

ORDINANCE NO. 12-2024

ORDINANCE VACATING ORDINANCE NO. 9-2007, 10-2007, AND 11-2007 REGULATING POST-CONSTRUCTION ACTIVITY AND STORMWATER MANAGEMENT, ILLICIT DISCHARGES AND CONNECTIONS TO STORMWATER DRAINAGE SYSTEMS, AND CONSTRUCTION ACTIVITY EROSION AND SEDIMENT CONTROL AND CREATING A NEW ORDINANCE ADDRESSING STORMWATER MANAGEMENT

WHEREAS, the City of La Porte Administration, after due consideration and consultation with the Indiana Department of Environmental Management, recommends to the Common Council that prior ordinances regarding stormwater management be vacated and a new stormwater management ordinance be adopted.

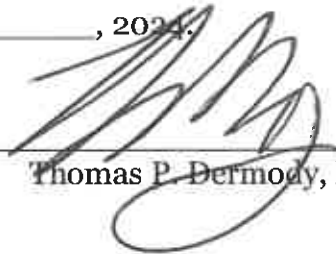
NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of La Porte, that:

SECTION I. Ordinances No. 9-2007, 10-2007, and 11-2007 be vacated.

SECTION II. The City shall adopt a new Stormwater Management plan, Chapter 98, as identified in *Exhibit 1* to this Ordinance.

SECTION IV. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of La Porte, Indiana, this 19 day of August, 2024.

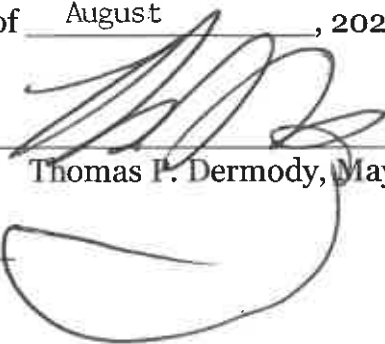


Thomas P. Dermody, Mayor


Attest:


Courtney P. Parthun, Clerk-Treasurer

APPROVED by me this 19 day of August, 2024.



Thomas P. Dermody, Mayor

Attest:


Courtney P. Parthun, Clerk-Treasurer

CHAPTER 98: UTILITIES

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DIVISION 1. GENERAL PROVISIONS

§ 98-301 AUTHORITY AND TITLE.

(A) This Ordinance is adopted in accordance with statutory authority granted under code authorizing jurisdiction over storm system, and further is required by Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act and the Indiana Department of Environmental Management’s Construction Stormwater General Permit (CSGP) and Municipal Separate Storm Sewer System General Permit (MS4GP). Based on this authority and these requirements, this Ordinance regulates:

- (1) Discharges of prohibited non-stormwater flows into the storm drain system.
- (2) Stormwater drainage improvements related to development of lands located within the City of La Porte boundaries.
- (3) Drainage control systems installed during new construction and grading of lots and other parcels of land.
- (4) Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with land-disturbing activity
- (5) Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.
- (6) Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- (7) The design, construction, and maintenance of stormwater drainage facilities and systems.
- (8) The design, construction, and maintenance of stormwater quality facilities and systems.

(B) This Ordinance shall be known and may be cited as the Stormwater Management Ordinance of the City of La Porte or Chapter 98 Stormwater Management of the Municipal Code of the City of La Porte.

§ 98-302 ABBREVIATIONS.

For the purposes of this Ordinance, the following abbreviations shall apply unless the context clearly indicates or requires a different meaning.

BMP	Best Management Practice
CSGP	Construction Stormwater General Permit
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
ERU	Equivalent Residential Unit

FEMA	Federal Emergency Management Agency
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
MS4	Municipal Separate Storm Sewer System
MS4GP	Municipal Separate Storm Sewer System General Permit
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SFHA	Special Flood Hazards Area
SWPPP	Stormwater Pollution Prevention Plan
USGS	United State Geological Survey

§ 98-303 DEFINITIONS.

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

AGRICULTURAL CONSERVATION PRACTICE. Practices that are constructed on agricultural land for the purposes of controlling soil erosion and sedimentation. The practices include, but are not limited to grass waterways, sediment basins, terraces, and grade stabilization structures.

AGRICULTURAL LAND DISTURBING ACTIVITY. Tillage, planting, cultivation, or harvesting operations to produce agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lake and ponds, wetlands, and other infrastructure.

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

BEST MANAGEMENT PRACTICES (BMP). Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

BOARD. The Board of Public Works and Safety (BPW).

BORROW AREA. Areas where materials are excavated for use as fill.

CAPACITY (OF A STORM DRAINAGE FACILITY). The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

CATCH BASIN. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and

detritus below the point of overflow.

CHANNEL. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine water.

CONCRETE WASHOUT. The rinsing of chutes, pumps, curb and paving machines, hoppers, wheelbarrows, hand tools and any other equipment that are used to handle concrete, mortar, stucco, grout or other mixtures of cement. Concrete washout water is a wastewater slurry containing cementitious materials, metals and is caustic or corrosive, having a high pH.

CONSTRUCTION ACTIVITY. Land disturbing activities and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.

CONSTRUCTION SITE ACCESS. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

CONSTRUCTION SUPPORT ACTIVITY. An activity that specifically supports the project and involves land disturbance and/or activities that may result in pollutant generating activities on their own. These activities include but are not limited to concrete or asphalt batch plants, staging areas, material storage areas, disposal sites, and soil stockpile areas.

CONTOUR. An imaginary line on the surface of the earth connecting points of the same elevation.

CONTRACTOR OR SUBCONTRACTOR. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operation to perform services on the project site.

CONVEYANCE. A combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity including:

- a) Manmade stormwater conveyance system" means a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;
- b) Natural stormwater conveyance system" means the main channel of a natural stream and the flood-prone area adjacent to the main channel; or
- c) Restored stormwater conveyance system means a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

COUNCIL. The City of La Porte City Council.

CROSS SECTION. A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.

CULVERT. A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal, or other impediment.

DECHLORINATED SWIMMING POOL DISCHARGE. Chlorinated water that has either sat idle for seven days following chlorination prior to discharge to the MS4 conveyance, or, by

analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

DESIGN STORM. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

DETENTION. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

DEVELOPER. Any person financially responsible for construction activity, or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

DEVELOPMENT. Construction and site preparation work involving structures or improvements of any kind, and all land disturbing activities including, but not limited to, digging, drilling, excavating, grading, clearing, earth moving, filling, or performing any subsurface work.

DEWATERING. The act of draining rainwater and/or ground water from excavations, stormwater measures, building foundations, vaults, and trenches.

DISCHARGE. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

DISPOSAL. The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that the solid waste or hazardous waste, or any constituent of the waste, may enter the environment, be emitted into the air, or be discharged into any waters, including ground waters.

DITCH MAINTENANCE. To restore a conveyance system to its originally constructed channel capacity and to perform the function for which it was originally constructed as defined in 1C 36-9-27. Maintenance includes:

- a) cleaning (removal of accumulated sediments, de-brushing, and mowing),
- b) spraying,
- c) removing obstructions,
- d) conducting minor repairs

DRAINAGE AREA. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

DURATION. The time period of a rainfall event.

ENVIRONMENT. The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

EROSION. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity. The following terms are used to describe different types of water erosion:

- (1) *Accelerated erosion.* Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- (2) *Channel erosion.* An erosion process whereby the volume and velocity of flow wears away

the bed and/or banks of a well-defined channel.

- (3) *Gully erosion.* An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1 to 2 feet to as much as 75-100 feet.
- (4) *Rill erosion.* An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see **RILL**).
- (5) *Splash erosion.* The spattering of small soil particles caused by the impact of raindrops on wet soils, the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- (6) *Sheet erosion.* The gradual removal of a uniform layer of soil from the land surface by runoff water.

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

FILTER STRIP. Usually a long, relatively narrow area (usually 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses; reservoirs, or adjacent properties.

