

CITY OF FRANKFORT

CHAPTER 54: STORMWATER RUNOFF; CONSTRUCTION ACTIVITIES

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GENERAL PROVISIONS

54.01 PURPOSE.

(A) Construction Site Stormwater Control.

- (1) During construction, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitats for fish and other desirable species. Eroded soil also necessitates the repair of sewers, ditches, and streams. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitats. Construction activities have the potential for spills and to pollute stormwater runoff.
- (2) As a result, the purpose of this ordinance is to safeguard the citizens of the City of Frankfort, Indiana (City) and their property and to promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of development activity with the City that breaks the topsoil or results in the movement of earth.

(B) Post-Construction Stormwater Control.

- (1) Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates, runoff volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants. The City should control and minimize stormwater runoff, soil erosion, and nonpoint source pollution by regulating stormwater runoff from development sites.
- (2) The purpose of this chapter is to establish minimum stormwater management requirements and controls to provide reasonable guidance for the regulation of stormwater runoff to protect local water resources from degradation and to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City. This chapter seeks to meet that purpose by minimizing increases in stormwater runoff rates and volumes, erosion, and nonpoint source pollution caused by stormwater runoff, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained.

(Ord. CO-05-08, passed 10-24-04)

54.02 LEGAL AUTHORITY.

This chapter is adopted per statutory authority granted under code authorizing jurisdiction over storm systems and is required by 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 chapter regulates:

- (A) Stormwater drainage improvements located within the City boundaries.
- (B) Drainage control systems and pollution prevention practices installed during new construction and land-disturbing activities on lots and other parcels of land.

- (C) Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- (D) The design, construction, and maintenance of stormwater drainage facilities and systems.
- (E) The design, construction, and maintenance of stormwater quality facilities and systems.

54.03 DEFINITIONS.

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

AGRICULTURAL CONSERVATION PRACTICES. Means practices that are constructed on agricultural land to control soil erosion and sedimentation. These practices include, but are not limited to grass waterways, sediment basins, terraces, and grade stabilization structures.

APPLICANT. Means a property owner or agent of a property owner who has applied for MS4 Approval or an improvement location permit from the City.

BORROW AREA. Means areas where materials are excavated for use as fill.

BUSINESS DAY. Means Monday through Friday excluding holidays.

CERTIFIED PROFESSIONAL. Means an individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of state registration, or professional certification that enables the individual to make judgments regarding stormwater management, treatment, and design.

CONCRETE WASHOUT. Means the rinsing of chutes, hoppers, wheelbarrows, and hand tools that are used to handle concrete, mortar, stucco, grout, or other mixtures of cement. Concrete washout water is a wastewater slurry containing metals and is caustic or corrosive, having a high pH.

CONSTRUCTION ACTIVITY. Means 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. Means a stabilized stone surface at all points of ingress or egress to a project site to capture and detain sediment carried by tires of vehicles or other equipment entering or exiting the project site.

CONSTRUCTION STORMWATER GENERAL PERMIT (CSGP). Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP) regulates erosion and sediment control and pollution prevention practices on construction projects disturbing one (1) acre or more of land.

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

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

- 1) "Manmade stormwater conveyance system" meaning a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;

- 2) “Natural stormwater conveyance system” meaning the main channel of a natural stream and the flood-prone area adjacent to the main channel; or
- 3) “Restored stormwater conveyance system” meaning 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.

DEBRUSHING. Means controlling and removing woody vegetation with no or minimal disturbance of soil.

DEMOLITION. Means solid waste resulting from the demolition of buildings and other structures, including, but not limited to, wood, plaster, metals, asphaltic substances, bricks, blocks, and unsegregated concrete.

DEVELOPER. Means any person financially responsible for construction activity; or an owner of a property who sells or leases, or offers for sale or lease, any lots in a multiple-lot project.

DEWATERING. Means the act of draining rainwater and/or groundwater from excavations, stormwater measures, building foundations, vaults, and trenches.

DITCH MAINTENANCE. Means to restore a conveyance system to its originally constructed channel capacity and to perform the function for which it was originally constructed. Maintenance includes cleaning (removal of accumulated sediments, debrushing, and mowing), spraying, removing obstructions, and conducting minor repairs.

DOMESTIC WASTE. Means typical household trash, garbage, or rubbish.

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

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

EROSION AND SEDIMENT CONTROL SYSTEM. Means the use of appropriate erosion, run-off, and sediment control measures to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged.

FILTER STRIP. Means an area of undisturbed or planted vegetation used to retard or collect sediment for the protection of watercourses, reservoirs, or adjacent properties.

FLOATABLE. Means any solid or liquid that, due to its physical characteristics, will float on the surface of water. For this chapter, the term does not include naturally occurring floatables, such as leaves or tree limbs.

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

IDEM. Indiana Department of Environmental Management.

