

**MINUTES OF THE REGULAR MEETING OF THE
MICHIGAN CITY PLAN COMMISSION
JUNE 24, 2025**

The Michigan City Plan Commission held their regular monthly meeting in the Common Council Chambers, City Hall, 100 E. Michigan Boulevard, Michigan City, Indiana, on Tuesday, June 24, 2025, at 6:00 p.m. local time; the date, hour, and place duly established for the holding of said meeting. The meeting was also available via Zoom and streaming live on the Access LaPorte County Facebook page. Access LaPorte County Media hosted Zoom.

CALL TO ORDER

Vice-President Bruce de'Medici called the meeting to order at approximately 6:00 p.m.

ROLL CALL

Mr. York called the roll with attendance being noted as follows:

Commission Members Present:

Ross Balling, Bryant Dabney (via Zoom – audio/video), Bruce de'Medici, Steve DePalma, Roscoe Hoffman, Fred Klinder, Rose Tejeda, Timothy Werner – 8 (all in person unless otherwise noted)

Commission Members Absent:

Antonio Conley – 1

Staff Present:

Redevelopment Director Skyler York, Attorney Steven Hale, Public Works Director Wendy Vachet, and Redevelopment Business Manager Debbie Wilson (all in person)

POLICY OF CONDUCT AND PROCEDURES

The Policy of Conduct and Procedures for the Michigan City Plan Commission states that the Commission is composed of nine members. By statute, five must vote affirmatively to approve a petition. Thus, whenever less than a full commission is present, the petitioner may choose to continue the hearing. Anyone wishing to speak on a petition, or to the commission in general at the end of the meeting, may do so in person by approaching the speaker's roster and stating their name and address, or, if on Zoom connection, by indicating their presence online and stating their name and address. Comments should be addressed to the Plan Commission, and not to a petitioner or remonstrator or others in the audience. The Plan Commission vote is based on the evidence presented.

ELECTION OF PRESIDENT

Vice-President de'Medici opened the floor for nominations for president.

Commissioner Tejeda nominated Bruce de'Medici for president; it was seconded by Commissioner Hoffman. There were no other nominations; nominations were closed. Mr. de'Medici accepted the nomination. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Dabney, de'Medici, DePalma, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. APPROVED.

President de'Medici assumed the position of chair.

The position of vice-president was now vacant due to Commissioner de'Medici being elected as president; therefore, President de'Medici opened the floor for nominations for vice-president.

Commissioner Tejeda nominated Steve DePalma for vice-president; it was seconded by Commissioner Werner. There were no other nominations; nominations were closed. Commissioner DePalma respectfully declined the nomination.

Commissioner de'Medici nominated Rose Tejeda for vice-president; it was seconded by Commissioner Hoffman. There were no other nominations; nominations were closed. Ms. Tejeda accepted the nomination. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Dabney, de'Medici, DePalma, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. APPROVED.

The position of secretary was now vacant due to Commissioner Tejeda being elected as vice-president; therefore, President de'Medici asked for a motion to appoint a secretary.

A motion was made by Commissioner Werner – seconded by Commissioner de'Medici to appoint Fred Klinder as secretary. Mr. Klinder accepted the appointment. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Dabney, de'Medici, DePalma, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. APPROVED.

Officers for the remainder of 2025 are: Bruce de'Medici, President; Rose Tejeda, Vice-President; Fred Klinder, Secretary.

APPROVAL OF AGENDA

President de'Medici asked if there were any questions or amendments to the agenda.

Hearing none, President de'Medici asked to move on to the approval of the minutes.

APPROVAL OF MINUTES

President de'Medici asked if there were any questions or comments to the minutes of May 27, 2025.

Hearing none, President de'Medici asked to move on to the next item on the agenda.

As point of order made by Commissioner Dabney, a vote was taken on the approval of the minutes of May 27, 2025 as submitted.

The roll was called, and the vote taken: (Ayes) Commissioners Balling, Dabney, de'Medici, Klinder, Tejeda, Werner – 6; (Nays) None – 0; (Abstain) DePalma, Hoffman – 2. With 6 in favor, 0 opposed, and 2 abstentions, the MOTION CARRIED.

PETITION(S)

(None)

NEW BUSINESS / OLD BUSINESS

Discussion/Approval – Stormwater Ordinance

Mr. York recalled from the last meeting that Al Walus (Operations & Inspection Manager, MCSD) was present to discuss the amendments to the stormwater ordinance. At that time, Commissioners had questions and comments, and edits needed to be made. He asked Mr. Walus to give an overview and answer any questions.

Al Walus (in person) recalled the discussion from last month with questions identified. He explained that he needed some time to review those questions. He went over some of the questions which he felt were pertinent and could help educate the Commission and help understand the plans for implementing this ordinance in accordance with the MS4 permit.

Section 46-238 REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

Mr. Walus referred to and read the original draft language, "The owner or operator of a commercial or industrial establishment shall provide, at his, her or their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal drain system or watercourses through the use of these structural and non-structural BMPs." He stated there was a comment made that "reasonable" suggests an opportunity for someone to argue that the only thing required for compliance is "reasonable protection" from accidental discharge or prohibited materials or other wastes into the municipal storm drain system or watercourses through the BMP. After reviewing the language with consultants, Mr. Walus said it was decided to remove the word

“reasonable” and add to the beginning of the sentence, “In addition to other requirements of this ordinance”. He indicated that the final revised language would read, “In addition to other requirements of this ordinance, the owner or operator of a commercial or industrial establishment shall provide, at his, her or their own expense, protection from accidental discharge of prohibited materials or other wastes into the municipal drain system or watercourses through the use of these structural and non-structural BMPs.”

Mr. Walus stated that there was another comment regarding that section and how the City will verify compliance with BMPs, especially for smaller businesses or property owners who may not have technical expertise, and if there will be a grace period or support provided before fines are issued. In response to that, Mr. Walus stated that when the ordinance refers to any activity, operation, or facility, it refers to two cases that are defined in the ordinance. The first is the storage of hazardous materials, which include any materials, substances, or waste that is identified as hazardous chemicals. In that case, he explained that the City would be looking for that entity to have BMPs to keep pollution out of stormwater runoff. The second applicable business type would be defined in the ordinance as “hotspot development”. Mr. Walus explained that designation originally came about from gas stations that have storm drains draining into storm sewers. Over the years, Municipal Separate Storm Sewer System (MS4) programs required fueling stations to have BMPs to capture and remove potential petroleum products in storm water. He said it was expanded to include facilities with vehicle storage, vehicle maintenance, salvage yards, and recycling facilities. As part of implementation, Mr. Walus explained that the City’s MS4 permit requires City staff to reach out to targeted groups, including commercial/industrial entities to share BMPs for reducing stormwater pollution. Mr. Walus said they identify these hotspots through either plan review of new projects and/or getting a list of businesses from the Indiana Chamber of Commerce to identify businesses based on their activity. Regarding enforcement, Mr. Walus stated that the ordinance has language included to initially provide a written warning which would enable the opportunity to discuss the required remediation actions along with a schedule for compliance. Mr. Walus stated that the initial focus is to try to work in a proactive approach and work cooperatively with the businesses. He said there must be written documentation, for which the ordinance provides.

Section 46-239 WATERCOURSE PROTECTION

Mr. Walus explained that the purpose of this section is two-fold, making sure to keep pollution out of stormwater, and making sure to keep any flow restrictions out of the watercourses. Watercourses include streams, ditches, and open drainage ditches. Mr. Walus referred to and read the original draft language “Every person owning property through which a watercourse passes, or such person’s lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.”

Mr. Walus indicated that there was a comment about including “lessees”, and if it meant an overnight rental customer (Air BnB) being liable, and they questioned if that liability can be imposed on a lessee. After reviewing language by the consultants, Mr. Walus said to avoid such an interpretation, it was recommended after the word “lessee” to add the words “that has assumed the responsibility for managing a property”, and to delete the phrase “excessive vegetation”. He indicated the final revised language would read, “Every person owning property through which a watercourse passes, or such person’s lessee that has assumed the responsibility for managing a property, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee (as referenced above) 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.” As far as implementation, Mr. Walus explained that as part of the MS4 permit requirement, staff must visually inspect all watercourses, storm sewers, and ditches once every five years. During that inspection, if staff sees a case where a structure was constructed in the stream, or if they see excessive pollution, sediment, or trash in the stream, they must follow up with the requirement to reach out to those individuals and have that action stopped. Mr. Walus explained to do that they would check property records for ownership and contact that property owner. If they indicate they have leased that property to a different individual on a long-term lease, staff will then approach that person for corrective action. Mr. Walus mentioned that there was concern of how that would impact short-term rentals, so they checked stormwater ordinances with Long Beach, Portage, LaPorte, and Valparaiso and it was determined that they all have the same exact lessee language in their ordinances. Although, in Michigan City, additional language was added for long-term property management.

Section 46-255 POLICY ON STORMWATER QUANTITY MANAGEMENT (b)

Mr. Walus explained that this section talks about how stormwater detention requirements are calculated. He said the ordinance specifically states that it is the policy to discourage direct release of runoff from a new development or redevelopment without providing detention. There is a requirement in the ordinance to provide detention on site. However, Mr. Walus stated that with the location of Michigan City being adjacent to Trail Creek on the south shore of Lake Michigan, for certain properties on the north end of town, it may or may not be beneficial to try to get that initial stormwater flush into Trail Creek and out of the creek before stormwater from the southern part of Michigan City hits that reach of Trail Creek. Mr. Walus advised they are not advocating that in the ordinance, but instead are providing a provision for rare and unique circumstances, such as when a developer has a licensed PE Engineer Hydrological Report of the watershed and it has been determined that it will be beneficial to the city to flush out their runoff quicker than when the rest of the city runoff gets there, there may be a provision to waive or decrease detention requirements. The ordinance indicates that the analysis must be adopted by the Department through review/approval by the Sanitary District Board of Commissioners.

Mr. Walus said this would create a public record of any waivers approved to be incorporated into any future requests.

GENERAL COMMENT – ZONING AND SUBDIVISION CODES

Mr. Walus said there was a comment made regarding interaction with the Zoning and Subdivision Ordinances. In response, Mr. Walus stated that Mr. York and Attorney Hale provided a thorough review of the Zoning and Subdivision Ordinances for cross-references that go back to the original stormwater ordinance. Mr. Walus confirmed through that work, they are confident that all the references in the Zoning and Subdivision Ordinances are addressed to refer to the new stormwater ordinance.

GENERAL COMMENT – REVIEW TIMES

Mr. Walus stated that there was a comment made about the plan review time and what mechanisms are in place to ensure that the Sanitary District, as the enforcing agency, provides timely permit reviews, inspections, and responses to developers and residents, and if there will be performance standards or accountability metrics. In response to that, Mr. Walus advised that a couple of years ago state legislature passed a law that defined timelines for stormwater plan review. Those guidelines are for land disturbance plans between 1 acre and 5 acres. The local reviewing agency has 10 business days to complete those reviews. For land disturbances greater than 5 acres, the local reviewing agency has 14 business days to complete those reviews. That applies to the Stormwater Pollution Plan (SWPP). A companion document (drainage plan) gets reviewed at the same time as the SWPPs. In terms of oversight and management, Mr. Walus stated that all MS4s get audited by IDEM every five years. One of the items in the audit is identifying the review times of the local review agency, so the auditor can check if the City is falling within the review time. Mr. Walus noted that there is an emergency provision in there, so if the local agency does not complete the review within 10 days, the developer has the option to submit the Notice of Intent to IDEM and then begin land disturbance 48 hours after that submittal. In terms of inspections as part of other aspects of the MS4 permit, all active construction sites in a municipality 5 acres or larger must be inspected by the local MS4 on-site construction inspections bi-annually. For construction sites less than 5 acres, every year the local MS4 must inspect 50% of those. Mr. Walus also noted that if an individual from the public were to submit a question or complaint that a construction site is discharging sediment into a drain, the MS4 permit for the city requires active investigation to be initiated within 48 hours (2 business days) of receiving the complaint.

GENERAL COMMENT – TIMELINE AND STATE REQUIREMENTS

Mr. Walus stated that there was a comment regarding the timeline for passage. In response to that, Mr. Walus stated they have identified to IDEM that they anticipate potential approval of the stormwater ordinance tonight at the Plan Commission, then have first reading at the second Council meeting in July, and second and third readings in August. There could be a workshop during that time with the Council as well. If that timeline is missed, Mr. Walus advised that IDEM could make a determination that the City is not in compliance with their approval schedule and issue a compliance schedule to

follow. Mr. Walus suggested moving forward tonight with the Commission's approval so they can go forward to the Council to finalize the process.

In closing, Mr. Walus stated that from a City team, he feels they are all on board and ready to go pending any final questions from the Plan Commission tonight.

Mr. York thanked Mr. Walus for all his help in doing this because it has been a long time coming. Mr. York added that he, along with Attorney Hale, went through the Zoning Code meticulously to not only make the references, but also clean up some language that makes it a stronger reference back to this ordinance so it cannot be misconstrued.

Attorney Hale mentioned that Mr. Walus has made a couple of presentations to the Plan Commission regarding this stormwater ordinance, although he pointed out that there are people from the public that may be hearing this for the first time. He asked Mr. Walus to remind everyone what precipitated the stormwater ordinance review and replacement with this new modernized ordinance.

