

# ORDINANCE NO. 2015-BC-0-04

## AN ORDINANCE PERTAINING TO EROSION AND SEDIMENT CONTROL; STORM WATER QUALITY AND DRAINAGE; REGULATED DRAIN CROSSINGS; AND POND CONSTRUCTION

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#### 1. Storm Water Quality General Provisions

##### 1.1. Ordinance Title

This Ordinance shall be known and may be referred to as the “Storm Water Management Ordinance, Madison County, Indiana” and shall hereafter be referred to as “this Ordinance.”

##### 1.2. Purpose

This ordinance is adopted in accordance with statutory authority granted under Indiana Code 36-9-28 and Indiana Code 36-9-28.5, and further is required by Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management’s Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management’s Rule 5 (327 IAC 15-5).

It is recognized that smaller streams and drainage channels serving Madison County may not have sufficient capacity to receive and convey storm water runoff resulting when land use changes from open or agricultural use to a more urbanized use. It is further recognized that deposits of sediment from developments during and after construction can reduce capacities of storm sewers and drainage systems and result in damages to receiving lakes and streams. It is also recognized that pond construction may impact flooding.

Therefore, it shall be the policy of Madison County that the storage and controlled release of storm water runoff shall be required of all new development, any redevelopment, and other new construction in Madison County. The purpose of this chapter is to provide for the

health, safety, and general welfare of the citizens of the county through the regulation of storm water and non-storm water discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within the county. This chapter establishes methods for managing the quantity and quality of storm water entering into the storm drain system in order to comply with state and federal requirements.

1.3. Responsibility for Administration

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

1.4. Permits/Agreements Granted Under Authority of this Ordinance:

- 1.4.1. Reduction of Easement Permit
- 1.4.2. Non-enforcement Agreement
- 1.4.3. Storm Water Management Permit
- 1.4.4. Regulated Drain Crossing Permit
- 1.4.5. Storm Water Connection Permit
- 1.4.6. Pond Construction Permit

1.5. Regulatory Authority: This Ordinance regulates:

- 1.5.1. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- 1.5.2. The design, construction, and maintenance of storm water quality facilities and systems.
- 1.5.3. The design, construction, and maintenance of storm water drainage facilities and systems.
- 1.5.4. Illicit connection discharge detection and elimination requirements and procedures.
- 1.5.5. Regulated drain crossings.
- 1.5.6. Pond construction.

1.6. Applications, Exemptions, and Appeals

- 1.6.1. In order to obtain a Storm Water Management Permit, Regulated Drain Crossing

Permit, Storm Water Connection Permit, or Pond Construction Permit, the applicant must be an individual, partnership, corporation, or other entity that will be responsible for accomplishing the land alteration for which the permit was issued. Application for Storm Water Management Permits shall be made to the Madison County Drainage Board. The application shall be in writing in a form prescribed by the Drainage Board.

- 1.6.2. No individual, partnership, or corporation shall undertake or accomplish any connection to the Municipal Storm Sewer System within the County's jurisdiction, without having in force a written Storm Water Connection Permit obtained from and approved by the Drainage Board. Any permit listed in 1.6.1 shall not be issued until all applicable fees are paid in full. After the work has been done, the individual securing the permit shall file in the Drainage Board's Office an accurate statement of the work completed under the permit.
- 1.6.3. This chapter shall regulate all development and redevelopment occurring within the jurisdiction of the County. No building permit shall be issued and no land disturbance started for any construction in a development until the plans required by this chapter for such construction have been approved in writing by the Drainage Board. Any construction project which has had its final drainage plan approved by the Drainage Board eighteen (18) month period prior to the effective date of this chapter and has commenced or commences construction within twelve (12) months of the effective date of this ordinance shall be exempt from all requirements of this chapter that are in excess of the requirements of ordinances in effect at the time of acceptance. Any construction project which has had its final drainage plan approved by the Drainage Board greater than the eighteen month period prior to the effective date of this chapter and has not commenced construction as of the effective date of this ordinance shall not be exempt from any requirements of this chapter. Anyone with an administrative plat issued in an eighteen month period prior to the effective date of this ordinance and that obtained his/her building permit within eighteen (18) months of the effective date of this ordinance shall be exempt from all requirements of this chapter that are in excess of the requirements of ordinances in effect at the time of acceptance.
- 1.6.4. The Drainage Board has the authority to modify, grant exemptions, and/or waive any and all the requirements of this chapter and the Madison County, Indiana Technical Standards Manual (TSM). A pre-submittal meeting with the Drainage Board may be requested by the applicant to discuss the applicability of various provisions of the chapter and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the Drainage Board that may be based on the review of more detailed information and plans.
- 1.6.5. The Drainage Board is authorized to adopt the TSM and any revisions, which shall be on file in that office for public inspection.

1.6.6. Any decision made regarding this ordinance may be appealed to the County Drainage Board. Any individual receiving a permit, permit denial, or any other notification or decision from the Drainage Board may appeal the findings or contest the stated requirements. The notice of appeal must be received by the County Drainage Board in writing within seven (7) days from the date the individual received the item being appealed. Hearing on the appeal before the County Drainage Board shall take place within fifteen (15) days of receipt of the notice of appeal. The decision of the made at the conclusion of this hearing shall be final.

1.6.7. The following activities are exempt from this Ordinance if not part of a larger development (Please note, there may be other ordinances that apply):

- A. Excavation of cemetery graves;
- B. Exploratory excavation or soil testing under the direction and control of professional engineers, soil engineers, geologists, civil engineers, architects, or land surveyors, which are properly backfilled;
- C. Ordinary cultivation of agricultural land, including tilling, terracing, and crop irrigation;
- D. The planting and tilling of gardens, flower beds, shrubs, trees, and other common uses and minor landscaping of land appurtenant to residences;
- E. Fill and grading of a basement after demolition of a structure, to conform with adjacent terrain;
- F. Fill of small holes caused by erosion, settling of earth, or the removal of such materials as dead trees, posts, or concrete;
- G. Driveway installation; and
- H. Septic system installation.

1.7. Definitions for the purpose of this Ordinance, the following definitions shall apply:

1.7.1. Agricultural land use: Use of land for the production of animal or plant life including forestry, pasturing or yarding livestock and planting, growing, cultivating, and harvesting crops for human or livestock consumption.

1.7.2. Applicant: An individual, partnership, corporation or other entity that applies for a permit to accomplish land alteration within the corporate limits of Madison County.

1.7.3. Artificial Pond: Ponds created by soil excavation or intervention in water courses, surface drainage or groundwater aquifers, regardless of size and whether the creation of the pond is an end in itself or merely a by-product of soil extraction activity.

1.7.4. Base Flood Elevation: The elevation of the crest of the base or 100-year flood relative to mean sea level. BFE is not depth of flooding. To determine depth of flooding, you would need to subtract the lowest elevation of a particular property from the BFE.

1.7.5. Base Flow: Stream discharge derived from groundwater sources as differentiated from surface runoff; sometimes considered to include flows from regulated lakes or

reservoirs.

- 1.7.6. Best Management Practice (BMP): Design, construction, and maintenance practices and criteria for storm water control or drainage facilities that minimize the impact of storm water run-off rates and volumes, prevent erosion, and capture pollutants.
- 1.7.7. Capacity (of a Storm Drainage Facility): The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.
- 1.7.8. Catch Basin: A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.
- 1.7.9. Channel: A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.
- 1.7.10. County: Madison County.
- 1.7.11. County Surveyor: The Madison County Surveyor and/or his/her authorized representative.
- 1.7.12. Channel: A natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water with a defined bed and banks. Construction Activity: Land disturbing activities, and land disturbing activities associated with the construction of infrastructure and structures. This term does not include routine ditch or road maintenance or minor landscaping projects.
- 1.7.13. Construction Site Access: A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.
- 1.7.14. Contiguous: Adjoining or in actual contact with.
- 1.7.15. Contour: An imaginary line on the surface of the earth connecting points of the same elevation.
- 1.7.16. Contour Line: Line on a map which represents a contour or points of equal elevation.
- 1.7.17. 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.
- 1.7.18. Conveyance: Any structural method for transferring storm water between at least two (2) points. The term includes piping, ditches, swales, curbs, gutters, catch

basins, channels, storm drains, and roadways.

- 1.7.19. Cross Section: A graph or plot of ground elevation across a stream valley or a portion of it, usually along a line perpendicular to the stream or direction of flow.
- 1.7.20. Culvert: A circular, elliptical, arched or other enclosed geometric conduit used for the passage of surface drainage water under a roadway, railroad, walkway, driveway, etc.
- 1.7.21. Design Storm: A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.
- 1.7.22. Detention: The storage and controlled release of storm water following a precipitation event by means of an excavated pond, enclosed depression, tank or pipe. Detention Basin: A facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.
- 1.7.23. Detention Storage: The temporary detaining or storage of storm water in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.
- 1.7.24. Detention Time: The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).
- 1.7.25. Development: Means any of the following activities:
  - A. Structural development, including construction of a new building or other structure;
  - B. Expansion or alteration of an existing structure that results in an increase in the footprint of the building or structure;
  - C. Land alteration activities;
  - D. Creation or expansion of impervious surface;
  - E. Demolition activities;
- 1.7.26. Developer: An individual, partnership, corporation or entity that develops real estate, especially by preparing a site for residential or non-single family land use.
- 1.7.27. Discharge: 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.
- 1.7.28. Ditch: A man-made, open watercourse in or into which excess surface water or groundwater drained from land, storm water runoff, or floodwaters flow either continuously or intermittently.
- 1.7.29. Drain: A buried slotted or perforated pipe or other conduit (subsurface drain) or a

ditch (open drain) for carrying off surplus groundwater or surface water.

- 1.7.30. Drainage: The removal of excess surface water or groundwater from land by means of ditches or subsurface drains. Also see "natural drainage."
- 1.7.31. Drainage Area: The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.
- 1.7.32. Drainage Board: Madison County Drainage Board
- 1.7.33. Drainage Board Attorney: Attorney for the Madison County Drainage Board and the legal advisor to the Drainage Board and County Surveyor for this ordinance.
- 1.7.34. Drainage facilities: All ditches, channels, conduits, retention-detention systems, tiles, swales, storm sewers, flood control structures and other natural or manmade means of draining or conveying storm water.
- 1.7.35. Dry Well: A type of infiltration practice that allows storm water runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.
- 1.7.36. Environment: The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.
- 1.7.37. Easement: A grant by a property owner for the use of a strip of land by the public, a corporation, or other entity for a specific purpose or purposes.
- 1.7.38. Erosion: The detachment and movement of soil, silt, sediment or rock fragments by water, wind, ice or gravity.
- 1.7.39. Erosion and Sediment Control Plan: A written description and drawings of pertinent information concerning erosion and sediment control measure designed to meet the requirements of this Ordinance.
- 1.7.40. Farm or Field Tile: A subsurface pipe installed in an agricultural or previously agricultural area to allow drainage of farmland.
- 1.7.41. Finished Floor Elevation: Elevation of the lowest floor (see definition of lowest floor).
- 1.7.42. Flood or Flood Waters: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- 1.7.43. Floodplain: An area adjoining a river or stream that has been or may be covered by flood water.

