

# The Town of Fortville



TOWN OF FORTVILLE  
STORM WATER MANAGEMENT ORDINANCE

ORDINANCE NO. 2006 – 8A  
AN ORDINANCE REGULATING  
STORMWATER DRAINAGE, EROSION AND SEDIMENT CONTROL  
ASSOCIATED WITH ALL  
DEVELOPMENT AND REDEVELOPMENT  
WITHIN THE TOWN OF FORTVILLE

JULY 2006

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Stormwater Management Ordinance

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STORMWATER DRAINAGE, EROSION AND SEDIMENT CONTROL  
REGULATIONS

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## SECTION 100: ABBREVIATIONS AND DEFINITIONS

### ABBREVIATIONS

BMP	Best Management Practice
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	Environmental Protection Agency
GIS	Geographical Information System
IDEM	Indiana Department of Environmental Management
MS4	Municipal Separate Storm Sewers
NRCS USDA	Natural Resources Conservation Service
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

### DEFINITIONS

Agricultural land disturbing activity: Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile. For purposes of this rule, the term does not include land disturbing activities for the construction of agricultural related facilities, such as barns, buildings to house livestock, roads associated with infrastructure, agricultural waste lagoons and facilities, lakes and ponds, wetlands; and other infrastructure.

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

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**Abbreviations & Definitions**

Best Management Practices: Design, construction, and maintenance practices and criteria for stormwater facilities that minimize the impact of stormwater runoff rates and volumes, prevent erosion, and capture pollutants.

Buffer Strip: An existing, variable width strip of vegetated land intended to protect water quality and habitat.

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.

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.

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.

Comprehensive Stormwater Management Program: A comprehensive stormwater program for effective management of stormwater quantity and quality throughout the community.

Constructed Wetland: A manmade shallow pool that creates growing conditions suitable for wetland vegetation and is designed to maximize pollutant removal.

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.

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.

Contiguous: Adjoining or in actual contact with.

Contour: An imaginary line on the surface of the earth connecting points of the same elevation.

Contour Line: Line on a map which represents a contour or points of equal elevation.

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**Abbreviations & Definitions**

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

Conveyance: Any structural method for transferring stormwater between at least two points. The term includes piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains, and roadways.

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.

Culvert: A closed conduit used for the conveyance of surface drainage water under a roadway, railroad, canal or other impediment.

Dechlorinated Swimming Pool Discharge: Chlorinated water that has either sat idle for seven (7) days following chlorination prior to discharge to the MS4 conveyance, or, by analysis, does not contain detectable concentrations (less than five-hundredths (0.05) milligram per liter) of chlorinated residual.

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.

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

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.

Detention Storage: The temporary detaining of storage of stormwater 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.

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).

Detritus: Dead or decaying organic matter generally contributed to stormwater as fallen leaves and sticks or as dead aquatic organisms.

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

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**Abbreviations & Definitions**

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.

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

Ditch: A man-made, open watercourse in or into which excess surface water or groundwater drained from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

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.

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

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.

Dry Well: A type of infiltration practice that allows stormwater runoff to flow directly into the ground via a bored or otherwise excavated opening in the ground surface.

Duration: The time period of a rainfall event.

Environment: The sum total of all the external conditions that may act upon a living organism or community to influence its development or existence.

Erodibility Index (EI): The soil erodibility index (EI) provides a numerical expression of the potential for a soil to erode considering the physical and chemical properties of the soil and the climatic conditions where it is located. The higher the index, the greater the investment needed to maintain the sustainability of the soil resource base if intensively cropped. It is defined to be the maximum of  $(R \times K \times LS) / T$  (from the Universal Soil Loss Equation) and  $(C \times I) / T$  (from the Wind Erosion Equation), where R is a measure of rainfall and runoff, K is a factor of the susceptibility of the soil to water erosion, LS is a measure of the combined effects of slope length and steepness, C is a climatic characterization of windspeed and surface soil moisture and I is a measure of the susceptibility of the soil to wind erosion. Erodibility Index scores equal to or greater than 8 are considered highly erodible land.



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### **Abbreviations & Definitions**

Erosion: The wearing away of the land surface by water, wind, ice, gravity, or other geological agents. The following terms are used to describe different types of water erosion:

- Accelerated Erosion--Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.
- Channel Erosion --An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.
- Gully Erosion --An erosion process whereby runoff water accumulates in narrow channels and, over relatively short periods, removes the soil to considerable depths, ranging from 1-2 ft. to as much as 75-100 ft.
- Rill Erosion--An erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed and exposed soils (see Rill).
- Splash Erosion--The spattering of small soil particles caused by the impact of raindrops on wet soils; the loosened and spattered particles may or may not be subsequently removed by surface runoff.
- Sheet Erosion--The gradual removal of a fairly uniform layer of soil from the land surface by runoff water, erosion and sediment control. A practice, or a combination of practices, to minimize sedimentation by first reducing or eliminating erosion at the source and then, as necessary, trapping sediment to prevent it from being discharged from or within a project site.

Filter Strip: Usually a long, relatively narrow area (usually 20-75 feet wide) of undisturbed or planted vegetation used near disturbed or impervious surfaces to filter stormwater pollutants for the protection of watercourses, reservoirs, or adjacent properties.

Floatable: Any solid waste that will float on the surface of the water.

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.

Floodplain: The channel proper and the areas adjoining the channel which have been or hereafter may be covered by the regulatory or 100-year flood. Any normally dry land area that is susceptible to being inundated by water from any natural source. The floodplain includes both the floodway and the floodway fringe districts.

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**Abbreviations & Definitions**

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the regulatory flood of any river or stream.

Floodway Fringe: That portion of the flood plain lying outside the floodway, which is inundated by the regulatory flood.

Footing Drain: A drain pipe installed around the exterior of a basement wall foundation to relieve water pressure caused by high groundwater elevation.

Garbage: All putrescible animal solid, vegetable solid, and semisolid wastes resulting from the processing, handling, preparation, cooking, serving, or consumption of food or food materials.

Gasoline Outlet: An operating gasoline or diesel fueling facility whose primary function is the resale of fuels. The term applies to facilities that create five thousand (5,000) or more square feet of impervious surfaces, or generates an average daily traffic count of one hundred (100) vehicles per one thousand (1,000) square feet of land area.

Geographical Information System: A computer system capable of assembling, storing, manipulation, and displaying geographically referenced information. This technology can be used for resource management and development planning.

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.

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

Grass: A member of the botanical family Graminae, characterized by blade-like leaves that originate as a sheath wrapped around the stem.

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

Habitat: The environment in which the life needs of a plant or animal are supplied.

Highly Erodible Land (HEL): Land that has an erodibility index of eight or more.

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**Abbreviations & Definitions**

Hydrologic Unit Code: A numeric United States Geologic Survey code that corresponds to a watershed area. Each area also has a text description associated with the numeric code.

Hydrology: The science of the behavior of water in the atmosphere, on the surface of the earth, and underground. A typical hydrologic study is undertaken to compute flow rates associated with specified flood events.

Illicit Discharge: Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs.

Impaired Waters: Waters that do not or are not expected to meet applicable water quality standards, as included in IDEM's CWA Section 303(d) List of Impaired Waters.

Impervious Surface: Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

Individual Building Lot: A single parcel of land within a multi-parcel development.

Individual Lot Operator: A contractor or subcontractor working on an individual lot.

Individual Lot Owner: A person who has financial control of construction activities for an individual lot.

Infiltration: Passage or movement of water into the soil. Infiltration practices include any structural BMP designed to facilitate the percolation of run-off through the soil to groundwater. Examples include infiltration basins or trenches, dry wells, and porous pavement.

Inlet: An opening into a storm drain system for the entrance of surface storm water runoff, more completely described as a storm drain inlet.

Land Disturbing Activity: Any man made change of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting and grading.

