

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

TOWN STORM DRAINAGE CONTROL REGULATIONS ORDINANCE
NO. 1432

AN ORDINANCE ESTABLISHING NEW STORM DRAINAGE CONTROL
REGULATIONS FOR THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA,
PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF,
AMENDING AND SUPPLEMENTING TITLE VI OF SUBDIVISION CONTROL
ORDINANCE #1252, AND ALL AMENDMENTS THERETO, AND ALL MATTERS
RELATED HERETO.

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TITLE I – GENERAL PROVISIONS

SECTION 1: Purpose.

- A. This Ordinance is adopted in accordance with statutory authority granted to the St. John Town Council under “Home Rule” as well as the “Indiana Drainage Code”, and further is required by IC 36-9-28.5, IC 36-9-27-69.5, Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99–29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management’s Rule 13 (327 IAC 15-13), and the Indiana Department of Environmental Management’s Rule 5 (327 IAC 15-5), all as amended from time to time.

- B. This Ordinance shall regulate all development and redevelopment occurring within the Town of St. John, Lake County, Indiana. No building permit shall be issued and no land disturbance started for any construction in a development until a storm water permit is issued by the Department of Planning and Building. Exempt from this Ordinance shall be agriculture, mining and timber harvesting activities.

- C. This Ordinance amends and supplements the provisions of the Subdivision Control Ordinance #1252. Because topography and the availability or adequacy of outlets for storm runoff vary with almost every site, the requirements for the storm water management tend to be an individual matter for any project. It is recommended that each proposed project be discussed with the Department of Planning and Building at the earliest practical time in the planning stage.

- D. The regulations set forth herein are made in order to promote the public health, safety, comfort, morals, convenience and general public welfare. The regulations are made in order that the environment may be protected and that properly planned development may be promoted. Further, the regulations prohibit illicit discharges and regulate the contribution of pollutants to the stormwater drainage system and public waters from construction sites, new development and re-development projects. Finally, the regulations establish legal authority for the Town of St. John and its designee(s) to inspect, monitor and enforce compliance with this Ordinance.

SECTION 2: Title.

This Ordinance shall be known and may be cited as “THE STORM DRAINAGE CONTROL REGULATIONS ORDINANCE OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA”.

SECTION 3: Conflicting Ordinances.

The provisions of this Storm Drainage Control Regulations Ordinance, as amended from time to time, shall be deemed as additional requirements to minimum standards required by other Ordinances of the Town. In the case of conflicting requirements, the most restrictive shall apply.

SECTION 4: Severability Clause.

In the event that any section, subsection, paragraph, subparagraph, clause, word or provision of this Storm Drainage Control Regulations Ordinance be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Storm Drainage Control Regulations Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

SECTION 5: Compliance with Other Ordinances.

In addition to the requirements of this Storm Drainage Control Regulations Ordinance, as amended from time to time, compliance with the requirements set forth in other applicable Ordinances with respect to submission and approval of preliminary and final subdivision plats, improvement plans, building and zoning permits, construction inspections, appeals, and similar matters, and compliance with all applicable Local, State and Federal Regulations shall be required.

SECTION 6: Interpretation.

In their interpretation and application, the provisions of this Storm Drainage Control Regulations Ordinance, as amended from time to time, shall be held to be the minimum requirements for the promotion of the health, safety, morals, comfort, prosperity, or general welfare and general well-being of the residents of the Town of St. John.

Where the conditions imposed by any provision of this Storm Drainage Control Regulations Ordinance, as amended from time to time, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, Ordinance, resolution, rule or regulation, of any kind, the regulations which are more restrictive, or which impose higher standards or requirements, shall govern.

The provisions in this Storm Drainage Control Regulations Ordinance, as amended from time to time, are cumulative and additional limitations upon all other laws and Ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Ordinance.

SECTION 7: Scope of Regulations.

All buildings or structures erected hereafter, all uses of land, buildings, or structures established hereafter, all structural alterations, enlargement, or relocation of existing buildings, or structures occurring hereafter shall be subject to all regulations of this Storm Drainage Control Regulations Ordinance, as amended from time to time.

TITLE II – DEFINITIONS

SECTION 1: Application and Interpretation.

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, words, and phrases used herein shall be used, interpreted and defined as set forth in this Title.
- B. All general provisions, terms, phrases and expressions contained in this Storm Drainage Control Regulations Ordinance, as amended from time to time, shall be liberally construed in order that the true intent and meaning may be fully carried out.
- C. In the construction of this Storm Drainage Control Regulations Ordinance, as amended from time to time, the rules and definitions set out in this Title shall be observed, unless such construction would be inconsistent with the manifest intent of this Ordinance. The rules of construction and definitions set out herein shall not be applied to any section of this Storm Drainage Control Regulations Ordinance which shall contain any express provisions excluding such construction, or where the subject matter or context of such section may be repugnant thereto.
- D. Whenever any words and phrases used herein are not defined herein, but are defined in the State of Indiana Statutory provisions regulating the creation and function of various planning agencies, or are defined in any technical authorities relied upon by the Town Engineer, any such definition shall be deemed to apply to such words and phrases used herein, except when the context otherwise requires.
- E. In the interpretation and application of any provisions, rules, and definitions of this Storm Drainage Control Regulations Ordinance, as amended from time to time, they shall be held to the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of the Storm Drainage Control Regulations Ordinance imposes greater restrictions upon the subject matter than another more general provision imposed by the Storm Drainage Control Regulations Ordinance, the provision imposing the greater restriction or regulation shall be deemed to be controlling.
- F. For the purpose of these regulations, certain words and phrases used herein shall be interpreted as follows:
 - 1) The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
 - 2) The masculine includes the feminine.
 - 3) The present tense includes the past and future tense, and the singular number includes the plural.

