

Agenda
Ellettsville Town Council
Monday, December 23, 2024

6:30 P.M. Call to Order

Prayer
Pledge of Allegiance
Roll Call

Approval of the Minutes for the Regular Meeting November 25, 2024 & December 9, 2024

Action to pay Accounts Payable Vouchers and Payroll Vouchers

Resolutions

Resolution 40-2024 Transfer of Funds

Resolution 41-2024 Encumbrances for 2024

Ordinance on First Reading

Ordinance 2024-36 Repealing Chapter 53 of Ellettsville Town Code & replacing with new chapter 53

Ordinance on Second Reading

Ordinance 2024-32 to Amend the personnel policy

Ordinance 2024-34 to Amend the 2025 Salary Ordinance (2024-27)

Ordinance 2024-35 Repealing Chapter 152 of Ellettsville Town Code & replacing with new Chapter 152

Old Business - none

New Business

Approval of 2025 Meeting Dates

Excavator Purchase (Department of Public Works)

MOU with RRBCS for SRO Officers

Privilege of the Floor

Supervisors Comments

Council Comments

At this time, I know of no other business to come before the Council.

Noelle M. Conyer, Clerk-Treasurer

Town Council meetings are wheelchair accessible. The accessible entrance is located on the Northwest side of the building. Accessible visitor parking spaces are located on the Northwest side of the building. The Town further assures every effort will be made to ensure nondiscrimination in all of its program's activities, whether those programs and activities are federally funded or not. Close captioning of the public meetings is broadcast on Community Access Television Series 14 (catstv.net). The meetings are also broadcast on Zoom.

MEETING NOTICE
Monday December 23rd, 2024

The Town Council of the Town of Ellettsville will conduct its regular scheduled meeting on Monday December 23rd at 6:30 p.m., local time.

The meeting will be conducted at the Town Hall. Town Council members will attend the meeting in person. The public is invited to attend in person or by remote access. The meeting will be available by Zoom.

Topic: Ellettsville Town Council Meeting

Time: Dec 23, 2024 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87250993995?pwd=StX0p1bcV5WxoQbwQFNqpoobRCPFI8.1>

Meeting ID: 872 5099 3995

Passcode: 072348

One tap mobile

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Meeting ID: 872 5099 3995

Passcode: 072348

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Resolution 40-2024
Transfer of Funds Police

WHEREAS, it has been determined that more money is needed than is currently available in certain funds and appropriations:

THEREFORE, be it resolved that the following transfers are hereby authorized:

General Fund

Police Department			
From:	1101-4-107	Marshal & Deputies	\$ 12,049.00
	1101-4-124	Workers Comp	\$ 5,978.32
	1101-4-321	Telephone & Fax	\$ 500.00
	1101-4-353	Electric	\$ 4,000.00
	1101-4-371	Breathalyzer Maintenance	\$ 295.00
	1101-4-374	Arms, Radar & Equip Maint.	\$ 3,500.00
	1101-4-444	Vehicles & Equipment	\$ 4,000.00
To:	1101-4-234	Building Maintenance	\$ 30,322.32

This Resolution was passed and adopted by the Town Council of Ellettsville, Indiana, on the 23rd day of December, 2024

Scott Oldham, President

Attest: _____
Noelle M. Conyer, Clerk Treasurer

**Resolution 41-2024
2024 Encumbrances**

WHEREAS, The State Board of Accounts requires the end of the year encumbrances be entered into the permanent record of the Ellettsville Town

THEREFORE, be it resolved that the following purchase orders are hereby authorized:

Administration - Clerk-Treasurer's Department

5732	Taylor Siefker Williams Design Group	Adm-315	\$18,008.81
5748	American Legal Publishing	Adm-236	\$4,455.00
5749	Taylor Siefker Williams Design Group	Adm-315	\$11,162.50
5828	Rural Transit	Adm-320	\$13,229.52
5787	Visa (Nite Owl)	Adm-396	\$330.55
5788	Visa (Jungle Disk)	Adm-365	\$77.53
	Department Total		\$47,263.91

Planning Department

5753	Coppcslt, LLC	Plan-315	\$2,000.00
5789	Visa (Adobe)	Plan-213	\$256.67
5790	Visa (DHS)	Plan-315	\$157.43
5791	Vanhorn Tint & Accessories	Plan-231	\$650.00
5792	Visa (Nite Owl)	Plan-213	\$385.27
5793	Amazon	Plan-213	\$689.16
5794	Amazon	Plan-402	\$1,829.15
	Department Total		\$5,967.68

Fire Department

5795	Amazon	Fire-223	\$74.99
5796	Municipal Emergency Services	Fire-223	\$2,123.69
5797	Municipal Emergency Services	Fire-223	\$580.67
5798	Visa (Dell)	Fire-223	\$59.00
5799	Witmer Public Safety Group	Fire-223	\$284.00
5800	Visa (Harbor Freight)	Fire-231	\$444.98
5801	Amazon	Fire-321	\$26.66
5802	Amazon	Fire-321	\$35.95
5803	Amazon	Fire-394	\$45.98
	Department Total		\$3,675.92

Police Department

5804	Visa (Amazon)	Police-231	\$25.99
5805	Cross Paint & Body	Police-231	\$10,078.05
5806	Motorola	Police-232	\$2,054.95
5807	Sam's Club	Police-233	\$22.98
5808	ABK Flooring, LLC	Police-234	\$33,892.07
	Department Total		\$46,074.04

General Fund Total

\$102,981.55

Motor Vehicle Highway

5809	ODP Business Solutions	MVH-213	\$318.06
5810	Visa (Amazon)	MVH-230	\$179.83
5811	Visa (Harbor Freight)	MVH-230	\$451.88
	Department Total		\$949.77

Local Road and Streets

5829	Lincoln Park Stone	LRS-241	\$448.20
5812	Sam's Club	LRS-244	\$193.46
5813	Visa (Harbor Freight)	LRS-244	\$233.85
5814	Visa (Rural King)	LRS-244	\$407.99
	Department Total		\$1,283.50

MVH-Restricted

5815	Monroe County Highway	MVH-RES-415	\$64,967.40
	Department Total		\$64,967.40

Parks & Recreation

5816	Spencer Trailers, Inc.	Parks-455	\$6,101.25
	Department Total		\$6,101.25

Law Enforcement Continuing Education

5817	Visa (Gaylord Texan)	Law Enforce-394	\$945.00
	Department Total		\$945.00

Opioid Unrestricted

5818	Bound Tree	Opioid Unres-250	\$5,494.93
5819	Amazon	Opioid Unres-250	\$9,332.96
	Department Total		\$14,827.89

Cumulative Capital Improvements

5820	E&B Paving	CCI-415	\$471.68
	Department Total		\$471.68

Cumulative Capital Development

5821	ODP Business Solutions	CCD-6-401	\$582.01
5822	Richard's Small Engine	CCD-6-441	\$1,039.99
	Department Total		\$1,622.00

Cumulative Building & Equipment

5823	Amazon	CBE-446	\$167.64
5824	Amazon	CBE-446	\$1,699.00
5825	Municipal Emergency Services	CBE-446	\$18,476.61
5826	Municipal Emergency Services	CBE-446	\$12,800.00
5827	Rollnrack	CBE-446	\$10,400.00
	Department Total		\$43,543.25

Total Encumbrances for 2024**\$237,693.29**

Dated this 23rd day of December, 2024

Scott Oldham, President

Attest:

Noelle M. Conyer, Clerk-Treasurer

ORDINANCE 2024-____

AN ORDINANCE REPEALING CHAPTER 53 OF THE ELLETTSVILLE TOWN CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 53

WHEREAS, the Town intends to provide for the health, safety and welfare of citizens of the Town by regulating non-stormwater discharges to the municipal separate storm sewer system; and

WHEREAS, the Town enacted Chapter 53 to regulate non-stormwater discharges in October 2005 by passage of Ordinance) 05-2020 but said Chapter has not been amended or updated since passage of that Ordinance; and

WHEREAS, the Ellettsville Town Council finds it in the best interest of the citizens of the Town to update its ordinance regulating non-stormwater discharges to the storm sewer system.

NOW, THEREFORE, BE IT ORDAINED BY THE ELLETTSVILLE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, MONROE COUNTY, INDIANA:

Section 1: Chapter 53 of the Ellettsville Town Code, “Illicit Discharge and Connection to the Storm Water Drainage System,” Sections 53.01 through and including Sections 53.19 and Section 53.99 is hereby repealed in its entirety and replaced with the following new sections:

CHAPTER 53: ILLICIT DISCHARGE AND CONNECTION TO THE STORMWATER DRAINAGE SYSTEM

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§53.01. PURPOSE AND INTENT.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the Town of Ellettsville through the regulation of non-stormwater discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants from illicit discharges and connections into the MS4 and the waters of the State of Indiana per the Clean Water Act and the Indiana Department of Environmental Management’s (IDEM) National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System General Permit (MS4GP). The objectives of this chapter are:

- (A) To regulate the contribution of pollutants into the Town of Ellettsville’s MS4 by any user;
- (B) To prohibit illicit connections and discharge to the MS4; and
- (C) To establish legal authority to conduct all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter.

§53.02. DEFINITIONS.

For this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ACCIDENTAL DISCHARGE. A discharge prohibited by this subchapter that occurs by chance and without planning or consideration before occurrence.

AUTHORIZED ENFORCEMENT AGENCY. Employees or representatives of the Town of Ellettsville designated to enforce this chapter.

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

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

CONSTRUCTION ACTIVITY. Activities subject to the NPDES Construction Stormwater General Permit (CSGP). Construction activities include construction projects resulting in land disturbance of one acre or more, and construction activities encompassing less than one acre but are part of a larger common plan of development or sale that disturbs one acre or more of land. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

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

DRY WEATHER SCREENING. Field observations and field screening monitoring done to determine if there are sources of illicit discharges into the MS4. Dry weather is defined as a period where there has not been precipitation for three days.

FACILITY. Any FACILITY, including construction sites, required by the Federal Clean Water Act to have a permit to discharge stormwater associated with industrial activity.

FLOATABLE. Any solid waste that, due to its physical characteristics, will float on the surface of water. For this chapter, the term does not include naturally occurring floatables, such as leaves or tree limbs.

GROUNDWATER. Accumulations of underground water, natural or artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this state. The term does not include manmade underground storage or conveyance structures.

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

IDEM. Refers to the Indiana Department of Environmental Management.

ILLICIT CONNECTIONS. An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface which allows an illicit discharge to enter the MS4 including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the MS4 and any connections to the MS4 from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the Authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the MS4 that has not been documented in plans, maps, or equivalent records and approved by the Authorized enforcement agency.

ILLICIT DISCHARGE. Any discharge to an MS4 that is not composed entirely of stormwater, except naturally introduced floatables, such as leaves or tree limbs. Sources of illicit discharges include but are not limited to sanitary wastewater, septic tank effluent,

commercial car wash wastewater, oil spills or disposal, radiator flushing disposal, laundry wastewater, roadway accident spillage, pollutant run-off, and household hazardous wastes.