IMPAIRED WATER. Means any waterbody included on IDEM’s current 303(d) list.

IMPERVIOUS SURFACE. Means 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. Means a single parcel of land within a multi-parcel development.

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

INDIVIDUAL LOT OWNER. Means a person who has a financial interest in the construction activities for an individual lot.

INFEASIBLE. Means not technologically possible, or not economically practicable and achievable considering best industry practices.

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

INFILTRATION PRACTICES. Means any structural system designed to facilitate the percolation of runoff through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

LARGER COMMON PLAN OF DEVELOPMENT or SALE. Means 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 must be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its use.

MUNICIPAL SEPARATE STORM SEWER SYSTEM or MS4. Means a conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is:

- (1) owned or operated by a federal, state, city, town, county, district, association, or other public body (created by or per state law) having jurisdiction over stormwater, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into water of the state; or privately owned stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;
- (2) designed or used for collecting or conveying stormwater;
- (3) not a combined sewer; and
- (4) not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NATURAL BUFFER. Means an undisturbed area adjacent to or surrounding surface waters within which construction activity is restricted. A natural buffer may include natural vegetation, exposed rock, overflow channels, or barren earth that existed before land-disturbing activities.

NATURAL VEGETATION. Means vegetation that occurs spontaneously without regular management and/or maintenance. This definition also includes mitigation sites.

NON-STORMWATER DISCHARGES. Means 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.

PERMITTEE. Means the individual required to obtain a permit as defined by Project Site Owner

PHASING. Means sequential development of smaller portions of a large project site, stabilizing each portion before beginning land disturbance on subsequent portions, to minimize exposure of disturbed land to erosion.

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

PROJECT SITE OWNER/OPERATOR. Means the person required to submit the NOI letter and required to comply with the terms of this permit, including either of the following:

- (1) A developer.
- (2) A person or entity that has financial and operational control of construction activities and project plans and specifications, including the authority to approve the expenditure of funds and the ability to make modifications to plans and specifications.

REGULATORY AUTHORITY. Means the department or other entity designated by the department to administer this chapter or develop a local stormwater program. The definition as used in this chapter may also include local law enforcement.

RUN-OFF. Means water that originates during a precipitation event and flows over the land as surface water rather than infiltrating into the ground or evaporating.

RUN-ON. Means run-off that flows or is directed to a specific area on the project site that may result in run-off becoming comingled with pollutants.

SEDIMENT. Means 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.

SEDIMENTATION. Means the settling and accumulation of unconsolidated sediment carried by stormwater run-off.

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

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

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

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

STRIP DEVELOPMENT. Means 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.

STORMWATER POLLUTION PREVENTION PLAN. Means a plan developed to minimize the impact of stormwater pollutants resulting from construction activities.

STORMWATER QUALITY MEASURE. Means a practice, or a combination of practices, to control or minimize pollutants associated with stormwater run-off.

TRAINED INDIVIDUAL. Means 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 enables the individual to make judgments regarding stormwater management, treatment, and monitoring.

WATER QUALITY VOLUME (WQV). Means the volume of runoff generated by one inch of rainfall on a site.

WELLHEAD PROTECTION AREA. Having the meaning set forth at 327 IAC 8-4.1-1(27).

(Ord. CO-04-26, passed 11-22-04)

54.04 RESPONSIBILITY FOR ADMINISTRATION.

The City shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon authorized personnel have been delegated by the Mayor and the Utility Service Board to the Building Services Department and Wastewater and/or Sewer Maintenance Department.

54.05 SEVERABILITY.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

54.06 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated per this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will not be violations of NPDES permits.

54.07 DISCLAIMER OF LIABILITY.

- (A) The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific study methods. Larger storms or man-made or natural causes may alter stormwater runoff amounts or quality. This chapter does not imply that land uses permitted will be free from stormwater damage. This chapter shall not create liability on the part of the City or any officer, representative, or employee thereof, for any damage which may result from reliance on this chapter or on any administrative decision lawfully made there under.
- (B) This chapter is not intended to interfere with, abrogate, or annul any other chapter, rule, regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes

restrictions different from those imposed by any other chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

- (C) If the provisions of any section, subsection, paragraph, subdivision, or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this chapter.

54.08 STORMWATER STANDARDS ADOPTED.

The *City of Frankfort Stormwater Standards* (Stormwater Standards) document provides details for design criteria and information for construction and post-construction activities. The Stormwater Standards were originally adopted by the Common Council, City of Frankfort, Ordinance No. CO-04-26 on 10-25-2004. Revisions to the stormwater standards may be updated and expanded at the discretion of the Board of Public Works and Safety of the City.

