

# **TOWN OF WESTFIELD**

## **Stormwater Technical**

### **Standards Manual**

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101.01  
Section  
Purpose

This manual provides technical standards for proper stormwater management and stormwater quality practices for those engineers, builders, contractors, land planners, and property owners contemplating some form of land alteration or improvement within the Town of Westfield Municipal MS4 Stormwater Jurisdiction. This Stormwater Technical Standards Manual is intended to establish the policies relating to stormwater management, stormwater quality practices, and flood control, submittal requirements and procedures for issuance of a stormwater permit, and procedures for inspection, testing and final acceptance of stormwater facilities.

The contents of this Manual are the result of a joint effort by Hamilton County, the City of Carmel, the Town of Fishers, the City of Noblesville, and the Town of Westfield. However, the technical standards document published by each entity has been customized to their needs and may differ slightly from other jurisdictions’ standards. The regulations have been established to accomplish the following objectives:

- Provide for consistent, high quality project design and evaluation by consolidating current departmental standards and “policies” within a single document.
- Establish minimum requirements and standards for stormwater management plan submittals and project reviews.
- Facilitate more consistent review of stormwater permit applications and land alteration plans by the stormwater permit staff.
- Establish a standard for the proper and consistent installation of stormwater facilities, with a high level of workmanship, according to the approved stormwater management plan.
- Minimize the impacts of new development and redevelopment projects on existing stormwater management facilities.

This Manual was developed with the assumption that the user will possess a basic understanding of civil engineering design, construction, stormwater quality practices, or land alteration, depending upon the users’ particular area of expertise. Readers of this Manual which are not qualified by education and experience in the field of construction, engineering, stormwater quality practices, or land alteration should consult with a more qualified person or persons possessing professional expertise in one or more of these fields prior to application of the requirements set forth herein.

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101.02  
Provisions

This Manual, together with all future revisions, shall be referred to as “**Town of Westfield Stormwater Technical Standards Manual**”. The Town of Westfield has been granted authority to “protect the safety, health, and general welfare of the citizens” of the Town of Westfield by requiring compliance with standards and practices, which result in proper stormwater drainage and sediment control in the accomplishment of land alterations or other improvements.

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101.03  
Applicability

This Manual applies to all land altering projects including all construction activity as stated and defined in the Town of Westfield Ordinance Number 05-30 (An Ordinance To Establish Overlay Zone Districts And Regulations For Storm Water Management). Any land alteration, within the jurisdiction of this Manual, must be accomplished in conformity with the stormwater requirements set forth herein. “Land Alteration” shall generally refer to any on-site or off-site action taken relative to land which either:

1. Changes the contour; or
2. Increases the runoff rate or volume; or
3. Changes the elevation; or
4. Decreases the rate at which water is absorbed; or
5. Changes the drainage pattern; or
6. Creates or changes a stormwater facility; or
7. Involves construction, enlargement, location or relocation of any building on a permanent foundation; or
8. Increases the delivery of point and/or non-point source pollution to streams; or
9. Relocates, encloses, or alters a stream or open channel stormwater conveyance; or
10. Creates an impoundment.

This Manual should be used in conjunction with the Town of Westfield’s applicable stormwater management ordinance(s). Additional requirements related to land alteration may be found in the existing codes and ordinances of the Town of Westfield. Exceptions to the provisions of this Manual are provided in the Town of Westfield applicable stormwater management ordinance(s). Additional variances or deviations from the requirements of this Technical Standards Manual may be granted by the Town of Westfield Public Works Department for a proposed Low Impact Development.

If the project site is located within a Hamilton County Regulated Drain Watershed, the applicant will need to check with the Hamilton County Surveyor’s Office to learn if additional Surveyor’s Office requirements specific to that regulated drain would apply to the site.. There may be additional federal, state, and local stormwater requirements that are the user’s responsibility to determine if applicable.

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101.04  
Stormwater  
Manual  
Organization

This Manual is organized to present the technical and engineering procedures and criteria needed to comply with the Town of Westfield stormwater regulations. Copies of the Town of Westfield’s pertinent stormwater management ordinances are presented in the Appendices of this Chapter. In addition, the general design policy and procedures are presented.

Each chapter of this Manual contains an initial section that presents all of the policies and procedures that must be satisfied for approval. These policies and procedures shall be considered as design criteria that are unique for approval within the jurisdiction of this Manual.

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101.05  
Updating

The process of updating this Manual shall be adopted as policy by the Town of Westfield governing body. This Manual shall be periodically updated and revised, as necessary, to reflect current engineering practices and information applicable to the Town of Westfield. Users of this Manual are encouraged to obtain any and all updates and supplements to this Manual each time a land alteration project is considered. The ultimate responsibility for checking for and obtaining updated material shall be the responsibility of the user.

The most current standards shall be required for approval of a land alteration. The incorporation of outdated standards in the design, implementation, and construction of a land alteration shall be cause for the Town of Westfield to reject the proposed land alteration.

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## SECTION 102 PERMIT REQUIREMENTS AND PROCEDURES

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102.01  
Introduction

The project site owner shall submit an application for a stormwater management permit to the Town of Westfield Public Works Department. The application will include a Draft Notice of Intent letter (NOI) that would also act as permit application form, construction plan sheets, stormwater drainage technical report, a stormwater pollution prevention plan, and any other necessary support information. Specific information to be included in the application can be found in Section 102.03 below. One (1) copy of each required application material must be submitted to the Town of Westfield Public Works Department. Additionally, a digital copy of the construction plans is required in a format accepted by the Town of Westfield Public Works Department.

After the Town of Westfield Public Works Department obtains 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. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed land surveyor, registered in the State of Indiana. The information provided will be reviewed in detail by the Town of Westfield Public Works Department and/or its plan review consultant(s). Once all comments have been received and review completed, the Town of Westfield Public Works Department will either approve the project or request modifications.

Once a permit has been issued, the project site owner must file a NOI a minimum of 48 hours prior to the commencement of construction activities. Notification shall be in the form of an updated NOI form. The submittal of the NOI must be provided to the Town of Westfield Public Works Department and the IDEM. The IDEM submittal must include a proof of publication, verification that the Town of Westfield Public Works Department approved the plan, and a \$100 fee. For the Town of Westfield Public Works Department, copies of the final, approved construction plans, stormwater drainage technical report, stormwater pollution prevention plan for construction sites, and post-construction stormwater pollution prevention plan shall also accompany the above-noted written notification and proof of publication. The number of required copies varies from case to case and should be determined by contacting the Town of Westfield Public Works Department. A pre-construction meeting is required to be held with the participation of the Town of Westfield Public Works Department and other entities involved prior to any grading activity to ensure that appropriate perimeter control measures have been implemented on the site and the location of any existing tiles has been properly marked.

Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with the Town of Westfield's applicable ordinances and the terms and conditions of the approved permit. Upon completion of construction activities, as-built plans must be submitted to the Town of Westfield Public Works Department. A Notice of Termination (NOT) shall be sent to the Town of Westfield Public Works Department once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The Town of Westfield Public Works Department, or a representative, shall inspect the construction site to verify the requirements for a NOT have been met in accordance with the Rule 5 (327 IAC 15-5). Once the applicant receives a "verified" copy of the NOT, they must forward a copy to IDEM. Permits issued under this scenario will expire 5 years from the date of issuance. If construction is not completed within 5 years, the NOI must be resubmitted at least 90 days prior to expiration. A flow chart of the major steps in the stormwater plan review/permit process is provided as Exhibit 102-1.

The different elements of a permit submittal for a Stormwater Management Permit approval include a Draft Notice of Intent (NOI), construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction

stormwater pollution prevention plan, and any other necessary supporting information. In addition, an updated NOI along with proof of publication of a public notice will need to be submitted directly to IDEM, with a copy provided to the Town of Westfield Public Works Department after the permit is approved. All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer or a licensed land surveyor, registered in the State of Indiana.

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the applicable ordinances and “Applicability and Exemptions” Sections of Chapters 200 through 700. If a project or activity is exempt from any or all requirements of the ordinances or this Manual, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. The level of detailed information requested below 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 102.07 of this Chapter.

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102.02  
Draft Notice of  
Intent

The NOI is a standard form developed by the IDEM which requires general project information. As part of the Town of Westfield Public Works Department Stormwater Management Permit application package, the NOI form should be completed in full based on data and information available at the time of application.

An updated version of this form, accompanied by proof of publication in a newspaper of general circulation in the affected area that notified the public that a construction activity is to commence, will need to be resubmitted after the stormwater management permit is granted and at least 48 hours prior to commencement of construction. The publication must include the following language:

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

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102.03  
Construction Plans

Construction plan sheets (larger than 11” by 17”, but not to exceed 24” by 36” in size) with a scale of 1 inch = 20 feet, 30 feet, 40 feet, 50 feet or 60 feet, 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 need to include the following detailed items:

1. Title sheet which includes location map, vicinity map, operating authority, design company name, developer name, and index of plan sheets.
2. A copy of a legal boundary survey for the site, performed in accordance with Rule 12 of Title 865 of the Indiana Administrative Code or any applicable and subsequently adopted

rule or regulation for the subdivision limits, including all drainage easements and wetlands.

3. A reduced plat or project site map showing the parcel identification numbers, lot numbers, lot boundaries, easements, and road layout and names. The reduced map must be legible and submitted on a sheet or sheets no larger than eleven (11) inches by seventeen (17) inches for all phases or sections of the project site.
4. An existing project site layout that must include the following information:
  - a. A topographic map of the land to be developed and such adjoining land whose topography may affect the layout or drainage of the development. The contour intervals shall be one (1) foot when slopes are less than or equal to two percent ( $\leq 2\%$ ) and shall be two (2) feet when slopes exceed two percent ( $> 2\%$ ). All elevations shall be given in North American Vertical Datum of 1988 (NAVD). The horizontal datum of topographic map shall be based on Indiana State Plane Coordinates, NAD83. The map will contain a notation indicating this datum information. The names of adjoining property owners must be labeled on the map.
    - i. If the project site is less than or equal to two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least one hundred (100) feet.
    - ii. If the project site is greater than two (2) acres in total land area, the topographic map shall include all topography of land surrounding the site to a distance of at least two hundred (200) feet.
  - b. Location, name, and normal water level of all wetlands, lakes, ponds, and water courses on or adjacent to the project site.
  - c. Location of all existing structures on the project site.
  - d. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
  - e. Identification and delineation of vegetative cover such as grass, weeds, brush, and trees on the project site.
  - f. Location of all private and public utilities: such as, but not limited to, water, storm, sanitary, combined sewer, septic tank systems, outfalls, gaslines, electrical, cable TV, phone and fiber optic lines.
  - g. Land use of all adjacent properties.
  - h. Identification and delineation of sensitive areas as specified in Section 102.11 (below).
  - i. The location of regulated drains, farm drains, private drains, inlets and outfalls. Prior to construction plan design beginning, all existing regulated drains on the site are to be located, exposed, and invert shots taken to ensure the system is installed deep enough to provide drainage to the upstream watershed. This is also applicable if the site outlets into a regulated drain and no record drawings on the drain exist.
  - j. Location of all existing cornerstones within the proposed development and a plan to protect and preserve them.
  - k. Location of all known wells.
  - l. Location of known potential contaminant facilities.
5. A grading and drainage plan, including the following information:
  - a. All information from the existing site layout items listed above.
  - b. Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas.

- c. One hundred (100) year floodplains, floodway fringes, and floodways. Please note if none exists.
  - d. Delineation of all proposed land disturbing activities, including off-site activities that will provide services to the project site.
  - e. Information regarding any off-site borrow, stockpile, or disposal areas that are associated with a project site, and under the control of the project site owner.
  - f. Proposed topographic information at one-foot contour interval.
  - g. Location, size, and dimensions of all existing streams to be maintained and new drainage systems such as culverts, bridges, storm sewers, conveyance channels, and 100-year overflow paths/ponding areas shown as hatched areas, along with all associated easements.
  - h. Pipes and associated structures data, including sizes, lengths, and material
  - i. Location, size, and dimensions of features such as permanent retention or detention facilities, including natural or constructed wetlands, used for the purpose of stormwater management. Include existing retention or detention facilities that will be maintained, enlarged, or otherwise altered and new ponds or basins to be built.
  - j. Emergency flood routing path(s) and their invert elevations from detention facilities to the receiving system.
  - k. One or more typical cross sections of all existing and proposed channels or other open drainage facilities carried to a point above the 100-year high water and showing the elevation of the existing land and the proposed changes, together with the high water elevations expected from the 100-year storm under the controlled conditions called for by the Town of Westfield's applicable stormwater management ordinance(s), and the relationship of structures, streets, and other facilities.
  - l. A drainage summary, which summarizes the basic conditions of the drainage design, including site acreage, off-site/upstream acreage, allowable release rates, post-developed 10-year, and 100-year flows leaving the site, volume of detention required, volume of detention provided, and any release rate restrictions.
  - m. Arrows designating the direction of stormwater runoff.
  - n. Spot elevations appropriate to define elevations.
6. Utility plan sheet(s) showing the location of all existing and proposed utility lines for the project, including all available information related to the utilities, such as pipe size and material, and invert elevations.
  7. Storm sewer plan/profile sheet(s) at a scale of 5 vertical and 50 horizontal showing the elevation, size, length, location of all proposed storm sewers. Existing and proposed ground grades, storm sewer structures elevations, and all existing and proposed utility crossings also must be included. The actual correct datum (not an assumed one) must be used for the profile sheets and all pipe inverts, top of casting elevations, casting types, structure numbers, and pipe slopes clearly labeled.
  8. A plat on the same sheet size used for recording, including the following information:
    - a. Legal description.
    - b. Cross reference to 865 IAC 12.
    - c. Regulated drain statement and table.
  9. Proposed subdivision landscape plans
  10. A copy of the subdivision covenants
  11. Any other information required by the Town of Westfield or the Westfield Public Works Department in order to thoroughly evaluate the submitted material.

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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 the following detailed items:

1. A summary report, including the following information:
  - a. Description of the nature and purpose of the project.
  - b. The significant drainage problems associated with the project.
  - c. The analysis procedure used to evaluate these problems and to propose solutions.
  - d. Any assumptions or special conditions associated with the use of these procedures, especially the hydrologic or hydraulic methods.
  - e. The proposed design of the drainage control system.
  - f. The results of the analysis of the proposed drainage control system showing that it does solve the project's drainage problems and that it meets the requirements of the ordinance and these standards. This must include a table summarizing, for each eventual site outlet, the pre-developed acreage tributary to each eventual site outlet, the unit discharge allowable release rate used, the resulting allowable release rate in cfs for the post-developed 10-year and 100-year events, pre-developed 2-year flow rates in cfs as well as pre- and post-developed flow rates for 10- and 100-year events. The worksheet provided as Table 102-1 should be filled and submitted as part of the report. Any hydrologic or hydraulic calculations or modeling results must be adequately cited and described in the summary description. If hydrologic or hydraulic models are used, the input and output files for all necessary runs must be included in the appendices. A map showing any drainage area subdivisions used in the analysis must accompany the report.
  - g. Soil properties, characteristics, limitations, and hazards associated with the project site and the measures that will be integrated into the project to overcome or minimize adverse soil conditions.
  - h. A narrative and photographic record of the condition of the downstream receiving system.
  - i. Identification of any other State or Federal water quality permits that are required for construction activities associated with the owner's project site.
  - j. Proof of Errors and Omissions Insurance for the registered professional engineer or licensed surveyor showing a minimum amount of \$1,000,000 in coverage.
2. A Hydrologic/Hydraulic Analysis, consistent with the methodologies and calculation included in Chapters 200 and 300 of this Manual, and including the following information:
  - a. A hydraulic report detailing existing and proposed drainage patterns on the subject site. The report should include a description of present land use and proposed land use. Any off-site drainage entering the site or any downstream restrictions should be addressed as well. This report should be comprehensive and detail all of the steps the engineer took during the design process.
  - b. All hydrologic and hydraulic computations should be included in the submittal. These calculations should include, but are not limited to the following: runoff curve numbers and runoff coefficients, runoff calculations, stage-discharge relationships, times-of-concentration and storage volumes.