FLOATABLE. Any solid or liquid that will float on the surface of the water.

FLOOD (or FLOOD WATERS). A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOODPLAIN. The channel proper and the areas adjoining any wetland, lake, or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

FLOODWAY. The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

FOOTING DRAIN. A drainpipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

GASOLINE OUTLET. An operating gasoline or diesel fueling facility whose primary function is the resale of fuels.

GRADE.

- (1) The inclination or slope of a channel, canal, conduit, and the like, or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance.
- (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to design elevation for the support of construction, such as paving or the laying of a conduit.
- (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

GRADING. The cutting and filling of the land surface to a desired slope or elevation.

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

HABITAT. The environment in which the life needs of a plant or animal are supplied.

ILLICIT DISCHARGE. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

IMPAIRED WATERS. Any waterbody included on IDEM's current 303(d) list.

IMPERVIOUS SURFACE. Any land surface with a low or no capacity for soil infiltration, including, but not limited to pavement (sidewalks, streets, parking areas, and driveways), packed gravel or soil, and rooftops.

INDIVIDUAL BUILDING LOT or INDIVIDUAL LOT. A single parcel of land within a multi-parcel development.

INDIVIDUAL LOT OPERATOR. A contractor or subcontractor working on an individual lot.

INDIVIDUAL LOT OWNER. A person who has financial control of construction activities for an individual lot.

INFILTRATION. The process by which surface water enters the soil and recharges streams, lakes, rivers, and underground aquifers. Stormwater infiltration is a fundamental component of the water cycle and is a centerpiece of stormwater management strategies.

INLET. An opening into a storm drain system for the entrance of surface stormwater runoff, more completely described as a storm drain inlet.

LAND-DISTURBING ACTIVITY. Any man-made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as a part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

LOWEST ADJACENT GRADE. means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

MANHOLE. Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

MUNICIPAL SEPARATE STORM SEWERS (MS4). An MS4 meets all the following criteria:

- (1) Is a conveyance or system of conveyances owned by the State, County, City, Town, or other public entity:
- (2) Discharges to waters of the U.S.
- (3) Is designed or used for collecting or conveying stormwater:

(4) Is not a combined sewer; and

(5) Is not part of a Publicly Owned Treatment Works (POTW).

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES). A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

NON-POINT SOURCE POLLUTION. Pollution generally resulting from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. Nonpoint source pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. It is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters.

NON-STORMWATER DISCHARGES. Discharges that do not originate from storm events. These discharges include, but are not limited to process water, air conditioner condensate, non-contact cooling water, sanitary waste, concrete washout water, paint wash water, irrigation water, or pipe testing water.

NUTRIENT(S).

(1) A substance necessary of the growth and reproduction of organisms.

(2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

OPEN DRAIN. A natural watercourse or constructed open channel that conveys drainage water.

OUTFALL. The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

OUTLET. The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

PEAK DISCHARGE (OR PEAK FLOW). The maximum instantaneous flow from a given storm condition at a specific location.

PERMITTEE. The individual or entity required to obtain a permit coverage as defined by project site owner.

PERVIOUS. Allowing movement of water.

PROFESSIONAL ENGINEER. A person licensed under the laws of the State to practice professional engineering.

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

PROJECT SITE OWNER. The person required to submit a stormwater permit application, and required to comply with the terms of this Ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specification, including the ability to make modifications to those plans and specifications.

RECEIVING STREAM, RECEIVING CHANNEL, or RECEIVING WATER. The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

RECHARGE. Replenishment of groundwater reservoirs by infiltration and transmission from the

outcrop of an aquifer or from permeable soils.

REDEVELOPMENT. Alterations of a property that change a site or building in such a way that there are disturbances of 1 acre or more of land. The term does not include such activities as exterior remodeling.

REFUELING AREA. An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

RELEASE RATE. The amount of stormwater release from a stormwater control facility per unit of time.

RESERVOIR. A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

RETENTION. The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

RETENTION BASIN. A type of storage practice, that has no positive outlet, used to retain stormwater run-off for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

RETURN PERIOD. The average interval of time within which a given rainfall event will be equaled or exceeded once. A flood having a return period of 100 years has a 1% probability of

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

SEDIMENT. Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

SENSITIVE AREA. Areas with highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Includes waterbodies in need of priority protection or remediation based on its:

- (1) Providing habitat for threatened or endangered species.
- (2) Usage as a public water supply intake.
- (3) Relevant community value.
- (4) Usage for full body contact recreation.
- (5) Limited use and outstanding State resource water classification as found in 327 IAC. 2-1-11 and 327 IAC. 2-1.5-19.

SILVICULTURAL. The practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

- a) Nonpoint activities that do not require permit coverage include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or logging road construction and maintenance from which there is natural run-off. Some of these activities (such as stream crossing for roads) may

involve the placement of dredged or fill material which may require a CWA section 404 permit and a 401 Water Quality Certification.

- b) Point source activities, subject to permit coverage include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

SITE. The entire area included in the legal description of the land on which land disturbing activity is to be performed.

SLOPE. Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise) - e.g., 2;1 However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length and Width (W) components for horizontal angles). Also note that according to international standards (metric), the slope are presented as the vertical or width component shown on the numerator - e.g., 1V:2H. Slope expressions in this Ordinance follow the common presentation of slopes - e.g., 2:1 with the metric presentation shown in parenthesis - e.g., (1V:2H). Slopes can also be expressed in “percent”. Slopes given in percent are always expressed as $(100*V/H)$ – e.g., a 2:1 (1V:2H) slope is a 50% slope.

SOIL. The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

SOLID WASTE. Any garbage, refuse, debris, or other discarded material.

SPILL. The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.

STANDARDS. The City of La Porte Stormwater Technical Standards Manual.

STORM EVENT. An estimate of the unexpected amount of precipitation within a given period. For example, a ten-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour period.

STORM SEWER. A closed conduit for conveying collected stormwater, while excluding sewage and industrial wastes. Also called a storm drain.

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

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

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

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

STORMWATER QUALITY MEASURE. A practice, or a combination of practices, to control or

minimize pollutants associated with stormwater runoff.

STORMWATER DRAINAGE SYSTEM. All means natural or man-made, used for conducting stormwater to, through or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

STRIP DEVELOPMENT. A multi-lot project where building lots front on an existing road and are not part of a larger common plan of development or sale.

SUBDIVISION. Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a large common plan of development or sale.

SURFACE RUNOFF. Precipitation that flows onto the surfaces of roofs, streets, the ground, and the like, and is not absorbed or retained by that surface but collects and runs off.

SWALE. An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct stormwater into primary drainage channels and may provide some groundwater recharge.

TOPOGRAPHIC INFORMATION. Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

TOPOGRAPHY. The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, building and most importantly, variations in ground elevations for the terrain of the area.

TRAINED INDIVIDUAL. An individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of coursework, State registration, professional certification, or annual training that enable the individual to make judgments regarding stormwater management, treatment, and monitoring.

TREAT. Improving the stormwater run-off quality, reducing run-off volume, reducing peak flow, or any combination thereof.

URBANIZATION. The development, change, or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

WATER QUALITY. A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

WATER RESOURCES. The supply of groundwater and surface water in a given area.

WATERBODY. Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

WATERCOURSE. Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

WATERSHEDS. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. **WATERSHEDS** are often broken down into

subareas for the purposes of hydrologic modeling.

WETLANDS. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

§ 98-304 FINDINGS.