In response to Attorney Hale, Mr. Walus explained that in December, 2021, IDEM issued updated general permit documents for the state which govern construction stormwater general permitting and local MS4 programs. It was a mandated update of the current state-wide permit with the mandate coming from the EPA for IDEM to update that permit process every five years. That permit was issued December, 2021 which took place in January 1, 2022. With all the new regulations and the construction stormwater general permit and MS4 general permit, IDEM recognized that all stormwater ordinances across the state would now be outdated. As part of this 5-year permit cycle, IDEM required/mandated all MS4 communities (cities and towns greater than 10,000 population) and counties with urbanized areas to update their stormwater ordinance. To facilitate that, Purdue University took a leading role and recognized that there will be 180 MS4 communities looking to update their ordinance, questioning how they were going to do that. To that effect, Purdue coordinated with county surveyors, civil engineers, consulting firms, and MS4 coordinators to produce a stormwater model ordinance, which Purdue LTAP program issued in early 2022 and adopted across the state. Mr. Walus stated that this was a mandated request from IDEM to review the stormwater permit. Moving forward, Mr. Walus stated that once every five years (once every new permit cycle) municipalities must modify their stormwater ordinance marginally to incorporate any latest items from IDEM. Mr. Walus stated that having the same ordinance language as adjacent communities not only helps the City have the most up to date language but it also helps developers know they will need to design to the same standards. He said it should make the review process more efficient, quicker, and end up with a better result across the board.

Attorney Hale stated that there have been many eyes on our ordinance, starting with the template that Purdue provided. He said Mr. Walus and others have looked at this, made revisions and improvements to it. Attorney Hale asked Mr. Walus to address that.

In response, Mr. Walus stated that when Purdue issued the model ordinance, there was clear language that it was a model ordinance and if a community wanted to adopt it, they must go through it line by line to make sure it applied to their community. There were certain sections that said the language was optional and certain sections that said the language was required to be compliant with IDEM. Mr. Walus stated that they started off with using the Sanitary District stormwater consultant to review it. They provided the consultant with the existing Michigan City ordinances to compare it. The consultant took the model ordinance and applied Michigan City's to it to make it consistent with current practice. Other staff at the Sanitary District worked with City Engineer Tim Werner, Attorney Hale and Skyler York from the planning/zoning point of view, and City Attorney Amber Lapaich for the legal point of view. He said in all, numerous City staff went through it to make sure it was tailored to Michigan City.

Attorney Hale advised that there are four documents that are the primary documents to be considered by the Plan Commission this evening; the first three are a unit and go together – a proposed ordinance with two exhibits (attached hereto and made a part of this record [1]); Exhibit A represents the technical new Stormwater Ordinance that will be in place if approved by the Common Council and Exhibit B are the changes to the Zoning and Subdivision Ordinances that are proposed to coordinate with the new Stormwater Ordinance. Attorney Hale called to mind that the Plan Commission does not enact the ordinance; it is enacted by the Common Council, as well as the exhibits. However, he advised that it is the duty of the Plan Commission to propose changes to the Zoning and Subdivision Ordinances. The Plan Commission should consider whether the Zoning and Subdivision Ordinances are sent onto the Common Council with a favorable or unfavorable recommendation. Attorney Hale advised that an appropriate motion sending this forward would be to send the ordinance, Exhibit A, and Exhibit B onto the Common Council with a favorable recommendation for their approval of a project and enactment of the ordinance. Attorney Hale explained that the fourth document is Resolution 2-2025 of the Plan Commission (attached hereto and made a part of this record [2]) which acts as a certification to the Common Council with a favorable recommendation. It provides the background information that supports the changes presented to the Plan Commission this evening. Attorney Hale suggested that an appropriate motion would be two motions with the first regarding the ordinance and two exhibits, and the second motion approving Plan Commission Resolution 2-2025 to send onto the Common Council.

The chair opened the hearing for public comment.

Scott Meland (in person) 200 Kenwood Place, Michigan City, Indiana, applauded Mr. Walus for his experience, knowledge, and hard work and he thanked him for joining the City and helping with these things. Mr. Meland also commented that as this update has been developed, it also cleaned up a lot of code and cross references in the building code, but as he understands it, he said it only applies to new facilities and infrastructure, not existing retention/detention ponds, devices, or facilities. He asked if he would be right in assuming this code does not make a distinction for existing works. He said the drainage

plan must be looked at as a unified system – all of it must work, not just part of it. Mr. Meland also questioned the 10 and 14 day reviews, asking if it is clear in the ordinance if it is business days or calendar days, stating that calendar days might not be enough time so he recommended it be business days. In closing, Mr. Meland agreed this needs to be done and said he feels this is a good plan.

Mr. York asked Mr. Walus to address Mr. Meland's comments about the pond. He stated that they have made people address some of the ponds by taking it upon themselves when they scraped the lots to make sure they were functional.

Mr. Walus talked about items concerning existing facilities. He said the Stormwater Ordinance includes the illicit discharge determination/elimination program. He gave an example of a large business with a huge parking lot having an adjacent stormwater detention pond. When the pond was built they may or may not have had a maintenance agreement that would be required now for maintaining that pond in perpetuity. However, if that pond had a mechanism to trap sediment to keep it from going into the storm sewer system and it is not functioning, the City has provisions in the current stormwater ordinance and the future one that states if the pond is discharging sediment of an excessive amount into the City's storm sewer system, the City can issue a notice of warning that indicates they must do whatever maintenance to that pond to get it back into a condition to not cause a violation. Secondly, he said some of it may have to do with actual flooding within the private property itself. If there was a big business center with parking and the detention basin is overgrown with weeds, trees, phragmites, it could cause the storage volume of the pond to be less than what it should be during major storms, causing it to back up and flood the parking lot. Mr. Walus said that is another way they can work with that business to do maintenance on those older sites to get them back in working order. Moving forward, Mr. Walus stated that there will be maintenance agreements in perpetuity that are recorded on the deed that goes to potential future business owners to maintain those. As part of the MS4 program they are also looking at the historical ponds around town and how the BMGs are working.

Regarding the comment about the specific language for the review time, Mr. Walus stated that it is worded as "before the end of the 10th and 14th working day" .

Mr. York added that it applies to expansion as well. If they expand and double the size of their parking lot there is more runoff, and a larger deeper pond is necessary, so that discharge is then reviewed again. Mr. York also pointed out that this document also allows the City to address this at the time of development and review, which is a process done internally. This gives the City a chance to let the developer know what is needed up front before they start building.

Mr. Walus commented that the existing building expansion was a good example because he was able to work with City Engineer Tim Werner on a recent project where there was an old detention basin that was filled in and decrepit. The new owner wanted to redo the building, so the condition to redoing the building was starting from scratch and fixing the

detention basin in the back. He said the Sanitary District is working proactively to try to get those done.

Commissioner Tejeda asked Mr. Walus if there was a system in place for inspecting and surveying the existing ponds.

Mr. Walus replied affirmatively, stating that they have GIS data about ponds around the city. The next iteration is now that they know where they are, they are working with their consultant to produce the most reasonable inspection format to look at those.

Commissioner de'Medici asked Mr. Walus if they have a list of the hotspots or hazardous material locations, and if they have a database where they periodically or regularly go back and reinspect those.

Mr. Walus replied affirmatively, stating that they have a historical list and they are looking to update it. He said there are two ways they do that. There is an industrial stormwater permit issued by IDEM. He said there are a small number of facilities within the City of Michigan City that have those industrial permits, although they are outside the jurisdiction of the local MS4 program. Mr. Walus said it is important to know what those chemicals are in case there is a spill so they know where to block off the storm sewer to mitigate any conveyance of pollutants into the city's storm sewers. Mr. Walus said they are also looking at the publicly available databases of industrial businesses in town, so they can map those as well. He said they have some historical data, but they are looking to improve upon that.

There were no further public comments; public comments were closed.

The chair entertained a motion on the Stormwater Ordinance with exhibits.

A motion was made by Commissioner Werner and seconded by Commissioner DePalma to send the new Stormwater Ordinance, along with Exhibit A and Exhibit B, onto the Common Council with a favorable recommendation. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Dabney, de'Medici, DePalma, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. With 8 in favor and 0 opposed, the MOTION CARRIED.

The chair entertained a motion on Resolution 2-2025.

A motion was made by Commissioner Klinder and seconded by Commissioner Werner approving Plan Commission Resolution 2-2025 and Certification to the Common Council with a favorable recommendation. The roll was called, and the vote taken: (Ayes) Commissioners Balling, Dabney, de'Medici, DePalma, Hoffman, Klinder, Tejeda, Werner – 8; (Nays) None – 0. With 8 in favor and 0 opposed, the MOTION CARRIED.

PUBLIC COMMENTS

(None)

COMMISSIONER COMMENTS / DIRECTOR'S COMMENTS

(None)

ADJOURNMENT

The chair entertained a motion to adjourn.

A motion to adjourn was made by Commissioner Werner – seconded by Commissioner Tejada and unanimously approved.

The chair declared the meeting adjourned at approximately 6:50 p.m.

ATTACHMENTS

- [1] Stormwater Ordinance, Exhibit A and Exhibit B
- [2] PC Resolution 2-2025 and Certification


Bruce de'Medici, President

ATTEST:


Fred Klinder, Secretary

ATTACHMENTS 1 – 2

**PLAN COMMISSION MINUTES
JUNE 24, 2025**

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. _____

**REPEALING, AMENDING, AND CREATING VARIOUS ARTICLES AND SECTIONS
IN THE MICHIGAN CITY MUNICIPAL CODE REGARDING STORMWATER AND
DRAINAGE**

WHEREAS, the Indiana Department of Environmental Management (IDEM) requires Indiana MS4 entities, such as counties, cities, and towns to update their existing local ordinances regarding stormwater and drainage; and

WHEREAS, the Michigan City Board of Sanitary Commissioners has studied the existing conditions, as well as the current state recommendations and has proposed a new stormwater and drainage ordinance, a copy of which is attached hereto and incorporated herein as **Exhibit A**, which was approved by the Michigan City Board of Sanitary Commissioners on January 22, 2025; and

WHEREAS, also, while in the process of reviewing the Michigan City Municipal Code ("Code") to draft the new stormwater and drainage ordinance, it was discovered that provisions for stormwater and drainage are randomly scattered through various chapters of the Code, including sections and articles within the City's Joint Zoning Ordinance and Subdivision Ordinance; and

WHEREAS, the need exists to recodify the City's stormwater and drainage ordinance in one (1) central location in the Code, more specifically in Chapter 46 under Article IX to be known as *Stormwater Management Regulations* and repeal all other articles and sections in the Code regarding stormwater and drainage, including repealing certain articles and sections in the City's Joint Zoning Ordinance and Subdivision Ordinance; and

WHEREAS, the Plan Commission of the City of Michigan City, Indiana (the "Plan Commission") has the responsibility, in accordance with Appendix B-*Subdivision Control* ("the Subdivision Code") and Appendix C-*Joint Zoning Ordinance* of the City of Michigan City Municipal Code ("the Zoning Code") and in accordance with Indiana Code 36-7-4-605, to act as an advisory board to the Common Council of the City of Michigan City concerning the Zoning Code and Subdivision Code of the City of Michigan City, Indiana; and

WHEREAS, the Plan Commission may, pursuant to Indiana Code 36-7-4-602(b), initiate a proposal to amend or partially repeal the text of the Zoning Code and Subdivision Code; and,

WHEREAS, the Plan Commission has reviewed and studied the recommendations provided by its own Planning Department staff and staff of the Michigan City Sanitary District; and

WHEREAS, as presented to the Plan Commission at its May 27, 2025 public meeting, and as approved by the Plan Commission at its June 24, 2025 public meeting, the following Article and Sections should be repealed:

Section 06.07 *Stormwater Management* and Section 06.08 *Soil Erosion* in the Michigan City Subdivision Ordinance, which is codified in the Michigan City Municipal Code as Appendix B *Subdivision Control*;

Article 20 *Stormwater Management* in the Michigan City Joint Zoning Ordinance, which is codified in the Michigan City Code as Appendix C *Joint Zoning Ordinance*; and

WHEREAS, also presented to the Plan Commission at its May 27, 2025 public meeting, and as approved by said Commission at its June 24, 2025 meeting, the Plan Commission made findings of fact approving **Exhibit A** and also the additional amendments to accurately reflect cross-references to the Appendix B *Subdivision Control and Condominium Division Standards* and Appendix C *Joint Zoning Ordinance* as contained in **Exhibit B** attached hereto and made a part hereof; and

WHEREAS, upon notice having been duly published and a public hearing held, the Plan Commission: made findings of fact approving a copy of which is in the offices of the Plan Commission and the Michigan City Clerk; approved and adopted Plan Commission Resolution No. 2-2025 with a favorable recommendation to the Common Council of the City of Michigan City, Indiana (the "Common Council") and recommended that the Common Council approve and adopt said amendments; and

WHEREAS, pursuant to Indiana Code 36-7-4-607, the Common Council has the authority and duty to consider, adopt, reject or amend changes to the Zoning Code and the Subdivision Code; and, as evidenced by Resolution 2-2025 of the Plan Commission filed with the Common Council together with the Exhibit to said Resolution, which is the entire text of the proposed amendment and which is incorporated into this Ordinance and made a part hereof; and

WHEREAS, upon notice having been duly published, the Common Council considered the repeal of the various sections and article of the Joint Code and Subdivision Code at the regular monthly meeting of the Common Council; and

WHEREAS, the Michigan City Common Council has reviewed the Certified Resolution 2-2025 of the Plan Commission of the City of Michigan City, Indiana, the Findings of Fact contained therein, and related information and has received and considered comments from the public regarding the proposed amendments and the changes and provisions contained in **Exhibit A** and **Exhibit B**; and

WHEREAS, the Common Council has determined that amending the City Code, Zoning Code, and the Subdivision Code to adopt and incorporate the amendments would be in the best interests of the entire City; and

WHEREAS, in addition, the Common Council reasonably believes it is in the best interest of the City to adopt the recommendations of the Michigan City Board of Sanitary Commissioners and the Michigan City Plan Commission and adopt a new stormwater and drainage ordinance and recodify the same into Chapter 46, Article IX to be known as *Stormwater Management Regulations*.

