

ORDINANCE NO. 50, 2024

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS,
INDIANA, TO REPEAL AND REPLACE STORMWATER MANAGEMENT ORDINANCE
NO. 29-2008**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, it is the desire of the Common Council to update and modernize the stormwater management regulations for the City of Columbus to ensure consistency with state and federal statutes, regulations, and best practices; and

WHEREAS, it is further the desire of the Common Council to provide for the health, safety, and general welfare of the citizens of the City of Columbus through the regulation of stormwater and non-stormwater discharges to the Stormwater Conveyance System and to protect, conserve and promote the orderly development of land and water resources within the City of Columbus. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the Stormwater Conveyance System;

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, that the Stormwater Management Ordinance No. 29-2008, Chapter 13.26 of the Columbus Municipal Code, is repealed and replaced as follows:

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13.26.010 Findings and Purpose

The City of Columbus finds that:

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

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Columbus through the regulation of stormwater and non-stormwater discharges to the Stormwater Conveyance System and to protect, conserve and promote the orderly development of land and water resources within the City of Columbus. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the Stormwater Conveyance System. The objectives of this Ordinance are:

- A. To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- B. To regulate the contribution of pollutants to the Stormwater Conveyance System from construction site runoff.
- C. To regulate the contribution of pollutants to the Stormwater Conveyance System from runoff from new development and re-development.
- D. To prohibit illicit discharges into the Stormwater Conveyance System.
- E. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

13.26.020 Applicability and Exemptions

A. Applicability

This Ordinance shall regulate all development and redevelopment occurring within the City of Columbus. No building permit shall be issued and no Land Disturbing activities, as defined in 13.26.150, started until the plans required by this Ordinance have been accepted in writing by the City of Columbus.

In addition to the requirements of this Ordinance and the Stormwater Design Manual, compliance with all applicable ordinances of the City of Columbus as well as with applicable Federal, State, and other Local 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. In case there are conflicts between the requirements contained in this Ordinance and applicable requirements contained in other regulatory documents, the most restrictive shall prevail.

Any Stormwater Management Permit issued within a 1 year period or Zoning Compliance Certificate issued within a 3 year period prior to the effective date of this Ordinance shall be exempt from the stormwater management requirements of this Ordinance that are in excess of the requirements of the ordinances in effect at the time of issuance.

These Stormwater requirements do not apply to the following:

1. Agricultural Land Disturbing Activities,
2. Silvicultural activities associated with nonpoint discharges under CFR 122.27,
3. The land disturbing activities listed below, provided other applicable permits contain provisions requiring immediate implementation of erosion and sediment control measures and stormwater management measures:
 - a. Landfills that have been issued a certification of closure under 329 IAC 10.
 - b. Coal mining activities permitted under IC 14-34.
 - c. Municipal solid waste facilities that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

13.26.030 Compatibility with Other Permit and Ordinance Requirements

This chapter 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 chapter should be considered minimum requirements, and where any provision of this chapter 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 take precedence.

13.26.040 Severability

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

13.26.050 Establishment of a Stormwater Design Manual

The Board of Public Works and Safety may furnish additional policy, criteria and information including specifications and standards for the proper implementation of the requirements of this chapter including providing such information in the form of a Stormwater Design Manual. The manual may be updated and expanded from time to time, at the discretion of the Board of Public Works and Safety, based on improvements in engineering, science, monitoring, regulation changes, and local maintenance experience. The Stormwater Design Manual includes but is not limited to the following:

- A. Requirements for land disturbing activities
- B. Post-construction stormwater quantity requirements
- C. Post-construction stormwater quality requirements
- D. Financial Guarantees

13.26.060 Stormwater Management Permit and Amendments

A. Stormwater Management Permit

The Project Team shall submit for a Stormwater Management Permit that complies with this Ordinance and the Stormwater Design Manual. The Stormwater Management Plan shall provide for the proper drainage and detention of stormwater runoff from the site, and the drainage basin in which it is contained, and may include stormwater quality practices. The Stormwater Management Plan shall be constructed and installed in accordance with the plans and specifications as approved by the City. This permit includes the following categories of applicable projects:

1. Green Permit – Projects with land disturbance of 0.25 acres or more and less than 0.5 acres.
2. Blue Permit – Projects with greater than or equal to 0.5 acres of land disturbance.

