

## ORDINANCE REGARDING STORM WATER RUNOFF CONTROL

WHEREAS, LaPorte County is required to have a storm water runoff ordinance;  
and

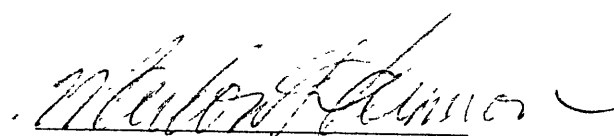
WHEREAS, LaPorte County Highway previously adopted such storm water runoff ordinance, however the requirements the requirements have been changed pursuant to State statue.

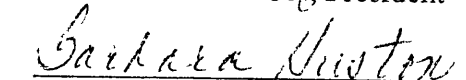
WHEREAS, LaPorte County is in need to adopt an amended storm water runoff ordinance.


NOW THEREFORE be it ordained by the LaPorte County Board of Commissioners that:

1. That LaPorte County hereby adopts a Post Construction Storm Water Runoff Control Ordinance. (Exhibit "A").
2. That all previous Storm Water Runoff Ordinance are hereby rescinded.
3. That this Ordinance shall take effect after its publication and passage as prescribed by law as appropriate.


ADOPTED on this 7<sup>th</sup> day of February, 2006

  
MALOW HARMON, President

  
BARBARA HUSTON, Member

  
BILL HAGER, Vice President

ATTEST

  
TERESA SHUTER, Auditor

**LAPORTE COUNTY, INDIANA**  
**POST CONSTRUCTION STORM WATER RUNOFF CONTROL**  
**ORDINANCE**

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**SECTION 1. GENERAL PROVISIONS**

**1.1. Findings of Fact**

It is hereby determined that:

Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase storm water runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

This storm water runoff contributes to increased quantities of water-borne pollutants, and,

Storm water runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of storm water runoff from development sites.

Therefore, **LaPorte County** establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of storm water runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of storm water runoff discharges from land development projects and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with storm water runoff is in the public interest and will prevent threats to public health and safety.

## 1.2. Purpose

The purpose of this ordinance is to establish minimum storm water management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through the following objectives:

- (1) minimize increases in storm water runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels,
- (2) minimize increases in non-point source pollution caused by storm water runoff from development which would otherwise degrade local water quality
- (3) minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- (4) reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety

## 1.3. Applicability

This ordinance shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by **LaPorte County** under the specifications of Section 4 of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of storm water runoff, **LaPorte County** has developed a set of performance standards that must be met at new development sites. These standards apply to any construction activity disturbing 5,000 or more square feet of land. The following activities are exempt from these storm water performance criteria:

1. Additions or modifications to existing single family structures.
2. Developments that do not disturb more than 5,000 square feet of land, provided they are not part of a larger common development plan,

3 Repairs to any storm water treatment practice deemed necessary by **LaPorte County**.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Section 2 of this ordinance, decisions on permitting and on-site storm water requirements shall be governed by storm water sizing criteria *found in the current storm water design manual*. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by **LaPorte County**.

#### **1.4. 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.

#### **1.5. Severability**

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.

#### **1.6. Development of a Storm Water Design Manual**

*LaPorte County may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a Storm Water Design Manual.*

*This manual will include a list of acceptable storm water treatment practices, including the specific design criteria and operation and maintenance requirements for each storm water 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 treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.*

## SECTION 2 DEFINITIONS

"**Accelerated Erosion**" means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action

"**Applicant**" means a property owner or agent of a property owner who has filed an application for a storm water management permit

"**Building**" means any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area

"**Channel**" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water

"**Dedication**" means the deliberate appropriation of property by its owner for general public use

"**Detention**" means the temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

"**Detention Facility**" means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

"**Developer**" means a person who undertakes land disturbance activities.

"**Drainage Easement**" means a legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.

"**Erosion and Sediment Control Plan**" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities

"**Fee in Lieu**" means a payment of money in place of meeting all or part of the storm water performance standards required by this ordinance

"**Hotspot**" means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

**"Hydrologic Soil Group (HSG)"** means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

**"Impervious Cover"** means those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**"Industrial Storm Water Permit"** means an National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.