ILLEGAL DISCHARGE. Any direct or indirect non-stormwater discharge to the MS4, except as exempted in §53.03 of this chapter.

INDUSTRIAL ACTIVITY. Activities subject to NPDES industrial permits as defined by 40 CFR, Section 122.26 (b)(14).

MAXIMUM EXTENT PRACTICABLE (MEP). A performance standard or requirement within a permit to reduce the discharge of pollutants from an MS4 to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act, which is achieved through planning and implementation of specific measures that are identified in the Stormwater Quality Management Plan.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A conveyance or system of conveyances, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, which are:

- (1) owned or operated by a federal, state, city, town, county, district, association, or other public body (created by or under state law) having jurisdiction over stormwater, including special districts under state law such as a sewer district, flood control district, or drainage district, or similar entity, or a designated and approved management agency under Section 208 of the Clean Water Act (33 U.S.C. 1288) that discharges into waters of the state; or privately owned stormwater utility, hospital, university, or college having jurisdiction over stormwater that discharges into waters of the state;
- (2) designed or used for collecting or conveying stormwater;
- (3) not a combined sewer; and
- (4) not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). A permit issued by the USEPA or IDEM that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable to an individual, a group, or a general area-wide basis.

NON-STORMWATER DISCHARGE. Any discharge to the MS4 that is not composed entirely of stormwater.

OUTFALL. A point source discharge via a conveyance of stormwater run-off into a receiving stream or other body of water.

PERMIT HOLDER. Any person, partnership, corporation, or landowner who holds, or has been issued an NPDES stormwater discharge permit.

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

POINT SOURCE. A discernible, confined, and discrete conveyance, including a pipe, ditch, channel, tunnel, conduit, well, or discrete fissure.

POLLUTANT. Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids, non-hazardous liquid, solid wastes, yard wastes, refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulation, so that some may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, gray water, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

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

RECEIVING WATERS. A waterbody that receives a discharge from an outfall. The term does not include private drains, retention and detention basins, or constructed wetlands used as treatment.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER CONVEYANCE SYSTEMS. All storm sewer pipes, ditches, catch basins, and other structures including retention and detention facilities.

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

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

WATER QUALITY. A term used to describe water's chemical, physical, and biological characteristics, usually with respect to its suitability for a particular purpose.

WATERS OF THE UNITED STATES or STATE, A term used in federal regulations that defines all water bodies regulated as waters of the U.S. as defined in 33 U.S.C. 1251 (40 CFR 120).

§53.03. APPLICABILITY.

This chapter shall apply to all discharges, including illicit and illegal discharges, entering the MS4 that were generated on any developed and undeveloped lands unless explicitly exempted by the Town. .

§53.04. RESPONSIBILITY FOR ADMINISTRATION.

The authorized enforcement agency shall administer, implement, and enforce the provisions of this chapter within its jurisdiction. The powers granted or duties imposed upon the authorized enforcement agency have been delegated to the Town of Ellettsville Planning Department to persons or entities acting in the beneficial interest of or employed by the Town.

§53.05. SEVERABILITY.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person,

establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

§53.06. ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated according to this chapter are intended to comply with the NPDES MS4GP issued to the town. However, nothing herein shall be construed to ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants into the waters of the United States.

§53.07. INTERPRETATION.

Words and phrases in this subchapter shall be construed according to their common and accepted meanings, except that words and phrases defined in §53.02, shall be construed according to the respective definitions given in that section. Technical words and phrases that are not defined in this subchapter, but which have acquired particular meanings in law or technical usage shall be construed according to such meanings.

§53.08. PROHIBITION OF ILLICIT DISCHARGES.

- (A) No person shall discharge or cause to be discharged directly or indirectly into the MS4, waterbodies, or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.
- (B) The commencement, conduct, or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:
 - (1) The following discharges are exempt from discharge prohibitions established by this chapter: water line and hydrant flushing for maintenance; irrigation water; uncontaminated pumped groundwater; uncontaminated foundation, footing, and crawl space drains; fire suppression activities; uncontaminated excess storm sewer cleaning water not collected by a vacuum truck; residential car washing; non-commercial washing of vehicles by community organizations; external building wash down without detergents; uncontaminated condensate from air conditioning units, coolers, and other compressors, and outside storage of refrigerated gases or liquids; springs; dechlorinated/dibrominated residential swimming pool discharges; pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; and uncontaminated groundwater infiltration (as defined in 40 CFR 35.2005 (20)).
 - (2) Discharges specified in writing by the authorized enforcement agency as being either:
 - (a) Necessary to protect public health and safety; or
 - (b) Non-threatening to the public health or safety or resulting in a discharge that would be contrary to the purpose of this chapter.
- (C) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency before the time of the test.

- (D) Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the USEPA or IDEM, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drainage system.

§53.09. PROHIBITION OF ILLICIT CONNECTIONS.

- (A) The construction, use, maintenance, or continued existence of direct or indirect illicit connections to the MS4 is prohibited.
- (B) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (C) A person violates this chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

§53.10. SUSPENSION OF MS4 ACCESS.

- (A) Suspension due to illicit discharges in emergencies.
 - (1) The authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present an imminent and substantial danger to the environment to the health or welfare of persons, to the MS4, or waters of the United States.
 - (2) If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4, to the waters of the United States, or to minimize danger to persons.
- (B) Suspension due to the detection of illicit discharge.
 - (1) Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the Ellettsville Town Council for a reconsideration and hearing.
 - (2) A person commits an offense if the person reinstates MS4 access to premises terminated under this section, without the prior approval of the authorized enforcement agency.

§53.11. INDUSTRIAL OR CONSTRUCTION ACTIVITY.

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

§53.12. DISCHARGE INSPECTIONS AND MONITORING.

(A) Inspection and monitoring.

The authorized enforcement agency has the authority to periodically inspect any portion of the MS4, whether publicly or privately owned, to detect and eliminate illicit connections and discharges into the MS4. The inspection may include dry weather screening of discharges from outfalls connected to the MS4 to determine if prohibited flows are being conveyed into the MS4. It could also include spot testing of waters contained in the MS4 itself to detect the introduction of pollutants into the MS4 by means other than a defined outfall, such as dumping or contaminated sheet runoff.

(B) Access to facilities.

- (1) The authorized enforcement agency shall be permitted to enter and inspect the premises of a person subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a person has security measures in force, that require proper identification and clearance before entry into its premises, the person shall make the necessary arrangements to allow access to the authorized enforcement agency.
- (2) Persons shall allow the authorized enforcement agency ready access to all parts of the permit holder's premises for inspection, sampling, examination, and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- (3) The authorized enforcement agency shall have the right to install and maintain on any of the premises such devices as are necessary to conduct monitoring and/or sampling of the premises' stormwater discharge.
- (4) The authorized enforcement agency may require the person to install monitoring equipment as necessary. The premises' sampling and monitoring equipment shall always be maintained in a safe and proper operating condition by the permit holder at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to the safe and easy access to the premises to be inspected and/or sampled shall be promptly removed by the person at the written or verbal request of the authorized enforcement agency and shall not be replaced. The costs of clearing such access shall be borne by the person.
- (6) Unreasonable delays in allowing the authorized enforcement agency access to the premises is a violation of a stormwater discharge permit and of this chapter. A permit holder that discharges stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility to conduct any activity authorized or required by this chapter.
- (7) If the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and the authorized enforcement agency can demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample

as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

§53.13. REQUIREMENTS TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS USING BEST MANAGEMENT PRACTICES.

- (A) The authorized enforcement agency is authorized to require dischargers to implement pollution prevention measures, utilizing Best Management Practices (BMPs) to prevent or reduce the discharge of pollutants into the MS4 or watercourses.
- (B) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharges of prohibited materials or other wastes into the MS4 or watercourses using structural and non-structural BMPs.
- (C) Any person responsible for a property or premise, which is, or maybe, the source of an illegal discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4.
- (D) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

§53.14. STORAGE OF HAZARDOUS OR TOXIC MATERIAL.

Storage or stockpiling of hazardous or toxic material within any watercourse, or in its associated floodway or floodplain, is prohibited. Storage or stockpiling of hazardous or toxic material, including sewage treatment plant stockpiles, on a property must include adequate protection and/or containment to prevent any such materials from entering any temporary or permanent stormwater conveyance or watercourse.

§53.15. WATERCOURSE PROTECTION.

Every person owning or occupying property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, fill material, and other substances that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner and/or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

§53.16. NOTIFICATION OF SPILLS.

- (A) Any person who operates, controls, or maintains a facility, premises, or property from which a spill occurs is responsible for notifying emergency response agencies and taking all necessary steps to ensure the discovery, containment, and cleanup

of such release. This section is in addition to the procedures and requirements identified in the Indiana Spill Rule, 327 IAC 2-6.1.

- (B) Any discharger who accidentally discharges into the MS4 or a waterbody any substance other than stormwater or an exempted discharge shall immediately inform the authorized enforcement agency concerning the discharge.
- (C) A written report concerning the discharge shall be filed with the authorized enforcement agency, by the dischargers, within five (5) days. 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; and
 - (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.
- (D) A properly reported accidental discharge shall be an affirmative defense to a civil infraction proceeding brought under this subchapter against a discharger for such discharge. It shall not, however, be a defense to a legal action brought to obtain an injunction, to obtain recovery of costs, or to obtain other relief because of or arising out of the discharge. A discharge shall be considered properly reported only if the discharger complies with all the requirements of this section and the Indiana Spill Rule (327 IAC 2-6.1). This requirement does not relieve the discharger from notifying other entities as required by state or federal regulations

§53.17. ENFORCEMENT AND NOTICE OF VIOLATION.

- (A) It shall be unlawful for any person to violate or fail to comply with any provision of this chapter. Any person who has violated or continues to violate any provision of this chapter may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.
- (B) Notice of Violation.
 - (1) Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement agency may order compliance by written notice of violation by either certified mail or in-person to the responsible person.
 - (2) Such notice may require the violator to cure or mitigate the violation by requiring the responsible person to perform any or all the following:
 - (a) The performance of monitoring, analysis, and reporting;
 - (b) The elimination of illicit connections or discharges;
 - (c) The violating discharges, practices, or operations shall cease and desist;

- (d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property.
 - (e) Payment of a fine to cover administrative and remediation costs; and
 - (f) The implementation of source control or treatment BMPs.
- (C) Such notice of violation shall contain:
- (1) The names and addresses of the owner and violator;
 - (2) The address when available, or a description of the building or structure of land upon which the violation has occurred;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial measures necessary to bring the illegal activity into compliance with this chapter and a schedule for the completion of such remedial action, which may include designating the violation requires immediate action of less than 24 hours;
 - (5) A statement that should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor, and the expense thereof shall be charged to the violator;
 - (6) A description of the remedial measures, if any, that were necessary to bring the illegal activity into compliance with this chapter that were already taken by the Town, the cost thereof, and a statement that the violator shall be responsible for the remedial action already taken; and
 - (7) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is sent.
- (D) If an emergency exists and immediate action is required, the Town may abate or remedy the violation, and said notice may be given after said abatement or remediation has occurred. In the event of such an emergency, the authorized enforcement agency may enter the subject property and may take all measures necessary to abate the violation. It shall be unlawful for any person to refuse access to the authorized enforcement agency or designated contractor to enter the property for the purposes set forth above.