Sites disturbing greater than or equal to one acre require submittal of all requirements per the Stormwater Design Manual. In addition, submittal of a Notice of Intent (NOI) to Indiana Department of Environmental Management

(IDEM) is required to meet the requirements of the Construction Stormwater General Permit (CSGP). Sites requiring NOI submittal shall submit their IDEM Permit Number to the City of Columbus upon receipt.

3. Individual Residential Lot Permit – Single and double-family residences.

Blue and Green Permits issued by City will expire 1 year from the date of issuance. If land disturbing activities are not completed and the permit closed out within 1 year, a renewal of coverage must be submitted prior to the permit expiring. The renewal of coverage will be subject to fees as outlined in 13.26.100. Failure to maintain coverage will be subject to fines and penalties as outlined in 13.26.120.

B. Amendment of Plans

Any changes or deviations in the plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, the City prior to the land disturbance involving the change. Amendments include but are not limited to: increases in disturbed area, extending the construction limits, increases in impervious area, changes in detention/retention volumes, or changes to Stormwater Management Facilities. Amendments are subject to the fees as outlined in 13.26.100.

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

13.26.070 Variances

All land disturbances shall adhere to and be in compliance with this Ordinance and the Stormwater Design Manual unless a variance has been granted by the Board of Public Works and Safety. The Board may grant a variance from the terms of this Ordinance and the Stormwater Design Manual to provide relief, in whole or in part, but only upon finding that the following requirements are satisfied:

- A. The application of the Ordinance and the Stormwater Design Manual provisions being appealed will present or cause practical difficulties for a disturbance or development; provided, however, that practical difficulties shall not include the need for the developer to incur additional reasonable expenses in order to comply with the provision; and
- B. The granting of the relief requested will not substantially prevent the goals and purposes of this Ordinance or Stormwater Design Manual, nor result in less effective management of stormwater runoff.

13.26.080 Inspection of Land Disturbing Activities

All persons engaging in land disturbing activities shall be responsible for complying with the Stormwater Management Permit and the provisions of this chapter.

- A. The City or their designee may inspect any project site involved in construction activities regulated by this chapter at any time. The City or its designated representatives may make recommendations to the project site owner or their representative to install

appropriate measures beyond those specified in the Stormwater Management Permit and schedule to achieve compliance.

- B. The City shall investigate potential violations of this chapter to determine which person may be responsible for the violation. The City shall, if appropriate, consider public records of ownership, building permits, and other relevant information, which may include site inspections, Stormwater Management Permits, Notices of Intent, and other information related to the specific facts and circumstances of the potential violation.
- C. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required time to remedy said violation. No additional work shall proceed until any violations are corrected and all work previously completed has received approval by the City.
- D. Construction plans and supporting documentation associated with the Stormwater Management Permit must be made available to the City or its designated representative within forty-eight hours of such request.
- E. Appeals of violations shall be as described in 13.26.120B.
- F. If at any stage during land disturbing activities the City determines that the nature of the site is such that further work is likely to imperil any property, public way, watercourse or drainage structure, the City may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. Special precautions may include, but shall not be limited to, a more level exposed slope, construction of additional stormwater facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.
- G. Where it appears that damage may result because the grading on any land disturbance is not complete, work may be stopped as described in 13.26.120B and the person required to install temporary structures or take such other measures as may be required to protect adjoining property or, the public safety. The City may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

13.26.090 Inspection, Maintenance, and Repair of Stormwater Management Facilities

A. Easements

Prior to issuance of the Certificate of Occupancy and/or the release of the Financial Guarantee, the owner of the site must record a drainage easement in accordance with the requirements set forth in the Stormwater Design Manual. The easement shall be binding on all subsequent owners of land served by the Stormwater Management Facility.

B. Maintenance

Maintenance of all Stormwater Management Facilities shall be ensured through the creation and approval of an Operation and Maintenance (O&M) Manual that is recorded into the land record prior to Stormwater Management Permit issuance.

C. Inspections

Private Stormwater Management Facilities shall be inspected annually by owner or designee. Inspection reports for the previous calendar year are to be submitted to the City by May 1 of the following year. Failure to provide inspection reports shall be subject to penalties in accordance with 13.26.120.

The City may also perform special inspections of the site to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Ordinance.

D. Right-of-Entry

When any new Stormwater Management Facility that is installed on private property, or when any new connection is made between private property and Stormwater Conveyance System, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner. This includes the right to enter a property to conduct routine and complaint driven inspections, or to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.