- c. Copies of all computer runs. These computer runs should include both the input and the outputs. Electronic copies of the computer runs with input files must also be included.
- d. A set of exhibits should be included showing the drainage sub-areas and a schematic detailing of how the computer models were set up.
- e. A conclusion which summarizes the hydraulic design and details how this design satisfies the Town of Westfield's applicable stormwater management ordinance(s).

102.05  
Stormwater Pollution  
Prevention Plan for  
Construction Sites

A stormwater pollution prevention plan associated with construction activities must be designed to, at least, meet the requirements of the Town of Westfield's applicable stormwater management ordinance(s) and must include the following:

1. Location, dimensions, detailed specifications, and construction details of all temporary and permanent stormwater quality measures.
2. Soil map of the predominant soil types, as determined by the United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) Soil Survey, or as determined by a soil scientist. Hydrologic classification for soils should be shown when hydrologic methods requiring soils information are used. A soil legend must be included with the soil map.
3. 14-Digit Watershed Hydrologic Unit Code.
4. An estimate of the peak discharge, based on the ten (10) year storm 24-hour event, of the project site for post-construction conditions.
5. Locations where stormwater may be directly discharged into groundwater, such as abandoned wells or sinkholes. Please note if none exists.
6. Locations of specific points where stormwater discharge will leave the project site.
7. Name of all receiving waters. If the discharge is to a separate MS4, identify the name of the municipal owner and the ultimate receiving water.
8. Temporary stabilization plans and sequence of implementation.
9. Permanent stabilization plans and sequence of implementation.
10. Temporary and permanent stabilization plans shall include the following:
  - a. Specifications and application rates for soil amendments and seed mixtures.
  - b. The type and application rate for anchored mulch.
11. General construction sequence of how the project site will be built, including phases of construction.
12. Construction sequence describing the relationship between implementation of stormwater quality measures and stages of construction activities.
13. Location of all soil stockpiles and borrow areas.
14. A typical erosion and sediment control plan for individual lot development.
15. Self-monitoring program including plan and procedures.

16. A description of potential pollutant sources associated with the construction activities, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
17. Material handling and storage associated with construction activity shall meet the spill prevention and spill response requirements in 327 IAC 2-6.1.
18. 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.

102.06  
Post-Construction  
Stormwater Pollution  
Prevention Plan

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

1. A description of potential pollutant sources from the proposed land use, which may reasonably be expected to add a significant amount of pollutants to stormwater discharges.
2. Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures.
3. A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of runoff, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.
4. A sequence describing when each post-construction stormwater quality measure will be installed.
5. Stormwater quality measures that will remove or minimize pollutants from stormwater run-off.
6. Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.
7. An operation and maintenance manual, both in hard copy and digital PDF format, for all post-construction stormwater quality measures to facilitate their proper long term function. This operation and maintenance manual shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures. The manual shall include the following:
  - a. Contact information for the BMP owner (i.e. name, address, business phone number, cell phone number, pager number, e-mail address, etc.).
  - b. A statement that the BMP owner is responsible for all costs associated with maintaining the BMP.
  - c. A right-of-entry statement allowing the Town of Westfield personnel to inspect and maintain the BMP.
  - d. Specific actions to be taken regarding routine maintenance, remedial maintenance of structural components, and sediment removal. Sediment removal procedures should be explained in both narrative and graphical forms. A tabular schedule should be provided listing all maintenance activities and dates for performing these required maintenance activities.

- e. Site drawings showing the location of the BMP and access easement, cross sections of BMP features (i.e. pond, forebay(s), structural components, etc.), and the point of discharge for stormwater treated by the BMP.
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102.07  
Review of Individual  
Lots Within a  
Permitted Project

For individual lots disturbing less than 1 acre, developed within a larger permitted project, a formal review and issuance of an Erosion and Sediment Control Inspection Permit Request for Residential Lots and Outlots will be required before a building permit can be issued. All stormwater management measures necessary to comply with the Town of Westfield's applicable stormwater management ordinance(s) must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to the Town of Westfield Public Works Department, for review and acceptance, by the individual lot operator (holder of the Improvement Location Permit Application (ILP) or also known informally as a building permit, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Erosion Control Inspection Permit Request\_Permit that must be obtained prior to the issuance of a Improvement Location Permit Application (ILP) or also known informally as a building permit.

1. The individual lot operator must complete an Erosion Control Inspection Permit Request and pay the applicable fee.
2. A certified site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
3. 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. During the entire construction process the Permittee is responsible to ensure that mud, dirt, rocks, and other debris are not allowed to erode onto streets and sidewalks, nor tracked onto the streets by construction vehicles.
  - d. At no time shall any mud or other debris be deposited onto the street.
  - e. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
  - f. Self-monitoring program including plan and procedures.
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.

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

Additionally, the Permittee is responsible for ensuring that a BMP's measures remain in place during the construction process and that the installation and continuous maintenance of all lot erosion and sediment controls, on and/or adjacent to their lots, as well as curb inlets along the street frontage are monitored.

A temporary construction entrance provides a place for parking vehicles off of the street and a spot where material can be off loaded. This requirement is to provide a stable surface for parking vehicles where mud and other debris will not to be tracked onto the street. Proper maintenance of the area is required until such time as a permanent driveway is installed.

Failure to keep streets clear of mud, sediment, and debris will result in an enforcement action by the WPWD under the authority of the Town of Westfield's Stormwater Management Ordinance (05-30). The Permittee will be responsible for incurring all costs associated with cleaning the streets.

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102.08  
Changes to Plans

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

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102.09  
Fee Structure

1. Fee Amount

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

2. Time of Payment

Before the Town of Westfield Public Works Department's approval of plans, the Town of Westfield Public Works Department will furnish a written statement to the applicant specifying the total amount due the Town of Westfield Public Works 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.

As a condition of acceptance of final drainage plans by the Town of Westfield Public Works Department, applicant shall pay to the Town of Westfield Public Works Department the sum set forth in said statement. The Town of Westfield Public Works 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.

The Town of Westfield Public Works Department shall have the right to not accept the drainage improvements or to not accept the advancement of any project for which the applicable fees have not been paid.

3. Method of Payment

Fees shall be paid by one of the following methods:

- Certified Check
- Cashier's Check
- Money Order
- Such other methods as may be agreed in writing by the Town of Westfield Public Works Department

All checks shall be made payable to the Town of Westfield.

4. Waiver of Payment

Fees may be waived for certain projects at the discretion of the Town of Westfield.

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102.10  
Performance Surety

As a condition of approval and issuance of the permit, the Town of Westfield Public Works Department shall require the applicant to provide assurance in the form of a bond, or an irrevocable letter of credit if allowed by the Town of Westfield Public Works Department, when the stormwater management plan has been accepted; all applicable fees are paid, and before the beginning of construction. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. Specifically, the said assurance is intended to guarantee that the following be installed, and continuously monitored and maintained during the construction under the provisions of the Town of Westfield's applicable stormwater management ordinance(s) and Technical Standards:

- Erosion and sediment controls
- Storm sewer system
- Sub-Surface Drains (SSD)
- Detention facilities
- BMPs

Bonds are to run to the Town of Westfield. Said financial performance guarantee shall be conditioned upon the following:

1. The completion of stormwater management improvements and installations shall be within two years from the recording of the final plat;
2. A sum shall be fixed and approved by the Town of Westfield equal to one hundred ten percent (110%) of the total estimated cost of all stormwater management improvements and installations provided in the construction drawings and accompanying data to specifications cited herein based on the contractor's bid or an estimate prepared by a professional engineer registered in the state of Indiana. Said costs shall be for the installation and ongoing monitoring and maintenance during construction of erosion control measures and the construction and ongoing monitoring and maintenance during construction of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs, as regulated under the Town of Westfield's applicable stormwater management ordinance(s) and this Technical Standards. Assurances shall be for a minimum of \$5,000.
3. Each public facility improvement or installation provided in the final plat or accompanying data shall be bonded individually and shall not have the performance guarantee provided in combination with any of the other public facility improvements and installations. Separate bonds may be issued for various items within the same public facility improvement or installation so that they can be released as work for each item is completed and accepted.
4. The performance bond shall be issued in the name of the owner or the developer.

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102.11  
Permit Terms and  
Conditions

In granting a stormwater management permit, the Town of Westfield Public Works Department may impose such terms and conditions as are reasonably necessary to meet the purposes of this Ordinance. The project site owner shall insure compliance with such terms and conditions. Non-compliance with the terms and conditions of permits will be subject to enforcement as described in the applicable ordinances.

The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary

oversight on individual building lots of the terms and conditions of the stormwater management permit and the schedule for proposed implementation.

It is the intent of the Town of Westfield 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 Town of Westfield may require more stringent stormwater quantity and quality measures than detailed in the applicable ordinances or in the latest edition of the Indiana Stormwater Quality Manual.

1. Determination of Sensitive Areas

Sensitive Areas include highly erodible soils, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. A listing of highly erodible soils, outstanding water, impaired water, recreation water, and surface drinking water sources can be found in the Town of Westfield Storm Water Quality Management Plan (SWQMP) - Part B and its updates. Any discharge from a stormwater practice that is a Class V injection well shall meet the Indiana groundwater quality standards. If wetlands are suspected on a site, wetland delineation shall be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE) and the wetland addressed in accordance to the requirements of federal and state law. If the presence of threatened or endangered species habitat is suspected on a site, the site must be evaluated and inspected by a professional experienced in such and the results reported to the Town of Westfield. Special terms and conditions for development determined to impact or discharge to any Sensitive Area shall be included in the stormwater management permit.

2. Determination of Impact Drainage Areas

The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the Town of Westfield.

- a. A floodway or floodplain as designated by the most updated the Town of Westfield Code dealing with floodplain regulation.
- b. Land within 75 feet of each bank of any ditch within the Hamilton County Regulated Drainage System.
- c. Land within 75 feet of the centerline of any drain tile or enclosed conduit within the Hamilton County Regulated Drainage System.

The Town of Westfield is authorized, but is not required, to classify certain additional geographical areas as Impact Drainage Areas. In determining Impact Drainage Areas, the Town of Westfield shall consider such factors as land use, topography, soil type, capacity of existing drains, and distance from adequate drainage facility.

Land that does not have an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by the Town of Westfield. Special terms and conditions for development within any Impact Drainage Area shall be included in the stormwater management permit.

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## SECTION 103 CONSTRUCTION INSPECTION AND APPROVAL

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After the approval of the stormwater management permit, the Town of Westfield Public Works Department has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of the applicable ordinances and this Manual, and the terms and

conditions of the approved permit. The installed storm sewer shall not be accepted by the Town of Westfield Public Works Department until all requirements for inspection and testing described in this Manual are completed. Inspection of the stormwater drainage system and associated land grading and erosion control measures shall be completed by the Town of Westfield Public Works Department as set forth herein to ensure conformance with the approved site construction plan and supporting documents. Any portion of the stormwater facility not passing the tests prescribed herein shall be repaired or replaced to the extent required by the Town of Westfield Public Works Department, and retested.

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103.02  
General  
requirements

The Contractor and/or Owner shall provide written notice to the Town of Westfield Public Works Department of planned commencement of construction forty-eight (48) hours prior to such commencement. Copies of the final, approved construction plans, stormwater drainage technical report, stormwater pollution prevention plan for construction sites, and post-construction stormwater pollution prevention plan shall also accompany the above-noted written notification. The number of required copies varies from case to case and should be determined by contacting the Town of Westfield Public Works Department.

A pre-construction meeting is required to be held with the participation of the Town of Westfield Public Works Department and other entities involved prior to any grading activity to ensure that appropriate erosion control measures have been implemented on the site and the location of any existing tiles has been properly marked.

A stop-work-order shall be issued by the Town of Westfield Public Works Department for all projects that are proceeding without such notification. The Town of Westfield Public Works Department has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of the applicable ordinances and this Manual, and the terms and conditions of the approved permit.

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103.03  
Testing

Once constructed, all storm sewer pipes and manholes shall be soil tight. The Contractor shall repair to the satisfaction of the Town of Westfield Public Works Department all visible points of possible bedding and/or backfill infiltration into the system. The method of repair shall be per the approval of the Town of Westfield Public Works Department. When necessary, the Contractor shall remove and reconstruct as much of the work as is necessary to obtain a system that passes the minimum tests prescribed herein.

1. Plastic Pipes and Sub-Surface Drains Larger than 6 Inches in Diameter

- a. Mandrel Testing: No sooner than thirty (30) days after installation, all gravity flow storm sewers constructed of flexible pipe (PVC and HDPE) 33-inch in diameter or smaller and all Sub-Surface Drains (SSD) larger than 6 inches in diameter shall be mandrel tested. A representative of the Town of Westfield Public Works Department shall be present on-site during all mandrel tests. The Town of Westfield Public Works Department shall be given written notification of the proposed testing times and locations at least 48 hours prior to the intended time for beginning of the tests. Arrangements for the cost and supply of all equipment necessary to perform mandrel tests shall be the responsibility of the Contractor and Owner.

Mandrel tests shall be conducted under the supervision of the Town of Westfield Public Works Department or the Town of Westfield's Observer.

A seven and one-half (7-1/2) percent "GO/NO-GO" Mandrel Deflection Test shall be performed on all PVC and HDPE gravity storm sewer pipe.

These pipes shall be mandrel led with a rigid device sized to pass seven and one-half (7-1/2) percent or less deflection (OR deformation) of the base inside diameter of the pipe. The mandrel test shall be conducted no earlier than thirty (30) days after reaching final trench backfill grade.

The mandrel (GO/NO-GO) device shall be cylindrical in shape and constructed with nine (9) or ten (10) evenly spaced arms or prongs. Variations of mandrel diameter dimensions due to pipe wall thickness tolerances or ovality (from heat, shipping, poor production, etc.) shall not be deducted from the diameter dimension of the mandrel but shall be counted as par of the 7-1/2% or lesser deflection allowance. Each pipe material/type required to be Mandrel tested shall be tested with a mandrel approved by the Town of Westfield and meeting the requirements of this chapter. The mandrel diameter dimension shall carry a minimum tolerance of 0.01 inches.

The mandrel shall be hand pulled through all sewer lines and any section of sewer not passing the mandrel shall be uncovered, replaced or repaired, and retested.

The contact length (L) shall be measured between points of contact on the mandrel arm.

The Contractor shall provide proving rings to check the mandrel. Drawings of mandrels with complete dimensions shall be furnished by the Contractor to the Town of Westfield upon request for each diameter and specification of pipe.

- b. Visual Inspection: PVC or HDPE pipes six (6) inches in diameter or larger shall be inspected through visual recordings (via closed circuit television). PVC or HDPE pipes 36 inches in diameter or larger shall be inspected with a walk through (visual survey) inspection with the contractor, developer, and a representative from the Town of Westfield Public Works Department.

