

## ORDINANCE 2023-06

### AN ORDINANCE AMENDING SECTIONS OF CHAPTER 8.08 CITY OF LAFAYETTE STORMWATER CODE

WHEREAS, in December 2021, the Indiana Department of Environmental Management finalized two new permits, Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP) and Construction Stormwater General Permit (CSGP), which replaced IDEM's Rule 13 and Rule 5;

WHEREAS, the new IDEM permits require the City to update its Stormwater Code to incorporate new requirements contained in the 2021 permits.

NOW, THEREFORE, be it ordained by the Common Council of the City of Lafayette, Indiana, as follows:

**Section 1.** Section 8.08.100 is hereby amended to update references from the previous IDEM rules to the new IDEM permits and as amended shall read as follows:

#### **8.08.100 Authority and title.**

This chapter is adopted in accordance with statutory authority granted under Indiana Code 36-9-23 and Indiana Code 36-9-28.5, and further is required by Phase II of the National Pollution Discharge Elimination System program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP) and Construction Stormwater General Permit (CSGP). Based on this authority and these requirements, this code regulates:

- A. Discharges of prohibited non-stormwater flows into the storm drain system;
- B. Stormwater drainage improvements related to development of lands located within city of Lafayette, Indiana;
- C. Drainage control systems installed during new construction and grading of lots and other parcels of land;
- D. Erosion and sediment control systems installed during new construction and grading of lots and other parcels of land;
- E. The design, construction, and maintenance of stormwater drainage facilities and systems;
- F. The design, construction, and maintenance of stormwater quality facilities and systems.

This code shall be known and may be cited as the city of Lafayette Stormwater Code.

**Section 2.** Section 8.08.100 is hereby amended to update references from the prior IDEM rules to the new IDEM permit structure and as amended shall read as follows:

**8.08.110 Background.**

The Common Council of city of Lafayette State of Indiana, on November 6, 1989 adopted Ordinance No. 89-38 which was amended on October 6, 1997 as Ordinance No. 97-35 which established "Storm Drainage and Sediment Control", in order to govern the control of runoff of stormwater and to protect, conserve and promote the orderly development of the land in the city of Lafayette and its water resources. This code was primarily targeted at stormwater discharge quantity, and erosion and sediment control.

On December 8, 1999, Phase II of the National Pollutant Discharge Elimination System (NPDES) permit program was published in the Federal Register. The NPDES program, as authorized by the 1972 amendments to the Clean Water Act, controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Phase II of NPDES requires permit coverage for stormwater discharges from regulated small municipal separate storm sewer systems (MS4s) and for small construction activity that results in the disturbance of equal to or greater than one acre. This federal regulation went into effect March 10, 2003. In response to Phase II of NPDES, the Indiana Department of Environmental Management enacted Rule 13 (327 IAC 15-13) and revised Rule 5 (327 IAC 15-5).

In December 2021, IDEM finalized two new permits, Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP) and Construction Stormwater General Permit (CGSP), which replaced the previous IDEM's Rule 13 and Rule 5. These new permits require the City to update its Stormwater Code to incorporate new requirements contained in the 2021 permits.

Under these new state and federal regulations, city of Lafayette is required to establish a regulatory mechanism for regulating stormwater quality management. Therefore, the storm-drainage and sediment control was expanded to include stormwater quality in addition to quantity.

**Section 3.** Section 8.08.140 is hereby amended to add abbreviations for Construction Stormwater General Permit, Flood Protection Grade, Lowest Adjacent Grade and Municipal Separate Storm Sewer System (MS4) General Permit and to add definitions for Flood Protection Grade, Lowest Adjacent Grade, Lowest Entry Elevation and Trained Individual as follows:

**8.08.140 Abbreviations and definitions.**

<b>Abbreviations</b>	
CSGP	Construction Stormwater General Permit
FPG	Flood Protection Grade
LAG	Lowest Adjacent Grade

MS4 GP	Municipal Separate Storm Sewer System (MS4) General Permit
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Definitions:

Flood Protection Grade. 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 and/or adjacent regulated areas, if applicable.

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

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

**Section 4.** Section 8.08.150 is hereby amended to update the reference to the Water Pollution Control Department to Lafayette Renew and as amended shall read as follows:

**8.08.150 Responsibility for administration.**

The city of Lafayette Engineering Department and Lafayette Renew, by and through its Division of Stormwater Management and acting under the Board of Public Works and Safety shall administer, implement, and enforce the provisions of this code. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing to all qualified persons or entities acting in the beneficial interest of or in the employ of the city of Lafayette. All documents, notices, or other matters required to be filed with the city of Lafayette shall be filed in the office of the City Engineer.

**Section 5.** Section 8.08.160 is hereby amended to update the references from the prior IDEM rule system to the new permit system and as amended shall read as follows:

**8.08.160 Conflicting ordinances.**

The provisions of this code shall be deemed as additional requirements to minimum standards required by other city of Lafayette ordinances, and as supplemental requirements to Indiana Department of Environmental Management’s Municipal Separate Storm Sewer System (MS4) General Permit and Construction Stormwater General Permit (CSGP). In case of conflicting requirements, the most restrictive shall apply.