54.09 APPLICABILITY AND EXEMPTIONS.

- (A) *Applicability.* This chapter applies to all land-disturbing activities within the City with a land disturbance greater than or equal to one acre, or disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land. This chapter also applies to fueling areas as described in § 54.30
- (B) *Exemptions.*
 - (1) The requirements under this chapter do not apply to the following activities:
 - (a) 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.
 - (b) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
 - (c) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
 - (d) Ditch maintenance for activities performed on a regulated drain by a county drainage board per IC 36-9-27.
 - (e) Construction of, or modifications to, single-family structures that are not a part of a larger common plan of development.
 - (2) The requirements of this chapter do not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control 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 under 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.

- (3) Any construction project which has had its final drainage plan approved by the City before the effective date of this chapter shall be exempt from all requirements of this chapter that are more than the requirements of chapters in effect at the time of approval.
- (C) *Discharges Authorized by this Chapter.* This chapter authorizes the following discharges to the 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 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 per the Stormwater Pollution Prevention Plan (SWPPP), Stormwater Standards, and the MS4 Approval.
 - (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 drainages 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 Chapter.* The following discharges from construction activities are not authorized by this chapter:
 - (1) Direct discharges into waters that are designated as an Outstanding National Resource Water defined at IC 13-11-2-149.5 or an Outstanding State Resource Water 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 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) *Waivers and Special Conditions.*
 - (1) Discharges are conditionally authorized for land-disturbing activities that are subject to this chapter but are considered an emergency. Emergency activities include any work that requires immediate implementation to avoid imminent endangerment to human health, public safety, or the environment, or to re-establish essential public services.
 - (2) Procedures for obtaining an emergency condition authorization, require the applicant to:
 - (a) Submit a preliminary notification of the emergency to IDEM and the City within twenty-four (24) hours or the next business day of initiating land disturbance.
 - (b) Develop a SWPPP that specifically addresses the operations associated with the emergency and submit it to the City.
 - (c) Submit a complete NOI within thirty (30) calendar days after commencing land-disturbing activities to IDEM and the City establishing eligibility under the CSGP.

(Ord. CO-04-26, passed 11-22-04; Am. Ord. 16-04, passed 5-23-16)

54.10 STORMWATER QUANTITY MANAGEMENT

Stormwater drainage, detention, and quantity management are under the jurisdiction of the Clinton County Surveyor.

54.11 – 54.19 RESERVED.

CONSTRUCTION STORMWATER MANAGEMENT

54.20 CONSTRUCTION STORMWATER CONTROL GENERAL REQUIREMENTS.

- (A) All property owners or developers shall implement the requirements of this chapter for construction activities within the City resulting in land disturbance greater than or equal to one (1) acre of land.
- (B) For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a part of the permitted project site when the activity is under the control of the project site owner.
- (C) The Construction Site Stormwater Pollution Prevention Plan (SWPPP) shall serve as a guideline for stormwater quality, but should not be interpreted as the only basis for implementation of stormwater measures for a project site. The project site owner is responsible for implementing, per the CSGP, all measures necessary to adequately prevent polluted stormwater runoff.
- (D) The Construction SWPPP must include the information in the *MS4 Approval Application Checklist*.
- (E) Individual lot owners or operators where the land disturbance is less than or greater than one (1) acre and the lot lies within a larger common plan for development or sale shall follow the requirements in §54.50 Requirements for Individual Building Lots.

54.21 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

- (A) Refer to the Stormwater Standards to calculate the total land disturbance.
- (B) The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet this chapter, the Stormwater Standards, and design criteria and specifications outlined in the *Indiana Stormwater Quality Manual*. The methods and procedures included in these references are in keeping with the above-stated purpose and meet the requirements of CSGP.
- (C) All 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 chapter and CSGP, with compliance required upon beginning such a discharge. The use of stormwater management measures and planning principles are expected to achieve the control necessary to meet water quality criteria.

54.22 STORMWATER CONVEYANCE SYSTEM EASEMENTS.

The following applicable easements shall be granted to the City through a *Grant of Perpetual Drainage Easement* for stormwater conveyance systems installed by an applicant.

- (A) Twenty (20) feet for pipes fifteen (15) inches in diameter and smaller.
- (B) Twenty-five (25) feet for pipes larger than fifteen (15) inches in diameter.

- (C) Twenty (20) feet measured horizontally outside the one hundred (100) year flood elevation for detention/retention ponds and access to the pond as determined by the City.
- (D) Fifteen (15) feet for yard swales.
- (E) Easements for open channels are to be determined by the City on a case-by-case basis.
- (F) Easements for drainage conveyances shall be centered on the centerline of the conveyance.

54.23 TRANSFER OF OWNERSHIP OF STORMWATER SYSTEMS.

Owners/Developers that will dedicate the stormwater system to the City shall enter into an agreement (*Stormwater System Agreement for Developer-Installed and Contributed Stormwater System*). The Owner/Developer, at no cost to the City, shall furnish the design, labor, and materials to install the stormwater system. The City must approve the design, materials, and the Owner/Developer's selected contractor, based on reliability and responsiveness. *Waivers of Lien* for suppliers, subcontractors, and contractors will be required at the time of completion of the *Transfer of Ownership of Developer-Installed Stormwater System* form.