- 4) The word or term “shall” is a mandatory requirement.
- 5) The word “may” is a permissive requirement.
- 6) The word and term “should” is a preferred requirement.
- 7) The words “used” or “occupied” shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- 8) The word “lot” includes the words “plot”, “parcel”, and “tract”.

SECTION 2: Abbreviations.

BFE	Base Flood Elevation
BMP	Best Management Practice
CFS	Cubic Feet Per Second
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FPG	Flood Protection Grade
FPS	Feet Per Second
IAC	Indiana Administrative Code
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
INDOT	Indiana Department of Transportation.
LCSO	Lake County Surveyor’s Office
MCM	Minimum Control Measure
MS4	Municipal Separate Storm Sewer System
NAVD	North American Vertical Datum of 1988
NFIP	National Flood Insurance Program
NRCS	USDA-Natural Resources Conservation Service
NPDES	National Pollution Discharge Elimination System

NOI	Notice of Intent, permit application filed with IDEM under provisions of 327 IAC 15-5 and 15-13
NOT	Notice of Termination, certification that all permit provisions have been successfully completed
NOI	Notice of Violation, notice to permittee that provisions of permit have not been satisfied
SFHA	Special Flood Hazard Area
SWCD	Soil and Water Conservation District
SWPPP	Stormwater Pollution Prevention Plan
SWQMP	StormDrainage Control Management Plan
Tc	Time of Concentration
USCS	Unified Soil Classification System
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service

SECTION 3: Definitions.

Base Flood Elevation. The water surface elevation corresponding to a flood having a one-percent (1%) probability of being equaled or exceeded in a given year.

Benchmark. A marked point of known elevation from which other elevations may be established.

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

Buffer Strip. An existing, variable width strip of vegetated land intended to protect Drainage Control and habitat.

Capacity of a Storm Drainage Facility. The maximum flow that can be conveyed or stored by a storm drainage facility without causing damage to public or private property.

Catch Basin. A chamber usually built at the curb line of a street for the admission of surface water to a storm drain or subdrain, having at its base a sediment sump designed to retain grit and detritus below the point of overflow.

Channel Improvement. Alteration, maintenance, or reconstruction of the channel area for the purpose of improving the channel capacity or overall drainage efficiency. The noted "improvement" does not necessarily imply Drainage Control or habitat improvement within the channel or its adjacent area.

Channel Modification. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping or other armoring, widening, deepening, straightening, relocating, lining, and significant removal of bottom or woody vegetation. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification typically involving relocation of the existing channel (e.g., straightening).

Channel Stabilization. Protecting the sides and bed of a channel from erosion by controlling flow velocities and flow directions using jetties, drops, or other structures and/or by fining the channel with vegetation, riprap, concrete, or other suitable lining material.

Channel. A portion of a natural or artificial watercourse which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water. It has a defined bed and banks which serve to confine the water.

Compensatory Storage. An artificial volume of storage within a floodplain used to balance the loss of natural flood storage capacity when artificial fill or substructures are placed within the floodplain.

Contiguous. Adjoining or in actual contact with.

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

Control Structure. A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

Council, Town. The Town Council of the Town of St. John, Lake County, Indiana and any duly designated representative, employee or administrative official to whom the Town Council shall specifically delegate a responsibility authorized by this Storm Drainage Control Regulations Ordinance, as amended from time to time.

Cubic Feet Per Second (CFS). Used to describe the amount of flow passing a given point in a stream channel. One (1) cubic foot per second is equivalent to approximately seven and one half (7.5) gallons per second.

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

Design Storm. A selected storm event, described in terms of the probability of occurring once within a given number of years, for which drainage or flood control improvements are designed and built.

Detention Basin. A facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate, and to detain concurrently the excess waters that accumulate behind the outlet.

Detention Facility. A facility designed to detain a specified amount of stormwater runoff assuming a specified release rate. The volumes are often referred to in units of acre-feet.

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

Detention Time. The theoretical time required to displace the contents of a tank or unit at a given rate of discharge (volume divided by rate of discharge).

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

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

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

Discharge. Usually the rate of water flow. A volume of fluid passing a point per unit time commonly expressed as cubic feet per second, cubic meters per second, gallons per minute, or millions of gallons per day.

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

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

Drainage Area. The area draining into a stream at a given point. It may be of different sizes for surface runoff, subsurface flow and base flow, but generally the surface runoff area is considered as the drainage area.