**Section 6.** Section 8.08.260 is hereby amended to correct a typographical error and change the word “insure” to “ensure” and as amended shall read as follows:

**8.08.260 Inspections and monitoring.**

- A. Storm Drainage System. The city of Lafayette will periodically inspect the portion of the storm drainage system under the city of Lafayette’s control, in an effort to detect and eliminate illicit connections and discharges into the system. This inspection will include a screening of discharges from outfalls connected to the system in order to determine if prohibited flows are being conveyed into the storm drainage system. It could also include spot testing of waters contained in the storm drainage system itself to detect the introduction of pollutants into the system by other than a defined outfall, such as dumping or contaminated sheet runoff.
- B. Potential Polluters. If, as a result of the storm drainage system inspection, a discharger is suspected of an illicit discharge, the city of Lafayette may inspect and/or obtain stormwater samples from stormwater runoff facilities of the subject discharger, to determine compliance with the requirements of this code. Upon request, the discharger shall allow the city of Lafayette’s properly identified representative to enter upon the premises of the discharger at all hours necessary for the purposes of such inspection or sampling. The city of Lafayette, or its properly identified representative, may place on the discharger’s property, the equipment or devices used for such sampling or inspection. Identified illicit connections or discharges shall be subject to enforcement action as described in Article VII of this code.
- C. New Development and Re-Development. Following approval of final stormwater plans by the city of Lafayette, new development and re-development sites shall be inspected by the city of Lafayette’s properly identified representative. This inspection will be to ensure all on-site stormwater conveyances and connections to the storm drainage system are in compliance with this article.

**Section 7.** Section 8.08.310 is hereby amended to update the policy on stormwater quantity management, including, but not limited to, an acknowledgment the impact climate change has on stormwater quantity, and as amended shall read as follows:

**8.08.310 Policy on stormwater quantity management.**

- A. Detention Policy. It is recognized that most streams and drainage channels serving city of Lafayette do not have sufficient capacity to receive and convey stormwater runoff resulting from continued urbanization. Accordingly, except for situations provided in subsections (A)(3) and (4) of this section, the storage and controlled release of excess stormwater runoff shall be required for all developments and redevelopments located within city of Lafayette.
  - 1. General Release Rates. In general, the post-developed release rates from development sites shall be no greater than the general release rates provided in Table 3-1. For sites where the pre-developed area has more

than one outlet, the release rates should be computed based on pre-developed discharge to each outlet point.

**TABLE 3-1**

General Release Rates (cfs/acre) Based on Pre-Developed Condition Curve Number at Each Outlet Point		
Curve Number	10-Year	100-Year
< 65	0.07	0.23
66 — 69	0.13	0.33
70 — 73	0.20	0.43
74 — 77	0.27	0.53
78 — 81	0.34	0.63
82 — 85	0.44	0.75
> 86	0.55	0.87

For sites where depressional storage exists, the general release rates provided above may have to be further reduced. If depressional storage exists at the site, site-specific release rates must be calculated according to methodologies described in the Stormwater Technical Standards Manual (Technical Standards), accounting for the depressional storage by modeling it as a pond whose outlet is a weir at an elevation that stormwater can currently overflow the depressional storage area. Post developed release rates for sites with depressional storage shall be the two-year pre-developed peak runoff rate for the post-developed ten (10) year storm and the ten (10) year pre-developed peak runoff rate for the post-developed one hundred (100) year storm. In no case shall the calculated site-specific release rates be larger than the general rates provided above.

Also, note that for determining the post-developed peak runoff rates, the depressional storage must be assumed to be filled unless the city of Lafayette can be assured that the noted storage will be preserved in perpetuity.

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

elevation is determined by routing the entire inflow, on-site and off-site, through the pond.

Note that the efficiency of the detention/retention facility in controlling the on-site runoff may be severely affected if the off-site area is considerably larger than the on-site area. As a general guidance, on-line detention may not be effective in controlling on-site runoff where the ratio of off-site area to on-site area is larger than 5:1. Additional detention (above and beyond that required for on-site area) may be required by the city of Lafayette when the ratio of off-site area to on-site area is larger than 5:1.

2. Downstream Restrictions. In the event the downstream receiving channel or storm sewer system is inadequate to accommodate the post-developed release rate provided above, then the allowable release rate shall be reduced to that rate permitted by the capacity of the receiving downstream channel or storm sewer system. Additional detention, as determined by the city of Lafayette, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or waterways.

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

In accordance with Section 8.08.670, the allowable release rates may be further reduced by the city of Lafayette if on-site or off-site conditions warrant the reduction.

Notwithstanding the foregoing, if the city of Lafayette determines within three years after final approval of the stormwater plans that the downstream receiving channel or storm sewer system are in fact inadequate to accommodate the as-built development and have been damaged thereby, or if the subject as-built system is inadequate to accommodate upstream runoff or has caused damage to the upstream channel or storm sewer system, the owner, developer, or contractor shall be required to take such corrective actions as the city of Lafayette shall determine to be reasonably necessary to remedy such damages and enable such channels and storm sewers to accommodate the as- built drainage system.

3. Exemptions for Detention Requirements. Detention will not be required for the following:
  - a. Land alterations where the primary basis on which a stormwater drainage permit is required is the construction, enlargement, or location (on a permanent foundation) of a one-family dwelling, two-family dwelling, or accessory structure appurtenant to either a one- or two-family dwelling.