§53.18. APPEAL OF NOTICE OF VIOLATION.

Any person receiving a Notice of Violation may appeal the determination of the violation to the authorized enforcement agency. The notice of appeal must be received within seven (7) days from the date of the Notice of Violation. A hearing on the appeal before the authorized enforcement agency shall take place within 15 days from the date of receipt of the notice of appeal. If the landowner disagrees with the determination of the authorized enforcement agency, the landowner may appeal the decision to the Ellettsville Town Council within fifteen (15) days of the date of issuance of the determination of the authorized enforcement agency on the landowner's appeal. The decision of the Town Council shall be final.

Commented [MT1]: Preferred timeline?

§53.19. ENFORCEMENT MEASURES AFTER APPEAL.

If the violation has not been corrected according to the Notice of Violation, or after an appeal, within 30 days of said Notice, or the exhaustion of any appeal, the authorized enforcement agency may but is not required to, take all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the authorized enforcement agency or designated contractor to enter the premises for the purposes outlined in this section. The costs of abatement, or restoration, shall be assessed against the owner of the property and may be filed as a lien against the property in the amount of the assessment, or reduced to a judgment lien.

Commented [MT2]: Preferred timeline?

§53.20. COST OF ABATEMENT OF THE VIOLATION.

Within 30 days after the authorized enforcement agency takes action to abate a violation, the owner or party in possession of the property will be notified of the abatement costs, including administrative costs incurred in correcting the violation. The property owner may file a written protest objecting to the amount of the assessment within 10 days to the Ellettsville Town Council. If the amount due is not paid within 30 days of the decision of the Town Council or by the expiration of the time in which to file an appeal, the Town may file a civil action to collect said costs, plus interest and reasonable attorney's fees.

§53.21. INJUNCTIVE RELIEF.

In addition to any remedy set out herein, the authorized enforcement agency may seek injunctive relief to enjoin violations of this chapter.

§53.22. REMEDIES NOT EXCLUSIVE.

The remedies listed in this subchapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

§53.23. PENALTY.

- (A) Any person found violating any provision of this chapter shall be responsible for a civil infraction and subject to a maximum fine of \$2,500 for each offense, plus costs, damages, and expenses. Each day a violation continues after the original notification shall be deemed a separate offense under this chapter.
- (B) The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this chapter, including sampling and monitoring expenses.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Town Council and after final publication as required by law.

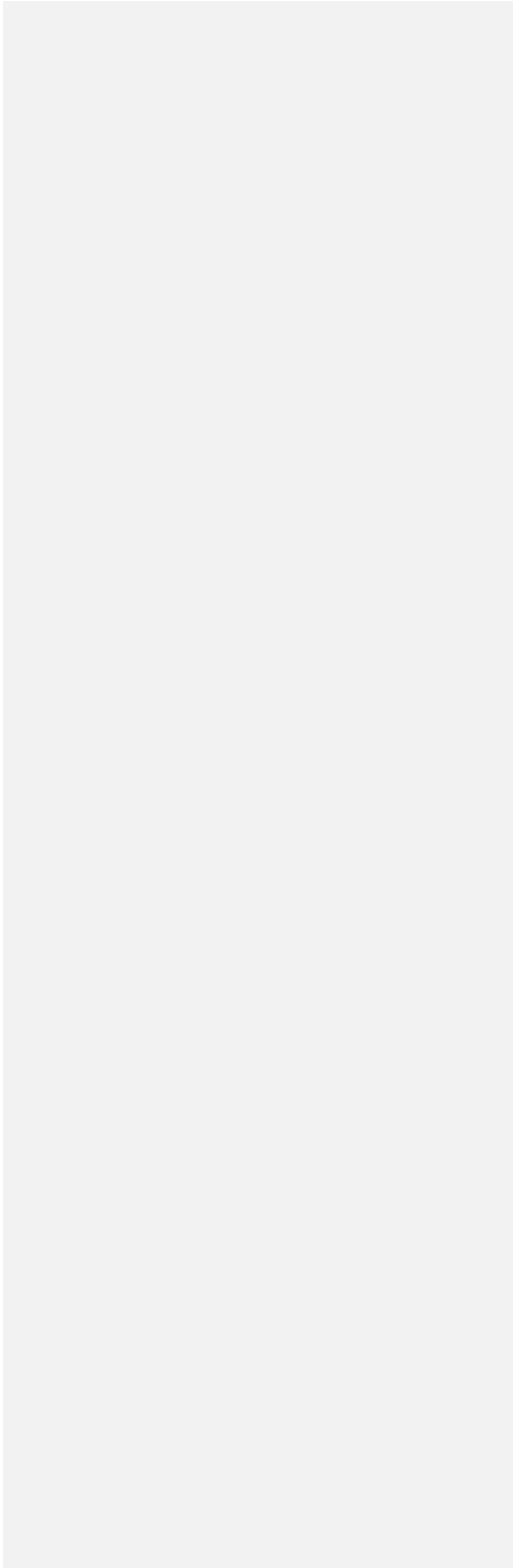
The foregoing Ordinance was passed, approved, and adopted by the Ellettsville Town Council, on the 13th day of January, 2025.

ELLETTSVILLE TOWN COUNCIL

President, Ellettsville Town Council

ATTEST:

Noelle Conyer, Clerk/Treasurer



ORDINANCE 2024-32 (AS AMENDED)

AN ORDINANCE TO AMEND THE EMPLOYEE HANDBOOK

WHEREAS, the Ellettsville Town Council, by ordinance, adopted an Employee Handbook which will serve as the Town’s personnel policy as of January 1, 2025; and

WHEREAS, the Town Council finds that modifications should be made to the police and fire personnel policy in order to clarify the benefits allowed to public safety employees.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF ELLETTSVILLE, INDIANA:

Section 1. The following revisions are hereby made to Sections 303, 305, and 507 of the Employee Handbook.

When an existing section of the ordinance is being amended, the text of the existing provision will appear in this style type, additions will appear **in this style type**, and deletions will appear ~~in this style type~~.

a.) Section 303.

Schedule of Vacation Benefits Eligible Employees Receive, page 16.

Length of Employment	Current # of Hours	Correct # of Hours
1-5 – two (2) work weeks	82.5 – ten (10) days	99 – twelve (12) days
6-10 – three (3) work weeks	115.5 – fourteen (14) days	140.25 – eighteen (18) days
11-15 – four (4) work weeks	148.5 – eighteen (18) days	198 – twenty-four (24) days
16+ – five (5) work weeks	198 – twenty-four (24) days	247.5 – thirty (30) days

b.) Section 305

“Holidays,” pages 18 and 19.

In the Floating Holiday/Employee Birthday Table, the number of hours for Police Department employees shall be changed from 123.75 to 132 hours.

123.75 to 132

c.) Section 507.

“Overtime, Compensatory Time/Flex Time,” pages 30-32.

Eligible **40-hour, full time** employees **who work Monday through Friday** may accumulate up to 40-hours of compensation time in a calendar year. **Those** Employees will

receive monetary compensation for any overtime hours worked which would cause their compensatory time accumulated to exceed 40-hours. **Full-time 24/48 Fire employees may accumulate up to 72-hours of compensatory time in a calendar year. Full time “6/3” Police employees may accumulate up to 49.5-hours of compensatory time in a calendar year. Full time 24/48 Fire employees and full time 6/3 Police employees will receive monetary compensation for any overtime hours worked which would cause their compensatory time accumulated to exceed 72 hours for Fire employees or 49.5 hours for Police employees, respectively.** Any compensatory time earned after January 1, 2025 that remains unused at the of a calendar year will be paid out.

As regular part-time employees do not earn sick leave, regular part-time employees shall be allowed to carry over unused vacation time earned and not used in the last quarter of the calendar year to the next calendar year.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Town Council.

This Ordinance was passed, approved, and adopted by the Ellettsville Town Council, on the 23rd day of December, 2024.

ELLETTSVILLE TOWN COUNCIL

Scott Oldham, President

ATTEST:

Noelle Conyer, Clerk/Treasurer

**Ordinance 2024-34
to Amend the 2025 Salary Ordinance 2024-27 as amended**

WHEREAS, The Town Council of Ellettsville, Monroe County, Indiana established the salaries for the said Budget Year 2025; and

WHEREAS, It has been determined that a correction was needed for the Fire Captain pay range; and

WHEREAS, it has been determined to remove previous premium reduction and change to \$300 Biometric Incentive for qualified employee participation; and

WHEREAS, it has been determined to add the addition of a new position, Parks/Dpw Laborer Full Time;

THEREFORE BE IT ORDAINED AND ADOPTED by The Council of the Town of Ellettsville, Monroe County, Indiana that Ordinance 2024-27 be amended by adding the following:

Fire

Change 104 Captain from 2,769.03
to 2,999.04

Biometric Incentive

Change Annual Health Screening \$300 For qualified employee participation

Parks And Recreation Fund

Add Parks/DPW Laborer Full time from \$22.50
to \$25.74

This Ordinance is passed and adopted by the Ellettsville Town Council, Ellettsville, Indiana on the 23rd day of December, 2024.

AYE

NAY

Scott Oldham President

Dan Swafford Vice President

William Ellis

Pamela Samples

Trevor Sager

Attested: _____

Noelle M. Conyer Clerk-Treasurer

ORDINANCE 2024-____

AN ORDINANCE REPEALING CHAPTER 152 OF THE ELLETTSVILLE TOWN CODE IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 152

- WHEREAS, the Town intends to regulate proposed development within a storm water drainage system; and
- WHEREAS, the Town enacted Chapter 152 in 2003 to implement design standards for the proposed development of lots within the planning jurisdiction of the Town, but said ordinance has not had substantive amendments since 2005; and
- WHEREAS, the Ellettsville Town Council finds it in the best interest of the citizens of the Town to update its stormwater control ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE ELLETTSVILLE TOWN COUNCIL OF THE TOWN OF ELLETTSVILLE, MONROE COUNTY, INDIANA:

Section 1: Chapter 152 of the Ellettsville Town Code, “Stormwater Control” is hereby repealed in its entirety and replaced with the following new Chapter 152:

CHAPTER 152: STORMWATER MANAGEMENT AND CONSTRUCTION SITE REGULATIONS

Section

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GENERAL PROVISIONS

§ 152.01 PURPOSE AND INTENT.

The purpose of this chapter is to establish qualitative and quantitative requirements for stormwater discharges from land-disturbing activities of one (1) acre or more so that public health, protection of property, existing water uses, and aquatic biota are protected. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

- (A) To regulate land-disturbing activities disturbing one (1) acre or more of land as governed by the Construction Stormwater General Permit (CSGP).
- (B) To require construction site operators to apply for a Town Grading Permit by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP).
- (C) To promote planning procedures meeting post-construction requirements of the CSGP and this chapter.

§ 152.02 LEGAL AUTHORITY.