**"Infiltration"** means the process of percolating storm water into the subsoil.

**"Infiltration Facility"** means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

**"Jurisdictional Wetland"** means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**"Land Disturbance Activity"** means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

**"Landowner"** means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

**"Maintenance Agreement"** means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

**"MS4 Coordinator"** means a staff employee or designated representative of the LaPorte County Soil and Water Conservation District responsible for assisting in the implementation and management of the Storm Water Quality Management Program for the urbanized area of LaPorte County, City of LaPorte, City of Michigan City, Town of Trail Creek and Town of Long Beach.

**"Non-point Source Pollution"** means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources

**"Offset Fee"** means a monetary compensation paid to a local government for failure to meet pollutant load reduction targets.

**"Off-Site Facility"** means a storm water management measure located outside the subject property boundary described in the permit application for land development activity.

**"On-Site Facility"** means a storm water management measure located within the subject property boundary described in the permit application for land development activity

**"Recharge"** means the replenishment of underground water reserves.

**"Redevelopment"** means any construction, alteration or improvement exceeding square feet in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.

**"Stop Work Order"** means an order issued which requires that all construction activity on a site be stopped.

**"Storm Water Management"** means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

**"Storm Water Retrofit"** means a storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.

**"Storm water Runoff"** means flow on the surface of the ground, resulting from precipitation

**"Storm water Treatment Practices (STPs)"** means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or non-point source pollution inputs to storm water runoff and water bodies.

"**Water Quality Volume (WQ<sub>v</sub>)**" means the storage needed to capture and treat 90% of the average annual storm water runoff volume. Numerically (WQ<sub>v</sub>) will vary as a function of long term rainfall statistical data

"**Watercourse**" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water

### **SECTION 3 PERMIT PROCEDURES AND REQUIREMENTS**

#### 3.1. Permit Required

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this ordinance prior to commencing the proposed activity

#### 3.2. Application Requirements

Unless specifically excluded by this ordinance, any land owner or operator desiring a permit for a land disturbance activity shall submit to **MS4 Coordinator** a permit application on a form provided for that purpose

Unless otherwise excepted by this ordinance, a permit application must be accompanied by the following in order that the permit application be considered a storm water management concept plan, a maintenance agreement; and a non-refundable permit review fee.

The storm water management plan shall be prepared to meet the requirements of Sec. 5 of this ordinance, the maintenance agreement shall be prepared to meet the requirements of Sec. 9 of this ordinance, and fees shall be those established by **LaPorte County**

#### 3.3. Application Review Fees

The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by **LaPorte County**. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit for the development

#### 3.4. Application Procedure

- Applications for land disturbance activity permits may be filed with **MS4 Coordinator** on any regular business day.



- Permit applications shall include the following two copies of the storm water management concept plan, two copies of the maintenance agreement, and any required review fees
- Within 20 business days of the receipt of a complete permit application, including all documents as required by this ordinance, **MS4 Coordinator** shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved
- If the permit application, storm water management plan or maintenance agreement are disapproved, the applicant may revise the storm water management plan or agreement. If additional information is submitted, **MS4 Coordinator** shall have 5 business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- If the permit application, final storm water management plan and maintenance agreement are approved by **MS4 Coordinator**, all appropriate land disturbance activity permits shall be issued.

### 3.5. Permit Duration

Permits issued under this section shall be valid from the date of issuance through the date **MS4 Coordinator** notifies the permit holder that all storm water management practices have passed the final inspection required under permit condition.

## **SECTION 4. WAIVERS TO STORMWATER MANAGEMENT REQUIREMENTS**

### 4.1. Waivers for Providing Storm Water Management

Every applicant shall provide for storm water management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted to **LaPorte County** for approval.

The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies

- 1 It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance

2 Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by **LaPorte County** and the implementation of the plan is required by local ordinance.

3 Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the storm water practice

4. **LaPorte County** finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site

5 Non-structural practices will be used on the site that reduce a) the generation of storm water from the site, b) the size and cost of storm water storage and c) the pollutants generated at the site *These non-structural practices are explained in detail in the current design manual* and the amount of credit available for using such practices shall be determined by **LaPorte County**.

