

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City of Columbia City, Indiana, that Chapter 156, Control of Post Construction Stormwater Runoff, is hereby revoked, repealed and replaced in its entirety as set forth in the attached and incorporated Exhibit "A".

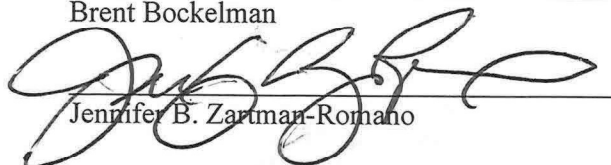
14th PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this
day of October, 2025

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


Daniel Weigold

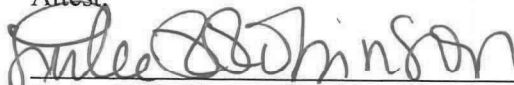

Theodore J. Varga, Jr.

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
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- 156.10 Permit application, stormwater pollution prevention plan, and permit issuance
- 156.11 Inspection
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- 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

§ 156.01 PURPOSE.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction by: minimizing increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion; minimizing increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality; minimizing the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable; and reducing stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety. The city has produced a Stormwater Development Manual as a guide to meet the purpose stated above.

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

§ 156.02 AUTHORITY.

This chapter is adopted under the authority granted by I.C. 36-1-4-11, 36-7-4, 8-1.5-5 and all acts supplemental and amendatory thereto. This authority provides for the administration, enforcement, and amendment of this chapter for control of post construction stormwater runoff in the city.

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

§ 156.03 APPLICABILITY.

All new developments and redevelopments with land-disturbing activities of one or more acres or disturbances of less than one acre of land that are part of a larger common plan of development or sale when the larger common plan will ultimately disturb one or more acres of land must implement stormwater management measures to address the quality and quantity of post-construction stormwater discharges. Specifications, standards, and details for approved stormwater management measures are included in the city's Stormwater Development Manual.

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

§ 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.

LAND DISTURBING ACTIVITY. Any manmade change of the land surface including removing vegetative cover, excavating, filling, transporting, and grading. In the context of this chapter, it includes only nonagricultural land-disturbing activities on sites which also require a local improvement location permit or an approved subdivision plat.

LANDOWNER. The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LOCAL WATERS. Any accumulation of water, surface or underground, natural or artificial, located wholly or partially within the city limits, excluding water features designed or designated as water pollution control facilities.

MAINTENANCE AGREEMENT. A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION. Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

OFF-SITE FACILITY. A stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

ON-SITE FACILITY. A stormwater management measure located within the subject property boundary described in the permit application for land development activity.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assigns legally capable of owning property in the state.

POLLUTANT. A pollutant is something that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations so that some may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing or building a structure; sediments and noxious or offensive matter of any kind.

RIPARIAN ZONE. The area along water bodies that serve as interfaces between terrestrial and aquatic ecosystems.

SITE. The entire area included in the legal description of the land on which land-disturbing activity has been proposed in the permit application.

STOP WORK ORDER. An order issued which requires that all construction activity on a site be stopped.

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

quality measure will be installed; and a narrative description of the maintenance guidelines for all post construction stormwater quality measures to facilitate their proper long term function.

(B) All sites shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. The specified design storms and required flow rate calculations can be found in the Stormwater Development Manual. These practices should seek to utilize swales and natural depressions as site conditions allow, utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff generated from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(C) All stormwater runoff from new development and redevelopment shall be treated to improve water quality before it is discharged to the storm drainage system or local waters. Water quality calculation methods and specifications, standards, and details for approved water quality measures can be found in the Stormwater Development Manual.

(D) All sites shall preserve buffer strips and riparian zones, create filter strips, minimize land disturbance, minimize surface imperviousness, minimize directly connected impervious areas, maximize open space, direct growth away from sensitive areas and toward areas that can support it without compromising water quality, have storage, have infiltration, in any combination, where appropriate to reduce the impact of pollutants in stormwater runoff on receiving waters.

(E) Infiltration practices will not be allowed in wellhead protection areas.

(F) Discharges into sinkholes or fractured bedrock must be treated to meet Indiana's ground water quality standards.

(G) Any stormwater practice that is a Class V injection well must be registered with the U.S. Environmental Protection Agency.

(H) As site conditions allow, the rate at which water flows through stormwater outfalls and conveyances shall be regulated to reduce outfall scouring and stream bank erosion. Where necessary, channel protection shall be provided to protect stream channels from degradation.

(I) As site conditions allow, a vegetated filter strip of appropriate width shall be maintained along unvegetated swales and ditches.

(J) New retail gasoline outlets, new municipal, state, federal, or institutional refueling areas, or outlets and refueling areas that replace their existing tank systems shall be required to design and install appropriate practices to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.

(K) Stormwater discharges to critical areas with sensitive resources (i.e., wellhead protection areas, cold water fisheries, shellfish beds, swimming beaches, recreational

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

may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

(D) Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the city, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the city shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have three days to effect maintenance and repair of the facility in an approved manner. After proper notice, the city may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

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

§ 156.10 PERMIT APPLICATION, STORMWATER POLLUTION PREVENTION PLAN, AND PERMIT ISSUANCE.

(A) Construction activities with a projected land disturbance of one acre or more and activities that result in the land disturbance of less than one acre that are part of a larger common plan of development or sale when the larger common plan will ultimately disturb one or more acres of land must:

(1) Obtain NPDES construction stormwater general permit coverage by submitting a notice of intent to the Indiana Department of Environmental Management (IDEM). If land-disturbing activities are carried out without coverage, the city may notify IDEM.

(2) Obtain a stormwater construction permit from the city's stormwater utility. Permit application procedures and specific information to be included in the application are detailed in the city's Stormwater Development Manual.

(B) Construction activities with a projected land disturbance of less than one acre that are not part of a larger common plan of development or sale must submit a statement of intent to meet the general requirements of section 56.67 of chapter 56 of the city ordinances when an improvement location permit application is submitted for the activity.

§ 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)

§ 156.13 ENFORCEMENT.

(A) Stop work order.

(1) The city may post a stop work order if:

(a) Any land-disturbing activity regulated under this chapter is being undertaken without a permit.

(b) The project site owner is creating a public health hazard or a safety hazard.

(c) The post construction stormwater plan is not being implemented in good faith.

(d) The conditions of the permit are not being met.

(2) Upon appeal to the city's Board of Public Works, a stop work order or the revocation of a permit may be retracted.

(3) Ten days after posting a stop work order, the city may issue a notice of intent to the violator stating that 14 days after issuing the notice of intent the city may use the surety bond or impose civil penalties to perform the work necessary to provide compliance with this chapter.

(4) If, within five days after notification, a permit holder does not comply with the erosion and sediment control plan or permit conditions, the city shall revoke the permit.

(5) Any person violating any of the provisions of this chapter are subject to a forfeiture or fine of not more than \$2,500 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(6) Compliance with the provisions of this chapter also may be enforced by injunction.

(B) Cease and desist orders. When the city finds that a person has violated, or continues to violate, or that the person's past violations are likely to recur, the city may issue an order to the person directing it to cease and desist all such violations and directing the person to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(3) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against 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)

§ 156.17 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

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