This chapter is adopted per statutory authority granted under code authorizing jurisdiction over the storm system and is required by the NPDES program (FR Doc. 99-29181) authorized by the 1972 amendments to the Clean Water Act and the Indiana Department of Environmental Management’s (IDEM) CSGP and Municipal Separate Storm Sewer System (MS4) General Permit (MS4GP). Based on this authority and these requirements, this chapter regulates:

- (A) Stormwater drainage improvements related to the development of lands located within the Town boundaries.
- (B) Drainage control systems installed during construction and grading of lots and other parcels of land.

Commented [MT1]: Attorney to review and provide accurate chapter number for new ordinance. References to sections of the ordinance throughout the document will need to be updated accordingly.

- (C) Erosion and sediment control measures installed during construction and grading of lots and other parcels of land.
- (D) Stormwater pollution prevention planning for land-disturbing activities.
- (E) The design, construction, and maintenance of stormwater drainage facilities and systems.
- (F) The design, construction, and maintenance of stormwater quality and quantity facilities and systems.

§ 152.03 DEFINITIONS.

For this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

AEP or ANNUAL EXCEEDENCE PROBABILITY. Having a stated probability of being exceeded in any given year.

AGRICULTURAL CONSERVATION PRACTICES. Practices that are constructed on agricultural land to control soil erosion and sedimentation. These practices include, but are not limited to grass waterways, sediment basins, terraces, and grade stabilization structures.

AGRICULTURAL LAND-DISTURBING ACTIVITY, Tillage, planting, cultivation, or harvesting operations for the production of agricultural or nursery vegetative crops. The term also includes pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural subsurface drainage tile.

BORROW AREA. Areas where materials are excavated for use as fill.

BASE FLOOD ELEVATION. The water surface elevation, corresponding to a flood having a 1% probability of being equaled or exceeded in a given year.

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

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

CLEARING. Any activity that removes the vegetative surface cover.

CONCRETE WASHOUT. The rinsing of chutes, pumps, curb and paving machines, hoppers, wheelbarrows, hand tools, and any other equipment that are used to handle concrete, mortar, stucco, grout, or other mixtures of cement. Concrete washout water is a wastewater slurry containing cementitious materials, metals and is corrosive having a high pH.

CONSTRUCTION ACTIVITY. Land-disturbing activities associated with the construction of infrastructure and structures, including land clearing, grading, excavating, and filling. The term does not include routine ditch or road maintenance or minor landscaping projects.

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

CONSTRUCTION STORMWATER GENERAL PERMIT (CSGP). Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP) regulating

erosion and sediment control practices on construction projects disturbing greater than one (1) acre of land.

CONSTRUCTION SUPPORT ACTIVITY. An activity that specifically supports the project and involves land disturbance and/or activities that may result in pollutant-generating activities on their own. These activities include but are not limited to concrete or asphalt batch plants, staging areas, material storage areas, disposal sites, and soil stockpile areas.

CONTRACTOR or SUBCONTRACTOR. An individual or company hired by the project site or individual lot owner, their agent, or the individual lot operator to perform services on the project site.

CONVEYANCE. A combination of drainage components that are used to convey stormwater discharge, either within or downstream of the land-disturbing activity including:

- a) "Manmade stormwater conveyance system" meaning a pipe, ditch, vegetated swale, or other stormwater conveyance system constructed by man except for restored stormwater conveyance systems;
- b) "Natural stormwater conveyance system" meaning the main channel of a natural stream and the flood-prone area adjacent to the main channel; or
- c) "Restored stormwater conveyance system" meaning a stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

DEVELOPER. Means any person financially responsible for construction activity; or an owner of property who sells or leases, or offers for sale or lease, any lots in a multiple-lot project.

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

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

DEWATERING. The act of draining rainwater and/or groundwater from excavations, stormwater measures, building foundations, vaults, and trenches.

DITCH MAINTENANCE. To restore a conveyance system to its originally constructed channel capacity and to perform the function for which it was originally constructed as defined in IC 36-9-27. Maintenance includes:

- a) cleaning (removal of accumulated sediments, de-brushing, and mowing),
- b) spraying,
- c) removing obstructions,
- d) conducting minor repairs

EROSION. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

EROSION AND SEDIMENT CONTROL MEASURE. A practice, or combination of practices, to control erosion and resulting sedimentation.

FILTER STRIP. An area of undisturbed or planted vegetation used to retard or collect sediment for the protection of watercourses, reservoirs, or adjacent properties.

FLOATABLE. Any solid that, due to its physical characteristics, will float on the surface of water.

GRADING. The excavation of the land surface to a desired slope or elevation.

GREEN INFRASTRUCTURE. An approach to water management that protects, restores, or mimics the natural water cycle.

IDEM. Indiana Department of Environmental Management.

IMPERVIOUS SURFACE. Any land surface with a low or no capacity for soil infiltration, including, but not limited to pavement (sidewalks, streets, parking areas, and driveways), compacted gravel or soil, and rooftops.

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

INDIVIDUAL LOT OPERATOR. A builder, contractor, or subcontractor working on an individual lot.

INDIVIDUAL LOT OWNER. A person who has a financial interest in the construction activities for an individual lot.

INDUSTRIAL ACTIVITY. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

INFILTRATION. The process by which surface water enters the soil and recharges streams, lakes, rivers, and underground aquifers. Stormwater infiltration is a fundamental component of the water cycle and is a centerpiece of stormwater management strategies.

LAND DISTURBANCE or LAND-DISTURBING ACTIVITY. Any manmade change of the land surface including, but not limited to removing vegetative cover that exposes the underlying soil, excavating, filling, and grading.

LARGER COMMON PLAN OF DEVELOPMENT OR SALE. A plan, undertaken by a single project site owner or a group of project site owners acting in concert, to offer lots for sale or lease; where such land is contiguous or is known, designated, purchased, or advertised as a common unit or by a common name, such land must be presumed as being offered for sale or lease as part of a larger common plan. The term also includes phased or other construction activity by a single entity for its own use.

LOW IMPACT DEVELOPMENT or LID. Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater to protect water quality and associated aquatic habitat.

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.)

MAXIMUM EXTENT PRACTICABLE. A performance standard or requirement within a permit to reduce the discharge of pollutants from an MS4 to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act; which is achieved through planning and implementation of specific measures that are identified in the Stormwater Quality Management Plan (SWQMP). The term applies to an MS4 that demonstrates to IDEM's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. The MS4 must document that all reasonable and economical options have been evaluated, considered, and/or implemented to comply with and achieve the requirements of the permit, except those where it can demonstrate that they are not technically feasible in the locality, or whose cost would exceed any water quality benefit.

MUNICIPAL SEPARATE STORM SEWER SYSTEM or MS4. The regulatory definition of an MS4 (40 CFR 122.26(b)(8)) is "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created to or under state law) including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

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

NON-STORMWATER DISCHARGE. Discharges that do not originate from storm events. These discharges include, but are not limited to process water, air conditioner condensate, non-contact cooling water, sanitary waste, concrete washout water, paint wash water, irrigation water, or pipe testing water.

NOTICE OF INTENT or NOI. A form provided by IDEM for the project site owner to complete and submit to IDEM and the Stormwater Management Department at least 48 hours before initiating construction activities at the construction site.

NOTICE OF TERMINATION or NOT. A form provided by IDEM for the project site owner to submit to IDEM and the Stormwater Management Department that the construction activities for a site have been terminated and have met the requirements of this chapter.

PERMITTEE. The individual or entity required to obtain a permit coverage as defined by the Project Site Owner.

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

POLLUTANT. Anything that causes or contributes to pollution. POLLUTANTS may include but are not limited to paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or

abandoned objects, ordinances, and accumulations, so that same may cause or contribute to POLLUTION; floatables; pesticides, herbicides, and fertilizers; sediment; nutrients; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PROJECT SITE. The entire area on which construction activity is to be performed.

PROJECT SITE OWNER/OPERATOR. The person required to submit the NOI letter and required to comply with the terms of this permit, including either a developer or a person or entity that has financial and operational control of construction activities and project plans and specifications, including the authority to approve expenditure of funds and the ability to make modifications to plans and specifications.

RUNOFF. Water that originates during a precipitation event and flows over the land rather than infiltrating into the ground or evaporating.

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.

SEDIMENTATION. The settling and accumulation of unconsolidated sediment carried by stormwater runoff.

SILVICULTURAL. The practice of controlling the establishment, growth, composition, health, and quality of forests to meet diverse needs and values.

- a) Nonpoint activities that do not require permit coverage include source silvicultural activities such as nursery operations, site preparation, reforestation, and subsequent cultural treatment, thinning, prescribed burning, pest and fire control, harvesting operations, surface drainage, or logging road construction and maintenance from which there is natural runoff. Some of these activities (such as stream crossing for roads) may involve the placement of dredged or fill material which may require a CWA section 404 permit and a 401 Water Quality Certification.
- b) Point source activities, subject to permit coverage include any discernible confined and discrete conveyance related to rock crushing, gravel washing, log sorting, or log storage facilities that are operated in connection with silvicultural activities and from which pollutants are discharged into waters of the United States or the State.

SITE. A parcel of land or a contiguous combination thereof, where construction or land-disturbing activity is performed as a single unified operation.

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

STORM DRAINAGE SYSTEM. Facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER MANAGEMENT MEASURE. A practice or a combination of practices selected to improve the quality of runoff discharges, divert runoff, or mitigate the impacts related to the quantity of runoff.

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

STORMWATER POLLUTION PREVENTION PLAN or SWPPP. A plan developed to minimize the impact of stormwater pollution resulting from construction and post-construction activities.

STRIP DEVELOPMENT. A multi-lot project where building lots front on an existing road and are not part of a larger common plan of development or sale.

TOWN. Ellettsville Town Council, Indiana through its President, employees, or designees.

TRAINED/QUALIFIED INDIVIDUAL. An individual who is trained and experienced in the principles of stormwater management, including erosion and sediment control as is demonstrated by completion of coursework, state registration, professional certification, or annual training that enables the individual to make judgments regarding stormwater management, treatment, and monitoring.

TREAT. Improving the stormwater runoff quality, reducing runoff volume, reducing peak flow, or any combination thereof.

WATER QUALITY FLOW or WQF. The peak flow associated with the water quality volume calculated using the Natural Resources Conservation Service graphical peak discharge method.

WATER QUALITY VOLUME or WQV. The volume of runoff generated by one (1) inch of rainfall on a site.

WATERCOURSE. The path taken by flowing surface water.

WELLHEAD PROTECTION AREA. Having the meaning set forth at 327 IAC 8-4.1-1(27).

§ 152.04 RESPONSIBILITY FOR ADMINISTRATION.

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

§ 152.05 SEVERABILITY.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

§ 152.06 ULTIMATE RESPONSIBILITY.

The standards set forth herein and promulgated under this chapter are minimum standards; therefore, this chapter does not intend nor imply that compliance by any person will ensure that there will not be violations of NPDES permits.

§ 152.07 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on historical records, engineering, and scientific methods of study. Larger storms may occur, stormwater runoff amounts, or stormwater quality may be altered by man-made or natural causes. This chapter does not imply that land uses permitted will be free from stormwater damage. This chapter shall not create liability on the part of the Town or any officer, representative, or employee thereof, for any damage which may result from reliance on this chapter or on any administrative decision lawfully made there under.

