

CHAPTER 50: STORM WATER

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GENERAL PROVISIONS

§ 50.001 AUTHORITY AND TITLE.

(A) This chapter is required by Phase II of the National Pollutant Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act being 42 U.S.C. §§ 7401 et seq., the State Department of Environmental Management's Rule 13 (327 I.A.C. 15-13) and the State Department of Environmental Management's Rule 5 (327 I.A.C. 15-5). Based on this authority and these requirements, this chapter regulates:

- (1) Discharges of prohibited non-storm water flows into the storm drain system;
- (2) Storm water drainage improvements related to development of lands located within the corporate boundaries of the town;
- (3) Drainage control systems installed during new construction and grading of lots and other parcels of land;
- (4) Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land;
- (5) The design, construction and maintenance of storm water drainage facilities and systems; and
- (6) The design, construction and maintenance of storm water quality facilities and systems.

(B) This chapter shall be known and may be cited as the "Town of Zionsville Storm Water Management Ordinance". Once adopted, this chapter will supersede any conflicting ordinances previously adopted by the town.

(Ord. 2013-17, passed 12-2-2013)

§ 50.002 APPLICABILITY AND EXEMPTIONS.

(A) This chapter shall regulate all development and re-development occurring within the town. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in § 50.006 of this chapter, until the plans required by this chapter for such construction have been accepted in writing by the town. With the exception of the requirements of §§ 50.020 through 50.026 and 50.093 of this chapter, single-family dwelling houses and duplexes in accepted subdivisions, and land-disturbing activities affecting less than 10,000 square feet of area shall be exempt from the requirements of this chapter. Also exempt from this chapter shall be agricultural land-disturbing activities.

(B) In addition to the requirements of this chapter and its companion *Storm Water Technical Standards Manual*, compliance with all applicable ordinances of town as well as with applicable federal, state and other local 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. Town municipal projects shall be exempt from obtaining a permit, but are expected to meet all applicable technical requirements of this chapter and the town's *Storm Water Technical Standards Manual*. If the project site is located within a county regulated drain watershed, the applicant will need to check with the County Surveyor's office to learn if additional Surveyor's office requirements specific to that regulated drain would apply to the site. In case there are conflicts between the requirements contained in this chapter and applicable requirements contained in other regulatory documents referenced above, the most restrictive shall prevail.

(C) Any construction project which has had its final drainage plan accepted by the town within a two-year period 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 acceptance. Such an exemption is not applicable to the requirements detailed in §§ 50.020 through 50.026 of this chapter.

(D) The town has the authority to modify, grant exemptions and/or waive any and all the requirements of this chapter and its associated technical standards document. A pre-submittal meeting with the town may be requested by the applicant to discuss the applicability of various provisions of this chapter and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the town that may be based on the review of more detailed information and plans.

(Ord. 2013-17, passed 12-2-2013)

§ 50.003 BACKGROUND.

(A) The Town Council, on 11-6-2000, adopted Ord. 2000-21, which established "The Town of Zionsville Subdivision Control Ordinance", commonly known as the "Subdivision Control Ordinance", in order to control runoff of storm water and to protect, conserve and promote the orderly development of the land in the town and its water resources. This code was primarily targeted at the overall administration of policies regarding the development and re-development of land within the town. On 10-4-2004, the Town

Council adopted amendments to the design and construction standards of the town to govern specific technical issues in regard to new developments and re-developments. The town relied upon the County Soil and Water Conservation District, engineering review and developer submittals to determine compliance with applicable laws of the state in regard to erosion control and pre- and post-development drainage plans.

(B) On 12-8-1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) permit program was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for storm water discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This federal regulation went into effect 3-10-2003. In response to Phase II of NPDES, the State Department of Environmental Management enacted Rule 13 (327 I.A.C. 15-13) and revised Rule 5 (327 I.A.C. 15-5).

(C) Under these new state and federal regulations, the town is required to establish a regulatory mechanism for regulating storm water quality management. Therefore, this document was created to supplement the town's subdivision control ordinance and the design and construction standards to address storm water quality and quantity.

(Ord. 2013-17, passed 12-2-2013)

§ 50.004 FINDINGS.

The town finds that:

- (A) Waterbodies, roadways, structures and other property within, and downstream of, the town 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 storm water runoff 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) Increased storm water runoff rates and volumes, and the sediments and pollutants associated with storm water runoff from future development projects within the town will, absent reasonable regulation and control, adversely affect the town's waterbodies and water resources;
- (F) Pollutant contributions from illicit discharges within the town will, absent reasonable regulation, monitoring and enforcement, adversely affect the town's waterbodies and water resources;
- (G) Storm water runoff, soil erosion, non-point source pollution and illicit sources of pollution can be controlled and minimized by the regulation of storm water management;
- (H) Adopting the standards, criteria and procedures contained and referenced in this chapter and implementing the same will address many of the deleterious effects of storm water runoff and illicit discharges; and
- (I) Adopting this chapter is necessary for the preservation of the public health, safety and welfare, for the conservation of natural resources and for compliance with state and federal regulations.

(Ord. 2013-17, passed 12-2-2013)

§ 50.005 PURPOSE.

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

(B) The objectives of this chapter are:

- (1) To reduce the hazard to public health and safety caused by excessive storm water runoff;
- (2) To regulate the contribution of pollutants to the storm drain system from construction site runoff;
- (3) To regulate the contribution of pollutants to the storm drain system from runoff from new development and re-development;
- (4) To prohibit illicit discharges into the storm drain system; and
- (5) To establish legal authority to carry out all inspection, monitoring and enforcement procedures necessary to ensure compliance with this chapter.

(Ord. 2013-17, passed 12-2-2013)

§ 50.006 ABBREVIATIONS AND DEFINITIONS.

(A) *Abbreviations.* For the purpose of this chapter, the following abbreviations shall apply.

BMP. Best management practice.

COE. United States Army Corps of Engineers.

CWA. Clean Water Act.

EPA. Environmental Protection Agency.

GIS. Geographical information system.

IDEM. Indiana Department of Environmental Management.

MS4. Municipal separate storm sewers.

NRCS. USDA-Natural Resources Conservation Service.

NPDES. National Pollution Discharge Elimination System.

POTW. Publicly owned treatment works.

SWCD. Soil and Water Conservation District.

SWPPP. Storm Water 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 pipe. For purposes of this rule, 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 infrastructure.

BASE FLOW. Stream discharge derived from ground water sources as differentiated from surface runoff. Sometimes considered to include flows from regulated lakes or reservoirs.

BEST MANAGEMENT PRACTICES. Design, construction and maintenance practices and criteria for storm water facilities that minimize the impact of storm water runoff 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 STORM WATER MANAGEMENT. A comprehensive storm water program for effective management of storm water 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, her or their agent or the individual lot operator to perform services on the project site.