The City of La Porte finds that:

- (A) Water bodies, roadways, structures, and other property within and downstream of City of La Porte are at times subjected to flooding.
- (B) Flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the region.
- (C) Land development alters the hydrologic response of watersheds, resulting in increased stormwater runoff rates and volumes, increased flooding, increased stream channel erosion, and increased sediment transport and deposition.
- (D) Soil erosion resulting from land-disturbing activities causes a significant amount of sediment and other pollutants to be transported off-site and deposited in ditches, streams, wetlands, lakes, and reservoirs.
- (E) Increased stormwater runoff rates and volumes, and the sediments and pollutants associated with stormwater runoff from future development projects within La Porte will, absent reasonable regulation and control, adversely affect the City of La Porte's water bodies and water resources.
- (F) Pollutant contributions from illicit discharges within the City of La Porte will, absent reasonable regulation, monitoring, and enforcement, adversely affect the City's water bodies and water resources.
- (G) Stormwater runoff, soil erosion, non-point source pollution, and illicit sources of pollution can be controlled and minimized by the regulation of stormwater management.
- (H) Adopting the standards, criteria, and procedures contained and referenced in this Ordinance and implementing the same will address many of the deleterious effects of stormwater runoff and illicit discharges.
- (I) Adopting this Ordinance is necessary for the preservation of the public health, safety, and welfare, for the conservation of our natural resources, and for compliance with State and Federal regulations.

§ 98-305 PURPOSE.

- (A) The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of City of La Porte through the regulation of stormwater and non-stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within the City of La Porte. This Ordinance establishes methods for managing the quantity and quality of stormwater entering the storm drain system to comply with State and Federal requirements.
- (B) The objectives of this Ordinance are:

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

§ 98-306 RESPONSIBILITY FOR ADMINISTRATION.

The City of La Porte shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the City of La Porte to qualified persons or entities acting in the beneficial interest of or in the employ of the City of La Porte.

§ 98-307 CONFLICTING ORDINANCES.

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other City of La Porte Ordinances, and as supplemental requirements to IDEM's CSGP and MS4GP. In case of conflicting requirements, the most restrictive shall apply.

§ 98-308 INTERPRETATION.

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in this Ordinance shall be construed according to the respective definitions given in that section. Technical words and technical phrases that are not defined, in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

§ 98-309 SEVERABILITY

The provisions of this Ordinance are hereby declared severable, and if any court of competent jurisdiction should declare any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

§ 98-310 EFFECTIVE DATE

This Ordinance shall become effective and supersede previous ordinances after its final passage, approval, and publication as required by law.

§ 98-311 DISCLAIMER OF LIABILITY

The degree of protection required by this Ordinance is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur or stormwater runoff amounts may be increased by man-made or natural causes. This Ordinance does not imply that land uses permitted will be free from stormwater damage. This Ordinance shall not create liability on the part of City of La Porte or any officer, representative, or employee thereof, for any damage which may result from reliance on this Ordinance or on any

administrative decision lawfully made there under.

§ 98-312 – 98-315 RESERVED.

DIVISION 2. PROHIBITED DISCHARGES AND CONNECTIONS; ILLICIT DISCHARGES

§ 98-316 APPLICABILITY AND EXEMPTIONS.

- (A) This Ordinance applies to all discharges, including illegal dumping, entering the storm drain system under the control of the City of La Porte, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site. These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff.
- (B) Stormwater runoff from agricultural, timber harvesting, and mining activities is exempt from the requirements of this Ordinance unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are not included in this exemption.
- (C) Any non-stormwater discharge permitted under an NPDES permit, waivers, or waste discharge order issued to the discharger and administered under the authority of the USEPA, 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 acceptance has been granted for the subject discharge to the storm drain system, is also exempted from this Ordinance.
- (D) Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempt from the requirements of this Ordinance:
 - (1) Water line and hydrant flushing;
 - (2) Irrigation water;
 - (3) Footing, foundation, and crawl space drains (uncontaminated);
 - (4) Storm sewer cleaning water (uncontaminated);
 - (5) Fire suppression activities;
 - (6) Uncontaminated ground water;
 - (7) Springs;
 - (8) Residential car washing;
 - (9) Non-commercial car washing by community organizations;
 - (10) External building wash down, without detergents;
 - (11) Dechlorinated/dibrominated residential swimming pool discharges;
 - (12) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 (20));

- (13) Pavement wash waters provided spills or leaks or toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;
- (14) Uncontaminated condensate from air conditioning unites, coolers, and other compressors, and from outside storage of refrigerated gases or liquids;
- (15) Dye-testing authorized by the City of La Porte.

§ 98-317 PROHIBITED DISCHARGES AND CONNECTIONS.

- (A) No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, though the use of BMPs referred to in the City of La Porte Stormwater Technical Standards Manual.
- (B) The City of La Porte is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the City of La Porte’s stormwater drainage system.

§ 98-318 STORAGE OF HAZARDOUS OR TOXIC MATERIAL.

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

§ 98-319 PRIVATE PROPERTY MAINTENANCE DUTIES.

Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and or the obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. 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. It shall be the property owners’ responsibility to maintain the watercourses on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots. Owner/lessee maintenance responsibilities shall include the following:

- (A) Maintaining the watercourse free of trash, debris, excessive vegetation, and obstacles that impede flow;
- (B) Not removing healthy bank vegetation beyond that actually necessary for maintenance;
- (C) Not removing vegetation in such a manner that makes the banks vulnerable to erosion; and
- (D) Maintaining and stabilizing the watercourse in order to protect against erosion and degradation.

§ 98-320 SPILL REPORTING.

- (A) Any discharger who discharges into a waterbody any substance other than stormwater or an

exempted discharge shall immediately inform the La Porte Stormwater Department, La Porte Fire Department, and LaPorte County Dispatch concerning the discharge.

- (B) A written report concerning the discharge shall be filed with the City of La Porte and IDEM, by the person responsible for the discharge, within five days. The written report shall specify:
 - (1) The composition of the discharge and the cause;
 - (2) The date, time, and estimated volume of the discharge;
 - (3) All measures taken to clean up the accidental discharge and all measures proposed to be taken to prevent any recurrence; and
 - (4) The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.
- (C) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharge from notifying other entities as required by State or Federal regulations.

§ 98-321 INSPECTIONS AND MONITORING.

- (A) *Storm drainage system.* City of La Porte has the authority to periodically inspect the storm drainage system, whether publicly or privately owned, to detect and eliminate illicit connections and discharges into the system. The inspection may include a screening of discharges from outfalls connected to the system to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.
- (B) *Potential polluters.* If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the City of La Porte may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the City of La Porte properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The City of La Porte or its properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.
- (C) *Land-disturbing activities.* Following the final completion of construction and the receipt of as-built drawings, the City of La Porte has the authority to inspect sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this Ordinance.

§ 98-322 ENFORCEMENT.

Identified illicit connections or discharges shall be subject to enforcement action as described in Division 7 Enforcement

§ 98-323 – 98-325 RESERVED.

DIVISION 3. STORMWATER QUANTITY MANAGEMENT

§ 98-326 APPLICABILITY AND EXEMPTIONS.

- (A) *Applicability.* The storage and controlled release rate of excess stormwater runoff shall be required for any land-disturbing activities located within the City of La Porte if soil disturbance greater than or equal to one acre is proposed and operations that result in the land disturbance of less than 1 acre of total land area that are part of a larger common plan of development or sale.
- (B) *Exemptions for detention requirements.* Detention will not be required for the following:
- (1) Land alterations for the construction, enlargement, or location (on a permanent foundation) of a one-family dwelling, two-family dwelling, or accessory structure appurtenant to either a one- or two- family dwelling; notwithstanding the requirements for an individual lot plot plan permit in this Ordinance.
 - (3) Land-disturbing activities where there will be no additional impervious surfaces associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility installation/maintenance activities.
 - (4) Notwithstanding the provisions of §98-327 those site developments where the stormwater management system has been designed such that:
 - (a) After combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developing site during the two-, ten-, and 100-year storm events; and
 - (b) The volume of runoff for each project site outlet has not been increased for the two-, ten- and 100-year storm events; and
 - (c) The flow width and velocity at the property boundary line of each sub-basin is less than or equal to that flow width and velocity which existed prior to the development for the two-, ten-, and 100-year storm events.