- b. Approved fill areas or one-time addition to existing commercial buildings that do not increase the amount of impervious area on-site by more than a total of 0.5 acres, provided the existing runoff patterns and flow capacity of the property will not be altered by the filling operations.
  - c. Notwithstanding the provisions of subsection (A)(2) (above), those site developments where the stormwater management system has been designed such that:
    - i. After combining flows from both the off-site and on-site drainage areas, there will be no increase in the total peak discharge from the developing site during the two, ten (10), or one hundred (100) year storm events (assuming the pre-developed land use used in the analysis is based on conditions that existed from historic aerial photographs, at least 50% of the time over the last 30 years);
    - ii. The volume of runoff for each project site outlet has not been increased for the entire range of storm events, up to the one hundred (100) year storm event; and
    - iii. The flow width is greater than or equal to that flow width which existed prior to the development (for the entire range of storm event, up to the 100-year storm event) and the velocity at the property boundary line for each sub-basin is less than or equal to that velocity which existed prior to the development (for the entire range of storm events, up to the 100-year storm event); and
    - iv. The drainage report for the proposed development includes a section that clearly indicates the upper limit of imperviousness to which the development can build and still meet the detention exemption.
  - d. Where the direct release of runoff from the proposed development meets the conditions set forth in subsection (A)(4) (below).
4. Direct Release Provisions. It is the policy of the city of Lafayette to allow the direct release (no detention) of runoff from a proposed development to an adjacent stream with more than one hundred (100) square miles of contributing drainage area at the direct release point. Therefore, direct release may be allowed for parcels adjacent to the following stream reaches in the city of Lafayette:
- a. Wabash River — the entire reach within the County;
  - b. Tippecanoe River — the entire reach within the County;

- c. Wildcat Creek — the entire reach within the County;
- d. South Fork Wildcat Creek — the entire reach within the County;
- e. Middle Fork Wildcat Creek — the entire reach within the County;
- f. Wea Creek — downstream of Dismal Ditch (a.k.a. Kenny Ditch).

Due to unknowns regarding the future development patterns and the associated proposed stormwater management systems within a watershed, it is the policy of the city of Lafayette to discourage direct release to a stream with less than one hundred (100) square miles of contributing drainage area at the direct release point. However, in rare circumstances, where a comprehensive watershed-wide hydrologic study or watershed plan of a major stream adopted by the city of Lafayette substantiates the benefits of (or allows for) direct release for a proposed development located adjacent to a major stream, the detention requirements set in subsection (A)(1) (above) may be waived.

In substantiating the potential benefits of direct release, the watershed-wide hydrologic study provided by the applicant must demonstrate that the peak discharge associated with two-year, ten (10) year, and one hundred (100) year precipitation events would not increase along the receiving stream. At a minimum, the stream reach to be examined needs to extend from the direct release point to a point downstream with a drainage area at least ten (10) times the drainage area of the proposed development and its off-site contributing drainage area. The required analyses must be done both for the existing land use and future potential land use (developed conditions) in the watersheds involved.

To be applicable to the development site, the sub-basin sizes for the watershed-wide hydrologic analyses of the major stream (including the sub-basin area containing the proposed development and its off-site contributing areas) must be generally uniform (between 0.5 and 2.0 times the average sub-basin size). Furthermore, the maximum size of the sub-basin area containing the proposed development and its off-site contributing areas should not exceed five times the area of the proposed development.



- B. Grading and Building Pad Elevation Policy. In addition to all floodplain requirements noted in the Unified Zoning Ordinance, FPG applicable to all buildings located within SFHA or an IDNR designated best available data floodplain or regulated adjacent areas (if applicable and if such buildings are allowed under the Unified Zoning Ordinance) shall be shown on the final plat.

For all structures located outside of SFHA or an IDNR designated 100-year floodplain that are subject to flooding from a stream or an open ditch (an area along a stream with no floodplain designation or an area adjacent to a designated floodplain with ground elevation below 100-year flood elevation plus 2 feet), the LAG of all residential, commercial, or industrial buildings shall have a minimum of 2 feet of freeboard above the 100-year flood elevation.

For all structures fronting a flooding source other than a swale or an emergency flood route, the floor of any basements or crawl spaces (if provided) shall be a minimum of 1 foot above the normal pool level (if pond) or the 2-year flood level (if a stream or an open ditch). In addition, 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.

For all structures located outside FEMA or IDNR designated floodplains that are subject to flooding from a detention/retention pond, the lowest adjacent grade (LAG) of all residential, commercial, or industrial buildings shall have a minimum of 2 feet of freeboard above the 100-year flood elevation or the emergency overflow weir elevation, whichever is higher.

For all structures, the building's lowest entry elevation shall be constructed such that drainage is not directed against the building and shall be in accordance with applicable local building codes. There shall be a positive slope drainage away from the building with maximum yard slopes that are 3:1 where soil has been disturbed during construction processes.

Overflow paths throughout the development resulting from a 100-year storm event, shall be determined, clearly shown on the plans, and contained in permanent drainage easements along the centerline of the flow path. No fences or landscaping shall be constructed within the easement areas that may impede the free flow of stormwater. For all structures adjacent to an overflow path, the minimum adjacent grade of the portion of the structure (the ground elevation next to the building after construction is completed that sits adjacent to the overflow path or may be subject to flooding by the overflow path) shall be a minimum of 1 foot above the estimated 100-year elevation of the overflow path using methodologies described in the Technical Standards.

In addition to the policies described above, potential flooding that would impact the site due to the minimum overtopping elevation of adjacent roads shall be considered.

It shall be the property owners' responsibility to maintain the natural features on their lots and to take preventive measures against any and all erosion and/or deterioration of natural or manmade features on their lots.

- C. Adjoining Property Impacts Policy. Design and construction of the stormwater facility shall provide for the discharge of the stormwater runoff from off-site land areas as well as the stormwater from the area being developed (on-site land areas) to an acceptable outlet(s) (as determined by the City Engineer) having capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to a regulated drain or natural waterway (as determined by the City Engineer) shall be provided on an exhibit that includes topographic information. Any existing field tile encountered during the construction shall also be incorporated into the proposed stormwater drainage system or tied to an acceptable outlet. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of flood waters from an upstream property.