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

Drop Manhole. Manhole having a vertical drop pipe connecting the inlet pipe to the outlet pipe. The vertical drop pipe shall be located immediately outside the manhole.

Dry-Bottom Detention Basin. A basin designed to be completely dewatered after having provided its planned detention of runoff during a storm event.

Duration. The time period of a rainfall event.

Erosion. The wearing away of the land surface by water, wind, ice, gravity, or other geological agents.

Flood (or Flood Waters). A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Elevation. The elevation at all locations delineating the maximum level of high waters for a flood of given return period.

Flood Frequency. A statistical expression of the average time period between floods equaling or exceeding a given magnitude. For example, a 100-year flood has a magnitude expected to be equaled or exceeded on the average of one (1) time one hundred (100) years; such a flood has a one-percent (1%) chance of being equaled or exceeded in any given year. Often used interchangeably with "recurrence interval".

Flood Hazard Area. Any floodplain, floodway, floodway fringe, or any combination thereof which is subject to inundation by the regulatory flood; or any flood plain as delineated by Zone X on a Flood Hazard Boundary Map.

Flood Protection Grade (FPG). The elevation of the regulatory or 100-year flood plus two (2) feet at any given location in the Special Flood Hazard Area or 100-year floodplain.

Flood Protection Grade. The elevation of the lowest floor of a building, including the basement, which shall be two (2) feet above the elevation of the regulatory flood.

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

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

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

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

Freeboard. An increment of height added to the base flood elevation to provide a factor of safety for uncertainties in calculations, unknown local conditions, wave actions and unpredictable effects such as those caused by ice or debris jams. (See Flood Protection Grade).

Gabion. An erosion control structure consisting of a wire cage or cages filled with rocks.

Grade. (1) The inclination or slope of a channel, canal, conduit, etc., or natural ground surface usually expressed in terms of the percentage the vertical rise (or fall) bears to the corresponding horizontal distance. (2) The finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; any surface prepared to a design elevation for the support of construction, such as paving or the laying of a conduit. (3) To finish the surface of a canal bed, roadbed, top of embankment, or bottom of excavation, or other land area to a smooth, even condition.

HEC-22. Federal Highway Administration , Publication No. FHWM-NHI-01-021, August 2001. Urban Drainage Design Manual. Hydraulic Engineering Circular No. 22, Second Edition. The document may be downloaded from www.fhwa.dot.gov/engineering/hydraulics/library_arc.cfm?pub_number=22

Hydraulics. A branch of science that deals with the practical application of the mechanics of water movement. A typical hydraulic study is undertaken to calculate water surface elevations.

Hydrograph. For a given point on a stream, drainage basin, or a lake, a graph showing either the discharge, stage (depth), velocity, or volume of water with respect to time.

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

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

Impact Areas. Areas defined or mapped that are unlikely to be easily drained because of one or more factors including but not limited to any of the following: soil type, topography, land where there is not adequate outlet, a floodway or floodplain, land within seventy-five (75) feet of each bank of any regulated drain or within seventy-five (75) feet from the centerline of any regulated tile ditch.

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

Infiltration. Passage or movement of water into the soil.

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

Invert. The inside bottom of a culvert or other conduit.

Junction Chamber. A converging section of conduit, usually large enough for a person to enter, used to facilitate the flow from one or more conduits into a main conduit.

Lateral Storm Sewer. A sewer that has inlets connected to it but has no other storm sewer connected.

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

Major Drainage System. Drainage system carrying runoff from an area of one (1) square mile.

Measurable storm event. A precipitation event that results in a total measured precipitation accumulation equal to, or greater than, one-half (1/2) inch of rainfall.

Minimum Control Measure. Minimum measures required by the NPDES Phase II program. The six (6) MCMs are: Public education and outreach, Public participation and involvement, Illicit discharge detection and elimination, Construction site runoff control, Post-construction runoff control, and Pollution prevention and good housekeeping.

Minor Drainage Systems. Drainage systems having an area of less than one (1) square mile.

MS4 Operator. Individual(s) appointed by the St. John Town Council to administer and enforce local stormwater regulations.

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

Off-site. Everything not located at or within a particular site.

Off-site Land Areas. Those areas that by virtue of existing topography naturally shed surface water onto or through the developing property.

On-Site. Located within the controlled or urbanized area where runoff originates.

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

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

Orifice. A device which controls the rate of flow from a detention basin.

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

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

Peak Flow. The maximum rate of flow of water at a given point in a channel or conduit resulting from a particular storm or flood.

Plan Commission. The Plan Commission of the Town of St. John, Lake County, Indiana.

Radius of Curvature. Length of radius on a circle used to define a curve.

Rainfall Intensity. The cumulative depth of rainfall occurring over a given duration, normally expressed in inches per hour.

Reach. Any length of river, channel or storm sewer.

Regulated Area. All of the land under the jurisdiction and/or within the municipal corporate boundaries of the Town of St. John, Lake County, Indiana.

Regulated Drain. A drain subject to the provisions of the Indiana Drainage Code, I.C.-36-9-27, as amended from time to time, and under the jurisdictional authority of the Lake County Surveyor.