CONVEYANCE. Any structural method for transferring storm water 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 five-hundredths 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 storm water runoff by temporary holding and controlled release.

DETENTION BASIN. A facility constructed or modified to restrict the flow of storm water 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 storm water 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 storm water 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.

(a) Any human-made change to improved or unimproved real estate including, but not limited to:

1. Construction, reconstruction or placement of a building or any addition to a building;
2. Construction of flood control structures such as levees, dikes, dams or channel improvements;
3. Construction or reconstruction of bridges or culverts;
4. 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 180 days;
5. Installing utilities, erection of walls, construction of roads or similar projects;
6. Mining, dredging, filling, grading, excavation or drilling operations;
7. Storage of materials; or
8. Any other activity that might change the direction, height or velocity of flood or surface waters.

(b) **DEVELOPMENT** does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, 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 ground waters.

DITCH. A human-made, open watercourse in or into which excess surface water or ground water drained from land, storm water runoff or flood waters 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 ground water or surface water.

DRAINAGE. The removal of excess surface water or ground water 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 runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the **DRAINAGE AREA**.

DRY WELL. A type of infiltration practice that allows storm water runoff 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 (EI). 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 eight 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 runoff 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) **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 runoff.

(f) **SHEET EROSION.** The gradual removal of a fairly uniform layer of soil from the land surface by runoff water.

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 storm water 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 runoff 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 ground water 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; and

(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.

GROUND WATER. 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 and the like, 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 storm water, 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 storm water 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 ground water. Examples include **INFILTRATION** basins or trenches, dry wells and porous pavement.

INLET. An opening into a storm drain system for the entrance of surface storm water runoff, 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 such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such 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. 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 square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade; or

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 storm water;
- (d) Is not a combined sewer; and
- (e) Is not part of a publicly owned treatment works (POTW).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. A permit developed by the U.S. EPA through the Clean Water Act. In the state, the permitting process has been delegated to IDEM. This permit covers aspects of municipal storm water quality.

NATURAL DRAINAGE. The flow patterns of storm water run-off over the land in its pre- development state.

NUTRIENT(S).

- (a) A substance necessary for the growth and reproduction of organisms; and
- (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 may be discharged (Pub. Law No. 92-500, § 502(14)).

POROUS PAVEMENT. A type of infiltration practice to improve the quality and reduce the quantity of storm water 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.

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

PROJECT SITE OWNER. The person required to submit a storm water 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 runoff 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 ground water reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

RE-DEVELOPMENT. Development occurring on a previously developed site.

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 storm water release from a storm water 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 storm water 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 storm water run-off for an indefinite amount of time. Runoff 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 ZONE. Of, on or pertaining to the banks of a stream, river or pond.

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

RUNOFF. The portion of precipitation that flows from a drainage area on the land surface, in open channels or in storm water conveyance systems.

RUNOFF COEFFICIENT. A decimal fraction relating the amount of rain which appears as runoff 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 storm water runoff.

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 waterbody in need of priority protection or remediation based on its:

- (a) Providing habitat for threatened or endangered species;
- (b) Usage as a public water supply intake;
- (c) Relevant community value;
- (d) Usage for full body contact recreation;
- (e) Exceptional use classification as found in 327 I.A.C. 2-1-11(b); and
- (f) Outstanding state resource water classification as found in 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 parentheses (e.g., (1V:2H)). **SLOPES** can also be expressed in "percents". **SLOPES** given in percents are always expressed as $(100*V/H)$ (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 storm water 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 storm water, while excluding sewage and industrial wastes. Also called a **STORM DRAIN**.

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

STORM WATER MANAGEMENT SYSTEM. A collection of structural and non-structural practices and infrastructure designed to manage storm water on a site. This system may include, but is not limited to, erosion control measures, storm drainage infrastructure, detention/retention facilities and storm water quality BMPs.

STORM WATER POLLUTION PREVENTION PLAN. A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

STORM WATER RUNOFF. The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

STORM WATER QUALITY MANAGEMENT PLAN. A comprehensive written document that addresses storm water runoff quality.

STORM WATER QUALITY MEASURE. A practice, or a combination of practices, to control or minimize pollutants associated

with storm water runoff.

STORM WATER DRAINAGE SYSTEM. All means, natural or human-made, used for conducting storm water 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.

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

SUBDIVISION, MAJOR. Any land that is divided or proposed to be divided into four or more 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, MINOR. Any land that is divided or proposed to be divided into less than four 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.

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

SURFACE RUNOFF. 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 storm water into primary drainage channels and may provide some ground water 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 give 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 storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification (such as CESSWI and/or CPESC certification), or other documented and applicable experience or coursework as deemed sufficient by the town that enable the individual to make judgments regarding storm water control or treatment and monitoring.

URBAN DRAIN. A drain defined as "urban drain" in the State 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 storm water runoff 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 ground water 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 storm water runoff 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 storm water 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 ground water 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. 2013-17, passed 12-2-2013)

§ 50.007 RESPONSIBILITY FOR ADMINISTRATION.

The town 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 town to qualified persons or entities acting in the beneficial interest of or in the employ of the town.

(Ord. 2013-17, passed 12-2-2013)

§ 50.008 INTERPRETATION.

Words and phrases in this chapter shall be construed according to their common and accepted meanings, except that words and phrases defined in § 50.006 of this chapter shall be construed according to the respective definitions given in that section. 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 such meanings.

(Ord. 2013-17, passed 12-2-2013)

§ 50.009 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 storm water runoff amounts may be increased by human-made or natural causes. This chapter does not imply that land uses permitted will be free from storm water damage. This chapter shall not create liability on the part of the town or any officer, representative or employee thereof, for any damage that may result from reliance on this chapter or on any administrative decision lawfully made thereunder.

(Ord. 2013-17, passed 12-2-2013)

PROHIBITED DISCHARGES AND CONNECTIONS

§ 50.020 APPLICABILITY AND EXEMPTIONS.

(A) This section shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of the town, 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 runoff.

(B) (1) Storm water runoff from agricultural, timber harvesting and mining activities is exempted from the requirements of this section unless determined to contain pollutants not associated with such activities or in excess of standard practices.

(2) Farm residences are not included in this exemption.

(C) Any non-storm water discharge permitted under an NPDES permit, waiver (unless the waiver is solely based on point source considerations, still allowing non-point source discharge of a pollutant), 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 also exempted from this section.

(Ord. 2013-17, passed 12-2-2013)

§ 50.021 PROHIBITED DISCHARGES AND CONNECTIONS.