Where the outfall from a Stormwater Drainage System of any developer flows through real estate not owned by the developer prior to reaching a regulated drain or natural waterway (as determined by the City Engineer), no approval shall be granted for the Stormwater Drainage System until all owners of real estate and/or tenants thereof crossed by the outfall either consent in writing to the use of their real estate or are notified in writing of a hearing before the Board of Public Works and Safety with respect to the proposed use. Written notice of the time and place of the hearing shall be made by: (1) mailing a copy of the notice by registered or certified mail, return receipt requested to such person's residence, place of business or employment with return receipt requested and returned showing receipt of such notice; or (2) delivering a copy of such notice to the owner and/or such tenant personally. Such notice shall be personally delivered or mailed not less than seven nor more than fourteen (14) days prior to the hearing. Proof of delivery of notice to each landowner shall be filed by affidavit with the Board of Public Works and Safety prior to the hearing.

If an adequate outlet is not located on site, then off-site drainage improvements may be required. Those improvements may include but are not limited to: extending storm sewers, clearing, dredging and/or removal of obstructions to open drains or natural water courses, and the removal or replacement of undersized culvert pipes as required by the City Engineer.

If, during design of a development, downstream landowners request access to a storm sewer that is proposed to be extended through their property prior to reaching a regulated drain or natural waterway (so that the downstream landowner can outlet agricultural field tiles), the construction plans must indicate that only proposed and/or future pattern field tile access points, and details of the proposed and/or future connections to the off-site storm sewer. The drainage report must include calculations to show that the off-site storm sewer has been increased in size to accommodate the proposed and/or future additional flow.

- D. No Net Loss Floodplain Storage Policy. Floodplains exist adjacent to all natural and man-made streams, regardless of contributing drainage area or whether they have been previously identified or mapped. Due to potential impacts of floodplain loss on peak flows in streams and on the environment, floodplains are considered Impact Drainage Areas and disturbance to these areas should be avoided. When the avoidance of floodplain disturbance is not practical, the natural functions of the floodplain should be preserved to the extent possible.

In an attempt to strike a balance between the legitimate need for economic development within the city of Lafayette and the ever-increasing importance of and the need to preserve the natural functions of floodplains to the extent possible (especially given ongoing and projected climate change impacts), compensatory excavation equivalent to the floodplain storage lost shall be required for all activities within the area inundated by the 100-year flood elevation along the floodplain of streams located in the city of Lafayette where drainage area of the stream is equal to or larger than one square mile. The City Engineer may alter the compensation ratio, based on extenuating circumstances, for a specific project. Detailed requirements regarding the location and methods of calculations are provided in the Technical Standards.

**Section 8.** Section 8.08.410 is hereby amended to remove certain references to stormwater policy and provides detailed requirements for stormwater pollution prevention are included in the Technical Standards and as amended shall read as follows:

**8.08.410 Policy on stormwater pollution prevention.**

Effective stormwater pollution prevention on construction sites is dependent on a combination of preventing movement of soil from its original position (erosion control), intercepting displaced soil prior to entering a waterbody (sediment control), and proper on-site materials handling. The developer must submit to the city of Lafayette, a SWPPP with detailed erosion and sediment control plans as well as a narrative describing materials handling and storage, and construction sequencing. The SWPPP and the project management log must be retained for at least three (3) years from the date the project permit is terminated.

Detailed requirements for stormwater pollution prevention on construction sites within the City of Lafayette, which are consistent with IDEM minimum requirements and apply to all land-disturbing activities, are contained in the Technical Standards.

**Section 9.** Section 8.08.420 is hereby amended to reflect the change from IDEM rules to IDEM permits and as amended shall read as follows:

#### **8.08.420 Calculations and design standards and specifications.**

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

- A. Off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a land disturbing project site, must be considered as a part of the total land disturbance calculation for the project site, when the activity is under the control of the project site owner.
- B. Strip developments will be considered as one project site and must comply with this chapter unless the total combined disturbance on all individual lots is less than one-half acre and is not part of a larger common plan of development or sale.
- C. To determine if multi-lot project sites are regulated by the permit, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as, roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
  - 1. For a single-family residential project site where the lots are one-half acre or more, one-half acre of land disturbance must be used as the expected lot disturbance.
  - 2. For a single-family residential project site where the lots are less than one half acre in size, the total lot must be calculated as being disturbed.
  - 3. To calculate lot disturbance on all other types of projects sites, such as industrial and commercial projects project sites, a minimum of one-half acre of land disturbance must be used as the expected lot disturbance, unless the lots are less than one-half acre in size, in which case the total lot must be calculated as being disturbed.

The calculation methods as well as the type, sizing, and placement of all stormwater pollution prevention measures for construction sites shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual or the Technical Standards. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of the IDEM's CSGP. A copy of the Indiana Stormwater Quality Manual may be obtained online through IDEM.

The design requirements that would apply to all land-disturbing activities and shall be considered in the selection, design, and implementation of all stormwater quality and management measures contained in the SWPPP are contained in the Technical Standards.

**Section 10.** Section 8.08.430 is hereby amended to correct a typographical error from “insure” to “ensure” and add references to approved Stormwater Pollution Prevention Plan and as amended shall read as follows:

**8.08.430 Inspection, maintenance, record keeping and reporting.**

Following approval of the permit by the city of Lafayette and commencement of construction activities, the City Engineer has the authority to conduct inspections of the site to ensure full compliance with the provisions of this article, the approved Stormwater Pollution Prevention Plan, the Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit.

A self-monitoring program must be implemented by the project site owner to ensure the stormwater pollution prevention plan is working effectively. A trained individual as defined in the Technical Standards, 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. Weekly inspections shall continue until the entire site has been stabilized and a notice of termination has been issued. The inspector should look at maintenance of existing stormwater pollution prevention measures, including erosion and sediment control measures, drainage studies, and construction materials storage/containment facilities, to ensure they are functioning properly. The inspector should also identify additional measures, beyond those originally identified in the stormwater pollution prevention plan, necessary to remain in compliance with all applicable statutes and regulations.

