

ORDINANCE 2024-13

AN ORDINANCE AMENDING CHAPTER 162 ENTITLED "POST-CONSTRUCTION STORMWATER CONTROL" OF THE AUBURN CITY CODE OF ORDINANCES

SUMMARY

This ordinance amends and restates Chapter 162 entitled "Post-Construction Stormwater Control" of the Auburn City Code of Ordinances.

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ORDINANCE NO. 2024-13

**AN ORDINANCE AMENDING CHAPTER 162 ENTITLED “POST-CONSTRUCTION
STORMWATER CONTROL” OF THE AUBURN CITY CODE OF ORDINANCES**

SECTION 1. That Chapter 162 entitled “Post-Construction Stormwater Control” of the Auburn City Code of Ordinances is hereby amended, as follows and restated as provided in Exhibit “A”:



CHAPTER 162

POST-CONSTRUCTION STORMWATER CONTROL

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Post-Construction ~~Storm Water~~ Stormwater Control

162.001 INTRODUCTION / PURPOSE

~~The purpose of this ordinance is to~~ This ordinance establishes minimum ~~storm-water~~ stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City of Auburn's jurisdictional limits. This ordinance seeks to meet that purpose through the following objectives:

- A. To prevent accelerated soil erosion and to control ~~storm-water~~ stormwater runoff resulting from land disturbing activities, both during and after construction.
- B. To ~~assure-ensure~~ that property owners control the volume and rate of ~~storm-water~~ stormwater runoff originating from their property so that surface water and groundwater quality is protected, soil erosion minimized, and flooding potential reduced.
- C. To restrict ~~storm-water~~ stormwater runoff entering and leaving development sites to non-erosive velocities by requiring temporary and permanent soil erosion control measures.
- D. To ~~assure-ensure~~ that soil erosion control and ~~storm-water~~ stormwater runoff control systems are incorporated into site planning ~~at an early stage in the~~ early in the planning and design process.
- E. To reduce costly maintenance and repairs to roads, embankments, ditches, streams, lakes, wetlands, and ~~storm-water~~ stormwater control facilities ~~that are the result of~~ resulting from excessive soil erosion and inadequate ~~storm-water~~ stormwater runoff control.
- F. To encourage the design and construction of ~~storm-water~~ stormwater control systems that serve multiple purposes, including but not limited to flood prevention, water quality protection, wildlife habitat preservation, education, recreation, and wetlands protection.
- G. To ~~assure-ensure~~ that all ~~storm-water~~ stormwater control facilities will be properly designed, constructed, and maintained.
- H. To provide for enforcement of this ordinance.

162.002 LEGAL AUTHORITY

This chapter is adopted per statutory authority granted under code authorizing jurisdiction over the storm system and further is required by the National Pollution Discharge Elimination System (NPDES) program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act and the Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP) and Municipal Separate Storm Sewer System (MS4) General Permit (MS4GP). Based on this authority and these requirements, this chapter regulates:

- A. Stormwater drainage improvements related to the development of lands located within the corporate boundaries of the City.
- B. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- C. Stormwater pollution prevention planning for post-construction activities.
- D. The design, construction, and maintenance of stormwater drainage facilities and systems.
- E. The design, construction, and maintenance of stormwater quality facilities and systems.

162.002 162.003 DEFINITIONS

- City
Means employees or representatives of the City of Auburn designated to enforce and administer this ordinance.
- Best Management Practice (BMP)
Means structural or nonstructural practices, or a combination of practices, designed to function as effective, practicable means of minimizing the impacts of development and human activities on water quality.

Traditional structural BMPs, including extended detention dry ponds, wet ponds, infiltration trenches, and sand filtration systems are now common elements of most new development projects. Structural BMPs rely heavily on gravitational settling and/or the infiltration of soluble nutrients ~~though~~ through a porous medium for pollutant removal. Nonstructural BMPs, which may be used independently or in conjunction with structural BMPs, rely on a much wider breadth of mechanisms to prevent or control nonpoint source pollution (NPS). Nonstructural BMPs range from programs that increase public awareness to prevent pollution, to the implementation of control-oriented techniques (such as bioretention and stormwater wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape.

- 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 Stormwater General Permit (CSGP)
Means the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).
- Contiguous
Adjoining or in actual contact with
- Conveyance
Means any structural process for transferring storm-waterstormwater between at least two (2) points. The term includes, but is not limited to, piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.
- IDEM
Refers to the Indiana Department of Environmental Management.
- Design Storm
Means Aa 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.
- Developer
Means Any individual, firm, association syndicate, partnership, corporation, trusttrust, or any other legal entity 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
Means Cconstruction and site preparation work involving structures or improvements of any kind, and all land disturbingland-disturbing activities including, but not limited to, digging, drilling, excavating, grading, clearing, earth moving, filling, or performing any subsurface work.
- Erosion
Means Tthe wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:
 1. (1) Accelerated erosion. Erosion much more rapid than normal or geologic erosion, primarily as a result ofbecause of the activities of man.
 2. (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. (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. (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. (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. (6) Sheet erosion. The gradual removal of a uniform layer of soil from the land surface by runoff water.



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- **Floatable**
Means any liquid or solid waste that, due to its physical characteristics, will float on the surface of the water. For the purposes of this ordinance, the term does not include naturally occurring floatables, such as leaves or tree limbs.
- **Gasoline Outlet**
Means an operating gasoline or diesel fueling facility whose primary function is the resale of fuels.
- **Illicit Discharge**
Means Any discharge to a municipal separate storm sewer system (MS4) conveyance that is not composed entirely of stormwater, except naturally introduced floatables, such as leaves or tree limbs. Sources of illicit discharges include but is not limited to sanitary wastewater, septic tank effluent, commercial car wash wastewater, oil spills or disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, pollutant run-off, and household hazardous wastes.
~~illicit discharge means any discharge to an MS4 conveyance that is not composed entirely of storm water, except naturally occurring floatables, such as leaves or tree limbs. Sources of illicit discharges include sanitary wastewater, septic tank effluent, car wash wastewater, oil disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, and household hazardous wastes.~~
- **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 compacted gravel or soil, and rooftops. ~~means any surface that prevents storm water to readily infiltrate into the soils.~~
- **National Pollutant Discharge Elimination System (NPDES)**
Means Aa permitting program that regulates point sources that discharge pollutants to waters of the United States.
- **Larger Common Plan of Development or Sale**
Means a plan, undertaken by a single developer or a group of developers acting in concert, to offer lots for sale or lease where such land is contiguous, or is known, designed, 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 part of a larger common plan. The term also includes phased construction by a single entity for its own use.
- **Maintenance Agreement**
Means a legally recorded document that acts as a property deed restriction, and which provides for long-term long-term maintenance of storm water stormwater management measures.
- ~~Development of a Storm Water Stormwater Best Management Practices (BMP) Technical Manual~~
~~The City of Auburn will furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and will provide such information in the form of a Storm Water Stormwater BMP Technical Manual. This manual will include a list of approved storm water stormwater BMPs, including specific design criteria and operation and maintenance requirements for each practice. The manual may be updated and expanded from time to time, at the discretion of the local review authority, based on improvements in engineering, science, monitoring, and local maintenance experience. Storm water Stormwater treatment practices that are constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.~~
- **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 which is:
 1. Owned or operated by:
 - a. Federal, state, city, town, county, district, association, or other public body (created by or pursuant to under 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 waters of the state; or