(A) No person shall discharge to a MS4 conveyance, watercourse or waterbody, directly or indirectly, any substance other than storm water or an exempted discharge. Any person discharging storm water shall effectively minimize pollutants from also being discharged with the storm water, through the use of best management practices (BMPs).

(B) Concrete washout material must be properly contained within an appropriate practice and any waste material properly disposed of.

(C) The town is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the town's storm water drainage system.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.022 EXEMPTED DISCHARGES AND CONNECTIONS.

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

- (A) Water line flushing;
- (B) Landscape irrigation;
- (C) Diverted streamflows;
- (D) Rising ground waters;
- (E) Uncontaminated ground water infiltration;
- (F) Uncontaminated pumped ground water;
- (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) 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; and
- (T) Naturally introduced detritus (e. g., leaves and twigs).

(Ord. 2013-17, passed 12-2-2013)

§ 50.023 STORAGE OF HAZARDOUS OR TOXIC MATERIAL.

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of 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 such materials from entering any temporary or permanent storm water conveyance or watercourse.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.024 PRIVATE PROPERTY MAINTENANCE DUTIES.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within his or her 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 such structures will not become a hazard to the use, function or physical integrity of the watercourse.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.025 SPILL REPORTING.

(A) Any discharger who accidentally discharges into a waterbody any substance other than storm water or an exempted discharge shall immediately inform the town concerning the discharge. A written report concerning the discharge shall be filed with the town and IDEM, by the dischargers, within five days. The written report shall specify:

- (1) The composition of the discharge and the cause thereof;
- (2) The 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 and telephone number 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 such 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. This requirement does not relieve discharger from notifying other entities as required by state or federal regulations.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.026 INSPECTIONS AND MONITORING.

(A) *Storm drainage system.* The town has the authority to periodically inspect the portion of the storm drainage system under the town'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 conveyed into the storm drainage system. It could also include spot testing of waters contained in 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 runoff.

(B) *Potential polluters.* If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the town may inspect and/or obtain storm water samples from storm water runoff facilities of the subject discharger, to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the town's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The town or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in §§ 50.110 through 50.113

of this chapter.

(C) *New development and re-development.* Following the final completion of construction and the receipt of as-built drawings by the town, the town has the authority to inspect new development and re-development sites to verify that all on-site storm water conveyances and connections to the storm drainage system are in compliance with this section.

(Ord. 2013-17, passed 12-2-2013)

STORM WATER QUANTITY MANAGEMENT

§ 50.040 APPLICABILITY AND EXEMPTIONS.

The storage and controlled release rate of excess storm water runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions and any re-development or other new construction located within the town. The town, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization.

(Ord. 2013-17, passed 12-2-2013)

§ 50.041 POLICY ON STORM WATER QUANTITY MANAGEMENT.

It is recognized that most streams and drainage channels serving the town do not have sufficient capacity to receive and convey storm water runoff resulting from continued urbanization. Accordingly, the storage and controlled release of excess storm water runoff as well as compensation for loss of floodplain storage shall be required for all developments and re-developments (as defined in § 50.006 of this chapter) located within the town. Release rate requirements, downstream restriction considerations, acceptable outlet, adjoining property impact considerations and compensatory floodplain storage rates are detailed in the town's *Storm Water Technical Standards Manual*.

(Ord. 2013-17, passed 12-2-2013)

§ 50.042 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

The calculation methods as well as the type, sizing and placement of all storm water facilities shall meet the design criteria, standards and specifications outlined in the town's *Storm Water Technical Standards Manual*. The methods and procedures in the *Storm Water Technical Standards Manual* are consistent with the policy stated above.

(Ord. 2013-17, passed 12-2-2013)

§ 50.043 DRAINAGE EASEMENT REQUIREMENTS.

(A) There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement without written consent granted by the Building Commissioner of the town. All storm water systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way shall be incorporated into the town's system. The storm water management permit shall not be approved until a petition is submitted in a form accepted by the town.

(B) The following specific areas shall be included in a petition.

(1) All new channels, drain infrastructure equal to or greater than 12 inches in diameter, six-inch or larger subsurface drains in rear yard swales and under curbs where no street trees are allowed, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this section, that are installed in subdivisions requiring a storm water management permit from the town shall become incorporated into the town's system upon completion, proper inspection, and acceptance by the town. New drain infrastructure refers to all sub-surface storm water piping, tubing, tiles, manholes, inlets, catch basins, risers and the like.

(2) New drain infrastructure, 12-inch or greater in diameter, shall be placed in a minimum 30-foot (15 feet from centerline on each side) drainage easement (DE) or drainage and utility easement (D&UE) and shall be designated on the record plat as 30-foot

drainage easement or drainage and utility easement.

(3) A minimum of 25 feet from top of the bank on each side of a new channel shall be designated on the record plat as a drainage easement.

(4) Rear-yard swales, 100-year and emergency overflow paths and emergency overflow routes associated with detention ponds shall be included as part of the storm water system of the town, and a minimum of 30-foot width (15 feet from centerline on each side) needs to be designated as drainage easement.

(5) A minimum of 15 feet beyond the actual footprint (top of the bank) of storm water detention facilities shall be designated as drainage easement. A minimum 25-foot width easement shall also be required as access easement, unless the pond is immediately next to a public right-of-way. Adequate access to the safety ramp shall be provided by locating it adjacent to public right-of-way or by providing a clear route recorded within an access easement.

(6) The statutory 75-foot (each side) drainage easement for regulated drains already within the county's system may be reduced if the drain is re-classified by the County Surveyor as an urban drain.

(7) An annual maintenance assessment by the town shall not be required until such time as the town creates a Storm Water Board or other regulating body under applicable state statute(s) which is empowered to establish and impose maintenance or other fee assessment, and said fee structure is duly adopted by the Town Council.

(8) The following statement shall become part of the restrictive covenants of every platted subdivision and shown on recorded plat: "channels, storm water infrastructure 12-inch or larger, six-inch or larger subsurface drains in rear yard swales and under curbs where no street trees are allowed, inlets and outlets of detention and retention ponds, and appurtenances thereto within designated drain easements are extensions of the town's storm water drainage system and are the responsibility of the town. Drainage swales shall be the responsibility of owner or homeowner association".

(9) No driveways shall be allowed in drainage easements except for the purpose of crossing a front yard drainage easement to provide access to the property. Any crossing and/or encroachment of a drainage easement requires application and acceptance from the town.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.044 PLACEMENT OF UTILITIES.

No utility company may disturb existing storm drainage facilities without the consent of the town staff, whose decision may be appealed to the Town Council. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in §§ 50.110 through 50.113 of this chapter.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.045 PUBLIC STORM SEWERS.