Land Surveyor: A person licensed under the laws of the State of Indiana to practice land surveying.

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**Abbreviations & Definitions**

Larger Common Plan of Development or Sale: A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous, or is known, designated, purchased or advertised as a common unit or by a common name, such land shall be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

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).

Lowest Floor: Refers to the lowest of the following:

1. The top of the basement floor;
2. The top of the garage floor, if the garage is the lowest level of the building;
3. 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
4. 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:
  - a] 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 openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
  - b] Such enclosed space shall be usable only for the parking of vehicles or building access.

Manhole: Storm drain structure through which a person may enter to gain access to an underground storm drain or enclosed structure.

Measurable Storm Event: A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (0.5) inch of rainfall.

Mulch: A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

Municipal Separate Storm Sewers: An MS4 meets all the following criteria: (1) is a conveyance or system of conveyances owned by the state, county, city, town, or other public entity; (2) discharges to waters of the U.S.; (3) is designed or used for collecting or conveying stormwater; (4) is not a combined sewer; and, (5) is not part of a Publicly Owned Treatment Works (POTW).

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**Abbreviations & Definitions**

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

Natural Drainage: The flow patterns of stormwater run-off over the land in its pre-development state.

Nutrient(s): (1) A substance necessary for the growth and reproduction of organisms. (2) In water, those substances (chiefly nitrates and phosphates) that promote growth of algae and bacteria.

Open Drain: A natural watercourse or constructed open channel that conveys drainage water.

Open Space: Any land area devoid of any disturbed or impervious surfaces created by industrial, commercial, residential, agricultural, or other manmade activities.

Outfall: The point, location, or structure where a pipe or open drain discharges to a receiving body of water.

Outlet: The point of water disposal from a stream, river, lake, tidewater, or artificial drain.

Parcelization: The division of a large tract of land into smaller land tracts.

Peak Discharge (or Peak Flow): The maximum instantaneous flow from a given storm condition at a specific location.

Percolation: The movement of water through soil.

Permanent Stabilization: The establishment, at a uniform density of seventy percent (70%) across the disturbed area, of vegetative cover or permanent non-erosive material that will ensure the resistance of the soil to erosion, sliding, or other movement.

Pervious: Allowing movement of water.

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

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**Abbreviations & Definitions**

Pollutant of Concern: Any pollutant that has been documented via analytical data as a cause of impairment in any waterbody.

Porosity: The volume of pore space in soil or rock.

Porous Pavement: A type of infiltration practice to improve the quality and reduce the quantity of storm water run-off via the use of manmade, pervious pavement which allows run-off to percolate through the pavement and into underlying soils.

Professional Engineer: A person licensed under the laws of the State of Indiana to practice professional engineering.

Programmatic Indicator: Any data collected by an MS4 entity that is used to indicate implementation of one (1) or more minimum control measures.

Project Site: The entire area on which construction activity is to be performed.

Project Site Owner: The person required to submit a stormwater permit application, and required to comply with the terms of this ordinance, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

Rain Garden: A vegetative practice used to alter impervious surfaces, such as roofs, into pervious surfaces for absorption and treatment of rainfall.

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.

Recharge: Replenishment of groundwater reservoirs by infiltration and transmission from the outcrop of an aquifer or from permeable soils.

Redevelopment: Alterations of a property that change a site or building in such a way that there is disturbances of one (1) acre or more of land. The term does not include such activities as exterior remodeling.

Refueling Area: An operating gasoline or diesel fueling area whose primary function is to provide fuel to equipment or vehicles.

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**Abbreviations & Definitions**

Regulatory Flood: The discharge or elevation associated with the 100-year flood (a storm event having a 1% chance of occurrence in any given year) as calculated by a method and procedure which is acceptable to and accepted by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The "regulatory flood" is also known as the "base flood".

Regulatory Floodway: See Floodway.

Release Rate: The amount of storm water release from a storm water control facility per unit of time.

Reservoir: A natural or artificially created pond, lake or other space used for storage, regulation or control of water. May be either permanent or temporary. The term is also used in the hydrologic modeling of storage facilities.

Retention: The storage of stormwater to prevent it from leaving the development site. May be temporary or permanent.

Retention Basin: A type of storage practice, that has no positive outlet, used to retain stormwater run-off for an indefinite amount of time. Runoff from this type of basin is removed only by infiltration through a porous bottom or by evaporation.

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 100 years has a one percent probability of being equaled or exceeded in any one year.

Riparian Zone: Of, on, or pertaining to the banks of a stream, river, or pond.

Riparian Habitat: A land area adjacent to a waterbody that supports animal and plant life associated with that waterbody.

Runoff: That portion of precipitation that flows from a drainage area on the land surface, in open channels, or in stormwater conveyance systems.

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 rainfall. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as stormwater runoff.

Sediment: Solid material (both mineral and organic) that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

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**Abbreviations & Definitions**

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

Sensitive Water: A waterbody in need of priority protection or remediation based on its:

- providing habitat for threatened or endangered species,
- usage as a public water supply intake,
- relevant community value,
- usage for full body contact recreation,
- exceptional use classification as found in 327 IAC 2-1-11(b), outstanding State resource water classification as found in 327 IAC 2-1-2(3) and 327 IAC 2-1.5-19(b).

Site: The entire area included in the legal description of the land on which land disturbing activity is to be performed.

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 Ordinance 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.

Soil: The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

Soil and Water Conservation District: A public organization created under State law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of State government with a local governing body, established under IC 14-32.

Solid Waste: Any garbage, refuse, debris, or other discarded material.

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.



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**Abbreviations & Definitions**

Storm Duration: The length of time that water may be stored in any stormwater control facility, computed from the time water first begins to be stored.

Storm Event: An estimate of the expected amount of precipitation within a given period of time. For example, a 10-yr. frequency, 24-hr. duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hr. period.

Storm Sewer: A closed conduit for conveying collected storm water, while excluding sewage and industrial wastes. Also called a storm drain.

Stormwater: Water resulting from rain, melting or melted snow, hail, or sleet.

Stormwater Pollution Prevention Plan: A plan developed to minimize the impact of storm water pollutants resulting from construction activities.

Stormwater Runoff: The water derived from rains falling within a tributary basin, flowing over the surface of the ground or collected in channels or conduits.

Stormwater Quality Management Plan: A comprehensive written document that addresses stormwater runoff quality.

Stormwater Quality Measure: A practice, or a combination of practices, to control or minimize pollutants associated with storm water runoff.

Stormwater Drainage System: All means, natural or man-made, used for conducting storm water to, through, or from a drainage area to any of the following: conduits and appurtenant features, canals, channels, ditches, storage facilities, swales, streams, culverts, streets and pumping stations.

Strip Development: A multi-lot project where building lots front on an existing road.

Subdivision: Any land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale.

Subsurface Drain: A pervious backfilled trench, usually containing stone and perforated pipe, for intercepting groundwater or seepage.

Surface Runoff: Precipitation that flows onto the surfaces of roofs, streets, the ground, etc., and is not absorbed or retained by that surface but collects and runs off.

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**Abbreviations & Definitions**

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 stormwater into primary drainage channels and may provide some groundwater recharge.

Temporary Stabilization: The covering of soil to ensure its resistance to erosion, sliding, or other movement. The term includes vegetative cover, anchored mulch, or other non-erosive material applied at a uniform density of seventy percent (70%) across the disturbed area.

Tile Drain: Pipe made of perforated plastic, burned clay, concrete, or similar material, laid to a designed grade and depth, to collect and carry excess water from the soil.

Topographic Map: Graphical portrayal of the topographic features of a land area, showing both the horizontal distances between the features and their elevations above a given datum.

Topography: The representation of a portion of the earth's surface showing natural and man-made features of a give locality such as rivers, streams, ditches, lakes, roads, buildings and most importantly, variations in ground elevations for the terrain of the area.