THEREFORE, BE IT ORDAINED by the Common Council for the City of Michigan City, Indiana as follows:

1. The following Articles and Sections in the Michigan City Municipal Code are hereby repealed:
 - a. Article XII in Chapter 22 entitled *MS4 Post-Construction Activity Stormwater Management Plan Program*;
 - b. Article XIII in Chapter 22 entitled *MS4 Construction Activity Erosion and Sediment Control Program*;
 - c. Sec. 50-143 entitled *Penalty for Violation of Article XII (Post-Construction Activity Stormwater Management Plan Program)* in Chapter 50; and
 - d. Sec. 50-144 entitled *Penalty for Violation of Article XIII (Construction Activity Erosion and Sediment Control Program)* in Chapter 50.
2. **Exhibit B**, which is attached hereto and incorporated herein, is hereby adopted, which reflects all the amendments to cross reference numbers in Appendix B *Subdivision Control and Condominium Division Standards* and Appendix C *Joint Zoning Ordinance*.
3. Article V entitled *MS4 Illicit Discharges and Connections Program* in Chapter 46 of the Michigan City Municipal Code is hereby repealed.
4. Article IX entitled *Stormwater Management Regulations* is hereby created in Chapter 46 and shall read as set forth in **Exhibit A**, which is attached hereto and incorporated herein.
5. Sec. 50-268 in Chapter 50 of the Michigan City Municipal Code is hereby amended to now read as follows:

Sec. 50-268. Fines for Violation of Stormwater Management Regulations

The fine required by Section 46-336(c) shall be not more than \$2,500.00 for each offense, plus costs, damages, and expenses.

This Ordinance shall be in full force and effect after passage by the Michigan City Common Council and approval by the Mayor and any necessary publication.

INTRODUCED BY: _____
Don Przybylinski, Member
Michigan City Common Council

Passed by the Common Council of the City of Michigan City, Indiana this _____ day of _____, 2025.

Tracie Tillman, President
Michigan City Common Council

Approved/Vetoed (*circle action taken*) by me, this _____ day of _____, 2025.

Angie Nelson Deutch, Mayor
Michigan City, Indiana

ATTEST:

Gale A. Neulieb, Clerk
City of Michigan City, Indiana

Prepared by Corporation Counsel Upon Request

EXHIBIT A

ARTICLE IX. STORMWATER MANAGEMENT REGULATIONS

Division 0 - General Provisions

Sec. 46-218 Preamble

Sec. 46-219 Conflicting ordinances

Sec. 46-220 Compliance with this article and other ordinances

Sec. 46-221 Definitions

*Sec. 46-222—Sec. 46-229. Reserved. **Division 1 - Illicit Discharge and Connection***

Sec. 46-230 Purpose/intent

Sec. 46-231 Applicability

Sec. 46-232 Responsibility for administration

Sec. 46-233 Severability

Sec. 46-234 Ultimate responsibility

Sec. 46-235 Discharge prohibitions

Sec. 46-236 Industrial or construction activity discharges

Sec. 46-237 Monitoring of discharges

Sec. 46-238 Requirement to prevent, control and reduce stormwater pollutants by the use of best management practices

Sec. 46-239 Watercourse protection

Sec. 46-240 Notification of spills

Sec. 46-241—Sec. 46-249. Reserved

Division 2 - Stormwater Quantity Management

Sec. 46-250 Purpose/Intent

Sec. 46-251 Applicability and Exemptions

Sec. 46-252 Responsibility for administration

Sec. 46-253 Severability

Sec. 46-254 Ultimate responsibility

Sec. 46-255 Policy on Stormwater Quantity Management

Sec. 46-256 Calculations and Design Standards and Specifications

Sec. 46-257 Drainage Easement Requirements

Sec. 46-258 Placement of Utilities

Sec. 46-259 Structures Near City Regulated Drains

Sec. 46-260 Inspection, Maintenance, Record Keeping, and Reporting

Sec. 46-261—Sec. 46-269. Reserved

Division 3 - Stormwater Pollution Prevention for Construction Sites

Sec. 46-270 Purpose/intent

Sec. 46-271 Applicability and Exemptions

Sec. 46-272 Responsibility for administration

Sec. 46-273 Severability

- Sec. 46-274 Ultimate responsibility
- Sec. 46-275 Policy on Stormwater Pollution Prevention
- Sec. 46-276 Calculations and Design Standards and Specifications
- Sec. 46-277 Inspection, Maintenance, Record Keeping, and Reporting
- Sec. 46-278-Sec. 46-289. Reserved

Division 4 - Stormwater Quality Management for Post-Construction

- Sec. 46-290 Purpose/intent
- Sec. 46-291 Applicability and Exemptions
- Sec. 46-292 Responsibility for administration
- Sec. 46-293 Severability
- Sec. 46-294 Ultimate responsibility
- Sec. 46-295 Policy on Stormwater Quality Management
- Sec. 46-296 Calculations and Design Standards and Specifications
- Sec. 46-297 Easement Requirements
- Sec. 46-298 Inspection, Maintenance, Record Keeping, and Reporting
- Sec. 46-299—Sec. 46-309. Reserved

Division 5 - Stormwater Permit Requirements and Procedures

- Sec. 46-310 Purpose/intent
- Sec. 46-311 Applicability and Exemptions
- Sec. 46-312 Responsibility for administration
- Sec. 46-313 Severability
- Sec. 46-314 Ultimate responsibility
- Sec. 46-315 Conceptual Drainage Plan Review
- Sec. 46-316 General Permit Procedures
- Sec. 46-317 Information Requirements
- Sec. 46-318 Review of Individual Lots
- Sec. 46-319 Changes to Plans
- Sec. 46-320 Fee Structure
- Sec. 46-321 Required Assurances
- Sec. 46-322 Terms and Conditions of Permits
- Sec. 46-323 Certification of As-Built Plans
- Sec. 46-324 Post-Project Maintenance Bond and Verifications
- Sec. 46-325—Sec. 46-329. Reserved.

Division 6 - Compliance and Enforcement

- Sec. 46-330 Purpose/intent
- Sec. 46-331 Applicability and Exemptions
- Sec. 46-332 Responsibility for administration
- Sec. 46-333 Severability

Sec. 46-334 Ultimate responsibility

Sec. 46-335 Compliance

Sec. 46-336 Enforcement and Penalties

Sec. 46-337 Cost of Abatement of the Violation

Sec. 46-338 Appeals

Division 0 - GENERAL PROVISIONS

Section 46-218. PREAMBLE.

- (a) The purpose of this Article is to provide for the health, safety, and general welfare of the citizens of Michigan City 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 City of Michigan City. This Article establishes methods for managing the quantity and quality of stormwater entering into the storm drain system. The objectives of this Article are:
 - (1) To reduce the hazard to public health and safety caused by excessive stormwater runoff.
 - (2) To regulate the contribution of pollutants to the storm drain system from construction site runoff.
 - (3) To regulate 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 Article.
- (b) This Article 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 corporate boundaries of Michigan City.
 - (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 Article.
 - (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.
 - (9) The design, construction, and maintenance of new dams.
 - (10) The development downstream of existing dams.
 - (11) Development within floodplains, floodways, fluvial erosion hazard corridors, and bluff zones.

This Article shall be known and may be cited as the Michigan City Stormwater Management Ordinance. Once adopted, this Article will supersede any conflicting ordinances previously adopted by Michigan City.

Section 46-219. CONFLICTING ORDINANCES.

The provisions of this Article shall be deemed as additional requirements to minimum standards required by other ordinances of Michigan City. In case of conflicting requirements, the most restrictive shall apply.

Section 46-220. COMPLIANCE WITH THIS ARTICLE AND OTHER ORDINANCES.

- (a) In addition to the requirements of this Article, compliance with the requirements of other applicable ordinances with respect to submission and approval of preliminary and final subdivision plats, improvements plans, building and zoning permits, construction,

inspections, appeals and similar matters and compliance with applicable State of Indiana statutes and regulations shall be required.

- (b) Subject to the applicability and exemptions noted throughout this Article, no drainage permit shall be issued for development within the city limits until the plans for construction, extension, remodeling, alteration or repair have been approved in writing by the Sanitary District of Michigan City. This process for obtaining a drainage permit is outlined in Section 46-310 through 46-324.

Section 46-221. DEFINITIONS.

For the purpose of this Article, 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 for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.

AUTHORIZED ENFORCEMENT AGENCY. Sanitary District of Michigan City.

BEST MANAGEMENT PRACTICES (BMPs). 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.

- (1) Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems.
- (2) **BMPs** also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

BOARD. The Sanitary District of Michigan City Board of Commissioners.

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.

CHANNEL. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It has a defined bed and banks which serve to confine the water.

CLEAN WATER ACT. The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

COMPLIANCE. The act of correcting a violation or violations within the time frame specified by Michigan City.

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. Refers to activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more, as defined in Indiana Department of Environmental Management (IDEM) Construction Stormwater General Permit (CSGP). Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

CONSTRUCTION SITE ACCESS. A stabilized stone surface at all points of ingress or egress to a project site, for the purpose of capturing and detaining sediment carried by tires of vehicles or other equipment entering or exiting the project site.

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 operator to perform services on the project site.

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

DEPARTMENT. The Sanitary District of Michigan City.

DETENTION. Managing stormwater runoff by temporary holding and controlled release.

DETENTION BASIN. 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.

DETENTION STORAGE. The temporary detaining of storage of stormwater in storage facilities, on rooftops, in streets, parking lots, school yards, parks, open spaces or other areas under predetermined and controlled conditions, with the rate of release regulated by appropriately installed devices.

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

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

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

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

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

DRAIN. A buried slotted or perforated pipe or other conduit (subsurface drain) or a ditch (open drain) for carrying off surplus groundwater or surface water.

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

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 1-2 ft. to as much as 75-100 ft.
- (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.
- (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 fairly uniform layer of soil from the land surface by runoff water.

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

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

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

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.

FLUVIAL EROSION HAZARD (FEH) CORRIDOR. Fluvial Erosion Hazard corridors represent the areas along the streams (including the channel and immediate overbanks areas) that are believed to be subject to stream movement or streambank erosion. These corridors have been delineated for most actively migrating and relatively stationary streams in Indiana through an Indiana Silver Jackets initiative.

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

HAZARDOUS MATERIALS. Any material, including any substance, waste or combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

HOT SPOT DEVELOPMENT. Projects involving land uses considered to be high pollutant producers such as vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

ILLEGAL DISCHARGE. Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 46-235 of this Article. Any discharge to a conveyance that is not composed entirely of stormwater except naturally occurring floatables, such as leaves or tree limbs. Illicit discharges include polluted flows from direct and indirect connections to the MS4 conveyance, illegal dumping, and contaminated runoff.

ILLICIT CONNECTIONS. Either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had

been previously allowed, permitted or approved by an authorized enforcement agency;
or,

- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

IMPERVIOUS SURFACE. Surfaces, such as pavement and rooftops, which prevent the infiltration of stormwater into the soil.

INDIVIDUAL BUILDING LOT. A single parcel of land within a multi-parcel development.

INDIVIDUAL LOT OWNER. A person who has financial control of construction activities for an individual lot.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits, as defined in IDEM Industrial Stormwater General Permit.

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

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 part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT. A permit issued by the Federal Environmental Protection Agency (EPA), or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

NATURAL DRAINAGE. The flow patterns of stormwater runoff over the land in its pre-development state.

NON-STORMWATER DISCHARGE. Any discharge to the storm drain system that is not composed entirely of stormwater.

OFFENSE. Both a violation and a failure of compliance on a particular project constitute an "offense." If there are multiple violations or multiple failures of compliance on the same project, each shall be considered a separate offense.

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

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

PERSON. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

POLLUTANT.

- (1) Anything which causes or contributes to pollution.
- (2) Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, ordinances and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that

result from constructing a building or structure; and noxious or offensive matter of any kind.

PREMISES. Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

PROJECT SITE OWNER. The person required to submit a stormwater permit application and required to comply with the terms of this Article, including a developer or a person who has financial and operational control of construction activities, and project plans and specifications, including the ability to make modifications to those plans and specifications.

REDEVELOPMENT. Development occurring on a previously developed site.

REGIONAL POND. A detention/retention basin sized to detain/retain the runoff from the entire watershed, on-site and off-site, tributary to the pond's outlet.

RELEASE RATE. The amount of stormwater release from a stormwater control facility per unit of time.

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

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

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.

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

SOIL AND WATER CONSERVATION DISTRICT (SWCD). A public organization created under state law as a special-purpose district to develop and carry out a program of soil, water, and related resource conservation, use, and development within its boundaries. A subdivision of state government with a local governing body, established under IC 14-32.

STORM DRAINAGE SYSTEM. Publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures. 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. Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORMWATER MANAGEMENT SYSTEM. A collection of structural and non-structural practices and infrastructure designed to manage stormwater on a site. This system may include but is not limited to erosion control measures, storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP). A plan developed to minimize the impact of stormwater pollutants resulting from construction activities. A document which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

STORMWATER QUALITY MANAGEMENT PLAN. A comprehensive written document that addresses stormwater runoff quality.

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

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.

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.

TRAINED INDIVIDUAL. An individual who is trained and experienced in the principles of stormwater quality, including erosion and sediment control as may be demonstrated by state registration, professional certification (such as CESSWI and/or CPESC certification), or other documented and applicable experience or coursework as deemed sufficient by Michigan City that enable the individual to make judgments regarding stormwater control or 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.

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

WASTEWATER. Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

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.

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

WATERSHED. The region drained by or contributing water to a specific point that could be along a stream, lake or other stormwater facility. Watersheds are often broken down into subareas for the purpose 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.

Sec. 46-222—Sec. 46-229. Reserved.

Division 1 - ILLICIT DISCHARGE AND CONNECTION

Section 46-230. PURPOSE/INTENT.

- (a) It is the intent of this Division to prohibit the connection of non-stormwater discharges to the stormwater system.
- (b) The purpose of this Division is to provide for the health, safety and general welfare of the citizens of the city through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.
- (c) This Division establishes methods for controlling the introduction of pollutants into the Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.
- (d) The objectives of this Division are:
 - (1) To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.
 - (2) To prohibit illicit connections and discharges to the municipal separate storm sewer system.
 - (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Division.