- 1.7.44. Floodway: (1) The channel of a river or stream; and (2) the parts of the flood plain adjoining the channel that are reasonably required to efficiently carry and discharge the flood.
- 1.7.45. Floodway fringe: That portion of the floodplain lying outside the floodway.
- 1.7.46. Footing drain: A drainpipe installed along and adjacent to basement walls, foundations or crawl spaces to prevent water from entering a basement or crawl space.
- 1.7.47. Grade: (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.
- 1.7.48. Gradient: The inclination grade or slope of a channel, conduit or natural ground surface expressed as a ratio of the vertical rise or fall to the corresponding horizontal distance.
- 1.7.49. Grading: The cutting and filling of the land surface to a desired slope or elevation.
- 1.7.50. Illicit connection: Any pipe, hose, drain or any other similar structure, whether surface or subsurface, that allows a prohibited discharge to enter the Municipal Storm Sewer System regardless of whether the connection had been previously allowed, permitted or otherwise approved by a government agency in the past or; Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the Drainage Board.
- 1.7.51. Impervious area: Area within developed land that prevents or significantly impedes the infiltration of storm water into the soil. Included in this definition are areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented. Excluded from this definition are undisturbed land, lawns and fields.
- 1.7.52. Individual: An individual, as well as, a firm, association, organization, partnership, trust, company, corporation, or other legal entity.
- 1.7.53. Inlet or Storm sewer inlet: An opening into a storm sewer system or drainage facility for the entrance of surface storm water run-off.
- 1.7.54. Junction chamber: Structure used to combine the flow from one or more conduits into a main conduit.



- 1.7.55. Land alteration: Any man-made change of the land surface of more than 1 foot in grade including: removing vegetative cover; excavating, filling, transporting or grading of soil; paving; increasing the run-off rate; changing the elevation; decreasing, increasing or changing drainage pattern; involving construction, enlargement, or location of any building on permanent foundation; or creating impoundments. (It includes any activity requiring a Permit, but does not include agricultural land uses.)
- 1.7.56. Lot: A tract, plot or parcel. Lowest Adjacent Grade: The elevation of the lowest grade adjacent to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well).
- 1.7.57. Lowest Floor: Refers to the lowest of the following:
- (a) The top of the basement floor;
  - (b) The top of the garage floor, if the garage is the lowest level of the building;
  - (c) The top of the first floor of buildings constructed on a slab or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
  - (d) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
    - 1. The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two opening (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.
    - 2. Such enclosed space shall be usable only for the parking of vehicles or building access.
- 1.7.58. Maintenance: Cleaning out of, spraying, removing obstructions from, and making minor repairs in a drainage facility so it will perform the function for which it was designed and constructed.
- 1.7.59. Manhole: Storm or sanitary sewer structure through which a person may enter to gain access to a sewer or enclosed structure. (A manhole may also be an inlet for the storm sewer system.)
- 1.7.60. May: A permissive requirement.
- 1.7.61. Municipal Storm Sewer System: A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains, that is:
- (A) Owned or operated by a:

(i) federal, state, city, town, county, district, association, or other public body (created by or pursuant to state law) having jurisdiction over storm water, 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 (ii) privately owned storm water utility, hospital, university, or college having jurisdiction over storm water that discharges into waters of the state;

(B) Designed or used for collecting or conveying storm water;

(C) Not a combined sewer; and

(D) Not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2

- 1.7.62. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. Natural Drainage: The flow patterns of storm water run-off over the land in its pre-development state.
- 1.7.63. Natural Features: Water features that are not man-made (i.e. wetlands and sinkholes)
- 1.7.64. Non-Enforcement Agreement: Agreement between Drainage Board and Owner that the Drainage Board will not enforce against construction within the Surveyor's easement. However, any damage done by the Drainage Board is the responsibility of the Owner.
- 1.7.65. Non-point source: Nonpoint source water pollution is water pollution originating from diffuse, nondiscrete sources that are not regulated as point sources by the Clean Water Act's National Pollutant discharge Elimination System (NPDES) program. Nonpoint source water pollution generally results from land run-off, percolation, atmospheric deposition, hydrologic modification, or precipitation.
- 1.7.66. Non-Single family residential land use: Use of land for commercial, manufacturing, industrial, wholesale, retail sale of goods or services, or any other non-single family residential land use. Open Drain: A natural watercourse or constructed open channel that conveys drainage water.
- 1.7.67. Outfall: The point or location where storm water run-off discharges from a sewer, channel or detention facility into a body of water.
- 1.7.68. Owner or Property owner: The individual who is the legal record owner of the land, or where there is a recorded land sale contract, the purchaser thereof.

- 1.7.69. Peak Discharge or Peak Flow: The maximum instantaneous flow from a given storm condition at a specific location.
- 1.7.70. Perimeter drain: A tile drain around an absorption field or surrounding an area with the express purpose of lowering the water table to a specified/different elevation.
- 1.7.71. Point source: Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.
- 1.7.72. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 1.7.73. Publicly Owned Treatment Works (POTW): Any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to the wastewater treatment plant, which are owned by a unit of government. The term also means the government entity having jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works.
- 1.7.74. Prohibited Discharge: Any direct or indirect non-storm water discharge to the Municipal Storm Sewer System, except as exempted in Section 9, Prohibited Discharges and Illicit Connection Elimination of this Ordinance.
- 1.7.75. Rainfall intensity: The rate of rainfall expressed as the amount of rain occurring within a given duration, normally expressed in inches per hour.
- 1.7.76. Reach: A specified length of river, channel or conduit.
- 1.7.77. Reduction of Easement: Granted by the Drainage Board to reduce the right-of-way/easement of a legal drain.
- 1.7.78. Receiving Stream, Receiving Channel, or Receiving Water: The body of water into which runoff or effluent is discharged. The term does not include private drains, unnamed conveyances, retention and detention basins, or constructed wetlands used as treatment.

- 1.7.79. Recharge: Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.
- 1.7.80. Record Drawing: "As Built Plans", final revised drawings submitted to show the construction of the site or work as actually completed.
- 1.7.81. Redevelopment: Any construction, alteration or improvement that does not result in an increase in the existing footprint of the building, structure or impervious area located on the property.
- 1.7.82. Regulated area: All of the land under the jurisdiction of the Drainage Board.
- 1.7.83. Regulated Drain: A drain, either an open channel or closed tile/sewer, subject to the provisions of Indiana Drainage Code, I.C. 36-9-27.
- 1.7.84. Regulated Drain Crossing Permit: Required for any person seeking to cross either under, over, or through a regulated drain under the jurisdiction of the County Drainage Board with any structure or improvement.
- 1.7.85. Regulatory flood: A flood with a probability of occurrence of one percent in any given year, which is commonly referred to as a "one hundred year flood" as calculated by a method and procedure that is acceptable to the Drainage Board. (If a permit for construction in the floodway is required by the Indiana Department of Natural Resources, the regulatory peak discharge shall be calculated by the method and procedure acceptable to the Drainage Board and the Indiana Department of Natural Resources.) Release Rate: The amount of storm water release from a storm water control facility per unit of time.
- 1.7.86. Retention: A storm water storage facility without a defined/constructed discharge point.
- 1.7.87. Return period: The average interval of time within which a given rainfall event will be equaled or exceeded once. (A flood having a return period of one hundred years has a one percent probability of being equaled or exceeded in any one year.)
- 1.7.88. Right of Way: An area of land appropriated for public use as a street, highway, driveway, alley or walkway or for any drainage or public utility purpose or other similar use.
- 1.7.89. Run-off: The portion of precipitation such as rainfall, snow melts, or irrigation water that flows over or under the ground surface and arrives at the point of consideration as surface water.
- 1.7.90. Runoff Coefficient: A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A coefficient of 0.5 implies that 50% of the rain falling on a given surface appears as storm water runoff.

- 1.7.91. Sediment: Material of soil or rock origin that is transported, carried, or deposited by water.
- 1.7.92. Sedimentation: The process that deposits soils, debris and other materials either on ground surfaces or in bodies of water or watercourses.
- 1.7.93. Shall: A mandatory requirement.
- 1.7.94. Should: A preferred requirement.
- 1.7.95. Single family area land use: A land use designation equal in size to or for developing a single family housing unit.
- 1.7.96. Site: The entire area included in the legal description of the land on which a land disturbing activity is proposed in the permit application. Slope: Degree of deviation of a surface from the horizontal, measured as a numerical ratio or percent. Expressed as a ratio, the first number is commonly the horizontal distance (run) and the second is the vertical distance (rise)--e.g., 2:1. However, the preferred method for designation of slopes is to clearly identify the horizontal (H) and vertical (V) components (length (L) and Width (W) components for horizontal angles). Also note that according to international standards (Metric), the slopes are presented as the vertical or width component shown on the numerator--e.g., 1V:2H. Slope expressions in this chapter follow the common presentation of slopes--e.g., 2:1 with the metric presentation shown in parenthesis--e.g., (1V:2H). Slopes can also be expressed in "percents". Slopes given in percents are always expressed as  $(100 * V/H)$  --e.g., a 2:1 (1V:2H) slope is a 50% slope.
- 1.7.97. Spill: The unexpected, unintended, abnormal, or unapproved dumping, leakage, drainage, seepage, discharge, or other loss of petroleum, hazardous substances, extremely hazardous substances, or objectionable substances. The term does not include releases to impervious surfaces when the substance does not migrate off the surface or penetrate the surface and enter the soil.
- 1.7.98. Spillway: A waterway in or about a hydraulic structure for the escape of excess water.
- 1.7.99. Stilling basin: A structure used to dissipate the energy and/or velocity of flowing water, and to help enhance sedimentation.
- 1.7.100. Storm Duration: Time elapsed between the first recorded precipitation and the last recorded precipitation in the storm event.
- 1.7.101. Storm Event: An estimate of the expected amount of precipitation within a given period of time. For example, a ten-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour period.

- 1.7.102. Storm sewer: A conduit for conveying collected storm water.
- 1.7.103. Storm water: Any surface flow, run-off, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- 1.7.104. Storm Water Connection Permit: Permit required to connect to any portion of the County's Municipal Separate Storm Sewer System.
- 1.7.105. Storm Water Management Permit: A permit required by the County to assure compliance with this and related ordinances, rules and regulations in regards to storm water quality and quantity (drainage).
- 1.7.106. Storm water control facility: Any natural or man-made structure, system or area used for the purpose of storing, controlling the rate of flow or treating storm water.
- 1.7.107. Storm water drainage system: All means, natural or man-made, used for conveying storm water to, through or from a drainage area.
- 1.7.108. Subsurface drain: A tile drain installed for lowering the groundwater table. See also Perimeter Drain.
- 1.7.109. Sump pump: Any type of pump used to remove liquid from a basement, cellar, crawl space or any other below grade structure or area.
- 1.7.110. Swale: An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales conduct storm water into primary drainage channels and may provide some groundwater recharge.
- 1.7.111. Undeveloped: Area in pre-developed and natural (wooded or grassed) condition.
- 1.7.112. Urbanization: The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes. Urban Drain: A drain defined as "Urban Drain" in Indiana Drainage Code (I.C. 36-9-27-67).
- 1.7.113. Valley storage: Temporary storage of flood/storm water within stream banks, valleys or side slopes of a channel.
- 1.7.114. Water of the State: Accumulations of water, surface and underground, natural and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state, but the term does not include any private pond, or any pond, reservoir, or facility built for reduction or control of pollution or cooling of water prior to discharge unless the discharge there from causes or threatens to cause water pollution.
- 1.7.115. Watercourse: Any natural or man-made drainageway having a defined channel and banks and into which storm water run-off or floodwaters flow either regularly

or intermittently.

- 1.7.116. Watershed: The region drained by or contributing water to a specific point that could be along a stream, lake or other storm water facilities. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.
- 1.7.117. Wet bottom detention basin/retention basin: A basin designed to retain a permanent pool of water with additional capacity to detain and release excess runoff.
- 1.7.118. Wetland: An area which has hydric soils, that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions. (Wetlands generally include swamps, marshes, bogs, and similar areas.)
- 1.7.119. Work: Any development, land alteration, or site preparation activities. This includes activities associated with the installation of any erosion and sediment control or storm water control BMPs.