Trained Individual: An individual who is trained and experienced in the principles of storm water quality, including erosion and sediment control as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enable the individual to make judgments regarding storm water control or treatment and monitoring.

Urban Drain: A drain defined as “Urban Drain” in Indiana Drainage Code (IC 36-9-27-).

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.

Vegetated Swale: A type of vegetative practice used to filter stormwater runoff via a vegetated, shallow-channel conveyance.

Water Quality: A term used to describe the chemical, physical, and biological characteristics of water, usually in respect to its suitability for a particular purpose.

Water Resources: The supply of groundwater and surface water in a given area.

Waterbody: Any accumulation of water, surface, or underground, natural or artificial, excluding water features designed and designated as water pollution control facilities.

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**Abbreviations & Definitions**

Watercourse: Any river, stream, creek, brook, branch, natural or man-made drainageway in or into which stormwater runoff or floodwaters flow either continuously or intermittently.

Watershed: The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facilities. Watersheds are often broken down into subareas for the purpose of hydrologic modeling.

Watershed Area: All land and water within the confines of a drainage divide. See also Watershed.

Wetlands: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

**Chapter 1: . General Information**

SECTION 101: AUTHORITY AND TITLE

This Ordinance is adopted in accordance with statutory authority granted under Indiana Code 8-1.5-5 and 36-9-27 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). Based on this authority and these requirements, this Ordinance regulates:

- A. Discharges of prohibited non-stormwater flows into the storm drain system.
- B. Stormwater drainage improvements related to development of lands located within the Town of Fortville.
- C. Drainage control systems installed during new construction and grading of lots and other parcels of land.
- D. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.
- E. The design, construction, and maintenance of stormwater drainage facilities and systems.
- F. The design, construction, and maintenance of stormwater quality facilities and systems.

This Ordinance shall be known and may be cited as the Town of Fortville Stormwater Management Ordinance.

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SECTION 102:           APPLICABILITY AND EXEMPTIONS

This Ordinance shall regulate all development and redevelopment occurring within the Town of Fortville. No building permit shall be issued and no land disturbance started for any construction in a development, as defined in Section 100, until the plans required by this Ordinance for such construction have been accepted in writing by the Town of Fortville.

With the exception of the requirements of Chapter 2 and Section 604 of this Ordinance, single-family dwelling houses in accepted subdivisions, new buildings (or cumulative building additions) with less than 500 square feet of area, and land-disturbing activities affecting less than 10,000 square feet of area shall be exempt from the requirements of this Ordinance.

Also exempt from this Ordinance shall be agricultural land-disturbing activities.

The Town of Fortville Projects shall be exempt from obtaining permits, but are expected to meet all applicable technical requirements of this Ordinance and the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards.

Any construction project which has had its final drainage plan accepted by the Town of Fortville within a 2-year period prior to the effective date of this Ordinance shall be exempt from all requirements of this Ordinance that are in excess of the requirements of ordinances in effect at the time of acceptance. Such an exemption is not applicable to the requirements detailed in Chapter 2 of this Ordinance.

The Town of Fortville has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance and its associated Technical Standards document. A pre-submittal meeting with the Town of Fortville may be requested by the applicant to discuss the applicability of various provisions of the Ordinance 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 Town of Fortville that may be based on the review of more detailed information and plans.

SECTION 103:           BACKGROUND

On December 8, 1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) Permit Program, was published in the Federal Register. The NPDES Program, as authorized by the 1972 amendments to the Clean Water Act that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems

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(MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This Federal regulation went into affect March 10, 2003. In response to Phase II of NPDES, the Indiana

Department of Environmental Management enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5). Under these new State and Federal regulations, the Town of Fortville is required to establish a regulatory mechanism for regulating stormwater quality management.

SECTION 104: FINDINGS

The Town of Fortville finds that:

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

SECTION 105: PURPOSE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Fortville through the regulation of stormwater and non-

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stormwater discharges to the storm drainage system and to protect, conserve and promote the orderly development of land and water resources within the Town of Fortville. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements.

The objectives of this Ordinance are:

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

SECTION 106: ABBREVIATIONS AND DEFINITIONS

For the purpose of this Ordinance, the abbreviations and definitions provided in Section 100 shall apply.

SECTION 107: RESPONSIBILITY FOR ADMINISTRATION

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

SECTION 108: CONFLICTING ORDINANCES

The provisions of this Ordinance shall be deemed as additional requirements to the minimum standards required by other Town of Fortville ordinances, and as supplemental requirements to Indiana's Rule 5 regarding Stormwater Discharge Associated with Construction Activity, (327 IAC 15-5), and Indiana's Rule 13 regarding Stormwater Runoff Associated with Municipal Separate Storm Sewer System Conveyances (327 IAC 15-13). In case of conflicting requirements, the most restrictive shall apply.

SECTION 109: INTERPRETATION

Words and phrases in this Ordinance shall be construed according to their common and accepted meanings, except that words and phrases defined in Section 100, shall be construed according to the respective definitions given in that section. Technical words

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and technical phrases that are not defined in this Ordinance but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings.

SECTION 110: SEVERABILITY

The provisions of this Ordinance are hereby declared severable, and if any court of competent jurisdiction should declare any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other part or provision of the ordinance.

SECTION 111: EFFECTIVE DATE

This Ordinance shall become effective after its final passage, approval, and publication as required by law.

SECTION 112: DISCLAIMER OF LIABILITY

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

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SECTION 201: APPLICABILITY AND EXEMPTIONS

This chapter shall apply to all discharges, including illegal dumping, entering the storm drain system under the control of the Town of Fortville, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site.

These discharges include flows from direct connections to the storm drain system, illegal dumping, and contaminated runoff. Stormwater runoff from agricultural, timber harvesting, and mining activities is exempted from the requirements of this chapter unless determined to contain pollutants not associated with such activities or in excess of standard practices. Farm residences are not included in this exemption.

Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the

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Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written acceptance has been granted for the subject discharge to the storm drain system, is also exempted from this chapter.

SECTION 202: PROHIBITED DISCHARGES AND CONNECTIONS

No person shall discharge to a MS4 conveyance, watercourse, or waterbody, directly or indirectly, any substance other than stormwater or an exempted discharge. Any person discharging stormwater shall effectively minimize pollutants from also being discharged with the stormwater, through the use of best management practices (BMPs).

The Town of Fortville is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the Town of Fortville’s stormwater drainage system.

SECTION 203: EXEMPTED DISCHARGES AND CONNECTIONS

Notwithstanding other requirements in this Ordinance, the following categories of non-stormwater discharges or flows are exempted from the requirements of this chapter:

- A. Water line flushing;
- B. Landscape irrigation;
- C. Diverted streamflows;
- D. Rising ground waters;
- E. Uncontaminated groundwater infiltration;
- F. Uncontaminated pumped ground water;
- G. Discharges from potable water sources;
- H. Foundation drains;
- I. Air conditioning condensation;
- J. Irrigation water;
- K. Springs;
- L. Water from crawl space pumps;
- M. Footing drains;
- N. Lawn watering;
- O. Individual residential car washing;
- P. Flows from riparian habitats and wetlands;
- Q. Dechlorinated swimming pool discharges;
- R. Street wash water;
- S. Discharges from firefighting activities;
- T. Naturally introduced detritus (e.g. leaves and twigs).
- U. Dye-testing authorized by the Town of Fortville



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**Chapter 2: . Prohibited Discharges and Connections**

**SECTION 204: STORAGE OF HAZARDOUS OR TOXIC MATERIAL**

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is strictly prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

**SECTION 205: 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, excessive vegetation, 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.

**SECTION 206: SPILL REPORTING**

Any discharger who accidentally discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the hazardous response team through the dispatcher at telephone number 485-4044 concerning the discharge. A written report concerning the discharge shall be filed with the Town of Fortville's Office and IDEM, by the dischargers, within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof;
- B. The date, time, and estimated volume of the discharge;
- C. All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
- D. 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.

