

ORDINANCE NO. 2005-3

AN ORDINANCE TO ESTABLISH
REQUIREMENTS FOR POST-CONSTRUCTION
STORM WATER RUNOFF CONTROLS

Section I. Introduction/ Purpose

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates, runoff volumes, flooding, stream channel erosion, and sediment transport and deposition. This storm water runoff contributes to increased quantities of water-borne pollutants. Storm water runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.

The purpose of this ordinance is to establish minimum storm water management requirements and controls to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation and to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the Town of Edinburgh. This ordinance seeks to meet that purpose through minimizing increases in storm water runoff rates and volumes, erosion and nonpoint source pollution caused by storm water runoff, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained.

Section II. Applicability

1. The provisions of this Ordinance are in compliance with 327 IAC 15-13 (Rule 13) and apply to all persons meeting the requirements of 327 IAC 15-13-16. In general, this Ordinance requires the post-construction control of storm water discharges for both new development and re-development, with a land disturbance greater than or equal to one (1) acre, or disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land.
2. The requirements of this Ordinance do not apply to the following:
 - A. Construction of, or modifications to, single family structures that are not a part of a larger common plan of development,
 - B. Single family residential development consisting of four (4) or fewer lots,
 - C. Individual lots within a larger common development plan that has been previously permitted for storm water management, and
 - D. Any logging, agricultural, or other activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by county, state, or federal regulating agencies.
3. This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, 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.
4. If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of the ordinance.

Section III. Submittals, Review and Approval

1. The Town of Edinburgh has developed the *Town of Edinburgh Storm Water Standards (Storm Water Standards)* that provides additional policy, criteria and information, including specifications and standards, for the proper implementation of the requirements of this ordinance. Revisions to the *Storm Water Standards* may be updated and expanded at the discretion of the Town of Edinburgh. Post-construction runoff control measures shall be designed and installed in accordance with Rule 13 and the *Storm Water Standards*. Storm water treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards. The *Storm Water Standards* includes acceptable storm water treatment practices, including specific design criteria and operation and maintenance requirements for each storm water practice. The *Indiana Stormwater Quality Manual* produced by the Indiana Department of Natural Resources (IDNR) may be used as a guidance document for storm water quality treatment measures.
2. A Storm Water Pollution Prevention Plan (SWPPP) shall be required that details how runoff and associated water quality impacts resulting from the development will be controlled or managed. Submittal requirements for the SWPPP shall be as referenced in 327 IAC 15-5-6.5(a)(8) and the *Storm Water Standards*.
3. Where appropriate, storage, infiltration, filtering, or vegetative practices shall be used to reduce the impact of pollutants in storm water runoff on receiving waters. In addition to the practices, the following requirements shall be utilized:
 - A. Infiltration practices will not be allowed in wellhead protection areas.
 - B. Discharges will not be allowed directly into sinkholes or fractured bedrock without treatment that results in the discharge meeting Indiana ground water quality standards as referenced in 327 IAC 2-11.
 - C. Any storm water practice that is a Class V injection well must ensure that the discharge from such practices meets Indiana ground water quality standards as referenced in 327 IAC 2-11.
 - D. As site conditions allow, the rate at which water flows through conveyances shall be regulated to reduce outfall scouring and stream bank erosion.
 - E. As site conditions allow, a vegetated filter strip of appropriate width shall be maintained along unvegetated swales and ditches.
 - F. New gasoline outlets and refueling areas, or outlets and refueling areas that replace their existing tank systems shall be designed and installed using appropriate practices to reduce lead, copper, zinc, and polyaromatic hydrocarbons in storm water runoff.
4. The *Storm Water Standards* contains requirements for the drainage application and approval process. An *Application for Storm Water Review* shall be submitted to the Town of Edinburgh on the form provided for that purpose. A technical review shall be conducted by the Town of Edinburgh or its designated representative.
5. Approval of the post-construction plan from the Town of Edinburgh and a building permit must be obtained prior to the initiation of any land disturbing activities. Technical review fees shall be the responsibility of the developer and/or owner and shall be paid in full before a building permit is issued.
6. All storm water treatment practices shall be maintained in good condition in accordance with operation and maintenance requirements for each storm water practice per the *Storm Water Standards* and the terms and conditions of the storm water management approval. The owner of the site must execute a Grant of Perpetual Drainage Easement that shall be binding on all subsequent owners of land served by the storm water management facility. The easement shall be