1.8. Abbreviations for the purpose of this Ordinance, the following acronyms shall apply:

- 1.8.1. BMP: Best Management Practice.
- 1.8.2. BFE: Base Flood Elevation.
- 1.8.3. COE: United States Army Corps of Engineers.
- 1.8.4. CWA: Clean Water Act.
- 1.8.5. EPA: Environmental Protection Agency.
- 1.8.6. GIS: Geographical Information System.
- 1.8.7. IDEM: Indiana Department of Environmental Management.
- 1.8.8. IDNR: Indiana Department of Natural Resources.
- 1.8.9. MS4: Municipal Separate Storm Sewers.
- 1.8.10. NRCS: USDA-Natural Resources Conservation Service.
- 1.8.11. NPDES: National Pollution Discharge Elimination System.
- 1.8.12. POTW: Publicly Owned Treatment Works.
- 1.8.13. SWCD: Soil and Water Conservation District.
- 1.8.14. SWPPP: Storm Water Pollution Prevention Plan.

1.8.15. TSM: Madison County, Indiana Storm Water Technical Standards Manual.

1.8.16. USDA: United States Department of Agriculture.

1.8.17. USFWS: United States Fish and Wildlife Service.

1.9. Conflicting Ordinances

The provisions of this Ordinance shall be deemed as additional requirements to standards required by Madison County, State of Indiana, Federal regulations and other Madison County Ordinances. In the case of conflicting requirements, the most restrictive shall apply.

1.10. Private Property Maintenance Duties

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse located within their property boundaries free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. Non-compliance is subject to enforcement. See Section 13 Enforcement.

1.11. Spill Reporting

1.11.1. Any discharger who accidentally discharges into a waterbody any substance other than storm water or an exempted discharge shall immediately inform the hazardous response team through the dispatcher at telephone number 911 concerning the discharge. A written report concerning the discharge shall be filed with the Drainage Board's Office by the dischargers, within five days. The written report shall specify:

1.11.1.1. The composition of the discharge and the cause thereof;

1.11.1.2. The date, time, and estimated volume of the discharge;

1.11.1.3. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;

1.11.1.4. The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

1.11.2. Any state or federal reporting is in addition to this ordinance.

1.12. Inspections and Monitoring

1.12.1. Storm Drainage System

The Drainage Board has the authority to periodically inspect the portion of the storm



drainage system under the county's control in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by means other than a defined outfall, such as dumping or contaminated sheet runoff.

#### 1.12.2. Potential Polluters

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Drainage Board may inspect and/or obtain storm water samples from storm water runoff facilities of the subject discharger, to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the Drainage Board's properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The Drainage Board or his/her properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Section 13 Enforcement.

#### 1.12.3. New Development and Re-Development

Following the final completion of construction and the receipt of as-built drawings by the Drainage Board's Office, the Drainage Board has the authority to inspect new development and re-development sites to verify that all on-site storm water conveyances and connections to the storm drainage system are in compliance with this subchapter.

## **2. Drainage Plan Requirements**

### 2.1. Applicability and Exemptions

The storage and controlled release rate of excess storm water runoff shall be required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the county disturbing one acre or more. The County, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization (administrative plat).

### 2.2. Conceptual Drainage Plan Review

In order to gain an understanding of the drainage requirements for a specific project, a developer may submit conceptual drainage plans and calculations for review by the Drainage Board. The direction provided by the Drainage Board during such a review is based on preliminary data and shall not be construed as an approval or binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

- 2.2.1. Two (2) complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems (plan sheet sizing must be at least 11 inches by 17 inches, but not to exceed 24 inches by 36 inches).
- 2.2.2. General description of the existing and proposed drainage systems in narrative form.
- 2.2.3. Watershed Boundaries with USGS based contours or best information possible.
- 2.2.4. Existing watercourse(s) or regulated drains.

### 2.3. Detention Policy

It is recognized that most streams and drainage channels serving the county do not have sufficient capacity to receive and convey storm water runoff resulting from continued urbanization. Accordingly, except for situations provided in 2.3.4 and 2.3.5 below, the storage and controlled release of excess storm water runoff shall be required for all developments and redevelopments located within the county.

#### 2.3.1. General Release Rates

2.3.1.1. In general, the post-development release rates for developments up to and including the ten-year return period storm may not exceed 0.3 cfs per acre of development. The post-development release rate for developments for the 11- to 100-year return period storms shall not exceed 0.5 cfs per acre of development. The above fixed general release rates may be set at a lower value by the Drainage Board for certain watersheds if more detailed data becomes available as a result of comprehensive watershed studies conducted and/or formally approved and adopted by the Drainage Board (See TSM).

2.3.1.2. For sites where the pre-developed area has more than one outlet, the release rate should be computed based on pre-developed discharge to each outlet point. The computed release rate for each outlet point shall not be exceeded at the respective outlet point even if the post-developed conditions would involve a different arrangement of outlet points.

#### 2.3.2. Site-specific release rates for sites with depressional storage.

2.3.2.1. For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodology described in the TSM accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that storm water can currently overflow the depressional storage area. Post-developed release rate for sites with depressional storage shall be the two-year pre-developed peak runoff rate for the post-developed ten-year storm and ten-year pre-developed peak runoff rate for the post-developed 100-year storm. In no case shall the calculated site-specific release rates be

larger than general release rates provided above.

2.3.3. Also note that for determining the post-developed peak runoff rate, the depressional storage must be assumed to be filled unless the Drainage Board can be assured, through dedicated easement, that the noted storage will be preserved in perpetuity.

#### 2.3.4. Management of Off-Site Runoff

2.3.4.1. Runoff from all upstream tributary areas (off-site land areas) may be bypassed around the detention/retention facility without attenuation. Such runoff may also be bypassed through the detention/retention facility without attenuation, provided that a separate outlet system or channel is incorporated for the safe passage of such flows, i.e., not through the primary outlet of a detention facility. Unless the pond is being designed as a regional detention facility, the primary outlet structure shall be sized and the invert elevation of the emergency overflow weir determined according to the on-site runoff only. Once the size and location of primary outlet structure and the invert elevation of the emergency overflow weir are determined by considering on-site runoff, the 100-year pond elevation is determined by routing the entire inflow, on-site and off-site, through the pond.

2.3.4.2. Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As a general guidance, in-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for on-site area) may be required by the Drainage Board when the ratio of off-site area to on-site area is larger than 5:1.

#### 2.3.5. Downstream Restrictions

2.3.5.1. In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the Drainage Board, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or watercourses. When such downstream restrictions are suspected, the Drainage Board may require additional analysis to determine the receiving system's limiting downstream capacity.

2.3.5.2. If the proposed development makes up only a portion of the undeveloped watershed upstream of the limiting restriction, the allowable release rate for the development shall be in direct proportion to the ratio of its

drainage area to the drainage area of the entire watershed upstream of the restriction.

#### 2.4. Grading and Building Pad Elevations

- 2.4.1. Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 18 inches above finished grade and a minimum of 24 inches above an adjacent road elevation unless either:
  - 2.4.1.1. The slope from the road to the structure has a 2% slope or less and adequate drainage is provided (verified by an approved Storm Water Management Permit issued by the Drainage Board), or
  - 2.4.1.2. A written variance is granted by the Drainage Board.
- 2.4.2. For all structures located in the Special Flood Hazards Area (SFHA) as shown on the FEMA maps, the lowest finished floor elevations of all residential, commercial, or industrial buildings shall be such that lowest finished floor elevation, including basement, shall be at the flood protection grade and therefore have two (2) feet of freeboard above the 100-year flood elevation.
- 2.4.3. The Lowest Adjacent Grade for residential, commercial, or industrial buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding source is a rear-yard swale, the Lowest Adjacent Grade for residential, commercial, or industrial buildings shall have two feet of freeboard above the 100-year flood elevation under proposed conditions or be separated by a minimum distance of 50 feet from the proposed condition 100-year flood boundary.
- 2.4.4. Any permanent structure shall be constructed a minimum of 300 feet from the apparent BFE when shown on a Flood Insurance Rate Map as "Zone A" or "Zone Z", or a drainage study coordinated with IDNR must be conducted. .
- 2.4.5. For areas outside a FEMA or IDNR designated floodplain, the Lowest Adjacent Grade (including walkout basement floor elevation) for all residential, commercial, or industrial buildings adjacent to ponds shall be set a minimum of one foot above the 100-year pond elevation or two feet above the emergency overflow weir elevation, whichever is higher. In addition to the Lowest Adjacent Grade requirements, any basement floor must be at least one foot above the permanent water level (normal pool elevation).
- 2.4.6. The 100-year flood flow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 15 feet (measured perpendicularly to) each side of the centerline of the flow path shall be contained within permanent drainage easements. A statement shall be added to the plat that would refer the viewer to the construction plans to see the entire extent of overflow path as hatched areas. No fences or landscaping can be constructed within

the easement areas that may impede the free flow of storm water. Construction of such is subject to Enforcement. See Section 13 Enforcement. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by the homeowners association. The Lowest Adjacent Grade for all residential, commercial, or industrial buildings shall be set a minimum of one foot above the noted 100-year overflow path/ponding elevation.

2.4.7. It shall be the property owners' responsibility to maintain the natural features on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots.

## 2.5. Acceptable Outlet and Adjoining Property Impacts Policies

2.5.1. Design and construction of the storm water facility shall provide for the discharge of the storm water runoff from off-site land areas as well as the storm water from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the Drainage Board) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural watercourse (as determined by the Drainage Board) shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed storm water drainage system or tied to an acceptable outlet.

2.5.2. Where the outfall from the storm water drainage system of any development flows through real estate owned by others prior to reaching a regulated drain or watercourse, no acceptance shall be granted for such drainage system until all owners of real estate and/or tenants crossed by the outfall consent in writing to the use of their real estate through a recorded easement. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property—including the upstream property's tile system.

2.5.3. If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include, but are not limited to, extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the Drainage Board.

## 2.6. No Net Loss Floodplain Storage Policy

2.6.1. Floodplains exist adjacent to all natural and man-made streams, regardless of contributing drainage area or whether they have been previously identified or mapped. Due to potential impacts of floodplain loss on peak flows in streams and on the environment, disturbance to floodplains should be avoided. When the avoidance of floodplain disturbance is not practical, the natural functions of floodplain should be preserved to the extent possible.

2.6.2. In an attempt to strike a balance between the legitimate need for economic

development within the county and the need to preserve the natural functions of floodplains to the extent possible, compensatory excavation equivalent to the floodplain storage lost shall be required for all activities within floodplain of streams located in the county where drainage area of the stream is equal or larger than one square mile. This requirement shall be considered to be above and beyond the minimum requirements provided in the applicable flood hazard areas ordinance currently in effect in the county. The Drainage Board may alter the compensation ratio, based on extenuating circumstances, for a specific project.

- 2.6.3. Note that by definition, compensatory storage is the replacement of the existing floodplain and, in rare exceptions, the floodway storage lost due to fill. Compensatory storage is required when a portion of the floodplain is filled, occupied by a structure, or when as a result of a project a change in the channel hydraulics occurs that reduces the existing available floodplain storage. The compensatory storage should be located adjacent or opposite the placement of the fill and maintain an unimpeded connection to an adjoining floodplain area.
- 2.6.4. Computations must show no net loss of floodplain storage for two-year, ten-year, 50-year, and 100-year storm events. That is, the post-development two-year floodplain storage along a stream shall be the same as two-year pre-development floodplain storage along the stream within the property limits, the post-development ten-year floodplain storage along a stream shall be the same as ten-year pre-development floodplain storage along the stream within the property limits, and so on.
- 2.6.5. Calculations for floodplain volume shall be submitted in tabular form showing calculations by cross-section. The volume of floodplain storage under the without-project conditions and the with-project conditions should be determined using the average-end-area method with plotted cross-sections at a horizontal to vertical ratio of between 5:1 and 10:1, with two- through 100-year flood elevations noted on each cross-section. The scale chosen should be large enough to show the intent of proposed grading. Cross-sections should reflect both the existing and proposed conditions on the same plot. The location and extent of the compensatory storage area as well as the location and orientation of cross-sections should be shown on the grading plan.