Regulatory or 100-Year Flood. The discharge or elevation associated with the 100-year flood as calculated by a method and procedure which is acceptable to and approved by the Indiana Department of Natural Resources (IDNR) and the Federal Emergency Management Agency (FEMA). The "regulatory flood" is also known as the "base flood".

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

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

Return Period. The average interval of time within which a given rainfall event will be equaled or exceeded one (1) time. A flood having a return period of One Hundred (100) years has a one percent (1%) probability of being equaled or exceeded in any one (1) year.

Routing Path. That part of the Storm Drainage System which carries the runoff which exceeds the capacity to carry runoff from a storm with a return period of not less than One Hundred (100) years without causing significant threat to property or public safety.

Runoff Coefficient. A decimal fraction relating the amount of rain which appears as runoff and reaches the storm drain system to the total amount of rain falling. A coefficient of 0.5 implies that 50 percent of the rain falling on a given surface appears as storm water runoff.

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

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

Settling Basin. An enlargement in the channel of a stream to permit the settling of debris carried in suspension.

Silt Fence. A fence constructed of wood or steel supports and either natural (e.g. burlap) or synthetic fabric stretched across area of non-concentrated flow during site development to trap and retain on-site sediment due to rainfall runoff.

Silt. (1) Soil fraction consisting of particles between 0.002 and 0.05 mm in diameter. (2) A soil textural class indicating more than 80% silt.

Special Flood Hazard Area. An area that is inundated during the 100-Year flood.

Spillway. A waterway in or about a hydraulic structure, for the escape of excess water.

Stilling Basin. A basin used to slow water down or dissipate its energy.

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

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

Storm Frequency. The time interval between major storms of predetermined intensity and volumes of runoff--e.g., a 5-yr., 10-yr. or 20-yr. storm.

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

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

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

Subarea/Subbasin. Portion of a watershed divided into homogenous drainage units which can be modeled for purposes of determining runoff rates. The subareas/subbasins have distinct boundaries, as defined by the topography of the area.

Time of Concentration (tc). The travel time of a particle of water from the most hydraulically remote point in the contributing area to the point under study. This can be considered the sum of an overland flow time and times of travel in street gutters, storm sewers, drainage channels, and all other drainage ways.

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

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

TP-40 Rainfall. Design storm rainfall depth data for various durations published by the National Weather Service in their Technical Paper 40 dated 1961.

TR-20. Soil Conservation Service, 1992. Hydraulics and Hydrology Program. Technical Release No. 20, U.S. Department of Agriculture. As of the fall of 2006, DOS and Windows versions of the computer program are available on-line at <http://www.wcc.nrcs.gov/hydro>.

TR-55. Soil Conservation Service, 1992. Urban Hydrology for Small Watersheds. Technical Release No. 55, U.S. Department of Agriculture. As of the fall of 2006, DOS and Windows versions of the computer program are available on-line at <http://www.wcc.nrcs.gov/hydro>.

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

Tributary. Based on the size of the contributing drainage area, a smaller watercourse which flows into a larger watercourse.

Urbanization. The development, change or improvement of any parcel of land consisting of one or more lots for residential, commercial, industrial, institutional, recreational or public utility purposes.

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

Waterbody. Any accumulation of water, surface, or underground, natural or artificial.

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

Waterway. A naturally existing or manmade open conduit or channel utilized for the conveyance of water.

Wet-Bottom Detention Basin (Retention Basin) - A basin designed to retain a permanent pool of water after having provided its planned detention of runoff during a storm event.

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

TITLE III – STORM DRAINAGE CONTROL REGULATIONS POLICY

SECTION 1: General.

The Department of Planning and Building, on recommendation from the Plan Commission, is authorized to issue a permit after thorough investigation and evaluation of information provided in compliance with this Ordinance. A Storm Water Permit is required for all new development or redevelopment of land, new building construction, structural additions or alterations.

SECTION 2: Stormwater Quantity.

The release rate of storm water from development, redevelopment, and new construction is regulated under Title VI of the Subdivision Control Ordinance #1252, as amended from time to time.

SECTION 3: Storm Water Quality

- A. Policy on Rule 5: All construction activities which disturb one (1) acre or more of land must comply with NPDES General Rule Permit Program “Rule 5 – Storm Water Run-Off Associated with Construction Activity”, as described in 327 IAC 15-5-1 of the Indiana Administrative Code, as amended from time to time.
- 1) Construction plans shall be prepared according to 327 IAC 15-5-6.5 including an erosion and sediment control plan.
 - 2) Notice of Intent (NOI) shall be prepared in accordance with 327 IAC 15-5-5 and submitted jointly to the Indiana Department of Environmental Management (IDEM) and the Town of St. John.
 - 3) A self-monitoring program shall be implemented and evaluation reports maintained at the site by a trained individual.
 - 4) Notice of Termination (NOT) shall be prepared in accordance with 327 IAC 15-5-8, and submitted jointly to the Indiana Department of Environmental Management (IDEM) and the Town of St. John.
- B. Policy on Rule 13 Construction Sites: All construction activities which disturb one (1) acre or more of land must comply with NPDES General Rule Permit Program “Rule 13 – Storm Drainage Control Management Plan Construction Site Storm Water Run-Off Control MCM” as described in 327 IAC 15-13-15 of the Indiana Administrative Code, as amended from time to time. Construction plans shall address the following in addition to “Rule 5” requirements:
- 1) Traffic phasing plan for projects that alter vehicular traffic patterns
 - 2) Off site utility relocations or extensions
 - 3) Material hauling and transportation routes
 - 4) Borrow pits
 - 5) Temporary staging and material stockpile areas

