ORDINANCE NO. 17-2024

AN ORDINANCE TO AMEND TITLE V: PUBLIC WORKS CHAPTER 53: STORMWATER MANAGEMENT TO ESTABLISH A STORMWATER UTILITY AND A STORMWATER USER FEE

WHEREAS, the Town of Danville, Indiana ("Town") has heretofore constructed and has in operation a storm sewer system for the purpose of collecting, conveying and managing stormwater; and

WHEREAS, the Town Council of the Town ("Town Council") has previously adopted Ordinance 20-2009, the Stormwater Management Ordinance as was required by Phase II of the National Pollutant Discharge Elimination System (NPDES) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM's) Rule 13 (327 IAC 15-13) and the IDEM's Rule 5 (327 IAC 15-5).

WHEREAS, due to recent changes to Indiana law, it is now necessary to amend the Stormwater Management Ordinance to comply with Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP) and Municipal Separate Storm Sewer System General Permit (MS4GP);

WHEREAS, the Storm Management Ordinance attached hereto regulates the following:

(1) Discharges of prohibited non-stormwater flows into the storm drain system.

(2) Stormwater drainage improvements related to development of lands located within the Town of Danville boundaries.

(3) Drainage control systems installed during new construction and grading of lots and other parcels of land.

(4) Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity

(5) Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.

(6) Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.

(7) The design, construction, and maintenance of stormwater drainage facilities and systems.

(8) The design, construction, and maintenance of stormwater quality facilities and systems.

WHEREAS, the amendments herein also clarify those persons or entities who are classified as ratepayers, but do not change the rates and charges for the use of and services provided by the Stormwater Utility of the Town;

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DANVILLE THAT the Danville Code of Ordinances be amended to add the following:

STORMWATER UTILITY AND STORMWATER USER FEES

Section 53.020 AUTHORITY

The Town establishes a Stormwater Utility under the authority of IC 36-9-23. The Stormwater Utility shall be responsible for the management of the Danville Stormwater System. The Stormwater Utility's stormwater management activities shall be funded by user fees to be paid by persons and entities owning, using, occupying, or holding a controlling interest in real property in the Town that receive and transmit stormwaters. The determining feature used to identify real properties transmitting stormwaters shall be the existence of impervious surface area.

Section 53.021 POLICIES AND PROCEDURES

A Policies and Procedures Manual has been developed and attached hereto as Attachment A incorporated herein by reference and is hereby approved. This manual is to be used by the Danville Stormwater Utility and includes definitions, a description of how the stormwater user fee shall be determined and policies/procedures for billing and collection of the stormwater user fee.

Section 53.022 COMPLIANCE WITH OTHER ORDINANCES, STATUTES, AND REGULATIONS

The Town's imposition of these stormwater user fees does not relieve any person or entity from their responsibilities for compliance with the Town of Danville and/or Hendricks County ordinances and/or other applicable state and/or federal laws/regulations.

Section 53.023 STORMWATER UTILITY USER FEE

There is hereby established a monthly stormwater utility fee for the use of and services provided by the Stormwater Utility of the Town. The stormwater utility fee shall be charged either to the owner, user, occupant, or holder of a controlling interest of each property in the Town with imperious surface area depending on which is being billed by the Town for water or sanitary sewer service (i.e. the responsible person or entity may be the same). In addition to a fixed fee, each bill shall include a variable fee based on the Town's determination of the Equivalent Residential Units ("ERUs") for the property. An ERU equals 3,700 square feet of impervious surface area. One ERU shall be attributed to each and every property with imperious surface area and a charge will be imposed for that ERU. Each non-residential property with greater than 3,700 square feet of imperious surface area shall be charged for one ERU plus additional ERUs in increments of one tenth of an ERU for every 370 square fee of imperious surface area beyond 3,700 square feet. Government, not-for-profit and tax-exempt organizations shall not be exempt for this fee.

The monthly user fee shall consist of two charges: a fixed fee that is the same for all properties with any imperious surface area and a variable fee that is multiplied by the number of ERUs attributed to a property. The monthly charge for each property shall be the sum of the variable fee times the number of ERUs attributed to the property plus the fixed fee. The fees shall be as follows:

	Fixed fee	Variable fee (multiplied by no. of ERUs)
Beginning in December 2023	$4.50	$3.50

The monthly stormwater utility fees as herein set forth shall be effective on Town of Danville utility bills first payable in each period set forth above.

Section 53.024 STORMWATER UTILITY FEE FUND

There shall be created a Stormwater Utility Fee Fund. This fund shall be comprised of fees collected under this ordinance, penalties and assessments imposed in the collection of fees under this ordinance, and other income generated from the operation of the Stormwater Utility. This shall be a non-reverting fund, and it shall be used to construct, reconstruct, repair and maintain stormwater facilities, to pay for the operation of the stormwater utility and stormwater management activities, and to otherwise further the purposes of improving drainage and water quality in the Town.

This ordinance shall be in full force and in effect upon its adoption.

PASSED AND ADOPTED by the Town Council of the Town of Danville, Indiana, on this 2nd day of October 2024

TOWN OF DANVILLE COUNCIL

Chris Gearld

Michael Chatham

Greg Irby

Bret Doub

Dave Potter

ATTEST:

Carrie E. Lofton
Town of Danville
Clerk/Treasurer

CHAPTER 53: STORMWATER MANAGEMENT

GENERAL PROVISIONS

§ 00-05-53-001 AUTHORITY AND TITLE.

(A)This Ordinance is adopted in accordance with statutory authority granted under code authorizing jurisdiction over storm system, 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 and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP) and Municipal Separate Storm Sewer System General Permit (MS4GP). Based on this authority and these requirements, this Ordinance regulates:

(1) Discharges of prohibited non-stormwater flows into the storm drain system.

(2) Stormwater drainage improvements related to development of lands located within the Town of Danville boundaries.

(3) Drainage control systems installed during new construction and grading of lots and other parcels of land.

(4) Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activity

(5) Stormwater discharges from construction support activities directly related to construction sites subject to this ordinance.

(6) Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land.

(7) The design, construction, and maintenance of stormwater drainage facilities and systems.

(8) The design, construction, and maintenance of stormwater quality facilities and systems.

(B) This Ordinance shall be known and may be cited as the Stormwater Management Ordinance of the Town of Danville.

§ 00-05-53-002 ABBREVIATIONS.

For the purposes of this Ordinance, the following abbreviations shall apply unless the context clearly indicates or requires a different meaning.

BMP	Best Management Practice
CSGP	Construction Stormwater General Permit
COE	United States Army Corps of Engineers
CWA	Clean Water Act
EPA	U.S. Environmental Protection Agency
ERU	Equivalent Residential Unit
FEMA	Federal Emergency Management Agency
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources

MS4	Municipal Separate Storm Sewer System
MS4GP	Municipal Separate Storm Sewer System General Permit
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollution Discharge Elimination System
POTW	Publicly Owned Treatment Works
SFHA	Special Flood Hazards Area
SWPPP	Stormwater Pollution Prevention Plan
USGS	United State Geological Survey

§ 00-05-53-003 DEFINITIONS.

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AGRICULTURAL LAND DISTURBING ACTIVITY. Tillage, planting, cultivation, or harvesting operations to produce 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, lake 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.

BEST MANAGEMENT PRACTICES (BMP). 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.

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 water.

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 o 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.

CONTRACTOR OR SUBCONTRACTOR. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operation 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 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. A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

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

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

DEVELOPMENT. Construction and site preparation work involving structures or improvements of any kind, and all land disturbing activities including, but not limited to, digging, drilling, excavating, grading, clearing, earth moving, filling, or performing any subsurface work.