All storm water conveyances within or parallel to and adjacent to the public right-of-way that are not designed as an approved storm water BMP or component of a low impact development plan shall be fully contained in storm sewers with an adequate and approved outlet. Residential subdivisions containing lots of less than 15,000 square feet and non-residential subdivisions shall be provided with storm sewers to convey all on-site drainage. However, on-site drainage swales with required conveyance capacity of less than five cubic feet per second under the ten-year post-development design storm may be allowed.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.046 CONNECTION TO TOWN DRAINAGE UTILITIES.

Whenever practical, all subdivisions within the town shall connect to drainage utilities provided by the town. In those instances where the Plan Commission determines that connection to town drainage utilities would pose an unusual or unnecessary hardship at the time of development, the Plan Commission may make a recommendation to the Town Council to approve a connection to another public or semi-public utility; provided that, all drainage facilities are installed according to the design criteria, standards and specifications outlined in the town's *Storm Water Technical Standards Manual* or according to alternative standards approved by the Town Engineer.

Additionally, a provision must be made in the design and layout of the drainage facilities for connection to town drainage facilities at such time as the town extends drainage facilities to the subdivision.

(Ord. 2013-17, passed 12-2-2013)

§ 50.047 STRUCTURES NEAR COUNTY REGULATED DRAINS.

(A) For regulated drains not located in platted subdivisions, unless otherwise accepted by the County Drainage Board, no permanent structure (including fences) shall be erected within 75 feet measured at right angles from:

- (1) The existing top edge of each bank of a regulated open drain, as determined by the County Drainage Board; or
- (2) The centerline of a piped regulated drain.

(B) The State Drainage Code may be consulted for further details.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.048 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) After the approval of the storm water management permit by the town and the commencement of construction activities, the town has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section, the *Storm Water Technical Standards Manual*, Design and Construction Standards and the terms and conditions of the approved permit.

(B) The town also has the authority to perform long-term, post-construction inspection of all public or privately owned storm water quantity facilities. The inspection will cover physical conditions, available storage capacity and the operational condition of key facility elements. Storm water quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed operation and maintenance procedures, and shall not be subsequently altered, revised or replaced except as approved by the town. If deficiencies are found during the inspection, the owner of the facility will be notified by the town and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the town 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 storm water permit is approved. Storm water detention/retention basins may be donated to the town or other unit of government designated by the town, for ownership and permanent maintenance providing the town or other governmental unit is willing to accept responsibility.

(Ord. 2013-17, passed 12-2-2013)

STORM WATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

§ 50.060 APPLICABILITY AND EXEMPTIONS.

(A) The town will require a storm water pollution prevention plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of the town that includes clearing, grading, excavation or 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 re-development. This subchapter also applies to disturbances of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of total land area. Section 50.062 of this chapter provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of 327 I.A.C. 15-5 (Rule 5) shall also be in compliance with 327 I.A.C. 15-5.

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

- (1) Agricultural land-disturbing activities; or

(2) Forest harvesting activities.

(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 storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(D) For an individual lot where land disturbance is expected to be one acre or more, the individual lot owner must complete his, her or their own notice of intent letter, apply for a storm water permit from the town, and ensure that a sufficient construction and storm water pollution prevention plan is completed and submitted in accordance with §§ 50.090 through 50.099 of this chapter; regardless of whether the individual lot is part of a larger permitted project site. For an individual lot where land disturbance is 10,000 square feet or more, but less than one acre, an individual lot plot plan permit application is required prior to receiving a building permit. Details of the permitting process are contained in §§ 50.090 through 50.099 of this chapter.

(E) An individual lot with land disturbance less than 10,000 square feet, 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 storm water permit approved for the larger project site. The storm water permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, these individual lots are required to submit individual lot plot plan permit applications prior to receiving a building permit. Details of the permitting process are contained in §§ 50.090 through 50.099 of this chapter.

(F) It will be the responsibility of the project site owner to complete a storm water permit application and ensure that a sufficient construction plan is completed and submitted to the town in accordance with §§ 50.090 through 50.099 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 town 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. 2013-17, passed 12-2-2013)

§ 50.061 POLICY ON STORM WATER POLLUTION PREVENTION.

(A) Effective storm water 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. For land disturbance of one acre or more, the developer must submit to the town, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. For land disturbances totaling 10,000 square feet or more, but less than one acre, appropriate erosion and sediment control measures that are consistent with the town's Technical Standards must be designed and shown on the plans.

(B) The following principles apply to all land-disturbing activities and shall be considered in the preparation of a storm water pollution prevention plan within the corporate boundaries of the town:

(1) 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;

(2) 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 their representative can demonstrate they have implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area;

(3) 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;

(4) 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 *Storm Water Technical Standards Manual*;

(5) 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;

(6) 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 runoff 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 ground water or degrade soil quality;

(7) Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff 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;

(8) Collected runoff 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; and

(9) Natural features, including wetlands, shall be protected from pollutants associated with storm water runoff.

(Ord. 2013-17, passed 12-2-2013)

§ 50.062 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

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

(1) Off-site construction activities that provide services (for example, road extensions, sewer, water, off-site stockpiles 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) To determine if multi-lot project sites are regulated by this section, 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.

(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 storm water pollution prevention measures for construction sites shall meet the design criteria, standards and specifications outlined in the *Indiana Storm Water Quality Manual* and the town's *Storm Water 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 5. A copy of the *Indiana Storm Water Quality Manual* may be obtained through IDEM.

(Ord. 2013-17, passed 12-2-2013)

§ 50.063 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) Following approval of the storm water management permit or individual lot plot plan permit by the town and commencement of construction activities, the town has the authority to conduct inspections of the site to ensure full compliance with the provisions of this section, the approved storm water pollution prevention plan, the *Indiana Storm Water 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 storm water pollution prevention plan is working effectively. A trained individual, acceptable to the town, 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 by the trained individual shall continue until the entire site has been stabilized and a notice of termination has been issued. The trained individual should look at the maintenance of existing storm water pollution prevention measures, including erosion and sediment control measures, drainage structures and construction materials storage/containment facilities, to ensure they are functioning properly. The trained individual should also identify additional measures, beyond those originally identified in the storm water pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

(C) 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.

(D) The storm water pollution prevention plan shall serve as a guideline for storm water quality, but should not be interpreted to be the only basis for implementation of storm water 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 storm water runoff. Recommendations by the trained individual for modified storm water quality measures should be implemented.

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

(Ord. 2013-17, passed 12-2-2013)

STORM WATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

§ 50.075 APPLICABILITY AND EXEMPTIONS.