A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this Ordinance against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section. This requirement does not relieve discharger from notifying other entities as required by State or Federal regulations.

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SECTION 207: INSPECTIONS AND MONITORING

A. Storm Drainage System

The Town of Fortville has the authority to periodically inspect the portion of the storm drainage system under the Town of Fortville’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.

B. Potential Polluters

If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the Town of Fortville may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this Ordinance. Upon request, the discharger shall allow the Town of Fortville’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 Town of Fortville or its 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 Chapter 7 of this Ordinance.

C. New Development and Re-Development

Following the final completion of construction and the receipt of as-built drawings by the Hancock County Surveyor’s Office and the Town of Fortville, the Town of Fortville has the authority to inspect new development and redevelopment sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this chapter.

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SECTION 301: APPLICABILITY AND EXEMPTIONS

The storage and controlled release rate of excess stormwater 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 Town of Fortville. The Town of Fortville, after thorough

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investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization.

SECTION 302: POLICY ON STORMWATER QUANTITY MANAGEMENT

A. Detention Policy

It is recognized that most streams and drainage channels serving the Town of Fortville do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in Sections 3 and 4 (below), the storage and controlled release of excess stormwater runoff shall be required for all developments and redevelopments (as defined in Section 100) located within the Town of Fortville.

1. General Release Rates

In general, the post-development release rates for developments up to and including the 10-year return period storm may not exceed 0.1 cfs per acre of development. The postdevelopment release rate for developments for the 11 - 100-year return period storms shall not exceed 0.3 cfs per acre of development. The above fixed general release rates may be set at a lower value by the Hancock County Surveyor or County Engineer 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 Town of Fortville. (See Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards) For sites where the pre-developed area has more than one (1) 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. Site-Specific Release Rates for Sites with Depressional Storage

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 Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards, accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that stormwater can currently overflow the depressional storage area. Post developed release rate for sites with depressional storage shall be the 2-year pre-developed peak runoff rate for the postdeveloped 10-year storm and 10-year pre-developed peak runoff rate for the postdeveloped 100-year storm. In no case shall the calculated site-specific release rates be larger than general release rates provided above.

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

3. Management of Off-site Runoff

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. 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, on-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 Town of Fortville when the ratio of off-site area to on-site area is larger than 5:1.

4. Downstream Restrictions

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 Town of Fortville, 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 Town of Fortville may require additional analysis to determine the receiving system's limiting downstream capacity.

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.

B. Grading and Building Pad Elevations

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

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and a minimum of 24 inches above an adjacent road elevation unless a written variance is granted by the Town of Fortville. 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 the lowest finished floor elevation, including the basement, shall be at the flood protection grade and therefore have 2 feet of freeboard above the 100-year flood elevation.

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 2 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 conditions 100-year flood boundary.

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 2 feet above the 100-year pond elevation or 2 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 (1) foot above the permanent water level (normal pool elevation).

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 shall be constructed within the easement areas that may impede the free flow of stormwater. These areas are to be maintained by the property owners or be designated as common areas that are to be maintained by an established homeowner's association. The Lowest Adjacent Grade for all residential, commercial, or industrial buildings shall be set a minimum of 1 foot above the noted 100-year overflow path/ponding elevation. 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.

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C. Acceptable Outlet and Adjoining Property Impacts Policies

Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the Town of Fortville ) 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 Town of Fortville ) 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 stormwater drainage system or tied to an acceptable outlet. Where the outfall from the stormwater 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.

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 Town of Fortville.

D. No Net Loss Floodplain Storage Policy

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 the floodplain shall be preserved to the extent possible.

In an attempt to strike a balance between the legitimate need for economic development within the Town of Fortville 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 Town of Fortville where drainage area of the stream is equal or larger than one square mile. The Town of Fortville may alter the compensation ratio, based on extenuating circumstances, for a specific project. 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

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located adjacent or opposite the placement of the fill and maintain an unimpeded connection to an adjoining floodplain area. Computations must show no net loss of floodplain storage for 2-year, 10-year, 50-year, and 100- year storm events. That is, the post-development 2-year floodplain storage along a stream shall be the same as 2-year pre-development floodplain storage along the stream within the property limits, the post-development 10-year floodplain storage along a stream shall be the same as 10- year pre-development floodplain storage along the stream within the property limits, and so on. 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 2- 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.

**SECTION 303: CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards where conflicts occur, the Town of Fortville Utility and Street Standards shall apply. The methods and procedures in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards are consistent with the policy stated above.

**SECTION 304: DRAINAGE EASEMENT REQUIREMENTS**

There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted in writing by the Town of Fortville. All stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way may be incorporated into the Town of Fortville's system at the discretion of the Town of Fortville. The developer shall petition to incorporate the storm system into the Town of Fortville's system. The stormwater management permit shall not be approved until such petition is submitted in a form accepted by the Town of Fortville.

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The following specific areas shall be included in a petition:

A. Subdivisions

1. All new channels, drain tiles equal to or greater than 8 inches in diameter, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed in subdivisions requiring a stormwater management permit from the Town of Fortville shall be petitioned to become incorporated into the Town of Fortville’s system upon completion, proper inspection, and acceptance by the Town of Fortville. New drain tiles refer to all sub-surface stormwater piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.
2. New drain tile, 8 inches to 24 inches in diameter, shall be placed in a minimum 20-foot easement (10 feet from centerline on each side) and shall be designated on the record plat as 20-foot Drainage and Utility Easement (D & UE). 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 D & UE. Wider easements may be required when the depth of pipe is greater than 6 to 10 feet, depending on the pipe size.
3. Rear-yard swales and emergency overflow paths associated with detention ponds shall not be included in petition for incorporation. However, a minimum of 15 feet width needs to be designated as a drainage easement.
4. A minimum of 15 feet beyond the actual footprint (top of the bank) of stormwater detention facilities shall be designated as a drainage easement. A minimum 15 foot wide easement shall also be required as access easement, unless the pond is immediately next to a public right-of way.
5. If the Town of Fortville 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 12 inches or larger, inlets and outlets of detention and retention ponds, and appurtenances thereto within designated drain easements are extensions of the Town of Fortville’s stormwater drainage system and are the responsibility of the Town of Fortville. Drainage swales and tile drains less than 12 inches in inside diameter shall be the responsibility of the owner or Homeowner’s Association.”
6. The following statement shall be put on each subdivision plat: “A petition addressed to the Town of Fortville has been filed requesting that the subdivision’s storm drainage system and its easements be accepted into the Town’s drainage system. The storm drainage system and its easements that are accepted into the Town’s drainage system are delineated on the plat as D & UE. D & UE’s are stormwater easements and



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drainage rights of way that are hereby dedicated to the public and to the Town of Fortville, Indiana, 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 the Town of Fortville’s Stormwater Management Ordinance. All drainage improvements performed relative to the conveyance of Stormwater runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or the Homeowner’s Association. The Town of Fortville 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 Town’s “Drainage System.” The noted 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.

**B. Municipalities and Schools**

All new channels, swales, drain tiles, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed on municipal or school property will be maintained, repaired, and constructed by the entity and will not become the Town’s drains. The design must meet the standards of the Town of Fortville’s Stormwater Management Ordinance for sizing and installation. Any off-site portion of the drainage system must be within easements and have clearly defined maintenance agreements.

**SECTION 305: PLACEMENT OF UTILITIES**

No utility company may disturb existing storm drainage facilities without the consent of the Town of Fortville. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Chapter 7 of this ordinance.