## 2. CMP and RCP Inspections

All reinforced concrete and corrugated metal storm sewer pipes that are 36-inch in diameter or larger shall be inspected through a walk through (visual survey) inspection with the contractor, developer, and a representative from the Town of Westfield Public Works Department.

All reinforced concrete and corrugated metal storm sewer pipes are required to be inspected through closed circuit television viewing (CCTV) at the developer's or contractor's expense by the Town of Westfield Public Works Department's representative as described herein. In those instances where CCTV is a required part of the stormwater permits approval, this televised viewing shall be completed in conformance with these minimum guidelines for all pipe types. The inspection between manholes shall be conducted as follows:

- a. A camera equipped with remote control devices to adjust the light intensity and one thousand (1,000) lineal feet of cable shall be provided. The camera shall be able to transmit a continuous image to the television monitor as it is being pulled through the pipe. The image shall be clear enough to enable the Town of Westfield Public Works Department to easily evaluate the interior condition of the pipe. The camera should have a digital display for lineal footage and project number and an audio voice-over shall be made during the inspection identifying any problems.

- b. The pipe shall be thoroughly cleaned before the camera is installed and televising is commenced. Cleaning of the pipe shall be the responsibility of the owner.
- c. The CD – Digital format, as directed by the Town of Westfield Public Works Department, of the entire storm sewer line and reproduction map indicating the pipe segment numbers of all the pipe that has been televised shall be submitted to the department for review and placement in their permanent file. The pipe should be flooded with clear water just prior to video recording to show any bellies or sags in the pipe.

These inspections shall be required in order to identify, as examples, excessive sedimentation, joint failures, excessive deflections (CMP), damaged coatings or pavings (CMP), structural defects misalignments, sags, or other system defects which have the potential of affecting the hydraulic performance, durability, or structural integrity of the line segment. Reference should be made to Chapter 400 of this manual for guidance on criteria sufficient to warrant rejection of the installed storm sewer system.

Excessive deflection of CMPs shall be considered to exist under the following conditions: variations from a straight centerline; elliptical shape in a pipe intended to be round; dents or bends in the metal. Metallic or bituminous coatings that have been scratched, scraped, bruised, or otherwise broken shall be considered acceptable criteria for rejection of the installed system.

Any pipe and/or joint found to be defective as a result of the televised viewing shall be required to be repaired or replaced to the satisfaction and approval of the Town of Westfield Public Works Department. A re-televising of that portion of the storm sewer line identified as needing repair or replacement shall be required.

3. Manhole and Box Inlet Inspection

Each manhole and/or box inlet structure within all storm sewer line segments shall be visually inspected by a representative of the Town of Westfield Public Works Department prior to backfill to ensure seams are sealed, pipes have concrete collars, and structure is watertight. A secondary inspection by a representative of the Town of Westfield Public Works Department shall be required to check for excessive leakage, backfill infiltration, or improper workmanship and materials. Manholes or box inlet structures which fail to meet minimum construction standards shall be repaired or, if necessary, replaced, and reinspected.

103.04  
Release of  
Performance  
Sureties

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Notice of the scheduled date for completion of construction shall be provided to the the Town of Westfield Public Works Department at least seventy-two (72) hours prior to its planned completion. The Contractor or Owner will schedule the final inspection, the storm drain and site grading performance sureties will be released after submittal and approval by the Town of Westfield Public Works Department of the following information:

- 1. As-built drawings prepared under the supervision of and certified by a Professional Engineer or Land Surveyor registered in the State of Indiana, as described in Section 103.05 of this Manual.
- 2. For subdivided and platted or developments larger than two (2) acres, a copy of the maintenance bond, as required in Section 104-01 of this Manual, in a form approved by the Town of Westfield.
- 3. A “Certificate of Completion and Compliance” certifying that the completed storm drainage system and stormwater management facilities substantially comply with

construction plans and the stormwater management permit as approved by the Town of Westfield Public Works Department.

That portion of the performance surety associated with the storm sewer system, detention facilities, and Post-Construction BMPs may be released by the Town of Westfield prior to the release of performance surety associated with early permanent site stabilization or the installation of required erosion and sediment control measures for individual lots within a permitted subdivision. The performance surety associated with erosion and sediment control measures may only be released upon the final acceptance of the project and the issuance of the “verified” NOT in accordance with the requirements of Rule 5 (327 IAC 15-5), i.e., upon stabilization of the entire construction site and the removal of temporary erosion and sediment control measures, which may be achieved before or after the construction of all individual lots within a subdivision.

103.05  
As-built or  
Record Drawings

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As part of the final acceptance process, as-built drawings(a complete re-survey of the development reflecting all graded and constructed elements) of the stormwater facilities must be submitted to the Town of Westfield Public Works Department, as set forth herein, for the following types of developments:

- All platted subdivisions
- Industrial and commercial sites five acres and larger

After completion of construction of the project and before final project acceptance of the stormwater management plan (the issuance of a “verified” NOT), a professionally prepared and certified as-built drawings by a Professional Engineer or licensed Land Surveyor registered in the State of Indiana shall be submitted to the Town of Westfield Public Works 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 survey associated with the construction plans. In addition to hard copies, digital copies of the as-built plans and finalized digital versions of all analyses, models, manuals, and reports that are consistent with the as-built conditions are required in digital formats accepted by the Town of Westfield Public Works 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, top of casting elevations, swale flow lines, lot elevations, etc
3. Top rim elevations
4. Pipe structure lengths
5. BMP types, dimensions, and boundaries/easements
6. “As-planted” plans for BMPs, as applicable
7. Data and calculations showing detention basin storage volume
8. Data and calculations showing BMP treatment capacity
9. Certified statement on plans stating the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the Town of Westfield Public Works Department.

In addition, any requirements established by the Town of Westfield Digital Submission Standards shall also be met.

103.06  
Enforcement  
of Standards

Failure to comply with those minimum guidelines set forth by the manual may result in Enforcement Action per the Storm Water Management Ordinance.

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## SECTION 104 POST-CONSTRUCTION MAINTENANCE REQUIREMENTS

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104.01  
Maintenance  
Surety

Stormwater quantity and quality management facilities shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the latest editions of the Indiana Stormwater Quality Manual or requirements contained in this Manual, and the terms and conditions of the approved stormwater permit, and shall not be subsequently altered, revised, or replaced except in accordance with the approved stormwater permit, or in accordance with approved amendments or revisions in the permit. Following the completion of construction and before the release of maintenance sureties described below, the maintenance of stormwater quantity or quality facilities shall become the long-term responsibility of the owner of the facility.

A table that lists the name and location of every post-construction stormwater quality BMPs shall also be included on the recorded plat. A sample table is provided as Table 104-1.

The property owner, developer, or contractor shall be required to file a three-year maintenance bond or other acceptable guarantee with the Town of Westfield, prior to the release of performance sureties. Specifically, the said assurance is intended to guarantee that the following be properly maintained after the construction under the provisions of the Town of Westfield's applicable stormwater management ordinance(s) and this Technical Standards:

- Post-Construction Erosion and sediment controls
- Storm sewer system
- Sub-Surface Drains (SSD)
- Detention facilities
- Post-Construction BMPs

The maintenance surety shall further be conditioned upon owner, developer, or contractor satisfactorily completing, within the three-year period following the completion of construction, such corrective actions as the Town of Westfield Public Works Department may determine are reasonably necessary to remedy any damages to upstream or downstream channels or storm sewers resulting from the as-built development of the project.

Bonds or other acceptable guarantee are to run to the Town of Westfield. Said financial maintenance guarantee shall be conditioned upon the following:

- a. A sum shall be fixed and approved by the Town of Westfield equal to ten percent (10%) of the total estimated cost of all stormwater management improvements and installations provided in the construction drawings and accompanying data to specifications cited herein based on an estimate prepared by a professional engineer registered in the state of Indiana. Said costs shall be for the installation and ongoing monitoring and post-construction maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs, as regulated under the Town of Westfield's applicable stormwater management ordinance(s) and this Technical Standards. Assurances shall be for a minimum of \$5,000.
- b. Each public facility improvement or installation provided in the final plat or accompanying data shall be bonded individually and shall not have the maintenance guarantee provided in combination with any of the other public facility improvements and installations.

- c. The maintenance surety shall be issued in the name of the owner, developer, contractor or other responsible party as determined by the Town of Westfield.
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104.02  
Post-  
Construction  
Inspection

The Town of Westfield and Westfield Public Works Department has the authority to perform long-term, post-construction inspection of all public or privately owned stormwater quantity and quality facilities. The inspections will follow the Operation and Maintenance procedures included in this Manual and/or permit application for each specific BMP. The inspection will cover physical conditions, available water quantity and quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. If deficiencies are found during the inspection, the owner of the facility will be notified by the Town of Westfield Public Works Department's Office and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Westfield Public Works Department will undertake the work and collect from the owner using lien rights if necessary.

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104.03  
Release of  
Maintenance  
Sureties

The maintenance surety posted by the developer, owner, or the contractor shall run and be in force for a period of three (3) years from the date of release of the performance surety.

To verify that all enclosed drains are functioning properly, visual recordings (via closed circuit television) of such tile drains, paid for by the applicant, shall be required before release of maintenance sureties. These visual recordings will be scheduled at least 90 days prior to the expiration date of the maintenance bond. Reports summarizing the results of the noted visual recordings shall be reviewed and accepted by the Town of Westfield Public Works Department before maintenance sureties would be recommended to be released.

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## SECTION 105 OTHER REQUIREMENTS

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105.01  
Floodplain  
Management

Floodplain management shall be in accordance with the Town of Westfield's adopted floodplain regulations. In addition to these regulations, the following floodplain policy is adopted by the Town of Westfield.

The intent of floodplain management is to protect against loss of property, protect human life, and maintain natural beneficial functions of floodplains in helping mitigate flooding and providing habitat and water quality benefits. Therefore, filling of the land in the floodplain of a regulated drain or any natural stream or watercourse, that has a contributing drainage area of 25 acres or more, located within the Town of Westfield is prohibited. The use of the floodplain area for detention/retention ponds or lakes is also prohibited. Floodplain boundaries are to be determined by using the 100-year Base Flood Elevation (BFE) as shown on the Flood Insurance Rate Maps (FIRM) of the Federal Emergency Management Agency (FEMA) and the Hamilton County 1-foot topographic data available on the Hamilton County GIS webpage.

1. If, during the process of using the BFE and the 1-foot topographic data, it is determined that the FIRM is incorrect, then a Letter of Map Revision (LOMR) to correct the FIRM is to be filed with FEMA. No filling of the floodplain, either the floodplain shown on the FIRM or the floodplain determined by the Floodplain Study, whichever is more conservative, will be allowed until an approved copy of the LOMR is provided to the Town of Westfield.

2. If a FIRM does not establish a 100-year BFE for a regulated drain, natural stream, or natural watercourse, the 100-year BFE shall be established through a site specific Floodplain Study performed by a Professional Engineer registered in the State of Indiana in accordance with the IDNR Hydraulic Modeling Guidelines.
  - a. If the drainage area for the Floodplain Study is greater than 1 square mile at the farthest downstream point of the study, then the Floodplain Study must be submitted to IDNR – Division of Water for approval and to the Town of Westfield Public Works Department for review and comment. A copy of the final study, approved by IDNR-Division of Water, must be submitted to the Town of Westfield as part of the project requiring the study to be completed.
  - b. If the drainage area for the Floodplain Study is less than 1 square mile at the farthest downstream point of the study, then the Floodplain Study must be submitted to the Town of Westfield Public Works Department for review and approval. The Town of Westfield will have the option to send the Floodplain Study to a consulting engineering firm for review and comment, should the accuracy of the Floodplain Study be in question. The cost of the consulting engineering firm's time will be the responsibility of the owner of the project and will need to be consented to in a written agreement prior to any review of the Floodplain Study by the consulting engineer.
  
3. The requirements of this section do not apply to the following:
  - a. Agricultural uses such as crop production, pastures, orchards, tree farms, planting nurseries, vineyards, and general farming.
  - b. Forestry, wildlife areas and nature preserves.
  - c. County, City, or Township Parks
  - d. Public Streets, bridges, and roadways, as long as the crossing structure are properly sized to convey the natural stream or watercourse and not raise the 100-year BFE.
  - e. Regional Detention Basins approved by the Town of Westfield Public Works Department.

105.02  
Grading and  
Building Pad  
Elevations

Maximum yard slopes are 3:1 where soil has been disturbed during construction processes. Finished floor elevation or the lowest building entry elevation must be no less than 6 inches above finished grade around the building. Also, the buildings' lowest entry elevation that is adjacent to and facing a road shall be a minimum of 15 inches above the road elevation.

All buildings shall have a minimum flood protection grade shown on the secondary plat. Minimum Flood Protection Grade of all structures fronting a pond or open ditch shall be no less than 2 feet above any adjacent 100-year local or regional flood elevations, whichever is greater, for all windows, doors, unsealed pipe entrances, window well rim elevations, and any other structure member where floodwaters can enter a building.

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

The Lowest Adjacent Grade for residential, commercial, or industrial buildings outside a FEMA or IDNR designated floodplain shall have two feet of freeboard above the flooding source's 100-year flood elevation under proposed conditions. Lowest Adjacent Grade is the elevation of the

lowest grade adjacent to a structure, where the soil meets the foundation around the outside of the structure (including structural members such as basement walkout, patios, decks, porches, support posts or piers, and rim of the window well.

For areas outside a FEMA or IDNR designated floodplain, the Lowest Adjacent Grade (including walkout basement floor elevation) for all residential, commercial, or industrial buildings adjacent to ponds shall be set a minimum of 2 feet above the 100-year pond elevation or 2 feet above the emergency overflow weir elevation, whichever is higher. In addition to the Lowest Adjacent Grade requirements, any basement floor must be at least a foot above the permanent water level (normal pool elevation).

Special considerations, based on detailed geotechnical analysis, should be made prior to considering placement of any basement below the 100-year flood elevation of an adjacent flooding source or pond.