- 6) Temporary disposal areas for waste materials
- C. Policy on Rule 13 Postconstruction: All construction activities which disturb one (1) acre or more of land must comply with NPDES General Rule Permit Program “Rule 13 – Storm Drainage Control Management Plan Postconstruction Storm Water Run-Off Control MCM” as described in 327 IAC 15-13-16 of the Indiana Administrative Code, as amended from time to time. Construction plans shall address the following in addition to “Rule 5” requirements:
- 1) Inclusion of permanent best management practices to reduce the rate of run-off and impact of pollutants on receiving streams.
 - 2) Incorporate any combination of storage, infiltration, filtering and vegetative measures.
 - 3) Design and install, where appropriate, practices to reduce lead, copper, zinc and polyaromatic hydrocarbons in stormwater run-off.
- D. Policy on Single Family Residential Development: For a single-family residential development consisting of four (4) or fewer lots or a single-family residential development where the lots are offered for sale or lease without land improvements, and the project is not part of a larger common plan of development, the requirements of 327 IAC 15-5-6.5(b) and 15-5-7, shall be met.
- 1) Prepare and submit set of construction plans which clearly and completely depict:
 - a. Project location;
 - b. Site topography and characteristics which impact run-of quantity and quality; and,
 - c. Proposed site improvements
 - 2) Prepare, submit and implement a pollution prevention plan associated with construction activities.
 - 3) Prepare, submit and implement a storm Drainage Control plan.
- E. Policy on Single Lots: For individual lots within a permitted project, the requirements of 327 IAC 15-5-7.5 shall be met.
- 1) Implement all storm Drainage Control measures set forth in the original project site permit
 - 2) Complete final site stabilization prior to occupation of the home.

SECTION 4: Prohibited and Exempted Discharges

- A. Policy: No person shall discharge, directly or indirectly, any substance other than stormwater or exempted discharges to the Town of St. John stormwater collection and conveyance system, including all pipe networks, watercourses and waterbodies. Any person discharging stormwater shall use best management practices to effectively minimize pollutants carried with the stormwater.

B. Exempted Discharges: The following categories of non-stormwater discharges and flows are exempted from the requirements of this Ordinance:

- 1) Water line flushing
- 2) Landscape irrigation
- 3) Diverted streamflows
- 4) Rising ground waters
- 5) Uncontaminated ground water infiltration
- 6) Uncontaminated pumped ground water
- 7) Discharges from potable water sources
- 8) Foundation drains
- 9) Air conditioning condensation
- 10) Irrigation water
- 11) Springs
- 12) Water from crawl space pumps
- 13) Footing drains
- 14) Lawn watering
- 15) Individual residential car washing
- 16) Flows from riparian habitats and wetlands
- 17) Dechlorinated swimming pool discharges
- 18) Street wash water
- 19) Discharges from firefighting activities

C. Illicit or Illegal Discharges: Any discharge other than stormwater or an exempted discharge is considered illicit or illegal, violative of this Ordinance, as amended from time to time, shall be and subject to corrective measures and enforcement provisions set forth hereafter in this Ordinance.

SECTION 5: Spill Reporting.

A. Spill Reporting: Any person who discharges, directly or indirectly, any substance other than stormwater or an exempted discharge shall immediately report to the St. John Fire Department and St. John Public Works Department. A written report shall be filed with the St. John Fire Department, St. John Public Works Department and IDEM, by the discharger, within five (5) days from the discharge event. The written report shall specify:

- 1) The composition of the discharge and the cause thereof;
- 2) The date, time, and estimated volume of the discharge;
- 3) All measures taken to clean up the accidental discharge, and all measures proposed to be taken to prevent any recurrence;
- 4) The name and telephone number of the person making the report, and the name and telephone number of a person who may be contacted for additional information on the matter.

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

SECTION 6: Permit Fees.

- A. Fees for Storm Water Permit processing and administration shall be assessed according to the following chart:

Project Type	Base Fee	Fee Per Lot	Fee per Acre
Residential Lot with New Improvements	\$200		
Single Residential Lot Construction	\$100		
Residential Development			\$50
Commercial Development			\$75

- B. Fees for residential building construction shall be paid at time of filing the building permit application.
- C. Fees for residential and commercial development projects shall be paid before land disturbing activities begin.
- D. Field inspection costs will be charged against the development charge fee.

TITLE IV – INFORMATION REQUIREMENTS

SECTION 1: General.