**SECTION 306: STRUCTURES NEAR COUNTY REGULATED DRAINS**

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

**SECTION 307: INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the approval of the stormwater management permit by the Town of Fortville and the commencement of construction activities, the Town of Fortville has the authority to conduct inspections of the work being done to insure full compliance with the provisions

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of this chapter, the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards, and the terms and conditions of the approved permit. The Town of Fortville also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater facilities shall be maintained in good condition, in accordance with the terms and conditions of the approved stormwater management permit, and shall not be subsequently altered, revised or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions to the permit. If deficiencies are found during the inspection, the owner of the facility will be notified by the Town of Fortville and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Fortville will undertake the work and collect from the owner using lien rights if necessary. Assignment of responsibility for maintaining facilities serving more than one lot or holding shall be documented by appropriate covenants to property deeds, unless responsibility is formally accepted by a public body, and determined before the final stormwater permit is approved. Stormwater detention/retention basins may be donated to the Town of Fortville or other unit of government designated by the Town of Fortville for ownership and permanent maintenance providing the Town of Fortville or other governmental unit is willing to accept responsibility.

SECTION 308: OPERATION AND MAINTENANCE AGREEMENT FOR PRIVATELY OWNED STRUCTURAL BMPS

A. In General

For any lot or building site currently served by a structural BMP the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the structural BMP. Until the transference of all property, sites, or lots served by the structural BMP, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the structural BMP, and shall state the terms, conditions, and schedule of maintenance for the structural BMP. In addition, it shall grant to the Town of Fortville a right of entry in the event that the Town has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the structural BMP; however, in no case shall the right of entry, of itself, confer an obligation on the Town of Fortville to assume responsibility for the structural BMP.

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The operation and maintenance agreement must be approved by the Town Council of the Town of Fortville.

**B. Special Requirement for Homeowners' and Other Associations**

For all structural BMPs required pursuant to this ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

1. Acknowledgment that the association shall continuously operate and maintain the storm water control and management facilities.
2. Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement, major repair, or reconstruction of the structural BMPs. If structural BMPs are not performing adequately or as intended or are not properly maintained, the Town of Fortville, in its sole discretion, may remedy the situation, and in such instances the Town of Fortville shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the structural BMPs, provided that the Town of Fortville shall first consent to the expenditure.
3. Annual sinking funds shall fund the escrow account. Funds shall be deposited by the Homeowners Association each year into the escrow account. The funds shall be equal to no less than fifteen percent of the estimated construction cost of the structural BMPs. A portion of the annual assessments collected by the association shall include an allocation into the escrow account. Any funds drawn down from the escrow account shall be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.
4. Granting to the Town of Fortville a right of entry to inspect, monitor, maintain, repair, and reconstruct structural BMPs.
5. Allowing the Town of Fortville to recover from the association and its members any and all costs the Town of Fortville expends to maintain or repair the structural BMPs or to correct any operational deficiencies. Failure to pay the Town of Fortville all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. The Town of Fortville shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both, in case of a deficiency. Interest, collection costs, and attorney fees shall be added to the recovery.

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6. A statement that this agreement shall not obligate the Town of Fortville to maintain or repair any structural BMPs, and the Town of Fortville shall not be liable to any person for the condition or operation of structural BMPs.
7. A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town of Fortville to enforce any of its ordinances as authorized by law.
8. A provision indemnifying and holding harmless the Town of Fortville for any costs and injuries arising from or related to the structural BMP, unless the Town of Fortville has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

C. Inspection Program

Inspections and inspection programs by the Town of Fortville may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

D. Signage

Where appropriate in the determination of the Stormwater Administrator to assure compliance with this ordinance, structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible.

E. Records of Installation and Maintenance Activities

The owner of each structural BMP shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.<sup>1</sup>

F. Nuisance

The owner of each structural stormwater BMP shall maintain it in a manner that it does not to create or result in a nuisance condition.

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SECTION 401: APPLICABILITY AND EXEMPTIONS

The Town of Fortville will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of the construction plans and specifications. Any project located within Town of Fortville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of 1 acre or more of total land area, is subject to the requirements of this chapter. This includes both new development and redevelopment. This chapter also applies to disturbances of less than one 1 acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within the MS4 area. Section 3 of this chapter provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of 327 IAC 15-5 (Rule 5) shall also be in compliance with 327 IAC 15-5.

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

- a. agricultural land disturbing activities; or
- b. forest harvesting activities.

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

- 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 stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own Notice of Intent letter, apply for a stormwater permit from the Town of Fortville and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Chapter 6 of this Ordinance; regardless of whether the individual lot is part of a larger permitted project site.

An individual lot with land disturbance less than one (1) acre, located within a larger permitted project site, is considered part of the larger permitted project site, and the

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individual lot operator must comply with the terms and conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, these individual lots are required to submit Individual Lot Plot Plan Permit applications prior to receiving a building permit. Details of the permitting process are contained in Chapter 6.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Town of Fortville in accordance with Chapter 6 of this Ordinance. It will be the responsibility of the project site owner to ensure compliance with this Ordinance during the construction activity and implementation of the construction plan, and to notify the Town of Fortville with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all persons engaging in construction and land disturbing activities on a permitted project site meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

**SECTION 402: POLICY ON STORMWATER POLLUTION PREVENTION**

Effective stormwater pollution prevention on construction sites is dependent upon a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling. The developer must submit to the Town of Fortville a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The following principles apply to all land disturbing activities and should be considered in the preparation of a Stormwater Pollution Prevention Plan within the Town of Fortville.

A. Minimize the potential for soil erosion by designing a development that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes should be avoided wherever possible, and natural contours should be followed as closely as possible.

B. Existing natural vegetation should be retained and protected wherever possible. Areas immediately adjacent (within 35 feet of top of bank) to watercourses and lakes also should be left undisturbed wherever possible. Unvegetated or vegetated areas with less than 70% cover that are scheduled or likely to be left inactive for 15 days or more must be temporarily or permanently stabilized with measures appropriate for the season to reduce erosion potential. Alternative measures to site stabilization may be acceptable if the project site owner or their representative can demonstrate they have implemented and maintained erosion and sediment control measures adequate to prevent sediment discharge from the inactive area.

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C. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.

D. The length and steepness of designed slopes should be minimized to reduce erosion potential. Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. Methods for determining acceptable velocities are included Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards.

E. Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

F. Appropriate measures shall be implemented to prevent wastes or unused building materials, including, garbage, debris, packaging material, fuels and petroleum products, hazardous materials or wastes, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by runoff or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable State statutes and regulations. Proper storage and handling of materials such as fuels or hazardous wastes, and spill prevention and cleanup measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.

G. Public or private roadways shall be kept cleared of accumulated sediment that is a result of runoff or tracking. Bulk clearing of accumulated sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

H. Collected runoff leaving a project site must be either discharged directly into a well-defined, stable receiving channel, or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.

I. Natural features, including wetlands, shall be protected from pollutants associated with stormwater runoff.

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**SECTION 403:        CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

In calculating the total area of land disturbance, for the purposes of determining applicability of this chapter to the project, the following guidelines should be used:

- A. Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- B. Strip developments will be considered as one (1) project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.
- C. To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
  - i. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
  - ii. For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
  - iii. To calculate lot disturbance on all other types of projects sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the “Indiana Stormwater Quality Manual” or the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM’s Rule 5.



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SECTION 404: INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING

Following approval of the stormwater management permit and commencement of construction activities, the Town of Fortville has the authority to conduct inspections of the site to ensure full compliance with the provisions of this chapter, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit. A self-monitoring program must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A trained individual, acceptable to the Town of Fortville, shall perform a written evaluation of the project site by the end of the next business day following each measurable storm event. If there are no measurable storm events within a given week, the site should be monitored at least once in that week. Weekly inspections by the trained individual shall continue until the entire site has been stabilized and a Notice of Termination has been issued. The trained individual should look at the maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage structures, and construction materials storage/containment facilities, to ensure they are functioning properly. The trained individual should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

The resulting evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures, and corrective actions recommended and completed. The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this chapter, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented. Although self-monitoring reports do not need to be submitted to the Town of Fortville, the Town of Fortville has the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention measures. All evaluation reports for the project site must be made available to the Town of Fortville in an organized fashion, within forty-eight (48) hours upon request.