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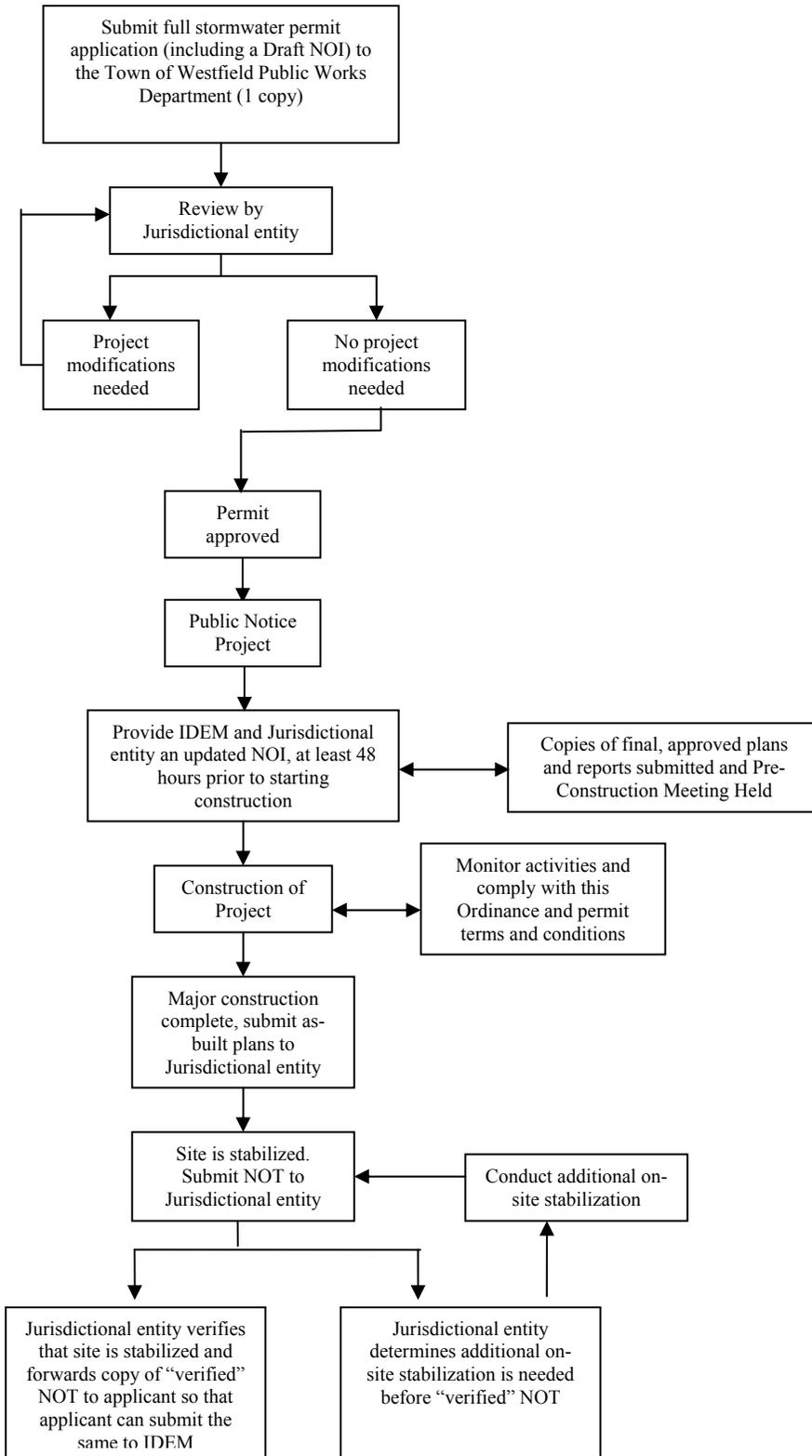
**Table 102-1: Allowable Release rate Determination and Modeling Results**

SITE OUTLET #	ITEM	PRE-DEVELOPMENT					POST-DEVELOPMENT				
		D.A. (ac)	Depress. Storage? (yes/no)	2- Yr.	10- Yr.	100- Yr.	D.A. (ac)	Depress. Storage? (yes/no)	2- Yr.	10- Yr.	100- Yr.
1	Default Unit Discharge Allowable Release Rate (cfs/acre)									0.1	0.3
	Basin-Specific Unit Discharge Allowable Release Rate, if any (cfs/acre)										
	Unit Discharge Allowable Release Rate Based on D/S Restrictions, if any (cfs/acre)										
	Adopted Unit Discharge Allowable Release Rate (cfs/acre)										
	Contributing Area of Development Site (ac) and Allowable Release Rate (cfs)										
	Total Contributing DA (ac) and Modeling Results (cfs)							no			

**Table 104-1: Listing of Post-Construction Stormwater Quality BMPs on the Site**

Structure Number	BMP Name	BMP Description	BMP Location

**Exhibit 102-1: Flow Chart of Stormwater Plan Review/Permit Process**



**APPENDIX 101-1**

**TOWN OF WESTFIELD  
STORMWATER  
MANAGEMENT  
ORDINANCES**

**Ordinance 05-30**

**AN ORDINANCE TO ESTABLISH OVERLAY ZONE DISTRICTS AND REGULATIONS FOR STORM WATER MANAGEMENT**

WHEREAS, The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Westfield through the regulation of Non-Stormwater Discharges to the Maximum Extent Practicable as required by federal and state law; and

WHEREAS, This ordinance establishes methods for controlling the introduction of Pollutants into the Town of Westfield Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) program authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5); and

- (1) WHEREAS, To prohibit the release of Pollutants to the MS4 from construction activity.
- (2) WHEREAS, To prohibit the release of Pollutants to the MS4 from post construction runoff.
- (3) WHEREAS, To prohibit Illicit Discharges into the MS4.
- (4) WHEREAS, To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

200500076033  
Filed for Record in  
HAMILTON COUNTY, INDIANA  
JENNIFER J HAYDEN  
11-22-2005 At 10:57 am.  
ORDINANCE 49.00

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Westfield, Hamilton County, Indiana, meeting in regular session as follows:

**TOWN OF WESTFIELD STORMWATER MANAGEMENT ORDINANCE**

**BE IT ORDAINED** by the Town Council of the Town of Westfield, Hamilton County, Indiana:

**Section 1. PURPOSE AND INTENT**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Town of Westfield through the regulation of Non-Stormwater Discharges to the Maximum Extent Practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of Pollutants into the Town of Westfield Municipal Separate Storm Sewer System (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) program authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5). The objectives of this ordinance are:

1. To prohibit the release of Pollutants to the MS4 from construction activity.
2. To prohibit the release of Pollutants to the MS4 from post construction runoff.
3. To prohibit Illicit Discharges into the MS4.
4. To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

**Section 2. DEFINITIONS**

For the purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs). Structural or nonstructural practices, or a combination of practices, designed to act as effective, practicable means of minimizing the impacts of development and human activities on water quality. Traditional structural BMPs, including extended detention dry ponds, wet ponds, infiltration trenches, and sand filtration systems, are now common elements of most new development projects. Structural BMPs rely heavily on gravitational settling and/or the infiltration of soluble nutrients through a porous medium for pollutant removal. Nonstructural BMPs, which may be used independently or in conjunction with structural BMPs, rely on a much wider breadth of mechanisms to prevent or control NPS pollution. Nonstructural BMPs range from programs that increase public awareness to prevent pollution, to the implementation of control-oriented techniques (such as bioretention and stormwater wetlands) that utilize vegetation to enhance pollutant removal and restore the infiltrative capacity of the landscape.

Clean Water Act (CWA). The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity. Activities subject to a Stormwater Management Permit. These include construction projects resulting in land disturbance of ¼ acre or more. Such

activities include but are not limited to clearing and grubbing, grading, excavating, and demolition. This term does not include routine ditch or road maintenance or minor landscaping projects.

Entity. An individual, association, organization, partnership, firm, corporation, or other person or group of persons recognized by law and acting as either the owner or as the owner's agent.

Illicit Discharge. A direct or indirect Non-Stormwater or Pollutant Discharge to the Storm Drainage System, MS4, or Receiving Waters except as exempted in Section 11 of this ordinance.

Illicit Connections. An Illicit Connection is defined as either of the following:  
A Stormwater Conveyance System, which allows an Illicit Discharge to enter the Storm Drainage System or the MS4, including but not limited to any conveyances which allow any Non-Stormwater Discharge and any connections to the Storm Drainage System, MS4, or Receiving Waters from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Town of Westfield or, any conveyance connected from a commercial or industrial land use to the Storm Drainage System, MS4, or Receiving Water which has not been documented in plans, maps, or equivalent records and approved by the Town of Westfield.

Inspecting Authority. A Town of Westfield representative or any other person authorized by the Town of Westfield to perform inspections.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined by 327 IAC 15-6-1:12 (Rule 6).

Maximum Extent Practicable (MEP). The statutory standard that establishes the level of Pollutant reductions that operators of regulated MS4s must achieve. The CWA requires that NPDES Stormwater Discharge Permits for discharges from MS4s "shall require controls to reduce the discharge of Pollutants to the Maximum Extent Practicable, including management practices, control techniques and system, design and engineering methods." This standard applies to all MS4s regulated under the Phase I and Phase II (Rule 13) Stormwater rules. Compliance with the conditions of Rule 13 and the series of steps associated with implementation of the required six minimum control measures will satisfy the MEP standard. Compliance with the six minimum control measures requires the development and implementation of BMPs. Implementation of the BMPs includes not only the actions necessary to initiate and continue the use of specific control measures, but also, the enforcement actions, as applicable, to ensure that the implementation of the control measures occurs.

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

Municipal Separate Storm Sewer System (MS4). A Stormwater Conveyance System which is owned or operated by a state, city, town, county, tribe, district, association, or other public body or a designated and approved management agency under Section 208 of the Clean Water Act that discharges into Waters of the United States (40 CFR 122.26(b)(8)).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit. A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of Pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Stormwater Discharge. Any discharge to the Stormwater Conveyance System that is not composed entirely of Stormwater including, but not limited to: sewage, process wastewater, washwater, water containing pollutants, or any other liquid, other than uncontaminated Stormwater, discharged from a facility.

Notice of Intent (NOI). A written notification indicating an Entity's intention to comply with the terms of a specified general permit rule in lieu of applying for an individual NPDES Stormwater Discharge Permit and includes information as required under 327 IAC 15-3 and the applicable general permit rule.

Pollutant. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes; yard wastes, including grass, brush, leaves, and limbs; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, 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; soil and sediments; 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.

Receiving Waters. Watercourses or Waters of the United States, or any body of water into which Stormwater is discharged.

Storm Drainage System. A non-MS4 Stormwater conveyance system that ultimately discharges to an MS4.

Stormwater Conveyance Systems. System of subsurface drainage systems, catch basins, and other drainage structures including retention and detention facilities, municipal streets, catch basins, curbs, gutters, roads with subsurface drainage systems, reservoirs, pumped piping systems, other drainage structures or watercourse.

Stormwater Pollution Prevention Plan (SWPPP). A document which describes the Best Management Practices and activities to be implemented by an Entity 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.

Technical Review and Comment Form: A form issued by the Town of Westfield stating the SWPPP is adequate or stating revisions needed in the SWPPP.

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, experience, or completion of coursework that enable the individual to make judgments regarding Stormwater control or treatment and monitoring.

Watercourse. A conduit through which water flows, natural body of running water flowing on or under the earth or a natural or artificial channel through which water flows

Waters of the United States. A term used in federal regulations that defines all water bodies regulated as waters of the U.S. It includes: (1) all waters which may be susceptible to use in interstate or foreign commerce; (2) all interstate waters, including interstate wetlands; (3) all other waters, such as intrastate lakes, rivers, streams (including intermittent streams), mud flats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; the use, degradation, or destruction of which could affect interstate or foreign commerce including any such waters; (4) all impoundments of waters otherwise defined as waters of the U.S.; (5) tributaries of waters identified in this section; (6) the territorial seas; (7) wetlands adjacent to waters.

### **Section 3. APPLICABILITY**

This ordinance shall apply to all Construction Activity, direct or indirect Stormwater discharges, and Illicit Discharges entering the Storm Drainage System, MS4, or Receiving Waters under the jurisdiction of the Town of Westfield.

The Town of Westfield, by and through its Town Council, has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance. A meeting with the Town of Westfield Public Works Department may be requested by an Entity to discuss the applicability of various provisions of the Ordinance with regards to unique or unusual circumstances. However, any initial determination of such applicability shall not be binding on future determinations of the Town of Westfield Public Works Department that may be based on the review of more detailed information and plans.

**Section 4. NPDES STORMWATER DISCHARGE PERMIT**

Any Entity subject to an NPDES Stormwater Discharge Permit shall comply with all provisions of such permit and the provisions of this ordinance if the provisions of this ordinance are more restrictive than the NPDES Stormwater Discharge Permit. Proof of compliance with said permit and this ordinance may be required in a form acceptable to the Town of Westfield prior to allowing discharges to the MS4.

**Section 5. RESPONSIBILITY FOR ADMINISTRATION**

The Town of Westfield shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Town of Westfield may be delegated in writing by the Town Council of the Town of Westfield to persons acting in the beneficial interest of or in the employ of the agency.

**Section 6. CONFLICTING ORDINANCES**

The provisions of this ordinance shall be deemed as additional requirements to minimum standards required by other Town of Westfield codes and ordinances, and as supplemental requirements to Indiana's Rule 5 regarding Stormwater Discharge associated with Construction Activity and Indiana's Rule 13 regarding Stormwater runoff associated with MS4 conveyances. In case of conflicting requirements, the most restrictive shall apply. Unless otherwise stated, the most recent versions or editions of said codes, ordinances, laws, and statutes shall apply.

**Section 7. STORMWATER DESIGN MANUAL**

The Town of Westfield Utility and Infrastructure Construction Standards and Specifications Manual, and amendments thereto, are hereby incorporated herein by reference, with copies of the same being maintained in the Department of Public Works for public inspection during regular business hours.

**Section 8. INTERPRETATION**

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

**Section 9. SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance 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 Ordinance.

**Section 10. ULTIMATE RESPONSIBILITY**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this Ordinance does not intend nor imply that compliance by any Entity will ensure that there will be no contamination, pollution, nor unauthorized discharge of Pollutants. The degree of protection required by this Ordinance is considered reasonable for regulatory purposes. This Ordinance shall not create liability on the part of Town of Westfield or any officer, representative, or employee thereof, for any damage that may result from reliance on this Ordinance or on any administrative decision lawfully made there under.

**Section 11. DISCHARGE PROHIBITIONS**

**A. Prohibition of Illicit Discharges.**

1. No Entity shall discharge directly or indirectly or cause to be discharged into the Storm Drainage System, MS4, or Receiving Waters any materials, including but not limited to, Pollutants or Non-Stormwater discharges that cause or contribute to a violation of applicable water quality standards, other than Stormwater.
2. The commencement, conduct or continuance of any Illicit Discharge to the Storm Drainage System, MS4, or Receiving Waters is prohibited except as described as follows:
  - a. The following discharges are exempt from this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), firefighting activities, and any other water source not containing Pollutants.
  - b. Discharges specified in writing by the Town of Westfield as being necessary to protect public health and safety.
  - c. Dye testing is an allowable discharge, but requires a verbal notification to the Town of Westfield prior to the time of the test.
  - d. The prohibition shall not apply to any Non-Stormwater Discharge permitted under an NPDES Stormwater Discharge Permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, including this

ordinance, and provided that written approval has been granted for any discharge to the Storm Drainage System, MS4, or Receiving Waters.

**B. Prohibition of Illicit Connections.**

1. The construction, use, maintenance, or continued existence of Illicit Connections 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. An Entity is in violation of this ordinance if the Entity makes an Illicit Connection or allows such a connection to continue after service of a notice of violation. This ordinance requires an immediate cessation of the Illicit Connection after service of the notice of violation.

**Section 12. WATERCOURSE PROTECTION**

Entities owning property through which a Watercourse passes, or such an Entity's lessee, shall keep and maintain that part of the Watercourse. In addition, the Entity or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The Entity or lessee shall not place or construct a privately owned structure(s) or other impairment(s) within or adjacent to the Watercourse such that is an impairment or a detriment to the use, function, or physical integrity of the watercourse.