The resulting evaluation reports must include the name of the individual performing the evaluation, the date of the evaluation, problems identified at the project site, and details of maintenance, additional measures, and corrective actions recommend and completed. A form for documenting these inspections can be found in Appendix B of the Technical Standard.

The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this article, all measures necessary to adequately prevent polluted stormwater runoff. Recommendations by the inspector for modified stormwater quality measures should be implemented.

Although self-monitoring reports do not need to be submitted to the city of Lafayette, the city of Lafayette has the right to request complete records of maintenance and monitoring activities involving stormwater pollution prevention measures. All evaluation reports for the project site must be made available to the city of Lafayette, in an organized fashion, within forty-eight (48) hours of a request.

**Section 11.** Section 8.08.500 is hereby amended to reserve the right to require pre-treatment and reduce the exemption for single family construction activities from five acres to one acre and as amended shall read as follows:

**8.08.500 Applicability and exemptions.**

In addition to the requirements of Article IV, the stormwater pollution prevention plan, which is to be submitted to the city of Lafayette as part of the stormwater management permit application, must also include post-construction stormwater quality measures. These measures are incorporated as a permanent feature into the site plan and are left in place following completion of construction activities to continuously filter stormwater runoff from the stabilized site. Any project located within the city of Lafayette that includes clearing, grading, excavation, and other land disturbing activities, resulting in the disturbance of one-half acre or more of total land area, is subject to the requirements of this article. This includes both new development and re-development, and disturbances of less than one-half acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one-half or more acres of land, within the MS4 area. In addition, regardless of the amount of disturbance, the City reserves the right to require pre-treatment BMPs for proposed hot spot developments in accordance with the provisions in the Technical Standards.

The requirements under this chapter do not apply to the following activities:

- A. Agricultural land disturbing activities; or
- B. Forest harvesting activities; or
- C. Construction activities associated with a single family residential dwelling disturbing less than one (1) acre, when the dwelling is not part of a larger common plan of development or sale; or
- D. Single family residential developments consisting of four or less lots; or
- E. A single-family residential strip development where the developer offers for sale or lease without land improvements and the project is not part of a larger common plan of development of sale; or
- F. Individual building lots within a larger permitted project.

The requirements under this chapter do not apply to the following activities, provided other applicable state permits contain provisions requiring immediate implementation of soil erosion control measures:

- A. Landfills that have been issued a certification of closure under 329 IAC 10.
- B. Coal mining activities permitted under IC 14-34.
- C. Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental

Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.

It will be the responsibility of the project site owner to complete a stormwater permit application and ensure that a sufficient construction plan is completed and submitted to the city of Lafayette in accordance with Article VI of this code. It will be the responsibility of the project site owner to ensure proper construction and installation of all stormwater BMPs in compliance with this code and with the approved stormwater management permit, and to notify the city of Lafayette with a sufficient notice of termination upon completion of the project and stabilization of the site. However, all eventual property owners of stormwater quality facilities meeting the applicability requirements must comply with the requirements of this chapter and this code.

**Section 12.** Section 8.08.510 is hereby amended to add a paragraph concerning streambank erosion in urbanizing watersheds and make other small changes and as amended shall read as follows:

**8.08.510 Policy on stormwater quality management.**

It is recognized that developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts and other pollutants. As new development and re-development continues in the city of Lafayette measures must be taken to intercept and filter pollutants from stormwater runoff prior to reaching regional creeks, streams, and rivers in order to preserve fishable and swimmable conditions. Through the use of best management practices (BMP), stormwater runoff will be filtered and harmful amounts of sediment, nutrients and contaminants will be removed. The project site owner must submit to the city of Lafayette, a Storm Water Pollution Prevention Plan (SWPPP) which shows placement of appropriate BMP(s) from a pre-approved list of BMPs specified in the Indiana Stormwater Quality Manual or the Technical Standards. The noted BMPs must be designed, constructed, and maintained according to guidelines provided or referenced in the Indiana Stormwater Quality Manual or the Technical Standards. Practices other than those specified in the pre- approved list may be utilized. However, the burden of proof, as to whether the performance and ease of maintenance of such practices will be according to guidelines provided in the Indiana Stormwater Quality Manual or the Technical Standards, shall be placed with the applicant. Details regarding the procedures and criteria for consideration of approval of such BMPs are provided in the Technical Standards.

It is also recognized that another major source of pollution in many Indiana streams, including those within the corporate boundaries of the City, is the streambank erosion associated with urbanizing watersheds. Stream channels

develop their shape in response to the volume and rate of runoff that they received from their contributing watersheds. Research has shown that in hydrologically stable watersheds the stream flow responsible for most of the shaping of the channel (called the bankfull flow) occurs between every one to two years. When land is develop, the volume and rate of runoff from that land increases for these comparatively small flooding events that are not normally addressed by the detention practices and the stream channel will adapt by changing its shape. As the stream channel works to reach a new stable shape, excess erosion occurs. As new development and re-development continue within the City, measures must be taken to minimize the impact of such development or re-development on streambank erosion. Through the use of appropriate Best Management Practices (BMP's), the volume and rate of runoff for channel forming flows will be reduced in an attempt to minimize increased streambank erosion in the receiving streams and channels.

Requirements of this chapter and the Technical Standards with regard to post-construction stormwater quality management can be satisfied through a variety of methods broadly categorized under two general approaches:

- A. Conventional approach;
- B. Low impact development (LID) approach.