Section 46-231. APPLICABILITY.

This Division shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 46-232. RESPONSIBILITY FOR ADMINISTRATION.

The Department shall administer, implement and enforce the provisions of this Division.

Section 46-233. SEVERABILITY.

- (a) The provisions of this Division are hereby declared to be severable.
- (b) If any provision, clause, sentence or section of this Division or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Division.

Section 46-234. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Division are minimum standards; therefore, this Division does not intend, nor imply, that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 46-235. DISCHARGE PROHIBITIONS.

- (a) *Prohibition of illegal discharges.*
 - (1) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
 - (2) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except as described as follows.
 - a. The following discharges are exempt from discharge prohibitions established by this Division:
 - i. Water line and hydrant flushing for maintenance
 - ii. Irrigation water
 - iii. Footing, foundation, and crawl Space drains (uncontaminated)
 - iv. Excess storm sewer cleaning water not collected by a vacuum truck (uncontaminated)
 - v. Fire suppression activities
 - vi. Uncontaminated pumped groundwater
 - vii. Springs
 - viii. Residential car washing
 - ix. Non-commercial car washing by community organizations
 - x. External building washdown, without detergents
 - xi. Dechlorinated/debrominated residential swimming pool discharges
 - xii. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20))
 - xiii. Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
 - xiv. Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids
 - b. Discharges specified in writing by the Department as being necessary to protect public health and safety.

- c. Dye testing is an allowable discharge but requires a verbal notification to the Department prior to the time of the test.
- d. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the EPA; 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 approval has been granted for any discharge to the storm drain system.

(b) *Prohibition of illicit connections.*

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this Division if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 46-236. INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Department prior to the allowing of discharges to the MS4.

Section 46-237. MONITORING OF DISCHARGES.

- (a) *Applicability.* This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.
- (b) *Access to facilities.*
 - (1) The Department shall be permitted to enter and inspect facilities subject to regulation under this Division as often as may be necessary to determine compliance with this Division. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.
 - (2) Facility operators shall allow the Department ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
 - (3) The Department shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
 - (4) The Department has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
 - (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Department and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - (6) Unreasonable delays in allowing the Department access to a permitted facility is a violation of a stormwater discharge permit and of this Division. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Department reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Division.
 - (7) If the Department has been refused access to any part of the premises from which stormwater is discharged, and he or she is able to demonstrate probable cause to believe that there may be a violation of this Division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Division or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Department may seek a court order to access the premises.

Section 46-238. REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES.

The Department will establish requirements identifying best management practices (BMPs) for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system or waters of the United States. In addition to other requirements of this Ordinance, the owner or operator of a commercial or industrial establishment shall provide, at his, her or their own expense, protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with

industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Division. These BMPs shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Section 46-239. WATERCOURSE PROTECTION.

Every person owning property through which a watercourse passes, or such person's lessee that has assumed the responsibility for managing a property, shall keep and maintain that part of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee (as referenced above) shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse.

Section 46-240. NOTIFICATION OF SPILLS.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system or water of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Department in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Department within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 46-241—Sec. 46-249. Reserved.

Division 2 - STORMWATER QUANTITY MANAGEMENT

Section 46-250. PURPOSE/INTENT.

The purpose of this Division is to reduce the hazard to public health and safety caused by excessive stormwater runoff and to establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Division.

Section 46-251. APPLICABILITY AND EXEMPTIONS.

The storage and controlled release of excess stormwater runoff shall be required for all new business, institutional developments, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within Michigan City that would disturb 10,000 square feet or more of land area. Exempt from the requirements of this Division shall be agricultural land-disturbing activities associated with normal farming operations. Additional potential exemptions regarding the detention requirements are provided under Section 46-255.

Section 46-252. RESPONSIBILITY FOR ADMINISTRATION.

The Department shall administer, implement and enforce the provisions of this Division.

Section 46-253. SEVERABILITY.

- (a) The provisions of this Division are hereby declared to be severable.
- (b) If any provision, clause, sentence or division of this Division or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Division.

Section 46-254. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Division are minimum standards; therefore, this Division does not intend, nor imply, that compliance by any person will ensure that there will not be a violation of any state or federal permits.

Section 46-255. POLICY ON STORMWATER QUANTITY MANAGEMENT.

- (a) It is recognized that most streams and drainage channels serving Michigan City do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, the storage and controlled release of excess stormwater runoff as well as compensation for loss of floodplain storage shall be required for all developments and redevelopments located within Michigan City. Release rate requirements, downstream restriction considerations, acceptable outlet, adjoining property impact considerations, policy on dams and levees, policy on Fluvial Erosion Hazard corridors, and compensatory floodplain storage rates are detailed in the Michigan City Stormwater Technical Standards.
- (b) Due to unknowns regarding the future development patterns and the associated proposed stormwater quantity management systems within a watershed, it is the policy of the Department 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 (not a “beat the peak” analysis) adopted by the Department 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 Division may be waived. Other special circumstances when such a waiver may be considered by Department 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.

Section 46-256. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the design criteria, standards, and specifications outlined in the Michigan City Stormwater Technical Standards Manual, a copy of which is on file in the Michigan City Clerk's Office. The methods and procedures in the Stormwater Technical Standards Manual are consistent with the policy stated above.

Section 46-257. DRAINAGE EASEMENT REQUIREMENTS.

- (a) All stormwater systems, including detention or retention basins, conveyance systems, structures and appurtenances, located outside of the right-of-way shall be placed within a drainage easement. There shall be no trees or shrubs planted, nor any structures or fences erected in any drainage easement, unless otherwise accepted by the Department. Additional easement requirements along stormwater conveyance systems are contained in the Michigan City Stormwater Technical Standards Manual. All drainage improvements performed relative to the conveyance of stormwater runoff and the perpetual maintenance thereof, within the latter easements, shall be the responsibility of the owner or homeowner association.
- (b) Any outlet to, crossing, and/or encroachment of a City Regulated Drainage Easement requires application and acceptance from the Sanitary District Board of Commissioners in accordance with the "Indiana Drainage Code."

Section 46-258. PLACEMENT OF UTILITIES.

No utility company may disturb existing storm drainage facilities without the consent of the Department, whose decision may be appealed to the Sanitary District Board of Commissioners. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in Section 46-336.

Section 46-259. STRUCTURES NEAR CITY REGULATED DRAINS.

For regulated drains, no permanent structure (including fences) shall be erected within seventy-five feet measured at right angles from a) the existing top of bank of a regulated open drain, as determined by the Sanitary District Board; or b) the center line of a piped Regulated Drain. The Indiana Drainage Code may be consulted for further details.

Section 46-260. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

- (a) After the approval of the Stormwater Management Permit by the Department and the commencement of construction activities, the Department has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Division, the Stormwater Technical Standards Manual, Design and Construction Standards, and the terms and conditions of the approved permit.
- (b) The Department also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity facilities. The inspection will cover physical conditions, available storage capacity, and the operational condition of key facility elements. Stormwater quantity facilities shall be maintained in good condition, in accordance with the designed and approved performance specifications for the facilities, in addition to any prescribed Operation & Maintenance procedures, and shall not be subsequently altered, revised or replaced except as approved by the Department. If deficiencies are found during the inspection, the owner of the facility will be notified by the Department and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Department will undertake the work and collect from the owner 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.

Division 3 - STORMWATER POLLUTION PREVENTION FOR CONSTRUCTION SITES

Section 46-270. PURPOSE/INTENT.

The purpose of this Division is to regulate the contribution of pollutants to the storm drain system from construction site runoff and to establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Division.

Section 46-271. APPLICABILITY AND EXEMPTIONS.

- (a) The Department will require a Stormwater Pollution Prevention Plan (SWPPP), which includes erosion and sediment control measures and materials handling procedures, to be submitted as part of a project's construction plans and specifications. Any project located within the corporate boundaries of Michigan City that includes clearing, grading, excavation or other land disturbing activities resulting in the disturbance of 10,000 square feet or more of total land area is subject to the requirements of this Division. This includes both new development and re-development. This Division also applies to disturbances of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 10,000 square feet or more of total land area. Section 46-276 provides guidelines for calculating land disturbance. Projects meeting the coverage requirements of IDEM's CSGP shall also be in compliance with the requirements contained in that permit.
- (b) The requirements under this Division do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion and sediment control measures:
 - (1) Landfills that have been issued a certification of closure under 329 IAC 10.
 - (2) Coal mining activities permitted under IC 14-34.
 - (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
- (c) For an individual lot where land disturbance is expected to be one (1) acre or more, the individual lot owner must complete their own notice of intent letter, apply for a stormwater permit from the Department, and ensure that a sufficient construction and stormwater pollution prevention plan is completed and submitted in accordance with Section 46-317, regardless of whether the individual lot is part of a larger permitted project site. For an individual lot where land disturbance is 10,000 square feet or more but less than one (1) acre, an Individual Lot Plot Plan Permit application is required prior to receiving a building permit. Details of the permitting process are contained in Section 46-318.
- (d) 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 conditions of the stormwater permit approved for the larger project site. The stormwater permit application for the larger project site must include detailed erosion and sediment control measures for individual lots. In addition, the builders of these individual lots are required to submit an Individual Lot Plot Plan Permit application along with an erosion and sediment control plan for that individual lot prior to receiving a building permit and complete a Construction Stormwater Residential Development Registration form (State Form 53049) and maintain it onsite. A copy of this form is included in the Michigan City Stormwater Technical Standards Manual. Details of the permitting process for individual lots and parcels are contained in Section 46-318 and additional requirements for individual lots may be found in the Michigan City Stormwater Technical Standards Manual.
- (e) It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Department in accordance with Section 46-310 through Section 46-324. It will be the

responsibility of the project site owner to ensure compliance with this Division during the construction activity and implementation of the construction plan, and to notify the Department upon completion of the project and stabilization of the site, requesting a termination inspection to be performed by the Department. 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 Division.

- (f) Also exempt from the requirements of this Division shall be agricultural land-disturbing activities associated with normal farming operations.

Section 46-272. RESPONSIBILITY FOR ADMINISTRATION.

The Department shall administer, implement and enforce the provisions of this Division.

Section 46-273. SEVERABILITY.

- (a) The provisions of this Division are hereby declared to be severable.
- (b) If any provision, clause, sentence or section of this Division or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Division.

Section 46-274. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Division are minimum standards; therefore, this Division does not intend, nor imply, that compliance by any person will ensure that there will not be a violation of any state or federal permits.

Section 46-275. POLICY ON STORMWATER POLLUTION PREVENTION.

- (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) For land disturbance of one (1) acre or more, the developer must submit to the Department, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three (3) years from the date the project permit is terminated. For land disturbances totaling 10,000 square feet or more but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the Michigan City Stormwater Technical Standards Manual are recommended to be designed and shown on the plans.
- (c) The required IDEM general and implementation requirements that apply to all land-disturbing activities are contained in the Michigan City Stormwater Technical Standards Manual.

Section 46-276. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

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

- (a) When the activity is under the control of the project site owner, off-site construction activities that provide services (for example, road extensions, sewer, water, offsite stockpiles, 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.
- (b) To determine if multi-lot project sites are regulated by this Division, 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:
 - (1) For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land disturbance must be used as the expected lot disturbance.
 - (2) For a single-family residential project site where the lots are less than one half (0.5) acre in size, the total lot must be calculated as being disturbed.
 - (3) To calculate lot disturbance on all other types of project sites, such as industrial and commercial projects project sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one (1) acre in size, in which case the total lot must be calculated as being disturbed.
- (c) 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, the Michigan City Stormwater Technical Standards Manual, and the product guidance/specifications of the manufacturer. The methods and procedures included in these three references are in keeping with the above-stated policy and meet the requirements of the IDEM's CSGP. A Copy of the Indiana Stormwater Quality Manual may be obtained online through IDEM.
- (d) The design requirements that would apply to all land-disturbing activities and shall be considered in the selection, design, and implementation of all stormwater quality and management measures contained in the SWPPP are contained in the Michigan City Stormwater Technical Standards Manual.

Section 46-277. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

- (a) Following approval of the Stormwater Management Permit or Individual Lot Plot Plan Permit by the Department and commencement of construction activities, the Department has the authority to conduct inspections of the site to ensure full compliance with the provisions of this Division, the approved Stormwater Pollution Prevention Plan, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.
- (b) A self-monitoring program (SMP) must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A trained individual, acceptable to the Department, shall monitor and manage project construction and stormwater activities. Details regarding the required monitoring activities are contained in the Michigan City Stormwater Technical Standards Manual.
- (c) The stormwater pollution prevention plan shall serve as a guideline for stormwater quality but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this Division, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the trained individual for modified stormwater quality measures should be implemented.

- (d) A project management log must be maintained at the project site or in the possession of on-site individuals associated with the management and operations of the construction activities. Details regarding requirements related to the project management log are contained in the Michigan City Stormwater Technical Standards Manual.

Division 4 - STORMWATER QUALITY MANAGEMENT FOR POST-CONSTRUCTION

Section 46-290. PURPOSE/INTENT.

The purpose of this Division is to regulate the contribution of pollutants to the storm drain system from post-construction runoff from new development and re-development and to establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Division.

Section 46-291. APPLICABILITY AND EXEMPTIONS.

