

ORDINANCE 2025-13

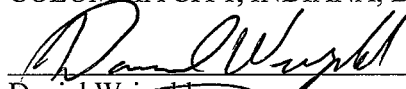
AN ORDINANCE AMENDING CHAPTER 156, CONTROL OF POST CONSTRUCTION
STORMWATER RUNOFF, OF TITLE XV OF
THE CODE OF ORDINANCES OF THE CITY OF COLUMBIA CITY, INDIANA

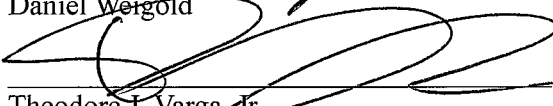
WHEREAS, the Common Council of the City of Columbia City, Indiana, after full investigation, deems it in the best interests of the citizens of Columbia City and to preserve their public safety and welfare to modify and amend Chapter 156, regarding post construction stormwater runoff, of the Code of Ordinances of the City of Columbia City.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbia City, Indiana, that Chapter 156, Control of Post Construction Stormwater Runoff, is hereby revoked, repealed and replaced in its entirety as set forth in the attached and incorporated Exhibit "A".

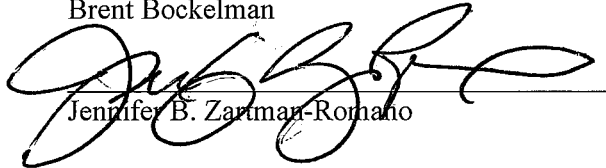
14th PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this
day of October, 2025

COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA, BY:


Daniel Weigold

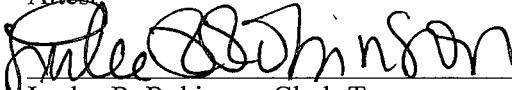

Theodore J. Varga, Jr.

Brent Bockelman


Jennifer B. Zartman-Romano

Jennifer Middleton

Attest:


Leslee R. Robinson, Clerk-Treasurer

Approved this 14th day of October, 2025.


Ryan L. Daniel, Mayor
City of Columbia City

Exhibit A

CHAPTER 156: CONTROL OF POST CONSTRUCTION STORMWATER RUNOFF

Section

- 156.01 Purpose
- 156.02 Authority
- 156.03 Applicability
- 156.04 Responsibility for administration
- 156.05 Compatibility with other permit and chapter requirements
- 156.06 Definitions
- 156.07 Design criteria, standards and specifications
- 156.08 General requirements
- 156.09 Maintenance
- 156.10 Permit application, stormwater pollution prevention plan, and permit issuance
- 156.11 Inspection
- 156.12 Proper credential or identification required
- 156.13 Enforcement
- 156.15 Violations deemed a public nuisance
- 156.16 Judicial enforcement remedies
- 156.17 Remedies not exclusive

Cross-reference:

Illicit discharge and connection to the municipal stormwater system, see Ch. 56

§ 156.04 RESPONSIBILITY FOR ADMINISTRATION.

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

(Ord. 2005-30, passed 8-23-2005)

§ 156.05 COMPATIBILITY WITH OTHER PERMIT AND CHAPTER REQUIREMENTS.

This chapter is not intended to interfere with, abrogate, or annul any other chapter, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. 2005-30, passed 8-23-2005)

§ 156.06 DEFINITIONS.

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A property owner or agent of a property owner who has filed an application for a stormwater construction permit.

BUILDING. Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

BUFFER STRIP. Areas of open vegetated land adjacent to drainage ways, stormwater facilities, lakes, ponds, streams, wetlands, or other surface waters.

CHANNEL. A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CITY. The City of Columbia City, or designated party.

HOTSPOT. An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

IMPERVIOUS SURFACE. Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

INFILTRATION. The process of percolating stormwater into the subsoil.

STORM DRAINAGE SYSTEM. Publicly owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER MANAGEMENT. The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

STORMWATER RUNOFF. The portion of the precipitation from such sources as rainfall, snowmelt, or irrigation water that flows over the ground surface.