The site developer and designer are encouraged to review the LID discussion in the Technical Standards prior to site design.

Gasoline outlets and refueling areas must install appropriate practices (as noted under "Hot Spots" provision in the Technical Standards) to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. These requirements will apply to all new facilities and existing facilities that replace their tanks, regardless of the size of the facility.

**Section 13.** Section 8.08.520 is hereby amended to update the reference from rule to permit and as amended shall read as follows:

**8.08.520 Calculations and design standards and specifications.**

Calculation of land disturbance should follow the guidelines discussed in Section 8.08.420.

The calculation methods as well as the type, sizing, and placement of all stormwater quality management measures, or BMPs shall meet the design criteria, standards, and specifications outlined in the Indiana Stormwater Quality Manual or the Technical Standards. The methods and procedures included in these two references are in keeping with the above stated policy and meet the requirements of IDEM's MS4 GP.

**Section 14.** Section 8.08.540 is hereby amended to add references to BMP Maintenance Agreement and O&M Maintenance Manual and as amended shall read as follows:



#### **8.08.540 Inspections, maintenance, record keeping, and reporting.**

Upon approval of the stormwater management permit by the city of Lafayette and the commencement of construction activities, the city of Lafayette has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter, the Technical Standards or Indiana Stormwater Quality Manual, and the terms and conditions of the approved permit. The inspections will cover physical conditions, available water quality volume capacity, and the operational condition of key facility elements.

Stormwater quality facilities shall be maintained in good condition, in accordance with the Operation and Maintenance Manual. This Manual 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 completion of construction and formal acceptance, inspection and maintenance of publicly owned stormwater quality facilities shall be the responsibility of the city of Lafayette. Inspection and maintenance of privately owned stormwater quality facilities shall be the responsibility of the owner.

Details regarding the required stormwater BMP Maintenance Agreement, O&M Maintenance Manual and their transfer to other parties or subsequent owners prior to the release of the maintenance bond discussed in Section 8.08.620 is provided in the Technical Standards.

All public- and privately-owned stormwater quality facilities will be inspected by representatives of the project site owner until the project is complete and a Notice of Termination has been issued. Inspection frequency shall follow specifications included in the operation and maintenance submitted as part of the permit application. Optional inspection checklists for some of the more common BMPs can be found in Appendix B of the Technical Standards. Following project completion, city of Lafayette assumes responsibility for having annual inspections of the stormwater quality facilities completed. The inspections will follow the operation and maintenance procedures included in the permit application for each specific BMP. The inspection will cover physical conditions, available water quality volume 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 stormwater quality facility will be notified by city of Lafayette 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 city of Lafayette will undertake the work and collect from the owner using lien rights if necessary.

**Section 15.** Section 8.08.610 is hereby amended to update the procedures concerning termination inspections and as amended shall read as follows:

### **8.08.610 Permit procedures.**

This section applies to all development, or re-development of land. Individual lots in residential subdivisions with land disturbance less than one-half acre, which are developed within a larger permitted project site, should refer to Section 8.08.630 for plan review requirements and procedures.

The project site owner shall submit an application for stormwater management permit to the city of Lafayette. The application will include, a completed application checklist, 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 8.08.620 below. Four copies of each application must be submitted to the city of Lafayette. Additionally, a digital copy of the construction plans is required in a format approved by the city of Lafayette.

Within ten (10) days of the city of Lafayette receipt of the application, the applicant will be notified as to whether their application was complete or insufficient. The applicant will be asked for additional information if the application is insufficient. If the application is complete, the city of Lafayette will forward one copy of the application to the Soil and Water Conservation District for review and comment. The remaining three copies will be reviewed by departments within the city of Lafayette. Once all comments have been received, or ten (10) work days have elapsed, the city of Lafayette will either approve the project, request modifications, or place the project on the agenda of the next scheduled meeting of the Board of Public Works and Safety. If the project must go through a scheduled meeting, the city of Lafayette will furnish the applicant a complete list of comments and objections to the plans and accompanying data, at least ten (10) days prior to the scheduled meeting. Within ten (10) days after the scheduled meeting, the city of Lafayette will either issue a permit or request modifications to the construction plans. Once a permit has been issued, construction can commence.

The project site owner must notify the city of Lafayette and IDEM before beginning construction. Notification to the City shall be in the form of an email while notification to IDEM shall be in the form of an online IDEM NOI submittal. Once construction starts, the project owner shall monitor construction activities and inspect all stormwater pollution prevention measures in compliance with this code and the terms and conditions of the approved permit. Upon completion of construction activities, a Certification of Completion and Compliance and as-built plans must be submitted to the city of Lafayette. Once the construction site has been stabilized and all temporary erosion and sediment control measures have been removed, a notification shall be sent to Lafayette Renew requesting a termination inspection. Lafayette Renew or representative, shall inspect the construction site to verify the completed project is fully stabilized and meets the requirements of this Chapter and the Technical Standards as well as the terms and conditions of the permit. Once the applicant received as signed copy of the Termination Inspection Checklist confirming compliance, they must forward a copy to IDEM along with the required IDEM NOT form. Permits

issued under this scenario will expire five (5) years from the date of issuance. If construction is not completed within five (5) years, an updated permit application must be submitted to the City and an updated NOI must be submitted to IDEM at least 90 days prior to the expiration.