§ 152.08 APPLICABILITY AND EXEMPTIONS.

- (A) This applies to all land-disturbing activities within the Town resulting in land disturbance greater than or equal to one (1) acre, or to disturbances of less than one (1) acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) or more acres of land.
- (B) This chapter does not apply to the following types of activities:
 - (1) Agricultural land-disturbing activities, including tillage, planting, cultivation, or harvesting operations to produce agricultural or nursery and vegetative crops, pasture renovation and establishment, the construction of agricultural conservation practices, and the installation and maintenance of agricultural drainage tile.
 - (2) Silvicultural activities associated with nonpoint discharges (40 CFR 122.27).
 - (3) Stormwater discharges associated with oil and gas exploration, production, processing or treatment operations, or transmission facilities (40 CFR 122.26).
 - (4) Ditch maintenance for activities performed on a regulated drain by a county drainage board as defined in IC 36-9-27.
- (C) This chapter does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures and stormwater management measures:
 - (1) Landfills that have been issued a certification of closure under 329 IAC 10.
 - (2) Coal mining activities permitted under I.C. 14-34.
 - (3) Municipal solid waste landfills that are accepting waste according to a permit issued by IDEM under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary.
- (D) Any construction project that has had its final drainage plan approved by the Town two (2) years before the effective date of this chapter shall be exempt from all requirements of this chapter that exceed the requirements of the chapter in effect at the time of approval.
- (E) *Discharges Authorized by this Chapter.* This chapter authorizes the following discharges to the waters of the state:
 - (1) Stormwater, including stormwater runoff, snowmelt runoff, and surface runoff and drainage, associated with construction or industrial activity (40 CFR § 122.26(b)(14) or § 122.26(b)(15)(i)).
 - (2) Stormwater discharges designated by IDEM as needing to obtain coverage under the CSGP (40 CFR § 122.26(a)(1)(v) or § 122.26(b)(15)(ii)).
 - (3) Stormwater discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided the support activity is directly related to the construction site required to have coverage for stormwater discharges, and:
 - (a) The support activity is not a commercial/industrial operation, nor does it serve multiple unrelated construction projects.
 - (b) The support activity does not continue to operate beyond the completion of the construction activity for the project it supports; and

- (c) Stormwater measures are implemented per the stormwater pollution prevention plan, performance standards, and the Town Grading Permit.
- (4) Non-stormwater discharges or flows provided they are not identified by IDEM as significant sources of pollutants to waters of the state, including, but not limited to:
 - (a) Emergency fire-fighting water.
 - (b) Fire hydrant flushing water.
 - (c) Landscape irrigation water.
 - (d) Water line flushing.
 - (e) Routine external building washdown water that does not use detergents.
 - (f) Water used to wash vehicles and equipment that does not contain soaps, solvents, or detergents.
 - (g) Uncontaminated, non-turbid discharges of groundwater or spring water.
 - (h) Foundation or crawl space footing drainages where flows are not contaminated with process materials such as solvents or contaminated groundwater.
 - (i) Uncontaminated condensate from air conditioning units, coolers, and other compressors and from outside refrigerated gases or liquids.
 - (j) Construction dewatering that has been treated by an appropriate stormwater quality measure or series of measures provided other contaminants are not present.
- (5) A determination of 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 at the project site. Land disturbances for this chapter include:
 - (a) Off-site construction activities that provide services including, but not limited to, road extensions, sewer, water, and other utilities, to a permitted project site; these off-site activity areas 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) Construction support activities including concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material, etc. provided the support activity is directly related to the construction site.
 - (c) Strip developments or multi-lot project sites, unless the total combined land disturbance on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale, as determined by the following:
 1. For a single-family residential project site where the lots are one-half (0.5) acre or more in total size, the total amount of disturbance shall be used, but in no instance less than one-half (0.5) acre of land disturbance, as the expected lot disturbance.
 2. For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being disturbed.
 - (d) Land disturbance for industrial and commercial project sites shall be considered a minimum of one (1) acre for all lots regardless of actual size.

- (e) Land-disturbing activities for the construction of the following agricultural operations must obtain permit coverage when the land disturbance is greater than or equal to one (1) acre:
 - 1. Barns.
 - 2. Buildings to house livestock.
 - 3. Roads associated with infrastructure.
 - 4. Agricultural waste lagoons and other facilities.
 - 5. Lake, ponds, and impoundments.
 - 6. Wetlands constructed voluntarily or as mitigation.
 - 7. Other infrastructure

§ 152.09 VARIANCE.

A project site owner or operator may submit a written request for a variance from the requirements in this chapter to the Town. The Town may grant a variance from the terms of this chapter to provide relief, in whole or in part, from the action being appealed, but only upon finding that the following requirements are satisfied: the variance for requirement of this chapter that is requested, will present or cause practical difficulties for a project site; provided, however, that practical difficulties shall not include the need for the project site owner or operator to incur additional reasonable expenses to comply with this chapter; and the granting of the relief requested will not substantially prevent the goals and purposes of this chapter, nor result in less effective management of stormwater quality or quantity.

§ 152.10 STORMWATER QUANTITY PURPOSE.

The purpose of this subchapter is to establish a Stormwater Quantity Policy. This policy covers items such as the detention policy and adjoining property impacts policy. It also outlines the calculations, design standards, specifications, easement requirements, placement of utilities, and inspection, maintenance, record keeping, and reporting requirements.

§ 152.11 STORMWATER QUANTITY APPLICABILITY AND EXEMPTIONS.

- (A) The storage and controlled release rate of excess stormwater runoff shall be required for all new business, commercial and industrial developments, residential subdivisions, planned development, rural estate subdivisions, and any redevelopment or other new construction located within the Town with land disturbance 1 acres or larger.
- (B) The Town, after thorough investigation and evaluation, may waive the requirement of controlled runoff for minor subdivisions and parcelization.

§ 152.12 STORMWATER QUANTITY CONTROL REQUIREMENTS.

- (A) The Town has adopted stormwater quantity control requirements in the Town of Ellettsville Stormwater Standards and Specifications Manual. Detention design and allowable release rates are included in the standards.
- (B) In addition to the general release rates per acre of development. Calculations must demonstrate the following:

Post-developed peak rate	Must not exceed	Pre-developed peak rate
2 year frequency storm		2 year frequency storm
10 year frequency storm		10 year frequency storm
100 year frequency storm		100 year frequency storm

(1) For sites where the predeveloped area has more than one (1) outlet, the release rate should be computed based on pre-developed discharge to each outlet point. Methodology and computer models used for the analyses of pre- and post-developed conditions shall be the same.

(C) 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 or other measures, as determined by the Town, shall be required to store that portion of the runoff exceeding the capacity of the receiving sewers or watercourses.

§ 152.13 ADJOINING PROPERTY IMPACTS POLICY.

(A) Design and construction of stormwater systems 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 Town) having the capacity to receive upstream (off-site) and on-site drainage. The flow path from the development outfall(s) to an adequate conveyance, regulated drain or natural watercourse (as determined by the Town) shall be provided on an exhibit that includes topographic information.

(B) Any existing field tile encountered during the construction shall be incorporated into the proposed stormwater drainage system or tied to an acceptable outlet.

(C) Where the outfall from the stormwater drainage system of any development flows through real estate owned by others before reaching an adequate conveyance, regulated drain or natural watercourse, no approval shall be granted for such drainage system until an easement is granted and recorded for all owners of real estate and/or tenants crossed by the flow path. In addition, no activities conducted as part of the development shall be allowed to obstruct the free flow of waters (including flood waters) from an upstream property, the developer will be responsible for determining if the project requires County Drainage Board approval and show proof to the Town before obtaining Town Grading Permit approval.

(D) 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 Town.

§ 152.14 CALCULATIONS, DESIGN STANDARDS AND SPECIFICATIONS.

(A) The calculation methods as well as the type, sizing, and placement of all stormwater facilities shall meet the adopted design criteria, standards, and specifications outlined in the CSGP, Town of Ellettsville Stormwater Standards and Specifications Manual and the *Indiana Stormwater Quality Manual*. The methods and procedures in the manuals are consistent with the policy stated above.

- (B) Gasoline and diesel fuel regulations. New retail gasoline or diesel fuel outlets, new municipal, state, federal, or institutional gasoline or diesel refueling areas, or new privately owned gasoline or diesel refueling areas, or existing gasoline or diesel outlets and refueling areas that replace their existing tanks or install additional new tanks must install appropriate practices to reduce lead, copper, zinc, and hydrocarbons in stormwater runoff. Treatment must include the water quality volume or flow rate. The treatment system installed must also be capable of removing 80% total suspended solids (TSS) and floatable control (including oils) from the on-site stormwater system before discharging to a Town of Ellettsville storm sewer, Monroe County Legal Drain, or other natural or artificial drainage way.

§ 152.15 PLACEMENT OF UTILITIES.

No utility company may disturb existing storm drainage facilities without the consent of the Town, whose decision may be appealed to the Ellettsville Town Council. All existing drainage facilities shall have senior rights and damage to said facilities shall result in penalties as prescribed in § 152.34.

§ 152.16 EASEMENT REQUIREMENTS.

- (A) Drainage easements must be provided for maintenance of the stormwater management system of publicly owned systems and privately-owned ponds, detention/retention basins, water quality BMPs, and LID practices. Easements are not required for other private systems.
- (B) All easements shall meet the adopted standards and specifications outlined in the Town of Ellettsville Stormwater Standards and Specifications Manual. Easements shall be a cleared area, free of structures, with established vegetation.

§ 152.17 TRANSFER OF OWNERSHIP OF STORMWATER SYSTEMS

Owners/Developers that will dedicate the stormwater system to the Town shall enter into an agreement. The Owner/Developer, at no cost to the Town, shall furnish the design, labor, and materials to install the stormwater system. The Town must approve the design, materials, and the Owner/Developer's selected contractor, based on reliability and responsiveness.

§ 152.18 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY USING BEST MANAGEMENT PRACTICES.

- (A) The Town is authorized to require dischargers to implement pollution prevention measures, utilizing best management practices (BMPs) necessary to prevent or reduce the discharge of pollutants into the storm drain system or waters of the state or United States.
- (B) The owner or operator of a construction site shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses using structural and nonstructural BMPs.
- (C) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. These BMPs shall be part of a SWPPP as necessary for compliance with the requirements of the CSGP and MS4GP. BMP selection shall reflect site limitations, soil conditions, ease of long-term maintenance, and local preferences.
- (D) Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section.

§ 152.19 STORMWATER QUALITY CONTROL REQUIREMENTS.