§ 98-327 POLICY ON STORMWATER QUANTITY MANAGEMENT.

- (A) *Detention Policy.* It is recognized that most streams and drainage channels serving the City of La Porte do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and controlled release of excess stormwater runoff shall be required for all land-disturbing activities located within the City of La Porte.

(B) *Floodplain Storage Policy*. Refer to the City’s Flood Hazard Ordinance for requirements. In addition, all detention areas and stormwater management systems must be protected from the base flood elevation.

§ 98-328 STORMWATER QUANTITY REQUIREMENTS.

(A) *General release rates*.

(1) In general, the post-development release rates are as follows:

(a) Properties that are currently undeveloped (green space or agricultural fields), the post-development release rate is as follows.

- Up to and including the 10-year return period storm may not exceed 0.1 cubic feet per second per acre of development, and
- The 11 through 100-year return period storms shall not exceed 0.3 cubic feet per second per acre of development.

(b) Properties that are to be redeveloped, the post-developed release rate is as follows:

- Up to and including the 10-year return period storm may not exceed 0.2 cubic feet per second per acre of development, and
- The 11 through 100-year return period storms shall not exceed 0.4 cubic feet per second per acre of development.

(c) Properties that adjoin a lake will be considered for alternate release rates on a case by case basis. In all instances, post-construction water quality treatment requirements will apply prior to discharge to a lake.

(d) The minimum orifice size for detention control structures shall be 4 inches. When the orifice size is the limiting factor, release rate and storage volume may be increased to the 4-inch condition.

(2) In no instance shall the post-developed runoff exceed the pre-developed runoff in the 2-year, 10-year, or 100-year peak design storms.

(3) For sites where the pre-developed area has more than 1 outlet, the release rate should be computed based on pre-developed discharge to each outlet point. The computed release rate for each outlet point shall not be exceeded at the respective outlet point even if the post developed conditions would involve a different arrangement of outlet points.

(B) *Site-specific release rates for sites with depressional storage*.

(1) For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodology described in the City of La Porte Stormwater Technical Standards Manual, accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that stormwater can currently overflow the depressional storage area. Post-developed release rate for sites with depressional storage shall be the two-year pre-developed peak runoff rate for the post-developed ten-year storm and ten-year pre-developed peak runoff rate for the post-developed 100-year storm. In no case shall the calculated site-specific release rates be

larger than general release rates provided above.

- (2) Also note that for determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the City of La Porte can be assured, through dedicated easement, that the noted storage will be preserved in perpetuity.

(C) *Management of off-site runoff.*

- (1) Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility without attenuation. Such runoff may also be bypassed through the detention/retention facility without attenuation, provided that a separate outlet system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a detention facility. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of primary outlet structure and the invert elevation of the emergency overflow weir are determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.
- (2) Note that the efficiency of the detention/retention facility controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As a general guidance, on-line detention may not be effective in controlling on-site runoff where the ration of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for on-site area) may be required by the City of La Porte when the ratio of off-site area to on-site area is larger than 5:1.

(D) *Downstream restrictions and Adequate Outlet.*

- (1) In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the City of La Porte, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or watercourses. When such downstream restrictions are suspected, the City of La Porte may require additional analysis to determine the receiving system's limiting downstream capacity.
- (2) If the proposed development makes up only a portion of the undeveloped watershed upstream of the limiting restriction, the allowable release rate for the development shall be in direct proportion to the ratio of its drainage area to the drainage area of the entire watershed upstream of the restriction.

(E) *Direct Release Provisions*

- (1) Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity and quality management systems within a watershed, it is the policy of the City of La Porte to discourage direct release of runoff from land-disturbing activities without providing detention. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream adopted by the City of La Porte (not a "beat the peak" analysis) substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in this Ordinance may be waived.

- (2) Proposed development or redevelopment located adjacent to a lake will be considered for alternate release rates, upon approval by the City of La Porte.
- (3) Other special circumstances when such a waiver may be considered by the City of La Porte include situations where the design of a regional pond has already taken into account the provision of direct release in certain areas in the watershed or when the subject development is immediately next to a major stream that has a larger than 100 square mile drainage area.

(F) *Grading and building pad elevations.*

- (1) Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 15 inches above finished grade and a minimum of 15 inches above an adjacent road elevation unless a written variance is granted by the City of La Porte.
- (2) Refer to the City's Flood Hazard Ordinance for additional requirements for, lowest adjacent grade, flood protection grade and freeboard above the base flood elevation.
- (3) The Lowest adjacent grade for residential, commercial, or industrial buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the flooding source's 100-yr flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding is a rear-yard swale, the lowest adjacent grade for residential, commercial, or industrial buildings shall have two feet of freeboard above the 100-year flood elevation under proposed conditions or be separated by a minimum distance of 50 feet from the proposed-condition 100-year flood boundary.
- (4) For areas outside a FEMA or IDNR designated floodplain, the lowest adjacent grade (including walkout basement floor elevation) for all residential, commercial, or industrial buildings adjacent to ponds shall be set a minimum of two feet above the 100-year pond elevation or two feet above the emergency overflow weir elevation, whichever is higher. In addition to the lowest adjacent grade requirements, any basement floor must be at least a foot above the permanent water level (normal pool elevation).
- (5) The 100-year flow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 30 feet along the centerline of the flow path contained within permanent drainage easements. No fences or landscaping can be constructed within the easement areas that may impede the free flow of stormwater. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by the homeowner's association. The lowest adjacent grade for all residential, commercial, or industrial buildings shall be set a minimum of 1 foot above the noted overflow path/ponding elevation.

(G) *Acceptable outlet and adjoining property impacts policies.*

- (1) Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to be acceptable outlet(s) (as determined by the City of La Porte) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural watercourse (as determined by the City of La Porte) shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be

incorporated into the proposed stormwater drainage system or tied to an acceptable outlet.

- (2) Where the outfall from the stormwater drainage system of any development flows through real estate owned by others prior to reaching a regulated drain or watercourse, no acceptance shall be granted for such drainage system until all owners of real estate crossed by the outfall consent in writing to the use of their real estate through a recorded easement. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property. If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include, but are not limited to, extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural watercourses, and the removal or replacement of undersized culvert pipes as required by the City of La Porte.

§ 98-329 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

- (A) The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the City of La Porte Stormwater Technical Standards Manual.

§ 98-330 DRAINAGE EASEMENT REQUIREMENTS.

- (A) There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise approved by the City of La Porte. No fences or landscaping can be constructed within the easement areas that may impede the free flow of stormwater.
- (B) All stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenance, located outside of the right-of-way may be incorporated into the City's system at the discretion of the City of La Porte. The developer shall petition to incorporate the storm system into the City of La Porte's system. The SWPPP Approval shall not be issued until such petition is submitted in a form accepted by the City of La Porte.
 - (1) The following specific areas shall be included in a petition:
 - (a) All new channels, subsurface drains, piping, tubing, tiles, manholes, inlets, catch basins, risers inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this Ordinance, that are installed in subdivisions requiring a SWPPP Approval from the City of La Porte may be petitioned to become incorporated into the City of La Porte's system upon completion, proper inspection, and acceptance by the City of La Porte.
 - (b) New drain tile or pipe, 12-inch or greater in diameter, shall be placed in a minimum 30-foot easement (fifteen feet from centerline on each side) and shall be designated on the record plat as 30-foot drain easement. Wider easements may be required by the City of La Porte when the depth of pipe is greater than six feet, depending on the pipe size.
 - (c) A minimum of 25 feet from top of the bank on each side of a new channel shall be designated on the record plat as a drainage easement.
 - (d) Rear-yard swales and emergency overflow paths associated with detention ponds shall

have a minimum of 30 feet width (15 feet from centerline on each side) needs to be designated as drainage easement.

- (e) A minimum of 30 feet beyond the actual footprint (top of the bank) of stormwater detention facilities, or from the normal pool if no top of bank is present, shall be designated as drainage easement. A minimum 20-foot width easement shall also be required as access easement unless the pond is immediately next to a public right-of-way.