**Section 13. STORAGE OF POLLUTANTS**

Storage or stockpiling of pollutants within any floodplain district is strictly prohibited. Storage or stockpiling of pollutants on active construction sites must include adequate protection and/or containment so as to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

**Section 14. ACCESS TO FACILITIES**

- A. The Town of Westfield shall be permitted to enter and inspect any Premises subject to regulation under this ordinance or subject to the conditions of a NPDES Stormwater Discharge Permit as often as may be necessary to determine compliance with this ordinance. If a said Premise has security measures in force, which require proper identification and clearance before entry into its Premise, the owner of said Premise shall make the necessary arrangements to allow access to representatives of the Town of Westfield.
- B. The Town of Westfield shall be provided ready access to all parts of the Premises for the purposes of inspection, sampling, examination and provided access to all records that must be kept under the conditions of a NPDES Stormwater Discharge Permit or this Ordinance and shall be permitted to make copies of said records, and the performance of any additional duties as defined by state and federal law and any other applicable codes, ordinances, or laws which would otherwise have jurisdiction over the provisions of this ordinance.

- C. Unreasonable delay or refusal to allow the Town of Westfield access to a Premise subject to regulation under this ordinance or subject to the conditions of a NPDES Stormwater Discharge Permit is a violation of this ordinance.
- D. If the Town of Westfield has been refused access to any part of the Premise, and The Town of Westfield is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample any discharges as part of an inspection and sampling program developed to verify compliance with this Ordinance or any order issued hereunder, and/or to protect the overall public health, safety, and welfare of the Town of Westfield, then the Town of Westfield may seek issuance of a search warrant from any court of competent jurisdiction.
- E. Any temporary or permanent obstruction to safe and easy access to the Premise to be inspected and/or sampled shall be promptly removed by the owner of the Premises at the written or oral request of the Town of Westfield and shall not be replaced. The costs of clearing such access shall be borne by the owner of the Premise.
- F. It shall be unlawful for the Entity of any Premise to refuse to allow the Town of Westfield to enter upon the Premise for the purposes set forth in Section 27 of this Ordinance.

**Section 15. MONITORING OF DISCHARGES**

- A. The Town of Westfield shall have the right to install on any Premise, such devices as are necessary in the opinion of the Town of Westfield to conduct monitoring and/or sampling of the Premise's discharge.
- B. The Town of Westfield reserves the right to require the Entity of said Premise to install monitoring equipment as necessary. The Premise's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the Entity at the expense of the Entity. Data resulting from said monitoring shall be provided to the Town of Westfield. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

**Section 16. REMOVAL OF MUD AND OTHER SUBSTANCES FROM TOWN STREETS**

No entity shall, under any circumstance, cause any mud, dirt, sand, gravel, stone or other similar substance to be deposited upon any Town street at any time.

**Section 17. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

- A. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from an Illicit Discharge through the use of acceptable Best Management Practices (BMPs). Acceptable BMPs are

outlined in the Town of Westfield Stormwater Design Manual. Further, any Entity responsible for a property or premise, which is, or may be, the source of an Illicit Discharge, may be required to implement, at said Entity's expense, additional accepted BMPs. This shall include any commercial or industrial establishment having an approved NPDES Stormwater Discharge Permit.

- B. The SWPPP that is on file in accordance with an approved NPDES Stormwater Discharge Permit shall outline the BMPs on the Premises, even if the NPDES Stormwater Discharge Permit does not specifically require a BMP but a BMP is required under the provisions of this Ordinance.
- C. Installation of said BMPs are not a guarantee that an Illicit Discharge will not occur.

**Section 18. NOTIFICATION OF SPILLS**

Any Entity who knowingly or accidentally causes an illicit discharge shall immediately notify emergency dispatch services. A written report concerning the Illicit Discharge shall be filed with the Town of Westfield Public Works Department, by the dischargers, within five (5) days. The written report shall specify:

- A. The composition of the discharge and the cause thereof;
- B. The date, time, and estimated volume of the discharge;
- C. All measures taken to remedy the Illicit Discharge, and all measures proposed to be taken to prevent any recurrence;
- D. The name and telephone number of the Entity making the report, and the name and telephone number of the Entity who may be contacted for additional information on the matter.

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

**Section 19. STORMWATER MANAGEMENT PERMIT REQUIREMENTS AND PROCEDURES**

An approved Stormwater Management Permit shall be obtained prior to the initiation of any Construction Activities. In order to obtain a Stormwater Management Permit, the applicant shall be the Entity responsible for accomplishing the Construction Activity for which the Stormwater Management Permit was issued. In granting a Stormwater Management Permit, the Town of Westfield may impose such terms and conditions as are reasonably necessary to meet the purpose of this Ordinance. The Entity shall insure compliance with such terms and conditions. Non-compliance with the terms and

conditions of permits will be subject to enforcement as described in Section 23 of this ordinance. The Entity shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of the Stormwater Management Permit and the schedule for proposed implementation.

- A. The project site owner must submit an application for a Stormwater Management Permit to the Town of Westfield and IDEM, including an Initial Notice of Intent (NOI), construction plan sheets, stormwater drainage technical report, a SWPPP for active construction sites, a post-construction SWPPP, and the applicable permit fees to IDEM (327 IAC 15-5) and to the Town of Westfield (Town of Westfield's Inspection Fees Ordinance). All plans, reports, calculations, and narratives shall be signed and sealed by a professional engineer, registered by the State of Indiana.
- B. The Town of Westfield will review each application for a Stormwater Management Permit to determine its conformance with the provisions of this Ordinance. The Town of Westfield will take one of the following actions:
  1. Approve the SWPPP for active construction sites and for post-construction and provide a Technical Review and Comment Form stating the "Plan is Adequate".
  2. Approve the SWPPP for active construction sites and for post-construction subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Ordinance, and issue the Technical Review and Comment Form stating the "Plan is Adequate" with said conditions outlined.
  3. Provide a Technical Review and Comment Form stating the "Plan is Deficient" and indicating the reason(s) and procedure for submitting a revised application and/or submission.

Any changes or deviations in the detailed plans and specifications after approval of the applicable Stormwater Management Permit shall be filed with, and accepted by, the Town of Westfield prior to the commencement of Construction Activity involving the change. Applicable plan review fees are due in accordance with the Town of Westfield's Inspection Fee Ordinance.

- C. After receiving a Technical Review and Comment Form stating the "Plan is Adequate", the project site owner must notify the Town of Westfield and IDEM 48 hours before beginning construction. Notification shall be in the form of an updated NOI form along with proof of publication of public notice. The publication must include the following:

“(Company name, address) is submitting an NOI letter to notify the Town of Westfield and the Indiana Department of Environmental Management of our intent to comply with the requirements of the Town of Westfield Stormwater Management Ordinance, as well as the requirements of 327 IAC 15-5 and 327 IAC 15-13, to discharge stormwater from construction activities

for the following project: (name of the construction project, address of the location of the construction project, and Parcel Identification Number). Run-off from the project site will discharge to (stream(s) receiving the discharge(s)).”

Once a permit has been issued and the updated NOI submitted to the Town of Westfield and IDEM 48 hours before beginning construction, construction may commence. A stop work order per Section 24 shall be issued by the Town of Westfield for all projects that are proceeding without such notification.

- D. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with the Town of Westfield’s applicable ordinances and the terms and conditions of the approved permit.
- E. Upon completion of construction activities, as-built plans must be submitted to the Town of Westfield.
- F. The Entity must submit a Notice of Termination (NOT) letter to the Town of Westfield once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed. The Town of Westfield shall inspect the construction site and verify the requirements for an NOT have been met. Once the applicant receives a “verified” copy of the NOT, they must forward a copy to IDEM.

**Section 20. INDIVIDUAL LOT PLOT PLAN PERMIT REQUIREMENTS AND PROCEDURES**

For individual lots disturbing less than one (1) acre, developed within a larger permitted project, a formal review and issuance of an Individual Lot Plot Plan Permit will be required before a building permit can be issued. The individual lot owner must complete a Residential Lot Plot Plan Permit Request, containing the certified site layout for the subject lot and an erosion and sediment control plan in accordance with the Stormwater Design Manual, the name and contact information for the trained individual in charge of the stormwater pollution prevention self-monitoring program for the individual lot. In submitting the individual lot plot plan for plan review, applicable fees are due in accordance with the Town of Westfield Inspection Fee Ordinance. The individual lot owner is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

**Section 21. PERFORMANCE SURETY AND MAINTENANCE GUARANTEE**

As a condition of approval and issuance of the permit, the Town of Westfield shall require the applicant to provide financial performance and maintenance guarantees. Said assurance will guarantee a good faith execution of the stormwater drainage plan, the SWPPP, the stormwater quality management plan, and any permit conditions.

Notice of the scheduled date for completion of construction shall be provided to the department at least seventy-two (72) hours prior to its planned completion. The owner will schedule the final inspection, the storm drain and site grading performance sureties will be released after submittal and approval by the Town of Westfield Public Works Department of the following information:

1. "Record" drawings prepared under the supervision of and certified by a Professional Engineer registered in the State of Indiana.
2. For subdivided and platted or developments larger than five (5) acres, a copy of the storm drain maintenance bond in a form approved by the jurisdictional entity.
3. A "Certificate of Completion and Compliance" certifying that the completed storm drainage system and stormwater management facilities substantially comply with construction plans and the stormwater management permit as approved by the Town of Westfield Public Works Department.

For platted single- and double-family developments, the performance surety for installation of required erosion and sediment control measures will be released only after construction has been completed on eighty-one (81) percent or more of all single- or double-family homes proposed within each individual section of the development.

The property owner, developer, or contractor shall be required to file a three-year maintenance bond or other acceptable guarantee with the Town of Westfield, prior to final project acceptance (the issuance of a verified "NOT").

**Section 22. CONSTRUCTION ACTIVITY INSPECTION**

- A. A self-monitoring program shall be implemented. A Trained Individual shall perform a written evaluation of the project site by the end of the next business day following each Measurable Storm Event. If there are no Measurable Storm Events within a given week, the site should be monitored at least once in that week.
- B. The evaluation shall document the maintenance efforts of existing Best Management Practices to ensure proper function in accordance with this ordinance; and identify additional measures necessary to remain in compliance with all applicable statutes and rules.
- C. Written evaluation reports include the following:
  1. The name of the individual performing the evaluation;
  2. The date of the evaluation;
  3. Problems identified at the project site; and
  4. Details of corrective actions recommended and completed
- D. All evaluation reports for the project site shall be made available to the Town of Westfield within forty-eight (48) hours of a request.
- E. The Town of Westfield will perform inspections at their discretion to evaluate the installation, implementation, and maintenance of control measures and management practices at any project site involved in Construction Activities and provide necessary recommendations for conformance with the provisions of this

ordinance and the Stormwater Management Permit. Access to the construction project site shall be provided in accordance with Section 14 of this Ordinance.

- F. If after a recommendation is provided to the Entity, corrective action is not taken; the Town of Westfield will pursue enforcement in accordance with this ordinance.

**Section 23. BMP MAINTENANCE**

BMPs shall be maintained in good condition, in accordance with the Operation and Maintenance procedures and schedules listed in the Indiana Stormwater Quality Manual or the Town of Westfield Utility and Infrastructure Construction Standards and Specifications Manual, and the terms and conditions of an approved Stormwater Management Permit, and shall not be subsequently altered, revised, or replaced. Alterations, revisions, or replacement of the BMP shall be in accordance with the provisions of an approved Stormwater Management Permit (as amended or revised) or as approved by the Town of Westfield. Following the issuance of an NOT or the installation of an acceptable BMP, inspection and maintenance of the BMPs shall be the long-term responsibility of the Entity.

The Town of Westfield has the authority to perform long-term inspection of all public or privately owned BMPs. The inspections shall follow the Operation and Maintenance procedures included in the Town of Westfield Utility and Infrastructure Construction Standards and Specifications Manual and/or Stormwater Management Permit for each specific BMP. The inspection shall cover physical conditions, available water quality storage capacity and the operational condition of key facility elements. Noted deficiencies and recommended corrective action will be included in an inspection report. If deficiencies are found during the inspection, the owner of the facility will be notified by the Town of Westfield and will be required to take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time period, as specified in the notification letter, the Town of Westfield will issue a notice of violation per Section 24 of this ordinance.

**Section 24. NOTICE OF VIOLATION**

- A. In the event an Entity has violated the terms of this Ordinance, the Town of Westfield may order compliance by written Notice of Violation to the Entity. Such notice may require without limitation:
  - 1. The performance of monitoring, analyzing, and reporting;
  - 2. The elimination of Illicit Connections or Illicit Discharges;
  - 3. That Illicit Discharges shall cease and desist;
  - 4. The abatement or remediation of the Illicit Discharge and the restoration of any affected property;
  - 5. Payment of a fine;
  - 6. The implementation of source control and/or installation of acceptable BMPs;
  - 7. Payment of any costs borne by the Town of Westfield, including but not limited to, remediation costs, legal fees, consultant fees, monitoring costs, construction costs, collection fees; and/or

8. The implementation of the approved components of a SWPPP or other erosion and sediment control practices as deemed necessary by the Town of Westfield.
- B. The Town of Westfield may, without prior Notice of Violation, suspend Storm Drainage System or MS4 access to an Entity in the form of a Suspension Order when such suspension is necessary to stop an actual or threatened Illicit Discharge which presents or may present imminent and substantial danger.
- C. The Notice of Violation or Suspension Order shall:
  - a. Be in writing;
  - b. Include a description of the property for identification;
  - c. Include a statement of the violation(s) and section violated and why the notice or order is being issued;
  - d. Include a description of corrective actions to be taken allowing a sufficient reasonable amount of time, of at least one (1) day from the time the Notice of Violation or Suspension Order is given, to make the repairs and improvements required to bring the property into compliance with the provisions of this ordinance; and
  - e. Include a notice containing the right to appeal the Town of Westfield's determination to the Westfield Town Council in accordance with Section 25 of this ordinance.
- D. If the Entity fails to comply with a Suspension Order or fails to perform steps provided in a Notice of Violation within the established deadline, then the Town of Westfield may take steps as deemed necessary to prevent or minimize damage or remediate a violation. The cost of abatement or restoration shall be assessed against the owner of the property and may be filed as a lien against the property in the amount of the assessment. It shall be unlawful for any Entity, owner, agent or person in possession of any Premise to refuse to allow the Town of Westfield or its designated contractor to enter upon the Premise for the purposes set forth above.
- E. In the event of a Suspension, the Town of Westfield shall not reinstate suspended services or MS4 access to the Entity until the Entity presents proof, satisfactory to the Town of Westfield, the Illicit Discharge has been eliminated and its cause determined and corrected. An Entity violates this ordinance if the Entity reinstates MS4 access to Premises terminated pursuant to this section, without the prior approval of the Town of Westfield.
- F. In addition to the penalties listed above, if Construction Activities are conducted contrary to the provisions of this Ordinance or a Stormwater Management Permit, the Town of Westfield may order the work stopped by notice in writing, in the form of a Stop Work Order, served on any Entity engaged in the doing or causing of such work to be done, and any such Entity shall forthwith stop such work until authorized by the Town of Westfield to proceed with the work.

**Section 25. APPEAL OF NOTICE OF VIOLATION**

- A. Any Entity receiving a notice of violation may appeal the determination of violation to the effect that a Notice of Violation or Order served in accordance

with this ordinance is in error, or should, due to hardship, be modified or entitled to a variance from enforcement, or that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period, may appeal to the Westfield Town Council; for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance.