The following information and data shall be prepared by an Indiana licensed Professional Engineer or Land Surveyor engaged in storm water management design for any development, redevelopment, or new construction on real estate which lies within the Town of St. John. These requirements are in addition to the Master Drainage Plan requirements of Title VI of Subdivision Control Ordinance #1252, as amended from time to time.

SECTION 2: Preliminary Pollution Prevention Plan.

- A. Construction site pollution control plan conforming to 327 IAC 15-5-7 or 7.5, including, at a minimum:
 - a. Preliminary sediment and erosion control plan
 - b. Location of construction entrance
 - c. Location of storm water outlet or outlets
- B. Construction site pollution control plan conforming to 327 IAC 15-13-15 including, at a minimum:
 - a. Preliminary location and estimated size of temporary BMPs
 - b. Temporary scrap and waste material storage and ultimate disposal methods
 - c. Draft description of proposed self-monitoring program
- C. Postconstruction pollution control plan conforming to 327 IAC 15-5-6.5 and 15-13-16, including, at a minimum:
 - a. Preliminary location and estimated size of permanent BMPs
 - b. Description of proposed maintenance program

SECTION 3: Pollution Prevention and Control Plan.

- A. Submit the following with the detailed engineering plans for review.
- B. Construction site pollution control plan conforming to 327 IAC 15-5-7 or 7.5, including, at a minimum:
 - a. Completed sediment and erosion control plan
 - b. Location and details of construction entrance
 - c. Location of material stockpiles
 - d. Location of storm water outlet or outlets
 - e. BMP practice details for all of above
- C. Construction site pollution control plan conforming to 327 IAC 15-13-15, including, at a minimum:
 - a. Location, size, section and details of temporary BMPs

- b. Location of concrete wash out site or sites
 - c. Storage location of fuel, lubricant, solvent and other potential pollutants used at the site
 - d. Location of scrap and waste material storage and ultimate disposal methods
 - e. BMP practice details for all of above
 - f. Description of self-monitoring program
- D. Postconstruction pollution control plan conforming to 327 IAC 15-5-6.5 and 15-13-16, including, at a minimum:
- a. Location, size, section and details of permanent BMPs
 - b. BMP practice details for each facility type
 - c. Description of proposed maintenance program
 - d. Description of financial responsibility and assurance for maintenance program
- E. Copy of the draft NOI to be submitted to IDEM.

SECTION 4: Documentation Required During Construction:

- A. Provide copies of Notice of Violation (NOV) or stop work orders, and any related correspondence with Federal, State or County agencies. Provide copies of corrective action plans and/or changes to construction plans resulting from such notices.
- B. Provide copies of self-monitoring reports upon request.
- C. Provide copies of plan changes resulting from field conditions during construction.

SECTION 5: Documentation Required Before Acceptance:

- A. Provide copies of Notice of Termination (NOT) and any related correspondence with Federal, State or County agencies.
- B. Provide paper and digital copies of as-built plans prepared according to TITLE VIII Section 4 of Subdivision Control Ordinance #1252, as amended from time to time.
 - a. Permanent drainage, detention or BMPs which will be accepted by the Town shall be clearly identified by color, shading or hatching.
 - b. Include a certified statement by a Professional Engineer or Registered Land Surveyor licensed in the State of Indiana on record drawings stating that the completed storm drainage system substantially complies with construction plans as approved.

- C. All such submitted plans shall be reviewed for compliance within Thirty (30) days after submission to the Department of Planning and Building or Town Engineer.

TITLE V – DETERMINATION OF IMPACT DRAINAGE AREAS.

SECTION 1: General.

The Department of Planning and Building is authorized, but is not required to classify certain geographical areas as Impact Drainage Areas and to enact and promulgate regulations which are generally applied. In determining Impact Drainage Areas, the Department of Planning and Building shall consider such factors as topography, soil type, capacity of existing regulated drains and distance from adequate drainage facility. The following areas shall be designated as Impact Drainage Areas, unless good reason for not including them is presented to the Department of Planning and Building:

- A. A floodway or floodplain as designated by the Indiana Department of Natural Resources;
- B. Land within Seventy-Five (75) feet of each bank of any regulated drain;
- C. Land within Seventy-Five (75) feet of the centerline of any regulated drain tile.

Land where there is not an adequate outlet, taking into consideration the capacity and depth of the outlet, may be designated as an Impact Drainage Area by Resolution of the Plan Commission. Special requirements for development within any Impact Drainage Area shall be included in the Resolution.

TITLE VI – SUPPLEMENTAL REQUIREMENTS.

SECTION 1: Sump Pumps.

Sump pumps installed to receive and discharge groundwaters or other storm runoff shall be connected to the storm sewer where possible or discharged into a designated storm drainage channel. Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to the sanitary sewers. A sump pump shall be used for one (1) function only, either the discharge of storm waters or the discharge of sanitary sewage.

SECTION 2: Down Spouts.

All down spouts or roof drains shall discharge onto the ground. No down spouts or roof drains shall be connected to the sanitary sewers. Down spout flow shall not negatively impact adjoining property on any side.

SECTION 3: Footing Drains.

