

ORDINANCE 2025- 15

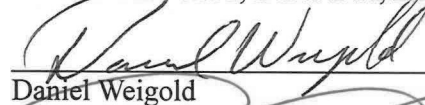
AN ORDINANCE AMENDING CHAPTER 56, ILLICIT DISCHARGE AND CONNECTION TO THE
MUNICIPAL STORMWATER SYSTEM, OF TITLE V OF
THE CODE OF ORDINANCES OF THE CITY OF COLUMBIA CITY, INDIANA

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 56, regarding illicit discharge and connection to the municipal stormwater system, 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City, Indiana, that Chapter 56, Illicit Discharge and Connection to the Municipal Stormwater System, is hereby revoked, repealed and replaced in its entirety as set forth in the attached and incorporated Exhibit "A".

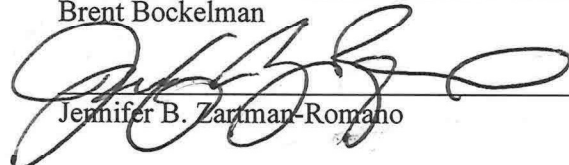
14th PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this
day of October, 2025

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.

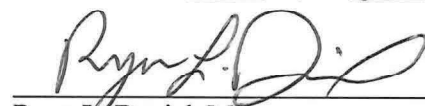

Ryan L. Daniel, Mayor
City of Columbia City

Exhibit A

CHAPTER 56: ILLICIT DISCHARGE AND CONNECTION TO THE MUNICIPAL STORM DRAINAGE SYSTEM

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- Interim rate increase for management of stormwater, see § 51.38
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GENERAL PROVISIONS

§ 56.01 PURPOSE.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City of Columbia City through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the storm drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- (A) To regulate the contribution of pollutants to the storm drainage system by stormwater discharges by any user;
- (B) To prohibit illicit connections and discharges to the storm drainage system; and
- (C) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- (D) To minimize polluted stormwater runoff from construction and other land disturbing activities.

(Ord. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005)

§ 56.02 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 controlling storm drainage system access in the city.

(Ord. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005)

§ 56.03 APPLICABILITY.

This chapter applies to all water entering the storm drainage system generated on any developed and undeveloped lands within the corporate boundaries of the city unless exempted explicitly by the City of Columbia City. The "corporate boundaries" shall not include the two-mile jurisdiction surrounding the city corporate limits.

§ 56.04 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. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005)

§ 56.05 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. 2004-39, passed 10-26-2004)

§ 56.06 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 and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface field tile.

AGRICULTURAL LAND USE. The use of land for the production of animal or plant life, including forestry, pasturing or yarding livestock, and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

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

CLEAN WATER ACT. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

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.

EASEMENTS. An acquired legal right for the specific use of land owned by others.

EROSION. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

EROSION AND SEDIMENT CONTROL MEASURE. A practice or a combination of practices to control erosion and resulting sedimentation.

GROUNDWATER. An accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

HAZARDOUS MATERIALS. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLEGAL DISCHARGE. Any discharge to a conveyance (or to the storm water drain system) that is not composed entirely of storm water except naturally occurring floatables, such as leaves or tree limbs.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system;

(2) Any connections to the storm drain system from indoor drains, sinks and pumps, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city; or

(3) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by the city.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined in 40 CFR §122.26 (b)(14).

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.

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

MS4. MUNICIPAL SEPARATE STORM SEWER SYSTEM.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

NONAGRICULTURAL LAND USE. The commercial use of land for the manufacturing and wholesale or retail sale of goods and services, residential or institutional use of land intended primarily to shelter people, highway use of land including lanes, alleys, and streets, and other land uses not included under agricultural land use.

NON-STORMWATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of stormwater.

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 same 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 or structure; sediments and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

RUNOFF. Water that originates during a precipitation event and flows over land rather than infiltrating into the ground or evaporating.