- B. A request for rescission, modification, variance, or extension of time shall be made in writing, to the Town of Westfield Clerk/Treasurer's Office, to be placed on the Westfield Town Council agenda, within ten (10) days of the Appellant's receipt of a copy of the Notice or Order. The Westfield Town Council shall schedule a hearing within thirty (30) days of receipt of the request.
- C. All hearings before the Westfield Town Council shall be open to the public. The appellant, the appellant's representative, and any persons whose interests are affected shall be given an opportunity to be heard.
- D. Prior to ruling on an appeal, the Westfield Town Council shall make the following findings:
  - 1. The violator was served with a Notice or Order
  - 2. The Notice or Order that was served stated the specific nature of the violation; corrective action to be taken to abate the violation; and a specific time period for abatement of violation.
  - 3. Within the time period stipulated by the Notice or Order, the violator failed to comply by not abating the violation, and/or not bringing into compliance with this ordinance.
  - 4. Upon expiration of the date indicated for compliance in the Notice or Order, the premises was being maintained in violation of specific provisions of this ordinance and/or conditions imposed by the Westfield Town Council as a prerequisite to the modification of a previous compliance order.
  - 5. Determination that a violation exists on the premises.
- E. At the conclusion of the hearing at which a continuance is not granted, the Westfield Town Council may reverse, affirm, or modify the Order, Notice, requirement, decision or determination appealed from, and may make such Order, requirement, decision or determination as justice would require. The Westfield Town Council's determination and findings of fact shall be recorded and if a Notice or Order is affirmed or modified, the Westfield Town Council shall, in the determination on appeal, reestablish a reasonable timeline to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this ordinance.
- F. Any entity, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law.
- G. Appeals of notices and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the Westfield Town Council rules on the appeal.

**Section 26. TRANSFER OF OWNERSHIP**

No owner of any premise upon whom a Notice of Violation has been served shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the Notice of Violation have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or Notice of Violation issued by the Town of Westfield and furnishes to the Town of Westfield a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making corrections or repairs required by such Notice of Violation.

**Section 27. PENALTIES FOR VIOLATIONS**

Any person found in violation of any provisions of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$1,000 for the first offense, and a maximum of \$10,000 for a subsequent offense, plus cost, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

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

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

**Section 28. FULL FORCE AND EFFECT**

This Ordinance shall be in full force and effect from and after its passage, signing by the Westfield Town Council and publication as required by law.

All ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed.

ADOPTED AND PASSED THIS 14 DAY OF Nov 2005, BY THE WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD TOWN COUNCIL**

**Voting For**

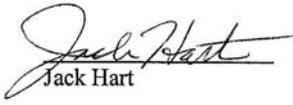
**Voting Against**

**Abstain**

  
Teresa Otis Skelton

\_\_\_\_\_  
Teresa Otis Skelton

\_\_\_\_\_  
Teresa Otis Skelton

  
Jack Hart

\_\_\_\_\_  
Jack Hart

\_\_\_\_\_  
Jack Hart

\_\_\_\_\_  
David Mikesell

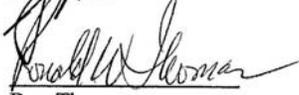
\_\_\_\_\_  
David Mikesell

\_\_\_\_\_  
David Mikesell

  
Bob Smith

\_\_\_\_\_  
Bob Smith

\_\_\_\_\_  
Bob Smith

  
Ron Thomas

\_\_\_\_\_  
Ron Thomas

\_\_\_\_\_  
Ron Thomas

ATTEST:

  
Clerk-Treasurer, Cindy Gossard

Prepared by Bruce Hauk, WPW Director



**Ordinance 06-16  
Erosion & Sediment Control Inspection Ordinance  
for Individual Lots and Outlots**

Town of Westfield

**ORDINANCE 06-16**

**AN ORDINANCE TO ESTABLISH INSPECTION FEES AND REGULATIONS FOR  
EROSION & SEDIMENT CONTROL INSPECTIONS  
FOR RESIDENTIAL LOTS AND OUTLOTS**

WHEREAS, The Town Council of the Town of Westfield, Indiana (“Council”) desires to provide for the health, safety, and general welfare of the citizens of the Town of Westfield, Indiana (“Town”) through the regulation of water, erosion and sediment discharges to the maximum extent practicable as required by federal and state law; and

WHEREAS, The Council is desirous of establishing methods for controlling the introduction of pollutants from construction activity into the Town Separate Storm Sewer System (“MS4”) in order to comply with requirements of the National Pollutant Discharge Elimination System (“NPDES”) program authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management’s Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management’s Rule 5 (327 IAC 15-5);

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Westfield, Hamilton County, Indiana, meeting in regular session as follows:

**Section 1. Purpose and Intent**

The primary purpose of this Ordinance is to ensure perimeter sediment and erosion control, with best management practices (BMP’s) being utilized to prevent and minimize sediment and erosion discharge from leaving the construction site. The intent of this Ordinance is to prevent non-storm water discharges, erosion and minimize sediment from leaving the site. Failure to do so can result in damage to adjacent property, damage to the MS4’s storm sewer system, and contribute to the polluting of streams, lakes and rivers.

The Town of Westfield Improvement Location Permit Application (“ILP”), generally known as a Building Permit, permittee (the “Permittee”) is responsible for ensuring that adequate BMP’s are in place and functioning until the construction project obtains a Certificate of Occupancy (“C of O”) from the Town Building Department. The property owner, after the C of O is issued, is responsible to maintain the erosion control measures until adequate ground cover (70% mature growth) is established and the property is required to have established adequate ground cover within two (2) years from the issuance of the C of O.

Compliance with this Ordinance shall be the responsibility of the party listed on the ILP filed with the Town.

## **Section 2. Review of Permit and Responsibilities of Permittee**

For individual lots disturbing less than 1 acre, developed within a larger permitted project, a formal review and issuance of an Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlots will be required before a building permit can be issued. All stormwater management measures necessary to comply with the Town of Westfield's applicable stormwater management ordinance(s) must be implemented in accordance with permitted plan for the larger project.

The following information must be submitted to the Town of Westfield Public Works Department, for review and acceptance, by the individual lot operator (holder of the Improvement Location Permit Application (ILP) or also known informally as a building permit, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlot Request that must be obtained prior to the issuance of a Improvement Location Permit Application (ILP) or also known informally as a building permit.

1. The individual lot operator must complete an Erosion Control Inspection Permit Request and pay the applicable fee.
2. A certified site layout for the subject lot and all adjacent lots showing building pad location, dimensions, and elevations, and the drainage patterns and swales.
3. 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. During the entire construction process the Permittee is responsible to ensure that mud, dirt, rocks, and other debris are not allowed to erode onto streets and sidewalks, nor tracked onto the streets by construction vehicles.
  - d. At no time shall any mud or other debris be deposited onto the street.
  - e. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.
  - f. Self-monitoring program including plan and procedures.
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.

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

Additionally, the Permittee is responsible for ensuring that a BMP's measures remain in place during the construction process and that the installation and continuous maintenance of all lot erosion and sediment controls, on and/or adjacent to their lots, as well as curb inlets along the street frontage are monitored.

A temporary construction entrance provides a place for parking vehicles off of the street and a spot where material can be off loaded. This requirement is to provide a stable surface for parking vehicles

where mud and other debris will not to be tracked onto the street. Proper maintenance of the area is required until such time as a permanent driveway is installed.

Failure to keep streets clear of mud sediment, and debris will result in an enforcement action by the WPWD under the authority of the Town of Westfield's Stormwater Management Ordinance (05-30). The Permittee will be responsible for incurring all costs associated with cleaning the streets.

### **Section 3. Best Management Practices (BMP's) For Construction Lots**

From the time construction on an individual lot begins, until the individual lot is stabilized, the builder must take steps to:

- protect adjacent properties from sedimentation
- prevent mud/sediment from depositing on the street
- protect drainage ways from erosion and sedimentation
- prevent sediment laden water from entering storm sewer inlets.

A generic erosion control plan for individual lots is provided in this Ordinance. A typical plan should include perimeter silt fence, stabilized construction entrance, curb inlet protection, drop inlet protection, stockpile containment, stabilized drainage swales, downspout extensions, temporary seeding and mulching, and permanent vegetation. Every relevant measure shall be installed at each individual lot site.

Construction sequence on individual lots should be as follows:

1. Clearly delineate areas of trees, shrubs, and vegetation that are to be undisturbed. To prevent root damage, the areas delineated for tree protection should be at least the same diameter as the crown.
2. Install perimeter silt fence at construction limits. Position the fence to intercept runoff prior to entering drainage swales.
3. Avoid disturbing drainage swales if vegetation is established. If drainage swales are bare, install erosion control blankets or sod to immediately stabilize.
4. Install drop inlet protection for all inlets on the property.
5. Install curb inlet protection, on both sides of the road, for all inlets along the property frontage and along the frontage of adjacent lots, or install temporary catch basin inserts in each inlet and frequently clean.
6. Install gravel construction entrance that extends from the street to the building pad.
7. Perform primary grading operations.
8. Contain erosion from any soil stockpiles created on-site with silt fence around the base.
9. Establish temporary seeding and straw mulch on disturbed areas.
10. Construct the home and install utilities.
11. Install downspout extenders once the roof and gutters have been constructed. Extenders should outlet to a stabilized area.
12. Re-seed any areas disturbed by construction and utilities installation with temporary seed mix within 3 days of completion of disturbance.
13. Grade the site to final elevations. Add topsoil as needed to minimize erosion of underlying soil and to quickly establish grass.
14. Install permanent seeding or sod.

All erosion and sediment control measures must be properly maintained throughout construction. Temporary and permanent seeding should be watered as needed until established. For further information on individual lot erosion and sediment control, please see the “Individual Lot Erosion and Sediment Control Plan and Certification” form in **Exhibit 602-1** or the IDNR, Division of Soil Conservation’s pamphlet titled “Erosion and Sediment Control for Individual Building Sites”.

#### **Section 4. Administration and Application**

1. The WPWD will administer, implement, and enforce the provisions of this Ordinance.
2. This Ordinance shall apply to all construction activity, (direct or indirect stormwater discharges, and illicit discharges) entering within the storm drainage system, MS4, or receiving waters under the jurisdiction of the Town.
3. Any Permittee subject to an NPDES Stormwater Discharge Permit shall comply with all provisions of such permit. If provisions of this ordinance are more restrictive than the NPDES Stormwater Discharge Permit, proof of compliance with said permit and this Ordinance may be required in a form acceptable to the WPWD prior to allowing discharges to the MS4.
4. The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other provisions of the Town of Westfield Code, and as supplemental requirements to Indiana’s Rule 5 regarding Stormwater Discharge associated with construction activity and Indiana’s Rule 13 regarding stormwater runoff associated with MS4 conveyances. In case of conflicting requirements, the most restrictive shall apply. Unless otherwise stated, the most recent versions or editions of said codes, ordinances, laws, and statutes shall apply.
5. The Town, by and through its Council, has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance. A meeting with the WPWD may be requested by a Permittee to discuss the applicability of various provisions of the Ordinance with regard to unique or unusual circumstances. However, any initial determination of such applicability shall not be binding on future determinations of the WPWD.
6. The Town of Westfield Utility and Infrastructure Construction Standards and Specifications Manual, and amendments thereto, are hereby incorporated herein by reference, with copies of the same being maintained in the WPWD for public inspection during regular business hours.
7. Words and phrases in this Ordinance shall be construed according to their common and accepted meanings. Technical words and technical phrases that are not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings and as defined in 327 IAC 15-13 and 327 IAC 15-5 of the Indiana Code and other provisions of the Town of Westfield Code.

8. The Town shall be permitted to enter and inspect any premise subject to regulation under this Ordinance. It shall be unlawful for the Permittee of any premise to refuse to allow the WPWD to enter upon the premise for the purposes set forth in this Ordinance.

## **Section 5. Enforcement**

### **I. NOTICE OF VIOLATION and STOP WORK ORDER**

1. In the event a Permittee has violated the terms of this Ordinance, the Town may order compliance by written Notice of Violation to the Permittee. Such notice may require:
  - a. Issuance of a Pending Stop Work Order or issuance of a Stop Work Order.
  - b. The restoration or installation of new BMP measures;
  - c. Payment of a fine; and, or
  - d. Revocation or suspension of the Erosion Control Inspection Permit.
2. The Town may, without prior Notice of Stop Work Order or Violation, suspend Storm Drainage System or MS4 access to a Permittee when storm water discharges present or may present imminent and substantial danger.
3. The Notice of a Stop Work Order due to a Violation will:
  - a. Be in writing;
  - b. Include a description of the property for identification;
  - c. Include a statement of the violation(s) and section violated and why the notice or order is being issued;
  - d. Failure to comply with the conditions set forth in this Ordinance will result in an initial verbal warning. If the violation is not corrected within one day from the verbal warning, a Pending Stop Work Order will be issued and a penalty of \$50.00 will be assessed for a re-inspection. After the third day from the initial verbal warning, a Stop Work Order will be issued and an additional penalty of \$50.00 will be assessed for a re-inspection to ensure that the repairs and improvements required to the property are in compliance with the provisions of this Ordinance.
4. Reinspection of remedied violations will be assessed a re-inspection fee in accordance with the fee schedule in this Ordinance.
5. If the Permittee fails to comply with a Stop Work Order, then the WPWD will take steps as deemed necessary to prevent or minimize damage or remediate a violation. All reasonable costs associated with the abatement or restoration shall be assessed against the owner of the property and may be filed as a lien against the property in the amount of the assessment. It shall be unlawful for any Permittee, owner, agent or person in possession of any premise to refuse to allow the WPWD or its designee to enter upon the premise for the purposes set forth above.

6. In the event of a Stop Work Order, the Town shall not reinstate the Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlots or MS4 access to the Permittee until the Permittee presents proof, satisfactory to the Town, that the corrections have been made. Permittee violates this ordinance if the Permittee reinstates MS4 access to the premises terminated pursuant to this section, without the prior approval of the Town.
7. In addition to the penalties listed above, if construction activities are conducted contrary to the provisions of this Ordinance, the Town may order the work stopped by notice in writing, in the form of a Stop Work Order, served on any Permittee engaged in the doing or causing of such work to be done; and any such Permittee shall forth with stop such work until authorized by the WPWD to proceed with the work.

## **II. APPEAL OF NOTICE OF VIOLATION**

1. Any Permittee receiving a Notice of Violation may appeal the determination of violation to the Council, for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance on one or more of the following bases: (i) a Stop Work Order served in accordance with this Ordinance is in error, or (ii) should, due to hardship, be modified or entitled to a variance from enforcement, or (iii) that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period.
2. A request for rescission, modification, variance, or extension of time shall be made in writing, within ten (10) days of the Permittee's receipt of a copy of the Notice or Order, to the Town of Westfield Clerk-Treasurer's Office, to be placed on the Council agenda. The Council shall schedule a hearing within thirty (30) days of receipt of the request.
3. All hearings before the Council shall be open to the public. The Permittee, the Permittee's representative, and any persons whose interests are affected shall be given an opportunity to be heard.
4. At the conclusion of the hearing the Council may reverse, affirm, or modify the Order, Notice, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as justice would require. The Council's determination and findings of fact shall be recorded and if a Notice or Order is affirmed or modified, the Council shall, in the determination on appeal, re-establish a reasonable timeline to make the repairs and improvements required to bring the violation into compliance with the provisions of this Ordinance.

## **III. TRANSFER OF OWNERSHIP**

No owner of any premise upon whom a Stop Work Order has been served shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the Notice of Violation have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or

lessee a true copy of any compliance order or Notice of Violation issued by the Town and furnishes to the Town a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making corrections or repairs required by such Notice of Violation.