(Ord. CO-04-26, passed 11-22-04)

54.24 – 54.29 RESERVED.

POST-CONSTRUCTION STORMWATER QUALITY MANAGEMENT

54.30 APPLICABILITY AND EXEMPTIONS.

- (A) The applicability of this section is the same as § 54.09 (A) and the following:
 - (1) This section applies to new public or private fueling areas or those that replace existing tank systems, regardless of tank size or total land disturbance.
 - (2) The exemptions of this section are the same as § 54.09 (B).
- (B) The requirements of this section do not apply to the following:
 - (1) Land-disturbing activities where no additional impervious surfaces are associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility installation/maintenance activities.
 - (2) Construction of, or modifications to, single-family structures that are not a part of a larger common plan of development.
 - (3) Single-family residential development consisting of four (4) or fewer lots.
 - (4) Individual residential building lots within a permitted project site.
 - (5) Any logging, agricultural, or other activity consistent with an approved soil conservation plan or a timber management plan prepared or approved by county, state, or federal regulating agencies.

(Ord. CO-05-08, passed 10-24-04)

54.31 POST-CONSTRUCTION GENERAL REQUIREMENTS.

- (A) All post-construction stormwater quality control measures necessary to comply with this chapter must be implemented per the MS4 Approval and sufficient to satisfy the

requirements of the CSGP, Stormwater Standards, and the *Indiana Stormwater Quality Manual*.

- (B) For land disturbance greater than or equal to one acre, structural and/or non-structural BMPs are required for post-construction control measures.
- (C) A project site owner shall meet the following minimum requirements:
 - (1) Post-construction stormwater requirements included in Stormwater Standards must be implemented. In general, the stormwater pollutant loading should not exceed pre-construction pollutant loading. Pre-construction refers to the site immediately before the planned land disturbance and development activities occur. Pre-construction is not intended to be interpreted as that period before any human-induced land disturbance activity has occurred.
 - (2) A public or privately owned fueling area that installs or replaces fuel tanks must install appropriate post-construction stormwater quality treatment measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. Treatment must include the water quality volume or flow rate.
 - (3) When using infiltration measures, consider the pollutants associated with run-off and the potential to contaminate groundwater resources. When there is a potential for contamination, choose alternative measures or measures that pretreat run-off to collect and remove the pollutants of concern.
 - (4) Where there is a potential for groundwater contamination, including in Wellhead Protection Areas, measures shall be implemented that pretreat the water quality volume or flow rate to collect and remove the pollutants of concern including total suspended solids (TSS) and oil/grease at a minimum.
 - (5) Registration of any Class V Injection well with EPA Region 5.
 - (6) Performance standards identified in the CSGP and Stormwater Standards.
 - (7) The Post-Construction SWPPP must include the information in the *MS4 Approval Application Checklist*.
- (D) The City shall have full technical and administrative approval authority on the application and design of all post-construction BMPs, conditions, definitions, and submittal requirements of construction plans, specifications, and other related documents. The minimum measures implemented are to meet the terms defined in the CSGP and Stormwater Standards.

54.32 POST-CONSTRUCTION DESIGN REQUIREMENTS.

- (E) The Stormwater Standards provide additional policy, criteria, and information, including specifications and standards, for the proper implementation of the requirements of this chapter.
- (F) Post-construction runoff control measures shall be designed and installed per the MS4GP and the Stormwater Standards. Stormwater treatment practices that are designed and constructed according to these design and sizing criteria will be presumed to meet the minimum water quality performance standards. The Stormwater Standards include acceptable stormwater treatment practices, including specific design criteria and operation

and maintenance requirements for each stormwater practice. The *Indiana Stormwater Quality Manual* may be used for guidance on stormwater quality treatment measures.

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

54.33 POST-CONSTRUCTION EASEMENTS.

- (A) The project site owner shall provide a thirty (30_ foot easement around the stormwater quality treatment BMP and an access easement to the BMP. Upon approval of the easement location shown on the construction plans, the easement shall be granted to the City through a *Grant of Perpetual Drainage Easement*.
- (B) All stormwater treatment practices shall be maintained in good condition per operation and maintenance requirements for each stormwater practice per the Standards and the terms and conditions of the MS4 Approval. The property owner must execute a *Grant of Perpetual Drainage Easement* that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall be granted to the City per the terms of the Stormwater Standards.

(Ord. CO-05-08, passed 10-24-04)

54.34 – 54.39. RESERVED.