In instances where one of the conditions above applies, **LaPorte County** may grant a waiver from strict compliance with these storm water management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the **County** that the variance will not result in the following impacts to downstream waterways

- Deterioration of existing culverts, bridges, dams, and other structures,
- Degradation of biological functions or habitat,
- Accelerated stream bank or streambed erosion or siltation;
- Increased threat of flood damage to public health, life, property .

Furthermore, where compliance with minimum requirements for storm water management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by **LaPorte County**. Mitigation measures may include, but are not limited to, the following:

- The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,
- The creation of a storm water management facility or other drainage improvements on previously developed properties, public or private, that currently lack storm water management facilities designed and constructed in accordance with the purposes and standards of this ordinance,
- Monetary contributions (Fee-in-Lieu) to fund storm water management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macro-invertebrates, stream flow

monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of storm water management practices)

#### 4.2 Fee in Lieu of Storm Water Management Practices

Where **LaPorte County** waives all or part of the minimum storm water management requirements, or where the waiver is based on the provision of adequate storm water facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the **County**.

When an applicant obtains a waiver of the required storm water management requirements, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the storm water authority agree on a greater alternate contribution) established by **LaPorte County**, and based on the cubic feet of storage required for storm water management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

#### 4.3 Dedication of land

In lieu of a monetary contribution, an applicant may obtain a waiver of the storm water management requirements by entering into an agreement with **LaPorte County** for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site storm water management facility. The agreement shall be entered into by the applicant and the **City** prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

### **SECTION 5. GENERAL PERFORMANCE CRITERIA FOR STORM WATER MANAGEMENT**

Unless judged by **LaPorte County** to be exempt or granted a waiver, the following performance criteria shall be addressed for storm water management at all sites.

(A). All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

(B) All storm water runoff generated from new development shall not discharge untreated storm water directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to **LaPorte County**. In no case shall the impact on functional values be any less than allowed by the

Army Corp of Engineers (ACE) or other agencies regulating wetlands in the State of Indiana

(C) For new development, structural storm water treatment practices (STP) shall be designed to remove \_\_\_\_\_ % of the average annual post development total suspended solids load (TSS) It is presumed that a STP complies with this performance standard if it is

- Sized to capture the prescribed water quality volume (WQ<sub>v</sub>)
- Designed according to the specific performance criteria *outlined in the local storm water design manual.*
- Constructed Properly
- Maintained regularly

(D) To protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the current storm water manual.

(E). Storm water discharges to critical areas with sensitive resources (i e , cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

(F) Certain industrial sites are required to prepare and implement a storm water pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) The storm water pollution prevention plan requirement applies to both existing and new industrial sites

(G). Storm water discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots", may require the use of specific structural STPs and pollution prevention practices

(H) Prior to design, applicants are required to consult with **LaPorte County** to determine if they are subject to additional storm water design requirements

(I). The calculations for determining peak flows *as found in the Storm Water Design Manual* shall be used for sizing all storm water management practices

## **SECTION 6. BASIC STORM WATER MANAGEMENT DESIGN CRITERIA**

### 6.1 Minimum Control Requirements

All storm water management practices will be designed so that the specific storm frequency storage volumes (e g , recharge, water quality, channel protection, 10 year, 100 year) *as identified in the current storm water design manual* are met, unless **LaPorte County** grants the applicant a waiver or the applicant is exempt from such requirements

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, **LaPorte County** reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

#### 6.2 Site Design Feasibility

Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered

- Topography
- Maximum Drainage Area
- Depth to Water Table
- Soils
- Slopes
- Terrain
- Head
- Location in relation to environmentally sensitive features or ultra-urban areas

*Applicants shall consult the Storm Water Design Manual* for guidance on the factors that determine site design feasibility when selecting a storm water management practice.

#### 6.3 Conveyance Issues

All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to

- Maximizing of flowpaths from inflow points to outflow points
- Protection of inlet and outfall structures
- Elimination of erosive flow velocities
- Providing of underdrain systems, where applicable

*The Storm Water Design Manual* shall provide detailed guidance on the requirements for conveyance for each of the approved storm water management practices.