E. Failure to Maintain Practices

If a property owner fails or refuses to meet the requirements of this Ordinance, Stormwater Design Manual, recorded Operations and Maintenance Manual and industry standards, the City may pursue compliance and enforcement action in accordance with 13.26.120.

13.26.100 Stormwater Management Permit Fees

A. Fee Schedule

The fees for the required approval shall be paid pursuant to the schedule set forth in the table below:

	GREEN PERMIT	BLUE PERMIT	DUE DATE
APPLICATION FEE	\$200	\$400	UPON PROJECT SUBMITTAL
REVIEW FEE	VARIABLES	VARIABLES	UPON REVIEW COMPLETION
AMENDMENT	\$50 + REVIEW FEE	\$50 + REVIEW FEE	UPON AMENDMENT ISSUANCE
RENEWAL OF COVERAGE/ RECERTIFICATION	\$50 + REVIEW FEE	\$50 + REVIEW FEE	ANNUALLY

B. Review Fees

As a condition of the submittal and the review of Stormwater Management Plan, the Project Team shall agree to pay the City the actual costs incurred by the City with

respect to the review of all items of the Stormwater Management Plan and accompanying information and data.

Upon approval of the Stormwater Management Plan and prior to the issuance of the Stormwater Management Permit, the City will furnish a written statement to the Project Team specifying the total cost incurred by the City.

The City shall have the right to not issue any permits for any project for which the review fees have not been paid.

C. Amendment and Renewal Fees

Amendment and renewal of coverage will have the administrative fee of \$50 and any applicable review fees.

13.26.110 Financial Guarantees

Financial guarantees required for Stormwater Management Permit approval shall be pursuant to the requirements set forth in Stormwater Design Manual.

13.26.120 Compliance and Enforcement

A. Compliance

Compliance with this chapter, all applicable City ordinances, as well as all state and federal statutes and regulations is required. Unless otherwise stated, all references, specifications, statues, and regulations referred to in this chapter shall be the most recent edition available.

B. Enforcement

1. Notice of Violation

- a. Whenever the City or their designee finds that a person has violated a provision or failed to meet a requirement of this chapter, the City may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:
 - i. The performance of monitoring, analyses, and reporting;
 - ii. The elimination of illicit connections or discharges;
 - iii. That violating discharges, practices, or operations shall cease and desist;
 - iv. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - v. Payment of a fine to cover administrative and remediation costs, including but not limited to remediation costs, legal fees, consultant fees, monitoring costs, construction costs, collection fees and any other costs borne by the City related to the violation;

- vi. The implementation of source control or treatment BMPs;
 - vii. The issuance of a stop work order; and/or
 - viii. Revocation or suspension of stormwater management plan approval.
- b. The notice of violation shall be in writing, include a description of the property for identification and include a statement of the violation(s) and why the notice is being issued. The notice of violation shall provide a deadline to bring the property into compliance.
 - c. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed.

2. Suspension of Stormwater Conveyance Access

The City may, without prior notice, suspend Stormwater Conveyance 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 Conveyance System. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the Stormwater Conveyance System or to minimize danger to persons. The violator may petition the City for a post termination appeal.

3. Stop Work Order

If activities are conducted contrary to the provisions of this Ordinance, the City may, by notice in writing, require the suspension of all activities on site, with the exception of work to bring the site into compliance with this Ordinance.

A Stop Work Order will be posted on the site by the City and it is unlawful for any person to remove the notice or continue any work on the site without permission from the City.

The City may bring an action under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(B) and IC 13-21-3-12(a)(4), to enforce a stop work order against any person who neglects or fails to comply with a stop work order.

For construction projects that are operating under an approved Stormwater Management Permit, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the Stormwater Management Plan are not adequate, the Project Team must be notified in writing of the inadequacies and the Project Team has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.

The seventy-two (72) hour period to resolve identified inadequacies does not apply if the Stop Work Order is issued to a site where there is a public health hazard or safety hazard.

4. Appeal of Notice of Violation

- a. Any person receiving a Notice of Violation may appeal the determination of violation to the Board of Public Works and Safety, for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance on one or more of the following bases:
 - i. A Stop Work Order served in accordance with this Ordinance is in error, or;
 - ii. That a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period. However, hardship shall not include the need for the person to incur additional reasonable expenses in order to comply with the Ordinance.
- b. The notice of appeal shall be made in writing, within ten (10) days of the receipt of a copy of the Notice or Order. Hearing on the appeal before the Board shall take place at the next available meeting from the date of receipt of the notice of appeal. The decision of the Board shall be final.
- c. All hearings before the Board shall be open to the public. The Owner, the Owner's representative, and any persons whose interests are affected shall be given an opportunity to be heard.