#### **IV. PENALTIES FOR VIOLATIONS**

1. Any person found in violation of any provisions of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$200 for the first offense, \$1,000 for the second offense, and a maximum of \$7,500 for a subsequent offense, plus cost, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.
2. Any person who aids or abets a person in violation of this Ordinance shall be subject to the penalties provided in this section.
3. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance for which said person admitted responsibility or was adjudicated to be responsible.

#### **Section 6. WPWD Erosion Control Inspections**

1. The WPWD Erosion Control Inspector will inspect erosion and sediment control measures in conjunction with routine inspections. Inspections will ensure that proper placement and installation of erosion and sediment control measures are in place.
2. In addition, to standard periodic inspections, this Ordinance requires that the Permittee conduct inspections after each rain event of 1/2" or more in a 24-hour period. Any problems noted during these inspections shall be corrected immediately.
3. The first inspection by the WPWD will occur at the time prior to the pushing of the pad and foundation installation. Standard items to be checked are: protection of adjacent lots, protection of inlets, grading/excavating, and that stockpiles are stabilized. If BMP's are not installed in the correct location and/or not installed correctly, the inspection may be denied, a Stop Work Order required or fees may be applied.
4. It is anticipated that by the time the foundation inspection is requested, backfilling of the foundation will have been complete and all erosion and sediment control measures will have been installed. If the Permittee fails to install the proper erosion and sediment control measure, this may result in the inspection being denied, a Stop Work Order required or fees may be applied.

5. For unique situations the Erosion Control Inspector will be available to discuss erosion and sediment control measures for any lot and the sequencing for installation of BMP's.

### **Section 7. WPWD Erosion Control Inspection Fees**

Fees for Erosion & Sediment Control Inspection Permit Request for Residential Lots and Outlots & Inspections shall be:

1. Residential lots 2 acres or less \$100 each.
2. Residential lots greater than 2 acres will be assessed at \$100 per ¼ acre or portion thereof.
3. Industrial, commercial, and retail outlets will be assessed at \$100 per ¼ acre or portion thereof.
4. Additional re-inspections for denied and/or stop work orders or fines will be assessed at \$50 per re-inspection.

### **Section 8. Forms**

The applicable permit forms are attached to this Ordinance.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, 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 Ordinance.

All ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage and signing by the Westfield Town Council and publication as required by law.

ADOPTED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006, BY THE WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

**WESTFIELD TOWN COUNCIL**

**Voting For**

**Voting Against**

**Abstain**

\_\_\_\_\_  
Robert J. Smith

\_\_\_\_\_  
Robert J. Smith

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Robert J. Smith

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John B. Hart

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John B. Hart

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John B. Hart

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David Mikesell

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Teresa Otis Skelton

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Teresa Otis Skelton

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Teresa Otis Skelton

\_\_\_\_\_  
Ron Thomas

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Ron Thomas

\_\_\_\_\_  
Ron Thomas

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer, Cindy J. Gossard

# WESTFIELD PUBLIC WORKS



## EROSION & SEDIMENT CONTROL INSPECTION PERMIT REQUEST FOR RESIDENTIAL LOTS AND OUTLOTS

**Name of Development/Minor Plat & Lot #:** \_\_\_\_\_ **Project Name:** \_\_\_\_\_  
\_\_\_\_\_ Section/Township/Range \_\_\_\_\_  
Parcel Number: \_\_\_\_\_ Township Name: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Property Owner: \_\_\_\_\_  
Address: \_\_\_\_\_ Property Address: \_\_\_\_\_  
\_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Fax: (\_\_\_\_) \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Fax: (\_\_\_\_) \_\_\_\_\_

**Contractor/Builder:** \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Type of Lot or Improvement: \_\_\_\_\_

### **Trained Individual in Charge of the Mandatory Stormwater Pollution Prevention Program**

Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone #: \_\_\_\_\_  
List of Qualifications): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Signature \_\_\_\_\_ Date \_\_\_\_\_  
Check Title: Owner \_\_\_\_\_ Contractor \_\_\_\_\_ Engineer \_\_\_\_\_ Agent \_\_\_\_\_ Other \_\_\_\_\_

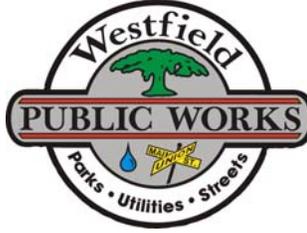
**\*\*\* For Office Use Only \*\*\*** Engineering Firm: \_\_\_\_\_  
Permit # \_\_\_\_\_ Plan Project # \_\_\_\_\_ Check # \_\_\_\_\_

# WESTFIELD PUBLIC WORKS



## **INSTRUCTIONS FOR EROSION & SEDIMENT CONTROL** **INSPECTION PERMIT REQUEST FOR RESIDENTIAL LOTS AND** **OUTLOTS** **RESIDENTIAL LOT PLOT PLAN PERMIT REQUEST**

1. Request shall be made to the **Town of Westfield Public Works Department.**
2. Request shall be made on standard form only, supplied by the Public Works Department.
3. The form shall be completely filled out, including the following information:
  - a. Name of subdivision/minor plat and lot number.
  - b. Section/Township/Range
  - c. Parcel number of property involved.
  - d. Project name (if none then put individual's name).
  - e. Contact person(s).
  - f. Type of residential lot and/or improvement. This office may require more details depending on the type of improvements being proposed.
4. A certified Plot Plan, including site layout, is required to be submitted with each permit application.
5. An erosion and sediment control plan is required to be submitted with each permit application.
6. Need to provide the 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.
7. Need to abide by any additional requirements set forth by the **Town of Westfield.**
8. The applicant or an agent of the applicant must sign the form.
9. Check or money order is to be made payable to the **Town of Westfield.** The correct amount of fee, based on the Fee Ordinance, must be included with the application package.



*Town of Westfield Public Works Engineer*

Westfield Public Works Department  
Town of Westfield  
2706 East 171<sup>st</sup> Street  
Westfield, IN 46074  
Phone: (317)896-5452 ♦ Fax (317)867-0202

Date: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Builder: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Section: \_\_\_\_\_ Lot: \_\_\_\_\_ Developer: \_\_\_\_\_

Faxed to: \_\_\_\_\_ Fax Number: \_\_\_\_\_

## ***NOTICE OF PENDING STOP WORK ORDER***

A PERIOD OF 2 DAYS OR 48 HOURS IS GRANTED TO BRING THIS VIOLATION INTO FULL COMPLIANCE. THIS SITE WILL BE INSPECTED AGAIN IN **48 HOURS** FOR COMPLIANCE. IF IT DOES NOT COMPLY AT THAT TIME A **STOP WORK ORDER** WILL BE ISSUED AND ALL FEES CHARGED PURSUANT TO TOWN OF WESTFIELD ORDINANCE NO. 6-16.

Construction Drive \_\_\_\_\_

Erosion Control \_\_\_\_\_

Streets (Sediment) \_\_\_\_\_

Other \_\_\_\_\_

**SPECIAL NOTE: All needed measures must be taken to secure and leave the construction site in a safe and non-hazardous condition.**

Issued by:

\_\_\_\_\_

FAXED \_\_\_\_\_ (DATE & TIME)

ORIGINAL TO FILE

YELLOW TO PLANNING AND BUILDING

PINK COPY LEFT AT SITE



*Town of Westfield Public Works Engineer*

Westfield Public Works Department  
Town of Westfield  
2706 East 171<sup>st</sup> Street  
Westfield, IN 46074  
Phone: (317)896-5452 ♦ Fax (317)867-0202

Date: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Builder: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Section: \_\_\_\_\_ Lot: \_\_\_\_\_ Developer: \_\_\_\_\_

Faxed to: \_\_\_\_\_ Fax Number: \_\_\_\_\_

## **NOTICE OF STOP WORK ORDER**

THIS SITE HAS FAILED TO MEET LOCAL COMPLIANCE STANDARDS IN THE TOWN OF WESTFIELD ORDINANCE NO. 6-16. A **STOP WORK ORDER** IS BEING ISSUED AND ALL APPLICABLE FEES AND FINES WILL BE CHARGED. YOUR CLEAN WATER PERMIT RE-INSTATEMENT FEE IS A MINIMUM \$200.00 OR TWO (2) TIMES THE FILING FEE, WHICHEVER IS GREATER. THE FINE FOR CONTINUED CONSTRUCTION AFTER ISSUANCE OF STOP WORK ORDER IS \$1000.00 FIRST DAY AND UP TO \$500.00 FOR EACH ADDITIONAL DAY.

Construction Drive \_\_\_\_\_

Erosion Control \_\_\_\_\_

Streets (Sediment) \_\_\_\_\_

Failure to Notify \_\_\_\_\_

Other \_\_\_\_\_

**SPECIAL NOTE: All needed measures must be taken to secure and leave the construction site in a safe and non-hazardous condition.**

Issued by:

\_\_\_\_\_

FAXED \_\_\_\_\_ (DATE & TIME)

ORIGINAL TO FILE

YELLOW COPY LEFT AT SITE

PINK COPY TO PLANNING AND BUILDING

## Individual Lot Typical Erosion & Sediment Control Plan and Certification

**Legend and Check List**

<p>—sf— Silt Fence</p> <p> Gravel Construction Entrance</p> <p> Drop Inlet Protection</p> <p> Curb Inlet Protection</p> <p> Temporary Seeding</p> <p> Property Lines / Drainage Swale</p> <p> Constructed Building Pad</p> <p> Soil Stockpile Protection</p>	<p><input type="checkbox"/></p>
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**Notes:**

- Draw in any "Do Not Disturb" areas.
- Provide pad elevations for subject property and adjacent properties.
- Erosion Control Measures must be functional and maintained throughout construction.

Thereby certify that the drainage ways, pad elevations, and erosion and sediment control measures are consistent with the overall development plans.

Signature \_\_\_\_\_ Date \_\_\_\_\_

**ORDINANCE 06-52**  
**Amending Ordinance 06-16**

**AN ORDINANCE TO ESTABLISH INSPECTION FEES AND REGULATIONS FOR**  
**EROSION & SEDIMENT CONTROL INSPECTIONS**  
**FOR RESIDENTIAL LOTS AND OUTLOTS**

WHEREAS, The Town Council of the Town of Westfield, Indiana ("Council") desires to provide for the health, safety, and general welfare of the citizens of the Town of Westfield, Indiana ("Town") through the regulation of water, erosion and sediment discharges to the maximum extent practicable as required by federal and state law; and

WHEREAS, The Council is desirous of establishing methods for controlling the introduction of pollutants from construction activity into the Town Separate Storm Sewer System ("MS4") in order to comply with requirements of the National Pollutant Discharge Elimination System ("NPDES") program authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management's Rule 5 (327 IAC 15-5); and

WHEREAS, on Nov 13, 2006 the council adopted Ordinance 06-52, an Ordinance to Establish Inspection Fees and Regulations for Erosion & Sediment Control Inspections for Residential Lots and Outlots; and

Whereas, The Council has the authority to amend ordinances;

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Westfield, Hamilton County, Indiana, meeting in regular session, Ordinance 06-16 is hereby amended by the addition of language underlined and the deletion of language stricken through as follows:

**Section 1. Purpose and Intent**

The primary purpose of this Ordinance is to ensure perimeter sediment and erosion control, with best management practices (BMP's) being utilized to prevent and minimize sediment and erosion discharge from leaving the construction site. The intent of this Ordinance is to prevent non-storm water discharges, erosion and minimize sediment from leaving the site. Failure to do so can result in damage to adjacent property, damage to the MS4's storm sewer system, and contribute to the polluting of streams, lakes and rivers.

The Town of Westfield Improvement Location Permit Application (“ILP”), generally known as a Building Permit, permittee (the “Permittee”) is responsible for ensuring that adequate BMP's are in place and functioning until the construction project obtains a Certificate of Occupancy (“C of O”) from the Town Building Department. The property owner, after the C of O is issued, is responsible to maintain the erosion control measures until adequate ground cover (70% mature growth) is established and the property is required to have established adequate ground cover within two (2) years from the issuance of the C of O.

Compliance with this Ordinance shall be the responsibility of the party listed on the ILP filed with the Town.

## **Section 2. Best Management Practices (BMP's) For Construction Lots**

Examples of BMP's include but are not limited to: sediment fence, straw mat, seed, mulch, coconut and fiber rolls, or other types approved by the Westfield Public Works Department (“WPWD”). The sequence of installation shall be:

- a. **Grading/Excavating** - Install all BMP's prior to any grading or excavating activities, where practical.
- b. **Inlet Protection** - Ensure that the BMP's are in place and functioning for both yard inlets and curb inlets around the perimeter of the lot.
- c. **Protection of Adjacent Lots** - Install BMP's along the common lot line of adjacent lots.
- d. **Stabilize Stockpiles** - Install BMP's to stabilize stockpiles to prevent erosion and sediment from entering the street.
- e. **Installation of BMP's** – Follow manufacturer's recommendations and requirements for the installation of all BMP's.
- f. **Temporary Construction Entrance** – A temporary stone access drive is required for all lots and shall be utilized for access onto the lot.
- g. **Maintenance** - The builder is responsible for maintaining and repairing all BMP's as needed throughout construction.
- h. **Final Grading** - BMP's may be removed in order to complete final grading on the lot. However, BMP's will be required to be reinstalled until seed germination establishes 70% mature growth. On lots where sod is installed erosion control measures are not required to be installed, unless requested by the WPWD. For lots where sod installation is delayed, the contractor will be required to maintain BMP's until the sod can be installed effectively.
- i. **Concrete Wash Out** – Required onsite or within development.

### **Section 3. Responsibilities of Permittee**

- a. The Permittee is responsible for ensuring that a BMP's measures remain in place during the construction process and that the installation and continuous maintenance of all lot erosion and sediment control devices are monitored.
- b. Periodic inspection will be necessary to ensure that erosion and sediment control measures are functioning as designed and installed per the manufacturer's specifications. In addition, to standard periodic inspections, this Ordinance requires that the Permittee conduct inspections after each rain event of 1/2" or more in a 24-hour period. Any problems noted during these inspections shall be corrected immediately.
- c. Once the Permittee has started construction, the Permittee is responsible for the maintenance of erosion and sediment control measures protecting yard inlets on and/or adjacent to their lots, as well as curb inlets along the street frontage. Sediment must not be allowed to enter the storm sewer system and allowing such is a violation of this Ordinance.
- d. A temporary construction entrance provides a place for parking vehicles off of the street and a spot where material can be off loaded. This requirement is to provide a stable surface for parking vehicles where mud and other debris will not to be tracked onto the street. Proper maintenance of the area is required until such time as a permanent driveway is installed.
- e. During the entire construction process the Permittee is responsible to ensure that mud, dirt, rocks, and other debris are not allowed to erode onto streets and sidewalks, nor tracked onto the streets by construction vehicles. At no time shall any mud or other debris be deposited onto the street.
- f. Failure to keep streets clear of mud sediment, and debris will result in an enforcement action by the WPWD under the authority of the Town of Westfield's Stormwater Management Ordinance (05-30). The Permittee will be responsible for incurring all costs associated with cleaning the streets.