(Ord. 2004-12, passed 1-5-2005)

§ 98-331 PLACEMENT OF UTILITIES.

No utility company may disturb existing storm drainage facilities without the consent of the City of La Porte, whose decision may be appealed to the City of La Porte City Council. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in the enforcement section of this ordinance.

§ 98-332 STRUCTURES NEAR REGULATED DRAINS.

For regulated drains not located in platted subdivisions, unless otherwise accepted by the City of La Porte, no permanent structures (including fences) shall be erected within 75 feet measured at right angles from:

- (A) The existing top edge of each bank of a regulated open drain, as determined by the City of La Porte; or
- (B) The center line of a tiled regulated drain.

§ 98-333 REVIEW PROCESS AND APPROVAL.

- (A) Design plans, technical information, and calculations shall be submitted per the submittal process described in Division 6, SWPPP Approval Process.
- (B) It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater quantity measures in compliance with this Ordinance, the approved plans, and CSGP.

§ 98-334 INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

(A) Inspection by the City of La Porte.

- (1) After the issuance of the SWPPP Approval by the City of La Porte and the commencement of construction activities, the City of La Porte has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Ordinance, City of La Porte Stormwater Technical Standards Manual, CSGP, and conditions of the SWPPP Approval.
- (2) The City of La Porte has the authority to perform or require inspections of all public or privately owned stormwater facilities and BMPs.

(B) Owner operation and maintenance.

- (1) An operation and maintenance manual (O&M Manual) shall be prepared and submitted

for approval by the City and must include requirements included in the City of La Porte Stormwater Technical Standards Manual.

- (2) Following construction completion, the operation, maintenance, and inspection of stormwater quantity measure(s) shall be the long-term responsibility of the owner of the stormwater quantity measure(s).
 - (3) Stormwater quantity facilities shall be maintained in good condition, in accordance with operation and maintenance manual approved under the SWPPP Approval, and shall not be subsequently altered, revised, or replaced without the approval of the City of La Porte.
 - (4) The owner of stormwater quantity facilities shall be responsible for inspections that evaluate physical conditions, available storage capacity, and the operational condition of the stormwater quantity measure in accordance with the operation and maintenance manual. The owner must conduct necessary inspections at least once per year. The inspections shall follow the operation and maintenance procedures listed in the *Indiana Stormwater Quality Manual* and/or the approved O&M Manual. Inspection requirements of the O&M Manual shall not be altered without approval from the City of La Porte.
 - (5) If deficiencies are found during an inspection by the City of La Porte, the owner of the facility will be notified by City of La Porte and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the City of La Porte will undertake the work and collect from the owner using lien rights, if necessary.
- (C) Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final SWPPP Approval is granted. Stormwater detention/retention basins may be donated to the City of La Porte or other unit of government designated by the City of La Porte, for ownership and permanent maintenance providing the City of La Porte or other governmental unit is willing to accept responsibility.
- (D) Inspection reports and documentation records must be maintained by the owner for a period of 5 years and produced upon request by City of La Porte personnel within 48 hours of the request.

§ 98-335 – 98-340 RESERVED.

DIVISION 4. STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

§ 98-341 APPLICABILITY AND EXEMPTIONS.

(A) Applicability.

- a. This section applies to land disturbances within the City of La Porte with a projected land disturbance of 1 acre or more, and operations that result in the land disturbance of less than 1 acre of total land area that are part of a larger common plan of development or sale. §98-343 provides guidelines for calculating land

disturbance and additional descriptions of construction activities.

- b. Land disturbances that are less than 1 acre must implement SWPPP practices in accordance with §98-342 below.
- c. Individual residential lots must comply with §98-342 below.

(B) *Exemptions.* The requirements under this Ordinance do not apply to the following activities, provided other applicable State permits contain provisions requiring immediate implementation of soil erosion control measures.

- (1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations to produce agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.
- (2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
- (3) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
- (4) Ditch maintenance for activities performed on a regulated drain by a County drainage board as defined in this Ordinance and IC 36-9-27.
- (5) The land-disturbing activities listed below, provided other applicable permits contain provisions requiring immediate implementation of erosion and sediment control measures and stormwater management measures:
 - (a) Landfills that have been issued a certification of closure under 329 IAC 10.
 - (b) Coal mining activities permitted under IC 14-34.
 - (c) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(C) *Discharges authorized by this Ordinance.* This Ordinance authorizes the following discharges to waters of the State:

- (1) Stormwater, including stormwater run-off, snowmelt run-off, and surface run-off and drainage, associated with construction activity (40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i)).
- (2) Stormwater discharges designated by IDEM as needing to obtain coverage under the CSGP (40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii)).
- (3) Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided the support activity is directly related to the construction site required to have permit coverage for stormwater discharges, and:
 - (a) The support activity is not a commercial/industrial operation, nor does it serve multiple unrelated construction projects.

- (b) The support activity does not continue to operate beyond the completion of the construction activity for the project it supports; and
 - (c) Stormwater measures are implemented in accordance with the stormwater pollution prevention plan, performance standards, and the CSGP.
- (4) Non-stormwater discharges or flows provided they are not identified by IDEM as significant sources of pollutants to waters of the State, including, but not limited to:
- (a) Emergency fire-fighting water.
 - (b) Fire hydrant flushing water.
 - (c) Landscape irrigation water.
 - (d) Water line flushing.
 - (e) Routine external building washdown water that does not use detergents.
 - (f) Water used to wash vehicles and equipment that does not contain soaps, solvents, or detergents.
 - (g) Uncontaminated, non-turbid discharges of groundwater or spring water.
 - (h) Foundation or crawl space footing drainage where flows are not contaminated with process materials such as solvents or contaminated groundwater.
 - (i) Uncontaminated condensate from air conditioning units, coolers, and other compressors and from outside refrigerated gases or liquids.
 - (j) Construction dewatering water that has been treated by an appropriate stormwater quality measure or series of measures provided other contaminants are not present.
- (D) *Discharges not authorized by this Ordinance.* The following discharges from construction activities are not authorized by this Ordinance:
- (1) Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.
 - (2) Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.
 - (3) Discharges of concrete or mortar wash water from concrete washout activities or release from containment systems.
 - (4) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.
 - (5) Soaps, detergents, or solvents used in vehicle and equipment washing.
 - (6) Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.

(E) City of La Porte projects shall be exempt from obtaining building permits but are expected to meet all applicable construction and post-constructions requirements of this Ordinance and the City of La Porte Stormwater Technical Standards Manual.

(F) *Waivers and Special Conditions.*

- (1) The Board has the authority to modify, grant exemptions, and/or waive certain requirements of this Ordinance and the City of La Porte Stormwater Technical Standards Manual. Exceptions may be considered where standards of engineering practice cannot be substantially met because the site constraints make it physically impossible, including such constraints within the historic district (Zoning Districts CB-P and CB-S). A pre-submittal meeting with the Board may be requested by the applicant to discuss the applicability of various provisions of the ordinance and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the Board that may be based on the review of more detailed information and plans.
- (2) Discharges are conditionally authorized for land-disturbing activities that are subject to this Ordinance but are considered an emergency. Emergency activities include any work which requires immediate implementation to avoid imminent endangerment to human health, public safety, or the environment, or to re-establish essential public services.
- (3) Procedures for obtaining an emergency condition authorization, require the applicant to:
 - (a) Submit a preliminary notification of the emergency to IDEM and City of La Porte within 24 hours or next business day of initiating land disturbance.
 - (b) Develop a SWPPP that specifically addresses the operations associated with the emergency. The submittal of the plan is not required.
 - (c) Submit a complete NOI within 30 calendar days after commencing land-disturbing activities to IDEM and the City of La Porte establishing eligibility under CSGP.