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- Retail gasoline outlet
- ~~means an operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces or generate an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.~~
- Soil and Wwater Ceonservation Ddistrict (SWCD)
~~Means the DeKalb County Soil and Water Conservation District, means a political subdivision established under IC 14-32.~~
- Stormw-water
Means water resulting from rain, melting or melted snow, hail, ~~sleets~~sleet, or other natural occurrences.
- Waters means:
 1. the accumulations of water, surface and underground, natural and artificial, public and private; or
 2. a part of the accumulations of water; that are wholly or partially within flow through, or border upon Indiana. The term does not include a private pond, or an ~~eff-stream~~off-stream pond, reservoir, or
 3. BMP built for reduction or control of pollution or cooling of water before discharge, unless the discharge from the pond, reservoir, or BMP causes or threatens to cause water pollution.
- Watershed
Means an area of land from which water drains to a common point.

~~162.003~~162.004 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

~~162.004~~162.005 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.~~

~~If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.~~

~~162.006~~ RESPONSIBILITY FOR ADMINISTRATION

~~The City shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon authorized personnel may be delegated in writing by the Mayor (MS4 Operator) to persons or entities acting in the beneficial interest of or in the employ of the City.~~

~~162.007~~ ULTIMATE RESPONSIBILITY

~~The standards set forth herein and promulgated under 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.~~

~~162.008~~ DISCLAIMER OF LIABILITY

~~The degree of protection required by this chapter 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 or stormwater quality may be altered by man-made or natural causes. 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.

162.006162.009 DEVELOPMENT OF A STORM WATER ~~STORMWATER~~ BEST MANAGEMENT PRACTICES (BMP) TECHNICAL MANUAL

The City ~~will has~~ furnished additional policy, criteria, and information including specifications and standards, for the proper implementation of the requirements of this ordinance and ~~will has~~ provided such information in the form of a ~~Storm Water Stormwater~~ BMP Best Management Practices Technical Manual (Technical Manual). This manual ~~will~~ includes a list of approved ~~storm water stormwater~~ management measures BMPs, including specific design criteria and operation and maintenance requirements for each ~~practice~~. The manual may be updated and expanded from time to time, at the discretion of the ~~local review authority~~ City, based on improvements in engineering, science, monitoring, and local maintenance experience. ~~Storm water Stormwater~~ management measures treatment practices that are constructed ~~in accordance with~~ per these design and sizing criteria ~~will be~~ are presumed to meet the minimum ~~water quality~~ performance standards.

162.010 APPLICABILITY AND EXEMPTIONS

~~This chapter applies to the following: The requirements under this ordinance are in compliance with with the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4GP), and the IDEM's Construction Stormwater General Permit (CSGP) 327 IAC 15-5 (Rule 5) and 327 IAC 15-13 (Rule 13). The storm water stormwater pollution prevention plan, which is submitted to the City of Auburn as part of the construction plan approval process, must include post-construction storm water stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously store and/or treat storm water stormwater from the stabilized site.~~

A. Applicability

1. The requirements of this chapter are the same as Chapter 161.010 (A). All land disturbing activities within the City of Auburn with a land disturbance greater than or equal to one acre, or disturbances less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre of land shall comply with this Ordinance. For such construction sites, persons must meet the CSGP requirements. Any project located within the City of Auburn that includes clearing, grading, excavation, concrete or bituminous paving, and other land disturbing activities, resulting in the disturbance of or impact on one (1) acre or more of total land area, is subject to the requirements of this Ordinance.
2. New public or private fueling areas or those that replace existing tank systems, regardless of tank size or total land disturbance.
3. Developments less than one acre of disturbance with 80% impervious surfaces.

B. This includes both new development and re-development, and 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, within the MS4 area. Exemptions under this chapter include:

1. The exemptions under this chapter are the same as Chapter 161.010 (C) and (D).
2. 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.
3. 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.
4. Residential developments consisting of 4 or fewer lots of developments where the proposed



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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 project's hard surfaces associated with all building lots within the project.

5. Single family residences and private ponds that are not part of a larger common plan of development or sale.
6. Individual residential building lots that are part of a larger common plan of development or sale within a permitted project site.

C. Waivers and Special Conditions.

The City has the authority to modify, grant exemptions, and/or waive certain requirements of this chapter and its associated technical standards document. A pre-submittal meeting with the City of Auburn may be requested by the applicant to discuss the applicability of various provisions of the chapter and its associated technical standards document about unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the City that may be based on the review of more detailed information and plans.

- K. The requirements under this ordinance not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures.

The requirements under Rule 13 do not apply to persons who are involved in agricultural land disturbing activities or forest harvesting activities.

- The requirements under Rule 13 do not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures. 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.
- Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
- Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
- O. Ditch maintenance for activities performed on a regulated drain by a county drainage board as defined in IC 36-9-27.

- N. 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:

- O. Landfills that have been issued a certification of closure under 329 IAC 10 Coal mining activities permitted under IC 14-34.

P.

- Q. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management (IDEM) under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cell(s) either within or outside the original solid waste permit boundary.

- R. It will be the responsibility of the project site owner and/or project site owner's designee to ensure proper construction and installation of all stormwater BMPs in compliance with this Ordinance, and to notify the City of Auburn MS4 Operator with a notice of termination letter (NOT) upon completion of the project and stabilization of the site. However, all eventual property owners of stormwater quality management facilities meeting the applicability requirements must comply with the requirements of this Ordinance.