5. Failure to Remedy

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the Board of Public Works and Safety upholding the decision, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property, including the commencing of a court action under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(B) and IC 13-21-3-12(a)(4).

It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the City or its designated contractor to enter upon the premises for the purposes set forth above.

C. Penalties for Violation

1. Fining Procedure

- a. Any person who violates any of the provisions of this chapter may be fined.
- b. The fines described in the notice of violation may include a civil infraction and is subject to a minimum one hundred and fifty dollars (\$150) fine. The maximum fine for a first offense will be two thousand five hundred dollars (\$2,500), and seven thousand five hundred dollars (\$7,500) for second and subsequent offenses. Each day such a violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day.
- c. Penalty Matrix

		EXTENT OF DAMAGE		
POTENTIAL FOR DAMAGE	Ranges are per day per violation	MINOR	MODERATE	MAJOR
	MINOR	\$150 - \$200	\$200 - \$500	\$500 - \$1500
	MODERATE	\$500 - \$1000	\$1000 - \$2500	\$2500 - \$3000
	MAJOR	\$1000 - \$2500	\$2500 - \$3000	\$2500 - \$7500

The Penalty Matrix Guidance, as found in the Stormwater Design Manual, shall act as a general guide to applying the Penalty Matrix.

2. Additional Penalties

a. Reinspection

A reinspection may be necessary to confirm compliance with a Notice of Violation or Stop Work Order issued by the City. The first reinspection shall not be assessed a penalty. All subsequent reinspections to confirm compliance shall be assessed a penalty of \$250.

b. Failure to Keep Financial Guarantees Current

Performance guarantees shall be kept current until the project receives Stormwater Management Permit closeout. Delinquent performance guarantees or other assurances will result in a penalty of \$50 per day.

c. Failure to Submit Annual Stormwater Management Facility Inspection

Failure to provide annual stormwater management facility inspections by May 1st shall result in a penalty of \$100 per month. Penalties shall be assessed on the first of each month the inspection has not been submitted.

d. In addition to any other remedies, should any person fail to comply with the provisions of this Ordinance, the City may, after giving notice and opportunity for compliance, have the necessary work done, and the person shall be required to promptly reimburse the City for all costs of such work.

Nothing herein contained shall prevent the City 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's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

3. Collection of Penalties

The statement of fines and penalties shall be delivered to the person, and the person shall pay the amount due to the Department of Finance. If the fines and penalties are not paid within ten (10) days of receiving the statement, the City may commence a court action to recover the fines and penalties under IC 34-28-5-1(b), to be read together with IC 34-6-2-86(1)(B) and IC 13-21-3-12(a)(4).

Funds recouped for corrective action or cost of abatement performed by the City shall be deposit in the account from which the funds were expended. All other fines collected will be remanded to the Storm Sewer Operating account numbered 101019319.

D. Injunctive Relief

The City may petition for a preliminary or permanent injunction restraining any person from undertaking any activities which would result in a violation or continued violation of this chapter, and may seek mandatory injunctive relief compelling the person to perform abatement or remediation of any violation of this chapter.

E. Remedies Not Exclusive

The remedies in this section are cumulative and the exercise of any one or more remedies shall not prejudice any other remedies that may otherwise be pursued for a violation of this Ordinance. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

F. Transfer of Ownership

No owner of any lands upon whom a Notice of Violation has been assessed shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or Notice of Violation issued by the City and furnishes to the City a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully

accepting the responsibility of payment and corrections or repairs required by such Notice of Violation.

13.26.130 Disclaimer of Liability

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

The words “approve” and “accept”, and their common derivations as used in this Ordinance in relation to plans, reports, calculations, and permits shall mean that the City of Columbus has reviewed the material produced and submitted by the Project Team for general compliance with this Ordinance and the Stormwater Design Manual, and that such compliance would qualify the Project Team to receive a Stormwater Management Permit. Such an “approval” or “acceptance” is based on the assumption that the project engineer has followed all appropriate engineering methods in the design. Any stormwater quantity (drainage) or water quality problems associated with the project caused by poor construction by the contractor and/or poor engineering design or judgment, either on-site or off-site, are the responsibility of the developer and the project engineer.