(A) In addition to the requirements of §§ 50.060 through 50.063 of this chapter, the storm water pollution prevention plan, which is to be submitted to the town as part of the storm water management permit application, must also include post-construction storm water 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 treat storm water runoff from the stabilized site. Any project located within the corporate boundaries of the town 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 re-development, and disturbances of land less than 10,000 square feet of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of total land area. In addition, regardless of the amount of disturbance, the town reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance to provisions contained in the town's *Storm Water Technical Standards Manual*.

(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 one acre, when the dwelling is not part of a larger common plan of development or sale; or

(4) 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 storm water 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 storm water permit application and ensure that a sufficient construction plan is completed and submitted to the town in accordance with §§ 50.110 through 50.113 of this chapter. It will be the responsibility of the project site owner to ensure proper construction and installation of all storm water BMPs (especially, the protection of post-storm water BMPs during construction phase) in compliance with this chapter and with the approved storm water management permit, and to notify the town with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of storm water quality facilities meeting the applicability requirements must comply with the requirements of this section and this chapter.

(Ord. 2013-17, passed 12-2-2013)

§ 50.076 POLICY ON STORM WATER QUALITY MANAGEMENT.

(A) It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues within the corporate boundaries of the town, measures must be taken to intercept and filter pollutants from storm water runoff prior to reaching regional creeks, streams and rivers. Through the use of appropriate best management practices (BMPs), storm water runoff will be filtered and harmful amounts of sediment, nutrients and contaminants will be removed.

(B) It is also recognized that another major source of pollution in many state streams, including those within the corporate boundaries of the town, is the streambank erosion associated with urbanizing watersheds. Stream channels develop their shape in response to the volume and rate of runoff that they receive from their contributing watersheds. Research has shown that in hydrologically stable watersheds, the stream flow responsible for most of the shaping of the channel (called the bankfull flow) occurs between every one to two years. When land is developed, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continues within the corporate boundaries of the town, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate best management practices (BMPs), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.

(C) The project site owner must submit to the town a storm water pollution prevention plan (SWPPP) that shows placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the town's *Storm Water Technical Standards Manual*. The SWPPP submittal shall include an operation and maintenance manual for all post-construction BMP(s) included in the project and a notarized maintenance agreement, consistent with the sample agreement provided in App. D of the town's *Storm Water Technical Standards Manual*, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMPs must be designed, constructed and maintained according to guidelines provided or referenced in the town's *Storm Water Technical Standards Manual*. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the town's *Storm Water Technical Standards Manual*, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the town's *Storm Water Technical Standards Manual*.

(D) Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc and hydrocarbons in storm water runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks.

(Ord. 2013-17, passed 12-2-2013)

§ 50.077 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

(A) Calculation of land disturbance should follow the guidelines discussed in § 50.042 of this chapter.

(B) The calculation methods as well as the type, sizing and placement of all storm water quality management measures or BMPs shall meet the design criteria, standards and specifications outlined in the town's *Storm Water Technical Standards Manual*. The methods and procedures included in the referenced standards is in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.

(Ord. 2013-17, passed 12-2-2013)

§ 50.078 EASEMENT REQUIREMENTS.

All storm water quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection and general maintenance activities, adequate easement width, as detailed in the town's *Storm Water Technical Standards Manual*, beyond the actual footprint of the storm water quality management facility as well as a 20-foot wide access easement from a public right-of-way to each BMP shall be provided.

(Ord. 2013-17, passed 12-2-2013)

§ 50.079 INSPECTION, MAINTENANCE, RECORD KEEPING AND REPORTING.

(A) After the approval of the storm water management permit by the town and the commencement of construction activities, the town has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this section, the approved storm water pollution prevention plan, the town's *Storm Water Technical Standards Manual* and the terms and conditions of the approved permit.

(B) Storm water quality facilities shall be maintained in good condition, in accordance with the operation and maintenance procedures and schedules listed in the town's *Storm Water Technical Standards Manual*, in addition to the designed and approved performance specifications for the facilities and shall not be subsequently altered, revised or replaced, except as approved by the town.

(C) The town also has the authority to perform long-term, post-construction inspection of all public or privately owned storm water quality facilities. 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.

(Ord. 2013-17, passed 12-2-2013)

PERMIT REQUIREMENTS AND PROCEDURES

§ 50.090 CONCEPTUAL DRAINAGE PLAN REVIEW.

(A) In order to gain an understanding of the drainage requirements for a specific project, a developer may submit conceptual drainage plans and calculations for review by the town. The direction provided by the town during such a review is based on preliminary data and shall not be construed as an acceptance or binding on either party.

(B) The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

(1) Two complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems (plan sheets must be larger than 11 inches by 17 inches, but not to exceed 24 inches by 36 inches);

(2) General description of the existing and proposed drainage systems in narrative form;

(3) Watershed boundaries with USGS Contours or best information possible; and

(4) Existing watercourse or regulated drains.

(Ord. 2013-17, passed 12-2-2013)

§ 50.091 PERMIT PROCEDURES.

(A) This section applies to all development, or re-development of land, that results in land disturbance of one acre or more. Individual lots with land disturbance less than one acre shall refer to §§ 50.060 through 50.063 and 50.075 through 50.079 of this chapter for plan review requirements and procedures. Section 50.099 of this chapter contains a flowchart summarizing the plan review/permit approval process.

(B) All projects located within the corporate boundaries of the town lie within the town's MS4 area boundary by default. The project site owner shall submit an application for a storm water management permit to the town. The application will include an initial notice of intent letter (NOI) that will also serve as permit application form, proof of public notice, construction plan sheets, a storm water drainage technical report, a storm water pollution prevention plan and any other necessary support information. Specific information to be included in the application can be found in § 50.092 of this chapter. Four copies of each application must be submitted to the town. The town may, at its discretion, require one or more copies be submitted to the County Surveyor, or other entity deemed appropriate by the town. Additionally, a digital copy of the construction plans is required in a format accepted by the town.

(C) After the town's receipt of the application, the applicant will be notified as to whether his or her application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the town and/or its plan review consultant(s). Once all comments have been received and review completed, the town will either approve the project, request modifications or deny the project. If the applicant does not agree with or accept the review findings and wishes to seek an appeal, the town will place the project on the agenda of the next regularly scheduled meeting of the Town Council; provided, the agenda for the meeting has not yet been advertised or published. If time for notification does not allow, the project shall be placed on the following regularly scheduled meeting of the Town Council. If the project must go through a scheduled meeting, the town will furnish the applicant a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, the town will either issue a permit, request modifications to the construction plans or deny the project.