- (a) In addition to the requirements noted in Section 46-270 through Section 46-277, the stormwater pollution prevention plan, which is to be submitted to the Department as part of the Stormwater Management Permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously treat stormwater runoff from the stabilized site. Any project located within the corporate boundaries of Michigan City that includes clearing, grading, excavation, and other land disturbing activities resulting in the disturbance of 1 acre or more of total land area is subject to the requirements of this Division. This includes both new development and re-development, and disturbances of land less than 1 acre of total land area that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb 1 acre or more of total land area. In addition, regardless of the amount of disturbance, the Department reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance with provisions contained in the Michigan City Stormwater Technical Standards Manual.
- (b) The requirements under this Division do not apply to construction activities associated with a single-family residential dwelling disturbing less than one (1) acre, when the dwelling is not part of a larger common plan of development or sale; or individual building lots within a larger permitted project.
- (c) The requirements under this Division do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:
 - (1) Landfills that have been issued a certification of closure under 329 IAC 10.
 - (2) Coal mining activities permitted under IC 14-34.
 - (3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
- (d) It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the Department in accordance with Section 46-310 through Section 46-324. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs (especially, the protection of post-stormwater BMPs during construction phase) in compliance with this Division and with the approved Stormwater Management Permit, notify the Department upon completion of the project and stabilization of the site, and request a termination inspection to be performed by the Department. However, all record title holders or persons otherwise in ownership of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this Division.

- (e) Also exempt from the requirements of this Division shall be agricultural land-disturbing activities associated with normal farming operations.

Section 46-292. RESPONSIBILITY FOR ADMINISTRATION.

The Department shall administer, implement and enforce the provisions of this Division.

Section 46-293. SEVERABILITY.

- (a) The provisions of this Division are hereby declared to be severable.
- (b) If any provision, clause, sentence or section of this Division or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Division.

Section 46-294. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Division are minimum standards; therefore, this Division does not intend, nor imply, that compliance by any person will ensure that there will not be a violation of any state or federal permits.

Section 46-295. POLICY ON STORMWATER QUALITY MANAGEMENT.

- (a) It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues within the corporate boundaries of Michigan City, measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers. Through the use of appropriate BMPs to treat the Water Quality Volume (WQv) or the Water Quality Flow (Qwq), stormwater runoff will be filtered and harmful amounts of sediment, nutrients, and contaminants will be removed.
- (b) It is also recognized that another major source of pollution in many Indiana streams, including those within the corporate boundaries of Michigan City, is the streambank erosion associated with urbanizing watersheds. Stream channels develop their shape in response to the volume and rate of runoff that they receive from their contributing watersheds. Research has shown that in hydrologically stable watersheds, the stream flow responsible for most of the shaping of the channel (called the bankfull flow) occurs between every one to two years. When land is developed, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continues within the corporate boundaries of Michigan City, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate Best Management Practices (BMPs) to retain and/or detain and slowly release the Channel Protection Volume (CPv), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.
- (c) The project site owner must submit to the Department a Stormwater Pollution Prevention Plan (SWPPP) that shows placement of appropriate BMP(s) from a pre-approved list of BMP's specified in the Michigan City Stormwater Technical Standards Manual. The SWPPP submittal shall include an Operation and Maintenance Manual for all post-construction BMP(s) included in the project and a notarized Maintenance Agreement, consistent with the sample agreement provided in the Michigan City Stormwater Technical Standards Manual, providing for the long-term maintenance of those BMPs, both of which shall be recorded with the deed for the property on which the project is located. The noted BMP(s) must be designed, constructed, and maintained according to guidelines provided or referenced in the Michigan City 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 and ease of maintenance of such practices will be according to guidelines provided in the Michigan City Stormwater Technical Standards Manual, would be placed with the applicant. Details regarding the procedures and criteria for consideration of acceptance of such BMP's are provided in the Michigan City Stormwater Technical Standards Manual.
- (d) Gasoline outlets and refueling areas must install appropriate practices (as noted under "Hot Spots" provision in the Technical Standards) to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.
- (e) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.

Section 46-296. CALCULATIONS AND DESIGN STANDARDS AND SPECIFICATIONS.

- (a) Calculation of land disturbance should follow the guidelines discussed in Section 46-276.
- (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 Michigan City Stormwater Technical Standards Manual. The methods and procedures included in the referenced Standards are in keeping with the above stated policy and meet or exceed the requirements of IDEM's MS4GP.

Section 46-297. 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. For the purposes of monitoring, inspection, and general maintenance activities, adequate easement width, as detailed in the Michigan City Stormwater Technical Standards Manual, beyond the actual footprint of the stormwater quality management facility as well as an access easement from a public right-of-way to each BMP shall be provided.

Section 46-298. INSPECTION, MAINTENANCE, RECORD KEEPING, AND REPORTING.

- (a) After the approval of the Stormwater Management Permit by the Department and the commencement of construction activities, the Department has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this Division, the approved Stormwater Pollution Prevention Plan, the Michigan City Stormwater Technical Standards Manual, and the terms and conditions of the approved permit.
- (b) Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Michigan City Stormwater Technical Standards Manual, in addition to the designed and approved performance specifications for the facilities and shall not be subsequently altered, revised, or replaced except as approved by the Department.
- (c) Details regarding the required stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and a Maintenance Escrow account and their transfer to other parties or subsequent owners prior to release of the maintenance bond discussed in Section 46-324 is provided in the Michigan City Stormwater Technical Standards Manual.
- (d) The Department also has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quality facilities. The inspection will cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and required corrective action will be included in an inspection report.

Division 5 - STORMWATER PERMIT REQUIREMENTS AND PROCEDURES

Section 46-310. PURPOSE/INTENT.

The purpose of this Division is to specify the requirements and procedures for applying for and securing a stormwater permit from the Department for activities associated with new development and redevelopment within Michigan City and its extraterritorial areas.

Section 46-311. APPLICABILITY AND EXEMPTIONS.

The requirements in this Division applies to all development, or re-development of land, that results in land disturbance of one (1) acre or more. Individual lots with land disturbance less than one (1) acre shall refer to Section 46-318 for plan review requirements and procedures. Agricultural land-disturbing activities associated with normal farming operations shall be exempt from the requirements of this Division.

Section 46-312. RESPONSIBILITY FOR ADMINISTRATION.

The Department shall administer, implement and enforce the provisions of this Division.

Section 46-313. SEVERABILITY.

- (a) The provisions of this Division are hereby declared to be severable.
- (b) If any provision, clause, sentence or section of this Division or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Division.

Section 46-314. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Division are minimum standards; therefore, this Division does not intend, nor imply, that compliance by any person will ensure that there will not be a violation of any state or federal permits.

Section 46-315. CONCEPTUAL DRAINAGE PLAN REVIEW.

- (a) In order to gain an understanding of the drainage requirements for a specific project, a developer may submit conceptual drainage plans and calculations for review by the Department. The direction provided by the Department during such a review is based on preliminary data and shall not be construed as an acceptance or binding on either party. The following is a general listing of minimum data requirements for the review of conceptual drainage plans:
- (1) Two (2) complete sets of conceptual plans showing general project layout, including existing and proposed drainage systems (plan sheets must be larger than 11" by 17", but not to exceed 24" by 36").
 - (2) General description of the existing and proposed drainage systems in narrative form.
 - (3) Map showing on-site 100-year floodplain and floodway (please note if none exists).
 - (4) Map showing all wetlands, lakes, and ponds on or adjacent to the site.
 - (5) Watershed Boundaries with State LiDAR Contours or best information possible. All contours shall be provided on the North American Vertical Datum of 1988 (NAVD '88).
 - (6) Two (2) copies of drainage calculations detailing existing and proposed discharges from the site.
 - (7) Existing watercourse or regulated drains.

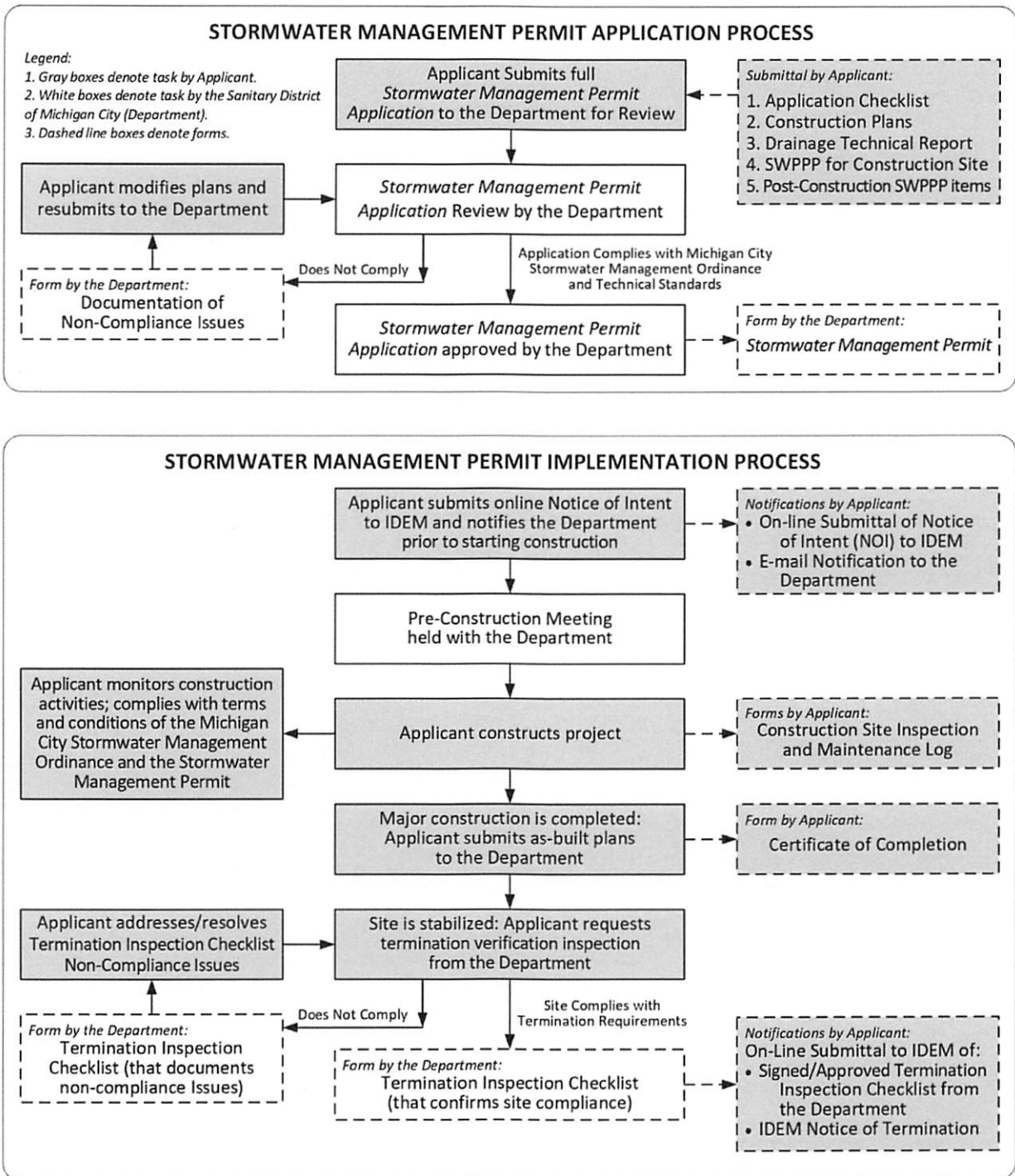
Section 46-316. GENERAL PERMIT PROCEDURES.

- (a) The project site owner shall submit an application for a Stormwater Management Permit to the Department. The application will include a completed application checklist, construction plan sheets, a stormwater drainage technical report, a stormwater pollution prevention plan, a BMP Operation and Maintenance Manual, a formal recorded BMP Maintenance Agreement, and any other necessary support information. Specific information to be included in the application can be found in Section 46-317. One (1) copy of each application must be submitted to the Department. The Department may, at its discretion, require one or more copies be submitted to other entities deemed appropriate by the Department. Additionally, a digital copy of the construction plans is required in a format accepted by the Department.
- (b) After the Department's receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, it will be reviewed in detail by the Department and/or its plan review consultant(s).
- (c) Pursuant to IC 13-18-27, an MS4-designated entity or other review authority such as SWCD (if applicable) must make a preliminary determination as to whether the construction plan associated with SWPPP is substantially complete before the end of the tenth (10th) working day (for sites with less than 5 acres of land disturbance) after the day on which the SWPPP is submitted to the review authority or the fourteenth (14th) working day (for sites with 5 acres or larger of land disturbance) after the day on which the SWPPP is submitted to the review authority. Note these time limits only apply to the SWPPP portion of the overall stormwater permit submittal and does not affect any official or non-official permit review timelines set by the entity for other aspects of the stormwater permit application.
- (d) Once all comments from all reviewers have been received and review completed, the Department will either approve the project, request modifications, or deny the project. If the applicant does not agree with or accept the review findings and wishes to seek an appeal, the Department will place the project on the agenda of the next regularly scheduled meeting of the Sanitary District of Michigan City Board of Commissioners, provided the agenda for the meeting has not yet been advertised or published. If time for notification does not allow, the project shall be placed on the following regularly scheduled meeting of the Board. If the project must go through a scheduled meeting, the Department 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, the Department will either issue a permit, request modifications to the construction plans, or deny the project.

- (e) The project site owner must notify the Department and IDEM before beginning construction. Notification to the Department shall be in the form of an email while the notification to IDEM shall be in the form of an online IDEM NOI submittal. Once a permit has been issued and the pending construction notifications submitted to the Department and IDEM before the beginning of construction, construction may commence 48 hours after the NOI is submitted to IDEM. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this Division and the terms and conditions of the approved permit. Upon completion of construction activities, a Certification of Completion and Compliance and as-built plans must be submitted to the Department.
- (f) Once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed, a notification shall be sent to the Department, requesting a termination inspection. The Department, or its representative, shall inspect the construction site to verify that the completed project is fully stabilized and meets the requirements of Division and the Michigan City Technical Standards and that the terms and conditions of the permit. Once the applicant receives a signed copy of the Termination Inspection Checklist confirming compliance, they must file the IDEM-required NOT along with a copy of the “verified” Termination Inspection Checklist through IDEM’s online portal. Permits issued by the Department under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, an updated permit application must be submitted to the Department and an updated NOI must be resubmitted to IDEM at least 90 days prior to expiration.
- (g) Figure 1 is a flowchart summarizing the plan review/permit approval/project termination compliance process for land disturbance of one (1) acre or more.