## 2.7. Calculations and Design Standards and Specifications

The calculation methods as well as the type, sizing, and placement of all storm water facilities shall meet the design criteria, standards, and specifications outlined in the TSM. The methods and procedures in the TSM are consistent with the policy stated above.

## 3. Drainage Easement Requirements

- 3.1. There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise approved in writing by the Drainage Board. Any violation of this requirement is subject to Section 13 Enforcement. All storm water

systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way shall be incorporated into the county's system by an easement dedicated to the Drainage Board.

3.2. The easement width must be proportional to the depth of the channel or pipe. See the TSM.

3.3. The following specific areas shall be included in a petition:

3.3.1. Subdivisions

3.3.1.1. All new channels, drain tiles equal to or greater than eight inches in diameter, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this subchapter, that are installed in subdivisions requiring a storm water management permit from the county shall be petitioned to become incorporated into the county's system upon completion, proper inspection, and acceptance by the Drainage Board. New drain tiles refer to all sub-surface storm water piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.

3.3.1.2. New drain tile, eight inches to 24 inches in diameter, shall be placed in a minimum 20-foot easement (ten feet from centerline on each side) and shall be designated on the record plat as 20-foot Regulated Drain Easement (RDE). Pipes that are 24 inches or larger in diameter shall be placed in a 30-foot easement (15 feet from centerline on each side) and shall be designated on the record plat as 30-foot Regulated Drain Easement. Wider easements may be required by the Drainage Board when the depth of pipe is greater than six to ten feet, depending on the pipe size.

3.3.1.3. A minimum of 25 feet from top of the bank on each side of a new channel shall be designated on the record plat as a Regulated Drain Easement.

3.3.1.4. Rear-yard swales and emergency overflow paths associated with detention ponds shall not be included in petition for incorporation. However, a minimum of 30 feet width (15 feet from centerline on each side) needs to be designated as drainage easement under control of the Drainage Board.

3.3.2. A minimum of 30 feet beyond the actual footprint (top of the bank) of storm water detention facilities shall be designated as drainage easement. An additional minimum 30-foot width easement shall also be required as access easement, unless the pond is immediately next to a public right-of-way. The access easement must be contiguous with a public thoroughfare or right-of-way.

3.3.3. An annual maintenance assessment shall be set up on each new regulated drain established in a new subdivision. The amount of the assessment will be determined by the Drainage Board and so certified.

3.3.4. If the Drainage Board accepts the petition for incorporation into their system, the following statement shall become part of the restrictive covenants of every platted subdivision and shown on recorded plat: "channels, tile drains 8-inch or larger, inlets and outlets of detention and retention ponds, and appurtenances thereto within designated drain easements are extensions of the Madison County's MS4 and are the responsibility of the Drainage Board. Drainage swales and tile drains less than 8-inch in inside diameter shall be the responsibility of owner or homeowner association."

3.3.5. The following statement shall be put on each subdivision plat: "A petition addressed to the Madison County Drainage Board has been filed in duplicate with the Drainage Board, requesting that the subdivision's storm drainage system and its easements be accepted into the County's regulated drainage system. The storm drainage system and its easements that are accepted into the County's regulated drainage system are delineated on the plat as Regulated Drainage Easements (RDEs). Regulated Drainage Easements are storm water easements and drainage rights of way that are hereby dedicated to the public and to the Madison County, Indiana, Drainage Board for the sole and exclusive purpose of controlling surface water and/or for the installation, operation, and maintenance of storm sewers and tile drains as defined in Storm Water Management Ordinance, Madison County, Indiana. These drainage easements are established under authority of the Indiana Drainage Code and the said Board may exercise powers and duties as provided in said code (e.g., annual drainage assessment per lot). All other storm drainage easements have not been accepted into the County's system. All drainage improvements performed relative to the conveyance of storm water runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or homeowner association. The Madison County Drainage Board assumes no responsibility relative to said improvements or the maintenance thereof. This subdivision contains \_\_\_\_\_ linear feet of open ditches and linear feet of subsurface drains that will be included in the County's Regulated Drainage System." The noted regulated drain lengths, broken down by the length of open and tile drains, shall also be shown in tabular form in a prominent position on the plat.

3.3.6. Any crossing and/or encroachment of a regulated drainage easement requires application and acceptance from the Drainage Board's office.

#### 3.4. Major Residential and Commercial Developments

Where the Drainage Board is responsible for maintenance of the drainage system, regulated drainage easements of 75 feet from the top of bank on each side of the channel or each side of the tile centerline must be dedicated to the county. In addition, a minimum of 25-foot width of vegetative filter strip must be provided and maintained along top-of-bank, on each side, by the applicant within these easements.

#### 3.5. Establishment of New Regulated Drain

When the Drainage Board determines it is necessary to establish a new regulated drain, each



developer shall provide the necessary information and meet the requirements of the 1965 Indiana Drainage Code, as amended, for the establishment of a new regulated drain. Necessary easements for adequate maintenance of any new regulated drain shall be determined by the Drainage Board if not already established in this chapter.

### 3.6. Placement of Utilities

No utility company may disturb existing storm drainage facilities without the consent of the Drainage Board. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Section 13 Enforcement .

### 3.7. Structures near County Regulated Drains

For regulated drains not located in platted subdivisions, unless otherwise approved by the Drainage Board, no permanent structure (including fences) shall be erected within 75 feet measured at right angles from a) the existing top edge of each bank of a regulated open drain, as determined by the Drainage Board; or b) the center line of a tiled regulated drain. The Indiana Drainage Code may be consulted for further details.

## 4. Storm Water Management Permit Application Process

### 4.1. Application for Storm Water Management Permit

4.1.1. To obtain a Storm Water Management Permit; an application shall be made and submitted to the County Drainage Board. The application shall be in writing in a form prescribed by the Drainage Board. A Storm Water Management Permit will be issued if the following criteria are met:

- A. The application and supporting information have been properly prepared and submitted in accordance with provisions of this Ordinance and all other applicable ordinances.
- B. Covenants and declarations have been executed, if required by the Drainage Board.
- C. Easements have been dedicated, if required by the Drainage Board.
- D. All applicable permit fees listed in 4.2 Fees have been paid in full.
- E. All other applicable permits shall be obtained prior to issuance of a County Storm Water Management Permit (ex. INDOT, US Army Corp of Engineers, IDEM, IDNR, Madison County Drainage Board) and a certification statement attesting to this is included with the Storm Water Management Permit application.
- F. A Storm Water Management Permit shall be valid for a period of two years from the issue date. If the work, described in the County Drainage Board's approval, has not commenced within one (1) year from the date of approval, the approval will expire. If the work described in a drainage approval has not been substantially completed (90 percent completed) within two (2) years of the date of issuance thereof, said approval will expire. A written extension of up to 180 days may be granted by the Drainage Board if the work in progress exceeds 50 percent completion. For all other instances, a

new permit application shall be required and all Storm Water Management Permit review fees shall be paid.

4.2. Fees

4.2.1. The minimum Storm Water Management Permit review fee is Fifty Dollars (\$50) plus the fee from Sections 2.2.1.1. The fee for all developments greater than one (1) acre is \$50 per acre in parcel(s) for each review by the Drainage Board plus the fee from Sections 4.2.1.1, 4.2.1.2, and 4.2.1.3.

4.2.1.1. Major Residential Development or Minor Residential Development: Six Hundred Dollar (\$600) minimum, plus Twenty-five Dollars (\$25) per lot.

4.2.1.2. Industrial/Commercial Development (including apartments and townhouses), based on acres in parcel(s): Six Hundred Dollar (\$600) minimum, plus Fifty Dollars (\$50) per acre.

4.2.1.3. Private Residence, based on acres in parcel(s):

<i>Number of acres</i>	<i>Fee</i>
Up to 1	\$100
1-24.99	\$150
25-49.99	\$200
50-249.99	\$300
250 and above	\$350 + \$5/acre over 250 acres

4.2.2. The minimum Storm Water Connection Permit fee is Fifty Dollars (\$50). Developments with greater than 1 disturbed acre and less than 5 disturbed acres will have a Storm Water Connection Permit fee of One Hundred Fifty Dollars (\$150). Developments with greater than 5 disturbed acres will have a Storm Water Connection Permit fee of Two Hundred Fifty Dollars (\$250). These fees only apply when Storm Water Connection Permit application is submitted separately from a Storm Water Management Permit.

4.2.3. The Regulated Drain Crossing Permit fees for an individual residence or farm is Seventy-five Dollars (\$75) and for subdivisions, multifamily, or commercial uses the fee is One Hundred Fifty Dollars (\$150). These rates shall be charged for both permanent crossings and temporary crossings.

4.2.4. Pond Construction Permit Fee: One Hundred Dollar (\$100) minimum for a pond of any size.

4.2.5. Storm Water Management Permit, Regulated Drain Crossing Permit, Storm Water Connection Permit, and Pond Construction Permit fees, shall be collected by the

Drainage Board. All collected fees shall be deposited into an account designated by the Madison County Council.

- 4.2.6. No work shall commence on a site until a Storm Water Management Permit is obtained from the County Drainage Board.
- 4.2.7. County projects are not exempt from permitting requirements, but are exempt from fees.

4.3. Plan Submittal and Review Process review shall be typically accomplished as follows:

- 4.3.1. Table 2-1 - Standard Information Submission Process for Developers illustrates the standard information submission process for applicants including all required plan submittals.
- 4.3.2. Plan review shall be completed within 14 days of submittal. A written response shall be forwarded to the developer/owner by mail.

Table 2-1 - Standard Information Submission Process for Developers

Storm Water Management Permit Submittal
Title Sheet
Existing Site Conditions
Proposed Site Conditions
Erosion and Sediment Control Plan
Storm Sewer Plan and Profile
Standard Detail Sheets
Calculation of square footage of pervious and impervious area
Easement Dedication documents
Post-Construction Submittal
Record Drawings

4.4. Performance and Maintenance Guarantees

- 4.4.1. As a condition of approval and issuance of the permit, the Drainage Board shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted, all applicable fees paid, and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to 110% of the total costs of all stormwater management measures for the entire project. The above mentioned costs shall be based on an estimate as prepared by a registered professional engineer. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure,

detention/retention facilities, and stormwater quality BMPs, as regulated under this chapter, until the construction is completed, site is stabilized, and as-built plans are accepted by the Drainage Board and/or County Surveyor. Assurances shall be for a minimum of \$5,000. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

#### 4.5. Detailed Design Storm Water Management Plan

4.5.1. Two (2) hard copy sets and an electronic copy of the Storm Water Management Permit Submittal (including x-refs) compatible with AutoCAD or ESRI ArcView/Arc Info software or other software application approved by the Drainage Board shall be submitted.

4.5.2. Plans submitted for review shall observe the following format:

A. Title Sheet The following information shall be submitted as part of the Title Sheet:

1. Name of the Project.
2. Name and address of the owner, developer, and individual who prepared the plans.
3. Boundary lines of adjacent tracts of land.
4. A key or vicinity map at a scale of one-inch equals four hundred feet or less, showing the boundaries of the proposed project and covering the general area within which it is to be located.
5. A statement of the proposed land uses, including a brief description of all residential and non-residential buildings, the types of proposed business (es) (residential, commercial or industrial) in order to reveal the effects of the project on traffic patterns, fire hazards, and congestion of population.