**Section 16.** A new Section 8.08.615, SWPP Review Time Limits, is hereby added as follows:

**8.08.615 SWPP Review Time Limits.**

Pursuant to IC 13-18-27, an MS4-designated entity must make a preliminary determination as to whether the construction plan associated with SWPPP is substantially complete before the end of the tenth (10th) working day (for sites with less than 5 acres of land disturbance) after the day on which the SWPPP is submitted to the review authority or the fourteenth (14th) working day (for sites with 5 acres or larger of land disturbance) after the day on which the SWPPP is submitted to the review authority. Depending on the outcome of the SWPPP review, the following scenarios may play out:

- A. No SWPPP review notification received: If the review authority does not notify the applicant of its preliminary determination as to whether the construction plan is substantially complete within either 10 or 14 days as noted above, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Chapter and the Technical Standards, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.
- B. SWPPP not substantially complete: If the review authority notifies the applicant that the construction plan is not substantially complete, the project site owner may not submit a notice of intent letter to IDEM until the review authority makes a conclusive favorable determination concerning the construction plan under the IDEM rule/permit, or this Chapter and the Technical Standards.
- C. Unfavorable SWPPP: If the review authority notifies the applicant that the construction plan is substantially complete; and makes a conclusive unfavorable determination concerning the construction plan under IDEM rule/permit, or this Chapter and the Technical Standards Manual, the project site owner may not submit a notice of intent letter to IDEM.
- D. Preliminary SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Chapter and the Technical Standards, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the

construction project. The plan review authority reserves the right to perform a comprehensive review at a later date, and revisions may be required at that time.

- E. Conditional SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a conditional review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Chapter and the Technical Standards, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project provided that the requirements included in the conditional review are fulfilled.
- F. Favorable SWPPP review: If the review authority notifies the applicant that the construction plan is substantially complete and a preliminary review has been completed, the project site owner may submit a notice of intent letter to IDEM including the information required by IDEM, or this Chapter and the Technical Standards, and 48 hours after the NOI is submitted to IDEM, may begin the construction project, including the land disturbing activities of the construction project.

Note that the above time limits only apply to the SWPPP portion of the overall stormwater permit submittal and does not affect any official or non-official permit review timelines set by the City for other aspects of the stormwater permit application.

**Section 17.** Section 8.08.620 is hereby amended to update the details of permit submittals and as amended shall read as follows:

**8.08.620 Information requirements.**

Specific projects or activities may be exempt from all or part of the informational requirements listed below. Exemptions are detailed in the "Applicability and Exemptions" sections of Article II through V. If a project or activity is exempt from any or all requirements of this chapter, an application should be filed listing the exemption criteria met, in lieu of the information requirements listed below. This level of detailed information is not required from individual lots in residential subdivisions with land disturbance less than one-half acre of land, which are developed within a larger permitted project site. Review and approval of such lots is covered under Section 8.08.630.

The different elements of a permit submittal include an application checklist, construction plans, a stormwater drainage technical report, a stormwater pollution prevention plan for active construction sites, a post-construction stormwater pollution prevention plan, and any other necessary supporting information. The application checklist can be found in Appendix B of the Technical Standards. All plans, reports, calculations, and narratives shall be signed and sealed by a

professional engineer or a licensed surveyor, registered in the State of Indiana who also meets the definition of a Trained Individual.

- A. Application Checklist. As part of the permit application package, the application checklist provide in the Technical Standards must be completed by the applicant and provided along with other supporting material.
- B. Construction Plans. Construction plan sheets (larger than 11 inches x 17 inches, but not to exceed 24 inches x 35 inches) 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 items listed in the application checklist provided in the Technical Standards.
- C. Stormwater Drainage Technical Report. A written stormwater drainage technical report must contain a discussion of the steps taken in the design of the stormwater drainage system. Note that in order to gain an understanding of and to evaluate the relationship between the proposed improvements for a specific project section/phase and the proposed improvements for an overall multi-section (phased) project, the detailed information requested herein for the first section/phase being permitted must be accompanied by an overall project plan that includes the location, dimensions, and supporting analyses of all detention/retention facilities, primary conveyance facilities, and outlet conditions. The technical report needs to include items listed in the application checklist provided in the Technical Standards.
- D. Stormwater Pollution Prevention Plan for Construction Sites. A stormwater pollution prevention plan (SWPPP) associated with construction activities must be designed to, at least, meet the requirements of this chapter and Technical Standards. The SWPPP must include items listed in the application checklist provided in the Technical Standards
- E. Post-Construction Storm Water Pollution Prevention Plan. The post-construction storm water pollution prevention plan must be designed to, at least, meet the requirements of this Chapter and must include information provided in the Technical Standards. The post-construction SWPPP must include items listed in the application checklist provided in the Technical Standards.
- F. Operation and Maintenance Manual.

1. This Operation and Maintenance Manual will be kept on file by the city of Lafayette for use during inspections. A copy will also be provided to the landowner for inspection and maintenance purposes.
  2. Suggested inspection and maintenance guidelines to be used in the manual for various post-construction stormwater quality measures can be found in the Technical Standards appendices.
- G. Maintenance Agreement. A formal BMP maintenance agreement will need to be prepared and notarized consistent with the sample agreement provided in the Technical Standards Manual, providing for the long-term maintenance of BMPs. This maintenance agreement shall be recorded for the property on which the project is located.

**Section 18.** Section 8.08.660 is hereby amended to correct a typographical error and change the word “insure” to “ensure” and as amended shall read as follows:

**8.08.660 Required assurances.**

As a condition of approval and issuance of the permit, the city of Lafayette shall require the applicant to provide assurance in form of a performance bond, certified check, irrevocable letters of credit, or certificate of deposit before construction begins. If posting an assurance in accordance with the Unified Subdivision Ordinance, Section 4.1(2), the amount of the assurance must be made out to the Area Plan Commission and must include one hundred (100) percent of the estimated cost of implementing measures required by Articles III through V of this code. If no assurance is required under the Unified Subdivision Ordinance, Section 4.1, this code still requires an assurance, made out to the city of Lafayette, for an amount equal to one hundred (100) percent of the total costs of implementing measures required by Articles III through V of this code. If, following assurance made to the city of Lafayette, the Area Plan Commission determines assurance is required by the Subdivision Ordinance, the assurance is transferable.

