owner of the properties served; and

(C) As provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10% of the amount of the rates or charges shall thereupon attach thereto. The time at which the rates or charges shall be paid is now fixed at 15 days after the date of mailing of the bill.

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.131 ADJUSTMENT OF FEES.

The rules and regulations promulgated by the city, after being approved by the Common Council, shall among other things provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Administrator of the Stormwater Management Board.

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.132 STORMWATER REVENUE FUND.

(A) All revenues earned and fees collected for stormwater service, including but not limited to, department user fees, availability fees, penalties assessed by this chapter or subsequent amendments, or interest earnings on any unused funds shall be deposited in an account entitled City Stormwater Revenue Fund and shall be subject to the provisions of I.C. 36-9-23, as amended. Funds from this account shall not revert to any other utility or the General Fund of the city and may not be transferred for any other purpose. To the extent that there are outstanding revenue bonds of the city issued pursuant to the provisions of I.C. 36-9-23, as amended, revenues deposited in the Stormwater Revenue Fund shall be subject to the covenants contained in the ordinance or ordinances authorizing the outstanding bonds. Disbursements from the Stormwater Revenue Fund shall be authorized by the City Clerk-Treasurer and, as required by law, the Common Council.

(B) These disbursements shall be used exclusively for the operation, maintenance and improvement of

the city's Stormwater Department, which includes, but is not limited to, the following:

- (1) Stormwater management services, such as studies, design, permit review, plan preparation and development review;
- (2) Operation, maintenance, repair and replacement of the stormwater collection, storage, conveyance and/or treatment infrastructure;
- (3) Project costs related to constructing major or minor structural improvements to the city's stormwater system;
- (4) Administrative costs associated with the management of the Stormwater Department;
- (5) Debt service financing of the city's stormwater-related capital improvements; and
- (6) Funding of studies such as water quantity and quality monitoring, aerial photography and geotechnical work associated with the planning of the stormwater-related infrastructure;

(Ord. 07-07, passed 5-14-2007; Ord. 07-08, passed - -)

§ 56.999 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) (1) Any person violating any provision of §§ 56.001 through 56.009, 56.020 through 56.026, 56.040 through 56.043, 56.055 through 56.058, 56.070 through 56.074, 56.085 through 56.093 and 56.105 through 56.110 shall be responsible for a civil infraction and subject to a fine of not less than \$5,000 for a first offense, and not less than \$10,000 for a subsequent offense, plus costs, damages and expenses. Each day a violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this chapter.

(2) Any person who aids or abets a person in a violation of this chapter shall be subject to the penalties provided in this section.

(3) For purposes of this section, ***SUBSEQUENT OFFENSE*** means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter for which the person admitted responsibility or was adjudicated to be responsible.

(C) Any person who neglects or fails to comply with a stop work order shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000 or imprisonment in the local jail for not more than three months, or both a fine and imprisonment, shall also pay costs as may be imposed in the discretion of the court.

(Ord. 06-15, passed 11-13-2006)