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.

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 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.

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:

(1) *Accelerated erosion.* Erosion much more rapid than normal or geologic erosion, primarily as a result of the activities of man.

(2) *Channel erosion.* An erosion process whereby the volume and velocity of flow wears away the bed and/or banks of a well-defined channel.

(3) *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 to 2 feet to as much as 75-100 feet.

(4) *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***).

(5) *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.

(6) *Sheet erosion.* The gradual removal of a 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 sourced and then as necessary, rapping 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 for any natural source. The floodplain includes both the floodway and the floodway fringe districts.

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 drainpipe 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.

GRADE.

(1) The inclination or slope of a channel, canal, conduit, and the like, 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 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 Poaceae, 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 Land that has an erodibility index of eight or more. The soil erodibility index 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 (RxKxLS)/T (from the Universal Soil Loss Equation) and (Cxl)/T (from 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 solid 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.

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 on IDEM's Clean Water Act (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 or INDIVIDUAL 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 or operational 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 stormwater 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.

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 a 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 widow well).

LOWEST FLOOR.

(A) 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 opening (in addition to doorways and windows) having a total area of 1 square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than 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.

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

MUNICIPAL SEPARATE STORM SEWERS (MS4). 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).

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES). A permit developed by the U.S. EPS through the Clean Water Act. In Indiana, the permitting process has been delegated to IDEM. This permit covers aspects of municipal stormwater quality.

NON-POINT SOURCE POLLUTION. Pollution generally resulting from land runoff, precipitation, atmospheric deposition, drainage, seepage or hydrologic modification. Nonpoint source pollution, unlike pollution from industrial and sewage treatment plants, comes from many diffuse sources. It is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and ground waters.

NUTRIENT(S).

(1) A substance necessary of 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.

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.

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.

PERMITTING OFFICER. The Public Works Administrator, unless the Town Council formally designates another official or employee of the Town of Danville to have the title, authority and responsibilities of this position.

PERVIOUS. Allowing movement of water.

POROUS PAVEMENT. A type of infiltration practice to improve the quality and reduce the quantity of stormwater 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 to practice professional engineering.

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 or operational control of construction activities, and project plans and specification, including the ability to make modifications to those plans and specifications.

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 are disturbances of 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.

REGULATORY FLOOD. The discharge or elevation associated with the 100-year flood 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.***

RELEASE RATE. The amount of stormwater release from a stormwater 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 1% probability of being equaled or exceeded in any one year.

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 rain falling. A coefficient of 0.5 implies that 50% 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.

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

SENSITIVE AREA. Areas with highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Includes waterbodies in need of priority protection or remediation based on its:

(1) Providing habitat for threatened or endangered species.

(2) Usage as a public water supply intake.

(3) Relevant community value.

(4) Usage for full body contact recreation.

(5) Limited use and outstanding State resource water classification as found in 327 IAC. 2-1-11 and 327 IAC. 2-1.5-19.

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 and Width (W) components for horizontal angles). Also note that according to international standards (metric), the slope 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 "percent". Slopes given in percent 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.

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.

STANDARDS. The Town of Danville Stormwater Technical Standards Manual.

STORM EVENT. An estimate of the unexpected amount of precipitation within a given period. For example, a ten-year frequency, 24-hour duration storm event is a storm that has a 10% probability of occurring in any one year. Precipitation is measured over a 24-hour period.

STORM SEWER. A closed conduit for conveying collected stormwater, 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 (SWPPP). A plan developed to

minimize the impact of stormwater 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 MEASURE. A practice, or a combination of practices, to control or minimize pollutants associated with stormwater runoff.

STORMWATER DRAINAGE SYSTEM. All means natural or man-made, used for conducting stormwater 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.

STORMWATER UTILITY. A legal entity which provides maintenance, improvements, planning, regulation, permitting and administrative functions for the Town of Danville's stormwater collection system. A Stormwater Utility (like other Town Utilities) provides a method of generating revenues for these activities through user fees.

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 large common plan of development or sale.

SURFACE RUNOFF. Precipitation that flows onto the surfaces of roofs, streets, the ground, and the like, and is not absorbed or retained by that surface but collects and runs off.

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 70% across the disturbed area.

TOPOGRAPHIC INFORMATION. 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, building 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 stormwater management, including erosion and sediment control as is demonstrated by completion of coursework, State registration, professional certification, or annual training that enable the individual to make judgments regarding stormwater management, treatment, and monitoring.

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.

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.

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.

WATERSHEDS. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. ***WATERSHEDS*** are often broken down into subareas for the purposes of hydrologic modeling.

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.

§ 00-05-53-004 FINDINGS.

The Town of Danville finds that:

(A) Water bodies, roadways, structures, and other property within and downstream of Town of Danville 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 Danville will, absent reasonable regulation and control, adversely affect the Town of Danville's water bodies and water resources.

(F) Pollutant contributions from illicit discharges within the Town of Danville will, absent reasonable regulation, monitoring, and enforcement, adversely affect the Town'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.

§ 00-05-53-005 PURPOSE.

(A) The purpose of this Ordinance is to provide for the health, safety, and general welfare of the citizens of Town of Danville through the regulation of stormwater and non-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 Danville. This Ordinance establishes methods for managing the quantity and quality of stormwater entering the storm drain system to comply with State and Federal requirements.

(B) The objectives of this Ordinance are:

(1) To reduce the hazard to public health and safety caused by excessive stormwater runoff.

(2) To regular the contribution of pollutants to the storm drain system from construction site runoff.

(3) To regular the contribution of pollutants to the storm drain system from runoff from new development and re-development.

(4) To prohibit illicit discharges into the storm drain system.

(5) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.

§ 00-05-53-006 RESPONSIBILITY FOR ADMINISTRATION.

The Town of Danville 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 Danville to qualified persons or entities acting in the beneficial interest of or in the employ of the Town of Danville.

§ 00-05-53-007 CONFLICTING ORDINANCES.

The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other Town of Danville Ordinances, and as supplemental requirements to IDEM's CSGP and MS4GP. In case of conflicting requirements, the most restrictive shall apply.

§ 00-05-53-008 INTERPRETATION.

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

§ 00-05-53-009 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.

§ 00-05-53-010 EFFECTIVE DATE

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

§ 00-05-53-011 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 Town of Danville 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 there under.

PROHIBITED DISCHARGES AND CONNECTIONS; ILLICIT DISCHARGES

§ 00-05-53-100 APPLICABILITY AND EXEMPTIONS.

(A) This chapter applies to all discharges, including illegal dumping, entering the storm drain system under the control of the Town of Danville, 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.

(B) Stormwater runoff from agricultural, timber harvesting, and mining activities is exempt 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.

(C) Any non-stormwater discharge permitted under an NPDES permit, waivers, or waste discharge order issued to the discharger and administered under the authority of the USEPA, 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.

(D) Notwithstanding other requirements in this chapter, the following categories of non-stormwater discharges or flows are exempt from the requirements of this chapter, provided the discharge is located a minimum of four feet from public right of way and adjacent property lines:

(1) Water line and hydrant flushing;

(2) Irrigation water;

(3) Footing, foundation, and crawl space drains (uncontaminated);

(4) Storm sewer cleaning water (uncontaminated);

(5) Fire suppression activities;

(6) Uncontaminated ground water;

(7) Springs;

(8) Residential car washing;

(9) Non-commercial car washing by community organizations, provided runoff does not

contribute to erosion, does not discharge sediment to stormwater conveyances, and uses either no detergents/soaps or only biodegradable, non-toxic, and phosphate free detergents/soaps;

(10) External building wash down, without detergents;

(11) Dechlorinated/dibrominated residential swimming pool discharges;

(12) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005 (20);

(13) Pavement wash waters provided spills or leaks or toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used;

(14) Uncontaminated condensate from air conditioning unites, coolers, and other compressors, and from outside storage of refrigerated gases or liquids;

(15) Dye-testing authorized by the Town of Danville.