§ 98-342 MINIMUM SWPPP REQUIREMENTS

- (A) Land disturbances which are less than one (1) acre shall implement SWPPP practices that at a minimum includes the following. Upon request, submit a SWPPP to the City for review:
- (1) Installation and maintenance of appropriate perimeter control measures. These measures are to be installed prior to land disturbance and maintained until bare soils are permanently stabilized to at least seventy percent (70%) density of permanent perennial vegetated cover. Maintain existing vegetation when possible.
 - (2) Installation of a temporary construction entrance/drive. Minimize sediment and soil discharge and tracking from the disturbed area. Clean-up sediment that is either tracked or washed on to roads or into stormwater conveyances (sewers, ditches, waterways, storm inlets, and the like). Cleaning surfaces shall not include flushing the area with water. Cleared sediment and soil must be collected and redistributed or disposed of in a manner that is compliant with all applicable statutes and rules.
 - (3) Establish a concrete washout area to contain residual concrete and washout waters. Water collected from washout that does not harden or evaporate must be handled as wastewater.

- (4) Bare soils are to be stabilized in areas where work is complete, or where bare soils are to be inactive for more than seven (7) days. Utilize soil stabilization measures that are appropriate for the season.
 - (5) Adjacent areas disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - (6) Install inlet protection at all stormwater inlets that receive runoff from disturbed areas. For inlets within a road or driving lane, inlet protection must be installed below the grate with an overflow or bypass so that ponding water does not cause unsafe driving conditions.
 - (7) Where construction disturbs surfaces greater than 3H:1V slope or in areas of concentrated flow, establish permanent vegetation with erosion control blanket and seeding.
- (B) Individual residential lots with land disturbance less than 1 acre that are developed within a larger permitted project site, shall follow the SWPPP for the overall development. Upon request by the City, submit the following information if the overall development is not covered by an active CSGP.
- (a) A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales. Building elevations and grading of the lot shall align with the grading and drainage plans for the overall development.
 - (b) SWPPP plan that, at a minimum, includes the items listed in §98-342 (A) above and the following:
 - 1) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - 2) Self-monitoring program including plan and procedures,
 - (c) Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.
 - (d) The individual lot operator is responsible for installation and maintenance of all SWPPP control measures until the site is stabilized.
- (C) Individual residential lots with land disturbance greater than 1 acre must complete the following:
- (a) Prepare a SWPPP according to Sections 3.8 and 3.9 of the CSGP.
 - (b) Division 3 and Division 5 of this Ordinance do not apply for stormwater detention and water quality treatment.
 - (c) Submit for a SWPPP Approval according to Division 6 of this Ordinance.
 - (d) Submit to IDEM for a CSGP and close out the permit with a NOT upon completion of the project.

§ 98-343 POLICY ON STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES.

- (A) Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling.
- (B) All CSGP permittees shall manage stormwater discharges as necessary to meet the narrative water quality criteria (327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and (b)(1)(A-D)) for any discharge authorized by this Ordinance and CSGP, with compliance required upon beginning such a discharge. For stormwater discharges, the use of stormwater management measures and planning principles is expected to achieve the control necessary to meet water quality criteria.
- (C) The SWPPP will serve as a guideline for stormwater management but should not be interpreted to be the only basis for implementation of stormwater measures for a project site. The CSGP permittee is responsible for implementing all measures necessary to comply with the provisions of this Ordinance and the CSGP.
- (D) All stormwater management measures, including erosion and sediment control measures and post-construction measures, shall be implemented in accordance with this Ordinance, the City of La Porte Stormwater Technical Standards Manual, the terms and conditions of the issued SWPPP Approval, and CSGP.

§ 98-344 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

- (A) In calculating the total area of land disturbance, for the purposes of determining applicability of this Ordinance to the project, the following guidelines should be used:
 - (1) Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
 - (2) Strip developments will be considered as one project site and must comply with this Ordinance unless the total combined disturbance on all individual lots is less than one acre and is not part of a larger common plan of development or sale.
 - (3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - (a) For a single-family residential project site where the lots are on-half acre or more, one-half acre of land disturbance must be used as the expected lot disturbance.
 - (b) For a single-family residential project site where the lots are less than one-half acre in size, the total lot must be calculated as being disturbed.
 - (c) To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one acre in size, in

which case the total lot must be calculated as being disturbed.

- (B) The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the *Indiana Stormwater Quality Manual* and the City of La Porte Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of CSGP.

§ 98-345 REVIEW PROCESS AND APPROVAL.

- (A) Design plans, technical information, and the construction SWPPP shall be submitted per the submittal process in Division 6, SWPPP Approval Process. The construction SWPPP shall include the requirements identified in the City of La Porte Stormwater Technical Standards Manual.
- (B) It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater measures in compliance with this Ordinance, the City of La Porte Stormwater Technical Standards Manual, the terms and conditions of the issued SWPPP Approval, and CSGP.

§ 98-346 INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

- (A) Following issuance of the SWPPP Approval by the City of La Porte and commencement of construction activities, the City of La Porte has the authority to conduct inspections of the site to ensure full compliance with this Ordinance, the Standards, the terms and conditions of the issued SWPPP Approval, and CSGP.
- (B) A self-monitoring program shall be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively in accordance with the CSGP. At a minimum, the self-monitoring program shall meet the requirements in the City of La Porte Stormwater Technical Standards Manual.
- (C) Although self-monitoring reports do not need to be submitted to City of La Porte, the City of La Porte has the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention measures. All evaluation reports for the project site must be made available to City of La Porte, in an organized fashion, within 48 hours upon request.

§ 98-347 – 98-350 RESERVED.

DIVISION 5. STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

§ 98-351 APPLICABILITY AND EXEMPTIONS.

- (A) Projects subject to this section are the same per the applicability and exemption criteria for construction sites described in § 98-341.
- (B) Additional exemptions under this section includes:
 - (1) Land-disturbing activities where there will be no additional impervious surfaces associated with the final completed project, including but not limited to, ditch

construction/reconstruction and utility installation/maintenance activities.

- (2) Single-family residential strip development offered for sale or lease without land improvements and the project is not part of a larger common plan of development or sale.
- (3) Residential developments consisting of 4 or fewer lots of developments where the proposed impervious surfaces are 10% or less of the project acreage. Impervious is determined by the sum of all infrastructure (roads, paths, parking, etc.) and the average projects hard surfaces associated with all building lots within the project.
- (4) Single-family residential strip development offered for sale or lease without land improvements, and the project is not part of a larger common plan of development or sale.

§ 98-352 POLICY ON STORMWATER QUALITY MANAGEMENT

- (A) Developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in La Porte, measures must be taken to promote runoff volume reduction, infiltrate stormwater into the ground and intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers and wetlands. Using BMPS, harmful amounts of sediment, nutrients, and contaminants will be removed from stormwater runoff.
- (B) Stormwater quality measures are incorporated as a permanent feature into construction projects and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. The following will be implemented as a minimum:
 - (1) The control of stormwater quality will be based on the management of Total Suspended Solids (TSS). The City of La Porte requires a minimum of 80% removal of TSS including floatables without resuspension. TSS is defined as particles smaller than 125 microns in diameter.
 - (2) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.
 - (3) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.
 - (4) Discharges from land-disturbing activities will not be allowed directly into karst features without pre-treatment.
 - (5) Outfalls must be designed to reduce outfall scouring and bank erosion.

§ 98-353 CALCULATIONS, DESIGN STANDARDS AND SPECIFICATIONS.

- (A) Calculation of land disturbance should follow the guidelines discussed in the City of La Porte Stormwater Technical Standards Manual.
- (B) The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications

outlined in the *Indiana Stormwater Quality Manual* or the City of La Porte Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's CSGP and MS4GP.

- (C) A pre-approved list of BMP(s) is specified in the City of La Porte Stormwater Technical Standards Manual. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the City of La Porte Stormwater Technical Standards Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the City of La Porte Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provide in the City of La Porte Stormwater Technical Standards Manual.