The assurance will guarantee a good faith execution of the stormwater drainage plan, the stormwater pollution prevention plan, the stormwater quality management plan, and any permit conditions. The costs shall be for the installation and continuous monitoring and maintenance of erosion control measures and the construction and continuous monitoring and maintenance of storm drainage infrastructure, detention/retention facilities, and stormwater quality BMPs, as regulated under this code. Local governmental jurisdictions may require additional performance and/or maintenance assurances. The intent of this assurance is not only to complete the installation of storm drain infrastructure for the project, but also to ensure that adequate stormwater pollution prevention measures are properly installed and maintained.

**Section 19.** Section 8.08.670 is hereby amended to add land within the Fluvial Erosion Hazard corridor and Bluff Impact Zone as impact drainage areas and as amended shall read as follows:

**8.08.670 Terms and conditions of permits.**

In granting a stormwater management permit, the city of Lafayette may impose such terms and conditions as are reasonably necessary to meet the purposes of this code. The project site owner shall ensure compliance with such terms and conditions. Noncompliance with the terms and conditions of permits will be subject to enforcement as described in Article VII.

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.

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 city of Lafayette may require more stringent stormwater quantity and quality measures than detailed in this code or in the Indiana Stormwater Quality Manual.

- A. Determination of Sensitive Areas. Sensitive areas include highly erodible land, wetlands, threatened or endangered species habitat, outstanding waters, impaired waters, recreational waters, and surface drinking water sources. A listing of highly erodible land, outstanding waters, impaired water, and recreation waters can be found in the glossary in Section 8.08.140. There are no surface drinking water sources in Tippecanoe County. If wetlands are suspected on a site, a wetland delineation should be completed in accordance with the methodology established by the U.S. Army Corps of Engineers (COE). The presence of threatened or endangered species habitat will be determined by the City Engineer during the permit review process. Special terms and conditions for development determined to impact or discharge to any sensitive area shall be included in the stormwater management permit.
- B. Determination of Impact Drainage Areas. The city of Lafayette is authorized, but is not required, to classify certain geographical areas as impact drainage areas. In determining impact drainage areas, the city of Lafayette shall consider such factors as topography, soil type, capacity of existing drains, and distance from adequate drainage facility. The following areas shall be designated as impact drainage areas, unless good reason for not including them is presented to the city of Lafayette.
  - 1. A floodway or floodplain as designated by the most updated Unified Zoning Ordinance dealing with floodplain regulation and/or by the Best Available Data through IDNR.

2. Land Within a Legal Drain Easement. 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 city of Lafayette. Special terms and conditions for development within any impact drainage area shall be included in the stormwater management permit.
3. Land within seventy-five (75) feet of each bank of any ditch within the city of Lafayette's system of regulated drains.
4. Land within the Fluvial Erosion Hazard (FEH) corridor and/or in a Bluff Impact Zone.
5. Land within seventy-five (75) feet of the centerline of any drain tile or enclosed conduit within the city of Lafayette's system of regulated drains.

The City Engineer is authorized to review permit applications and, based upon the same, grant exemptions from any and all requirements of this code and/or waive any requirements of this code. Any applicant may appeal the decision of the City Engineer to the Board of Public Works and Safety which shall also be authorized to grant exemptions from any and all requirements of this code and/or waive any requirements of this code in its discretion.

**Section 20.** Section 8.08.710 is hereby amended to add a notice of violation/citation and compensatory action to penalties for violations and as amended shall read as follows:

**8.08.710 Penalties for violations.**

A. Notice of Violation/Citation

If Lafayette Renew determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management design plan, a recorded stormwater management maintenance agreement, or the provisions of this Chapter, it shall issue a written Notice of Violation to such applicant or other responsible person and the owner of the property. Where a person is engaged in an activity covered by this Chapter without having first secured a permit therefore, the Notice of Violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The Notice of Violation can be in the form of a citation ticket and/or a written letter that would contain detailed inspection findings, conclusions of law, disposition of warning, or fines assessment, stipulated remedial actions as discussed with the responsible party representative, reasonable deadlines for those remedial actions, and the date of re-inspection.

B. Compensatory Action. In lieu of enforcement proceedings, penalties, and remedies authorized in this Chapter, Lafayette Renew and violator may agree to alternative compensatory action or mitigation measures.



C. Civil Penalties for Violations. Any person found in violation of any provision of this code shall be responsible for a civil infraction and subject to a fine of not less than five hundred dollars (\$500.00) for a first offense, and not less than one thousand dollars (\$1,000.00) for a subsequent offense, plus damages, expenses, and costs as may be imposed in the discretion of the court. 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 code.

Any person who aids or abets a person in a violation of this code 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 code committed by the same person within twelve (12) months of a previous violation of the same provision of this code for which said person admitted responsibility or was adjudicated to be responsible.

**Section 21.** This Ordinance shall take effect upon passage, approval by the Mayor and publication as may be required by law.

ADOPTED AND PASSED BY THE COMMON COUNCIL of the City of Lafayette, Indiana this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
LAUREN AHLERSMEYER, President

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
CINDY MURRAY, City Clerk

This Ordinance approved and signed by me on this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
TONY ROSWARSKI, Mayor

ATTEST:

\_\_\_\_\_  
CINDY MURRAY, City Clerk

Sponsored by: Jacque Chosnek, City Attorney