(D) The project site owner must notify the town and IDEM 48 hours before beginning construction. Notification shall be in the form of an updated IDEM NOI form. Once a permit has been issued and the updated NOI submitted to the town and IDEM 48 hours before the beginning of construction, construction may commence. Once construction starts, the project owner shall monitor construction activities and inspect all storm water pollution prevention measures in compliance with this chapter and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the town. A notice of termination (NOT) shall be sent to the town once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The town, or its representative, shall inspect the construction site to verify that the requirements for an NOT have been met. Once the applicant receives a "verified" copy of the NOT, he or she must forward a copy to IDEM. Permits issued under this scenario will expire five years from the date of issuance. If construction is not completed within five years, the NOI must be resubmitted at least 90 days prior to expiration. No Rule 5 (327 I.A.C. 15-5) permit is required from IDEM for projects within the MS4 area boundary, since the town is the permitting authority.

(Ord. 2013-17, passed 12-2-2013)

§ 50.092 INFORMATION REQUIREMENTS.

(A) Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in §§ 50.020 and 50.075 of this chapter. 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 one acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under § 50.062 of this chapter.

(B) The different elements of a permit submittal include a draft notice of intent (NOI), proof of publication of a public notice, construction plans, a storm water drainage technical report, a storm water pollution prevention plan for active construction sites, a post-construction storm water 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.

(C) (1) *Draft notice of intent.*

(a) The NOI is a standard form developed by the State Department of Environmental Management, which requires general project information. As part of the town's storm water management permit application package, the NOI form should be completed in full based on data and information available at the time of application.

(b) 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 storm water 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 Town of Zionsville, Indiana and the Indiana Department of Environmental Management of our intent to comply with the requirements of the Town of Zionsville Storm Water Management Ordinance, as well as the requirements of 327 I.A.C. 15-5 and 327 I.A.C. 15-13, to discharge storm water from construction activities for the following project: (name of the construction project, address of the location of the construction project, and Parcel Identification Number). Run-off from the project site will discharge to (stream(s) receiving the discharge(s))."

(2) *Construction plans.* Construction plan sheets (larger than 11 inches by 17 inches, but not to exceed 24 inches by 36 inches in size) 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 town's *Storm Water Technical Standards Manual*.

(3) *Storm water drainage technical report.* A written storm water drainage technical report must contain a discussion of the steps taken in the design of the storm water 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 town's *Storm Water Technical Standards Manual*.

(4) *Storm water pollution prevention plan for construction sites.* For sites with total disturbance of one acre or more, a storm water pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this chapter. The SWPPP and construction plans must include the items listed in the application checklist provided in the town's *Storm Water Technical Standards Manual*. For land disturbances totaling 10,000 square feet or more of land area, but less than one acre, appropriate erosion and sediment control measures that are consistent with the town's *Technical Standards* must be designed and shown on the plans.

(5) *Post-construction storm water pollution prevention plan.*

(a) For sites with total land disturbance of 10,000 square feet or more of total land area, a post-construction storm water pollution prevention plan must be designed to, at least, meet the requirements of this chapter and must include the information provided in the town's *Storm Water Technical Standards Manual*.

(b) The post-construction storm water pollution prevention plan must include items listed in the application checklist provided in the town's *Storm Water Technical Standards Manual*.

(Ord. 2013-17, passed 12-2-2013)

§ 50.093 REVIEW OF INDIVIDUAL LOTS.

(A) For all individual lots disturbing 10,000 square feet or more of total land area, a formal review and issuance of an individual lot plot plan permit will be required before a building permit can be issued. Similarly, for individual lots disturbing less than 10,000 square feet of total land area, developed within a larger permitted project, a formal review and issuance of an individual lot plot plan permit will be required before a building permit can be issued. All storm water 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 town, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an individual lot plot plan permit that must be obtained 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) Implementation of concrete washout practices that securely contain and allow for the proper disposal of washout waste;

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

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

(3) Certification of compliance stating that the individual lot plan is consistent with the storm water management permit, as approved by the town, for the larger project (if the individual lot is part of a larger permitted project); and

(4) Name, address, telephone number and list of qualifications of the trained individual in charge of the mandatory storm water pollution prevention self-monitoring program for the project site. The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

(Ord. 2013-17, passed 12-2-2013)

§ 50.094 CHANGES TO PLAN.

Any changes or deviations in the detailed plans and specifications after approval of the applicable storm water management permit shall be filed with, and accepted by, the town prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

(Ord. 2013-17, passed 12-2-2013)

§ 50.095 FEE STRUCTURE.

(A) *Fee amount.* As a condition of the submittal and the review of development plans by the town, the applicant shall agree to pay the town the applicable fee, as set by the town with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as prepaid inspection fees.

(B) *Time of payment.*

(1) After the meeting at which the town is scheduled to consider acceptance of the applicant's final storm water management plan, the town will furnish a written statement to the applicant specifying the total amount due the town in connection with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by applicant for review and pre-paid inspection fees.

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

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

(C) *Method of payment.*

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

(a) Check;

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

(2) All checks shall be made payable to the:

Town of Zionsville
1100 W. Oak St.
Zionsville, IN 46077

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

(E) *Fee schedule.* Storm water permit application and inspection fees:

(1) Subdivision:

- (a) Minor subdivision secondary plat: \$250; and
- (b) Major subdivision secondary plat: \$1,000 + \$15 per lot.

(2) Commercial (includes commercial, industrial, institutional, PUD and the like): \$1,000 + \$10/acre;

(3) Engineering review fees: all development plan projects will require a review fee above and beyond the application fees that shall be passed on to the developer. The review fee shall equate to the contract rate of the reviewing engineer. This fee shall be paid to the town and shall be paid in full before any project approval is given;

(4) Residential (located outside of a larger permitted project):

- (a) Single-family dwelling: \$200; and
- (b) Two-family dwelling: \$250.

(5) Stop work orders:

- (a) Permit re-instatement fee: \$500 or two times the filing fee, whichever is greater; and
- (b) Continued construction after stop work order: \$1,000 first day and up to \$500 for each additional day.

(6) Drainage easement encroachment permit: \$150/encroachment.

(F) *Refunds.* All fees are non-refundable.

(Ord. 2013-17, passed 12-2-2013)

§ 50.096 REQUIRED ASSURANCES.

This section shall apply to all projects whether the storm water management system or portions thereof will be dedicated to the town or retained privately. As a condition of approval and issuance of the permit, the town shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the storm water management plan has been accepted and before construction begins. Said assurance will guarantee a good faith execution of the storm water drainage plan, the storm water pollution prevention plan, the storm water quality management plan and any permit conditions. The assurance shall be for an amount equal to 110% of the total costs of all storm water 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. Said costs shall be for the installation and on-going monitoring and maintenance of erosion control measures and the construction and on-going monitoring and maintenance of storm drainage infrastructure, detention/retention facilities and storm water quality BMPs, as regulated under this chapter, until the construction is completed, the site is stabilized, and as-built plans are accepted by the town. Assurances shall be for a minimum of \$5,000. All other performance bonds, maintenance bonds or other assurances required by the town in accordance with any and all other ordinances shall also apply and so be required. 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 assure that adequate storm

water 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 storm water assurance.

