

**AN ORDINANCE AMENDING THE CITY OF ANGOLA, INDIANA CODE OF ORDINANCES TITLE V: PUBLIC WORKS CHAPTER 54: STORMWATER MANAGEMENT BY THE ADDITION OF REGULATING STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION OPERATION AND MAINTENANCE**

Be it hereby ORDAINED by the Common Council of the City of Angola, Steuben County, Indiana:

**Section 1. APPLICABILITY AND EXEMPTIONS**

(A) The stormwater pollution prevention plan, which is to be submitted to the City of Angola Municipal Separate Storm Sewer System (MS4) Operator as part of the stormwater management permit application, must also include post-construction 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 treat stormwater runoff from the stabilized site. Any project located within the City of Angola that includes clearing, grading, excavation, concrete or bituminous paving, and other land disturbing activities, resulting in the disturbance of or impact on 1 acre or more of total land area, is subject to the requirements of this chapter. 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.

(B) The requirements under this chapter do not apply to the following activities:

- (1) agricultural land disturbing activities; or
- (2) forest harvesting activities; or
- (3) construction activities associated with a single family residential dwelling disturbing less than 5 acres, when the dwelling is not part of a larger common plan of development or sale; or
- (4) single family residential developments consisting of four or less lots; or
- (5) a single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale; or
- (6) individual building lots within a larger permitted project.

(C) The requirements under this chapter do not apply to the following activities, provided other applicable State permits contain provisions requiring immediate implementation of soil erosion control measures:

- (1) Landfills that have been issued a certification of closure under 329 IAC 10.
- (2) Coal mining activities permitted under IC 14-34.
- (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(D) It will be the responsibility of the project site owner to complete a SITE IMPROVEMENT PERMIT application and ensure that a sufficient construction plan is completed and submitted to the City of Angola Municipal Separate Storm Sewer System (MS4) Operator in accordance with Ordinance No. 1164-2004 and/or 327 IAC 15-5 (Rule 5). 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 with the approved stormwater management permit, and to notify the City of Angola Municipal Separate Storm Sewer System (MS4) Operator with a sufficient notice of termination letter 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 chapter and this Ordinance.

## Section 2. POLICY ON STORMWATER QUALITY MANAGEMENT

(A) It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in City of Angola, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching legal drains, streams, rivers, and lakes. Through the use of Best Management Practices (BMPs), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed. The City of Angola has adopted a policy that the control of Stormwater quality will be based on the management of Total Suspended Solids (TSS).

(B) The project site owner must submit to the City of Angola MS4 Operator, a Storm Water Pollution Prevention Plan (SWPPP). The Storm Water Pollution Prevention Plan (SWPPP) must include the following information:

-A description of potential pollutant sources from the proposed land use, that may reasonably be expected to add a significant amount of pollutants to storm water discharges.

-Location, dimensions, detailed specifications, and construction details of all postconstruction storm water quality measures (BMP's)

-A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds.

-A sequence describing when each postconstruction storm water quality measure will be installed.

-Storm water quality measures that will remove or minimize pollutants from storm water run-off.

-Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

-A narrative description of the maintenance guidelines for all postconstruction storm water quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the postconstruction storm water quality measures.

Best Management Practices (BMP's) shall be as listed in *EPA's National Menu for BMP Practices for Post-Construction Storm Water Management* or the *Indiana Stormwater Quality Manual* (formerly *Indiana Handbook for Erosion Control*). The noted BMPs must be designed, constructed, and maintained according to guidelines provided in the above referenced Menu or Manual or as provided by the manufacturer of the stormwater BMP. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are available from the *International Stormwater Best Management Practices (BMP) Database* developed by the Federal Highway Administration (FHWA) and the American Society of Civil Engineers (ASCE). The information and data is available at <http://www.bmpdatabase.org>

(C) 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 practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. The treatment system installed must be capable of removing 80% of floatables, sediments, and oils from the on-site storm water system before discharging to a City of Angola storm sewer, Steuben County Legal Drain, or other natural or artificial drainage way. In addition, 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 runoff. The treatment system installed must be capable of removing 80% of floatables, sediments, and oils from

the on-site storm water system before discharging to a City of Angola storm sewer, Steuben County Legal Drain, or other natural or artificial drainage way.

### **Section 3. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

Calculation of land disturbance should follow the guidelines outlined in the *Indiana Stormwater Quality Manual*. The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the *Indiana Stormwater Quality Manual* (formerly *Indiana Handbook for Erosion Control*). The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.

### **Section 4. EASEMENT REQUIREMENTS**

All storm water quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements. For the purposes of monitoring, inspection, and general maintenance activities, a twenty-five (25) foot wide perimeter beyond the actual footprint of the stormwater quality management facility as well as a twenty-five (25) foot wide access easement from a public right-of-way to each BMP shall be provided.