Consideration, design, construction, and maintenance of safety measures for proposed or existing stormwater management facilities shall be the responsibility of the developer, applicant, and/or the property owner. City of Columbus and its officials and representatives shall not be responsible for maintenance nor liability for any accidents.

13.26.140 Interpretation

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

13.26.150 Definitions

Agricultural Land Disturbing Activity – Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this ordinance, the term does not include land disturbing activities for the construction of agricultural related

facilities; roads associated with infrastructure; agricultural waste lagoons and facilities; lakes and ponds; wetlands; and other infrastructure. It also does not include clearing land, grubbing trees, or stripping land of vegetation.

Applicant – The owner, owners, or legal representative of real estate who make application for action affecting the property.

Best Management Practices (BMP) – A temporary and permanent practice or combination of practices that is an effective, practicable means of preventing or reducing the amount of pollution in stormwater runoff. Examples include: schedule of activities, prohibition of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage, and any other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include any structural or nonstructural control measures utilized to improve the quality and quantity of stormwater runoff.

Building – A structure having a roof, supported by columns or walls, for the shelter, support or enclosure of persons, property, or animals; either temporary or permanent.

Channel – A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

City – The City of Columbus, Indiana.

Compliance – The act of correcting a violation or violations within the time frame specified by the City of Columbus.

Construction activity – Land disturbing activities and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch, road maintenance, or landscaping projects disturbing less than 0.25 acre.

Construction plan – A representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A stormwater pollution prevention plan is a part of the construction plan.

Construction Stormwater General Permit (CSGP) – An Indiana Department of Environmental Management Indiana Department of Environmental Management issued permit for authorization for stormwater discharges associated with construction activities, in accordance with **National Pollutant Discharge Elimination System (NPDES)**.

Contiguous – Adjoining or in actual contact with.

Contractor or subcontractor – An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

Conveyance – Any structure for transferring stormwater between two points, including public streets, roads, alleyways, and highways; curb and gutter; inlets, catch basins, manholes, and structures; pumping stations; pipes and culverts; outfalls; channels, legal drains, creeks,

ditches, swales, and streams; retention or detention facilities; infiltration practices; and other structural components and equipment that transport, move or regulate stormwater.

Detention – Managing stormwater runoff by temporary holding and controlled release.

Developer – Any person financially responsible for land disturbing activity; or an owner of property who sells or leases, or offers for sale or lease, any lots in a subdivision.

Development – Any man-made change to improved or unimproved real estate including but not limited to:

- A. Construction, reconstruction, or placement of a building or any addition to a building;
- B. Construction of flood control structures such as levees, dikes, dams or channel improvements;
- C. Construction or reconstruction of bridges or culverts;
- D. Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a recreational vehicle on a site for more than hundred eight (180) days;
- E. Installing utilities, erection of walls, construction of roads, or similar projects;
- F. Mining, dredging, filling, grading, excavation, or drilling operations;
- G. Storage of materials; or
- H. Any other activity that might change the direction, height, or velocity of flood or surface waters.

Development does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

Discharge – In the context of water quantity provisions, usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day. In the context of water quality provisions, the discharge means any addition of liquids or solids to a water body or a flow conveyance facility

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

Drainage – The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see Natural drainage.

Engineering Department – The City Engineer of the City, a staff member of the Engineering Department for the City, or a designee.

Erosion – The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

Erosion and sediment control – A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Fill – Any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

Grading – The cutting and filling of the land surface to a desired slope or elevation

Groundwater – The accumulation of underground water, natural or artificial. The term does not include manmade underground storage or conveyance structures.

IDEM – The Indiana Department of Environmental Management.

Illegal or Illicit Discharge – Any discharge to a 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, bore gel, bentonite clay, dirt, sediment and household hazardous wastes.

Infiltration – The passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of runoff through the soil to groundwater. Examples include infiltration basins or trenches, and porous pavement.

Infrastructure – The roads, bridges, streets, curbs, sidewalks, sanitary and storm sewers, water mains, gas mains, electrical supply lines and communication lines which supply the structures of a development with transportation means and utilities.

Land Disturbance – Any manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading. Also called a **Land Disturbing Activity**.