§ 00-05-53-101 PROHIBITED DISCHARGES AND CONNECTIONS.

(A) 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, though the use of BMPs referred to in the Town of Danville Stormwater Technical Standards Manual.

(B) The Town of Danville 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 Danville's stormwater drainage system.

§ 00-05-53-103 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 to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

§ 00-05-53-104 PRIVATE PROPERTY MAINTENANCE DUTIES.

Every person owning property through which a watercourse passes, or such person's lessee, property occupant, or person who otherwise holds a controlling interest in the property, shall keep and maintain that part of the watercourse located within their property boundaries, free of trash, debris, excessive vegetation, and or the obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. The owner, lessee, property occupant, or person who otherwise holds a controlling interest in the property, 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. It shall be the property owner's, lessee's, property occupant's, or person's who otherwise holds a controlling interest in the property, responsibility to maintain the watercourses on the property and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots. Owner/lessee/property occupant/person who holds a controlling interest in the property maintenance responsibilities shall include the following:

(A) Maintaining the watercourse free of trash, debris, excessive vegetation, and obstacles that impede flow;

(B) Not removing healthy bank vegetation beyond that actually necessary for maintenance;

(C) Not removing vegetation in such a manner that makes the banks vulnerable to erosion; and

(D) Maintaining and stabilizing the watercourse in order to protect against erosion and degradation.

§ 00-05-53-105 SPILL REPORTING.

(A) Any discharger who discharges into a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the Danville Stormwater Department, Danville Fire Department, and Hendricks County Dispatch concerning the discharge.

(B) A written report concerning the discharge shall be filed with the Town of Danville and IDEM, by the person responsible for the discharge, within five days. The written report shall specify:

(1) The composition of the discharge and the cause;

(2) The date, time, and estimated volume of the discharge;

(3) All measures taken to clean up the accidental discharge and all measured proposed to be taken to prevent any recurrence; and

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

(C) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this chapter 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 relive discharge from notifying other entities as required by State or Federal regulations.

§ 00-05-53-106 INSPECTIONS AND MONITORING.

(A) *Storm drainage system.* Town of Danville has the authority to periodically inspect the storm drainage system, whether publicly or privately owned, to detect and eliminate illicit connections and discharges into the system. The inspection may include a screening of discharges from outfalls connected to the system 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 Danville may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this chapter. Upon request, the discharger shall allow the Town of Danville 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 Danville or its

properly identified representative may place on the discharger's property the equipment or devices used for such sampling or inspection.

(C) *New development and re-development.* Following the final completion of construction and the receipt of as-built drawings, the Town of Danville has the authority to inspect new development and re-development sites to verify that all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this chapter.

§ 00-05-53-106 ENFORCEMENT.

Identified illicit connections or discharges shall be subject to enforcement action as described in §§ 00-05-53-900 et seq.

STORMWATER QUANTITY MANAGEMENT

§ 00-05-53-200 APPLICABILITY AND EXEMPTIONS.

(A) *Applicability.* The storage and controlled release rate of excess stormwater runoff shall be required for any redevelopment or other new construction located within the Town of Danville if soil disturbance greater than or equal to one acre is proposed and operations that result in the land disturbance of less than 1 acre of total land area that are part of a larger common plan of development or sale.

(B) *Exemptions for detention requirements.* Detention will not be required for the following:

(1) Land alterations for the construction, enlargement, or location (on a permanent foundation) of a one-family dwelling, two-family dwelling, or accessory structure appurtenant to either a one- or two- family dwelling; notwithstanding the requirements for an individual lot plot plan permit in this chapter.

(2) Accepted fill area or one-time addition to existing commercial buildings that do not increase the amount of impervious area on-site by more than a total of 0.5 acres, provided the existing runoff patterns and flow capacity within the property will not be altered by the filling operations.

(3) Land-disturbing activities where there will be no additional impervious surfaces associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility installation/maintenance activities.

(4) Notwithstanding the provisions of § 00-05-53-201 those site developments where the stormwater management system has been designed such that:

(a) After combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developing site during the two-, ten-, and 100-year storm events; and

(b) The volume of runoff for each project site outlet has not been increased for the two-, ten- and 100-year storm events; and

(c) The flow width and velocity at the property boundary line of each sub-basin is less than or equal to that flow width and velocity which existed prior to the development for the two-, ten-, and 100-year storm events.

§ 00-05-53-201 POLICY ON STORMWATER QUANTITY MANAGEMENT.

(A) *Detention Policy.* It is recognized that most streams and drainage channels serving the Town of Danville do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in § 00-05-53-202 (C) and (D), the storage and controlled release of excess stormwater runoff shall be required for all developments and redevelopments (as defined in § 00-05-53-006) located within the Town of Danville.

(B) *Floodplain Storage Policy.*

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

(2) Compensatory excavation equivalent to the floodplain storage lost (no net loss) shall be required for all activities within floodplain of streams located in the Town of Danville where the drainage area of the stream upstream of the project is equal or larger than 1 square mile. This requirement shall be considered to be above and beyond the minimum requirements provided in the applicable flood hazard areas ordinance currently in effect in the Town of Danville. The Town of Danville may alter the compensation ratio, based on extenuating circumstances, for a specific project.

(3) Compensatory storage is the replacement of the existing floodplain storage lost due to fill. Compensatory storage is required when a portion of the floodplain is filled or when as a result of a project a change in the channel hydraulics occurs that reduces the existing available floodplain storage. The compensatory storage should be located adjacent or opposite the placement of the fill and maintain an unimpeded connection to an adjoining floodplain area.

(4) 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 1 Q-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.

(5) Calculations for floodplain volume shall be submitted in tabular form showing calculations by cross-section. The volume of floodplain storage under the without-project conditions and the with-project conditions should be determined using the average-end-area method with plotted cross-sections at a horizontal to vertical ratio of between 5:1 and 10:1, with 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.

§ 00-05-53-202 STORMWATER QUANTITY REQUIREMENTS.

(A) *General release rates.*

(1) In general, the post-development release rates for developments up to and including the 10-year return period storm may not exceed 0.1 cubic feet per second per acre of development. The post-development release rate for developments for the 11 through 100-year return period storms shall not exceed 0.3 cubic feet per second per acre of development.

(2) In no instance shall the post-developed runoff exceed the pre-developed runoff in the 2-year, 10-year, or 100-year peak design storms.

(3) For sites where the pre-developed area has more than 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.

(B) *Site-specific release rates for sites with depressional storage.*

(1) For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodology described in the Town of Danville Stormwater Technical Standards Manual, 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 two-year pre-developed peak runoff rate for the post-developed ten-year storm and ten-year pre-developed peak runoff rate for the post-developed 100-year storm. In no case shall the calculated site-specific release rates be larger than general release rates provided above.

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

(C) *Management of off-site runoff.*

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

(2) Note that the efficiency of the detention/retention facility 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 ration 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 Danville when the ratio of off-site area to on-site area is larger than 5:1.

(D) *Downstream restrictions.*

(1) In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the Town of Danville, 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 Danville may require additional analysis to determine the receiving system's limiting downstream capacity.