(Ord. 2013-17, passed 12-2-2013)

§ 50.097 TERMS AND CONDITIONS OF PERMITS.

(A) In granting a storm water management permit, the town may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner shall ensure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in §§ 50.110 through 50.113 of this chapter.

(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 storm water 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 town may require more stringent storm water quantity and quality measures than detailed in this chapter or in the *Indiana Storm Water Quality Manual*.

(D) (1) *Determination of sensitive areas.* Sensitive areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters and surface drinking water sources. A listing of highly erodible soils, outstanding water, impaired water, recreation water and surface drinking water sources can be found in the *Storm Water Technical Standards Manual*. Any discharge from a storm water practice that is a Class V injection well shall meet the state's ground water quality standards. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). The presence of threatened or endangered species habitat will be determined by the town during the permit review process. Special terms and conditions for development determined to impact or discharge to any sensitive area shall be included in the storm water management permit.

(2) *Determination of impact drainage areas.* The following areas shall be designated as impact drainage areas, unless good reason for not including them is presented to the town:

- (a) A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation;
- (b) Land within 25 feet of each bank of any ditch within the town's system; and
- (c) Land within 15 feet of the centerline of any storm water infrastructure or enclosed conduit within the town's system.

(E) The town or Town Engineer is authorized, but is not required, to classify certain geographical areas as impact drainage areas. In determining impact drainage areas, the town may consider such factors as topography, soil type, capacity of existing drains and distance from adequate drainage facility.

(F) Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an impact drainage area by the town. Special terms and conditions for development within any impact drainage area shall be included in the storm water management permit.

(Ord. 2013-17, passed 12-2-2013)

§ 50.098 CERTIFICATION OF AS-BUILT PLANS.

(A) This section shall apply to all projects whether the storm water management system or portions thereof will be dedicated to the town or retained privately. After completion of construction of the project and before the release of required performance assurances referenced in § 50.096 of this chapter, a professionally prepared and certified as-built set of plans (record drawings) shall be submitted to the town for review. These as-built plans/record drawings must be prepared and certified by the engineer of record (i.e., the company/engineer who originally prepared the construction plans). Additionally, a digital copy of the as-built plans (record drawings) as well as finalized digital versions of all analyses, models, manuals and reports that are consistent with the as-built conditions is required in a format acceptable to the town. These plans shall include all pertinent data relevant to the completed storm drainage system and storm water management facilities, and shall include:

- (1) Pipe size and pipe material;

- (2) Invert elevations;
- (3) Top rim elevations;
- (4) Elevation of the emergency overflow (spillway) for ponds;
- (5) Grades along the emergency flood routing path(s);
- (6) Pipe structure lengths;
- (7) BMP types, dimensions and boundaries/easements;
- (8) "As-planted" plans for BMPs, as applicable;
- (9) Data and calculations showing detention basin storage volume;
- (10) Data and calculations showing BMP treatment capacity; and

(11) Certified statement on plans stating the completed storm drainage system and storm water management facilities substantially comply with construction plans and the storm water management permit as approved by the town. (See certificate in the *Storm Water Technical Standards Manual*.)

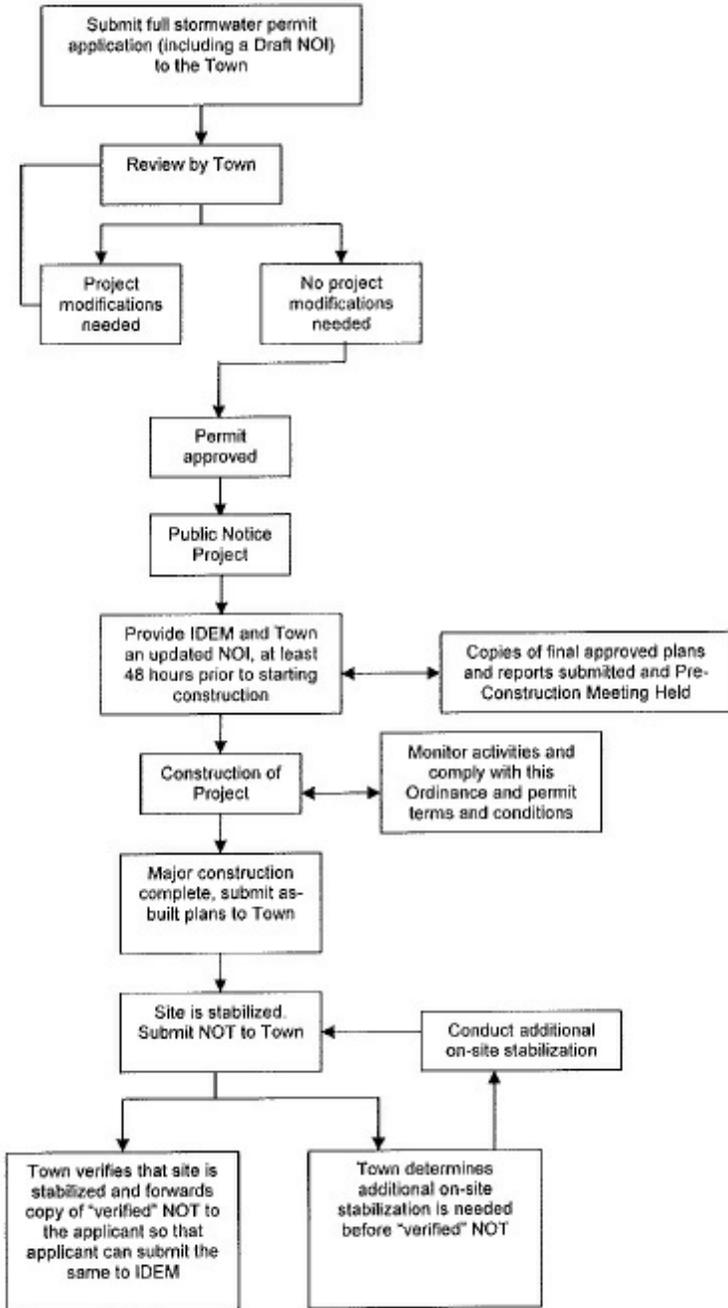
(B) The property owner, developer or contractor shall be required to file a three-year maintenance bond or other acceptable guarantee with the town in an amount not to exceed 25% of the cost of the storm water management system, and in a form satisfactory to the town in order to assure that such storm water system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted 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 release of required performance assurances referenced in § 50.096 of this chapter. The beneficiary of all maintenance bonds shall be the Town Council.