162.019 – Road and regulated drain maintenance

162.020162.011 PERFORMANCE CRITERIA FOR STORM WATER ~~STORMWATER~~ MANAGEMENT GENERAL REQUIREMENTS FOR POST-CONSTRUCTION STORMWATER CONTROL

- A. All post-construction stormwater quality and quantity control measures necessary to comply with this chapter must be implemented per the approved Post-Construction SWPPP application and sufficient to satisfy the requirements of the CSGP and the Technical Manual. Additional requirements include the following:
1. Any fueling area, publicly or privately owned, 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.
 2. When using infiltration measures, take into consideration 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 the water quality volume of flow rate to capture the pollutants of concern.
 3. 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 capture the pollutants of concern including total suspended solids and oil/grease at a minimum.
 4. Registration of any Class V Injection well with EPA Region 5.
- B. Discharge from the MS4 conveyance into sinkholes or fractured bedrock without treatment that results in the discharge meeting Indiana groundwater quality standards as referenced in 327 IAC 2-11 is prohibited.
- C. Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.
- D. The City may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants on stormwater runoff. Where appropriate, and to the extent of the City's authority, the planning procedures may also include the following:
1. Buffer strip and riparian zone preservation.
 2. Filter strip creation.
 3. Minimization of land disturbance and surface imperviousness.
 4. Minimization of directly connected impervious areas.
 5. Maximization of open space.
 6. Directing the community's growth away from sensitive areas and towards areas that can support growth without compromising water quality.

162.012 DESIGN REQUIREMENTS

Unless judged by the City of Auburn to be exempt, the following performance criteria shall be addressed for ~~storm water~~ stormwater management at ~~all the applicable~~ sites:

- A. All site designs shall establish ~~storm water~~ stormwater management measures management practices to control the peak flow rates of ~~storm water~~ stormwater discharge associated with specified design storms and reduce the generation of ~~storm water~~ stormwater. These practices should seek to utilize pervious areas for ~~storm water~~ stormwater treatment and to infiltrate (when possible) ~~storm water~~ stormwater from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity. The calculations for determining peak flows as found in the Technical Manual shall be used for sizing all stormwater management measures unless prior approval is received from the City.
- B. BMPs shall be designed to treat the water quality volume (WQv) or the water quality flow rate (also referred to as the first flush of runoff). All projects disturbing more than one (1) acre and requiring Post-Construction SWPPPs shall be required to treat the WQv. Refer to the Technical Manual for



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further details regarding the calculation of the WQv.

~~A.~~

~~B. All storm waterstormwater generated from new all new development and redevelopment shall not discharge untreated storm waterstormwater directly into a receiving water body.~~

C. ~~For new development, S~~structural storm waterstormwater treatment practices shall be designed to remove 80% of the average annual ~~post-developmentpost-development~~ total suspended solids (TSS) load. It is presumed that a ~~stormwater management measure~~BMP complies with this performance standard if it is:

1. Sized to capture the prescribed water quality volume or water quality(WQ).
2. Designed according to the specific performance criteria outlined in the City's of Auburn's Storm WaterStormwater BMP Technical Manual,
3. Constructed properly, and
4. Maintained regularly.

~~D. Stormwater management measures shall incorporate floatables control to capture floating debris and remove it as part of the routine maintenance of the measure. Standalone stormwater management measures must include floatables control. For stormwater management systems or treatment trains, at least one of the components of the system, located after the last inflow point to the system, must provide control of floatables.~~

~~E. Any fueling area, publicly or privately owned, 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.~~

~~Individual properties that have 5.0 acres or more of paved (asphalt, concrete, brick, stone pavers, or other impervious materials) area must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater.~~

~~F. Measures shall, at a minimum:~~

1. Utilize one (1) or more stormwater management measures working in tandem to treat stormwater run-off and increase the overall efficiency of individual and specialized measures.
2. In combination with proper post-construction measure selection, design and development strategies must be selected and incorporated into the plan to reduce the contribution of pollutants from the project area to the stormwater management measures. These strategies include, but are not limited to:
 - a. Low Impact Development (LID) and green infrastructure.
 - b. Infiltration measures, when selected, must consider the pollutants associated with run-off and the potential to contaminate groundwater resources. Where there is a potential for contamination, implement measures that pretreat runoff to eliminate or reduce the pollutants of concern. 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 originates in the drainage area of the measure.

~~G. Annual groundwater recharge rates shall be maintained by promoting infiltration using structural and nonstructural methods.~~

~~H. All stormwater generated from all new development and redevelopment shall not discharge untreated stormwater directly into a receiving water body.~~

~~D. The calculations for determining peak flows as found in the Storm WaterStormwater BMP Technical Manual shall be used for sizing all storm waterstormwater BMPs unless prior approval is received from the City of Auburn.~~

~~E.I. For sites that discharge to DeKalb County controlled drains, the storm waterstormwater BMP management measure shall be designed to meet any applicable requirements in the DeKalb County~~

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~~Storm Water~~Stormwater Control Ordinance and receive County Drainage Board approval if appropriate.

- F. ~~New retail gasoline or diesel fuel outlets, new municipal, state, federal, or institutional gasoline or diesel refueling areas, or new privately owned gasoline or diesel refueling areas, or existing gasoline or diesel outlets and refueling areas that replace their existing tanks or install additional new tanks must install appropriate BMPs to reduce lead, copper, zinc, and polyaromatic hydrocarbons in storm water stormwater.~~
- J. The Best Management Practices (BMPs) in the Technical Manual are acceptable for use in the City if designed, constructed, and maintained according to the criteria outlined in the Technical Manual.
1. Should the developer/project site owner choose to implement a stormwater control device, method, or system not listed as one of the acceptable BMPs for the City, the developer/project site owner must provide proof that the stormwater control device, method, or system can achieve the target TSS removal rate of 80% and floatable control when correctly constructed.
 2. If hydrologic or topographic conditions warrant greater control than that provided by the control requirements present in the Technical Manual, the City reserves the right to impose all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

162.021 Individual properties that have 5.0 acres or more of paved (asphalt, concrete, brick, stone pavers, or other impervious materials) area must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in storm water stormwater.

162.022 162.013 **POST-CONSTRUCTION POST-CONSTRUCTION SWPPP**

- A. The City shall review the ~~Storm Water~~Stormwater Pollution Prevention Plan ~~Post-Construction (SWPPP)~~ and all support documentation to determine whether the requirements of its conformance with the provisions of this ~~chapter ordinance~~, the Technical Manual, and the CSGP. ~~The and the City will follow the plan review procedures outlined in Chapter 161 of the Municipal Code for of Auburn Construction Site Run-Off Control.~~
- B. Contents of the Post-Construction SWPPP shall contain items in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form and the Technical Manual that includes: located in Section 1612 of the City of Auburn Municipal Code.
1. Post-Construction SWPPP and design calculations (for water quality and detention design).
 2. Post-construction operation and maintenance manual (O&M Manual) for all post-construction water quantity and quality BMPs.
 3. Post-construction BMP maintenance easement executed by the applicant or owner of the site shall be binding on all subsequent owners of land served by the BMP. The agreement shall provide for access to the BMP at reasonable times for periodic inspection by the City, or their designated representative, to ensure that the BMP is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the Cityowner in the land records prior to before issuing issuance of the Building Permit.
 4. Assignment of the 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 Post-Construction SWPPP is approved.
 - 4.5. Landscaping plan describing the vegetative stabilization and management techniques to be used at the site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- C. The City, instead of a maintenance covenant, may accept dedication of any existing or future stormwater BMP for maintenance, provided such BMP meets all the requirements of this Ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for



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inspection and regular maintenance.