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

(E) *Direct Release Provisions*

(1) Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity and quality management systems within a watershed, it is the policy of the Town of Danville to discourage direct release of runoff from a new development or redevelopment without providing detention. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream adopted by the Town of Danville (not a "beat the peak" analysis) substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in this Ordinance may be waived. Other special circumstances when such a waiver may be considered by the Town of Danville include situations where the design of a regional pond has already taken into account the provision of direct release in certain areas in the watershed or when the subject development is immediately next to a major stream that has a larger than 100 square mile drainage area.

(F) *Grading and building pad elevations.*

(1) Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation must be no less than 15 inches above finished grade and a minimum of 15 inches above an adjacent road elevation unless a written variance is granted by the Town of Danville.

(2) For all structures located in the SFHA as shown on the FEMA maps, the lowest floor elevations of all residential, commercial, or industrial buildings, shall be such that lowest floor elevation, including basement, shall be at the flood protection grade and therefore have two feet of freeboard above the 100-year flood elevation.

(3) The Lowest adjacent grade for residential, commercial, or industrial buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the flooding source's 100-yer flood elevation under proposed conditions, unless the flooding source is a rear-yard swale. When the flooding is a rear-yard swale, the lowest adjacent grade for residential, commercial, or industrial buildings shall have two feet of freeboard above the 100-year flood elevation under proposed conditions or be separated by a minimum distance of 50 feet from the proposed-condition 100-year flood boundary.

(4) 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 two feet above the 100-year pond elevation or two feet above the emergency overflow weir elevation, whichever is higher. In addition to the lowest adjacent grade requirements, any basement floor must be at least a foot above the permanent water level (normal pool elevation).

(5) The 100-year flow paths throughout the development, whether shown on FEMA maps or not, must be shown as hatched area on the plans and 30 feet along the centerline of the flow path contained within permanent drainage easements. No fences or landscaping can 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 the homeowner's association. The lowest adjacent grade for all residential, commercial, or industrials buildings shall be set a minimum of 1 foot above the noted overflow path/ponding elevation.

(G) *Acceptable outlet and adjoining property impacts policies.*

(1) 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 be acceptable outlet(s) (as determined by the Town of Danville) 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 Danville) 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.

(2) 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 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. 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 watercourses, and the removal or replacement of undersized culvert pipes as required by the Town of Danville.

§ 00-05-53-203 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

(A) 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 Town of Danville Stormwater Technical Standards Manual. The methods and procedures in the Town of Danville Stormwater Technical Standards Manual are consistent with the policies stated above.

(B) Computations must show no net loss of floodplain storage for two-year, ten-year, 50-year, and 100-year storm events. That is, the post-development two-year floodplain storage along a stream shall be the same as two-year pre-development floodplain storage along the stream within the property limits, the post-development ten-year floodplain storage along a stream

shall be the same as ten-year pre-development floodplain storage along the stream within the property limits, and so on.

(C) Calculations for floodplain volume shall be submitted in tabular form showing calculations by cross-section. The volume of floodplain storage under the without-project conditions and the with-project conditions should be determined using the average-end-area method with plotted cross-sections at a horizontal to vertical ratio of between 5:1 and 10:1, with two though 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.

§ 00-05-53-204 DRAINAGE EASEMENT REQUIREMENTS.

(A) There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted by the Town of Danville.

(B) All stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenance, located outside of the right-of-way may be incorporated into the Town's system at the discretion of the Town of Danville. The developer shall petition to incorporate the storm system into the Town of Danville's system. The Stormwater Management Permit shall not be approved until such petition is submitted in a form accepted by the Town of Danville.

(1) The following specific areas shall be included in a petition:

(a) All new channels, drain tiles equal to or greater than eight inches in diameter, inlet and outlet structures of detention and retention ponds, and appurtenances thereto as required by this chapter, that are installed in subdivisions requiring a Stormwater Management Permit from the Town of Danville shall be petitioned to become incorporated into the Town of Danville's system upon completion, proper inspection, and acceptance by the Town of Danville. New drain tiles refer to all sub-surface stormwater piping, tubing, tiles, manholes, inlets, catch basins, risers, etc.

(b) New drain tile, 12-inch or greater in diameter, shall be placed in a minimum 30-foot easement (fifteen feet from centerline on each side) and shall be designated on the record plat as 30-foot drain easement. Wider easements may be required by the Town of Danville when the depth of pipe is greater than six to ten feet, depending on the pipe size.

(c) A minimum of 25 feet from top of the bank on each side of a new channel shall be designated on the record plat as a drain easement.

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

(e) A minimum of 30 feet beyond the actual footprint (top of the bank) of stormwater detention facilities shall be designated as drainage easement. A minimum 30-foot width easement shall also be required as access easement unless the pond is immediately next to a public right-of-way.

(f) An annual maintenance assessment shall be set up on each new drain established in a new subdivision. The amount of the assessment will be determined by the Town of Danville and so certified.

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

(2) Municipalities and schools. All new channels, swales, drain tiles, inlet and outlet structures of detention and retention ponds, an appurtenance thereto as required by this chapter, that are installed on the municipal or school property will be maintained, repaired, and constructed by the entity and will not become Town of Danville drains. The design must meet the standards of the Town of Danville Stormwater Technical Standards Manual for sizing and installation. Any off-side portion of the drainage system must be within easements and have clearly defined maintenance agreements.

(Od. 2004-12, passed 1-5-2005)

§ 00-05-53-205 PLACEMENT OF UTILITIES.

No utility company may disturb existing storm drainage facilities without the consent of the Town of Danville, whose decision may be appealed to the Town of Danville Town Council. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in § 00-05-53-999.

§ 00-05-53-206 STRUCTURES NEAR REGULATED DRAINS.

For regulated drains not located in platted subdivisions, unless otherwise accepted by the Town of Danville, no permanent structures (including fences) shall be erected within 75 feet measured at right angles from:

(A) The existing top edge of each bank of a regulated open drain, as determined by the Town of Danville; or

(B) The center line of a tiled regulated drain.

§ 00-05-53-207 REVIEW PROCESS AND APPROVAL.

(A) Design plans, technical information, and calculations shall be submitted per the application process in § 00-05-53-500 et seq.

(B) It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater quantity measures in compliance with this chapter, the approved Stormwater Management Permit, and CSGP.

§ 00-05-53-208 INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

(A) *Inspection by the Town of Danville.*

(1) After the approval of the Stormwater Management Permit by the Town of Danville and

the commencement of construction activities, the Town of Danville has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, Town of Danville Stormwater Technical Standards Manual, CSGP, and conditions of the approved permit.

(2) The Town of Danville has the authority to perform or require inspections of all public or privately owned stormwater facilities and BMPs.

(B) *Owner operation and maintenance.*

(1) An operation and maintenance manual (O&M Manual) shall be prepared and submitted for approval in accordance with § 00-05-53-502 of this chapter and must include the information in the Town of Danville Stormwater Technical Standards Manual.

(2) Following construction completion, the operation, maintenance, and inspection of stormwater quantity measure(s) shall be the long-term responsibility of the owner of the stormwater quantity measure(s) or person with a controlling interest in the stormwater quantity measure(s).

(3) Stormwater quantity facilities shall be maintained in good condition, in accordance with operation and maintenance manual approved under the Stormwater Management Permit, and shall not be subsequently altered, revised, or replaced without the approval of the Town of Danville.

(4) The owner of, or person with a controlling interest in, stormwater quantity facilities shall be responsible for inspections that evaluate physical conditions, available storage capacity, and the operational condition of the stormwater quantity measure in accordance with the operation and maintenance manual. The owner/person with controlling interest must conduct necessary inspections at least once per year. The inspections shall follow the operation and maintenance procedures listed in the *Indiana Stormwater Quality Manual* and/or the approved O&M Manual. Inspection requirements of the O&M Manual shall not be altered without approval from the Town of Danville.