- (A) Applicability and Exemptions.
- (1) For land disturbance greater than or equal to one (1) acre, post-construction control measures in the form of structural and/or non-structural water quality BMPs are required. Project site owners shall meet the following minimum requirements:
 - (a) All post-construction stormwater quality measures necessary to comply with this chapter must be implemented per the approved Town Grading Permit and sufficient to satisfy the requirements of the CSGP, Town of Ellettsville Stormwater Standards and Specifications Manual. The *Indiana Stormwater Quality Manual* may also be used as a reference document.
 - (b) Post-construction stormwater pollutant loading should not exceed pre-construction pollutant loading. Pre-construction refers to the site immediately before the planned land disturbance and development activities occur. Pre-construction is not intended to be interpreted as that period before any human-induced land disturbance activity has occurred.
 - (c) When using infiltration measures, consider the pollutants associated with runoff and the potential to contaminate groundwater resources. When there is a potential for contamination, choose alternative measures or measures that pretreat the water quality volume of flow rate to capture the pollutants of concern.
 - (d) Where there is a potential for groundwater contamination measures shall be implemented that pretreat the water quality volume or flow rate to capture and remove the pollutants of concern including total suspended solids (TSS) and oil/grease at a minimum, without resuspension.
 - (e) Registration of any Class V Injection well with EPA Region 5.
 - (f) Performance standards identified in the CSGP and the Town of Ellettsville Stormwater Standards and Specifications Manual.
- (B) This section applies to new public or private fueling areas or those that replace existing tank systems, regardless of tank size or total land disturbance.
- (C) The requirements of this section do not apply to the following:
- (1) Land-disturbing activities where there will be no additional impervious surfaces associated with the final completed project, including but not limited to, ditch construction/reconstruction and utility installation/maintenance activities.
 - (2) Single-family residential strip development offered for sale or lease without land improvements and the project is not part of a larger common plan of development or sale.
 - (3) Individual residential building lots within a permitted project site.
 - (4) Residential developments consisting of four (4) or fewer lot developments where the proposed impervious surfaces are 10% or less of the project acreage.
 - (5) Single-family residences and private ponds that are not part of a larger common plan of development or sale.
- (D) The Town shall have full technical and administrative approval authority on the application and design of all post-construction BMPs, conditions, definitions, and submittal requirements of construction plans, specifications, and other related documents. The minimum measures implemented are to meet the terms defined in the CSGP.

§ 152.20 STORMWATER QUALITY DESIGN REQUIREMENTS.

Unless judged by the Town to be exempt or granted a waiver, the following performance criteria shall be addressed for stormwater management at the applicable sites:

- (A) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge and reduce the generation of stormwater runoff. These practices should also seek to utilize pervious areas for stormwater treatment and to infiltrate (when possible) stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- (B) BMPs shall be designed to treat the water quality volume (WQv) or the water quality flow rate (also referred to as the first flush of runoff). All projects disturbing more than one (1) acre and requiring Post-Construction SWPPPs shall be required to treat the WQv. Refer to the Town of Ellettsville's Construction/Stormwater Pollution Prevention Plan Technical Review form, Town of Ellettsville Stormwater Standards and Specifications Manual, and the *Indiana Stormwater Quality Manual*, or other technical resources for further details regarding the calculation of the WQv or flow rate.
- (C) Any fueling area, publicly or privately owned, that installs or replaces fuel tanks must install appropriate post-construction stormwater quality treatment measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff. Treatment must include the water quality volume or flow rate.
- (D) Measures shall, at a minimum:
 - (1) Utilize one (1) or more post-construction measures working in tandem to treat stormwater runoff and increase the overall efficiency of individual and specialized measures.
 - (2) In combination with proper post-construction measure selection, design and development strategies must be selected and incorporated into the plan to reduce the contribution of pollutants from the project area to the post-construction measures. These strategies include, but are not limited to:
 - (a) LID and green infrastructure.
 - (b) Infiltration measures, when selected, must take into consideration the pollutants associated with runoff and the potential to contaminate groundwater resources. Where there is a potential for contamination, implement measures that pre-treat runoff to eliminate or reduce the pollutants of concern. Infiltration practices will not be allowed in wellhead protection areas or direct discharges to groundwater (karst features or sinkholes) without pretreatment to collect and remove pollutants without resuspension.
- (E) The BMPs acceptable for use in the Town if designed, constructed, and maintained according to the criteria outlined in the Town of Ellettsville Stormwater Standards and Specifications Manual and the *Indiana Stormwater Quality Manual*.

§ 152.21 CONSTRUCTION STORMWATER CONTROL GENERAL REQUIREMENTS.

- (A) All property owners or developers shall implement the requirements of this chapter and the CSGP for construction activities within the Town resulting in land disturbance greater than or equal to one (1) acre of land.
- (B) The Town has developed a technical review form that is to be used as a submittal checklist. The form includes the required content of a construction and post-construction SWPPPP

(C) Individual lot owners or operators shall follow the requirements in §152.25 Requirements for Individual Building Lots. This includes:

- (1) Individual lot owners or operators where the land disturbance is less than or greater than one (1) acre and the lot lies within a larger common plan for development or sale.
- (2) Single-family residences and ponds that are not part of a larger common plan of development or sale with land disturbance of less than one (1) acre.
- (3) Strip developments or multi-lot projects that are not part of a larger common plan of development or sale with land disturbance of less than one (1) acre.

§ 152.22 TOWN GRADING PERMIT APPLICATION

(A) No land-disturbing activity that would require the disturbance of one (1) acre or more of land shall be initiated without submittal of all the required documentation identified in the Town of Ellettsville's Construction/Stormwater Pollution Prevention Plan Technical Review form and receiving stormwater approval from the Town.

(B) Town Grading Permit approval is not required for any emergency activity that is immediately necessary for the protection of life, property, or natural resources. Notification to the Town and IDEM is required per the CSGP.

(C) The application shall contain items in the Town of Ellettsville's Construction/Stormwater Pollution Prevention Plan Technical Review form including the following:

- (1) Town of Ellettsville's Construction/Stormwater Pollution Prevention Plan Technical Review form.
- (2) Professionally certified design plans with erosion and sediment control measures identified and details following the *Indiana Stormwater Quality Manual* and the *Town of Ellettsville Stormwater Standards and Specifications Manual*, as applicable.
- (3) Construction Site SWPPP.
- (4) Post-Construction SWPPP and design calculations (for water quality and quantity design) that meet at least the minimum requirements of the applicable sections of this ordinance and the CSGP.
- (5) Post-construction operation and maintenance manual (O&M Manual) containing the items identified in the Town of Ellettsville Stormwater Standards and Specification Manual and Town of Ellettsville's Construction/Stormwater Pollution Prevention Plan Technical Review form. The O&M Manual is to be signed by the owner and recorded with the property at the County Recorders office.
- (6) Stormwater Management Maintenance Agreement as detailed in the Town of Ellettsville Stormwater Standards and Specifications Manual.
- (7) A draft of IDEM's Notice of Intent with proof of public notice.
- (8) Permit fees and any additional fees as required by the Town.

(D) The Construction Site SWPPP 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, per the CSGP, all measures necessary to adequately prevent polluted stormwater runoff.

(E) The posting of the notice under (C)(7) does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

§ 152.23 TOWN REVIEW AND APPROVAL

- (A) The Town will review each application to determine its conformance with the provisions of this chapter, Town of Ellettsville Stormwater Standards and Specifications Manual, and the *Indiana Stormwater Quality Manual*. The Town will follow the procedures outlined on the Construction/Stormwater Pollution Prevention Plan Technical Review form. Upon review, the Town shall, in writing:
 - (1) Approve the application and associated documentation and provide a Construction/Stormwater Pollution Prevention Plan Technical Review form deeming the "Plan is Adequate."
 - (2) Approve the application and associated documentation subject to such reasonable conditions as may be necessary to secure the objectives of this chapter and provide a Construction/Stormwater Pollution Prevention Plan Technical Review form deeming the "Plan is Adequate." Conditions may include obtaining other Town department or agency permits or approvals.
 - (3) Provide a Construction/Stormwater Pollution Prevention Plan Technical Review form stating that the "Plan is Deficient" and indicate the reason(s) and procedure for submitting a revised application and/or submission.
- (B) After receiving approval, if revisions to the construction plans require a change in measures appropriate to control the quality or quantity of stormwater runoff, then revised plans must be submitted to the Town.
- (C) Assignment of responsibility for maintaining facilities serving more than one (1) lot or holding shall be documented by appropriate covenants to property deeds unless responsibility is formally accepted by a public body, and determined before the final Town Grading Permit is approved.
- (D) The applicant may be required to file with the Town a performance bond, letter of credit, or other improvement security in the amount deemed sufficient by the Town to cover all costs of improvements, landscaping, and maintenance of improvements for such period as specified by the Town, and engineering and inspection costs to cover the cost of failure to repair of improvements installed on the project site.
- (E) If required, the performance bond will require periodic renewal since it must cover the perpetual maintenance and care of the permanent post-construction runoff control structure or system in place. The applicant will notify the Town of the impending performance bond expiration and the issuance of a renewed performance bond.

§ 152.24 PROJECT SITE OWNER RESPONSIBILITIES.

After receiving Town Grading Permit approval, the project site owner, operator, or agent shall meet the responsibilities in this section.

- (A) Implement approved construction plan:
 - (1) Submit the Technical Review form and the final NOI with proof of public notice for the CSGP to IDEM, at least 48-hours before any land disturbance or discharges occur.
 - (2) Submit the Notice of Sufficiency from IDEM along with a final NOI to the Town at least 48-hours before any land disturbance or discharges occur.
 - (3) Receive approval for other agency, Town, or Monroe County permits as required.
 - (4) A pre-construction conference with the Town may be required before land-disturbing activity can commence

- (5) Ensure proper construction and installation of all stormwater measures in compliance with the approved submittal, this ordinance, Town of Ellettsville Stormwater Standards and Specifications Manual, the *Indiana Stormwater Quality Manual*, and the CSGP (as applicable).
 - (6) Ensure that all persons engaging in construction activities on the permitted project site comply with the applicable requirements of this chapter, the CSGP, and the approved construction plan.
 - (7) Install and stabilize all erosion and sediment control devices before any clearing, except what is necessary to establish the devices.
 - (8) Ensure all stormwater quality measures are designed and installed under the guidance of a trained individual.
 - (9) 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 requirements of this ordinance, the conditions and standards included in the SWPPP, and the schedule for proposed implementation.
 - (10) Maintain a self-monitoring program and complete regular inspections of all control measures per the inspection schedule outlined in the CSGP. The purpose of such inspections will be to determine the overall effectiveness of the SWPPP and the need for additional control measures. All inspections shall be documented and submitted to the Town upon request within 48 hours. Self-monitoring reports are to be completed by a trained/qualified individual.
 - (11) Develop and maintain a Project Management Log per the CSGP.
 - (12) Meet all performance standards and implementation requirements of the Town of Ellettsville Stormwater Standards and Specifications Manual, and the CSGP.
- (B) Project Completion and Permit Termination.
- (1) Plan an orderly and timely termination of construction activities, including the implementation of stormwater quality measures that are to remain on the project site.
 - (2) Notify the Town of final stabilization so the Town may verify the Notice of Termination (NOT) by completing a final site inspection before the project site owner or operator submits the NOT to IDEM. Refer to the Construction/Stormwater Pollution Prevention Plan Technical Review form.
 - (a) Final stabilization of a project site is achieved when all land-disturbing activities have been completed, temporary BMPs have been removed, permanent BMPs have been cleaned, and a uniform perennial vegetative cover with a density of 70% has been established on all unpaved areas and areas not covered by permanent structure, or equivalent permanent stabilization measures have been employed.
 - (b) Final stabilization for construction projects on land used for agricultural purposes is achieved when:
 1. Stabilization is completed per (3) above as land disturbance progresses
 2. Land returned to its preconstruction agricultural use is temporarily or permanently seeded upon completing land disturbance activities; and
 3. Disturbed areas, not previously used for agricultural production, such as filter strips, are being returned to their preconstruction agricultural use.