Figure 1: Stormwater Permit Approval and Project Termination Sign-Off Process



Section 46-317. INFORMATION REQUIREMENTS.

- (a) The different elements of a permit submittal include an application checklist, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, a BMP Operation and Maintenance Manual, a formal recorded BMP Maintenance Agreement, and any other necessary supporting information. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed surveyor, registered in the State of Indiana who also meets the definition of a Trained Individual found in Section 46-221.
- (1) Application Checklist: As part of the Michigan City Stormwater Management Permit application package, the application checklist provided in the Michigan City Stormwater Technical Standards Manual must be completed by the applicant and provided along with other required supporting material.
 - (2) Construction Plans: Construction plan sheets (larger than 11" by 17", but not to exceed 24" by 36" in size) and an accompanying narrative report shall describe and depict the existing and proposed conditions. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. Construction plans must include items listed in the application checklist provided in the Michigan City Stormwater Technical Standards Manual.
 - (3) Stormwater Drainage Technical Report: A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the application checklist provided in the Michigan City Stormwater Technical Standards Manual.
 - (4) Stormwater Pollution Prevention Plan for Construction Sites: For sites with total disturbance of one (1) acre or more, a stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of this Division. The SWPPP and construction plans must include the items listed in the application checklist provided in the Michigan City Stormwater Technical Standards Manual. For land disturbances totaling 10,000 square feet or more of land area but less than one (1) acre, appropriate erosion and sediment control measures that are consistent with the Michigan City Technical Standards are recommended to be designed and shown on the plans.
 - (5) Post-Construction Stormwater Pollution Prevention Plan: For sites with total land disturbance of one (1) acre or more of total land area, a post-construction stormwater pollution prevention plan must be designed to, at least, meet the requirements of this Division and must include the information provided in the Michigan City Stormwater Technical Standards Manual. The post-construction stormwater pollution prevention plan must include items listed in the application checklist provided in the Michigan City Stormwater Technical Standards Manual.
- (b) Specific projects or activities may be exempt from all or part of the informational requirements listed in Section 46-317. If based on the applicability and exemptions noted in Section 46-251, Section 46-271, or Section 46-291, the applicant believes that a project or activity is exempt from some or all requirements noted in Section 46-317, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed

in Section 46-317. This level of detailed information is not required from individual lots, disturbing less than 1 acre of land, developed within a larger permitted project site. Review and acceptance of such lots is covered under Section 46-318.

Section 46-318. REVIEW OF INDIVIDUAL LOTS.

- (a) For all individual lots disturbing 10,000 square feet or more but less than one (1) acre, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. Similarly, for individual lots disturbing less than 10,000 square feet of total land area, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Division must be implemented in accordance with permitted plan for the larger project.
- (b) The following information must be submitted to the Department, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Individual Lot Plot Plan Permit that must be obtained prior to the issuance of a building permit.
 - (1) A site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
 - (2) Erosion and sediment control plan that, at a minimum, includes the following measures:
 - a. Installation and maintenance of a stable construction site access.
 - b. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
 - c. Minimization of sediment discharge and tracking from the lot.

- d. 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.
 - e. Implementation of concrete or cementitious wash water practices that securely contain and allow for the proper disposal of concrete or cementitious wash water.
 - f. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
 - g. Self-monitoring program including plan and procedures.
- (3) Certification of Compliance stating that the individual lot plan is consistent with the Stormwater Management Permit, as approved by the Department, for the larger project (if the individual lot is part of a larger permitted project). In addition, the builders of the individual lots that are part of a larger permitted project are required to complete a Construction Stormwater Residential Development Registration form (State Form 53049) and maintain it onsite. A copy of this form is included in the Michigan City Stormwater Technical Standards Manual.
 - (4) 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.
- (c) The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.
 - (d) Detailed requirements regarding the individual lot plans and the associated permit are contained in the Michigan City Stormwater Technical Standards Manual.

Section 46-319. 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 Department prior to the land development involving the change. Copies of the changes, if accepted, shall be attached to the original plans and specifications.

Section 46-320. FEE STRUCTURE.

- (a) As a condition of the submittal and the review of development plans by the Department, the applicant shall agree to pay the Department the applicable fee, as set by the Department with respect to the review of all drainage submittals, preliminary plans, final plans, construction plans and accompanying information and data, as well as prepaid inspection fees.
- (b) Time of Payment: Prior to acceptance of the applicant's final stormwater management plan, the Department will furnish a written statement to the applicant specifying the total amount due the Department 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.
 - (1) As a condition of acceptance of final drainage plans by the Department, applicant shall pay to the Department the sum set forth in said statement. The Department 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.
 - (2) The Department shall have the right to not accept the drainage improvements or to not approve the advancement of any project for which the applicable fees have not been paid.

- (c) Method of Payment: Fees shall be paid by personal check, certified check, cashier's check, or money order. All checks shall be made payable to: Sanitary District of Michigan City.
- (d) Refund of Payment: Fees are refundable **only** if the Department determines that compliance by the development or project with this Division is not necessary.
- (e) Fee Schedule: Stormwater Permit Application and Inspection Fees will be in accordance with the fee schedule set by the Department as a separate resolution.

Section 46-321. REQUIRED ASSURANCES.

This Division shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to Michigan City or retained privately. As a condition of approval and issuance of the permit, the Department shall require the applicant to provide assurance in form of an irrevocable letter of credit or a bond when the stormwater management plan has been accepted and before construction begins. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The assurance shall be for an amount equal to 125 percent of the total costs of all stormwater management measures for the entire project. The above-mentioned costs shall be based on an estimate as prepared by a registered engineer or land surveyor. Said costs shall be for the installation and ongoing monitoring and maintenance of erosion control measures and the construction and ongoing monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMP's, as regulated under this Division, until the construction is completed, the site is stabilized, and as-built plans are accepted by the Department. Assurances shall be for a minimum of \$5,000. All other performance bonds, maintenance bonds or other assurances required by the Department in accordance with any and all other ordinances shall also apply and so be required. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to assure that adequate stormwater pollution prevention measures are properly installed and maintained. If adequate assurances are set aside by the project site owner for the overall project, proof of total assurance can be submitted in place of an individual stormwater assurance.

Section 46-322. TERMS AND CONDITIONS OF PERMITS.

- (a) In granting a Stormwater Management Permit, the Department may impose such terms and conditions as are reasonably necessary to meet the purposes of this Division. The project site owner shall ensure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in Section 46-330 through Section 46-338.
- (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 of the Stormwater Management Permit and the schedule for proposed implementation.
- (c) It is the intent of this Ordinance to direct the community's physical growth away from sensitive areas and towards areas that can support it without compromising water quality. In the event that a project site is determined to impact or discharge to a Sensitive Area or is located in an Impact Drainage Area, the Department may require more stringent stormwater quantity and quality measures than detailed in this Division or in the *Indiana Stormwater Quality Manual*.
- (d) Determination of Sensitive Areas: Sensitive Areas include highly erodible soils, wetlands, karst areas, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards and registered with US EPA as required by the IDEM. 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 (USACE). The need for the applicant to check for the

presence of threatened or endangered species habitat will be determined on a case-by-case basis. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the Stormwater Management Permit.

(e) Determination of Impact Drainage Areas:

- (1) The following areas shall be designated by default as Impact Drainage Areas unless good reason for not including them is presented to the Department.
 - a. A floodway or floodplain as designated by the most updated FEMA Code dealing with floodplain regulation and/or by the Best Available Data through IDNR Division of Water.
 - b. Land within 25 feet of each bank of any ditch within Michigan City's system.
 - c. Land within 15 feet of the centerline of any stormwater infrastructure or enclosed conduit within the Michigan City's system.
 - d. Land within 75 feet of each bank of a city open regulated drain.
 - e. Land within 50 feet of a natural drainageway.
 - f. Land within 75 feet of the centerline of any tiled regulated drain.
 - g. Land within the Fluvial Erosion Hazard (FEH) corridor.
 - h. Land within the expected breach inundation zone of an existing or proposed new dam, and areas protected from flooding by a levee.
- (2) The Department is authorized, but is not required, to classify certain geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Department may consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility.
- (3) 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 Department. Special terms and conditions for development within any Impact Drainage Area shall be included in the Stormwater Management Permit.

- (f) Determination of Designated Drainage Areas Served by Regional Facilities: The Department is authorized, but is not required, to classify certain geographical areas as Designated Drainage Areas that are or will be served by regional facilities, such as a regional pond. In such cases, an Infrastructure Development Fee (IDF) rate may be established for the Designated Drainage Area. The basis for determining such a fee for a proposed development or re-development within a Designated Drainage Area will be as detailed in the Michigan City Stormwater Technical Standards Manual.

Section 46-323. CERTIFICATION OF AS-BUILT PLANS.

- (a) This Division shall apply to all projects whether the stormwater management system or portions thereof will be dedicated to the Department or retained privately. After completion of construction of the project and before the release of required performance assurances referenced in Section 46-321, a professionally prepared and certified 'as-built' set of plans (record drawings) shall be submitted to the Department for review. These as-built plans/record drawings must be prepared and certified by the Engineer of Record, i.e., the company/engineer who originally prepared the construction plans. Additionally, a digital copy of the 'as-built' plans (record drawings) as well as finalized digital versions of all analyses, models, manuals, and reports that are consistent with the as-built conditions is required in a format acceptable to the Department. 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) Elevation of the emergency overflow (spillway) for ponds.
- (5) Grades along the emergency flood routing path(s).
- (6) Pipe structure lengths.
- (7) As-Built values of all proposed elevations, lengths, sizes, etc. above or next to any superseded values shown as strikethrough.
- (8) BMP types, dimensions, and boundaries/easements.
- (9) “As-planted” plans for BMP’s, as applicable.
- (10) Data and calculations showing detention basin storage volume.
- (11) Data and calculations showing BMP treatment capacity.
- (12) 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 Department. (See certificate in the Stormwater Technical Standards Manual.)

Section 46-324. POST-PROJECT MAINTENANCE BOND AND VERIFICATIONS.

- (a) In addition to as-built plans and the certification of completion and compliance, following the release of performance assurances, the property owner, developer, or contractor shall be required to file a two-year maintenance bond or other acceptable guarantee with the Department in an amount not to exceed twenty five percent (25%) of the cost of the stormwater management system located outside the public road rights-of-way, and in a form satisfactory to the Department 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 Division and that any off-site drainage problems that may arise, whether upstream or downstream of such project, will be corrected if such drainage problems are determined by the Department to have been caused by the development of such project. The bond or other acceptable guarantee shall be in effect for a period of two years after the date of the release of required performance assurances referenced in Section 512. The beneficiary of all maintenance bonds shall be the Department.
- (b) To verify that all stormwater infrastructure is functioning properly, visual recordings (via closed circuit television) of such infrastructure, including all subsurface drains, shall be required twice, once following the completion of installation of the stormwater management system and submittal of as-builts, and the second time before release of maintenance bonds. These visual recordings will be scheduled by the Department and paid for by the developer. Notices shall be provided to the Department within 72 hours following the completion of installation and again 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 Department before the plat is recommended for recording and again before the maintenance bond shall be recommended to be released.
- (c) Additional requirements for transfer of any applicable stormwater BMP Maintenance Agreement, O&M Maintenance Manual, and Maintenance Escrow accounts to subsequent owners prior to release of the maintenance bond is discussed in the Michigan City Stormwater Technical Standards Manual.

Division 6 - COMPLIANCE AND ENFORCEMENT

Section 46-330. PURPOSE/INTENT.

The purpose of this Division is to set the compliance, enforcement, and penalties associated with the requirements and regulations discussed in this Article.

Section 46-331. APPLICABILITY AND EXEMPTIONS.

This Division applies to any action or inaction which violates the provisions of this Article, the requirements of an approved stormwater management design plan or permit, and/or the requirements of a recorded stormwater maintenance agreement.

Section 46-332. RESPONSIBILITY FOR ADMINISTRATION.

The Department shall administer, implement and enforce the provisions of this Division.

Section 46-333. SEVERABILITY.

- (a) The provisions of this Division are hereby declared to be severable.
- (b) If any provision, clause, sentence or division of this Division or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Division.

Section 46-334. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated pursuant to this Division are minimum standards; therefore, this Division does not intend, nor imply, that compliance by any person will ensure that there will not be a violation of any state or federal permits.

Section 46-335. COMPLIANCE.

- (a) To secure compliance with the requirements of this Article, violations thereof shall be subject to the enforcement provisions set forth under Section 46-336. Additionally, compliance with all applicable ordinances of Michigan City as well as with applicable State of Indiana statutes and regulations shall also be required. Unless otherwise stated, all other specifications referred to in this Division shall be the most recent edition available.
- (b) Warning Notice: When the Department finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, the Department may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this Division shall limit the authority of the Department to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.

Section 46-336. ENFORCEMENT AND PENALTIES.