STORMWATER TREATMENT PRACTICES (STPS). Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER POLLUTION PREVENTION PLAN. A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, or receiving waters to the maximum extent possible.

SWALE. A grassy depression in the ground designed to collect stormwater runoff from streets, driveways, rooftops and parking lots.

§ 156.07 DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS.

All post construction stormwater runoff control measures including, but not limited to, those required to comply with this chapter shall meet the design criteria, standards, and specifications for post construction stormwater runoff control measures similar to or the same as those outlined in the "City of Columbia City – Stormwater Development Manual".

(Ord. 2005-30, passed 8-23-2005)

§ 156.08 GENERAL REQUIREMENTS.

(A) All sites shall develop a stormwater pollution prevention plan. The plan must include: a description of potential pollutant sources from the proposed land use, that may reasonably be expected to add a significant amount of pollutants to stormwater discharge; location, dimensions, detailed specifications, and construction details of all post construction stormwater quality measures; a description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed; a sequence describing when each post construction stormwater

waters, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(L) Certain industrial sites are required to prepare and implement a stormwater pollution prevention plan and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) industrial general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.

(M) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural stormwater treatment practices and pollution prevention practices.

(Ord. 2005-30, passed 8-23-2005)

§ 156.09 MAINTENANCE.

(A) Maintenance easement. Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site shall execute a maintenance agreement, that can be found in the Columbia City Stormwater Development Manual, and shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide an easement for access to the facility at reasonable times for periodic inspection by the city, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this chapter. The maintenance agreement shall be recorded by the city in the land records.

(B) Maintenance agreement. Maintenance of all stormwater management facilities shall be ensured through the creation of the maintenance agreement. For residential and non-residential subdivisions, a stormwater provision shall be included in the subdivision covenants that shall be approved by the city prior to final plat approval, and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed by the owner with the city's approval for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

(C) Requirements for maintenance agreement. All stormwater management facilities shall undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this chapter and accomplishment of its purposes. These needs may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found shall be addressed in a timely manner, as determined by the city, and the inspection and maintenance requirement

§ 156.11 INSPECTION.

(A) Construction inspection.

(1) To ensure compliance with the stormwater pollution prevention plan, the city shall inspect sites having ongoing land-disturbing activities as deemed appropriate by the city.

(2) If land-disturbing activities are being carried out without a permit, the city may issue a notice of violation pursuant to section 156.15 of this chapter.

(B) Post construction inspection.

(1) Post construction Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(2) Persons receiving a notice of violation may be required to halt all operational activities. This "cease and desist order" will be in effect until the city confirms that the operational activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil or monetary penalties in accordance with the enforcement measures authorized in this chapter.

(C) Right-of-entry for inspection. When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.

(Ord. 2005-30, passed 8-23-2005)

§ 156.12 PROPER CREDENTIAL OR IDENTIFICATION REQUIRED.

The city shall present proper credentials or identification before entering upon the property of the person.

(Ord. 2005-30, passed 8-23-2005)

§ 156.15 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement process and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of the chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

(Ord. 2005-30, passed 8-23-2005)

§ 156.16 JUDICIAL ENFORCEMENT REMEDIES.

(A) Injunctive relief. When the city finds that a person has violated, or continues to violate, any provision of this chapter, an NPDES permit, or order issued hereunder, or any other standard or requirement, the city may petition through any court of general jurisdiction within Whitley County, for the issuance of a temporary or permanent injunction. The city may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the person to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

(B) Civil penalties. In addition to the administrative fines available herein, a person who has violated, or continues to violate, any provision of this chapter, or order issued hereunder, or any other standard or requirement shall also be liable to the city for total civil penalty fines of \$2,500 per violation, per day. Penalties and fines shall accrue for each day during the period of the violation.

(C) The city may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(D) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the person's violation, corrective actions by the person, the compliance history of the person, and any other factor as justice requires.

(E) Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against a person.

(Ord. 2005-30, passed 8-23-2005)