Municipal separate storm sewer system (MS4) – A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, infiltration practices, or storm drains, which is:

- A. owned or operated by a federal, state, city, town, county, district, association, or other public body (created by or pursuant to 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 privately owned stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;
- B. designed or used for collecting or conveying stormwater;
- C. not a combined sewer; and
- D. not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

Also called a **Stormwater Conveyance System**.

National Pollutant Discharge Elimination System (NPDES) – A permit developed by the U.S. EPA through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

Natural Drainage – The flow patterns of stormwater runoff over the land in its pre-development state.

Offense – Both a violation and a failure of compliance on a particular project. If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate Offense.

Owner – Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to, or sufficient proprietary interest in the land, or their legal representative

Person – A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

Point Source – Any discernible, confined, and discrete conveyance including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or maybe discharged (P.L. 92-500, Section 502[14]).

Project Team – The persons submitting application materials to the City, including the applicant, owner, developer, contractor, design team, stormwater specialist, etc.

Sediment – A solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice

Sedimentation – The process that deposits soils, debris and other unconsolidated materials either on the ground surfaces or in bodies of water or watercourses.

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

- A. Nonpoint activities include source silvicultural activities such as nursery operations, site preparation, reforestation and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a Clean Water Act section 404 permit and a 401 Water Quality Certification.
- B. Point source activities include any discernible, confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities which are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

Site – The entire area where land disturbing activity is proposed or taking place.

Site development – Altering terrain and/or vegetation and constructing improvements.

Stormwater Conveyance System – See definition for **Municipal Separate Storm Sewer System (MS4)**.

Stormwater Design Manual – The City of Columbus Stormwater Design Manual, latest edition.

Stormwater Management Facilities

Stormwater Management Plan – A submittal package that meet the requirements for this ordinance and the stormwater design manual. It may include but is not limited to, Stormwater Pollution Prevention Plan, Drainage Report, Stormwater Quantity and Quality Facilities, Temporary and Permanent BMPs, and Operation and Maintenance manuals.

Stormwater Pollution Prevention Plan (SWPPP) – A document that addresses stormwater runoff, identifies potential sources of pollution and outlines specific management activities designed to minimize the introduction of pollutants into stormwater.

Stormwater – Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Structure – Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

Violation – Any action or inaction which violates the provisions of this Ordinance or the Technical Standards, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement may be subject to the enforcement actions outlined in 13.26.120. Any such action or inaction is deemed to be a public nuisance and may be abated by injunctive or other equitable relief in addition to, and separate from, the imposition of any of the enforcement actions described in 13.26.120.

13.26.160 EFFECTIVE DATE OF ORDINANCE

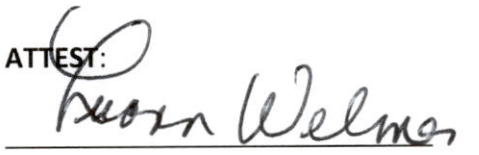
This Ordinance shall be in full force and effect on January 1, 2025.

I hereby certify that the foregoing within and attached ordinance was duly passed by the Common Council of the City of Columbus, Indiana, at a meeting thereof held on the ____ day of November 2024, by the following vote:

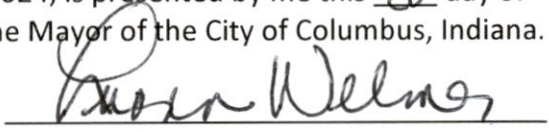
	AYE	NAY	ABSTAIN	ABSENT
Chris Bartels (District 1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Elaine Hilber (District 2)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jerone Wood (District 3)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Frank Miller (District 4)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Anderson (District 5)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jay Foyst (District 6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Josh Burnett (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Dell (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grace Kestler (Councilor at Large)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>




Presiding Officer

ATTEST:

 Luann Welmer
 Clerk of the City of Columbus, Indiana

The foregoing within and attached ordinance passed by the Common Council of the City of Columbus, Indiana, on the 19th day of November 2024, is presented by me this 20th day of November 2024, at 10:00 o'clock A.M, to the Mayor of the City of Columbus, Indiana.


 Luann Welmer
 Clerk of the Common Council

The foregoing within and attached ordinance passed by the Common Council of the City of Columbus, Indiana, on the 20th day of November 2024, is approved by me this 20th day of November 2024, at 10:05 o'clock A.M.



Mary K. Ferdon, Mayor
City of Columbus