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SECTION 501: APPLICABILITY AND EXEMPTIONS

In addition to the requirements of Chapter 4, the Stormwater Pollution Prevention Plan, which is to be submitted to the Town of Fortville as part of the stormwater management permit application, must also include postconstruction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in

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place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the Town of Fortville that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of one (1) acre or more of total land area, is subject to the requirements of this chapter. This includes both new development and re-development, and disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land, within the MS4 area.

The requirements under this chapter 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 5 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 of sale; or
- F. Individual building lots within a larger permitted project.

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

- 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 stormwater 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 stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Town of Fortville in accordance with Chapter 6 of this Ordinance. It will be the

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responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs in compliance with this Ordinance and with the approved stormwater management permit, and to notify the Town of Fortville with a sufficient notice of termination letter upon completion of the project and stabilization of the site. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this chapter and this Ordinance.

**SECTION 502: POLICY ON STORMWATER 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 the Town of Fortville, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of Best Management Practices (BMP), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed. The Town of Fortville has adopted a policy that the control of Stormwater quality will be based on the management of Total Suspended Solids (TSS). The project site owner must submit to the Town of Fortville a Storm Water Pollution Prevention Plan (SWPPP) that would show placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards. Practices other than those specified in the pre-approved list may be utilized. However, the burden of proof, as to whether the performance (minimum 80% TSS removal) and ease of maintenance of such practices will be according to guidelines provided in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provided in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards. Gasoline outlets and refueling areas must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks.

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**SECTION 503: CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS**

Calculation of land disturbance should follow the guidelines discussed in Section 403.

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual or the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's Rule 13.

**SECTION 504: EASEMENT REQUIREMENTS**

All stormwater 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.

**SECTION 505: INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING**

After the approval of the stormwater management permit by the Town of Fortville and the commencement of construction activities, the Town of Fortville has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards, and the terms and conditions of the approved permit. Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual or the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards, and the terms and conditions of the approved stormwater permit, and shall not be subsequently altered, revised, or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions in the permit. Following construction completion, inspection and maintenance of stormwater quality facilities shall be the long-term responsibility of the Town of Fortville. Stormwater detention/retention basins may be donated to the Town of Fortville or other unit of government designated by the Town of Fortville, for ownership and permanent maintenance providing the Town of Fortville or other governmental unit is willing to accept responsibility. The Town of Fortville also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspections will follow the Operation

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and Maintenance procedures included in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of the key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report.

**Chapter 6: Permit Requirements and Procedures**

SECTION 601: 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 Town of Fortville. The Hancock County Drainage Board should be copied on all such correspondence. The direction provided by the Town of Fortville 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:

- A. 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” by 17”, but not to exceed 24” by 36”).
- B. General description of the existing and proposed drainage systems in narrative form.
- C. Watershed Boundaries with USGS based contours or best information possible.
- D. Existing watercourse(s) or regulated drains.

SECTION 602: PERMIT PROCEDURES

This section applies to all development, or re-development of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre that are developed within a larger permitted project site, should refer to Section 400 for plan review requirements and procedures.

There are three scenarios for permit application and processing procedures. One process is followed for projects located within the MS4 area boundary shown on the map in Appendix A-2006, one for projects located outside the MS4 area boundary, and one for projects located both within and outside the MS4 area boundary.

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**Chapter 6: Permit Requirements and Procedures**

A. Inside MS4 Area Boundary

For projects located within the MS4 area boundary, as shown in Appendix A-2006, the project site owner shall submit an application for a stormwater management permit to the Town of Fortville. The application will include an Initial Notice of Intent letter (NOI) (that would also act as permit application form), proof of public notice, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in Section 603 below. Three (3) copies of each application must be submitted to the Town of Fortville with one copy submitted to the Hancock County Drainage Board. Additionally, a digital copy of the construction plans is required in a format acceptable by the Town of Fortville.

After the Town of Fortville has receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, the Town of Fortville will forward one copy of the application to the Soil and Water Conservation District (SWCD) for its review and comment within a 10-day period. Once all comments have been received and the reviews completed, the Town of Fortville will either accept the project, request modifications, or place the project on the agenda of the next scheduled meeting of the \_\_\_\_\_ . The Town of Fortville will provide the applicant with a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, the Town of Fortville will either issue a permit, or request modifications to the construction plans.

The project site owner must notify the Town of Fortville and the Hancock County Drainage Board and IDEM 48 hours before beginning construction. Notification shall be in the form of an updated IDEM NOI form. Once a permit has been issued and the updated NOI is submitted.

Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Ordinance and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the Town of Fortville and the Hancock County Drainage Board. A Notice of Termination (NOT) shall be sent to the Town of Fortville and the Hancock County Drainage once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The Town of Fortville shall inspect the construction site to verify the requirements for an NOT to have been met. Once the applicant receives a “verified” copy of the NOT, they must forward a copy to IDEM. Permits issues under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, the NOI must be resubmitted at least 90 days prior to expiration. No Rule 5 (327 IAC 15-5) permit is

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required from IDEM for projects within the MS4 area boundary, since the Town of Fortville is the permitting authority.

**B. Outside MS4 Area Boundary**

For projects located outside the MS4 area boundary, the procedure to be followed by the applicant is similar to that described under Item A (above). However, unless the IDEM's Rule 5 (327 IAC 15-5) arrangement with the local SWCD is delegated to the Hancock County through an MOA, the SWCD shall have a total of 28 days (the 10-day comment period noted under Item A plus an additional 18 days) to provide a detail review of the plans. If the project site owner/applicant does not receive notification within 28 days after the plan is received by the SWCD stating that the SWCD finds the plan deficient, the project site owner may submit the updated NOI letter information. Also, again unless the IDEM's Rule 5 (327 IAC 15-5) arrangement with the local SWCD is delegated to the County through a MOA, the SWCD would conduct an independent inspection of the construction site and will work with the contractor to ensure that erosion control measures are implemented according to the accepted plans and that the site is satisfactorily stabilized.

Note that in these "outside the MS4" areas, both Hancock County and IDEM exercise authority over the erosion and sediment control aspects of construction projects. Unless IDEM's Rule 5 (327 IAC 15-5) arrangement with the local SWCD is delegated to the County through a MOA, the applicant is responsible to independently satisfy the requirements imposed by IDEM and SWCD. Any review and inspection of construction and post-construction pollution prevention measures by the Hancock County Drainage Board and/or Hancock County Surveyor and/or Hancock County Engineer in these "outside the MS4" areas would be above and beyond that of SWCD under Rule 5.

**C. Both Inside and Outside the MS4 Area Boundary**

For projects that are partially within the MS4 Area Boundary and partially outside the MS4 Area Boundary, the project site owner must comply with both Rule 5 and this Ordinance. The application procedure must follow the requirements of subsection "A" above as well as the requirements of subsection "B" above.

**SECTION 603: INFORMATION REQUIREMENTS**

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" Sections of Chapters 200 through 500. If a project or activity is exempt from any or all requirements of this ordinance, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots, disturbing less than one (1) acre

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of land or developed within a larger permitted project site. Review and acceptance of such lots is covered under Section 604 of this Chapter.

The different elements of a permit submittal include a Notice of Intent (NOI), proof of publication of a public notice, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a Professional Engineer, P.E. or a Licensed Surveyor, L.S., registered in the State of Indiana.