(5) If deficiencies are found during an inspection by the Town of Danville, the owner/person with controlling interest of the facility will be notified by Town of Danville and will be required to take all necessary measures to correct such deficiencies. If the owner/person with controlling interest fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Danville will undertake the work and collect from the owner/person with controlling interest using lien rights, if necessary.

(C) 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 Danville or other unit of government designated by the Town of Danville, for ownership and permanent maintenance providing the Town of Danville or other governmental unit is willing to accept responsibility.

(D) Inspection reports and documentation records must be maintained by the owner/person with controlling interest for a period of 5 years and produced upon request by Town of Danville personnel within 48 hours of the request.

§ 00-05-53-300 APPLICABILITY AND EXEMPTIONS.

(A) *Applicability.* This section applies to development and redevelopment within the Town of Danville with a projected land disturbance of 1 acre or more, and operations that result in the land disturbance of less than 1 acre of total land area that are part of a larger common plan of development or sale. § 00-05-53-302 provide guidelines for calculating land disturbance and additional descriptions of construction activities.

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

(1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations to produce agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.

(2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).

(3) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).

(4) Ditch maintenance for activities performed on a regulated drain by a County drainage board as defined in this Ordinance and IC 36-9-27.

(5) The land-disturbing activities listed below, provided other applicable permits contain provisions requiring immediate implementation of erosion and sediment control measures and stormwater management measures:

(a) Landfills that have been issued a certification of closure under 329 IAC 10.

(b) Coal mining activities permitted under IC 14-34.

(c) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

(C) *Discharges authorized by this chapter.* This chapter authorizes the following discharges to waters of the State:

(1) Stormwater, including stormwater run-off, snowmelt run-off, and surface run-off and drainage, associated with construction activity (40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i)).

(2) Stormwater discharges designated by IDEM as needing to obtain coverage under the CSGP (40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii)).

(3) Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided the support activity is directly related to the construction site required to have permit coverage for stormwater discharges, and:

(a) The support activity is not a commercial/industrial operation, nor does it serve multiple unrelated construction projects.

(b) The support activity does not continue to operate beyond the completion of the construction activity for the project it supports; and

(c) Stormwater measures are implemented in accordance with the stormwater pollution prevention plan, performance standards, and this general permit.

(4) Non-stormwater discharges or flows provided they are not identified by IDEM as significant sources of pollutants to waters of the State, including, but not limited to:

(a) Emergency fire-fighting water.

(b) Fire hydrant flushing water.

(c) Landscape irrigation water.

(d) Water line flushing.

(e) Routine external building washdown water that does not use detergents.

(f) Water used to wash vehicles and equipment that does not contain soaps, solvents, or detergents.

(g) Uncontaminated, non-turbid discharges of groundwater or spring water.

(h) Foundation or crawl space footing drainage where flows are not contaminated with process materials such as solvents or contaminated groundwater.

(i) Uncontaminated condensate from air conditioning units, coolers, and other compressors and from outside refrigerated gases or liquids.

(j) Construction dewatering water that has been treated by an appropriate stormwater quality measure or series of measures provided other contaminants are not present.

(D) *Discharges not authorized by this chapter*. The following discharges from construction activities are not authorized by this chapter:

(1) Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge from the land-disturbing activity will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.

(2) Direct discharges to a receiving stream when the discharge results in an increase in the ambient concentration of a pollutant which contributes to the impairment of the receiving stream for that pollutant as identified on the current 303(d) list of impaired waters.

(3) Discharges of concrete or mortar wash water from concrete washout activities or release from containment systems.

(4) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials.

(5) Soaps, detergents, or solvents used in vehicle and equipment washing.

(6) Other discharges, including but not limited to fuel, oil, or other pollutants used in vehicle and equipment operation and maintenance.

(E) Town of Danville projects shall be exempt from obtaining building permits but are expected to meet all applicable construction and post-constructions requirements of this chapter and the Town of Danville Stormwater Technical Standards Manual.

(F) *Individual Lots.* With the exception of the requirements of §§ 00-05-53-100 et seq. and §§ 00-05-53-502, 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 chapter. Individual lots with a land disturbance of greater than 10,000 square feet and less than one acre are subject to § 00-05-53-504 for plan review requirements and procedures.

(G) *Waivers and Special Conditions.*

(1) The Town of Danville has the authority to modify, grant exemptions, and/or waive certain requirements of this chapter and the Town of Danville Stormwater Technical Standards Manual. Exceptions may be considered where standards of engineering practice cannot be substantially met because the site constraints make it physically impossible, including such constraints within the historic district (Zoning Districts CB-P and CB-S). A pre-submittal meeting with the Town of Danville may be requested by the applicant to discuss the applicability of various provisions of the chapter and its associated technical standards document with regards to unique or unusual circumstances relating to a project. However, any initial determination of such applicability shall not be binding on future determinations of the Town of Danville that may be based on the review of more detailed information and plans.

(2) Discharges are conditionally authorized for land-disturbing activities that are subject to this chapter but are considered an emergency. Emergency activities include any work which requires immediate implementation to avoid imminent endangerment to human health, public safety, or the environment, or to re-establish essential public services.

(3) Procedures for obtaining an emergency condition authorization, require the applicant to:

(a) Submit a preliminary notification of the emergency to IDEM and Town of Danville within 24 hours or next business day of initiating land disturbance.

(b) Develop a SWPPP that specifically addresses the operations associated with the emergency. The submittal of the plan is not required.

(c) Submit a complete NOI within 30 calendar days after commencing land-disturbing activities to IDEM and the Town of Danville establishing eligibility under this permit.

§ 00-05-53-301 POLICY ON STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES.

(A) Effective stormwater pollution prevention on construction sites is dependent on 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.

(B) All permittees shall manage stormwater discharges as necessary to meet the narrative water

quality criteria (327 IAC 2-1-6(a)(1)(A-D) and 327 IAC 2-1.5-8(a) and (b)(1)(A-D)) for any discharge authorized by this chapter and CSGP, with compliance required upon beginning such a discharge. For stormwater discharges, the use of stormwater management measures and planning principles is expected to achieve the control necessary to meet water quality criteria.

(C) The SWPPP will serve as a guideline for stormwater management but should not be interpreted to be the only basis for implementation of stormwater measures for a project site. The permittee is responsible for implementing all measures necessary to comply with the provisions of this chapter and the CSGP.

(D) All stormwater management measures, including erosion and sediment control measures and post-construction measures, shall be implemented in accordance with this chapter, the Town of Danville Stormwater Technical Standards Manual, the terms and conditions of the approved Stormwater Management Permit, and CSGP.

§ 00-05-53-302 CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

(A) 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:

(1) 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.

(2) Strip developments will be considered as one project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one acre and is not part of a larger common plan of development or sale.

(3) 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:

(a) For a single-family residential project site where the lots are on-half acre or more, one-half acre of land disturbance must be used as the expected lot disturbance.

(b) For a single-family residential project site where the lots are less than one- half acre in size, the total lot must be calculated as being disturbed.

(c) To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one acre in size, in which case the total lot must be calculated as being disturbed.

(B) 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* and the Town of Danville Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of CSGP.

§ 00-05-53-303 REVIEW PROCESS AND APPROVAL.

(A) Design plans, technical information, and the construction SWPPP shall be submitted per the application process in § 00-05-53-500 et seq. The construction SWPPP shall include the requirements identified in the Town of Danville Stormwater Technical Standards Manual.