(C) To verify that all storm water infrastructure is functioning properly, visual recordings (via closed circuit television) of such infrastructure, including all subsurface drains, shall be required twice, once following the completion of installation of the storm water management system and submittal of as-builts, and the second time before release of maintenance bonds. These visual recordings will be scheduled by the town and paid for by the developer. Notices shall be provided to the town within 72 hours following the completion of installation and again at least 60 days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the town before the plat is recommended for recording and again before the maintenance bond shall be recommended to be released.

(Ord. 2013-17, passed 12-2-2013)

§ 50.099 PERMIT APPROVAL PROCESS.

Figure 1: Permit Approval Process



(Ord. 2013-17, passed 12-2-2013)

ENFORCEMENT

§ 50.110 COMPLIANCE WITH CHAPTER.

(A) In addition to the requirements of this chapter, compliance with the requirements set forth in the local zoning ordinances is also necessary. Compliance with all applicable ordinances of the town 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.

(B) Violations of the requirements of this chapter are subject to the penalties listed below.

(1) *Violations.* Any action or inaction which violates the provisions of this chapter, the requirements of an approved storm water management design plan or permit, and/or the requirements of a recorded storm water maintenance agreement may be subject to the enforcement actions outlined in this subchapter. Any such action or inaction is deemed to be a public nuisance and may be abated by

injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(2) *Warning notice.* When the town finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, the town may serve upon that person a written warning notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the warning notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the warning notice. Nothing in this section shall limit the authority of the town to take any action, including emergency action or any other enforcement action, without first issuing a warning notice.

(Ord. 2013-17, passed 12-2-2013)

§ 50.111 ENFORCEMENT OF CHAPTER.

(A) Notice of violation/citation.

(1) If the town determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved storm water management design plan, a recorded storm water management maintenance agreement or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person and the owner of the property. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

(2) The notice of violation can be in the form of a citation ticket and/or a written letter that would contain detailed inspection findings, conclusions of law, disposition of warning or fines assessed, stipulated remedial actions as discussed with the responsible party representative, reasonable deadlines for those remedial actions and the date of re-inspection.

(B) *Compensatory action.* In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the town may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education and the like.

(C) *Stop work order.* In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this chapter or accepted final storm water management plans, the town may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the town to proceed with the work. A stop work order will be posted on the site by the town and it is unlawful for any person to remove the notice or continue any work on the site without permission from the town. The town 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 non-compliance herewith. The cost of any such 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.

(D) *Withhold certificate of occupancy.* The town may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise satisfied the requirements of this chapter as determined by the town.

(E) *Suspension, revocation or modification of permits.* The town may suspend, revoke or modify any existing permit that the violator may also have been previously granted. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein; provided, such permit may be reinstated upon such conditions as the town may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(F) Suspension of access to the storm water drainage system.

(1) Emergency cease and desist orders.

(a) When the town finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the town may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

(b) Any person notified of an emergency order directed to it under this division (F)(1) shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the town may take such steps as deemed necessary to prevent or minimize harm to the storm water drainage system or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection or other municipal utility services.

(c) The town may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the town that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this chapter. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the town within five days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

(2) *Suspension due to illicit discharges in emergency situations.* The town may, without prior notice, suspend storm water drainage system discharge access to a person when such 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 water drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency, the town may take such steps as deemed necessary to prevent or minimize damage to the storm water drainage system or waters of the state, or to minimize danger to persons.

(3) *Suspension due to the detection of illicit discharge.* Any person discharging to the storm water drainage system in violation of this chapter may have their storm water drainage system access terminated if such termination would abate or reduce an illicit discharge. The town will notify a violator of the proposed termination of its storm water drainage system access. The violator may petition the town for a reconsideration and hearing. A person commits an offense if the person reinstates storm water drainage system access to premises terminated pursuant to this section, without the prior approval of the town.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.112 COST OF ABATEMENT OF THE VIOLATION.

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

(B) Nothing herein contained shall prevent the town from taking such 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 water drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the town's NPDES permit, administrative costs, attorney fees, court costs and other costs and expenses associated with the enforcement of this chapter, including sampling and monitoring expenses.

(C) If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the town or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(Ord. 2013-17, passed 12-2-2013)

§ 50.113 APPEALS.

(A) *Appeal of notice of violation.* Any person to whom any provision of this chapter has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Town Council the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Town Council shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Town Council may consider the recommendations of the town staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the Town Council 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 storm water runoff.

(B) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within five days of the decision of the Town Council upholding the decision of the Town Storm Water Department, then representatives of the Town Storm Water Department shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the town or its designated contractor to enter upon the premises for the purposes set forth above.

(Ord. 2013-17, passed 12-2-2013) Penalty, see § 50.999

§ 50.999 PENALTY.

(A) (1) Any person found in violation of any provision of this chapter shall be responsible for a civil infraction and subject to a maximum fine of \$2,500 for each offense, plus costs, damages and expenses. Each day such 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 division (A), **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 said person admitted responsibility or was adjudicated to be responsible.

(4) The issuance of fines shall be guided by division (C) below. The town reserves the right to issue a maximum fine for any violation deemed sufficiently egregious or otherwise determined by the town to warrant a maximum penalty.

(B) For intentional and flagrant violations of this chapter, the town may issue a notice to the applicant or other responsible person and the owner of the property, requiring such person to appear in the Circuit or Superior Court of the county to answer charges for such violation. Upon conviction, such person shall be punished by a fine as set by the Town Council, plus costs, damages and expenses or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(C) (1) *Fine schedule for §§ 50.020 through 50.026 of this chapter.*

<i>Fine Category</i>	<i>Type and Nature</i>		<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
Commercial Industrial Institutional	Minor	Accidental	\$100	\$500	\$1,000
		Intentional	\$250	\$750	\$1,500
	Major	Accidental	\$250	\$1,000	\$2,000
		Intentional	\$500	\$1,500	\$2,500
Residential	Minor	Accidental	Warning	\$100	\$250
		Intentional	Warning	\$150	\$300
	Major	Accidental	\$100	\$250	\$500
		Intentional	\$250	\$500	\$1,000

(2) *Fine schedule for §§ 50.060 through 50.063 of this chapter.*

<i>Fine Category</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
Commercial lot or multi-parcel development (i.e., subdivision, commercial, industrial, institutional)	\$500	\$1,000	\$2,500
Individual lot (residential)	\$150	\$350	\$750

(3) *Stop work orders.* Any person who neglects or fails to comply with a stop work order, per § 50.111 of this chapter, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may also be assessed by the town.

(Ord. 2013-17, passed 12-2-2013)