Footing drains shall be connected to storm sewers where possible or designated storm drainage channels. No footing drains or drainage tile shall be connected to the sanitary sewer.

TITLE VII – DISCLAIMER OF LIABILITY.

The degree of protection required by this Storm Drainage Control Regulations Ordinance, as amended from time to time, is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or storm water runoff depths may be increased by man-made or natural causes. This Storm Drainage Control Regulations Ordinance, as amended from time to time, does not imply that land uses permitted will be free from storm water damage. The Storm Drainage Control Regulations Ordinance, as amended from time to time, shall not create liability on the part of the Town of St. John, Lake County, Indiana, or any Officer, Appointee or Employee thereof for any damage which may result from reliance on this Storm Drainage Control Regulations Ordinance, as amended from time to time, or on any administrative decision lawfully made thereunder.

TITLE VIII – ENFORCEMENT (CORRECTIVE ACTION).

SECTION 1: Inspections.

- A. The Town of St. John, its employees and designated representatives, have the authority to conduct inspections to ensure full compliance with the provisions of this Ordinance, as amended from time to time, and to ensure compliance with approved drainage plans and stormwater pollution prevention plans.
- B. The Town of St. John, its employees and designated representatives, have the authority to enter upon and across property to conduct compliance inspections.
- C. The Town of St. John, its employees and consultants, will develop, and modify as necessary, report forms to conduct and document the inspections required to monitor conformance with this Ordinance, as amended from time to time. These report forms are under development.
- D. Construction site inspections will be performed by a designated representative or employee of the Town of St. John. The site operator shall notify the Town of St. John Building Department before land disturbing activities commence and after erosion control measures are in place.
 - 1) In the event that any construction site work is performed without informing the Town of St. John, a Notice of Violation will be issued and corrective action may be required before work continues.
 - 2) Work completed before inspected shall be uncovered, as required, to permit the inspection of the work.
 - 3) Inspections are required
 - a. Before land disturbing activities commence and after erosion control measures are in place;
 - b. At approximately one (1) month intervals;
 - c. After a major rain event;
 - d. After corrective action is completed as result of a Notice of Violation or Stop Work Order;
 - e. To investigate third party complaints;
 - f. Before Notice of Termination is approved; and,
 - g. Illicit discharge investigation and response.
- E. All public and privately owned Drainage Control (BMP) and detention storage facilities will be inspected not less often than one (1) time every two (2) years. A certified inspection report covering physical conditions, available storage capacity and operational condition of key facility elements will be provided to the Owner.

- F. A copy of each inspection report will be provided to the site operator or sent to address given on Notice of Intent or Notice of Termination. A site owner or operator may file change of address for notices with the Town of St. John Building Department.

SECTION 2: Notice of Violation (NOV).

- A. A Notice of Violation will be issued by a designated representative or employee of the Town of St. John, hereafter called the “Inspector”, for lack of compliance with the provisions of this Ordinance or for failure to complete corrective actions requested on routine inspection or investigation reports.

- B. Violations will be rated by the Inspector according to the potential for harm and extent of violation. Guidelines for determination of violation these categories are:

1) Potential for harm

a. Minor:

- Release or discharge of non-toxic materials such as, but not limited to: yard debris, sand, gravel, or sediment from construction activities;
- Minor discharge of any material in conjunction with normal ancillary residential activities;
- Minor paperwork and/or procedural violations.

- b. Moderate: Release or discharge of potentially harmful materials such as, but not limited to concrete, masonry products, or uncontaminated drilling mud.

c. Major:

- Release or discharge of toxic or health-threatening materials such as, but not limited to: sewage, paint, chemicals, and petroleum products;
- Discharge of any product, including those listed above in minor and moderate categories, in conjunction with commercial activity;
- Failure to implement erosion & sediment control measures or failure to correct BMPs per inspection request.

2) Extent of Violation

- a. Minor: Release or discharge to the right-of-way, discharge can be repaired, removed or cleaned to original condition.

b. Moderate:

- Release or discharge to the right-of-way that cannot be repaired, removed or cleaned to original condition, but does not cause structural damage;

- Discharge to the separate storm sewer system that does not impair the drainage function of the system.
- c. Major:
- Release or discharge to the drainage system which significantly impairs drainage or structures;
 - Discharge which requires removal of soil due to contamination, or replacement of pavement or structures;
 - Discharge to surface waters which impact a Regulated Drain;
 - Failure to obtain proper permit, failure to correct BMPs per inspection request, or failure to stop work.
- C. Each failure to comply with an Ordinance provision and each day the non-compliance continues is a separate violation. The approved Final Drainage Plans and any approved Change in Plans will be used as the standard for compliance with this Ordinance, as amended from time to time.

SECTION 3: Corrective Action.

- A. In the event that deficiencies are found by the Inspector, or duly designated representatives of the Town, requested corrective action or actions will be identified on the inspection report.
- B. In the event that corrective action or actions are found incomplete upon re-inspection, a Notice of Violation will be issued with completion date identified.
- C. In the event that corrective action or actions are found incomplete after a Notice of Violation date has expired, a Stop Work Order will be issued.
- D. In the event that minimal or no action is taken to bring the work back into compliance, the Town will undertake the work and collect its costs from the Owner, using lien rights, if necessary.