#### 6.4. Pretreatment Requirements

Every storm water treatment practice shall have an acceptable form of water quality pretreatment, *in accordance with the pretreatment requirements found in the current storm water design manual*. Certain storm water treatment practices, *as specified in the Storm Water Design Manual*, are prohibited even with pretreatment in the following circumstances.

A Storm water is generated from highly contaminated source areas known as "hotspots"

B Storm water is carried in a conveyance system that also carries contaminated, non-storm water discharges

C Storm water is being managed in a designated groundwater recharge area

D Certain geologic conditions exist (e.g., karst) that prohibit the proper pretreatment of storm water.

#### 6.5 Treatment/Geometry Conditions

All storm water management practices shall be designed to capture and treat storm water runoff according to the specifications *outlined in the Storm Water Design Manual*. These specifications will designate the water quantity and quality treatment criteria that apply to an approved storm water management practice.

#### 6.6. Landscaping Plans Required

All storm water management practices must have a landscaping plan detailing both the vegetation and how and who will manage and maintain this vegetation.

#### 6.7. Maintenance Agreements

All storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities.

#### 6.8 Non-Structural Storm Water Practices

The use of non-structural storm water treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of storm water that must be managed can be earned through the use of non-structural practices that reduce the generation of storm water from the site. These non-structural practices are explained in detail *in the current Storm Water Design Manual* and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

## SECTION 7. REQUIREMENTS FOR STORM WATER MANAGEMENT PLAN APPROVAL

### 7.1 Storm Water Management Plan Required for All Developments

No application for development will be approved unless it includes a storm water management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must be prepared by an individual approved by **LaPorte County** and must indicate whether storm water will be managed on-site or off-site and, if on-site, the general location and type of practices.

The storm water management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final storm water management plan. This final plan must be signed by a licensed professional engineer (PE), who will verify that the *design of all storm water management practices meet the submittal requirements outlined in the Submittal Checklist found in the Storm Water Design Manual*. No building, grading, or sediment control permit shall be issued until a satisfactory final storm water management plan, or a waiver thereof, shall have undergone a review and been approved by **LaPorte County** after determining that the plan or waiver is consistent with the requirements of this ordinance.

### 7.2 Storm Water Management Concept Plan Requirements

A storm water management concept plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this conceptual planning process is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

- A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural storm water management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses, drainage patterns, locations of utilities, roads and easements, the limits of clearing and grading, A written description of the site plan and justification of proposed changes in natural conditions may also be required.

- Sufficient engineering analysis to show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance *and the specifications of the Storm Water Design Manual*
- A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development
- A written description of the required maintenance burden for any proposed storm water management facility.
- **LaPorte County** may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential

For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the storm water concept plan measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this Ordinance to the maximum extent practicable.

### 7.3 Final Storm Water Management Plan Requirements

After review of the storm water management concept plan, and modifications to that plan as deemed necessary by **LaPorte County**, a final storm water management plan must be submitted for approval. The final storm water management plan, in addition to the information from the concept plan, *shall include all of the information required in the Final Storm Water Management Plan checklist found in the Storm Water Design Manual.* This includes.

#### 1. Contact Information

The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

#### 2 Topographic Base Map

A 1" = 200' topographic base map of the site which extends a minimum of 100 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements, and significant natural and manmade features not otherwise shown



### 3 Calculations

Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the design storms *referenced in the Storm Water Design Manual*, and (ix) documentation of sources for all computation methods and field test results.

### 4 Soils Information

If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil test pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

### 5 Maintenance and Repair Plan

The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued function. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

### 6 Landscaping plan

The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including 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. This plan must be prepared by a registered landscape architect or by the soil conservation district.

### 7. Maintenance Easements

The applicant must ensure access to all storm water treatment practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements will be recorded with the plan and will remain in effect even with transfer of title to the property.

## 8 Maintenance Agreement

The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management measure in accordance with the specifications of this ordinance.

## 9.Erosion and Sediment Control Plans for Construction of Storm Water Management Measures

The applicant must prepare an erosion and sediment control plan for all construction activities related to implementing any on-site storm water management practices

## 10.Other Permits

The applicant shall assure that all other applicable permits have been acquired for the site prior to approval of the final storm water management plan.