Maintenance Easement

~~— Prior to the issuance of any permit that has a BMP as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the BMP. The agreement shall provide for access to the BMP at reasonable times for periodic inspection by the City of Auburn, or their designated representative, to ensure that the BMP is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the City of Auburn in the land records.~~

162.014 PROJECT SITE OWNER RESPONSIBILITIES

Upon receiving stormwater approval, the project site owner has the following responsibilities:

- A. Ensure proper construction and installation of all stormwater management measures in compliance with the approved submittal, this ordinance, the Technical Manual, and the CSGP (as applicable).
- B. If revisions to the applications and/or construction plans require a change to the approved measures to appropriately control the quality or quantity of stormwater runoff, then revised plans must be submitted to the City.

~~If the City determines that the proposed SWPPP complies with the standards in the Construction Site Runoff Control and Post Construction Runoff Control Ordinances, a permit shall be issued specifying the work approved. If the proposed plan does not comply with these standards, the permit request shall be modified or denied. Upon request, the City will furnish the applicant or other interested persons with a statement in writing of the reasons for permit denial or approval. If necessary, the City may request additional information from the applicant.~~

CONSTRUCTION INSPECTION

Notice of Construction Commencement

~~The applicant must notify the City of Auburn in advance before the commencement of construction of the stormwater BMPs. The staff of the City of Auburn shall conduct regular inspections of the construction site. All inspections shall be documented and written reports prepared that contain the following information:~~

~~The date and location of the inspection;~~

~~Whether construction is in compliance with the approved storm waterstormwater management plan;~~

~~Variations from the approved construction specifications~~

~~Problems identified at the project site and details of any corrective actions required; and~~

~~Any infractions violations of this ordinancethe City of Auburn ordinances that exist.~~

~~If any infractions violations are found, the property owner shall be notified in writing of the nature of the infraction and the required corrective actions. No added work shall proceed until any infractions are corrected and all work previously completed has received approval by the City of Auburn.~~

As-Built Plans

~~All project site owners are required to submit "as built" plans for any storm waterstormwater BMPs located on-site after final construction is completed. The plan must show the final design specifications for all storm waterstormwater BMPs and must be certified by a professional engineer. A final inspection by the City of Auburn is required before the release of any performance securities can occur.~~

L. Landscaping and Stabilization Requirements

- M.C. Stabilization of stormwater management measures (as applicable) must be initiated by the end of the seventh day the area is left idle and stabilization must be completed within fourteen (14) days after initiation. Any for any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by land disturbingdevelopment activities shall be revegetated within fifteen (15) days from the substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts:

1. Reseeding must be done with ~~an~~ annual or perennial vegetation accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until ~~such time as~~ the vegetation is established over ninety percent (90%) of the seeded area.
2. Replanting with native woody and herbaceous vegetation must be accompanied by the placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and ~~are capable of controlling~~can control erosion.
3. Any area of revegetation must exhibit survival of a minimum of seventy percent (70%) of the vegetation ~~ein~~ throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy percent (70%) survival for one (1) year is achieved.

D. O&M Manuals

1. Owners of ponds will be responsible for all maintenance of pond banks, erosion control measures, riprap, and outfall protection, and all periodic dredging. It is the designer's responsibility to determine which operation and maintenance measures are necessary to prolong the optimal function of the facility.
2. Underground vaults and structures shall include design measures to facilitate regular cleaning and maintenance. Confined space entry procedures shall be followed.
3. The approved O&M Manual shall be signed by the owner and notarized stating that the owner understands their responsibility to inspect and maintain. A copy of the approved O&M Manual shall be provided to the owner and the City. The signed and notarized O&M Manual shall be recorded with the property at the County Recorder's office by the Owner.
4. A copy of the O&M Manual shall be provided to each new owner before the transfer of ownership. The O&M Manual shall be signed by the new owner, notarized, and submitted to the City to be kept on record, and recorded with the property at the County Recorder's office by the owner.

E. Project Completion and Permit Termination

1. The owner shall follow Chapter 161.014 (M).
- 4.2. All project site owners are required to submit "as built" plans for any stormwater BMPs located on-site after final construction is completed. The plan must show the final design specifications for all stormwater BMPs and must be certified by a professional engineer. A final inspection by the City of Auburn as described in Chapter 161.014 (M) is required.
3. Post-construction operation and maintenance covenant between the owner and the City that ensures proper long-term function of the BMP. The covenant and O&M Manual shall be recorded into the land record before issuance of the Certificate of Occupancy.

162.015 CITY INSPECTION AUTHORITY

- A. After the approval of the Stormwater Management Plan by the City of Auburn and the commencement of construction activities, the City of Auburn 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 BMPs. 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, sanitary sewer, or combined sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for 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.



162.016 CITY CONSTRUCTION INSPECTION

- A. The applicant must notify the City in advance before the commencement of construction of stormwater BMPs. The City shall conduct regular inspections of the construction site. All inspections shall be documented and written reports prepared that contain the following information:
1. The date and location of the inspection;
 2. Whether the construction is compliant with the approved Post-Construction SWPPP;
 3. Variations from the approved construction specifications;
 4. Problems identified at the project site and details of any corrective actions required; and
 5. Any violations of the City ordinances that exist.
- B. If any violations are found, the property owner shall receive a written warning that includes the nature of the infraction and the required corrective actions. No added work shall proceed until any infractions are corrected and all work previously completed has received approval by the City.
- C. Noted deficiencies and recommended corrective actions will be included in an inspection report and provided to the owner of the BMP. If deficiencies are found during the inspection, the property owner shall receive a written warning that includes the nature of the infraction, the required corrective actions, and the completion date. The owner of the BMP will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time, the City will implement the enforcement actions as described in Chapter 161.018.

162.017 OWNER'S MONITORING AND MAINTENANCE REQUIREMENTS FOR STORMWATER FACILITIES

- A. Maintain the stormwater 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.
- B. The owner shall keep an updated logbook or inspection worksheets documenting the performance of the required operation and maintenance activities for perpetuity. Note inspection dates, facility components inspected, facility condition, and any maintenance performed or repairs made.
- C. All stormwater management BMPs must undergo, at the minimum, an annual inspection by the owner to document maintenance and repair needs and ensure compliance with the requirements of this chapter and the accomplishment of its purposes. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of stormwater BMPs.
- D. Obtain approval from the City for alterations, revisions, or replacements of all post-construction BMPs.
- A-E. Parties responsible for the operation and maintenance of stormwater BMPs shall maintain records of the installation, maintenance, and repairs, and retain the records for at least 5 (five) years. These records shall be made available to the City within forty-eight (48) hours of the request.