B. Existing Site Conditions: The following information shall be submitted as part of Existing Site Conditions:

1. Location, widths, and type of construction of all existing streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and the locations of all existing storm water facilities. Storm sewers, manholes and other structures shall be located by dimensions on the plans, in relation to surrounding physical features. The plans shall include direction of

flow, elevation of inverts, gradient, materials and size of existing storm drains.

2. Existing water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and all other utility structures or facilities within, adjacent to, serving the subject land; including pipe sizes, grades, and locations as can best be obtained from public or private records.
3. Existing contours based on U.S.G.S. datum shall not exceed one (1) foot. At least two benchmarks, which are easily accessible and re-locatable, shall be shown. A statement of datum used shall also be included.
4. The water elevation shall be delineated and indicated on the plans from the date of the survey of lakes, streams, or designated wetlands within the project or affecting it. The plan shall also show the boundary of the regulatory flood (100-year flood) and the floodway fringe boundary.

C. Proposed Site Conditions: The following information shall be submitted as part of Proposed Site Conditions:

1. Location, widths, grades and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the County for the subject land.
2. Existing and proposed water mains, fire hydrants, storm sewers, sanitary sewers, culverts, bridges, and all other utility structures or facilities within, adjacent to, or serving the subject land, including pipe sizes, grades, and locations as can best be obtained from public or private records.
3. Building setback lines, showing dimensions.
4. Interior and perimeter sidewalk system/pedestrian circulation plan.
5. Contours for proposed storm water storage facilities shall not exceed one (1) foot. The plan shall also show the boundary for the floodway fringe boundary. Spot elevations will be satisfactory for other proposed improvements, unless otherwise directed by the Drainage Board.

D. Erosion and Sediment Control Plan

1. Erosion and sediment control plans shall be approved by the Drainage Board. The Drainage Board, with the Madison County Commissioners' approval, may employ the Madison County Soil and Water Conservation District (MCSWCD) for plan review, site inspection or other related activities. Madison County Commissioners

may pay the MCSWCD fees for the aforementioned services in an amount and frequency mutually agreed upon by both parties.

2. The Erosion and Sediment Control Plan shall include the following statement: "All erosion control practices shall be in accordance with the latest edition of the Indiana Storm Water Quality Manual and the NRCS Field Office Technical Guide.
3. The following information shall be submitted as part of the Erosion and Sediment Control Plan. The Erosion and Sediment Control Plan must comply with all current provisions of 327 IAC 15-5, Storm Water Run-Off Associated with Construction Activity:
  - a. widths, grades and type of construction of all existing and proposed streets, street names, alleys, or other public ways and easements, railroad and utility rights-of-way or easements, parks, wooded areas, cemeteries, watercourses, drainage ditches, designated wetlands, low areas subject to flooding, permanent buildings, bridges, and other data considered pertinent by the County for the subject land.
  - b. Proposed contours shall not exceed one (1) foot.
  - c. Details of terrain and area drainage, including the identity and location of watercourses, intermittent and perennial streams, receiving waters, and springs, and the total acreage of land that will be disturbed.
  - d. A designated area for trash containment and/or receptacles with proper erosion and drainage control design.
  - e. The direction of drainage flow and the approximate grade of all existing or proposed streets.
  - f. Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed project, together with a map showing drainage area, the complete drainage network, including outfall lines and natural drainageway which may be affected by the proposed development, and the estimated run-off of the area served by the drainage facilities.
  - g. A description of the methods to be employed in disposing of soil and other material removed from the site, including the location of the disposal site.
  - h. Measures for soil erosion and sediment control which meet or exceed the methods and standards adopted by the Indiana Department of Natural Resources and/or set forth in the Indiana Storm Water Quality Manual and which comply with the design principles, performance standards, and requirements set forth in this Ordinance.
  - i. A schedule of the sequence of installation of planned erosion and sediment control measures as related to the progress of the project, including the total area of soil surface that is to be

disturbed during each stage, the anticipated starting and completion dates, and a schedule for the maintenance of such measures.

- j. Additional erosion control measures in the field as conditions warrant per discretion of the Drainage Board and the MCSWCD.

E. Plat-Like Dedication Sheet: The following information shall be submitted as part of the Plat, if a plat-like dedication document for easements and rights-of-way is deemed necessary by the Drainage Board:

1. Parcels of land proposed to be dedicated or reserved for public use, or
2. Reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, designated as such and clearly labeled on the plans;
3. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord bearings; and
4. Accurate location of all survey monuments erected, corners and other points established in the field in their proper places.

F. Storm Sewer Plan and Profile

1. For all pipe intended to be dedicated to Madison County, a storm sewer plan and profile shall be submitted. For sections of pipe that will not be dedicated to the public, pipe and invert size, material and slope must be shown. The plan shall be shown on the upper portion of the drawing. The plan shall be drawn on a scale that is clear and legible and not greater than 1"=50'. The plan shall show appropriate right-of-way and easement limits. The profile shall be shown under the plan and shall extend a sufficient distance downstream of the outlet to show pertinent information. For each pipe, the length, size, material and class shall be shown on the profile sheet near the dimension line.
2. The storm sewer and inlet profile shall generally be drawn on a scale of 1"=50' horizontal and 1"=5' vertical. Where a storm sewer is located inside the limits of an existing or proposed pavement or shoulder, the centerline grade of the road shall be shown. Where a storm sewer is located outside pavement or shoulder, the existing ground over the storm sewer with proposed grading shall be shown. If the storm sewer is to be constructed on fill, the profile of the undisturbed earth, at the storm sewer location shall be shown. All utility locations at intersections with the storm sewer location shall be shown.

3. An annual maintenance report shall be submitted with estimated cost and annual maintenance for storm sewer dedicated to Madison County.

G. Standard Detail Sheets Standard detail sheets as approved by the Drainage Board shall be included as part of the submittal.

H. Technical Information Report

I. Required Information

1. The Drainage Board may require additional information to evaluate and determine the adequacy of the proposed storm water facility. The additional information may include, but is not limited to, written documentation of the following:

- a. Utility encroachment approvals.
- b. Madison County Drainage Board approval.
- c. Other local, state and federal approvals, including other departments within the County.
- d. Inspection and testing agreements with the Drainage Board;
- e. Reviews by other Consultants as required by the Drainage Board.
- f. Easements and rights-of-ways not on a plat-like document shall be submitted in the form prescribed by the Drainage Board and include both a full legal description and a drawing exhibit.

2. The Drainage Board may waive information requirements when he/she determines that it is not necessary for evaluating or determining the adequacy of the proposed storm water facility.

#### 4.6. Deviations from Approved Plans

Deviations from approved plans and specifications shall not be made after the Drainage Board grants formal plan approval. Written application for deviation(s) from approved plans shall be filed with and approved by the Drainage Board prior to implementation of the revision or change(s). Copies of the revisions or changes, if approved, shall be attached to the original plans and specifications.

#### 4.7. Final Plan Submittals

Final plan submittals shall be in both forms of hard copy and electronic copy compatible with the County's AutoCAD/GIS system.

#### 4.8. Record Drawings

4.8.1. As part of the final acceptance process, record drawings of the storm water quality



facilities must be submitted to the Drainage Board, as set forth herein, for all platted subdivisions. A Licensed Professional Engineer or Licensed Surveyor shall certify record drawings. Record drawings shall provide the following information:

- A. Flow line elevations of the highpoint along yard swales.
- B. Pipe size and pipe material.
- C. Lengths of all pipe structures. BMP types, dimensions, and boundaries/easements.
- D. "As-planted" plans for BMPs, as applicable.
- E. Data regarding the storm water storage basin, including top of bank elevation, invert elevations of primary and emergency spillways, size and pipe material of primary spillway, emergency spillway shape and dimensions, and width of top of embankment.
- F. Structure invert, pipe invert, and top-of-casting elevations.
- G. Horizontal alignment of storm sewer pipes, culverts, streets and storm sewer structures.
- H. The horizontal location and/or bank cross-sections for all wet-bottom or dry-bottom storage facilities or other information sufficient to verify that the constructed storm water storage facility provides the required minimum run-off storage volume.
- I. Certified statement on plans stating the completed storm drainage system substantially complies with construction plans as approved by the Drainage Board.
- J. Legal description or clear depiction of all storm sewer system dedicated to the County.
- K. Other information that may be requested by the Drainage Board.

4.8.2. Record drawings shall be submitted as paper copies and electronic copies compatible with the County's AutoCAD/GIS software format as approved by the Drainage Board.

4.8.3. Video recorded on CDs or DVDs of all clean storm sewer pipes shall also be submitted.

#### 4.9. Investigations and Inspections

4.9.1. The power to make investigations and inspections of land alterations, private storm sewer systems, private storm water storage facilities, or any area associated with a land alteration project shall be vested in the Drainage Board, the County Building Commissioner, and their authorized representatives.

4.9.2. Investigation and inspection of any land alteration, private storm sewer system or private storm water storage facility may be made at any time by going upon, around or about the premises on which the land alterations have occurred. Such investigation and inspection may be made either before, during, or after the land alteration is completed; and it may be made for the purposes, among others, of determining whether the land alteration meets drainage requirements, and ascertaining whether the land alteration has been accomplished in a manner

consistent with approved plans and specifications and the TSM.

- 4.9.3. Efforts to afford an opportunity for investigation and inspection of the land alteration shall be made by individuals working on or having control of the land alteration, including making available a copy of plans and specifications submitted to obtain a Storm Water Management Permit.

#### 4.10. Stop-Work Order

4.10.1. Whenever the Drainage Board or his/her authorized representatives discover the existence of any of the circumstances listed below, a stop-work order may be issued:

- A. The County has previously notified the owner of a problem at the site and the situation remains uncorrected.
- B. Land alteration is proceeding in an unsafe or unauthorized manner;
- C. Land alteration is occurring in violation of a drainage requirement.
- D. Land alteration for which a Storm Water Management Permit is required is proceeding without a Storm Water Management Permit being in force.

4.10.2. This sanction shall in no way limit the County from proceeding with other means of Enforcement or collection of penalties as provided in this Ordinance.

### 5. General Storm Water Management Permit Requirements

#### 5.1. Construction Site Requirements

5.1.1. Madison County may require developers and individuals to furnish copies of all necessary State Certifications and Construction plans for any land alteration activity within the County's jurisdiction.

5.1.2. All excavations for construction or installation of private drainage facilities shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in accordance with the specifications and standards for storm drainage works of the County.

5.1.3. For construction activities that are that are one acre or larger, the County shall require a Sedimentation and Erosion and Sediment Control Plan in strict compliance with the provisions of this Ordinance and all current provisions of 327 IAC 15-5, Storm Water Run-Off Associated with Construction Activity. The plan shall clearly indicate the construction sequence for establishment of all erosion and sedimentation control work, both temporary and permanent.

5.1.4. Protection of adjacent properties: Adjacent properties, public rights-of-way or easements shall be protected from damage during grading operations and/or sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs. The applicant shall restore public improvements damaged by his/her operations to the satisfaction of the Drainage Board.