- (a) Notice of Violation/Citation:
 - (1) If the Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this Article, it may issue a written Notice of Violation to such applicant or other responsible person and the owner of the property. Where a person is engaged in an activity covered by this Article without having first secured a permit therefore, the

notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

- (2) The notice of violation can be in the form of a citation ticket and/or a written letter that would contain detailed inspection findings, conclusions of law, disposition of warning or fines assessed, stipulated remedial actions as discussed with the responsible party representative, reasonable deadlines for those remedial actions, and the date of re-inspection.
- (b) **Compensatory Action:** In lieu of enforcement proceedings, penalties, and remedies authorized by this Division, the Department may impose upon a violator alternative compensatory actions such as storm drain stenciling, attendance at compliance workshops, creek cleanup, public education, etc.
- (c) **Civil Penalties for Violations:**
- (1) Any person who commits an offense under this Article commits a civil infraction subject to a fine as set forth in Sec. 50-268. Each day such violation occurs or continues without a compliance action that is satisfactory to the Department may 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 Division 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 Division.
 - (2) Any person who aids or abets a person in a violation of this Article shall be subject to the penalties provided in this Division.
- (d) **Stop Work Order:**
- (1) In addition to the penalties listed above, if land disturbance activities are conducted contrary to the provisions of this Article or accepted final stormwater management plans, the Department may order the work stopped by notice in writing served on any person engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Department to proceed with the work. A Stop Work Order will be posted on the site by the Department and it is unlawful for any person to remove the notice or continue any work on the site without permission from the Department. The Department may also undertake or cause to be undertaken, any necessary or advisable protective measures to prevent violations of this Article or to avoid or reduce the effects of noncompliance herewith. The cost of any such protective measures shall be the responsibility of the owner of the property upon which the work is being done and the responsibility of any person carrying out or participating in the work.
 - (2) The Department may bring an action under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order against any person who neglects or fails to comply with a stop work order.
 - (3) For construction projects that are operating under a SWPPP approved by the Department, if a Stop Work Order is issued on the grounds that the erosion and sediment control measures included in the construction plan are not adequate, the project site owner must be notified in writing of the inadequacies in the erosion and sediment control measures and the project site owner has seventy-two (72) hours after receiving written notice to resolve the identified inadequacies before the Stop Work Order can take effect.
 - (4) The seventy-two (72) hour period to resolve identified inadequacies on a construction project does not apply if the Stop Work Order is issued to a construction project where the project site owner is creating a public health hazard or safety hazard.
- (e) **Withhold Certificate of Occupancy:** The Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth

in the notice of violation or has otherwise satisfied the requirements of this Article as determined by the Department.

- (f) **Suspension, Revocation, or Modification of Permits:** The Department may suspend, revoke, or modify any existing permit that the violator may also have been previously granted. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Department may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (g) **Suspension of Access to the Stormwater Drainage System:**
 - (1) **Emergency Cease and Desist Orders**
 - a. When the Department finds that any person has violated, or continues to violate, any provision of this Article, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the Department may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to immediately comply with all ordinance requirements and take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.
 - b. Any person notified of an emergency order directed to it under this Division shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the Department may commence court action against such person under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce a stop work order.
 - c. The Department may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the Department that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this Division. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Department within 5 days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.
- (h) **Suspension Due to Illicit Discharges in Emergency Situations:** The Department may, without prior notice, suspend stormwater drainage 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 stormwater drainage system or waters of the state if the violator fails to comply with a suspension order issued in an emergency. The Department may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the state, or to minimize danger to persons.
- (i) **Suspension Due to the Detection of Illicit Discharge:** Any person discharging to the stormwater drainage system in violation of this Article may have their stormwater drainage system access terminated if such termination would abate or reduce an illicit discharge. The Department will notify a violator of the proposed termination of its stormwater drainage system access. The violator may petition the Department for a reconsideration and hearing. A person commits an offense if the person reinstates stormwater drainage system access to premises terminated pursuant to this Division, without the prior approval of the Department.

Section 46-337. COST OF ABATEMENT OF THE VIOLATION.

- (a) In addition to any other remedies, should any owner fail to comply with the provisions of this Article, the Department may, after giving notice and opportunity for compliance, have the necessary work done, and the owner shall be required to promptly reimburse the Department for all costs of such work.
- (b) Nothing herein contained shall prevent the Department from taking such other lawful action as may be necessary to prevent or remedy any violation. All costs connected therewith shall accrue to the person or persons responsible. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, as well as those penalties levied by the EPA or IDEM for violation of the Michigan City's NPDES permit, administrative costs, attorney fees, court costs, and other costs and expenses associated with the enforcement of this Article, including sampling and monitoring expenses.
- (c) If the amount due for abatement of the violation is not paid within a timely manner as determined by the decision of the Department or by the expiration of the time in which to file an appeal, the Department may commence a court action to recover the costs assessed under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4).

Section 46-338. APPEALS.

- (a) Appeal of Notice of Violation: Any person to whom any provision of this Division has been applied may appeal in writing, not later than 30 days after the action or decision being appealed from, to the Sanitary District of Michigan City Board of Commissioners the action or decision whereby any such provision was so applied. Such appeal shall identify the matter being appealed, and the basis for the appeal. The Sanitary District of Michigan City Board of Commissioners shall consider the appeal and make a decision whereby it affirms, rejects or modifies the action being appealed. In considering any such appeal, the Sanitary District of Michigan City Board of Commissioners may consider the recommendations of the Department Staff and the comments of other persons having knowledge of the matter. In considering any such appeal, the Sanitary District of Michigan City Board of Commissioners may grant a variance from the terms of this Division 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 Article 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 Article; and
 - (2) The granting of the relief requested will not substantially prevent the goals and purposes of this Article, nor result in less effective management of stormwater runoff.
 - (3) Any person who has appealed a violation to the Sanitary District of Michigan City Board of Commissioners may appeal an adverse decision of the Board to the LaPorte County court within 60 days of the Board's order, all pursuant to IC 36-1-6-9 (e) & (f).
- (b) Enforcement Measures After Appeal: If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the Sanitary District of Michigan City Board of Commissioners upholding the decision of the Department, then representatives of the Department shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property, including the commencing of a court action under IC 34-28-5-1 (b), to be read together with IC 34-6-2-86(1)(B) and 13-21-3-12(4), to enforce the order of the Board.

EXHIBIT B
TO
ORDINANCE NO. ____-25

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY,
INDIANA REPEALING, AMENDING, AND CREATING VARIOUS ARTICLES AND
SECTIONS IN THE MICHIGAN CITY CODE REGARDING STORMWATER AND DRAINAGE

The Michigan City Comprehensive Zoning Ordinance No. 4120 referred to herein as "the Zoning Code" and the Michigan City Subdivision Ordinance, referred to herein as "the Subdivision Code" are amended to incorporate the following additions and deletions:

A. The following amendments, additions and deletions (Nos. 1 to 27 inclusive) refer to the Zoning Code.

1. In the Table of Contents, the reference to "Article 20. Stormwater Management" shall be amended by:

(a) Deleting the references to Sections 20.02 General Requirements to and including Section 20.15 Enforcement and Penalties (retaining only the reference to Section 20.01 Intent).

(b) Adding after the reference to Section 20.01 Intent the following:

20.02 General Requirements
20.03 Enforcement and Penalties

2. Article 20. Stormwater Management shall be deleted in its entirety and a new article, to be known as "Article 20. Stormwater Management" together with the following three sections, shall be incorporated into the Zoning Code as follows

ARTICLE 20 STORMWATER MANAGEMENT

Section 20.01 Intent

The purpose of this Article is to protect the health, safety, and general welfare of the citizens by requiring compliance with accepted standards and practices for the management of stormwater runoff and drainage. These stormwater requirements are intended to minimize off-site water run-off, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants. Stormwater shall be managed by the best and most appropriate technology and environmentally-sound site planning and engineering techniques, which may include Low Impact Development principles and Green Infrastructure techniques such as permeable paving, infiltration basins and swales, distributed storage and bioretention as well as traditional storm sewer collection systems and storage basins.

Section 20.02 General Requirements.

- (a) All new developments shall provide for the management of all storm and surface water drainage and provide for controlled flood runoff.
- (b) All new developments shall comply with the requirements of Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances and other stormwater requirements of the Michigan City Sanitary District.

Section 20.03 Enforcement and Penalties.

The Michigan City Sanitary District shall be primarily responsible for enforcement of the stormwater management plan and Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances. The Plan Department may assist in enforcement, may refuse approval of any plan, petition or project, or may require restoration of any area impacted in violation of Chapter 46 Article IX.

- 3. Section 04.04(1)(1)(b)4 shall be deleted in its entirety and replaced with the following:
 - 4. A proposed drainage plan, including the location and capacity of proposed storm sewer and other stormwater management facilities and proposed alternative methods for handling storm water (e.g. structural and non-structural best management practices (BMPs)) all in compliance with stormwater performance standards and the provisions of Chapter 46, Article IX of the Michigan City, Indiana Code of Ordinances.
- 4. Section 12.02(h)(2) shall be deleted in its entirety and replaced with the following:
 - (2) **Stormwater Management.** Stormwater management shall meet the requirements of Chapter 46, Article IX and all other provisions of the Michigan City, Indiana Code of Ordinances related to stormwater management. Phased developments shall provide for adequate stormwater management for each phase of development.
- 5. Section 12.02 (i)(1) shall be deleted in its entirety and shall be replaced with the following:
 - (1) **Site Plan Approval Required.** Site plans shall be submitted and approved or denied by the plan commission. Site plans shall include all items in Article 23 and the following:
 - (a) Transportation plan;

- (b) Stormwater management plan as approved by the Sanitary District under Chapter 46, Article IX of the Michigan City, Indiana Code of Ordinances;
 - (c) Fire protection plan; and,
 - (d) Phasing plan, including public improvements.
- 6. Sections 12.04 and 12.05 shall both be deleted in their entirety and shall be replaced with the following:
 - Section 12.04 Intentionally Omitted**
 - Section 12.05 Intentionally Omitted**
- 7. Section 14.17(a) (5) shall be deleted in its entirety and replaced with the following:
 - (5) Storing and disposing of materials shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered and shall follow all requirements of the LaPorte County Health Department, the Natural Resources Preservation Guidelines, the Sanitary District of Michigan City and Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.
- 8. Section 14.17(b) (4) shall be deleted in its entirety and replaced with the following:
 - (4) Storing and disposing of materials shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered and shall follow all requirements of the LaPorte County Health Department, the Natural Resources Preservation Guidelines, the Sanitary District of Michigan City and Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.
- 9. Section 14.17(c) (7) shall be deleted in its entirety and replaced with the following:
 - (7) Storage or disposal of any kind shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered. The surface water detained on the site shall be purified of contaminants before leaving the site or must be disposed of in accordance with the requirements of the health department. All storage, processing and disposal areas shall be a minimum of 100 feet from any wetland, drain, stream, or body of water. Storing and disposing of materials shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered and shall follow all requirements of the LaPorte County Health Department, the Natural Resources

Preservation Guidelines, the Sanitary District of Michigan City and Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

10. Section 14.17(d) (5) shall be deleted in its entirety and replaced with the following:

- (5) The facility shall be equipped with an approved waste water recycling system to avoid contaminated water or liquids from being discharged to ground water, surface water, or storm sewers. This shall include a wash-out, wash-down and secondary containment system to recover and recycle impurities and other by-products processed from trucks, machinery products, supplies or waste. Storing and disposing of materials shall not pollute a water supply or contaminate surrounding land to the extent that public health is endangered and shall follow all requirements of the LaPorte County Health Department, the Natural Resources Preservation Guidelines, the Sanitary District of Michigan City and Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

11. Section 16.05(d) (4) (d) shall be deleted in its entirety and shall be replaced with the following:

- (d) Stormwater drainage and soil erosion will be properly managed in accordance with Chapter 46 Article IX of the Michigan City, Indiana code of Ordinances.

12. Section 18.02(e) (2) shall be deleted in its entirety and shall be replaced with the following:

- (2) Parking aisles may be graded towards sunken, vegetated buffer strips that are a minimum of eight (8) feet wide and planted with trees and native herbaceous vegetation. An underdrain and soil amendment may be provided in the buffers if on-site soils are poorly drained. Surface water from parking areas shall be detained on site in accordance with Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

13. All of **Section 21.11 General Standards.** shall be deleted in its entirety and replaced with the following:

Section 21.11 General Standards.

Any new construction, replacement, repair, or other activity under this Article 21 shall comply with the requirements of Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

14. Section 21.20(e) (8) shall be deleted in its entirety and shall be replaced with the following:

- (8) Erosion control and stormwater management measures must comply with all of the related provisions of this Zoning Ordinance and specifically the requirements of Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.
15. Section 22.04(c) (2) shall be deleted in its entirety and shall be replaced with the following:
- (2) Land surface modification within the minimum setback shall be permitted for development of stormwater drainage swales between the developed area of the site (including a storm water detention facility on the site) and a stream, lake or pond, or wetland. Detention basins within the setback are generally discouraged, unless it can be shown that resultant modifications will not impair water quality, habitat, or flood storage functions. All modifications, including detention facilities must be built pursuant to the requirements found in Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.
16. The table in Section 23.03 titled "Table 23 Required Plan Contents" shall be amended to add "X" in the box labeled "Master Development Plan" following the box stating "Location, type and dimensions of any stormwater structures, stormwater landscaping, conduits, or detention/retention ponds that are located on, cross, or adjoin the subject property".
17. The table in Section 23.03 titled "Table 23 Required Plan Contents" shall be amended by deleting all of the provisions contained in the box which reads as follows:
- "Proposed location of buildings and other structures, parking areas, driveways, walks, noise generation sources (refrigeration units, mechanical equipment, loading docks, etc.) screening, drainage control, landscaping and proposed utility connection layouts for water and sewer"
- and replacing said provisions with the following:
- "Proposed location of buildings and other structures, parking areas, driveways, walks, noise generating sources (refrigeration units, mechanical equipment, loading docks, etc.) screening, landscaping and proposed utility connection layouts for water and sewer all of which shall conform to the provisions for stormwater management as set out in Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances."
18. Section 23.03(f) shall be deleted in its entirety and replaced with the following:

- (f) A letter of approval from the Michigan City Sanitary District relative to the drainage and stormwater plans and setbacks from legal drains.
- 19. The last sentence of Section 23.04(a) shall be deleted and replace with the following:

"Based upon department reviews the enforcement official shall determine if the site plan/sketch plan complies with the requirements of this ordinance and Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances."
- 20. Section 24.05(g) shall be deleted in its entirety and shall be replaced with the following:
 - (g) Comprehensive Plan. The proposed use will be consistent with the character of the zoning district in which it is located and the provisions of the Michigan City Comprehensive Plan.
- 21. Section 25.05(a) (2) shall be deleted in its entirety and replaced with the following:
 - (2) Land area uses shall meet the minimum 25% open space requirement; the land included in the 25% open space shall not include stormwater detention/retention basins as approved by the Michigan City Sanitary District, wetlands, open water, or other unbuildable areas. These areas may be preserved as common open spaces but are not to be included in the 25% of required open space.
- 22. Section 25.06(c) (2) shall be deleted in its entirety and replaced with the following:
 - (2) Drainage board and/or MS4 coordinating agency and/or Michigan City Sanitary District.
- 23. Section 25.07(g) shall be deleted in its entirety and replaced with the following:
 - (g) Any additional graphics or written materials requested by the plan commission to assist in determining the appropriateness of the PUD such as, but not limited to: aerial photography; market studies; impact on public primary and secondary schools; impact on utilities; traffic impact study, impact on significant natural, historical, and architectural features; impact on drainage; stormwater management plan and drawings; impact on the general area and adjacent property; description of how property could be developed under the regulations of the underlying district; preliminary architectural sketches; and estimated construction cost.