162.018 CITY INSPECTIONS OF STORMWATER FACILITIES

- A. The City of Auburn may require monitoring of the discharge from a BMP if:
0. Illicit Discharges to the BMP have been detected;
 0. Maintenance problems have been noted; and/or
 0. Complaints have been received from City residents;
- E. Monitoring required may include the following:
0. Routine visual monitoring of dry weather flows;
 0. Routine visual monitoring of premises for spills or pollutant discharges;
 0. A log of monitoring dates, potential pollution sources noted above, and mitigation measures.

~~taken; and/or~~

- ~~0. Laboratory analyses for pollutants, if determined to be necessary.~~
- ~~0. Required monitoring may be discontinued after conditions requiring monitoring no longer exist and the City of Auburn has been provided written notice prior to cessation. The required activity may not cease if written notice to continue is issued by the City of Auburn.~~
- A. As part of the City's stormwater system maintenance, the City may conduct stormwater BMP inspections. The inspections may review documentation, physical conditions, available storage capacity, and the operational condition of key facility elements.
- B. Inspection may be completed on any reasonable basis, including but not limited to, routine inspections, random inspections, inspections based upon complaints, or other notice of possible infractions of this chapter or Chapter 160 Rules Related to the Illicit Discharge and Connection to Stormwater Drains.
- C. If after an inspection, the City finds the stormwater BMP is not functioning as designed, the City may require the owner to increase the inspection frequency as deemed necessary to ensure the proper functioning of the stormwater BMP. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible infractions of this Ordinance.
- D. The City may require monitoring of the discharge from a BMP by the owner if:
 - 1. Illicit Discharges have been detected;
 - 2. Maintenance problems have been noted; and/or
 - 3. Complaints have been received.
- E. Monitoring may include the following:
 - 1. Routine visual monitoring of dry weather flows;
 - 2. Routine visual monitoring of premises for spills or pollutant discharges;
 - 3. A log of monitoring dates, potential pollution sources noted above, and mitigation measures taken; and/or
 - 4. Laboratory analyses for pollutants, if determined to be necessary. Required monitoring may be discontinued after conditions requiring monitoring no longer exist and the City has been provided written notice before cessation. The required activity may not cease if written notice to continue is issued by the City.
- F. If any violations are found during the City inspections, the property owner shall receive a written warning that includes a copy of the inspection report, the nature of the infraction, the required corrective actions, and the completion date. The owner of the BMP will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time, the City will follow the enforcement actions as described in Chapter 161.018.
- ~~W. All storm waterstormwater management BMPs must undergo, at the minimum, an annual inspection to document maintenance and repair needs and ensure compliance with the requirements of this Ordinance and accomplishment of its purposes. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of storm waterstormwater BMPs.~~
- ~~X. Any maintenance needs found must be addressed in a timely manner, as determined by the City of Auburn, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm waterstormwater BMP.~~
- Y. Right-of-Entry for Inspection

When any new storm waterstormwater BMP is installed on private property, or when any new connection is made between private property and a public storm sewer conveyance, sanitary sewer or combined sewer, the property owner shall grant to the City of Auburn the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a



property when it has a reasonable basis to believe that an infraction of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of an infraction of this ordinance.

~~162.027~~ RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES

~~Parties responsible for the operation and maintenance of storm water stormwater BMPs shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 5 (five) years. These records shall be made available to the City of Auburn during the inspection of the BMP and at other reasonable times upon request.~~

~~162.029~~ 162.019 FAILURE TO MAINTAIN PRACTICES

- A.** If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Auburn, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the BMP in proper working condition.
- B.** ~~In the event that~~ If the storm water stormwater BMP becomes a danger to public safety or public health, the City of Auburn shall notify the party responsible for maintenance of the storm water stormwater BMP in writing. Upon receipt of ~~that~~ this notice, the responsible person shall have fourteen (14) days to conduct maintenance and repair of the BMP in an approved manner.
- C.** After proper notice, the City of Auburn may assess the owner(s) of the BMP for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

162.020 ENFORCEMENT AND PENALTIES

Enforcement actions and Penalties shall follow Chapter 161.018 and 161.020.

First Reading _____
Second Reading _____

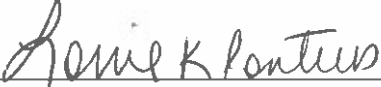
PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this

2nd day of July, 2024.



James Finchum, Councilmember

ATTEST:



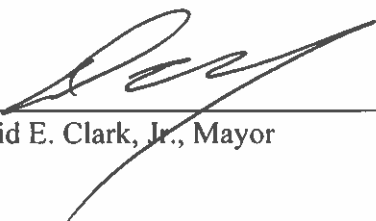
Lorrie K. Pontius
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this me this 2nd day of
July, 2024.



Lorrie K. Pontius, Clerk-Treasurer

APPROVED AND SIGNED by me this 2nd day of July, 2024.



David E. Clark, Jr., Mayor

First Reading _____
Second Reading _____

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

First Reading _____
Second Reading _____

VOTING:

AYE

NAY

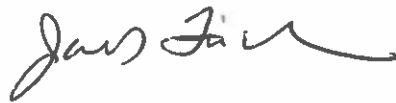
Natalie DeWitt



Rod Williams



James Finchum




Dan Braun



David Bundy



Kevin Webb



Emily Prosser



First Reading _____
Second Reading _____

EXHIBIT "A"



CHAPTER 162
POST-CONSTRUCTION STORMWATER CONTROL

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162.001 INTRODUCTION / PURPOSE

This ordinance establishes minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within the City of Auburn's jurisdictional limits. This ordinance seeks to meet that purpose through the following objectives:

- A. To prevent accelerated soil erosion and to control stormwater runoff resulting from land disturbing activities, both during and after construction.
- B. To ensure that property owners control the volume and rate of stormwater runoff originating from their property so that surface water and groundwater quality is protected, soil erosion minimized, and flooding potential reduced.
- C. To restrict stormwater runoff entering and leaving development sites to non-erosive velocities by requiring temporary and permanent soil erosion control measures.
- D. To ensure that soil erosion control and stormwater runoff control systems are incorporated into site planning early in the planning and design process.
- E. To reduce costly maintenance and repairs to roads, embankments, ditches, streams, lakes, wetlands, and stormwater control facilities resulting from excessive soil erosion and inadequate stormwater runoff control.
- F. To encourage the design and construction of stormwater control systems that serve multiple purposes, including but not limited to flood prevention, water quality protection, wildlife habitat preservation, education, recreation, and wetlands protection.
- G. To ensure that all stormwater control facilities will be properly designed, constructed, and maintained.
- H. To provide for enforcement of this ordinance.