SECTION 4: Re-inspections.

- A. A re-inspection is required when:
- 1) Corrective action or actions are requested;
 - 2) Notice of Violation is issued;
 - 3) Stop Work Orders are issued; and,
 - 4) Illicit or illegal discharges are reported.
- B. A re-inspection fee will be assessed for items 2) through 4) above.

SECTION 5: Stop Work Order.

- A. A Stop Work Order will be issued by the MS4 Operator when corrective action or actions are found incomplete after a Notice of Violation date has expired.
- B. In the event of a Major violation, the Stop Work Order may include a provision to suspend all discharges to the storm water drainage system to stop actual or threatened discharge which presents, or may present, imminent or substantial danger to:
 - 1) the environment;
 - 2) the health or welfare of persons;
 - 3) the storm water drainage system; or,
 - 4) waters of the State of Indiana.
- C. Access to the storm water drainage system will be reinstated after all violations have been corrected and written authorization from the MS4 Operator.
- D. No work at the site that is not directly related to corrective action or actions, may proceed until a re-inspection shows that corrective actions are completed in a satisfactory manner.

SECTION 6: Penalties.

- A. Penalties will be assessed according to the following table:

		Extent of Violation					
Potential for Harm		Minor First Offense	Minor Subsequent Offense	Moderate First Offense	Moderate Subsequent Offense	Major First Offense	Major Subsequent Offense
	Minor	\$250 to \$500	\$500 to \$1,000	\$500 to \$1,000	\$1,000 to \$2,000	\$1,000 to \$2,000	\$2,000 to \$4,000
	Moderate	\$375 to \$750	\$750 to \$1,500	\$750 to \$1,500	\$1,500 to \$3,000	\$1,500 to \$3,000	\$3,000 to \$6,000
	Major	\$750 to \$1,500	\$1,500 to \$3,000	\$1,500 to \$3,000	\$2,500 to \$5,000	\$2,500 to \$5,000	\$6,000 to \$7,500
Re-inspection fee					\$50 per occasion		

- B. The MS4 Operator shall determine the amount of the applicable penalty.
- C. Nothing herein shall prevent the Town of St. John, Lake County, Indiana, from taking such lawful action as is permitted under the Laws of the State of Indiana to prevent, remedy or correct any violation of this Storm Drainage Control Regulations Ordinance, as amended from time to time. All costs, including reasonable Attorney’s fees, incurred by the Town regarding

enforcement of this Storm Drainage Control Regulations Ordinance to prevent, remedy or correct any violation shall accrue to the Person or Persons responsible therefore.

- D. The use or development of any land or real estate which is continued, operated or maintained contrary to any of the provisions of this Storm Drainage Control Regulations Ordinance, as amended from time to time, is hereby declared to be a violation of this Ordinance, and unlawful. The Town Attorney shall, immediately upon any such violation having been called to his attention, institute injunction, abatement, or other appropriate action to prevent, enjoin, abate or remove such violation. Such action may be instituted by any property owner also who may be especially damaged by any violation of this Storm Drainage Control Regulations Ordinance, as amended from time to time.
- E. The remedies for enforcement provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by applicable law.

SECTION 7: Appeals.

- A. Any action or decision resulting from application of this TITLE may be appealed in writing within the following limits. Written appeals shall describe:
 - 1) the action or decision appealed;
 - 2) date of report, notice or order that applies; and,
 - 3) reasoning or evidence supporting appeal.
- B. The observations and determinations of violation category made by the MS4 Operator may be appealed in writing to the Director of Public Works within ten (10) calendar days of the report date.
- C. The Director of Public Works shall respond to a written appeal within ten (10) calendar days after receipt.
- D. Determinations of the Director of Public Works may be appealed in writing to the Town Manager within fifteen (15) calendar days after receipt of response. The Town Manager, with review and recommendation of the Town Engineer and/or Town Attorney, may affirm, reject or modify the determination appealed.

TITLE IX — PRINTING AND PUBLICATION

This Storm Drainage Control Regulations Ordinance shall be printed and published by the Order of the Town Council of the Town of St. John, Lake County, Indiana.

TITLE X – VALIDITY AND ADOPTION

This page shall contain the Ordinance designation and all associated and recorded adoption signature(s) by the Town Council of the Town of St. John, Lake County, Indiana.

TITLE XI - REPEALER

That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, including Title VI of Subdivision Control Ordinance #1252, and all amendments thereto, are hereby deemed null, void and of no legal effect, and are specifically repealed.

TITLE XII – REGULATIONS ENFORCEMENT

That if any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

TITLE XIII – EFFECTIVE DATE

That this Ordinance and these regulations shall take effect, and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, and publication in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 16th DAY OF November, 2006, BY THE TOWN COUNCIL OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA.

**TOWN OF ST. JOHN, LAKE COUNTY,
INDIANA, TOWN COUNCIL**

President

Vice-President

ATTEST:

SHERRY P. SURY,
Clerk-Treasurer