§ 98-354 EASEMENT REQUIREMENTS.

All stormwater quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements with a paved access easement to the BMP.

§ 98-355 REVIEW PROCESS AND APPROVAL.

- (A) Design plans, technical information, and the SWPPP with post-construction stormwater quality measures shall be submitted per the submittal process in Division 6, SWPPP Approval Process. The post-construction SWPPP shall include the requirements identified in the City of La Porte Stormwater Technical Standards Manual.
- (B) It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs in compliance with this Ordinance, the City of La Porte Stormwater Technical Standards Manual, the terms and conditions of the issued SWPPP Approval, and CSGP.

§ 98-356 INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

(A) *Inspection by the City of La Porte.*

- (1) After the issuance of the SWPPP Approval by the City of La Porte and the commencement of construction activities, the City of La Porte has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Ordinance, the Stormwater Technical Standards, and the terms and conditions of the CSGP.
- (2) The City of La Porte has the authority to perform or require inspections of all public or privately owned stormwater quality facilities.

(B) *Owner operation and maintenance.*

- (1) An O&M Manual shall be prepared and submitted for approval in accordance with this Ordinance and must include requirements included in the City of La Porte Stormwater Technical Standards Manual.
- (2) Following construction completion, the operation, maintenance, and inspection of

stormwater quality BMPs shall be the long-term responsibility of the owner of the stormwater quality BMP.

- (3) Stormwater quality facilities shall be maintained in good condition, in accordance with operation and maintenance manual approved under the SWPPP Approval, and shall not be subsequently altered, revised or replaced without the approval of the City of La Porte.
 - (4) The owner of stormwater quality facilities shall be responsible for inspections that evaluate physical conditions, available treatment capacity, and the operational condition of the stormwater quality BMP(s) in accordance with the O&M Manual. Requirements of the O&M Manual shall not be altered without approval from the City of La Porte.
 - (5) If deficiencies are found during an inspection by the City of La Porte, the owner of the facility will be notified by City of La Porte and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the City of La Porte will undertake the work and collect from the owner using lien rights if necessary.
- (C) Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final SWPPP Approval is granted. Stormwater detention/retention basins may be donated to the City of La Porte or other unit of government designated by the City of La Porte, for ownership and permanent maintenance providing the City of La Porte or other governmental unit is willing to accept responsibility.
- (D) Inspection reports and documentation records must be maintained by the owner for a period of 5 years and produced upon request by City of La Porte personnel within forty-eight (48) hours of the request.

§ 98-357 – 98-360 RESERVED.

DIVISION 6. SWPPP APPROVAL PROCESS

§ 98-361 APPLICABILITY AND EXEMPTIONS.

This section applies to all land-disturbing activities that are subject to this Ordinance as specified in Divisions 3, 4 and 5 of this ordinance. All developers and property owners proposing land disturbing activities that require City approval shall follow the requirements in this section.

§ 98-362 SWPPP APPROVAL PROCEDURES.

It will be the responsibility of the project site owner to ensure that a sufficient construction plan and associated documents are submitted to City of La Porte, Wastewater and Stormwater Department in accordance with this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify the City of La Porte with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all

persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this Ordinance.

- (A) No building permit shall be issued and no land disturbance started for any land disturbing activity until the plans for such construction have been accepted in writing by the City of La Porte, Wastewater and Stormwater Department.
- (B) All submittals for SWPPP Approval shall follow the requirements and procedures in this section and in the City of La Porte Stormwater Technical Standards Manual in order to obtain a SWPPP Approval by the City of La Porte.
- (C) *Submittal for SWPPP Approval.* The project site owner shall submit for SWPPP Approval to the City of La Porte prior to the initiation of any land-disturbing activities. The submittal will include the following:
 - (1) Digital copy construction plan sheets depicting the existing and proposed conditions. Construction plans shall include the information in the Stormwater Technical Standards. Hard copy construction plan sheets (not to exceed 24 inches by 36 inches in size) shall be submitted to the City of La Porte upon request.
 - (2) Stormwater Drainage Technical Report that includes the information in the Stormwater Technical Standards.
 - (3) A hydrologic/hydraulic analysis, consistent with the methodologies and calculation included in the Stormwater Technical Standards, and including the following information:
 - a) Construction Site SWPPP that is designed at a minimum to meet the requirements of this Ordinance and include the information in the Stormwater Technical Standards.
 - b) Post-Construction SWPPP that meets at least the minimum requirements of this Ordinance and include the information in the Stormwater Technical Standards.
 - c) Operation and Maintenance Manual is required for stormwater quantity and/or quality and low impact development measures and must at a minimum meet the requirements of this Ordinance and the manual must include the information in the Stormwater Technical Standards.
- (D) In the event that a project site is determined to impact or discharge to a sensitive area, be located in an impact drainage area, or determined to be a priority site for construction site inspections, the City of La Porte may require more stringent stormwater quantity and quality measures than detailed in this Ordinance, the Stormwater Technical Standards Manual, or the *Indiana Stormwater Quality Manual*.
 - (1) Sensitive Areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. A listing of highly erodible soils, outstanding water, impaired water, recreation water and surface drinking water sources can be found in the Stormwater Technical Standards Manual. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the SWPPP Approval.
 - (2) Priority sites may be based on the nature and extent of the construction activity,

topography, threat to the degradation of water quality, characteristics of soils, complaints, and other factors as determined by MS4 priorities.

(3) The City of La Porte is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the City of La Porte shall consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility. The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the City of La Porte.

- a) A floodway or floodplain as designated by the most updated City of La Porte Code dealing with floodplain regulation.
- b) Land within 75 feet of each bank of any ditch within the City of La Porte's system.
- c) Land within 75 feet of the centerline of any drain tile or enclosed conduit within the City of La Porte's system.
- d) Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the City of La Porte. Special terms and conditions for development within any Impact Drainage Area shall be included in the SWPPP Approval.

(E) *Plan Review.* After the City of La Porte receives the submittal, a preliminary determination will be made whether the submittal is substantially complete within 10 days (for projects at least 1 acre but less than 5 acres) or within 14 days (for projects greater than or equal to 5 acres). If the submittal is deemed insufficient, additional information will be requested by the City of La Porte. Once the submittal is deemed sufficient, the following actions will take place for review of the submittal.

- (1) Review will be conducted by the City of La Porte, Wastewater and Stormwater Department and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. Once all comments have been addressed and review completed, the City will either accept the project or request modifications. Once all modifications have been made the City of La Porte will issue a SWPPP Approval.
- (2) Variances or special requests by the applicant will be reviewed internally by the Wastewater and Stormwater Department or may be placed on the agenda of the next scheduled meeting of the Board of Public Works.
- (3) The applicant may not submit the NOI to IDEM or commence land-disturbing activities until the SWPPP Approval is issued. The initiation of construction activity following prior to issuance of the SWPPP Approval is a violation and subject to enforcement action. Upon submittal of the NOI, the applicant shall submit the IDEM Notice of Sufficiency (NOS) to the City of La Porte and notify the City of La Porte of the start date for construction at least 48 hours in advance of construction.

§ 98-363 REQUIREMENTS FOR APPROVED CONSTRUCTION SITES.

(A) *Required performance assurances.*

- (1) As a condition of the SWPPP Approval, the City of La Porte shall require the applicant to provide assurance in the form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted, all applicable fees paid, and before

construction begins.