STORMWATER SUBMITTALS AND PLAN REVIEW

54.40 MS4 APPROVAL APPLICATION.

- (A) No land-disturbing activity that requires uncovering one (1) acre or more of land shall be initiated without an adequate *Construction/Stormwater Pollution Prevention Plan Technical Review* form and *MS4 Approval Application for Review and Inspection* from the Building Services Department. Neither will be issued without the approval of all required documentation by the Building Services Department.
- (B) The Stormwater Standards contain requirements for the MS4 Approval process. An application for stormwater review shall be submitted to the City through the Building Services Department with the necessary forms in Appendix D of the Stormwater Standards. The Building Services Department or its designated representative shall conduct a technical review.
- (C) The following will be submitted to the Building Services Department as indicated on the *MS4 Approval Application Submittal Checklist*.
 - (1) Professional certified design plans with erosion and sediment control measures identified and details following the Stormwater Standards.

- (2) Construction Stormwater Pollution Prevention Plan (SWPPP).
- (3) Post-Construction SWPPP and design calculations (for water quality design) that meet all requirements of this chapter, the Stormwater Standards, and the CSGP.
- (4) Post-construction stormwater quality measures operation and maintenance manual (O&M Manual).
- (5) A draft of IDEM's Notice of Intent with proof of public notice.
- (6) Plan review and inspection fees per the *Fee Schedule* in the Stormwater Standards.
- (7) The following forms from the Stormwater Standards, as applicable:
 - (a) Statement of Financial Responsibility.
 - (b) Post-Construction Certification of Sufficiency of Plan.
 - (c) SWPPP and Post-Construction Stormwater Best Management Practice Owner Acknowledgement.
 - (d) Grant of Perpetual Drainage Easement.
 - (e) Agreement Between the Owner/Contractor and the City for Post-Construction Stormwater Inspections Services
 - (f) Stormwater System Agreement for Developer-Installed and Contributed Stormwater System.
 - (g) Maintenance Bond.
 - (h) Performance and Repair Bond.
 - (i) Transfer of Ownership of Developer-Installed Stormwater System.
 - (j) Waivers of Lien.
- (D) The posting of the notice under (C)(5) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

54.41 PLAN REVIEW AND APPROVAL.

- (A) Project approval must be obtained before starting land-disturbing activities.
- (B) The Building Services Department or designee shall review each submittal to determine its conformance with the provisions of this chapter, the CSGP, and the Stormwater Standards.
- (C) Before final MS4 Approval, the applicant shall:
 - (1) Obtain an *Improvement Location Permit* from the Building Services Department before starting land-disturbing activities.
 - (2) Pay all technical review fees before an MS4 Approval or an *Improvement Location Permit* is issued.
 - (3) Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds unless the

responsibility is formally accepted by a public body, and determined before the final *MS4 Approval Application for Review and Inspection* is approved.

- (D) The Building Services Department will follow the review procedures outlined in the Stormwater Standards. After the plan review is completed, the Building Services Department shall, in writing:
 - (1) Approve the application and associated documentation and provide a *Construction/Stormwater Pollution Prevention Plan Technical Review* form deeming the “Plan is Adequate.”
 - (2) Approve the application and associated documentation subject to such reasonable conditions (e.g., drainage approval) as may be necessary to secure the objectives of this chapter and provide a *Construction/Stormwater Pollution Prevention Plan Technical Review* form deeming the “Plan is Adequate.”
 - (3) Provide a *Construction/Stormwater Pollution Prevention Plan Technical Review* form stating that the “Plan is Deficient” and indicate the reason(s) and procedure for submitting a revised *MS4 Approval Application for Review and Inspection* and/or submission.
- (E) After receiving approval, if revisions to the construction plans require a change in measures appropriate to control the quality or quantity of stormwater runoff, then revised plans must be submitted to the Building Services Department.

54.42 PERFORMANCE AND MAINTENANCE BOND REQUIREMENTS.

- (A) The Owner/Developer shall provide a performance bond, letter of credit, or other improvement security to the City as part of the secondary plat approval process. The performance bond shall be in the amount of one hundred twenty percent (120%) of the contract amount to construct the stormwater improvements and shall be provided on the standard form (*Performance and Repair Bond*) provided in the Stormwater Standards.
- (B) As part of the secondary plat approval process, the Owner/Developer shall provide a three-year maintenance bond in the amount of twenty-five percent (25%) of the contract amount to construct said stormwater improvements to protect against defective materials and workmanship. The maintenance bond shall be on the standard form (*Maintenance Bond*) provided in the Stormwater Standards.
- (C) The bonds will require periodic renewal since they must cover the perpetual maintenance and care of the permanent post-construction runoff control structure or system in place. The applicant will notify the Building Services Department or the Sewer Maintenance Department of the impending expiration of the performance bond and the issuance of a renewed performance bond.