- 5.1.5. Underground utility construction: The construction of underground utility lines shall be limited, where feasible, to no more than 500 feet of open trench at any one time. When consistent with the safety and space considerations, excavated material shall be placed on the uphill side of the trench. Dewatering devices shall discharge to an appropriate sediment trap or pond, preceded by adequate energy dissipation, prior to run-off leaving the site.
  - 5.1.6. All pollutants other than sediment that occur on-site during construction shall be handled and legally disposed of in a manner that does not cause contamination of surface waters. Pollutants of concern include, but are not limited to fuels, lubricants, solvents, concrete by-products and construction materials.
  - 5.1.7. Filling or disturbing of wetland areas: The applicant shall be responsible for obtaining and coordinating all required State or Federal permits associated with the filling or disturbing of wetlands prior to conducting any construction activity that may result in any change in the physical or hydrological condition of wetland areas.
  - 5.1.8. All debris and trash must be contained on-site during construction. All garbage receptacles must have high sides or covers to prevent airborne transport of debris such as plastic and paper. In addition, hazardous materials used during the construction process must be stored and disposed of properly to ensure that they do not enter any drainage structure or Water of the State.
  - 5.1.9. The individual or firm responsible for the site development is responsible for removing or the cost of removing debris, trash and other hazardous material from drainage structures and Waters of the State.
  - 5.1.10. If deposition of any material from a construction site results in damage to the habitat or aquatic biota of a Water of the State the individual or firm responsible shall be responsible for all associated restoration cost.
- 5.2. Connection of Private Drainage Systems to the Municipal Separate Storm Sewer System
- 5.2.1. A Storm Water Connection Permit is required prior to connection of private drainage systems to the Municipal Separate Storm Sewer System.
  - 5.2.2. The County shall have no responsibility for the maintenance and repair of privately owned storm sewer systems or storm water storage facilities. The County may require the owner of a privately owned storm water system or storm water storage facility to perform maintenance if the current condition of the system is; causing or contributing to a public health hazard, decreasing the storage capacity of a storm water storage facility, or causing or contributing degradation of an aquatic habitat or aquatic biota.
  - 5.2.3. No newly constructed drain shall cross the property of another private owner unless such private owner has granted an easement for the private drain and the easement has been duly recorded in the office of the Madison County Recorder.

- 5.2.4. All costs and expenses incident to the installation and connection of the private drain or storm sewer system shall be paid by the property owner. The owner shall indemnify the County for any loss or damage directly or indirectly occasioned by the construction or installation of the private drain or storm sewer system, including damages from back flow from the Municipal Storm Sewer System.
  - 5.2.5. The connection or outlet of a private drain or storm sewer system into the public drainage system shall conform to County specifications and standards for storm sewer drainage works and must be approved by the Drainage Board prior to construction of the connection.
  - 5.2.6. No unauthorized individual shall uncover, make any connection with or opening into, use, alter or disturb any portion of the County's municipal separate storm system or appurtenance thereof without first obtaining a written permit from the office of the Drainage Board.
  - 5.2.7. No individual shall backfill or otherwise conceal a storm sewer connection to the Municipal Storm Sewer System until the connection has been inspected and approved by the Drainage Board. In cases where a connection is made and concealed the County may cause the said connection to be excavated and exposed or the County may terminate the connection and require the responsible party to reimburse the department for its costs and expenses for excavation, exposure, termination, reconnection and restoration activities. This sanction shall in no way limit the County from proceeding with other means of Enforcement or collection of penalties as provided in this Ordinance.
- 5.3. Individuals who fail to comply with these requirements may be subject to fines for each violation and other remedial actions authorized by the County.

## **6. Storm Water Run-off Control Requirements**

### **6.1. Design of Storm Water Management Systems**

The following storm water management practices should be reviewed in developing site storm water management plans in the following order:

- 6.1.1. Protect and preserve as much natural or vegetated area on the site as possible, minimizing impervious surfaces, and directing run-off to vegetated areas rather than to adjoining streets, storm sewers and ditches;
- 6.1.2. Flow attenuation of storm water by use of open vegetated swales and natural depressions;
- 6.1.3. Storm Water wet detention facilities (including percolation facilities); and
- 6.1.4. Other storm water management practices including but not limited to underground storage facilities.
- 6.1.5. A combination of successive practices may be used to achieve applicable minimum

control requirements per the Drainage Board's approval.

6.2. Maintenance of Private Storm Water Management Systems

6.2.1. All storm water management facilities shall be designed to:

- A. Minimize the need of maintenance; and
- B. Provide access for maintenance purposes.

6.2.2. The owner of any private drainage system shall maintain the site to prevent discharge of pollutants to the Municipal Storm Sewer System or a Water of the State. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative covers, and removal and proper disposal of debris from pipes and other storm sewer structures.

6.2.3. Maintenance of storm sewer facilities during construction and thereafter, shall be the responsibility of the land developer/owner. Assignment of responsibility for maintaining facilities serving one or more lot(s) or holding(s) shall be documented on the recorded plat as well as in appropriate covenants to property deeds. Maintenance of subsurface drain tiles that are less than 12 inches in diameter shall be the responsibility of the homeowners and/or the homeowners association. The latter statement shall be shown on the recorded plat and plot plans.

6.2.4. Maintenance of channels during construction and thereafter, shall be the responsibility of the land developer/owner. Assignment of responsibility for maintaining facilities serving one or more lot(s) or holding(s) shall be documented on the recorded plat as well as in appropriate covenants to property deeds. Maintenance of swales shall be the responsibility of the homeowners and/or the homeowners association. The latter statement shall be shown on the recorded plat and plot plans.

6.2.5. Maintenance of detention/retention facilities shall be the responsibility of the land developer/owner or the homeowners association.

6.2.6. Assignment of responsibility for maintaining facilities serving one or more lot(s) or holding(s) shall be documented on the recorded plat as well as in appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final Storm Water Management Permit is approved.

6.2.7. All storm water quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements.

- A. Easements in a non-subdivision: Where the Madison County Drainage Board is responsible for maintenance of the drainage system, regulated drain easements of 75 feet from the top of bank on each side of the channel or each side of the tile centerline must be dedicated to the Madison County Drainage

- Board.
- B. Easements in a subdivision: Refer to Madison County's Subdivision Control Ordinance Article Six, Major Subdivision Principles and Standards of Design.
- C. When the Madison Drainage Board determines it is necessary to establish a new regulated drain, each developer shall provide the necessary information and meet the requirements of the 1965 Indiana Drainage Code, as amended, for the establishment of a new Regulated Drain. Necessary easements for adequate maintenance of any new Regulated Drain shall be determined by the Drainage Board if not already established in this Ordinance.

6.2.8. A maintenance plan and annual report shall be submitted, describing methods of maintaining all storm water quality management systems, or other requirements per the Drainage Board.

## **7. Soil Erosion and Sedimentation Control**

### **7.1. Erosion and Sediment Control Plan Requirements**

An Erosion and Sediment Control Plan shall be required for all developments required to obtain a Storm Water Management Permit from the County Drainage Board. The Erosion and Sediment Control Plan shall include all information described in Section 2, Storm Water Management Permit Application Process of this Ordinance and shall be in compliance with all requirements in 327 IAC 15-5. All erosion control practices shall be in accordance with the latest edition of the Indiana Storm Water Quality Manual and the NRCS Field Office Technical Guide.

### **7.2. Erosion and Sedimentation Control Requirements**

- 7.2.1. All individuals who cause, in whole or in part, any land alteration to occur shall provide soil erosion and sedimentation control so as to adequately prevent soils from being eroded and discharged or deposited into adjacent properties or into a storm water drainage system, a public street or right of way, floodplain, body of water or watercourse.
- 7.2.2. During any land alteration, which exposes soil to an increased risk of erosion or sediment track-out, the property owner and other individuals causing or participating in the land alteration activity shall do the following:
  - A. Comply with provisions of this Ordinance, and the requirements of all applicable County, State and Federal rules and regulations;
  - B. Prevent damage to any public utilities or services within the limits of grading and within any routes of travel or areas of work of construction equipment;
  - C. Prevent damage to or impairment of any receiving water on or near the location of the land alteration or affected thereby;
  - D. Prevent damage to adjacent or nearby land;
  - E. Apply for all required approvals or permits prior to the commencement of

- work;
- F. Proceed with the proposed work only in accordance with approved plans and permits in compliance with this Ordinance;
  - G. Maintain all required soil erosion and sedimentation control measures and devices, including but not limited to, measures required for compliance with the terms of this Ordinance;
  - H. Promptly remove all soil, sediment, debris or other materials applied, dumped, tracked, or otherwise deposited on any lands, public streets, sidewalks, or other public ways or facilities, including catch basins, storm sewers, ditches, drainage swales, or water bodies. Removal of all such soil, sediment, debris or other materials within twenty-four (24) hours shall be considered to be in compliance with this requirement, unless such materials present an immediate hazard to public health and safety; and
  - I. Developers shall not conduct any land alteration activities at locations adjacent to any of the following: public streets, sidewalks, alleys, or other public or private property without providing adequate support or other measures so as to protect such adjacent properties.
- 7.2.3. All erosion and sediment control measures must be properly installed and functional by the developer before any land alteration activity begins. Control measures may be adjusted during dry weather to accommodate short-term activities, such as activities that require the passage of large vehicles or equipment.
- 7.2.4. Sedimentation basins must have a minimum surface area equal to at least 1% of the area draining to basin, and be constructed in accordance with the TSD including access for assessment and maintenance. Basin discharge rates must also be controlled to prevent erosion in the discharge channel.
- 7.2.5. The applicant shall install erosion and sediment controls at locations directed or per final approval by the Drainage Board. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce the potential of sediment introduction into any water channel. Silt fences, rock check dams, etc. must be regularly inspected and maintained.
- 7.2.6. Sufficient silt fence shall be required to intercept all overland flow run-off generated at an individual site, until it can either infiltrate or seep through the silt fence pores.
- 7.2.7. Dewatering control measures shall discharge into an appropriate sized and designed sediment trap or pond.
- 7.2.8. All temporary and permanent erosion and sediment control BMPs shall be maintained in a manner to insure continued performance of their intended function. The owner/developer shall be responsible for insuring that any erosion and sediment control measures damaged during floods or other adverse weather conditions are returned to normal operating condition as soon as possible.

- 7.2.9. Removal of temporary BMPs: All temporary erosion and sediment control BMPs shall be removed within thirty (30) days after final site stabilization is achieved. The removal of temporary erosion and sediment control BMPs may not be required for those projects, such as single-family plats, that will be followed by additional construction under a different permit. In these circumstances, the need for removing or retaining the measures will be evaluated on a site-specific basis by the Drainage Board.
- 7.2.10. Changes in site topography: The maximum surface gradient on any artificially created slope shall be three (3) feet of horizontal run to one (1) of vertical fall (3:1). This gradient may be increased if it can be demonstrated through engineering calculations to be stable.
- 7.2.11. At all times, the contractor shall have sufficient materials, equipment and labor on-site to stabilize and prevent erosion from all denuded areas within 12 hours as site and weather conditions dictate.
- 7.2.12. Water removed from the site by pumping must be treated by temporary sedimentation basins, geotextile filters, grit chambers, sand filters, up-flow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Such water shall not be discharged in a manner that causes erosion or flooding of the site, receiving channels, adjacent property or a wetland.
- 7.2.13. Cut and fill slopes shall be constructed in a manner that will minimize erosion.
- 7.2.14. Whenever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment onto the paved road by use of appropriate BMPs such as a stabilized construction entrance. At a minimum, temporary rock construction entrances shall be required whenever vehicles enter and exit a site. If sediment is transported onto a road surface, the road shall be thoroughly cleaned. Sediment shall be removed from roads by shoveling or sweeping and be transported to a sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner.
- 7.2.15. For soil stockpiles, the toe of the pile must be more than twenty-five (25) feet from all roads, drainage channels or storm water inlets. If such stockpiles will be left for more than fourteen (14) days, they must be stabilized with mulch, vegetation or suitable covers. If left for less than fourteen (14) days, erosion from stockpiles must be controlled with silt fences or rock check dams.
- 7.2.16. If for any reason a soil stockpile of any size is located closer than twenty-five (25) feet from a road, drainage channel or storm sewer inlet, and will be left for more than seven (7) days, it must be stabilized with mulch, vegetation, or suitable covers.
- 7.2.17. All storm drain inlets made operable during construction shall be protected so storm water run-off shall not enter the conveyance system without first being filtered or otherwise treated with silt fence or an equivalent barrier designed to remove sediment.