- (2) Said assurance will guarantee a good faith execution of all plans included in the submittal and any approved conditions.
- (3) The assurance shall be for an amount equal to 120% of the total costs of all stormwater management measures for the entire project. The above-mentioned costs shall be based on an estimate as prepared by a professional engineer or land surveyor registered in the State of Indiana. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality measures, as regulated under this section, until the construction is completed, site is stabilized, and as-built plans are accepted by the City. Assurances shall be for a minimum of \$5,000. Local governmental jurisdictions may require additional performance and/or maintenance assurances.
- (4) The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

(B) *Projects under construction.* Once land-disturbing activities commence, the project owner shall:

- (1) Monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the CSGP. Requirements for a self-monitoring program and other activities for active construction sites are included in the City of La Porte Stormwater Technical Standards Manual.
- (2) Be responsible for compliance with this Ordinance and the CSGP during construction activities and implementation of the terms and conditions provided in the SWPPP Approval submittal.
- (3) Provide the City of La Porte documentation of informing or training the personnel associated with the project concerning the requirements of the SWPPP.
- (4) Maintain documents and recordkeeping at the project site per the CSGP and the City of La Porte Stormwater Technical Standards Manual.

§ 98-364 APPROVAL PROCEDURES FOR INDIVIDUAL RESIDENTIAL LOTS.

For an individual residential lot where land disturbance is expected to be one acre or more, the individual lot owner must complete their own notice of intent letter, apply for SWPPP Approval from the City of La Porte, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Division 6 of this Ordinance; regardless of whether the individual lot is part of a larger permitted project site.

§ 98-365 CHANGES TO PLANS.

Any changes or deviations in the detailed plans and specifications after issuance of the applicable SWPPP Approval shall be filed with, and accepted by, the City of La Porte prior to the land

development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

§ 98-366 FEE STRUCTURE.

- (A) As a condition of the submittal and the review of development plans by the City of La Porte, the applicant shall agree to pay the City of La Porte the applicable fees included below:
 - (1) Refer to Fee Ordinance for review and inspection fee structure.
 - (2) The City may contract with a engineering reviewer when technical review is required. Technical review fees shall be the responsibility of the applicant and shall be paid in full at the end of the plan review process. Technical plan review will be billed to the applicant according to the plan reviewer’s current hourly rate. Plan review fees shall be made payable to the City of La Porte.
- (B) After the meeting at which the City of La Porte is scheduled to consider acceptance of the applicant’s final stormwater management plan, the City of La Porte will furnish a written statement to the applicant specifying the total amount due the City of La Porte in connection with the review of the applicant’s submittals, plans and accompanying information and data, including the amount required to be paid by applicant for review and pre-paid inspection fees.
- (C) As a condition of acceptance by the City of La Porte, applicant shall pay to the City of La Porte the plan review and inspection fees. The City of La Porte may issue a billing statement before the project advances to the final acceptance stage, and such payment is due by applicant upon receipt of said billing statement regardless of whether the project is advanced to the final acceptance stage.
- (D) The City of La Porte shall have the right to not accept the drainage improvements or to not accept the advancement of any project for which the applicable fees have not been paid.

§ 98-367 TERMS AND CONDITIONS OF SWPPP APPROVAL.

- (A) In granting SWPPP Approval, the City of La Porte may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner is responsible for compliance with this Ordinance, the City of La Porte Stormwater Technical Standards Manual, the CSGP (as applicable), and these terms and conditions. Non-compliance with the terms and conditions of the SWPPP Approval will be subject to enforcement as described in Division 7 of this Ordinance.
- (B) The project site owner shall inform all general contractor, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the SWPPP Approval and the schedule for proposed implementation.
- (C) The project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance, the City of La Porte Stormwater Technical Standards Manual, and the terms and conditions of the CSGP (for construction sites 1 acre and greater).
- (D) Upon request, the project site owner shall provide the City of La Porte training documentation of the personnel associated with the project concerning the requirements of the SWPPP per the

- (B) The property owner, developer, or contractor shall be required to file a five-year maintenance bond or other acceptable guarantee with the City of La Porte, prior to acceptance, in an amount of 25% of the cost of the stormwater drainage system located outside the public road rights-of-way, and in a form satisfactory to the City's attorney in order to assure that such stormwater system installation was done according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was done in accordance with the accepted plans and this Ordinance. The bond or other acceptable guarantee shall be in effect for a period of five years after the date of the final project acceptance by the City of La Porte.
- (C) Deflection tests shall be performed on all flexible pipes after the final backfill has been in place at least 30 days. No pipe shall exceed a vertical deflection of 5%. Deflection testing shall be performed using a mandrel pulled by hand. The mandrel (go/no-go) device shall be cylindrical in shape and constructed with nine or ten evenly spaced arms or prongs. Any sewer not passing the mandrel shall be uncovered, replaced and retested.
- (D) The following are considered nonflexible pipes that do not require deflection tests:
- (1) Vitrified clay pipe.
 - (2) Concrete pipe.
 - (3) Ductile iron pipe.
 - (4) Cast iron pipe.
- (E) Visual recordings of all storm drainage conveyances shall be required before release of maintenance bonds. These visual recordings will be scheduled by the City of La Porte and paid for by the developer. Notices shall be provided to the City of La Porte within at least 60 days prior to the expiration date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the City of La Porte before maintenance bond would be recommended to be released.

§ 98-369 – 98-370 RESERVED.

DIVISION 7. ENFORCEMENT

§ 98-371 COMPLIANCE WITH THIS ORDINANCE.

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the Unified Development Ordinance is also necessary. Compliance with all applicable ordinances of City of La Porte, as well as, with applicable State statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the enforcement actions and penalties listed in this section.

§ 98-372 STOP WORK ORDER.

- (A) If land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted plans approved during review of the SWPPP Approval, the City of La Porte may

notify the project site owner in writing of the inadequacies.

- (B) If the inadequacies are not resolved 72 hours after receipt of the written notice, a written stop work order shall be issued and served on any person engaged in the doing or causing of such work to be done. Any such persons shall immediately stop such work until authorized by the City of La Porte to proceed with the work.
- (C) The City of La Porte may issue an immediate stop work order if there is a public health or safety hazard.
- (D) The City of La Porte may undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or the CSGP or to avoid or reduce the effects of noncompliance. The costs of any such protective measures shall be the responsibility of the project site owner and the responsibility of any person carrying out or participating in the work.

§ 98-373 FAILURE TO COMPLY OR COMPLETE.

In addition to any other remedies, should any owner fail to comply with the provisions of this Ordinance, the City of La Porte may, after giving notice and opportunity for compliance, have the City of La Porte or authorized representative complete necessary work. The project site owner shall be required to promptly reimburse the City of La Porte for all costs of such work.

§ 98-374 SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM.

- (A) *Suspension due to emergency situations.* The City of La Porte may, without prior notice, suspend storm drain system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drain system or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City of La Porte may take such steps as deemed necessary to prevent or minimize damage to the storm drain system or waters of the United States, or to minimize danger to persons.
- (B) *Suspension due to the detection of illicit discharge.* Any person discharging to the storm drain system in violation of this Ordinance may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The City of La Porte will notify a violator of the proposed termination of its MS4 access. The violator may petition the City of La Porte for a reconsideration and hearing.

§ 98-375 CORRECTIVE ACTION.

Nothing herein contained shall prevent the City of La Porte from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the storm drain system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the City of La Porte's NPDES permit, attorney fees, and other costs and expenses.

§ 98-376 APPEALS.

- (A) Any person to whom any provision of this Ordinance has been applied may appeal in writing,

not later than 30 days after the action or decision being appealed from, to the City of La Porte the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal.

- (B) The City of La Porte shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the City of La Porte may consider the recommendations of the City of La Porte and the comments of other persons having knowledge of the matter.
- (C) In considering any such appeal, the City of La Porte may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:
 - (1) The application of the provisions being appealed will present or cause practical difficulties for a development or development site; provided; however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the ordinance; and
 - (2) The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance, nor result in less effective management of stormwater runoff.

§ 98-377 PENALTY.

- (A) Any person found in violation of any provision of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$5,000 for a first offense, and a maximum of \$10,000 for a subsequent offense, plus costs, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.
- (B) Any person who aids or abets a person in violation of this Ordinance shall be subject to the penalties provided in this section.
- (C) For purposes of this section, “subsequent offense” means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.