(B) It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater measures in compliance with this chapter, the Town of Danville Stormwater Technical Standards Manual, the terms and conditions of the approved Stormwater Management Permit, and CSGP.

§ 00-05-53-304 INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

(A) Following approval of the Stormwater Management Permit by the Town of Danville and commencement of construction activities, the Town of Danville has the authority to conduct inspections of the site to ensure full compliance with this chapter, the Standards, the terms and conditions of the approved Stormwater Management Permit, and CSGP.

(B) A self-monitoring program shall be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively in accordance with the CSGP. At a minimum, the self-monitoring program shall meet the requirements in the Town of Danville Stormwater Technical Standards Manual.

(C) Although self-monitoring reports do not need to be submitted to Town of Danville, the Town of Danville 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 Town of Danville, in an organized fashion, within 48 hours upon request.

STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

§ 00-05-53-400 APPLICABILITY AND EXEMPTIONS.

(A) Projects subject to this section are the same per the applicability and exemption criteria for construction sites described in § 00-05-53-300 (A) and (B).(B) Additional exemptions under this section includes:

(1) Land-disturbing activities where there will be no additional impervious surfaces associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility installation/maintenance activities.

(2) Single-family residential strip development offered for sale or lease without land improvements and the project is not part of a larger common plan of development or sale.

(3) Residential developments consisting of 4 or fewer lots of developments where the proposed impervious surfaces are 10% or less of the project acreage. Impervious is determined by the sum of all infrastructure (roads, paths, parking, etc.) and the average projects hard surfaces associated with all building lots within the project.

(4) Single-family residential strip development offered for sale or lease without land improvements, and the project is not part of a larger common plan of development or sale.

§ 00-05-53-401 POLICY ON STORMWATER QUALITY MANAGEMENT

(A) 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 Danville, measures must be taken to promote runoff volume reduction, infiltrate stormwater into the ground and intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers and wetlands. Using BMPS, harmful amounts of sediment, nutrients, and contaminants will be removed from stormwater runoff.

(B) Stormwater quality measures are incorporated as a permanent feature into construction projects and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. The following will be implemented as a minimum:

(1) The control of stormwater quality will be based on the management of Total Suspended Solids (TSS). The Town of Danville requires a minimum of 80% removal of TSS including floatables without resuspension. TSS is defined as particles smaller than 125 microns in diameter.

(2) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.

(3) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.

(4) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.

(5) Outfalls must be designed to reduce outfall scouring and bank erosion.

§ 00-05-53-402 CALCULATIONS, DESIGN STANDARDS AND SPECIFICATIONS.

(A) Calculation of land disturbance should follow the guidelines discussed in the Town of Danville Stormwater Technical Standards Manual.

(B) 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 Town of Danville Stormwater Technical Standards Manual. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's CSGP and MS4GP.

(C) A pre-approved list of BMP(s) is specified in the Town of Danville Stormwater Technical Standards Manual. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Town of Danville Stormwater Technical Standards Manual. 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

Town of Danville Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMPs are provide in the Town of Danville Stormwater Technical Standards Manual.

§ 00-05-53-403 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 with a paved access easement to the BMP.

§ 00-05-53-404 REVIEW PROCESS AND APPROVAL.

(A) Design plans, technical information, and the SWPPP with post-construction stormwater quality measures shall be submitted per the application process in § 00-05-53-500 et seq. The post-construction SWPPP shall include the requirements identified in the Town of Danville Stormwater Technical Standards Manual.

(B) It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs in compliance with this chapter, the Town of Danville Stormwater Technical Standards Manual, the terms and conditions of the approved Stormwater Management Permit, and CSGP.

§ 00-05-53-405 INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

(A) *Inspection by the Town of Danville.*

(1) After the approval of the Stormwater Management Permit by the Town of Danville and the commencement of construction activities, the Town of Danville has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Stormwater Technical Standards, and the terms and conditions of the CSGP.

(2) The Town of Danville has the authority to perform or require inspections of all public or privately owned stormwater quality facilities.

(B) *Owner operation and maintenance.*

(1) An O&M Manual shall be prepared and submitted for approval in accordance with § 0005-53-500 of this chapter and must include the information in the Standards.

(2) Following construction completion, the operation, maintenance, and inspection of stormwater quality BMPs shall be the long-term responsibility of the owner of the stormwater quality BMP or person with a controlling interest in the stormwater quality BMP.

(3) Stormwater quality facilities shall be maintained in good condition, in accordance with operation and maintenance manual approved under the Stormwater Management Permit, and shall not be subsequently altered, revised or replaced without the approval of the Town of Danville.

(4) The owner of, or person with a controlling interest in, stormwater quality facilities shall

be responsible for inspections that evaluate physical conditions, available treatment capacity, and the operational condition of the stormwater quality BMP(s) in accordance with the O&M Manual. Requirements of the O&M Manual shall not be altered without approval from the Town of Danville.

(5) If deficiencies are found during an inspection by the Town of Danville, the owner/person with controlling interest of the facility will be notified by Town of Danville and will be required to take all necessary measures to correct such deficiencies. If the owner/person with controlling interest fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Danville will undertake the work and collect from the owner/person with controlling interest using lien rights if necessary.

(C) 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 Danville or other unit of government designated by the Town of Danville, for ownership and permanent maintenance providing the Town of Danville or other governmental unit is willing to accept responsibility.

(D) Inspection reports and documentation records must be maintained by the owner/person with controlling interest for a period of 5 years and produced upon request by Town of Danville personnel within forty-eight (48) hours of the request.

PERMIT REQUIREMENTS AND PROCEDURES

§ 00-05-53-500 CONCEPTUAL DRAINAGE PLAN REVIEW.

(A) In order to gain an understanding of the drainage requirements for a specific project, a project owner or developer may submit conceptual drainage plans and calculations for review by the Town of Danville.

(B) The direction provided by the Town of Danville during such a review is based on preliminary data and shall not be construed as a preliminary determination, final drainage approval, or binding on either party.

(C) The following is a general listing of minimum data requirements for the review of conceptual drainage plans:

(1) Digital copies of complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems. Hard copies may also be requested.

(2) General description of the existing and proposed drainage systems in a narrative form.

(3) Watershed Boundaries with USGS Contours or best information possible.

(4) Existing watercourses.

§ 00-05-53-501 APPLICABILITY AND EXEMPTIONS.

(A) This section applies to all development or re-development of land that is subject to this chapter as specified in § 00-05-53-200, § 00-05-53-300, and § 00-05-53-400. All developers and

property owners proposing development or re-development that require City approval shall follow the requirements in this section.

(B) Specific projects or activities may be exempt from all or part of the informational requirements listed below.

(1) Individual lots with land disturbance less than 1 acre that are developed within a larger permitted project site, shall submit the following information for an Individual Lot Plot Plan Permit prior to issuance of a Building Permit.

(a) A site layout 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 Danville, 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.

1) The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

(2) With the exception of the requirements of §§ 00-05-53-100 et seq., 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 chapter.

§ 00-05-53-502 APPROVAL PROCEDURES FOR CONSTRUCTION.

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 Town of Danville 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 Danville 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.

(A) No building permit shall be issued and no land disturbance started for any construction in a development, as defined in § 00-05-53-007, until the plans required by this chapter for such construction have been accepted in writing by the Town of Danville.

(B) All Stormwater Management Applications shall follow the requirements and procedures in this section and in the Town of Danville Stormwater Technical Standards Manual in order to obtain a Stormwater Management Permit by the Town of Danville.