162.002 LEGAL AUTHORITY

This chapter is adopted per statutory authority granted under code authorizing jurisdiction over the storm system and further is required by the National Pollution Discharge Elimination System (NPDES) program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act and the Indiana Department of Environmental Management's (IDEM) Construction Stormwater General Permit (CSGP) and Municipal Separate Storm Sewer System (MS4) General Permit (MS4GP). Based on this authority and these requirements, this chapter regulates:

- A. Stormwater drainage improvements related to the development of lands located within the corporate boundaries of the City.
- B. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- C. Stormwater pollution prevention planning for post-construction activities.
- D. The design, construction, and maintenance of stormwater drainage facilities and systems.
- E. The design, construction, and maintenance of stormwater quality facilities and systems.

162.003 DEFINITIONS

- City
Means employees or representatives of the City of Auburn designated to enforce and administer this ordinance.
- Best Management Practice (BMP)
Means structural or nonstructural practices, or a combination of practices, designed to function as effective, practicable means of minimizing the impacts of development and human activities on water quality.

Traditional structural BMPs, including extended detention dry ponds, wet ponds, infiltration trenches, and sand filtration systems are now common elements of most new development



Post-Construction Stormwater Control

projects. Structural BMPs rely heavily on gravitational settling and/or the infiltration of soluble nutrients through a porous medium for pollutant removal. Nonstructural BMPs, which may be used independently or in conjunction with structural BMPs, rely on a much wider breadth of mechanisms to prevent or control nonpoint source pollution (NPS). Nonstructural BMPs range from programs that increase public awareness to prevent pollution to the implementation of control-oriented techniques (such as bioretention and stormwater wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape.

- **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 Stormwater General Permit (CSGP)**
Means the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).
- **Contiguous**
Adjoining or in actual contact with
- **Conveyance**
Means any structural process for transferring stormwater between at least two (2) points. The term includes but is not limited to, piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.
- **IDEM**
Refers to the Indiana Department of Environmental Management.
- **Design Storm**
Means 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.
- **Developer**
Means any individual, firm, association syndicate, partnership, corporation, trust, or any other legal entity 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**
Means 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.
- **Erosion**
Means the wearing away of the land surface by water, wind, ice, gravity, or other geological agents. 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 because 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.
- **Floatable**
Means any liquid or solid that, due to its physical characteristics, will float on the surface of the water.



For this ordinance, the term does not include naturally occurring floatables, such as leaves or tree limbs.

- **Gasoline Outlet**
Means an operating gasoline or diesel fueling facility whose primary function is the resale of fuels.
- **Illicit Discharge**
Means any discharge to a municipal separate storm sewer system (MS4) conveyance that is not composed entirely of stormwater, except naturally introduced floatables, such as leaves or tree limbs. Sources of illicit discharges include but is not limited to sanitary wastewater, septic tank effluent, commercial car wash wastewater, oil spills or disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, pollutant run-off, and household hazardous wastes.
- **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), compacted gravel or soil, and rooftops.
- **National Pollutant Discharge Elimination System (NPDES)**
Means a permitting program that regulates point sources that discharge pollutants to waters of the United States.
- **Larger Common Plan of Development or Sale**
Means a plan, undertaken by a single developer or a group of developers acting in concert, to offer lots for sale or lease where such land is contiguous, or is known, designed, 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 part of a larger common plan. The term also includes phased construction by a single entity for its own use.
- **Maintenance Agreement**
Means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management measures.
- **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, which is:
 1. Owned or operated by:
 - a. Federal, state, city, town, county, district, association, or other public body (created by or under 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 waters of the state; or
 - b. 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).
- **Municipal Separate Storm Sewer System General Permit or “MS4GP”**
Means IDEM’s Municipal Separate Storm Sewer System General Permit.
- **Municipal, state, federal, or institutional refueling area**
Means an operating gasoline or diesel fueling area whose primary function is to provide fuel to either municipal, state, federal, or institutional equipment or vehicles.
- **National Pollution Discharge Elimination System (NPDES)**
Means a permitting program that regulates point sources that discharge pollutants to waters of the United States.
- **Pollutant**
Means anything that causes or contributes to pollution discharged into waterways. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded

or abandoned objects, and accumulations, so that the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; sediment; nutrients; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. Also, but not limited to dredged spoil; incinerator residue, filter backwash; sewage; garbage; sludge; munitions; chemical wastes; solid wastes; toxic wastes; hazardous substances; biological materials; radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended; 42 U.S.C. 011, et seq., heat, wrecked or discarded equipment; rock; sand; cellar dirt; and other industrial, municipal, and agricultural waste; discharged into water.

- **Responsible Individual or Party**
Means the person responsible for the development, implementation, or enforcement of the MCMs for a designated MS4 entity.
- **Soil and Water Conservation District (SWCD)**
Means the DeKalb County Soil and Water Conservation District.
- **Stormwater**
Means water resulting from rain, melting or melted snow, hail, sleet, or other natural occurrences.
- **Waters** means:
 1. the accumulations of water, surface and underground, natural and artificial, public and private; or
 2. a part of the accumulations of water; that are wholly or partially within flow through, or border upon Indiana. The term does not include a private pond, or an off-stream pond, reservoir, or
 3. BMP built for reduction or control of pollution or cooling of water before discharge, unless the discharge from the pond, reservoir, or BMP causes or threatens to cause water pollution.
- **Watershed**
Means an area of land from which water drains to a common point.

162.004 COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

162.005 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.

162.006 RESPONSIBILITY FOR ADMINISTRATION

The City shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon authorized personnel may be delegated in writing by the Mayor to persons or entities acting in the beneficial interest of or in the employ of the City.

162.007 ULTIMATE RESPONSIBILITY

The standards set forth herein and promulgated under 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.

162.008 DISCLAIMER OF LIABILITY

The degree of protection required by this chapter 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 or stormwater quality may be altered by man-made or natural causes. 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.

162.009 DEVELOPMENT OF TECHNICAL MANUAL

The City has furnished additional policy, criteria, and information including specifications and standards, for the proper implementation of the requirements of this ordinance and has provided such information in the form of a *Stormwater Best Management Practices Technical Manual* (Technical Manual). This manual includes a list of approved stormwater management measures, including specific design criteria and operation and maintenance requirements for each. The manual may be updated and expanded from time to time, at the discretion of the City, based on improvements in engineering, science, monitoring, and local maintenance experience. Stormwater management measures constructed per these design and sizing criteria are presumed to meet the minimum performance standards.