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

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. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER MANAGEMENT MEASURE. A practice or combination of practices selected to improve the quality of runoff discharges, divert runoff, or mitigate the impacts related to the quantity of runoff.

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.

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

WASTEWATER. Any water or other liquid, other than uncontaminated stormwater discharged from a dwelling, commercial building, industrial facility or institution.

WATERCOURSE. A natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005; Am. Ord. 2012-9, passed 5-22-2012)

§ 56.07 PROPER CREDENTIALS OR IDENTIFICATION REQUIRED.

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

(Ord. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005)

§ 56.08 PROHIBITION OF ILLICIT CONNECTIONS.

(A) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(B) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(C) A person is considered to be in violation of this section if the person connects a line conveying sewage to the storm drainage system, or allows such a connection to continue.

(Ord. 2012-9, passed 5-22-2012)

STORMWATER DISCHARGES

§ 56.15 DISCHARGE PROHIBITIONS.

(A) Prohibition of illegal discharges. No person shall discharge or cause to be discharged into the storm drainage system or watercourses any substance other than storm water of or an exempted discharge. Any discharge via an illicit connection is prohibited.

(B) Exceptions. The commencement, conduct or continuance of any illegal discharge to the storm drainage system is prohibited except as described as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this section: water line and hydrant flushing for maintenance, irrigation water, footing, foundation, and crawl space drains (uncontaminated), excess storm sewer cleaning water not collected by a vacuum truck (uncontaminated), fire suppression activities, uncontaminated pumped groundwater, springs, residential car washing, non-commercial car washing by community organizations, external building wash down without detergents, dechlorinated/debrominated residential swimming pool discharges, uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20)), pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used, uncontaminated condensate from air conditioning units,

coolers, and other compressors, and from outside storage of refrigerated gases or liquids.

(2) Discharges specified in writing by the city as being necessary to protect public health and safety;

(3) Dye testing is an allowable discharge, but requires a verbal notification to the city prior to the time of the test;

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(Ord. 2004-39, passed 10-26-2004; Am. Ord. 2012-9, passed 5-22-2012)

§ 56.16 SUSPENSION OF STORM DRAINAGE SYSTEM ACCESS.

(A) Suspension due to illicit discharges in emergency situations. The city may, without prior notice, suspend storm drainage system 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 drainage system or to local waters. If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system or local waters, or to minimize danger to persons.

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

(C) Reinstatement offense. A person commits an offense if the person reinstates storm drainage system access to premises terminated pursuant to this section, without the prior approval of the city.

(Ord. 2004-39, passed 10-26-2004)

§ 56.17 INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the storm drainage system.

(Ord. 2004-39, passed 10-26-2004)

§ 56.18 MONITORING OF DISCHARGES; ACCESS TO FACILITIES.

(A) The city shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.

(B) The city has the authority to inspect periodically the portion of the storm drainage system under the city's control to detect and eliminate illegal discharges and illicit connections to the system. Inspection may include observation, sampling, and testing of discharges to determine if there are prohibited discharges. Inspections may also include sampling and testing of waters contained in the storm drainage system to detect prohibited discharges to the system by dumping or contaminated surface runoff.

(C) The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's stormwater discharge.

(D) Any temporary or permanent obstruction to safe and easy access to the city's storm drainage system for inspection and/or sampling shall be promptly removed by the facility's operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the facility's operator.

(E) Unreasonable delays in allowing the city to access the storm drainage system or to access connections to the storm drainage system is a violation of this chapter.

(F) If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this section or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. 2004-39, passed 10-26-2004)

STORMWATER CONSTRUCTION PERMITTING FEES

§ 56.20 STORMWATER CONSTRUCTION PERMITTING FEES.

(A) The following schedule of stormwater construction permitting fees shall apply to new developments or redevelopments within the city. The stormwater construction permit process, forms, specifications and details are found in the city's Stormwater Development Manual.