(C) *Submittal for Stormwater Management Permit approval.* The project site owner shall apply for a Stormwater Management Permit to the Town of Danville prior to the initiation of any land-disturbing activities. The application will include the following:

(1) Completed Stormwater Management Application.

(2) Digital and hard copy (not to exceed 24 inches by 36 inches in size) construction plan sheets depicting the existing and proposed conditions. Construction plans shall include the information in the Stormwater Technical Standards.

(3) Stormwater Drainage Technical Report that includes the information in the Stormwater Technical Standards.

(4) A hydrologic/hydraulic analysis, consistent with the methodologies and calculation included in the Stormwater Technical Standards, and including the following information:

a) Construction Site SWPPP that is designed at a minimum to meet the requirements of this chapter and include the information in the Stormwater Technical Standards.

b) Post-Construction SWPPP that meets at least the minimum requirements of this chapter and include the information in the Stormwater Technical Standards.

c) Operation and Maintenance Manual is required for stormwater quantity and/or quality and low impact development measures and must at a minimum meet the requirements of this chapter and include the information in the Stormwater Technical Standards.

(D) In the event that a project site is determined to impact or discharge to a sensitive area, be located in an impact drainage area, or determined to be a priority site for construction site inspections, the Town of Danville may require more stringent stormwater quantity and quality measures than detailed in this chapter, the Stormwater Technical Standards Manual, or the *Indiana Stormwater Quality Manual*.

(1) 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 Stormwater Technical Standards Manual. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the Stormwater

Management Permit.

(2) Priority sites may be based on the nature and extent of the construction activity, topography, threat to the degradation of water quality, characteristics of soils, complaints, and other factors as determined by MS4 priorities.

(3) The Town of Danville is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Town of Danville shall consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility. The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the Town of Danville.

a) A floodway or floodplain as designated by the most updated Town of Danville Code dealing with floodplain regulation.
b) Land within 75 feet of each bank of any ditch within the Town of Danville's system.
c) Land within 75 feet of the centerline of any drain tile or enclosed conduit within the Town of Danville's system.
d) Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the Town of Danville. Special terms and conditions for development within any Impact Drainage Area shall be included in the Stormwater Management Permit.

(E) *Plan Review.* After the Town of Danville receives the application, a preliminary determination will be made whether the application is substantially complete within 10 days (for projects at least 1 acre but less than 5 acres) or within 14 days (for projects greater than or equal to 5 acres). If the application is deemed insufficient, additional information will be requested by the Town of Danville. Once the application is deemed sufficient, the following actions will take place for review of the permit application.

(1) Review will be conducted by the Town of Danville and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. Once all comments have been addressed and review completed, the Town of Danville will either accept the project, request modifications, or place the project on the agenda of the next scheduled meeting of the Danville Town Council. If the project must go through a scheduled meeting, the Town of Danville will furnish the applicant a complete list of comments and objections to the plans and accompanying data prior to the scheduled meeting. After the scheduled meeting, if required, the Town of Danville will either issue the Stormwater Management Permit or request modifications to the construction plans. Once all modifications have been made, if required, the Town of Danville will issue a Stormwater Management Permit.

(2) The applicant may not submit the NOI to IDEM or commence land-disturbing activities until the Stormwater Management Permit is issued. The initiation of construction activity following prior to issuance of the Stormwater Management Permit is a violation and subject to enforcement action. Upon submittal of the NOI, the applicant shall submit the IDEM Notice of Sufficiency (NOS) to the Town of Danville and notify the Town of Danville of the start date for construction at least 48 hours in advance of construction.

§ 00-05-53-503 REQUIREMENTS FOR APPROVED CONSTRUCTION SITES.

(A) *Required performance assurances.*

(1) As a condition of the Stormwater Management Permit, the Town of Danville shall require the applicant to provide assurance in the form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted, all applicable fees paid, and before construction begins.

(2) Said assurance will guarantee a good faith execution of all plans submitted in the application and any approved conditions.

(3) The assurance shall be for an amount equal to 120% 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 professional engineer or land surveyor registered in the State of Indiana. 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 measures, as regulated under this section, until the construction is completed, site is stabilized, and as-built plans are accepted by the City. Assurances shall be for a minimum of $5,000. Local governmental jurisdictions may require additional performance and/or maintenance assurances.

(4) The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

(B) *Projects under construction.* Once land-disturbing activities commence, the project owner shall:

(1) Monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this chapter and the terms and conditions of the CSGP. Requirements for a self-monitoring program and other activities for active construction sites are included in the Town of Danville Stormwater Technical Standards Manual.

(2) Be responsible for compliance with this chapter and the CSGP during construction activities and implementation of the terms and conditions provided in the Stormwater Management Permit application.

(3) Provide the Town of Danville documentation of informing or training the personnel associated with the project concerning the requirements of the SWPPP.

(4) Maintain documents and recordkeeping at the project site per the CSGP and the Town of Danville Stormwater Technical Standards Manual.

§ 00-05-53-504 APPROVAL PROCEDURES FOR INDIVIDUAL LOTS.

(A) *Applicability.*

(1) An individual lot located within a larger permitted project site, is considered part of the larger permitted project site, and the individual lot operator must comply with the terms and condition of the Stormwater Management Permit approved for the larger project site. The Stormwater Management 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 an Individual Lot Plot Plan Permit application prior to receiving a building permit. Details of the permitting process are contained in §§ 00-05-53-501.

(B) *Requirements for individual lots with land disturbance less than 1 acre, located within a larger permitted project site*. For individual lots developed within a larger permitted project, a formal review and issuance of building permit will be required. All stormwater management measures necessary to comply with this chapter must be implemented in accordance with permitted plan for the large project. Requirements for individual lots are included in the Town of Danville Stormwater Technical Standards Manual.

(C) For an individual lot where land disturbance is expected to be one acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Town of Danville, 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.

§ 00-05-53-505 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 Danville prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

§ 00-05-53-506 FEE STRUCTURE.

(A) As a condition of the submittal and the review of development plans by the Town of Danville, the applicant shall agree to pay the Town of Danville the applicable fee as set by the Town of Danville with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as pre-paid inspection fees.

(1) The applicant shall pay a $250.00 administrative review fee at the time of submittal. If approved, a Stormwater Management Permit shall be obtained from the Town of Danville. The cost of the permit will be $100.00 plus plan review and inspection fees.

(2) Annual inspections of permanent BMPs will be performed by the Town of Danville. Prior to issuing a Stormwater Management Permit, the developer or owner of a site must pay a predetermined fee to cover the Town of Danville's costs for annual inspection for the first 3 years. After the first 3 years, the Town of Danville may annually inspect the facility and bill the owner. Refer to the schedule of fees below.

BMP Inspection Fee (per BMP)	
Inspections for first 3 years, paid lump	$500.00 per BMP
Annual BMP inspection after Year 3	$200.00 per BMP
Additional inspections required due to maintenance issues	$200.00 per hour

(B) After the meeting at which the Town of Danville is scheduled to consider acceptance of the applicant's final stormwater management plan, the Town of Danville will furnish a written statement to the applicant specifying the total amount due the Town of Danville in connection

with the review of the applicant's submittals, plans and accompanying information and data, including the amount required to be paid by applicant for review and pre-paid inspection fees.

(C) As a condition of acceptance of final drainage plans by the Town of Danville, applicant shall pay to the Town of Danville the sum set forth in said statement. The Town of Danville may issue such a billing statement before the project advances to the final acceptance stage, and such payment is due by applicant upon receipt of said billing statement regardless of whether the project is advanced to the final acceptance stage.

(D) The Town of Danville shall have the right to not accept the drainage improvements or to not accept the advancement of any project for which the applicable fees have not been paid.