24. Section 25.08(b) shall be deleted in its entirety and replaced with the following:

(b) The PUD must be consistent with the Michigan City Comprehensive Plan.

25. Section 25.08(k) shall be deleted in its entirety and replaced with the following:

(k) Adequate water, sewer and stormwater facilities shall be available or shall be provided by the developer as part of the site development.

26. Section 25.09(b) shall be deleted in its entirety and replaced with the following:

(b) Any additional graphics or written materials requested by the plan commission to assist in determining the impacts of the proposed PUD site plan, including, but not limited to: economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical and architectural features; impact on stormwater drainage and management; impact on the general area and adjacent property; and estimated construction cost.

27. The definition of item (7) Construction Activity under the definition of "Stormwater - related Definitions" in Section 31.20 shall be deleted in its entirety and replaced with the following:

(7) Construction Activity. Activities subject to a stormwater management permit as set out in Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances. These include construction projects resulting in land disturbances of 10,000 square feet or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavation, and demolition.

B. The following amendments, additions and deletions (Nos. 28-30 inclusive) relate to the Subdivision Code.

28. Section 03.09(e) shall be deleted in its entirety and shall be replaced with the following:

(e) A drainage plan, complying with Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances and approved by the Michigan City Sanitary District as further described in Section 06.07(a);

29. The following provision shall be added at the end of Section 05.02 (b) as a new item (15):

- (15) Approval of the stormwater management plan by the Michigan City Sanitary District and compliance with the requirements of Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances and Section 06.07.
30. In Section 06.07 the reference to "Article 20 of the Zoning Ordinance" shall be deleted and replaced with "Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances".
31. Section 1.05(a) shall be deleted in its entirety and replaced with the following:
 - (a) The subdivision of land and subsequent development of the subdivision plat shall be subject to the provisions and requirements of Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances for the orderly, efficient, and economical development of the community.
32. Section 1.05(c) shall be deleted in its entirety and replaced with the following:

S The existing and proposed public improvements shall conform to and be properly related to the provisions and requirements of Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances. It is intended that these provisions and requirements shall supplement and facilitate the enforcement of the provisions and standards contained in the building and zoning codes, the Michigan City Comprehensive Plan and the pertinent capital budget and program.
33. Section 1.06(b) shall be deleted in its entirety and replaced with the following:
 - (b) To guide the future growth and development of the city in accordance with the Michigan City Comprehensive Plan;
34. Section 1.08(a)(2)(c)a shall be deleted in its entirety and replaced with the following:
 3. Drainage. All lots shall be provided with drainage improvements complying with the requirements of Chapter 47 Article IX of the Michigan City, Indiana Code of Ordinances.
35. The first paragraph of Section 06.07 shall be deleted in its entirety and replaced with the following:

All subdivisions shall make provisions for the installation and maintenance of an adequate stormwater drainage system for the management of all storm and surface water drainage and the control of flood runoff to provide for the proper drainage of the subdivision. All such facilities are to control peak flow rates and volume of stormwater discharge associated with specified design storms and shall be designed, constructed and approved in accordance with Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

36. Section 3.09(e) shall be deleted in its entirety and replaced by the following:

(e) A drainage report, complying with Section 6.07(a) and Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances and approved by the Michigan City Sanitary District;

37. Section 4.04(a)(2) shall be deleted in its entirety and replaced with the following:

(2) Additional approvals will be required for the detailed improvement plans pertaining to water supply, storm drainage, sewerage, grading and gradients, roadway widths and surfaces all as set out in Article 6 and in Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

38. Section 4.06(d) shall be deleted in its entirety and replaced with the following:

(d) Review. The enforcement official shall review the plat for compliance with the primary plat and conditions, if any. The enforcement official shall request a review, and approval where necessary, of the plat by any departments deemed necessary under the circumstances including, as applicable but not limited to, the city engineer, fire department, water department, and sanitation and sewer departments. If the submission is complete and conforms to this ordinance, the enforcement official shall place the application on the plan commission agenda and provide a recommendation concerning secondary approval.

39. Section 6.04(j)(3) shall be deleted in its entirety and replaced with the following:

(3) Prior to paving the street and alley surfaces, an adequate drainage system, as review and approved by the Michigan City Engineer and the Michigan City Sanitation District under Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances shall be installed.

40. Section 6.07 shall be deleted in its entirety and replaced with the following:

All subdivisions shall make provision for the installation and maintenance of an adequate storm water drainage system for the management of all storm and surface water drainage and the control of flood runoff to provide for the proper drainage of the subdivision. All such facilities are to control peak flow rates and volume of stormwater discharge associated with specified design storms and shall be designed, constructed and approved by the Michigan City Sanitary District under Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

41. Section 6.08 shall be deleted, except for subsections (a), (b), (c), and (d) which shall remain and replaced with the following:

Section 06.08. Soil erosion.

Since considerable soil erosion can take place during subdivision construction, development plans shall contain proposed erosion and sediment control measures. These measures shall be incorporated into the secondary plat and final construction plans and have been approved by the Michigan City Sanitation District under Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

42. Section 07.05 shall be deleted in its entirety and replaced with the following:

Section 07.05. As-built plans.

After completion of all public improvements and prior to the release of the performance bond on the improvements, the subdivider shall provide drawings showing the actual location of all street improvements, sanitary and storm sewer improvements, water mains, fire hydrants, valves and stubs, monuments and markers, drainage facilities and other installed permanent improvements. As-built plans shall be certified by an engineer or land surveyor registered in the State of Indiana. As-built electronic plans shall be consistent with the Michigan City geographic information system (coordinates system) and as-built prints must be submitted in digital format compatible with the Michigan City GIS format.

43. The definition of "Drainage system" found in Section 11.01 shall be deleted in its entirety and shall be replace with the following:

Drainage system. Any combination of surface and/or subsurface components fulfilling the drainage requirements of this ordinance and the requirements of Chapter 46 Article IX of the Michigan City, Indiana Code of Ordinances.

END of Exhibit "B"

MICHIGAN CITY PLAN COMMISSION RESOLUTION NO. 2-2025
AND CERTIFICATION TO THE
COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA

WHEREAS, the Indiana Department of Environmental Management (IDEM) requires Indiana MS4 entities, such as counties, and towns, to update their existing local ordinances regarding stormwater and drainage; and,

WHEREAS, the Michigan City Board of Sanitary Commissioners has studied the existing conditions, as well as current state recommendations, and has proposed new stormwater and drainage regulations; and,

WHEREAS, the Michigan City Board of Sanitary Commissioners determined that the need exists to recodify the City's stormwater and drainage ordinance in one central location in the Michigan City Municipal Code (the "Code"), more specifically in Chapter 46 under Article IX to be known as "Stormwater Management Regulations" and to repeal all other articles and sections in the Code regarding stormwater and drainage, and also to repeal certain articles and sections in the City's Joint Zoning Ordinance ("Zoning Ordinance") and Subdivision Ordinance; and,

WHEREAS, on January 22, 2025, the Michigan City Board of Sanitary Commissioners approved the draft of the new stormwater and drainage ordinance for the City, to be inserted in the Code as Chapter 46 under Article IX which is attached hereto and incorporated herein as Exhibit A; and,

WHEREAS, the Michigan City Plan Commission (the "Plan Commission") is the body charged with the duty of developing a general plan of development for the City of Michigan City, Indiana (the "City") and is authorized under Indiana Code 36-7-4-602(b) to initiate a proposal to the Common Council of Michigan City (the "Common Council") to partially amend the Zoning Ordinance; and,

WHEREAS, the Plan Commission has reviewed and studied the recommendations provided by its own Planning Department staff and the staff of the Michigan City Sanitary District and has reviewed the stormwater and drainage ordinance proposed by the Michigan City Board of Sanitary Commissioners as set out in Exhibit A; and,

WHEREAS, while in the process of reviewing the Michigan City Municipal Code ("Code") to approve the new stormwater and drainage ordinance, the Plan Commission determined that provisions for stormwater and drainage are randomly scattered through various chapters of the Code and various sections of the Zoning Ordinance and the Subdivision Ordinance; and,

WHEREAS, the Plan Commission staff included a list of provisions of the Code, the Zoning Ordinance and the Subdivision Ordinance which need to be amended to reflect and cross-reference the new stormwater and drainage ordinance, which are attached hereto and incorporated herein as Exhibit B; and,

WHEREAS, on May 27, 2025, after the giving of notice as required by law, the Michigan City Plan Commission: conducted a public hearing on the proposed new stormwater and drainage ordinance, as set out in Exhibit A, and the ancillary changes to the Code and the amendments to the Zoning Ordinance and the Subdivision Ordinance as set out in Exhibit B, all of which collectively is referred to as "the proposed Ordinance"; and continued the consideration of this matter and the public hearing to its next regular meeting on June 24, 2025; and,

WHEREAS, on June 24, 2025, upon further discussion on this matter and conducting an additional public hearing, and giving due consideration to the input, opinions, statements and remonstrances of the public as well as the recommendation and presentation of its staff regarding the proposed Ordinance and changes to the Zoning Ordinance and the Subdivision Ordinance, the Plan Commission: made findings of fact approving the proposed Ordinance and the changes and provisions contained in Exhibit A and Exhibit B; approved and adopted this Plan Commission Resolution No. 2-2025 with a favorable recommendation to the Common Council of the City of Michigan City, Indiana (the "Common Council"); and recommended that the Common Council approve and adopt said proposed Ordinance; and,

WHEREAS, the Plan Commission made the following findings of fact concerning the proposed Ordinance as follows:

1. That the proposed Ordinance will be consistent with the Michigan City Comprehensive Plan; and,
2. That the proposed Ordinance will be compatible with current conditions in Michigan City, will implement the most current best practices and will be consistent with current state rules and regulations regarding stormwater and drainage management; and,
3. That the proposed Ordinance will promote orderly and responsible community growth and development throughout Michigan City; and,
4. That the proposed Ordinance will better promote and facilitate the development of the City and the preservation of property values, environment and uses in the entire City; and,

5. That provisions of the proposed Ordinance, as set forth in Exhibit A, should be approved and added to the Code as Article IX Stormwater Management Regulations in Chapter 46 and should read as set forth in Exhibit A; and,
6. That the existing Article 20 Stormwater Management as found in the Michigan City Zoning Ordinance (which is codified in the Michigan City Code as Appendix C Joint Zoning Ordinance) should be repealed; and,
7. That to properly reference the stormwater management provisions found in Exhibit A, it is necessary to amend the Zoning Ordinance and the Subdivision Ordinance to accurately reflect and cross-reference both of them to new Stormwater Management Regulations; and,
8. That the following Articles and Sections in the Code should be repealed:
 - a. Article XII in Chapter 22 entitled MS4 Post-Construction Activity Stormwater Management Plan Program;
 - b. Article XIII in Chapter 22 entitled MS4 Construction Activity Erosion and Sediment Control Program;
 - c. Sec 50-143 entitled Penalty for Violation of Article XII (Post-Construction Activity Stormwater Management Plan Program) in Chapter 50; and
 - d. Sec 50-144 entitled Penalty for Violation of Article XIII (Construction Activity Erosion and Sediment Control Program) in Chapter 50; and,
9. That Exhibit B, consisting of amendments to the Zoning Ordinance and Subdivision Ordinance, should be approved and certified to the Common Council with a favorable recommendation; and,
10. That the provisions of the proposed Ordinance No. _____ should be approved and the said Ordinance should be certified to the Common Council with the recommendation of the Plan Commission that it be approved and enacted by the Common Council.

WHEREAS, upon motion duly made and seconded, the Plan Commission adopted the above findings, approved this Resolution No. 2-2025, and passed a motion to forward this Resolution to the Common Council of the City of Michigan City, Indiana with a favorable recommendation for the approval by said Common Council, by a vote of 8 ayes and 0 nays.


NOW THEREFORE, the Plan Commission of Michigan City, Indiana hereby certifies to the Common Council of the City of Michigan City, Indiana, the attached proposed Ordinance No. _____, together with the attached Exhibit A and Exhibit B, with a favorable recommendation and further recommends that they be approved and enacted by the Common Council.

Dated this 24th day of June, 2025.

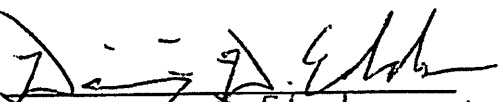
THE ABOVE CERTIFICATION IS HEREBY PRESENTED TO THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AS THE FAVORABLE RECOMMENDATION OF THE PLAN COMMISSION OF MICHIGAN CITY, INDIANA.

PLAN COMMISSION OF THE CITY OF MICHIGAN CITY, INDIANA

By:


Bruce de Medeiros, President

Attest:


Dominique D. Edwards, Planning Director