162.010 APPLICABILITY AND EXEMPTIONS

A. This chapter applies to the following:

1. The requirements of this chapter are the same as Chapter 161.010 (A).
2. New public or private fueling areas or those that replace existing tank systems, regardless of tank size or total land disturbance.
3. Developments less than one acre of disturbance with 80% impervious surfaces.

B. The exemptions under this chapter include:

1. The exemptions under this chapter are the same as Chapter 161.010 (C) and (D).
2. 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.
3. 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.
4. 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 project's hard surfaces associated with all building lots within the project.
5. Single-family residences and private ponds that are not part of a larger common plan of development or sale.
6. Individual residential building lots that are part of a larger common plan of development or sale.

C. Waivers and Special Conditions.

The City has the authority to modify, grant exemptions, and/or waive certain requirements of this chapter and its associated technical standards document. A pre-submittal meeting with the City of Auburn may be requested by the applicant to discuss the applicability of various provisions of the chapter and its associated technical standards document about unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the City that may be based on the review of more detailed information and plans.

162.011 GENERAL REQUIREMENTS FOR POST-CONSTRUCTION STORMWATER CONTROL

A. All post-construction stormwater quality and quantity control measures necessary to comply with this chapter must be implemented per the approved Post-Construction SWPPP application and sufficient to satisfy the requirements of the CSGP and the Technical Manual. Additional requirements include

the following:

1. Any fueling area, publicly or privately owned, 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.
 2. When using infiltration measures, take into consideration 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 the water quality volume or flow rate to capture the pollutants of concern.
 3. 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 capture the pollutants of concern including total suspended solids and oil/grease at a minimum.
 4. Registration of any Class V Injection well with EPA Region 5.
- B. Discharge from the MS4 conveyance into sinkholes or fractured bedrock without treatment that results in the discharge meeting Indiana groundwater quality standards as referenced in 327 IAC 2-11 is prohibited.
- C. Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.
- D. The City may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants on stormwater runoff. Where appropriate, and to the extent of the City's authority, the planning procedures may also include the following:
1. Buffer strip and riparian zone preservation.
 2. Filter strip creation.
 3. Minimization of land disturbance and surface imperviousness.
 4. Minimization of directly connected impervious areas.
 5. Maximization of open space.
 6. Directing the community's growth away from sensitive areas and towards areas that can support growth without compromising water quality.

162.012 DESIGN REQUIREMENTS

Unless judged by the City to be exempt, the following performance criteria shall be addressed for stormwater management at the applicable sites:

- A. All site designs shall establish stormwater management measures to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate (when possible) stormwater from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity. The calculations for determining peak flows as found in the Technical Manual shall be used for sizing all stormwater management measures unless prior approval is received from the City.
- B. BMPs shall be designed to treat the water quality volume (WQv) or the water quality flow rate (also referred to as the first flush of runoff). All projects disturbing more than one (1) acre and requiring Post-Construction SWPPPs shall be required to treat the WQv. Refer to the Technical Manual for further details regarding the calculation of the WQv.
- C. Structural stormwater treatment practices shall be designed to remove 80% of the average annual post-development total suspended solids load. It is presumed that a stormwater management measure complies with this performance standard if it is:
 1. Sized to capture the prescribed water quality volume or water quality.
 2. Designed according to the specific performance criteria outlined in the City's Technical Manual,

- 3. Constructed properly, and
- 4. Maintained regularly.
- D. Stormwater management measures shall incorporate floatables control to capture floating debris and remove it as part of the routine maintenance of the measure. Standalone stormwater management measures must include floatables control. For stormwater management systems or treatment trains, at least one of the components of the system, located after the last inflow point to the system, must provide control of floatables.
- E. Any fueling area, publicly or privately owned, 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.
- F. Measures shall, at a minimum:
 - 1. Utilize one (1) or more stormwater management measures working in tandem to treat stormwater run-off and increase the overall efficiency of individual and specialized measures.
 - 2. In combination with proper post-construction measure selection, design and development strategies must be selected and incorporated into the plan to reduce the contribution of pollutants from the project area to the stormwater management measures. These strategies include, but are not limited to:
 - a. Low Impact Development (LID) and green infrastructure.
 - b. Infiltration measures, when selected, must consider the pollutants associated with run-off and the potential to contaminate groundwater resources. Where there is a potential for contamination, implement measures that pretreat runoff to eliminate or reduce the pollutants of concern. 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 originates in the drainage area of the measure.
- G. Annual groundwater recharge rates shall be maintained by promoting infiltration using structural and nonstructural methods.
- H. All stormwater generated from all new development and redevelopment shall not discharge untreated stormwater directly into a receiving water body.
- I. For sites that discharge to DeKalb County controlled drains, the stormwater management measure shall be designed to meet any applicable requirements in the DeKalb County Stormwater Control Ordinance and receive County Drainage Board approval if appropriate.
- J. The Best Management Practices (BMPs) in the Technical Manual are acceptable for use in the City if designed, constructed, and maintained according to the criteria outlined in the Technical Manual.
 - 1. Should the developer/project site owner choose to implement a stormwater control device, method, or system not listed as one of the acceptable BMPs for the City, the developer/project site owner must provide proof that the stormwater control device, method, or system can achieve the target TSS removal rate of 80% and floatable control when correctly constructed.
 - 2. If hydrologic or topographic conditions warrant greater control than that provided by the control requirements present in the Technical Manual, the City reserves the right to impose all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

162.013 POST-CONSTRUCTION SWPPP

- A. The City shall review the Post-Construction SWPPP and all support documentation to determine its conformance with the provisions of this chapter, the Technical Manual, and the CSGP. The City will follow the plan review procedures outlined in Chapter 161 of the Municipal Code for Construction Site Run-Off Control.
- B. Contents of the Post-Construction SWPPP shall contain items in the City of Auburn's Construction/Stormwater Pollution Prevention Plan Technical Review form and the Technical Manual

that includes:

1. Post-Construction SWPPP and design calculations (for water quality and detention design).
 2. Post-construction operation and maintenance manual (O&M Manual) for all post-construction water quantity and quality BMPs.
 3. Post-construction BMP maintenance easement executed by the applicant or owner of the site shall be binding on all subsequent owners of land served by the BMP. The agreement shall provide for access to the BMP at reasonable times for periodic inspection by the City, or their designated representative, to ensure that the BMP is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded by the owner in the land records before issuing the Building Permit.
 4. Assignment of the 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 Post-Construction SWPPP is approved.
 5. Landscaping plan describing the vegetative stabilization and management techniques to be used at the site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- C. The City, instead of a maintenance covenant, may accept dedication of any existing or future stormwater BMP for maintenance, provided such BMP meets all the requirements of this Ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

162.014 PROJECT SITE OWNER RESPONSIBILITIES

Upon receiving stormwater approval, the project site owner has the following responsibilities:

- A. Ensure proper construction and installation of all stormwater management measures in compliance with the approved submittal, this ordinance, the Technical Manual, and the CSGP (as applicable).
- B. If revisions to the applications and/or construction plans require a change to the approved measures to appropriately control the quality or quantity of stormwater runoff, then revised plans must be submitted to the City.
- C. Stabilization of stormwater management measures (as applicable) must be initiated by the end of the seventh day the area is left idle and stabilization must be completed within fourteen (14) days after initiation for any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by land disturbing activities. The following criteria shall apply to revegetation efforts:
 1. Reseeding must be done with annual or perennial vegetation accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the vegetation is established over ninety percent (90%) of the seeded area.
 2. Replanting with native woody and herbaceous vegetation must be accompanied by the placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and can control erosion.
 3. Any area of revegetation must exhibit survival of a minimum of seventy percent (70%) of the vegetation throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy percent (70%) survival for one (1) year is achieved.
- D. O&M Manuals
 1. Owners of ponds will be responsible for all maintenance of pond banks, erosion control measures, riprap, and outfall protection, and all periodic dredging. It is the designer's responsibility to determine which operation and maintenance measures are necessary to prolong the optimal function of the facility.



2. Underground vaults and structures shall include design measures to facilitate regular cleaning and maintenance. Confined space entry procedures shall be followed.
 3. The approved O&M Manual shall be signed by the owner and notarized stating that the owner understands their responsibility to inspect and maintain. A copy of the approved O&M Manual shall be provided to the owner and the City. The signed and notarized O&M Manual shall be recorded with the property at the County Recorder's office by the Owner.
 4. A copy of the O&M Manual shall be provided to each new owner before the transfer of ownership. The O&M Manual shall be signed by the new owner, notarized, submitted to the City to be kept on record, and recorded with the property at the County Recorder's office by the owner.
- E. Project Completion and Permit Termination
1. The owner shall follow Chapter 161.014 (M).
 2. All project site owners are required to submit "as built" plans for any stormwater BMPs located on-site after final construction is completed. The plan must show the final design specifications for all stormwater BMPs and must be certified by a professional engineer. A final inspection by the City of Auburn as described in Chapter 161.014 (M) is required.
 3. Post-construction operation and maintenance covenant between the owner and the City that ensures proper long-term function of the BMP. The covenant and O&M Manual shall be recorded into the land record before issuance of the Certificate of Occupancy.

162.015 CITY INSPECTION AUTHORITY

- A. After the approval of the Stormwater Management Plan by the City of Auburn and the commencement of construction activities, the City of Auburn 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 BMPs. 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, sanitary sewer, or combined sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for 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.

162.016 CITY CONSTRUCTION INSPECTION

- A. The applicant must notify the City in advance before the commencement of construction of stormwater BMPs. The City shall conduct regular inspections of the construction site. All inspections shall be documented and written reports prepared that contain the following information:
 1. The date and location of the inspection;
 2. Whether the construction is compliant with the approved Post-Construction SWPPP;
 3. Variations from the approved construction specifications;
 4. Problems identified at the project site and details of any corrective actions required; and
 5. Any violations of the City ordinances that exist.
- B. If any violations are found, the property owner shall receive a written warning that includes the nature of the infraction and the required corrective actions. No added work shall proceed until any infractions are corrected and all work previously completed has received approval by the City.
- C. Noted deficiencies and recommended corrective actions will be included in an inspection report and

provided to the owner of the BMP. If deficiencies are found during the inspection, the property owner shall receive a written warning that includes the nature of the infraction, the required corrective actions, and the completion date. The owner of the BMP will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time, the City will implement the enforcement actions as described in Chapter 161.018.

162.017 OWNER'S MONITORING AND MAINTENANCE REQUIREMENTS FOR STORMWATER FACILITIES

- A. Maintain the stormwater 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.
- B. The owner shall keep an updated logbook or inspection worksheets documenting the performance of the required operation and maintenance activities for perpetuity. Note inspection dates, facility components inspected, facility condition, and any maintenance performed or repairs made.
- C. All stormwater management BMPs must undergo, at the minimum, an annual inspection by the owner to document maintenance and repair needs and ensure compliance with the requirements of this chapter and the accomplishment of its purposes. Inspections may include but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of stormwater BMPs.
- D. Obtain approval from the City for alterations, revisions, or replacements of all post-construction BMPs.
- E. Parties responsible for the operation and maintenance of stormwater BMPs shall maintain records of the installation, maintenance, and repairs, and retain the records for at least 5 (five) years. These records shall be made available to the City within forty-eight (48) hours of the request.

162.018 CITY INSPECTIONS OF STORMWATER FACILITIES

- A. As part of the City's stormwater system maintenance, the City may conduct stormwater BMP inspections. The inspections may review documentation, physical conditions, available storage capacity, and the operational condition of key facility elements.
- B. Inspection may be completed on any reasonable basis, including but not limited to, routine inspections, random inspections, inspections based upon complaints, or other notice of possible infractions of this chapter or Chapter 160 Rules Related to the Illicit Discharge and Connection to Stormwater Drains.
- C. If after an inspection, the City finds the stormwater BMP is not functioning as designed, the City may require the owner to increase the inspection frequency as deemed necessary to ensure the proper functioning of the stormwater BMP
- D. The City may require monitoring of the discharge from a BMP by the owner if:
 - 1. Illicit Discharges have been detected;
 - 2. Maintenance problems have been noted; and/or
 - 3. Complaints have been received.
- E. Monitoring may include the following:
 - 1. Routine visual monitoring of dry weather flows;
 - 2. Routine visual monitoring of premises for spills or pollutant discharges;
 - 3. A log of monitoring dates, potential pollution sources noted above, and mitigation measures taken; and/or
 - 4. Laboratory analyses for pollutants, if determined to be necessary. Required monitoring may be discontinued after conditions requiring monitoring no longer exist and the City has been provided written notice before cessation. The required activity may not cease if written notice to continue is issued by the City.
- F. If any violations are found during the City inspections, the property owner shall receive a written



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warning that includes a copy of the inspection report, the nature of the infraction, the required corrective actions, and the completion date. The owner of the BMP will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time, the City will follow the enforcement actions as described in Chapter 161.018.

162.019 FAILURE TO MAINTAIN PRACTICES

- A. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the BMP in proper working condition.
- B. If the stormwater BMP becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater BMP in writing. Upon receipt of this notice, the responsible person shall have fourteen (14) days to conduct maintenance and repair of the BMP in an approved manner.
- C. After proper notice, the City of Auburn may assess the owner(s) of the BMP for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

162.020 ENFORCEMENT AND PENALTIES

Enforcement actions and Penalties shall follow Chapter 161.018 and 161.020.