- 7.2.18. All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected flow velocity from a 2- year frequency, 24-hour duration storm for the post-development condition. Stabilization adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems.
- 7.2.19. The Drainage Board or designated representative has the authority to inspect all construction activities to ensure that owners/developers comply with this Ordinance and all applicable County, State and Federal regulations.

## **8. Storm Water Quality Management for Post-Construction**

### **8.1. Applicability and exemptions**

In addition to the requirements of the Storm Water Management Permit application, the project site owner must also include post-construction storm water quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously filter storm water runoff from the stabilized site. Any project located within Madison County that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of one acre or more of total land area, is subject to the requirements of this article. This includes both new development and re-development, and disturbances of less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land, within the MS4 area.

The requirements under this article do not apply to the following activities:

- A. Agricultural land disturbing activities; or
- B. Forest harvesting activities; or
- C. Construction activities associated with a single family residential dwelling disturbing less than five acres, when the dwelling is not part of a larger common plan of development or sale; or
- D. Single-family residential developments consisting of four or less lots; or
- E. A single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development or sale; or
- F. Individual building lots within a larger permitted project.

The requirements under this article do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

- A. Landfills that have been issued a certification of closure under 329 IAC 10.
- B. Coal mining activities permitted under IC 14-34.
- C. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329

IAC 10 that contains equivalent storm water requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a Storm Water Management Permit application and ensure that a sufficient construction plan is completed and submitted to Madison County in accordance with Section 2, Storm Water Management Permit Application Process, of this Ordinance. It will be the responsibility of the project site owner to ensure proper construction and installation of all storm water BMPs in compliance with this Ordinance and with the approved Storm Water Management Permit, and to notify Madison County with a sufficient Notice of Termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of storm water quality facilities meeting the applicability requirements must comply with the requirements of this article and this Ordinance.

## 8.2. Policy on Storm Water Quality Management

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in Madison County measures must be taken to intercept and filter pollutants from storm water runoff prior to reaching regional creeks, streams, and rivers in order to preserve fishable and swimmable conditions. Through the use of Best Management Practices (BMP), storm water runoff will be filtered and harmful amounts of sediment, nutrients and contaminants will be removed. The project site owner must submit to Madison County, a plan that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Indiana Storm Water Quality Manual. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Indiana Storm Water Quality Manual. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the Indiana Storm Water Quality Manual, would be placed with the applicant.

In accordance with 327 IAC 15-13-16 new retail gasoline outlets, new municipal, state, federal, or institutional refueling areas, or outlets and refueling areas that replace their existing tank systems must install appropriate practices to reduce lead, copper, zinc, and polyaromatic hydrocarbons in storm water runoff using the Indiana Storm Water Quality Manual as guidance.

## 8.3. Calculations and Design Standards and Specifications

The calculation methods as well as the type, sizing, and placement of all storm water quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Indiana Storm Water Quality Manual. The methods and procedures included in this reference are in keeping with the above stated policy and meet the requirements of 327 IAC 15-13.

#### 8.4. Easement Requirements

All storm water quality management systems, including detention or retention basins, filter strips, pocket wetlands, in-line filters, infiltration systems, conveyance systems, structures and appurtenances located outside of the right-of-way shall be incorporated into permanent easements.

#### 8.5. Inspection, Maintenance, Record Keeping, and Reporting

After the approval of the Storm Water Management Permit by Madison County and the commencement of construction activities, Madison County has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Ordinance, or Indiana Storm Water Quality Manual, and the terms and conditions of the approved permit.

Storm water quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures submitted as part of the Storm Water Management Permit application. These procedures shall not be subsequently altered, revised or replaced except in accordance with the approved Storm Water Management Permit, or in accordance with approved amendments or revisions in the permit. Following construction completion, inspection and maintenance of storm water quality facilities shall be the responsibility of the property owner.

All public and privately owned storm water quality facilities will be inspected by representatives of the project site owner until the project is complete and a Notice of Termination has been issued. Inspection frequency shall follow specifications included in the operation and maintenance submitted as part of the permit application. Following project completion, Madison County assumes responsibility for having annual inspections of the storm water quality facilities completed. The inspections will follow the operation and maintenance procedures included in the permit application for each specific BMP. The inspection will cover physical conditions, available water quality volume capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. If deficiencies are found during the inspection, the owner of the storm water quality facility will be notified by Madison County and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, Madison County will undertake the work and collect from the owner using lien rights if necessary.

#### 8.6. Post-Construction Storm Water Plan

The post-construction storm water plan must include the following information:

- A. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to storm water discharges.
- B. Location, dimensions, detailed specifications, and construction details of all

- post-construction storm water quality measures.
- C. A description of measures that will be installed to control pollutants in storm water discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and storm water retention and detention ponds.
  - D. A sequence describing when each post-construction storm water quality measure will be installed.
  - E. Storm water quality measures that will remove or minimize pollutants from storm water run-off.
  - F. Storm water quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
  - G. A narrative description of the maintenance guidelines for all post-construction storm water quality measures to facilitate their proper long term function. This Operation and Maintenance manual will be kept on file by Madison County for use during inspections. A copy will also be provided to the landowner for informational purposes.

## **9. Watercourse and Drain Protection**

- 9.1. Any individual owning property through which a watercourse passes, or such individual's lessee, shall keep and maintain the part of watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.
- 9.2. The property owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from the property.
- 9.3. Easements intended for periodic or occasional use to convey the flow of surface water run-off shall be maintained in an unobstructed condition by the owners of the properties they cross. When specified as a restrictive covenant, the Drainage Board shall have the right to determine if any obstructions exist and to repair and maintain, or require such repair and maintenance by the property owner if the owner is deemed responsible for the obstruction, as shall be necessary to maintain proper operation of the drain.
- 9.4. It shall be unlawful for any individual to stop, fill, dam, confine, pave, alter the course of, or otherwise interfere with any natural or constructed drain, or drainage area, without first submitting a drainage plan to the County in accordance with the provisions of this Ordinance.

- 9.5. No filling, blocking, or fencing shall take place within a floodway without obtaining all required permits from all agencies with jurisdiction over such activity.
- 9.6. Shrubs, trees or other vegetation shall not be planted over the top of an underground storm sewer or over the top of the easement within which the storm sewer has been installed.

## **10. Prohibited Discharges and Illicit Connection Elimination**

### **10.1. Building Storm Water Management**

10.1.1. Downspouts and Roof Drains All newly constructed and existing single family residential home downspouts or roof drains shall discharge no closer to the street than 48 inches from the building setback line. In no case shall any downspout or roof drain from any property be connected to a sanitary sewer. In no case shall a single family residential home downspout or roof drain be connected to a combined sewer unless one of the following conditions exist:

- A. Due to the distance between homes disconnection of downspouts or roof drains from the combined sewer will result in flooding or property damage to an adjacent property.
- B. Due to the lot size of a home discharge from downspouts or roof drains will be discharged into the County right-of-way and could present a public safety concern regarding flooding of a County road or hazards associated with storm water freezing during winter months.
- C. Property owners shall contact the Drainage Board if they believe either of the aforementioned conditions exists on their property. The Drainage Board shall determine if it is appropriate for the downspouts or roof drains to remain connected to the combined sewer system. The owner of any home with the downspouts or roof drains found to be connected to the sanitary or combined sewer without authorization from the County shall be in violation of this Ordinance and subject to the enforcement procedures as specified in this Ordinance.

### **10.1.2. Sump Pumps**

In no case shall a sump pump be used for more than one function; sump pumps shall be used only for the discharge of storm water or groundwater. Sump pumps used for temporary relief from storm water or ground water accumulation in basements or crawl spaces shall discharge onto a grass surface within the boundaries of the affected property. The sump pump discharge shall be conducted in a manner that does not adversely affect adjacent properties.

### **10.1.3. Footing Drains**

- A. In no case shall a footing drain discharge to a sanitary sewer.
- B. Discharge from permanently installed footing drains may be connected to municipal storm sewers if a Storm Water Management Permit has been obtained from the Drainage Board.

1. Connections from footing drains to the Municipal Storm Sewer System made prior to the adoption date of this Ordinance are not required to obtain a Storm Water Management Permit.

#### 10.1.4. Basement Floor Drains

Basement floor drains shall be connected to sanitary sewers or septic systems. In no case shall basement floor drains discharge to the Municipal Storm Sewer System.

### 10.2. Prohibited Discharges

No individual shall discharge or cause to be discharged into the Municipal Storm Sewer System, a privately owned water body, or a Water of the State any materials, including but not limited to pollutants or waters containing any pollutants that may cause or contribute to a violation of applicable water quality standards, other than storm water. This includes any material that may obstruct flow in the system or cause damage to the system or interfere with the proper operation of the system or creates a hazard to the public. Any individual responsible for the discharge of a prohibited substance into the Municipal Storm Sewer System shall be subject to all remedial and punitive enforcement procedures specified in this Ordinance.

10.2.1. It is an affirmative defense to any enforcement action for a violation of subsection 10.2, Prohibited Discharges that the discharge was composed entirely of one or more of the following categories of discharges:

- A. A discharge authorized by, and in full compliance with, an NPDES permit;
- B. A discharge or flow resulting from firefighting activities by a Fire Department, if the Fire Department properly notifies the County Water Pollution Control Department at the time the Fire Department responds to the incident;
- C. A discharge or flow from water line flushing;
- D. A discharge or flow from lawn watering, or landscape irrigation;
- E. A discharge or flow from a diverted stream flow, natural spring, riparian habitat or wetland;
- F. A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
- G. Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
- H. A discharge or flow from a portable water source not containing any harmful substance or material from the cleaning or draining of a storage tank or other container;
- I. A discharge or flow from individual residential car washing;
- J. Dechlorinated swimming pool discharges.

10.2.2. No affirmative defense shall be available under subsection 10.2.1 if:

- A. The discharge or flow in question has been determined by the Water

Pollution Control Department to be a source of a pollutant or pollutants to the Waters of the State or to the Municipal Storm Sewer System;

- B. Notice of such determination has been provided to the discharger; and
- C. The discharge has continued after the expiration of the time given in the notice to cease the discharge.

### 10.3. Illicit Connection and Prohibited Discharge Elimination Requirements

10.3.1. The construction, use, maintenance or continued existence of illicit connections and/or prohibited discharges to the Municipal Storm Sewer System, privately owned water body or a Water of the State is prohibited.

10.3.2. This prohibition includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

10.3.3. This prohibition also includes prohibited discharges originating from a property, which due to subsurface or groundwater discharge, may not initially be detected within the boundaries of the property responsible for the prohibited discharge.

10.3.4. The current owner of the property, where the illegal connection exist, shall be responsible for all cost associated with eliminating the illegal connection and insuring that all sanitary and storm water connections originating from the property are in full compliance with this Ordinance and all applicable County, State and Federal rules and regulations.

### 10.4. Inspections and Discharge Monitoring

10.4.1. The Drainage Board or their designated representatives have the authority to inspect the interior and exterior of all buildings and structures and adjacent property for the purpose of determining the origin of a prohibited discharge or illicit connection.

10.4.2. The County may also conduct sampling and other related activities, including but not limited to collection of storm water/wastewater samples, dye testing and smoke testing of drains, during the course of the investigation.