54.43 FEE SCHEDULE.

- (A) A *Construction and Post-Construction Fee Schedule* (Fee Schedule) was established as part of the original chapter adopted by the City and is incorporated by reference as if fully set forth herein. The Fee Schedule is included in the Stormwater Standards.

- (B) The fees outlined in the Fee Schedule shall be charged to each applicant developer in connection with any land-disturbing activity within the City for which a permit is sought or has been issued under the CSGP and this chapter.
- (C) Subject to the fees established by the Fee Schedule, the Board of Public Works and Safety of the City shall continue to have the authority to revise, amend, update, and expand the Stormwater Standards as previously authorized in this chapter.
- (D) The fees collected under the Fee Schedule shall be deposited into the City's general fund. The Mayor is authorized to utilize any or all such designated funds to employ an outside contractor to conduct the various application, review, and inspection tasks as required by the City to implement and enforce the provisions of this chapter.

(Ord. 09-11, passed 6-22-09)

54.44 – 54.49. RESERVED.

MS4 APPROVAL TERMS AND CONDITIONS

54.50 RESPONSIBILITIES OF THE CONSTRUCTION SITE OWNER.

After receiving MS4 Approval, the project site owner, operator, or agent shall meet the responsibilities in this section:

- (A) Implement approved construction plan:
 - (1) Submit the *Construction/Stormwater Pollution Prevention Plan Technical Review* form, the final NOI, and proof of publication for the CSGP to IDEM at least forty-eight (48) hours before any land disturbance or discharges occur.
 - (2) Submit the Notice of Sufficiency from IDEM along with a final NOI to the Building Services Department and the Clinton County Surveyor at least forty-eight (48) hours before any land disturbance or discharges occur.
 - (3) Receive approval from other agencies or departments as required.
 - (4) Ensure proper construction and installation of all stormwater measures in compliance with the MS4 Approval, this chapter, the Stormwater Standards, and the CSGP (as applicable).
 - (5) Ensure that all persons engaging in construction activities on the permitted project site comply with the applicable requirements of the MS4 Approval, this chapter, the Stormwater Standards, and the CSGP (as applicable).
 - (6) Install and stabilize all erosion and sediment control devices before any clearing, except what is necessary to establish the devices.
 - (7) Ensure all stormwater quality measures are designed and installed under the guidance of a trained individual.
 - (8) Inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and contractors that have primary oversight on individual building lots of the requirements of this ordinance, the conditions and standards included in the SWPPP, and the schedule for proposed implementation.

- (9) Maintain a self-monitoring program and complete regular inspections of all control measures per the inspection schedule outlined in the CSGP. The purpose of such inspections will be to determine the overall effectiveness of the SWPPP and the need for additional control measures. All inspections shall be documented and submitted to the City upon request within forty-eight (48) hours. Self-monitoring reports are to be completed by a trained individual.
 - (10) Develop and maintain a Project Management Log per the CSGP.
 - (11) Meet all performance standards and implementation requirements of the CSGP and the Stormwater Standards.
- (B) Secondary Plat Approval Process
- (1) Provide record drawings to the Building Services Department as described in the Standards.
 - (2) Execute all final agreements and bonds with the Building Services Department and Frankfort Municipal Utilities per the Stormwater Standards.
- (C) Project Completion and Termination
- (1) Plan an orderly and timely termination of construction activities, including the implementation of stormwater quality measures that are to remain on the project site.
 - (2) Notify the Building Services Department when all land disturbing activities have been completed, the entire project site has been stabilized, and all temporary erosion and sediment control measures have been removed so a final site inspection may occur before submittal of the NOT to IDEM. Submit the NOT and associated documentation to the Building Services Department for verification.
 - (a) Final stabilization of a project site is achieved when all land disturbing activities have been completed, temporary BMPs have been removed, permanent BMPs have been cleaned, and a uniform perennial vegetative cover with a density of seventy percent (70%) has been established on all unpaved areas and areas not covered by a permanent structure or equivalent permanent stabilization measures have been employed.
 - (b) Final stabilization for construction projects on land used for agricultural purposes is achieved when:
 - 1. Stabilization is completed per (a) above as land disturbance progresses
 - 2. Land returned to its preconstruction agricultural use is temporarily or permanently seeded upon completing land disturbance activities; and
 - 3. Disturbed areas, not previously used for agricultural production, such as filter strips, are being returned to their preconstruction agricultural use.
 - (c) After a verified NOT has been submitted for a project site, the MS4 Approval and CSGP coverage are terminated and maintenance of the remaining stormwater management measures shall be the responsibility of the property owner or occupier of the property.

- (3) The CSGP expires five (5) years from the date of issuance. If construction is not completed before the expiration date, the project owner shall either submit a NOT to IDEM and Building Services Department or follow the NOI submittal requirements in the CSGP within ninety (90) days with submittals to IDEM and Building Services Department.

