

APPENDIX D
EROSION CONTROL ORDINANCE

EROSION AND SEDIMENT CONTROL ORDINANCE

ORDINANCE NO. 1027

WHEREAS, the Town of Speedway, Indiana (the "Town") has established a Storm Water Management Board (the "Board") pursuant to I.C.8-1.5-5-4; and

WHEREAS, the State of Indiana (the "State") requires the Board to obtain a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water from within the Storm Water District (the "District"); and

WHEREAS, the Town intends to comply with the provisions of the NPDES permit and 327 IAC 15-13 and therefore finds it necessary to adopt the provisions contained herein.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Speedway, Indiana:

SECTION 1. INTRODUCTION/PURPOSE

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment in the Town. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the Town.

SECTION 2. DEFINITIONS

Clearing. Any activity that removes the vegetative surface cover.

Drainage Way. Any channel that conveys surface runoff throughout the site.

Erosion Control. A measure that prevents erosion.

Erosion and Sediment Control Plan. A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to

control sediment and erosion on a development site during and after construction.

Grading. Excavation or fill of material, including the resulting conditions thereof.

Perimeter Control. A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Phasing. Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.

Sediment Control. Measures that prevent eroded sediment from leaving the site.

Site. A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development Permit. A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

Stabilization. The use of practices that prevent exposed soil from eroding.

Start of Construction. The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

Watercourse. Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the Town.

Waterway. A channel that directs surface runoff to a watercourse or to the public storm drain.

SECTION 3. PERMITS

A) No land-disturbing activity that would require the uncovering of one (1) acre or more shall be initiated without a site development permit from the Town. A site development permit will not be issued without the approval of the owner or developer's Erosion and Sediment Control Plan by the Town.

B) No site development permit is required for the following activities:

- 1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources; or
- 2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