(E) Fees shall be paid by certified check, cashier's check, or money order. All checks shall be made payable to the: Town of Danville,147 W. Main Street, Danville, IN 46122

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

§ 00-05-53-507 TERMS AND CONDITIONS OF PERMITS.

(A) In granting a Stormwater Management Permit, the Town of Danville may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner is responsible for compliance with this chapter, the Town of Danville Stormwater Technical Standards Manual, the CSGP (as applicable), and these terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in §§ 00-05-53-900 et seq.

(B) The project site owner shall inform all general contractor, 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 for the Stormwater Management Permit and the schedule for proposed implementation.

(C) The project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this chapter, the Town of Danville Stormwater Technical Standards Manual, and the terms and conditions of the CSGP (for construction sites 1 acre and greater).

(D) The project site owner shall provide the Town of Danville training documentation of the personnel associated with the project concerning the requirements of the SWPPP per the CSGP.

(E) The project site owner shall develop and maintain a self-monitoring program and inspections per the Town of Danville Stormwater Technical Standards Manual. Requirements for a self-monitoring program and other activities for active construction sites are included in the Stormwater Management Approval Terms and Conditions section of the Town of Danville Stormwater Technical Standards Manual.

(F) The project site owner shall develop and maintain the documentation and recordkeeping identified in the Town of Danville Stormwater Technical Standards Manual at the project site for review by the Town of Danville per the CSGP:

(G) *Project completion.* Upon completion of construction activities and once the construction site has been stabilized and all temporary erosion and sediment control measures have been

removed, the project owner shall:

(1) Provide as-built plans per § 00-05-53-507 to the Town of Danville.

(2) The Town of Danville, or representative, shall inspect the construction site to verify the requirements for a NOT have been met. Once the applicant receives a "verified" copy of the NOT, the applicant must submit a signed copy to IDEM and the Town of Danville.

(3) The CSGP expires five years from the date of issuance. If construction is not completed prior to the expiration date, the project owner shall either submit a NOT to IDEM and Town of Danville, or follow the NOI submittal requirements in the CSGP within 90 days with submittals to IDEM and Town of Danville.

§ 00-05-53-508 CERTIFICATION OF AS-BUILT PLANS

(A) After completion of construction of the project and before final acceptance of the NOT, a professionally prepared and certified as-built set of plans shall be submitted to the Town of Danville for review. A digital copy of the as-built plans in a current version of AutoCad is required. These plans shall include all pertinent data relevant to the completed storm drainage system and stormwater management facilities, and shall include:

(1) Pipe size and pipe material;

(2) Invert elevations;

(3) Top rim elevations;

(4) Pipe structure lengths;

(5) BMP types, dimensions, and boundaries/easements;

(6) "As-planted" plans for BMPs, as applicable;

(7) Data and calculations showing detention basin storage volume:

(8) Data and calculations showing BMP treatment capacity;

(9) 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 Danville (See Certificate of Completion and Compliance in Stormwater Technical Standards Manual).

(B) A digital copy of post-construction stormwater BMP locations in a current GIS shapefile (GDB) is required.

(C) The property owner, developer, or contractor shall be required to file a five-year maintenance bond or other acceptable guarantee with the Town of Danville, prior to acceptance, in an amount of 25% of the cost of the stormwater drainage system located outside the public road rights-of-way, and in a form satisfactory to the Town's attorney in order to assure that such stormwater system installation was done 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 done in accordance with the accepted plans and this chapter. 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 Danville.

(D) Deflection tests shall be performed on all flexible pipes after the final backfill has been in

place at least 30 days. No pipe shall exceed a vertical deflection of 5%. Deflection testing shall be performed using a mandrel pulled by hand. The mandrel (go/no-go) device shall be cylindrical in shape and constructed with nine or ten evenly spaced arms or prongs. Any sewer not passing the mandrel shall be uncovered, replaced and retested.

(E) The following are considered nonflexible pipes that do not require deflection tests:

(1) Vitrified clay pipe.

(2) Concrete pipe.

(3) Ductile iron pipe.

(4) Cast iron pipe.

(F) Visual recordings of all storm drainage conveyances shall be required before release of maintenance bonds. These visual recordings will be scheduled by the Town of Danville and paid for by the developer. Notices shall be provided to the Town of Danville within at least 60 days prior to the expiration 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 Danville before maintenance bond would be recommended to be released.

ENFORCEMENT

§ 00-05-53-900 COMPLIANCE WITH THIS CHAPTER.

In addition to the requirements of this chapter, compliance with the requirements set forth in the Unified Development Ordinance is also necessary. Compliance with all applicable ordinances of Town of Danville, as well as, with applicable State statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this chapter shall be the most recent edition available. Violations of the requirements of this chapter are subject to the enforcement actions and penalties listed in this section.

§ 00-05-53-901 STOP WORK ORDER.

(A) If land disturbance activities are conducted contrary to the provisions of this chapter or accepted plans approved during review of the Stormwater Management Permit, the Town of Danville may notify the project site owner in writing of the inadequacies.

(B) If the inadequacies are not resolved 72 hours after receipt of the written notice, a written stop work order shall be issued and served on any person engaged in the doing or causing of such work to be done. Any such persons shall immediately stop such work until authorized by the Town of Danville to proceed with the work.

(C) The Town of Danville may issue an immediate stop work order if there is a public health or safety hazard.

(D) The Town of Danville may undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this ordinance or the CSGP or to avoid or reduce the effects of noncompliance. The costs of any such protective measures shall be the responsibility of the project site owner and the responsibility of any person carrying out or

participating in the work.

§ 00-05-53-902 FAILURE TO COMPLY OR COMPLETE.

In addition to any other remedies, should any owner/person with controlling interest fail to comply with the provisions of this chapter, the Town of Danville may, after giving notice and opportunity for compliance, have the Town of Danville or authorized representative complete necessary work. The project site owner shall be required to promptly reimburse the Town of Danville for all costs of such work.

§ 00-05-53-903 SUSPENSION OF ACCESS TO THE STORM DRAIN SYSTEM.

(A) *Suspension due to emergency situations.* The Town of Danville 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 Danville 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 danger to persons.

(B) *Suspension due to the detection of illicit discharge.* Any person discharging to the storm drain system in violation of this chapter may have their storm drain system access terminated if such termination would abate or reduce an illicit discharge. The Town of Danville will notify a violator of the proposed termination of its MS4 access. The violator may petition the Town of Danville for a reconsideration and hearing.

§ 00-05-53-904 CORRECTIVE ACTION.

Nothing herein contained shall prevent the Town of Danville 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 well as those penalties levied by the EPA or IDEM for violation of the Town of Danville's NPDES permit, attorney fees, and other costs and expenses.

§ 00-05-53-905 APPEALS.

(A) Any person to whom any provision of this chapter has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Town of Danville 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.

(B) The Town of Danville 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 Danville may consider the recommendations of the Town of Danville and the comments of other persons having knowledge of the matter.

(C) In considering any such appeal, the Town of Danville may grant a variance from the terms of this chapter to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied:

(1) The application of the chapter 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 chapter; and

(2) The granting of the relief requested will not substantially prevent the goals and purposes of this chapter, nor result in less effective management of stormwater runoff.

§ 00-05-53-999 PENALTY.

(A) Any person found in violation of any provision of this chapter 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. Minimum fees shall begin at $200 for minor offenses. 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 chapter.

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

(C) For purposes of this section, "subsequent offense" means a violation of the provisions of this chapter committed by the same person within 12 months of a previous violation of the same provision of this chapter for which said person admitted responsibility or was adjudicated to be responsible.