### **Section 4. Administration and Application**

- a. The WPWD will administer, implement, and enforce the provisions of this Ordinance.
- b. This Ordinance shall apply to all construction activity, (direct or indirect stormwater discharges, and illicit discharges) entering within the storm drainage system, MS4, or receiving waters under the jurisdiction of the Town.
- c. Any Permittee subject to an NPDES Stormwater Discharge Permit shall comply with all provisions of such permit. If provisions of this ordinance are more restrictive than the NPDES Stormwater Discharge Permit, proof of compliance with said permit and this Ordinance may be required in a form acceptable to the WPWD prior to allowing discharges to the MS4.
- d. The provisions of this Ordinance shall be deemed as additional requirements to minimum standards required by other provisions of the Town of Westfield Code, and as supplemental

requirements to Indiana's Rule 5 regarding Stormwater Discharge associated with construction activity and Indiana's Rule 13 regarding stormwater runoff associated with MS4 conveyances. In case of conflicting requirements, the most restrictive shall apply. Unless otherwise stated, the most recent versions or editions of said codes, ordinances, laws, and statutes shall apply.

e. The Town , by and through its Council, has the authority to modify, grant exemptions, and/or waive any and all the requirements of this Ordinance. A meeting with the WPWD may be requested by an Permittee to discuss the applicability of various provisions of the Ordinance with regard to unique or unusual circumstances. However, any initial determination of such applicability shall not be binding on future determinations of the WPWD.

f. The Town of Westfield Utility and Infrastructure Construction Standards and Specifications Manual, and amendments thereto, are hereby incorporated herein by reference, with copies of the same being maintained in the WPWD for public inspection during regular business hours.

g Words and phrases in this Ordinance shall be construed according to their common and accepted meanings. Technical words and technical phrases that are not defined in this Ordinance, but which have acquired particular meanings in law or in technical usage shall be construed according to such meanings and as defined in 327 IAC 15-13 and 327 IAC 15-5 of the Indiana Code and other provisions of the Town of Westfield Code.

h. The Town shall be permitted to enter and inspect any premise subject to regulation under this Ordinance. It shall be unlawful for the Permittee of any premise to refuse to allow the WPWD to enter upon the premise for the purposes set forth in this Ordinance.

## **Section 5. Enforcement**

### **I. NOTICE OF VIOLATION and STOP WORK ORDER**

A. In the event a Permittee has violated the terms of this Ordinance, the Town may order compliance by written Notice of Violation to the Permittee. Such notice may require:

1. Issuance of a Pending Stop Work Order or issuance of a Stop Work Order.
2. The restoration or installation of new BMP measures;
3. Payment of a fine; and,or
4. Revocation or suspension of the Erosion Control Inspection Permit.

B. The Town may, without prior Notice of Stop Work Order or Violation, suspend Storm Drainage System or MS4 access to a Permittee when storm water discharges present or may present imminent and substantial danger.

C. The Notice of a Stop Work Order due to a Violation will:

1. Be in writing;
2. Include a description of the property for identification;

3. Include a statement of the violation(s) and section violated and why the notice or order is being issued;
4. Failure to comply with the conditions set forth in this Ordinance will result in an initial verbal warning. If the violation is not corrected within one day from the verbal warning, a Pending Stop Work Order will be issued and a penalty of \$50.00 will be assessed for a re-inspection. After the third day from the initial verbal warning, a Stop Work Order will be issued and an additional penalty of \$50.00 will be assessed for a re-inspection to ensure that the repairs and improvements required to the property are in compliance with the provisions of this Ordinance.

D. Reinspection of remedied violations will be assessed a re-inspection fee in accordance with the fee schedule in this Ordinance.

E. If the Permittee fails to comply with a Stop Work Order, then the WPWD will take steps as deemed necessary to prevent or minimize damage or remediate a violation. All reasonable costs associated with the abatement or restoration shall be assessed against the owner of the property and may be filed as a lien against the property in the amount of the assessment. It shall be unlawful for any Permittee, owner, agent or person in possession of any premise to refuse to allow the WPWD or its designee to enter upon the premise for the purposes set forth above.

F. In the event of a Stop Work Order, the Town shall not reinstate the Erosion Control Inspection Permit or MS4 access to the Permittee until the Permittee presents proof, satisfactory to the Town, that the corrections have been made. Permittee violates this ordinance if the Permittee reinstates MS4 access to the premises terminated pursuant to this section, without the prior approval of the Town.

G. In addition to the penalties listed above, if construction activities are conducted contrary to the provisions of this Ordinance, the Town may order the work stopped by notice in writing, in the form of a Stop Work Order, served on any Permittee engaged in the doing or causing of such work to be done; and any such Permittee shall forth with stop such work until authorized by the WPWD to proceed with the work.

## **II. APPEAL OF NOTICE OF VIOLATION**

A. Any Permittee receiving a Notice of Violation may appeal the determination of violation to the Council, for rescission of the Notice or Order, or for a modification, variance, or extension of time for compliance on one or more of the following bases: (i) a Stop Work Order served in accordance with this Ordinance is in error, or (ii) should, due to hardship, be modified or entitled to a variance from enforcement, or (iii) that a reasonable extension of time for the compliance should be granted upon the grounds of a demonstrated case of hardship and evidence of an actual undertaking to correct the violation, together with a legitimate intent to comply within a reasonable time period.

B. A request for rescission, modification, variance, or extension of time shall be made in writing, within ten (10) days of the Permittee's receipt of a copy of the Notice or Order, to the Town

of Westfield Clerk-Treasurer's Office, to be placed on the Council agenda. The Council shall schedule a hearing within thirty (30) days of receipt of the request.

C. All hearings before the Council shall be open to the public. The Permittee, the Permittee's representative, and any persons whose interests are affected shall be given an opportunity to be heard.

D. At the conclusion of the hearing the Council may reverse, affirm, or modify the Order, Notice, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as justice would require. The Council's determination and findings of fact shall be recorded and if a Notice or Order is affirmed or modified, the Council shall, in the determination on appeal, re-establish a reasonable timeline to make the repairs and improvements required to bring the violation into compliance with the provisions of this Ordinance.

### **III. TRANSFER OF OWNERSHIP**

No owner of any premise upon whom a Stop Work Order has been served shall sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the Notice of Violation have been complied with, or until such owner first furnishes the grantee, transferee, mortgagee or lessee a true copy of any compliance order or Notice of Violation issued by the Town and furnishes to the Town a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such Notice of Violation and fully accepting the responsibility without condition for making corrections or repairs required by such Notice of Violation.

### **IV. PENALTIES FOR VIOLATIONS**

Any person found in violation of any provisions of this Ordinance shall be responsible for a civil infraction and subject to a maximum fine of \$200 for the first offense, \$1,000 for the second offense, and a maximum of \$7,500 for a subsequent offense, plus cost, damages, and expenses. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each day. The rights and remedies provided for in this section are cumulative and in addition to any other remedies provided by law. An admission or determination of responsibility shall not exempt the offender from compliance with the requirements of this Ordinance.

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

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

## **Section 6. WPWD Erosion Control Inspections**

- a. The WPWD Erosion Control Inspector will inspect erosion and sediment control measures in conjunction with routine inspections. Inspections will ensure that proper placement and installation of erosion and sediment control measures are in place.
- b. The first inspection will occur at the time prior to the pushing of the pad and foundation installation. Standard items to be checked are: protection of adjacent lots, protection of inlets, grading/excavating, and that stockpiles are stabilized. If BMP's are not installed in the correct location and/or not installed correctly, the inspection may be denied, a Stop Work Order required or fees may be applied.
- c. It is anticipated that by the time the foundation inspection is requested, backfilling of the foundation will have been complete and all erosion and sediment control measures will have been installed. If the Permittee fails to install the proper erosion and sediment control measure, this may result in the inspection being denied, a Stop Work Order required or fees may be applied.
- d. For unique situations the Erosion Control Inspector will be available to discuss erosion and sediment control measures for any lot and the sequencing for installation of BMP's.

## **Section 7. WPWD Erosion Control Inspection Fees**

Fees for Erosion Control Inspections shall be:

1. Residential lots 2 acres or less \$100 each.
2. Residential lots greater than 2 acres will be assessed at \$100 per ¼ acre or portion thereof.
3. Industrial, commercial, and retail outlets will be assessed at \$100 per ¼ acre or portion thereof.
4. Additional re-inspections for denied and/or stop work orders or fines will be assessed at \$50 per re-inspection.

## **Section 8. Forms**

The applicable permit forms are attached to this Ordinance as Exhibit A.

The provisions of this Ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance, 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 Ordinance.

All ordinances or parts thereof in conflict with the provisions of the Ordinance are hereby repealed.

This Ordinance shall be in full force and effect from and after its passage and signing by the Westfield Town Council and publication as required by law.

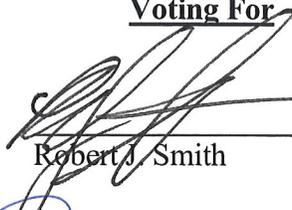
ADOPTED AND PASSED THIS 13 DAY OF Nov 2006, BY THE WESTFIELD TOWN COUNCIL, HAMILTON COUNTY, INDIANA.

WESTFIELD TOWN COUNCIL

Voting For

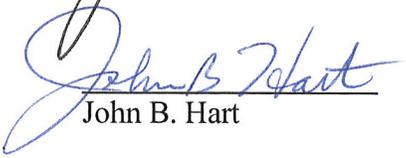
Voting Against

Abstain

  
Robert J. Smith

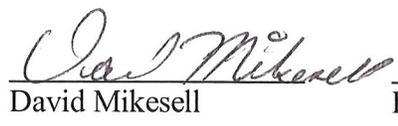
Robert J. Smith

Robert J. Smith

  
John B. Hart

John B. Hart

John B. Hart

  
David Mikesell

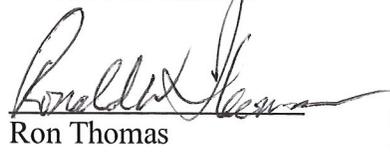
David Mikesell

David Mikesell

  
Teresa Otis Skelton

Teresa Otis Skelton

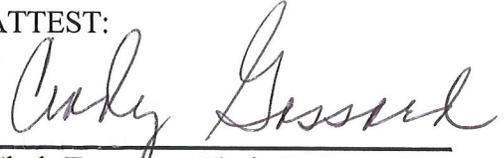
Teresa Otis Skelton

  
Ron Thomas

Ron Thomas

Ron Thomas

ATTEST:

  
Clerk-Treasurer, Cindy J. Gossard

"I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law"

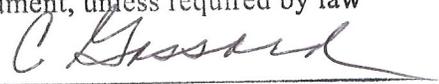
  
Signed

Exhibit A

# WESTFIELD PUBLIC WORKS



## EROSION CONTROL INSPECTION PERMIT REQUEST

**Name of Development/Minor Plat & Lot #:** \_\_\_\_\_ **Project Name:** \_\_\_\_\_  
Parcel Number: \_\_\_\_\_ Section/Township/Range \_\_\_\_\_  
Township Name: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Property Owner: \_\_\_\_\_  
Address: \_\_\_\_\_ Property Address: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_\_ Phone: (\_\_\_\_) \_\_\_\_\_  
Fax: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_

**Contractor/Builder:** \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_  
Contact Person: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Type of Lot or Improvement: \_\_\_\_\_

**Trained Individual in Charge of the Mandatory Stormwater Pollution Prevention Program**

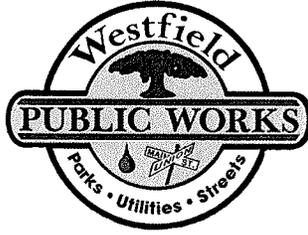
Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

List of Qualifications): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Signature \_\_\_\_\_ Date \_\_\_\_\_  
Check Title: Owner \_\_\_\_\_ Contractor \_\_\_\_\_ Engineer \_\_\_\_\_ Agent \_\_\_\_\_ Other \_\_\_\_\_

**\*\*\* For Office Use Only \*\*\*** Engineering Firm: \_\_\_\_\_  
Permit # \_\_\_\_\_ Plan Project # \_\_\_\_\_ Check # \_\_\_\_\_



*Town of Westfield Public Works Engineer*

Westfield Public Works Department  
Town of Westfield  
2706 East 171<sup>st</sup> Street  
Westfield, IN 46074  
Phone: (317)896-5452 ♦ Fax (317)867-0202

Date: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Builder: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Section: \_\_\_\_\_ Lot: \_\_\_\_\_ Developer: \_\_\_\_\_

Faxed to: \_\_\_\_\_ Fax Number: \_\_\_\_\_

## **NOTICE OF PENDING STOP WORK ORDER**

A PERIOD OF 2 DAYS OR 48 HOURS IS GRANTED TO BRING THIS VIOLATION INTO FULL COMPLIANCE. THIS SITE WILL BE INSPECTED AGAIN IN **48 HOURS** FOR COMPLIANCE. IF IT DOES NOT COMPLY AT THAT TIME A **STOP WORK ORDER** WILL BE ISSUED AND ALL FEES CHARGED PURSUANT TO TOWN OF WESTFIELD ORDINANCE NO. 6-52.

Construction Drive \_\_\_\_\_

Erosion Control \_\_\_\_\_

Streets (Sediment) \_\_\_\_\_

Other \_\_\_\_\_

**SPECIAL NOTE: All needed measures must be taken to secure and leave the construction site in a safe and non-hazardous condition.**

Issued by:

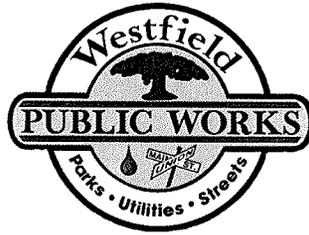
\_\_\_\_\_

FAXED \_\_\_\_\_ (DATE & TIME)

ORIGINAL TO FILE

YELLOW TO PLANNING AND BUILDING

PINK COPY LEFT AT SITE



*Town of Westfield Public Works Engineer*

Westfield Public Works Department  
Town of Westfield  
2706 East 171<sup>st</sup> Street  
Westfield, IN 46074  
Phone: (317)896-5452 ♦ Fax (317)867-0202

Date: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Builder: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Section: \_\_\_\_\_ Lot: \_\_\_\_\_ Developer: \_\_\_\_\_

Faxed to: \_\_\_\_\_ Fax Number: \_\_\_\_\_

# **NOTICE OF STOP WORK ORDER**

THIS SITE HAS FAILED TO MEET LOCAL COMPLIANCE STANDARDS IN THE TOWN OF WESTFIELD ORDINANCE NO. 6-52. A **STOP WORK ORDER** IS BEING ISSUED AND ALL APPLICABLE FEES AND FINES WILL BE CHARGED. YOUR CLEAN WATER PERMIT RE-INSTATEMENT FEE IS A MINIMUM \$200.00 OR TWO (2) TIMES THE FILING FEE, WHICHEVER IS GREATER. THE FINE FOR CONTINUED CONSTRUCTION AFTER ISSUANCE OF STOP WORK ORDER IS \$1000.00 FIRST DAY AND UP TO \$500.00 FOR EACH ADDITIONAL DAY.

Construction Drive \_\_\_\_\_

Erosion Control \_\_\_\_\_

Streets (Sediment) \_\_\_\_\_

Failure to Notify \_\_\_\_\_

Other \_\_\_\_\_

**SPECIAL NOTE: All needed measures must be taken to secure and leave the construction site in a safe and non-hazardous condition.**

Issued by:

\_\_\_\_\_

FAXED \_\_\_\_\_ (DATE & TIME)

ORIGINAL TO FILE

YELLOW COPY LEFT AT SITE

PINK COPY TO PLANNING AND BUILDING