10.4.3. County personnel shall present valid County identification, which includes the individual's name, job title, and employee identification number prior to entry to any privately owned building.

10.4.4. Refusal of entry by a property owner after County personnel present valid identification shall constitute a violation of this Ordinance and subject the property owner to Enforcement as specified in this Ordinance.

10.4.5. Upon refusal of entry, the Drainage Board may file an application with a municipal or county court judge to obtain a search and/or seizure warrant. The warrant shall specify what may be searched and/or seized at the property described in the warrant.

## 10.5. Accidental Discharges

10.5.1. Any individual who accidentally discharges into any waterway any substance other than storm water or an exempted discharge as specified in this Ordinance shall immediately notify the Drainage Board's Office. It is also the discharger's responsibility to notify any County, State or Federal agencies if such notification is required. Verbal notification shall be made within two (2) hours of the event. The County may require the discharger submit a written report within five (5) working days of the event. The written report shall specify the following:

- A. The date, time and estimated volume of the discharge;
- B. A detailed description of the composition of the discharge;
- C. A narrative description of the events leading up to the discharge and the believed cause of the discharge;
- D. All measures taken to clean up the discharge;
- E. Full contact information including name, telephone number, and business address for the individual submitting the report, the business or property owner, and individuals who were involved with the equipment, process, etc. just prior to the discharge.

## 11. Regulated Drain Crossings

11.1. Any person seeking to cross either under, over, or through a regulated drain under the jurisdiction the county drainage board with any structure or improvement shall make application to the Drainage Board's office.

11.1.1. All applications shall be on forms provided by the Drainage Board and shall meet the specifications set out in this section. Such application shall contain any plans, specifications and any other information as deemed necessary by the Drainage Board. Applications shall be signed by the owner of record or his agent. If signed by the agent, it shall be noted as to the agent's capacity, i.e., contractor, realtor, engineer, tenant, attorney, surveyor, etc.

11.1.2. Multiple crossings for the same drain may be included on the same crossing request permit form if crossings occur on the same tax parcel. Multiple crossings for the same drain on separate tax parcels shall require separate crossing request permit forms. Multiple crossings occurring on the same tax parcel but for separate drains shall require a separate crossing request permit form for each drain involved. Each crossing shall be charged separately.

11.1.3. Regulated Drain Crossing Permits shall expire one year from the date of approval if work has not commenced. All permits shall expire two years from the date of approval. If the permit expires prior to the start and/or completion of work, the permit must be renewed by submitting an additional fee which shall be the same as the previous permit fee.

11.1.4. Temporary crossing shall follow the same requirements as set out in subsections 11.1.1 through 11.1.3 of this section, except such permits shall expire within six



months from the date of approval. If the permit expires prior to completion of the work, the permit must be renewed by submitting an additional fee which shall be double the previous permit fee.

## **12. Artificial Pond Construction**

- 12.1. The construction of artificial ponds not constructed in accordance with a Storm Water Management Permit is hereby regulated as follows:
  - 12.1.1. No artificial pond shall be constructed, erected, installed, enlarged, or located within the jurisdiction of Madison County unless the Drainage Board has first approved it by issuing a Pond Construction Permit. The Drainage Board may decline construction of an artificial pond.
- 12.2. A Pond Construction Permit application shall be submitted to the Drainage Board addressing items listed in Sections 12.3 through 12.11.1. No artificial pond construction may commence prior to the Drainage Board issuing a Pond Construction Permit.
- 12.3. The location of the artificial pond and particularly its proximity to adjoining properties shall be shown on an appropriately scaled drawing;
  - 12.3.1. All ponds shall maintain a minimum side and rear setback from a property line of twenty five (25') feet and shall maintain a minimum setback of either fifty (50) feet from centerline of adjacent road or highway of thirty five (35') feet from any road or highway right-of-way, whichever is larger unless an exception is granted by the Drainage Board.
  - 12.3.2. Setbacks from buildings shall be as defined in the Madison County Zoning Ordinance.
  - 12.3.3. Artificial ponds may cross parcel lines only after Planning Commission Site Plan Review and approval.
- 12.4. The purpose for the artificial pond such as fish hatchery, agricultural animal watering, storm water detention and storage (only if separate from a Storm Water Management Permit Application), or decoration shall be considered and shall be a factor in review of any pond.
- 12.5. The character, nature, and size of the pond: all ponds shall be evaluated in terms of appearance and design elements incorporated into the borders.
- 12.6. Identify the steps taken to reduce the potential of the pond becoming stagnant or prevention of other such difficulties or problems;
- 12.7. The location of any onsite septic field.
- 12.8. A Storm Water Quality Management Permit shall be required if land disturbance is greater than one acre.

- 12.9. If soil, stone, or fill is to be removed from the subject parcel, identify the following:
  - 12.9.1. The route to be taken by all vehicles leaving the site with soil, stone, or fill.
  - 12.9.2. The time of day and days of the week the vehicles leaving the site will operate.
  - 12.9.3. The estimated number of yards to be removed.
  - 12.9.4. Identify dust control measures for the dust created by the vehicles leaving the site will operate.
- 12.10. No artificial pond shall be used unless adequate public health measures are periodically taken to ensure that the existence and/or use thereof will not cause or spread a disease or otherwise provide conditions dangerous to the public health.
- 12.11. The pond must have a surface outlet and emergency overflows. A drainage study may be required by the Drainage Board to ensure proper sizing.
  - 12.11.1. No pond shall discharge into the public sanitary sewer.
  - 12.11.2. No pond shall stop the natural drainage of adjacent parcels or effect the natural flow of water on adjacent in a negative manner.
  - 12.11.3. No pond shall be constructed, erected; installed, maintained or located that will cause or contribute to the erosion of any adjoining property.
- 12.12. The slope to the banks or sides of an outdoor pond shall in no event exceed a minimum of three (3) feet horizontal to one (1) foot vertical. This slop must be maintained and extended into the water to a depth of six (6) feet. Show on drawings.
- 12.13. If after construction the pond is found to be stagnant and creating a nuisance, the owner shall take necessary steps to eliminate the problem including, but not limited to the following;
  - 12.13.1. Installation of an aerator or fountain.
  - 12.13.2. Adding safe IDEM/IDNR approved chemicals.
  - 12.13.3. Re-designing the pond to provide circulation.
- 12.14. No pond shall take longer than 60 days to complete from the date of starting.
- 12.15. Parcel owners are ultimately responsible for pond location.
- 12.16. Parcel owners are responsible for obtaining any and all State of Indiana or Corps of Engineer required permits.

### **13. Enforcement**

#### **13.1. Storm Water Quality Notice of Violation**

13.1.1. Any individual who is found to be in violation of any provision of this Ordinance shall be deemed to have committed a storm water management violation and may be issued a Notice of Violation (NOV) by the Drainage Board. The NOV shall be served by personal service or by Certified Mail. The NOV shall contain, at a minimum, the following information:

- A. The name and address of the individual responsible for the violation;
- B. The address or a description of the building, structure, or land upon which the violation has occurred;
- C. A statement specifying the nature of the violation;
- D. A statement of the corrective or remedial measures necessary to bring the property into compliance with this Ordinance and a date required to complete such measures;
- E. If a penalty is to be assessed against the individual to whom the NOV is directed, a statement of the penalty shall be included in the NOV;

13.1.2. The corrective or remedial measures the County may require, include, but are not limited to, the following:

- A. Submission of corrected documentation related to a Storm Water Management Permit Application;
- B. Installation and maintenance of erosion and sediment or pollution control measures;
- C. Removal of buildings, structures, debris or excessive vegetation within a legally designated drainage easement or within the floodway;
- D. Immediate cessation of prohibited discharges and/or permanent elimination or illicit connections;

13.1.3. The NOV may include a civil penalty not to exceed Two Thousand, Five Hundred Dollars (\$2,500) per day per violation. Each day a violation remains uncorrected after the deadline specified in the NOV is a distinct and separate violation of this Ordinance and is subject to the assessment of an additional penalty.

13.1.4. The NOV may include a requirement to reimburse the County for any or all cost associated with the inspection and investigation of the violation including but not limited to sampling and analyses cost, equipment cost, overtime cost for County personnel, and contractors or consultants cost.

13.1.5. The NOV may include a requirement to reimburse the County for any or all cost associated with the remediation of damages caused by a violation including but not limited to equipment cost, overtime cost for County personnel, and contractors or consultants cost.

13.1.6. The NOV may include a requirement to reimburse the County for any or all cost associated with the remediation or abatement of damages to the County Municipal

Storm Sewer System, a regulated drain, or a Water of the State caused by the violation including but not limited to equipment cost, overtime cost for County personnel, and contractors or consultants cost.

13.1.7. Any individual receiving a NOV may appeal the findings or contest the stated requirements. The notice of appeal must be received in writing within seven (7) days from the date of receipt of the NOV by the County Drainage Board. Hearing on the appeal before the County Drainage Board shall take place within fifteen (15) days of receipt of the notice of appeal. The decision of the made at the conclusion of this hearing shall be final.

13.1.8. If an individual who receives an NOV fails to correct the observed violation, pay the assessed fine, or respond to the County within the time allotted in the NOV, the Drainage Board may file a civil lawsuit as prescribed by applicable laws and Ordinances, and seek penalties as prescribes in this section. An individual adjudged to have committed a storm water quality violation in a court of law is liable for all associated court costs and attorney fees.

#### 13.2. Storm Water Quality Cease and Desist Orders

If the violation is determined by the Drainage Board to be a threat to public health or safety, the Drainage Board may order the land use or prohibited discharge to cease and desist immediately, regardless of whether a NOV has been issued.

#### 13.3. Remedies Not Exclusive

The remedies stated in this Ordinance are not exclusive of any other remedies available under any applicable section of local, state, or federal ordinance, rule, regulation, or law and it is within the discretionary authority of other government bodies to pursue additional remedies as stated in the aforementioned ordinances, rules, regulations, or laws.

### **14. Implementation of Ordinance**

#### 14.1. 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 storm water run-off depths may be increased by man-made or natural causes. This Ordinance does not imply the land uses permitted will be free from storm water damage. This Ordinance shall not create liability on the part of Madison County or any officer or employees thereof for any damages that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

#### 14.2. Corrective Action

Nothing herein contained shall prevent Madison County from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the individual or individuals responsible.


14.3. Exempt Projects

Any subdivision or construction project that has received a final Storm Water Management Permit approved by the County Drainage Board six (6) months prior to implementation of this Ordinance shall be considered legally non-conforming. As such, the plan may be implemented as approved. If, however, the project is expanded or otherwise altered, these regulations specified in this Ordinance shall apply.

14.4. Severability

The invalidity of any section, sentence, clause, division, part or provision of this chapter shall not affect the validity of any other section, sentence, clause, division, part or provision of this chapter which can be given meaning without such invalid part or parts. All Ordinances are parts of Ordinances and sections of the municipal code of the County in conflict herewith are hereby repealed, subject to the provisions of this Ordinance.

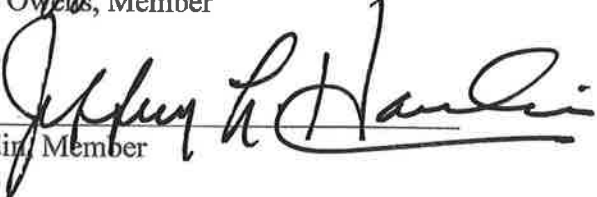
MADISON COUNTY BOARD OF COMMISSIONERS



John M. Richwine, President



Stephanie Owens, Member



Jeff Hardin, Member

ATTEST:



Jane Lyons,  
Madison County Auditor