**A. Initial Notice of Intent**

The NOI is a standard form developed by the Indiana Department of Environmental Management which requires general project information. The NOI form should be completed in full and accompanied by proof of publication in a newspaper of general circulation, in the affected area, that notified the public that a construction activity is to commence. The publication must include the following language:

“(Company name, address) is submitting an NOI letter to notify the Town of Fortville of our intent to comply with the requirements of the Town of Fortville’s Stormwater Management Ordinance, as well as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from construction activities for the following project: (name of the construction project, address and location of the construction project, and Parcel Identification Number). Run-off from the project site will discharge to (stream(s) receiving the discharge(s).”

**B. Construction Plans**

Construction plan sheets (not to exceed 24” by 36” in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. Construction plans need to include the following detailed items:

1. Project narrative and supporting documents, including the following information:
  - a. An index indicating the location, in the construction plans, of all information required by this subsection.
  - b. Description of the nature and purpose of the project.
  - c. A copy of a legal boundary survey for the site, performed in accordance with Rule 12 of Title 865 of the Indiana Administrative Code or any applicable and subsequently adopted rule or regulation for the subdivision limits, including all drainage easements and wetlands.



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- d. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
- e. General construction sequence of how the project site will be built, including phases of construction.
- f. 14-Digit Watershed Hydrologic Unit Code.
- g. A reduced plat or project site map showing the lot numbers, lot boundaries, easements, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.
- h. A topographic map of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one (1) foot when slopes are less than or equal to two percent (<2%) and shall be two (2) feet when slopes exceed two percent (>2%). All elevations shall be given in North American Vertical Datum of 1988 (NAVD). The horizontal datum of topographic map shall be based on Indiana State Plane Coordinates, NAD83. The map will contain a notation indicating these datum information.
  - a] If the project site is less than or equal to two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least one hundred (100) feet.
  - b] If the project site is greater than two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least two hundred (200) feet.
    - i. Identification of any other State or Federal water quality permits that are required for construction activities associated with the owner's project site.
2. Vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads, such as a USGS topographic quadrangle map, or county or municipal road map.
3. An existing project site layout that must include the following information:
  - a. Location, name, and normal water level of all wetlands, lakes, ponds, and water courses on, or adjacent to, the project site.
  - b. Location of all existing structures on the project site.
  - c. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
  - d. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when

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- hydrologic methods requiring soils information are used. A soil legend must be included with the soil map.
- e. Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.
  - f. Location of storm, sanitary, combined sewer, and septic tank systems and outfalls.
  - g. Land use of all adjacent properties.
  - h. Identification and delineation of sensitive areas.
  - i. Existing topography at a contour interval appropriate to indicate drainage patterns.
  - j. The location of regulated drains, farm drains, inlets and outfalls, if there are any record or as otherwise identified.
  - k. Location of all existing cornerstones within the proposed development and a plan to protect and preserve them.
4. Final project site layout, including the following information:
- a. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.
  - b. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
  - c. Proposed final topography, at a contour interval appropriate to indicate drainage patterns.
5. A grading plan, including the following information:
- a. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
  - b. Location of all soil stockpiles and borrow areas.
  - c. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site, and under the control of the project site owner.
  - d. Existing and proposed topographic information.
6. A drainage plan, including the following information:
- a. An estimate of the peak discharge, based on the ten (10) year storm 24-hour event, of the project site for post-construction conditions.
  - b. The proposed 100-year and 10-year release rates determined for the site, showing the methodology used to calculate them and detailing considerations given to downstream restrictions (if any) that may affect the calculated allowable release rates.
  - c. Calculation showing peak runoff rate after development for the 10-year and 100-year return period 24-hour storms do not exceed the respective allowable release runoff rates.

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- d. Location, size, and dimensions of all existing streams to be maintained, and new drainage systems such as culverts, bridges, storm sewers, conveyance channels, and 100-year overflow paths/ponding areas shown as hatched areas, along with all associated easements.
  - e. Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists.
  - f. Locations of specific points where stormwater discharge will leave the project site.
  - g. Name of all receiving waters. If the discharge is to a separate municipal storm sewer, identify the name of the municipal operator and the ultimate receiving water.
  - h. Location, size, and dimensions of features such as permanent retention or detention facilities, including natural or constructed wetlands, used for the purpose of stormwater management. Include existing retention or detention facilities that will be maintained, enlarged, or otherwise altered and new ponds or basins to be built and the basis of their design.
  - i. The estimated depth and amount of storage required by design of the new ponds or basins.
  - j. One or more typical cross sections of all existing and proposed channels or other open drainage facilities carried to a point above the 100-year high water and showing the elevation of the existing land and the proposed changes, together with the high water elevations expected from the 100 year storm under the controlled conditions called for by this ordinance, and the relationship of structures, streets, and other facilities.
7. Any other information required by Town of Fortville in order to thoroughly evaluate the submitted material.

**C. Stormwater Drainage Technical Report**

A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. The technical report needs to include the following detailed items:

- 1. A summary report, including the following information:
  - a. The significant drainage problems associated with the project;
  - b. The analysis procedure used to evaluate these problems and to propose solutions;
  - c. Any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods;
  - d. The proposed design of the drainage control system; and

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- e. The results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems. Any hydrologic or hydraulic calculations or modeling results must be adequately cited and described in the summary description. If hydrologic or hydraulic models are used, the input and output files for all necessary runs must be included in the appendices. A map showing any drainage area subdivisions used in the analysis must accompany the report.
- 2. A Hydrologic/Hydraulic Analysis, consistent with the methodologies and calculations included in the Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards, and including the following information:
  - a. A hydraulic report detailing existing and proposed drainage patterns on the subject site. The report is to include a description of present land use and proposed land use. Any off-site drainage entering the site is to be addressed as well. This report is to be comprehensive and detail all of the steps the engineer took during the design process.
  - b. All hydrologic and hydraulic computations which includes, but are not limited to, runoff curve numbers and runoff coefficients, runoff calculations, stage-discharge relationships, times-of-concentration and storage volumes.
  - c. A set of exhibits showing the drainage sub-areas.
  - d. A conclusion which summarizes the hydraulic design and details on how this design satisfies this ordinance.

**D. Stormwater Pollution Prevention Plan for Construction Sites**

A stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Ordinance and must include the following:

- 1. Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.
- 2. Temporary stabilization plans and sequence of implementation.
- 3. Permanent stabilization plans and sequence of implementation.
- 4. Temporary and permanent stabilization plans shall include the following:
  - a. Specifications and application rates for soil amendments and seed mixtures.
  - b. The type and application rate for anchored mulch.
- 5. Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.
- 6. A typical erosion and sediment control plan for individual lot development.
- 7. A Self-monitoring program including plan and procedures.

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8. A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
9. Material handling and storage associated with any construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.
10. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site.

**E. Post-Construction Storm Water Pollution Prevention Plan**

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

1. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
2. Location, dimensions, detailed specifications, and construction details of all postconstruction stormwater quality measures.
3. A description of measures that will be installed to control pollutants in stormwater 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 stormwater retention and detention ponds.
4. A sequence describing when each post-construction stormwater quality measure will be installed.
5. Stormwater quality measures that will remove or minimize pollutants from stormwater runoff.
6. Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
7. A narrative description of the maintenance guidelines for all post-construction stormwater quality measures to facilitate their proper long term function. This narrative description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures.

**SECTION 604: REVIEW OF INDIVIDUAL LOTS WITHIN A PERMITTED PROJECT**

For individual lots disturbing less than one (1) acre, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with the

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permitted plan for larger projects. The following information must be submitted to the Town of Fortville and the Hancock County Drainage Board by the individual lot owner whether owning the property or acting as the agent of the property owner, as part of the request for review and issuance of an Individual Lot Plot Plan Permit that must be obtained prior to the issuance of a building permit.

A. A site layout (drawn to scale) for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.

B. Erosion and sediment control plan that, at a minimum, includes the following measures:

1. Installation and maintenance of a stable construction site access.
2. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
3. Minimization of sediment discharge and tracking from the lot.
4. Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
5. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
6. Self-monitoring program including plan and procedures.