Schedule of Stormwater Construction Permitting Fees

Development Type or Size

Fee

Single- or two-family residence

\$50

Other: 1 acre or less

1.1 acre to 9.9 acres

10 or more acres

\$500

\$1,000

\$1,500

(B) Permit fees incurred under this section shall be collected by the city and shall be deposited in the city's stormwater revenue fund.

(Ord. 2020-36, passed 12-29-2020)

POLLUTION PREVENTION

§ 56.25 REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The city shall adopt requirements identifying best management practices for activities, operations, or facilities which may cause or contribute to pollution or contamination of stormwater, the storm drainage system, or local waters. The owner or operator of a commercial or industrial establishment or construction project shall provide, at their own

expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the storm drainage system or local waters through the use of these structural and non-structural BMPs. By way of example, these establishments could include: retail gasoline outlets; or municipal, state, federal or institutional refueling areas. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm drainage system or local waters.

(Ord. 2004-39, passed 10-26-2004)

§ 56.26 WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly impede the flow of water through the watercourse. If herbicides are used for vegetation control, that herbicide shall be compatible with and registered for use on the package's label in and around watercourses. 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. 2004-39, passed 10-26-2004)

§ 56.27 NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drainage system, or local waters said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials or non-hazardous spills said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of any spill said person shall notify the city in person or by phone or facsimile no later than one business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment or construction project, the owner or operator of such establishment or project shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from date of record.

(Ord. 2004-39, passed 10-26-2004)

ADMINISTRATIVE ENFORCEMENT REMEDIES

§ 56.35 ENFORCEMENT.

(A) Notice of violation. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The performance of monitoring, analysis, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(B) Abatement. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

(C) Administrative fees. When the city finds that a person has violated, or continues to violate, any provision of this chapter, the city may impose an administrative fine against such person in an amount not to exceed \$2,500 on a per violation, per day basis, plus any administrative or remediation costs. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the person.

(Ord. 2004-39, passed 10-26-2004)

§ 56.36 NOTICE OF VIOLATION.

Any person receiving a notice of violation may appeal the determination to the Board of Works and Safety. The notice of appeal must be received within ten days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

(Ord. 2004-39, passed 10-26-2004)

§ 56.37 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 ten days of the decision of the municipal authority upholding the decision of the city, then representatives of the city 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 government agency or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. 2004-39, passed 10-26-2004)

§ 56.38 COST OF ABATEMENT OF THE VIOLATION.

(A) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten days of the post marked notice informing the property owner of the cost of abatement. If the amount due is not paid within 60 days of the post marked date on the notice, 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.

(B) Any person violating any of the provisions of this chapter shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 8% per annum shall be assessed on the balance beginning on the tenth day following the post marked date of the notice of cost of abatement.

(Ord. 2004-39, passed 10-26-2004)2005 S-2

§ 56.39 INJUNCTIVE RELIEF.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

(Ord. 2004-39, passed 10-26-2004)

§ 56.40 COMPENSATORY ACTION.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the city may impose upon the violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, or such other activities selected by the city.

(Ord. 2004-39, passed 10-26-2004)

§ 56.41 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this 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. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005)

ALTERNATE ENFORCEMENT REMEDIES

§ 56.55 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 a maximum civil penalty of \$2,500 per violation, per day. Penalties 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. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005)

§ 56.56 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 city to seek cumulative remedies.

(Ord. 2004-39, passed 10-26-2004; Am. Ord. 2004-46, passed 1-11-2005)

CONSTRUCTION STORMWATER

§ 56.65 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. 2004-46, passed 1-11-2005)

§ 56.66 DESIGN CRITERIA, STANDARDS, AND SPECIFICATIONS FOR CONSTRUCTION STORMWATER MANAGEMENT.

(A) All stormwater discharges from construction and land-disturbing activities must be managed as necessary to meet the narrative water quality criteria of 327 IAC 2-1-6(a)(1) (A-D), 327 IAC 2-1.5-8(a), and 327 IAC 2-1.5-8(b)(1) (A-D).