granted to the Town of Edinburgh in accordance with the terms in the *Storm Water Standards*.

7. The Town of Edinburgh requires the submittal of a performance bond prior to project construction and a maintenance bond after completion of the project construction in accordance with the terms in the *Storm Water Standards*.

Section IV. Inspection

1. The Town of Edinburgh shall conduct inspections of the installation of the storm water management system to ensure compliance with the terms of the *Storm Water Standards* and the storm water management approval.
2. The applicant must notify the Town of Edinburgh 48 hours in advance of construction of the storm water management system. Inspections of the system construction may be conducted by the staff of the Town of Edinburgh or their designated representative. If required, the applicant shall execute an *Inspection Services Agreement* with the Town of Edinburgh and pay all applicable inspection fees per the terms stated in the agreement.
3. The Town of Edinburgh has the authority to conduct post-construction inspections to ensure the storm water management facility is maintained in good condition. Parties responsible for the operation and maintenance of a storm water management facility shall make and keep records of the installation and of all maintenance and repairs. These records shall be made available to the Town of Edinburgh upon request and shall be retained for a period of five (5) years.
4. If the responsible party fails to meet the requirements of the installation and maintenance conditions per the *Storm Water Standards* and the terms and conditions of the storm water management approval, the Town of Edinburgh shall pursue enforcement action according to Section V of this ordinance.

Section V. Enforcement

1. Written Notification:

In the event the Town of Edinburgh or a regulatory agency determines the installation or maintenance or the storm water management facility violates the provisions of this ordinance, Rule 13, the *Storm Water Standards* or the terms of the storm water management approval, the property owner will be issued a written notification from the Town of Edinburgh. The written notification shall be in the form of a warning letter of noncompliance or violation notice.

2. Noncompliance During Construction:

Upon receipt of a written notice of violation during construction, persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the Town of Edinburgh confirms that the development 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, criminal, or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

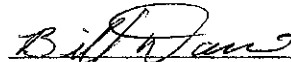
Following a written notice of violation during construction, the property owner has 5 business days to correct the deficiency. In the event the deficiency is not corrected within this period, a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) per deficiency shall be assessed to the property owner, and each day such violation exists shall constitute a separate violation. The Town of Edinburgh may also suspend or revoke a building permit for noncompliance with this ordinance.


3. Maintenance Noncompliance After Construction:

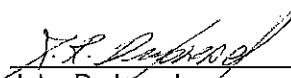
~~Upon receipt of written notice of a maintenance violation, the party responsible for maintenance shall have 30 calendar days to correct the deficiency. In the event the deficiency is not corrected within this period, a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00) per deficiency shall be assessed to the property owner, and each day such violation exists shall constitute a separate violation. In the event the deficiency is not correct after 60 calendar days from the notice of maintenance violation, the Town of Edinburgh may correct a violation by performing all necessary work to place the facility in proper working condition. The Town of Edinburgh 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.~~

Passed and adopted this 8th day of August, 2005.

Edinburgh Town Council


 Bill Davis, President

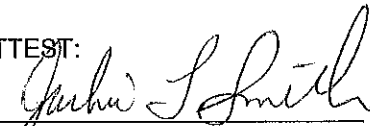

 Larry Taulman, Vice President


 John Drybread


 Rick Piercefield

 Jeffrey A. Simpson

ATTEST:


 Jackie Smith, Clerk-Treasurer