C. Certification of Compliance stating that the individual lot plan is consistent with the stormwater management permit, as approved by the Town of Fortville for the larger project.

D. Name, address, telephone number, and list of qualifications of the trained individual in charge of the mandatory stormwater pollution prevention self-monitoring program for the project site. The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

SECTION 605: CHANGES TO PLANS

Any changes or deviations in the detailed plans and specifications after approval of the applicable stormwater management permit shall be filed with, and accepted by the Town of Fortville prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

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SECTION 606: FEE STRUCTURE

A. FEE AMOUNT

As a condition of the submittal and the review of development plans by the Town of Fortville, the applicant shall agree to pay the Town of Fortville the established review fee. Said fee will include review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as pre-paid inspection fees.

B. TIME OF PAYMENT

After a meeting is scheduled to consider acceptance of the applicant's final stormwater management plan, the Hancock County Drainage Board, through the Town of Fortville, will furnish a written statement to the applicant specifying the total amount due in connection with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by the applicant for review and pre-paid inspection fees. As a condition of acceptance of final drainage plans by the Town of Fortville, the applicant shall have paid all fees to the Town of Fortville. A billing statement may be issued prior to the final acceptance stage, and such payment shall be due by the applicant upon receipt of said billing statement regardless of whether the project is advanced to the final acceptance stage. The Town of Fortville shall have the right to withhold acceptance for any project for which the applicable fees have not been paid.

C. METHOD OF PAYMENT

Fees shall be paid by one of the following methods:

- Certified Check
- Cashier's Check
- Money Order

All checks shall be made payable to the:  
The Town of Fortville

D. REFUND OF PAYMENT

Fees are refundable only if the Town of Fortville determines that compliance by the development to this Ordinance is not necessary.

SECTION 607 REQUIRED ASSURANCES

As a condition of approval and issuance of the permit, the Town of Fortville shall require the applicant to provide assurance in the form of an irrevocable letter of credit or a bond

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when the stormwater management plan has been accepted, all applicable fees have been paid, and prior to the start of construction. 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 Engineer or Land Surveyor. 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 Ordinance, until the construction is completed, site is stabilized, and as-built plans are accepted by the Town of Fortville. Assurances shall be for a minimum of \$5,000. Additional performance and/or maintenance assurances may be required when necessary. The intent of this assurance is not only to complete the installation of storm drainage 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.

**SECTION 608 TERMS AND CONDITIONS OF PERMITS**

In granting a stormwater management permit, the Town of Fortville may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Chapter 7. The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the stormwater management permit and the schedule for proposed implementation. In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the Town of Fortville may require more stringent stormwater quantity and quality measures than detailed in this Ordinance or in the Indiana Stormwater Quality Manual.

**A. Determination of Sensitive Areas**

Sensitive Areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. A listing of highly erodible soils, outstanding water, impaired water, recreation water and surface drinking water sources can be found in the Town of Fortville's Storm Water Quality Management Plan (SWQMP) – Part B. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards. If wetlands are suspected on a site, a wetland delineation



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should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). The presence of threatened or endangered species habitat will be determined during the permit review process. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the stormwater management permit.

**SECTION 609 CERTIFICATION OF AS-BUILT PLANS**

After completion of construction of the project and before final acceptance of the stormwater management plan, a professionally prepared and certified ‘as-built’ set of plans shall be submitted to the Town of Fortville for review. Additionally, a digital copy of the ‘as-built’ plans is required in a format acceptable to the Town of Fortville. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

- A. Pipe size and pipe material
- B. Invert elevations
- C. Top rim elevations
- D. Pipe structure lengths
- E. BMP types, dimensions, and boundaries/easements
- F. “As-planned” plans for BMPs, as applicable
- G. Data and calculations showing detention basin storage volume
- H. Data and calculations showing BMP treatment capacity
- I. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the Town of Fortville.  
(See certificate in Hancock County Stormwater Technical Standards Manual and the Town of Fortville Utility and Street Standards.)

The property owner, developer, or contractor shall be required to file a five-year maintenance bond or other acceptable guarantee with the Town of Fortville, prior to acceptance, in an amount not to exceed twenty five percent (25%) of the cost of the stormwater drainage system located outside the public road right-of-ways, and in a form satisfactory to the Town in order to assure that such stormwater system installation was performed according to standards of good workmanship, that the materials used in the construction and installation were of good quality and construction, and that such project was completed in accordance with the accepted plans and this Ordinance. The bond or other acceptable guarantee shall be in effect for a period of five years after the date of the final project acceptance by the Town of Fortville. To verify that all regulated drain tiles are functioning properly, visual recordings (via closed circuit television) of such tile drains shall be required, once following the completion of installation (including the installation of all utility mains) and the second time before release of maintenance bonds. These visual recordings will be scheduled by the Town of Fortville and shall be paid for by the developer. Notices shall be provided to the Town of Fortville within 72 hours following the completion of installation and again at least 60 days prior to the expiration

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date of the maintenance bond so that the noted recordings may be scheduled. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Town of Fortville before the plat is recommended for recording and again before the maintenance bond would be recommended to be released.

For a detailed figure of the Permit approval process please refer to the Hancock County Stormwater Ordinance.

**Chapter 7: Enforcement**

**SECTION 701 COMPLIANCE WITH THIS ORDINANCE**

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

**SECTION 702 PENALTIES FOR VIOLATIONS**

Any person found in violation of any provision of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$5,000 for a first offense, and a maximum of \$10,000 for a subsequent offense, plus costs, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance. Any person who aids or abets a person in a violation of this Ordinance shall be subject to the penalties provided in this section. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within 12 months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

**SECTION 703 STOP WORK ORDER**

In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Ordinance or accepted final stormwater management plans, the Town of Fortville may order that the work be stopped by notice in writing and served on any person engaged in performing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Town of Fortville to proceed. The Town of Fortville may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Ordinance or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective

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measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work. Any person who neglects or fails to comply with a stop work order shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not less than \$1,000 or imprisonment for not more than 3 months, or both such fine and imprisonment, and such person shall also pay such costs as may be imposed in the discretion of the court. A permit reinstatement fee may be assessed by the Town of Fortville.

**SECTION 704 FAILURE TO COMPLY OR COMPLETE**

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

**SECTION 705 SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM**

**A. Suspension due to Emergency Situations**

The Town of Fortville may, without prior notice, suspend storm drain system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drain system or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Town of Fortville may take such steps as deemed necessary to prevent or minimize damage to the storm drain system or Waters of the United States, or to minimize the danger to affected persons.

**B. Suspension due to the Detection of Illicit Discharge**

Any person discharging to the storm drain system in violation of this Ordinance may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Town of Fortville will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town of Fortville for a reconsideration and hearing.

**SECTION 706 CORRECTIVE ACTION**

Nothing herein contained shall prevent the Town of Fortville from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the storm drain system made necessary by the violation, as

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well as those penalties levied by the EPA or IDEM for violation of the Town of Fortville’s NPDES permit, attorney fees, and other costs and expenses.

**SECTION 707 APPEALS**

Any person to whom any provision of this Ordinance has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Town of Fortville the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Town of Fortville shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Town of Fortville may consider the recommendations and the comments of other persons having knowledge of the matter. In considering any such appeal, the Town of Fortville may grant a variance from the terms of this Ordinance to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

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

This ordinance takes effect on \_\_\_\_\_.

Ordinance 2006-\_\_\_\_\_ is adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

The Town Of Fortville Town Council

Joe Renner {Town Manager}	Date	Terry Treon {Town Council President}	Date
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Mike Ferris {Town Council}	Date	Alan Manship {Town Council}	Date
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Phil Scrogam {Town Council}	Date	Stephen Gipson {Town Council}	Date
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Attest:

Margie Manship {Town Clerk/Treasurer}	Date
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