(Ord. CO-04-26, passed 11-22-04)

(D) Stormwater Facilities Monitoring and Maintenance

- (1) Maintain the post-construction BMPs in good condition per the designed and approved specifications and O&M Manual. Any maintenance needs found must be addressed promptly by the owner.
- (2) Complete routine inspections and maintenance of the post-construction BMP. Maintenance plans and inspection forms for each type of acceptable BMP are provided in the O&M Manual and should be used as guidance for performing maintenance activities. Completed routine inspection forms must be maintained by the BMP owner and produced upon request by the City.
- (3) Obtain approval from the Sewer Maintenance Department for alterations, revisions, or replacements of all post-construction BMPs.
- (4) Notify the Wastewater and/or Sewer Maintenance Department of any changes in BMP ownership, major repairs, or BMP failure in writing within thirty (30) days.
- (5) All stormwater management measures shall be maintained in good condition per operation and maintenance requirements for each stormwater management measure per the O&M Manual, Stormwater Standards, and the terms and conditions of the MS4 Approval.
- (6) Parties responsible for the operation and maintenance of a stormwater management measure shall make and keep records of the installation and all maintenance and repairs. These records shall be made available to the City upon request and shall be retained for five years

54.51 INSPECTION AUTHORITY.

- (A) After receiving MS4 Approval, the City has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter and the terms and conditions of the approval.
- (B) The City has the authority to perform long-term inspections of all public or privately owned stormwater management measures. The inspection will include but is not limited to, the physical conditions, available water quality storage capacity, and the operational condition of key BMP elements.
- (C) When any new stormwater BMP is installed on private property, or when any new connection is made between private property and a public storm sewer conveyance or sanitary sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for inspection. This includes the right to enter a property when it has a reasonable basis to believe that an infraction of this chapter is occurring or has occurred

and to enter when necessary for abatement of a public nuisance or correction of an infraction of this chapter or other stormwater ordinances.

54.52 CITY INSPECTIONS.

(A) Construction Activity Inspections.

- (1) The City, or designated agent, shall conduct inspections of the installation, implementation, and maintenance of erosion, sediment, and pollution prevention control measures at any project site involved in construction activities. The City, or designated agent, shall either approve that portion of the work completed or notify the permittee where the work fails to comply with the MS4 Approval of the stormwater management system to ensure compliance with the terms of the Stormwater Standards and the MS4 Approval.
- (2) The approved plans for grading, stripping, excavating, and filling work shall be maintained at the site during the progress of the work.
- (3) The applicant must notify the City forty-eight (48) hours before the construction of the stormwater management system. Inspections of the system construction may be conducted by the City or their designated representative. If required, the applicant shall execute an Agreement between the Owner/Contractor and the City for Post-Construction Stormwater Inspection Services and pay all applicable inspection fees per the terms stated in the agreement.

(Ord. CO-04-26, passed 11-22-04)

(B) Post-Construction Inspections.

- (1) Inspections may be completed on any reasonable basis, including but not limited to, routine inspections, random inspections, inspections based upon complaints, or other notice of infractions of this chapter or Chapter 53 Storm Sewer System.
- (2) If the City finds a stormwater management measure requiring maintenance or repair, the City will notify the property owner in writing of the necessary maintenance or repairs and give the property owner a schedule for completing the maintenance or repairs. If the maintenance or repairs are not completed within the designated time, the City shall perform the repairs or maintenance and bill the property owner for the actual costs of the work.

- (C) If after a recommendation is provided to the project site owner, corrective action is not taken, the City will pursue enforcement per this chapter.

(Ord. CO-05-08, passed 10-24-04)

54.53 – 54.59. RESERVED.

REQUIREMENTS FOR INDIVIDUAL BUILDING LOTS.

54.60 GENERAL REQUIREMENTS.

- (A) An individual lot operator of a lot (less than or greater than one (1) acre) within a larger common plan of development or sale, is required to follow the Stormwater Standards and complete the following:
 - (1) Comply with the erosion and sediment control measures under the larger common plan for development or sale for individual lots.
 - (2) Provide the minimum SWPPP requirements outlined in the Stormwater Standards.
 - (3) Apply for an *Improvement Location Permit* per the procedures established by the City and an *Application for MS4 Review (SWPPP and Drainage) for Disturbances Smaller than 1 Acre* per the Stormwater Standards.
- (B) Single-family residences and ponds where land disturbance is expected to be one (1) acre or more and are not part of a larger development shall follow the requirements in the ordinance, Stormwater Standards, and CSGP except for the requirements in the CSGP, Sections 2.1.1 (public notice only), 2.1.8, 2.1.9, 2.3.5, and 2.3.6 unless otherwise notified.