### **Section 5. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

(A) After the approval of the stormwater management permit by the City of Angola Municipal Separate Storm Sewer System (MS4) Operator and the commencement of construction activities, the City of Angola Municipal Separate Storm Sewer System (MS4) Operator 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 approved permit.

(B) Stormwater quality management facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the *Indiana Stormwater Quality Manual* and/or the terms and conditions of the approved Storm Water Pollution Prevention Plan (SWPPP), and shall not be subsequently altered, revised, or replaced except in accordance with the approved Storm Water Pollution Prevention Plan (SWPPP), or in accordance with approved amendments or revisions in the permit. Following construction completion, maintenance of stormwater quality facilities shall be the long-term responsibility of the facility's owner, its successors and assigns, including any homeowners association.

(C) The City of Angola Municipal Separate Storm Sewer System (MS4) Operator has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will follow the Operation and Maintenance procedures included in the Stormwater Technical Standards Manual and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. If deficiencies are found during the inspection, the owner of the facility will be notified by the City of Angola Municipal Separate Storm Sewer System (MS4) Operator and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the City of Angola Municipal Separate Storm Sewer System (MS4) Operator will undertake the work and collect from the owner using lien rights if necessary.

### **Section 6. STORMWATER MANAGEMENT/BMP FACILITIES AGREEMENT**

The project site owner and the City of Angola will execute a *STORMWATER MANAGEMENT/BMP FACILITIES AGREEMENT* as a condition of approval for the project site owner's Stormwater Pollution Prevention Plan. The standard agreement forms are

available from the City of Angola Municipal Separate Storm Sewer System (MS4) Operator. The forms shall be executed by the project site owner and submitted with the Stormwater Pollution Prevention Plan.

#### **Section 7. COMPLIANCE WITH THIS ORDINANCE**

In addition to the requirements of this Ordinance, compliance with the requirements set forth in the local Zoning Ordinances is also necessary. Compliance with all applicable ordinances of the City of Angola as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Ordinance shall be the most recent edition available. Violations of the requirements of this Ordinance are subject to the penalties listed below.

#### **Section 8. PENALTIES FOR VIOLATIONS**

A violation of any provision of this ordinance is hereby declared to be a nuisance.

A violation of any provision of this ordinance for which no other penalty is set forth shall be subject to the penalty as stated in § 10.99 of the Angola Code of Ordinances

(B) Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section.

#### **Section 9. STOP WORK ORDER**

(A) In addition to the penalties listed above, if land disturbance or impact activities are conducted contrary to the provisions of this Ordinance or the approved Stormwater Pollution Prevention Plan, the City of Angola Municipal Separate Storm Sewer System (MS4) Operator may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the City of Angola to proceed with the work. The City of Angola Municipal Separate Storm Sewer System (MS4) Operator may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.

(B) Any person who neglects or fails to comply with a stop work order shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000 or imprisonment for not more than 3 months, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may be assessed by the City of Angola Municipal Separate Storm Sewer System (MS4) Operator

#### **Section 10. FAILURE TO COMPLY OR COMPLETE**

In addition to any other remedies, should any owner fail to comply with the provisions of this ordinance, the City of Angola Municipal Separate Storm Sewer System (MS4) Operator may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the City of Angola for all costs of such work.

#### **Section 11. SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM**

(A) Suspension due to emergency situations. The City of Angola Municipal Separate Storm Sewer System (MS4) Operator may, without prior notice, suspend stormwater drainage system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the stormwater drainage system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, City of Angola may take such steps as deemed necessary to prevent or minimize

damage to the stormwater drainage system or Waters of the United States, or to minimize danger to persons.

(B) Suspension due to the detection of illicit discharge. Any person discharging to the stormwater drainage system in violation of this Ordinance may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The City of Angola Municipal Separate Storm Sewer System (MS4) Operator will notify a violator of the proposed termination of its MS4 access. The violator may petition the City of Angola Common Council for a reconsideration and hearing.

**Section 12. CORRECTIVE ACTION**

Nothing herein contained shall prevent the City of Angola Municipal Separate Storm Sewer System (MS4) Operator from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the City of Angola's NPDES permit, attorney fees, and other costs and expenses.

**Section 13. EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage by the Common Council and approval of the Mayor.

Passed and adopted by the Common Council of the City of Angola, Steuben County, Indiana this 17<sup>th</sup> day of October 2005.

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Richard M. Hickman, Mayor

Attest:

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Debra A. Twitchell, IAMC/CMC/CPFA  
Clerk-Treasurer

This Ordinance presented by me, the Clerk-Treasurer of the City of Angola, Indiana, to the Mayor for approval this 17<sup>th</sup> day of October 2005.

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Debra A. Twitchell, IAMC/CMC/CPFA  
Clerk-Treasurer

This Ordinance signed and approved by me, the Mayor of the City of Angola, Indiana this 17<sup>th</sup> day of October 2005.

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Richard M. Hickman, Mayor

Public Notice Date: October 24, 2005