- (3) After a verified NOT has been submitted for a project site, Town approval and CSGP coverage are terminated and maintenance of the remaining stormwater management measures shall be the responsibility of the property owner or occupier of the property.
- (C) Stormwater Facilities Monitoring and Maintenance.
- (1) Maintain the post-construction BMPs in good condition per the designed and approved specifications and O&M Manual. Any maintenance needs found must be addressed in a timely manner by the owner.
 - (2) Complete routine inspections and maintenance of the post-construction BMP. Inspection checklists for each type of acceptable BMP are provided in the O&M Manual and should be used as guidance for performing maintenance activities. Completed routine inspection forms must be maintained by the BMP owner and produced upon request by the Town.
 - (3) Obtain approval from the Town for alterations, revisions, or replacements of all post-construction BMPs.
 - (4) The Town must be notified of any changes in BMP ownership, major repairs, or BMP failure in writing within 30 days.
 - (5) The developer or owner may petition to incorporate the stormwater management measures, including privately-owned ponds, detention/retention basins, water quality BMPs, and LID practices into the Town's system. Stormwater management measures may be donated to the Town for ownership and permanent maintenance provided the Town is willing to accept responsibility.
 - (a) A formal contract and maintenance fees shall be agreed upon between the owner or developer and the Town for long-term maintenance.

§ 152.25 REQUIREMENTS FOR INDIVIDUAL BUILDING LOTS.

- (A) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.
- (B) An individual lot operator of a lot (less than or greater than one (1) acre) within a larger common plan of development or sale, is required to:
- (1) Comply with the erosion and sediment control requirements described in the Town of Ellettsville Stormwater Standards and Specifications Manual.
 - (2) Comply with the approved plans under the larger common plan for development or sale for individual lots.
 - (3) Complete final stabilization per the Town of Ellettsville Standards and Specifications Manual.
- (C) An individual lot operator for single-family residence, pond, multi-lot project or strip development where land disturbance is less than one (1) acre and not part of a larger common plan of development or sale, is required to:
- (1) Comply with the erosion and sediment control requirements described in the Town of Ellettsville Stormwater Standards and Specifications Manual.
 - (2) Complete final stabilization per the Town of Ellettsville Standards and Specifications Manual.

§ 152.26 INSPECTION AUTHORITY.

- (A) After the approval of the Town Grading Permit and the commencement of construction activities, the Town has the authority to conduct inspections of the work being done to ensure full compliance with the provisions of this chapter and the terms and conditions of the approval.
- (B) The Town has the authority to perform long-term inspections of all public or privately owned BMPs. The inspection will include but is not limited to, the physical conditions, available water quality storage capacity, and the operational condition of key BMP elements.
- (C) When any new stormwater BMP is installed on private property, or when any new connection is made between private property and a public storm sewer conveyance, sanitary sewer, or combined sewer, the property owner shall grant to the Town the right to enter the property at reasonable times and in a reasonable manner for inspection. This includes the right to enter a property when it has a reasonable basis to believe that an infraction of this chapter is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of an infraction of this chapter or other stormwater ordinances.

§ 152.27 TOWN INSPECTIONS.

(A) Construction activity inspections.

- (1) The Town, or designated agent, shall inspect, as required, the installation, implementation, and maintenance of erosion, sediment, and pollution prevention control measures at any project site involved in construction activities. The Town, or designated agent, shall either approve that portion of the work completed or notify the permittee where the work fails to comply with the Town Grading Permit or an Individual Construction SWPPP as approved.
- (2) Plans for grading, stripping, excavating, and filling work with the approval of the Town shall be maintained at the site during the progress of the work.
- (3) The applicant must notify the Town in advance before the commencement of construction of stormwater BMPs.
- (4) To obtain inspections, the permittee shall follow the directions on the Town of Ellettsville's Construction/Stormwater Pollution Prevention Plan Technical Review form at least 48 hours (two (2) business days) before the following:
 - (a) Installation of infrastructure (grading, roads, and utilities);
 - (b) Installation of post-construction BMP(s);
 - (c) Completion of final landscaping and final stabilization.

(B) Post-Construction BMP Inspections.

- (1) Inspection may be completed on any reasonable basis, including but not limited to, routine inspections, random inspections, inspections based upon complaints, or other notice of infractions of this chapter or Chapter 53 Illicit Discharge and Connection and Connection to the Stormwater Drainage System.
- (2) If deficiencies are found during the inspection, the property owner will be notified by the Town in writing and shall take all necessary measures to correct such deficiencies. If the owner fails to correct the deficiencies within the allowed time, as specified in writing, the Town may pursue enforcement under this chapter and undertake the work and collect from the owner using lien rights if necessary.
- (3) If the Town finds a BMP requiring maintenance or repair, the Town will notify the property owner of the necessary maintenance or repairs and give the property owner a schedule

for completing the maintenance or repairs. If the maintenance or repairs are not completed within the designated time, the Town shall perform the repairs or maintenance and bill the property owner for the actual costs of the work.

- (C) The Town, or designee, will investigate violations, alleged violations, and potential violations of the Town Code of Ordinances to determine which person or persons may be responsible for violations. The Town will, if appropriate, consider public records of ownership, building permits issued by local government, and other relevant information, which may include site inspections records, SWPPPs, NOIs, and other documents related to the site.

§ 152.28 MONITORING OF DISCHARGES.

The Town shall have the authority to monitor discharges from construction sites covered under this chapter as described in this code regarding discharge and connection of stormwater sewers.

§ 152.29 RESERVED.

ENFORCEMENT

§ 152.30 ENFORCEMENT.

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Enforcement of this chapter shall be subject to enforcement actions within the Town code, the severity of the violation, and the owner's or operator's efforts to comply. The Town shall reserve the right to interpret enforcement on a case-by-case basis. Tiered enforcement will be practiced at the discretion of the Town designee. The tiered enforcement may include:

- (A) Verbal warning to the owner or operator to make corrections of identified deficiencies.
- (B) Written warning to the owner or operator to make corrections within a specified time, but not less than 72 hours. The specified time shall consider issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.
- (C) Written warning of non-compliance with directions to the owner or operator that site deficiencies require corrective action within 72 hours.
- (D) Stop work order.
 - (1) If deficiencies in a written warning of non-compliance are not resolved 72 hours after receipt of written notification, the Town may issue a stop work order or may revoke the owner's stormwater approval, in which event all construction work shall cease until and unless the Town determines that compliance has been obtained.
 - (2) Any person who neglects or fails to comply with a stop work order may be fined for each offense, plus costs, damages, and expenses. Each day such violation occurs or continues, shall be deemed a separate offense, and shall make the violator liable for the imposition of a fine for each day. The Town may assess a stormwater approval reinstatement fee.
 - (3) The Town may issue a stop-work order and may suspend or revoke stormwater approval if any of the work is being conducted in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- (E) If abatement of a violation and/or restoration of affected property is required, the written notification shall set forth a deadline when remediation or restoration must be completed. Said notice shall further advise that should the violator fail to remediate or restore within the

established deadline, the work will be done by the Town or a contractor, and the expense shall be charged to the violator.

- (F) If the property owner fails to complete the corrective actions and the work is completed through the Town or a contractor, the Town will provide a letter to the property owner of the work completed, copies of all invoices paid by the Town, and a log of all hours spent by Town personnel and/or its designated contractor. If the amount contained in the letter is not paid within 30 days of the receipt of the bill, the Town may certify to the County Auditor the amount of the bill, plus any additional administrative costs incurred in the certification, and said amounts shall be collected as delinquent taxes are collected per I.C. 36-1-6-2.
- (G) Fines as may be permissible under the Ellettsville Municipal Code.
- (H) Maintenance noncompliance after construction.
 - (1) Upon receipt of written notice of a maintenance violation of a post-construction BMP, the party responsible for maintenance of a post-construction BMP shall have 30 calendar days to correct the deficiency. In the event the deficiency is not corrected within this period, penalties will be assessed as described in §152.34.
 - (2) In the event the deficiency is not correct after 30 calendar days from the notice of maintenance violation, the Town may correct a violation by performing all necessary work to place the post-construction BMP in proper working condition. The Town may assess the owner(s) of the post-construction BMP for the cost of repair work and any penalties and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.

§ 152.31 INJUNCTIVE RELIEF.

It shall be a violation for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the Town may petition any court of competent jurisdiction for a preliminary or permanent injunction restraining the person from activities that would create further violations or compelling the person to perform abatement or remediation of the violation. Costs, including attorney fees, for injunctive relief may be assessed against the violator.

§ 152.32 VIOLATIONS DEEMED A PUBLIC NUISANCE.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. Costs, including attorney fees, for injunctive relief may be assessed against the violator.

§ 152.33 REMEDIES NOT EXCLUSIVE.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the Town to seek cumulative remedies.

§ 152.34 PENALTY.

- (A) Any person found in violation of any provision of this chapter shall be responsible for fines per IC 36-1-3-8 (a)(1) of up to \$2,500 for a first violation of the ordinance and up to \$7,500 for a second or subsequent violation of the ordinance. Each fine is subject to cost recovery

for damages and expenses. Each day a violation continues after the original notification shall be deemed a separate offense under this chapter.

- (B) The Town may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this chapter, including sampling and monitoring expenses.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Town Council and after final publication as required by law.

The foregoing Ordinance was passed, approved, and adopted by the Ellettsville Town Council, on the 13th day of January, 2025.

ELLETTSVILLE TOWN COUNCIL

President, Ellettsville Town Council

ATTEST:

Noelle Conyer, Clerk/Treasurer

PUBLIC NOTICE

The Town of Ellettsville's Public Meetings Schedule for 2025

All meetings will be held at the Town Hall Meeting Room, 1150 W. Guy McCown Drive, Ellettsville, Indiana 47429 unless otherwise noted.

The Ellettsville Redevelopment Commission meetings are the second and fourth Monday of each month at 5:00 PM, except for the following changes:

May meeting will be Tuesday the 27th

The Ellettsville Town Council meetings are the second and fourth Monday of each month at 6:30 PM, except for the following changes:

May meeting will be Tuesday the 27th

The Parks and Recreation Board meetings are the first Monday of each month at 5:30 PM, except for the Following changes:

September meeting will be Tuesday the 2nd

The Plan Commission meetings are scheduled for the first Thursday of each month at 6:00 PM, except for the following changes:

January meeting will be Thursday the 9th

July meeting will be Thursday the 10th

The Board of Zoning Appeals meetings are scheduled for the second Wednesday of each month at 6:00 PM

January meeting will be Wednesday the 15th

July meeting will be Wednesday the 16th

The Ellettsville Building Corporation Annual Meeting of Directors is scheduled for Monday, April 7, 2023, at 8:00 AM. The meeting will be held at the offices of Darla Brown Law, P.C. 1451 W Arlington Rd Bloomington, IN 47404

If you have any questions, you may call the Clerk-Treasurer's office at (812) 876-3860.