54.61 MS4 APPROVAL.

An individual lot owner/operator shall submit all the documents identified in the *Application for MS4 Review (SWPPP and Drainage) for Disturbances Smaller than One (1) Acre* to the Building Services Department at least ten (10) days before construction and follow the Stormwater Standards.

54.62 – 54.69. RESERVED.

CONSTRUCTION AND POST-CONSTRUCTION ENFORCEMENT

54.70 ENFORCEMENT.

- (A) Enforcement of this chapter shall be subject to enforcement actions within the city code, the severity of the violation, and the owner's or operator's efforts to comply. The City shall reserve the right to interpret enforcement on a case-by-case basis. Tiered enforcement will be practiced at the discretion of the City, through its Board of Public Works and Safety, and the Utility Service Board. The tiered enforcement may include:
 - (1) Oral warning to the owner or operator to make corrections of identified deficiencies.
 - (2) Written warning to the owner or operator to make corrections within a specified time, but not less than seventy-two (72) hours. The specified time shall consider issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.
 - (3) Written warning of non-compliance with directions to the owner or operator that site deficiencies require corrective action within seventy-two (72) hours.
 - (4) Stop work order.
 - (a) If deficiencies in a written warning of non-compliance are not resolved seventy-two (72) hours after receipt of written notification, the City may issue a stop work order or may revoke the owner's stormwater approval, in which event all

construction work shall cease until and unless the City determines that compliance has been obtained.

- (b) Any person who neglects or fails to comply with a stop work order may be fined for each 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 City may assess a stormwater approval reinstatement fee.
 - (c) The City may issue a stop-work order and may suspend or revoke stormwater approval if any of the work is being conducted in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- (B) If abatement of a violation and/or restoration of affected property is required, the written notification shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the established deadline, the work will be done by the City or a contractor, and the expense shall be charged to the violator.
- (C) If the deficiency is not corrected within the established time, a fine between ten dollars (\$10) and one hundred dollars (\$100) per day per deficiency may be assessed against the project site owner. The Frankfort Building Inspector shall determine the fine.
- (D) *Maintenance noncompliance after construction.* Upon receipt of written notice of a maintenance violation, the party responsible for maintenance shall have thirty (30) calendar days to correct the deficiency. If the deficiency is not corrected within this period, a fine of not less than twenty-five dollars (\$25) and not more than five hundred dollars (\$500) per deficiency shall be assessed to the property owner, and each day such violation exists shall constitute a separate violation.

(Ord. CO-04-26, passed 11-22-04)

54.71 FAILURE TO COMPLY OR COMPLETE.

- (A) In addition to any other remedies, should any owner fail to comply with enforcement actions under the provisions of this chapter, the City may, after giving written notification and opportunity for compliance, correct a violation by performing all necessary work to place the facility in compliance. The City, through its Board of Public Works and Safety, or Utility Service Board may assess the owner(s) of the facility for the cost of repair and remedial work. The City shall mail an invoice for the costs incurred in performing the repair and remedial work to the property owner. If such an invoice is not paid within thirty (30) days of mailing, the City may certify such costs to the Clinton County Auditor to be placed on the tax duplicate for collection as taxes. The cost of the work and any administrative costs in connection therewith shall be a lien on the property
- (B) The City may file a civil suit in any court of competent jurisdiction against an owner or developer whom the City has determined is violating this chapter. The suit may be to secure a restraining order or injunction, for damages or collection of fines imposed. If the court determines the owner or developer has violated this chapter, the violator shall be liable for

interest at eight percent (8%) per annum on any amount recovered and for reasonable attorney fees incurred by the City.

(Ord. CO-05-08, passed 10-24-04)

54.72 APPEALS.

Any person receiving a notice of violation of this chapter may appeal the determination of the authorized enforcement agency. The notice of appeal must be filed with the Board of Public Works and Safety within ten days from the date of the notice. Hearing on the appeal before the Board of Public Works and Safety shall take place within fifteen (15) days from the date of its receipt of the notice of appeal. The decision of the Board of Public Works and Safety shall be final.

(Ord. CO-05-08, passed 10-24-04)

54.73 INJUNCTIVE RELIEF.

It shall be a violation for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the City may petition any court of competent jurisdiction for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation. Costs, including attorney fees, for injunctive relief may be assessed against the violator.

54.74 VIOLATIONS DEEMED A PUBLIC NUISANCE.

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

54.75 REMEDIES NOT EXCLUSIVE.

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

54.76 PENALTY.

- (A) Any person found in violation of any provision of this chapter shall be responsible for fines per IC 36-1-3-8 (a)(1) of up to two thousand five hundred dollars (\$2,500) for a first violation of the ordinance and up to seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance. Each fine is subject to cost recovery for damages and expenses. Each day a violation continues after the original notification shall be deemed a separate offense under this chapter.
- (B) The City may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this chapter, including sampling and monitoring expenses.

(Ord. CO-04-26, passed 11-22-04)