(B) All stormwater management measures including, but not limited to, those required to comply with this chapter shall meet the design criteria, standards and specifications of the city's Stormwater Development Manual.

(Ord. 2004-46, passed 1-11-2005)

§ 56.67 GENERAL REQUIREMENTS FOR ALL CONSTRUCTION AND LAND-DISTURBING ACTIVITIES.

The following requirements shall be met on all sites, regardless of size:

(A) The owner and operator are responsible for all stormwater discharges from the site. Stormwater runoff leaving the project site must be discharged in a manner that is consistent with applicable local, state, and federal law.

(B) A stable construction access shall be installed or maintained unless the site is accessed solely from an impervious or non-erosive area.

(C) Appropriate erosion and sediment control measures shall be installed prior to beginning the activity and maintained until the activity is completed and the site is permanently stabilized.

(D) Uncontaminated stormwater runoff from offsite or other stabilized areas shall be diverted around areas of disturbed land wherever possible.

(E) Sediment-laden runoff and water from dewatering activities which would otherwise flow from the project site must be directed to an appropriate sediment control measure or series of measures to minimize the discharge of sediments. No water shall be discharged in a manner that causes erosion at the point of discharge.

(F) Demolition, construction, and domestic waste, and unused building materials must be managed and disposed of in accordance with all applicable statutes and regulations. Wastes or unused materials including, but not limited to garbage, debris, cleaning waste, wastewater, concrete or cementitious wash water, mortar/masonry products, lime, soil stabilizers, or other substances shall not be carried from the project site by stormwater or wind.

(G) Sediment discharges and tracking onto public or private roads must be minimized. Sediment that is tracked or discharged onto roads must be removed by the end of the same day. Removed sediment must be redistributed on the project site or disposed of in accordance with all applicable statutes and regulations. Sediments must not be flushed from roadways with water.

(H) Storm drain inlets shall be protected by appropriate measures, such as barriers or inserts, to minimize the discharge of sediments to the storm drainage system.

(I) Stockpiles of materials and soil shall be covered, or appropriate barriers shall be installed around stockpiles to protect against displacement of materials or soil by water or wind.

§ 56.69 MAINTENANCE OF STORMWATER MANAGEMENT MEASURES.

During the period of land disturbance at a site, all stormwater management measures necessary to meet the requirements of this chapter shall be implemented and maintained by the owner and operator or subsequent owners and operators. If polluted stormwater is likely to be a problem after land-disturbing activities have ceased, some or all of the

stormwater management measures shall be maintained by the owner and operator or subsequent owners and operators for as long as the problem exists.

(Ord. 2004-46, passed 1-11-2005)

§ 56.70 STORMWATER CONSTRUCTION PERMIT APPLICATION 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 when an improvement location permit application is submitted for the activity.

§ 56.71 INSPECTION.

(A) To ensure compliance with the stormwater construction permit, the city shall inspect sites having ongoing land-disturbing activities as deemed appropriate

(B) If land-disturbing activities are being carried out without a permit, the city may issue a notice of violation pursuant to section 56.35 of this chapter.

(C) If stormwater management measures are not being implemented in good faith or the conditions of a stormwater construction permit are not being met, the city will notify the owner and/or operator of the deficiencies that need to be corrected. If the owner and/or operator fail to correct the deficiencies, the city may issue a notice of violation pursuant to section 56.35 of this chapter.

§ 56.72 STOP WORK ORDERS

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

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

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

(3) The erosion and sediment control plan is not being implemented in good faith; or the conditions of the permit are not being met, and seventy-two hours have passed since the project owner received a written notice of the deficiencies.

(B) Upon appeal to the Board of Works and Safety, a stop work order or the revocation of the permit may be retracted.

(C) 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.

(D) 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.

(E) Any person violating any of the provisions of this chapter shall be 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.

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