5:00 PM		6:30 PM		6:00 PM		6:00 PM		5:00 P.M
Redevelopment Commission		Town Council		Plan Commission		Board of Zoning Appeals		Parks Board
01/13/25		01/13/25	*	01/09/25	*	01/15/25	*	01/06/25
01/27/25		01/27/25		02/06/25		02/12/25		02/03/25
02/10/25		02/10/25		03/06/25		03/12/25		03/03/25
02/24/25		02/24/25		04/03/25		04/09/25		04/07/25
03/10/25		03/10/25		05/01/25		05/14/25		05/05/25
03/24/25		03/24/25		06/05/25		06/11/25		06/02/25
04/14/25		04/14/25		07/10/25	*	07/16/25	*	07/07/25
04/28/25		04/28/25		08/07/24		08/13/25		08/04/25
05/12/25		05/12/25		09/04/25		09/10/25		09/02/25
05/27/25	*	05/27/25	*	10/02/25		10/08/25		10/06/25
06/09/25		06/09/25		11/06/25		11/12/25		11/03/25
06/23/25		06/23/25		12/04/25		12/10/25		12/01/25
07/14/25		07/14/25						
07/28/25		07/28/25						
08/11/25		08/11/25						
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11/24/25		11/24/25						
12/08/25		12/08/25						
12/22/25		12/22/25						

Roles and Responsibilities of the School Resource Officers

The purpose of this position is to serve as a resource for the Richland-Bean Blossom Community School Corporation, providing support to students, parents, educators and staff in matters related to law enforcement.

Acting as the liaison between our school system and the police department, this position is also responsible for enforcing criminal laws and conducting criminal investigations directly involving the school corporation. Listed below are more common roles and responsibilities performed by the School Resource Officer.

Enforces federal, state and local criminal and traffic laws and ordinances.

Assists school officials with enforcement of school policy and regulations regarding student conduct.

Protects persons and property on school premises; works through school administration to address concerns related to school safety, including building security, transportation, emergency response and evacuation plans.

Investigates and assists in the prosecution of violations occurring on school premises; gathers information concerning criminal activity involving students on or off school grounds; affects arrests as necessary and appropriate.

Shall not act as school disciplinarian nor make recommendations regarding school discipline.

The SROs shall not be required to perform any regular supervisory duties typically associated with school administration unless there is an unusual/temporary problem.

SROs should assist school administration at extra-curricular events, if requested.

Provides classroom instruction on law enforcement and law related matters, as approved by police and school administration.

Presents before parent and community groups, at the request of police and school administration, on a variety of law enforcement topics.

Serves as a resource for students, enabling them to be associated with a law enforcement figure in the school environment; provides guidance and consultation for students experiencing problems related to law enforcement; makes appropriate referrals.

Meets with faculty, staff and parents on an individual basis to deal with specific issues or problems related to delinquency prevention.

Acts as liaison between students, parents, school faculty and staff, child protective services, juvenile prosecutors, juvenile court and probation officers; facilitates communication between all parties.

Maintains exclusive control of emergency incidents requiring law enforcement intervention, with assistance of school principal, until relieved by police or fire department command personnel.

AGREEMENT REGARDING SCHOOL RESOURCE OFFICERS

THIS AGREEMENT has been made by and between the Richland-Bean Blossom Community School Corporation, having its principal office at 600 S. Edgewood Drive, Ellettsville, Indiana 47429 ("School") and the Ellettsville Police Department, 1406 West Guy McCown Drive, Ellettsville, Indiana 47429 ("Police"):

RECITALS

WHEREAS, the School has established three positions known as the School Resource Officers; and

WHEREAS, the Police are desirous of working with the School by supplying three law enforcement officers to fill the School Resource Officer positions; and

WHEREAS, the School Resource Officers will provide support to the students, parents, educators, and staff of the School in matters related to law enforcement; and

WHEREAS, the School Resource Officers will act as a liaison between the School and the Police and will be responsible for enforcing criminal laws and conducting criminal investigations directly involving the School; and

WHEREAS, School and Police desire to enter into an independent contractual relationship on the terms and conditions hereinafter set forth for School Resource Officers,

THEREFORE, IT IS AGREED:

1. SCHOOL RESOURCE OFFICERS.

The Police agrees to provide three law enforcement officers to the School to serve as the School's School Resource Officers. The officers who shall initially fill the position will be agreed upon by both the School and Police. Attached to this Agreement as Exhibit "A" is a document entitled "Roles and Responsibilities of the School Resource Officers" which sets forth the roles and responsibilities that the parties envision will be performed by the School Resource Officers.

2. TERM.

The term of this Agreement shall be for two years, from December 1, 2024 through November 30, 2026, unless otherwise terminated pursuant to the provisions of this Agreement. Either party may terminate this Agreement without cause prior to the expiration of the term upon ninety (90) days written notice to the other party. Either party may terminate this Agreement for cause or upon a change in available grant funding at any time upon (30) day written notice served upon the other.

3. COMPENSATION.

In consideration for the services of to be rendered pursuant to this Agreement the School agrees to pay the Police the sum of Three Hundred Eighty-Six Thousand Four Hundred Ninety-Five Dollars and Ninety-Four Cents (\$386,495.94) over the two-year contract term for salary and associated costs for the officers.

This sum shall be paid by the School to the Police in six (6) equal installments in the amount of Sixty-Four Thousand Four Hundred Fifteen Dollars and Ninety-Nine Cents (\$64,415.99) each. The payments will be due on January 1, 2025; May 1, 2025; September 1, 2025; January 1, 2026; May 1, 2026; and September 1, 2026.

The School Resource Officers shall remain employees of the Police and shall not be considered employees of the School. The Police shall have sole responsibility for withholding all federal, state, or local withholding taxes and employee contributions and for providing employment benefits for the School Resource Officers. The SRO is an employee of the Police and is subject to the department's control and supervision. The SRO must follow the current rules, procedures, and directives of the Police. The SRO will have a direct reporting line to the Chief of Police or his/her designee. However, the SRO will take day-to-day direction and assignments from the SRO Sergeant and School officials.

4. RELATIONSHIP OF SCHOOL RESOURCE OFFICERS TO THE SCHOOL.

It is expressly agreed that the School Resource Officers are not employees of the School for any purposes whatsoever. The School Resource Officers shall not be entitled to any benefits that the School provides for School employees. The Police will be responsible for health insurance, workers' compensation, and unemployment insurance for the School Resource Officers. This agreement does not alter the relationship or duties of the assigned officers or the Town of Ellettsville beyond the general duties that exist for law enforcement officers with the State of Indiana.

The SRO shall be considered a 'school official' when acting with the intent to promote a safe school environment by enforcing laws, school policies, and all other rules and procedures of the school corporation. Police agree that SROs shall comply with all applicable policies of school.

5. OTHER OBLIGATIONS OF SCHOOL RESOURCE OFFICERS.

The School Resource Officers shall perform their duties in strict compliance with all applicable laws, rules and regulations of duly constituted governmental authorities. The School Resource Officers agree to be present at one of the campuses of the R-BB Schools

generally when students are in attendance and in addition will be available for planning meetings with the School administration during the one week that immediately follows the end of the school year and the two weeks that immediately precede the beginning of the school year. Additional times may be mutually agreed upon by the Police and the School Superintendent.

The SROs will only be permitted to take paid time off (vacation, holiday, comp time) when school is not in session, or at the discretion of the SRO Sergeant.

SROs shall, unless previously authorized, report for duty in uniform.

When school is not in session, SROs will perform other necessary responsibilities as deemed necessary by the Police.

School will pay for training directly related to the work of the SRO. The Police will pay for training directly related to law enforcement.

INDEMNIFICATION AND INSURANCE.

Each party agrees to indemnify, defend, and hold harmless the other party, as well as its officials, officers, agents, employees, assignees, attorneys, and volunteers from any liability, loss, injury, or damage to person or property (including death) that each may suffer as a result of claims, demands, costs, or judgments, including the payment or reimbursement of legal fees and litigations expenses, that arise out of the indemnifying party's actions or inactions under or pursuant to this Agreement.

Each party shall maintain comprehensive general liability insurance during the term of this Agreement. Each party's respective policy is to contain a separate endorsement naming the other party to this Agreement as an additional insured with respect to liability or damages arising out of the services contracted for herein. Each party will provide a copy of its insurance policy, upon request, to the other party.

6. ASSIGNMENT.

Police shall have the right at its discretion to change the officers who serve as the School Resource Officers at any time. School may request a change in officers, which Police shall not unreasonably deny. However, neither party may transfer or assign this Agreement to another law enforcement agency or school corporation without the prior written consent of the other party.

7. GENERAL PROVISIONS.

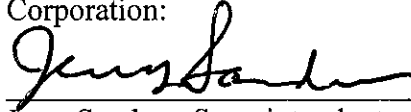
- a. RECITALS. The Recitals are incorporated by this reference.

- b. ENTIRE AGREEMENT. This document contains the entire Agreement of the parties. There are no other agreements, written or oral. This Agreement cannot be modified or changed except written instrument signed by the authorized representative of the School and of the Police.
- c. SEVERABILITY. In the event that any portion of this Agreement shall be deemed to be invalid or unenforceable, the remaining portions of this Agreement shall remain in full force and effect.
- d. NOTICES. Any notices required to be given hereunder shall be sent to the address of the other party as noted herein, by certified mail, return receipt requested.
- e. LEGAL FEES. In the event a lawsuit or other action is brought by either party hereto to clarify or enforce any of this Agreement's terms, each party thereto shall bear its own expenses, including legal fees and costs.

In Witness Whereof, the parties have executed this Agreement on the dates written below by

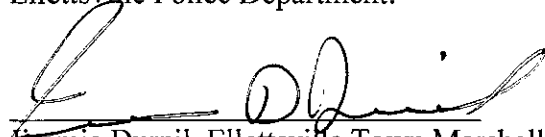
their respective signatures.

Richland-Bean Blossom Community School Corporation:



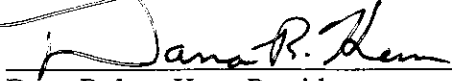
Jerry Sanders, Superintendent

Ellettsville Police Department:



Jimmie Durnil, Ellettsville Town Marshall

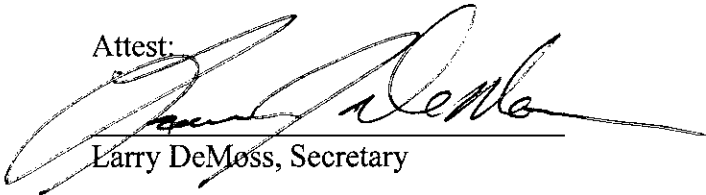
Approved by the Board of School Trustees at its regular meeting on December 16, 2024.



Dana Robert Kerr, President

Approved by the Ellettsville Town Council:

Attest:



Larry DeMoss, Secretary