## 7.4 Performance Bond/Security

**LaPorte County** requires the submittal of a performance security or bond prior to issuance of a permit in order to insure that the storm water practices are installed by the permit holder as required by the approved storm water management plan. The amount of the installation performance security shall be the total estimated construction cost of the storm water management practices approved under the permit, plus 25%. The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan.

The installation performance security shall be released in full only upon submission of "as built plans" and written certification by a registered professional engineer that the storm water practice has been installed in accordance with the approved plan and other applicable provisions of this ordinance. **LaPorte County** will make a final inspection of the storm water practice to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the **County**.

## SECTION 8 CONSTRUCTION INSPECTION

### 8.1. Notice of Construction Commencement

The applicant must notify **MS4 Coordinator** in advance before the commencement of construction. Regular inspections of the storm water management system construction shall be conducted by the **MS4 Coordinator** or certified by a professional engineer or their designee who has been approved by **LaPorte County**. 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 water management plan
- Variations from the approved construction specifications
- Any violations that exist

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by **LaPorte County**.

### 8.2 As Built Plans

All applicants are required to submit actual "as-built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer. A final inspection by the **MS4 Coordinator** is required before the release of any performance securities can occur.

### 8.3 Landscaping and Stabilization Requirements

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten (10) days from the substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts:

Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a 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.

## **SECTION 9. MAINTENANCE AND REPAIR OF STORM WATER FACILITIES**

### **9.1 Maintenance Easement**

Prior to the issuance of any permit that has a storm water management facility 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 storm water management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the **MS4 Coordinator and LaPorte County** or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded in the land records.

### **9.2. Maintenance Covenants**

Maintenance of all storm water management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by **LaPorte County** and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the storm water management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

**LaPorte County**, in lieu of a maintenance covenant, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

### 9.3. Requirements for Maintenance Covenants

All storm water management facilities 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. These needs may include, removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by **LaPorte County**, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the storm water management facility.

### 9.4. Inspection of Storm Water Facilities

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 violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES storm water permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities, and evaluating the condition of drainage control facilities and other storm water treatment practices.

### 9.5. Right-of-Entry for Inspection

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to **LaPorte County** 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 a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

#### 9.6 Records of Installation and Maintenance Activities

Parties responsible for the operation and maintenance of a storm water management facility shall keep records of the installation and of all maintenance and repairs, and shall retain the records for at least three (3) years. These records shall be made available to **LaPorte County** during inspection of the facility and at other reasonable times upon request.

#### 9.7 Failure to Maintain Practices

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, **LaPorte County**, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, **LaPorte County** shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 3 days to effect maintenance and repair of the facility in an approved manner. After proper notice, **LaPorte County** may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

### SECTION 10. ENFORCEMENT AND PENALTIES

#### 10.1. Violations

Any development activity that is commenced or is conducted contrary to this Ordinance, may be restrained by injunction or otherwise abated in a manner provided by law.

#### 10.2 Notice of Violation

When **LaPorte County** determines that an activity is not being carried out in accordance with the requirements of this Ordinance, it shall issue a written notice of violation to the owner of the property. The notice of violation shall contain :

- (1) the name and address of the owner or applicant;
- (2) the address when available or a description of the building, structure or land upon which the violation is occurring,
- (3) a statement specifying the nature of the violation,

(4) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

(5) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

### 10.3 Stop Work Orders

Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until **LaPorte County** confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal or monetary penalties in accordance with the enforcement measures authorized in this ordinance.

### 10.4 Civil Penalties

In addition to or as an alternative to any penalty provided here or by law, any person who violates the provisions of this Ordinance shall be punished by a fine of not less than Two Thousand Five Hundred Dollars (\$2,500.00) per day per violation as well as attorney fees in the event collection and legal enforcement is necessary. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues. Each violation shall be considered a separate offense.

### 10.5 Restoration of lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, **LaPorte County** may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

### 10.6 Holds on Occupation Permits

Occupation permits will not be granted until a correction to all storm water violations have been made and accepted by **LaPorte County**.

APPROVED BY:

\_\_\_\_\_  
MARLOW HARMON

\_\_\_\_\_  
BILL HAGER

\_\_\_\_\_  
BARBARA HUSTON

DATED: \_\_\_\_\_