

AN ORDINANCE CONCERNING EROSION CONTROL ON SITES WITH DISTURBING LAND ACTIVITIES

WHEREAS, it is the intent of this ordinance to control soil erosion and sedimentation caused by land disturbing activities in the territory within the jurisdiction of the Ripley County Area Plan Commission. Measures taken to control erosion and sedimentation should assure that sediment is not transported from a site by the storm events.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF RIPLEY COUNTY, INDIANA, AND BY THE TOWN COUNCIL OF THE TOWN OF VERSAILLES, INDIANA, AND BY THE TOWN COUNCIL OF THE TOWN OF OSGOOD, INDIANA, AND BY THE TOWN COUNCIL OF THE TOWN OF MILAN, INDIANA, AND BY THE TOWN COUNCIL OF THE TOWN OF SUNMAN, INDIANA, AND BY THE TOWN COUNCIL OF THE TOWN OF NAPOLEON, INDIANA, AND BY THE TOWN COUNCIL OF THE TOWN OF HOLTON, INDIANA UNDER AUTHORITY OF THE PROVISIONS OF I.C. 36-1-4-11 AND THE INDIANA AREA PLANNING LAW, I.C. 36-7-4, AND ALL ACTS AMENDATORY OR SUPPLEMENTAL THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA:

SECTION 1. PURPOSE

The purpose of this ordinance is to conserve the natural resources; to protect the quality of air and water; and to protect and promote the health, safety, and welfare of people, to the extent practicable by minimizing the amount of sediment and other pollutants resulting from soil erosion due to land disturbing activities, from being transported off-site to adjacent public or private lands including ditches, streams, lakes, wetlands, and reservoirs.

SECTION 2. APPLICABILITY

1. This ordinance applies to all land disturbing activities on land within the boundaries and jurisdiction of the Ripley County Area Plan Commission, hereafter referred to as the "jurisdiction." Agricultural land disturbing activities as defined in Section 3, item 1, are exempted from the requirements of this ordinance.
2. This section applies to those sites requiring an Improvement Location Permit.
3. This ordinance does not preclude the applicable from acquiring any other necessary local, state, and federal permits.

SECTION 3. DEFINITIONS

1. **Agricultural land disturbing activities** means the disturbance of land for the production of animal or plant life, including forestry, pasturing of livestock, and planting and growing, cultivating, and harvesting crops for human or livestock consumption. This does not include the construction of farm facilities such as dwellings, barns, sheds, or other structures.

2. **Land disturbing activity** means any man-made change of the land surface, including removing vegetative cover, excavating, filling, transporting, and grading.
3. **Site** means the entire area included in the legal description of the land on which land-disturbing activity has been conducted.
4. **Runoff** means the portion of precipitation from such sources as rainfall, snowmelt, or irrigation water that flows over the ground surface.
5. **Erosion** means the detachment and movement of soil, sediment, or rock fragments by water, wind, ice or gravity.
6. **Erosion control measure** means a practice or a combination of practices to control erosion and resulting sedimentation.

SECTION 4. GENERAL PRINCIPLES

The following principles apply to all land disturbing activities within the jurisdiction:

1. To minimize the potential for soil erosion, development should fit the topography and soils of the site. Areas with steep slopes where deep cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
2. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to watercourses and lakes also should be left undisturbed wherever possible.
3. All activities on a site should be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time during development.
4. Provision should be made to accommodate the increased runoff caused by changed soil and surface conditions (impervious areas) during and after development.
5. Minimize the length and steepness of slopes to reduce erosion control.

SECTION 5. DESIGN CRITERIA, STANDARDS, AND SPECIFICATIONS FOR EROSION CONTROL MEASURES

All erosion control measures including but not limited to those required to comply with this ordinance shall meet the design criteria, standards, and specifications for erosion control measures similar to or the same as those outlined in the “Indiana Handbook for Erosion Control in Developing Areas,” published by the Indiana Department of Natural Resources.

SECTION 6. EROSION AND SEDIMENT CONTROL REQUIREMENTS

The following requirements shall be met on all sites:

1. Sediment-laden water flowing from the site shall be detained by erosion control measures appropriate to minimize sedimentation.
2. Water shall not be discharged in a manner that causes erosion at or downstream of the point of discharge.
3. All access to building sites that cross a natural watercourse, drainage easement or swale/channel shall have a culvert of appropriate size.

4. Wastes or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials and hazardous substances, shall not be carried by runoff from a site. All wastes shall be disposed of in a proper manner.
5. Sediment being tracked from a site onto public or private roadways shall be minimized. This can be accomplished initially by a temporary gravel construction entrance, in addition to a well-planned layout of roads, access drives and parking areas.
6. Public or private roadways shall be kept cleared of accumulated sediment. Bulk clearing of sediment shall not include flushing the area with water.
7. All storm drain inlets shall be protected against sedimentation with barriers meeting accepted criteria, standards and specifications.
8. Runoff passing through a site from adjacent areas shall be controlled by diverting it around disturbed areas, where practical. Diverted runoff shall be conveyed in a manner that will not erode the channel and receiving areas. Alternatively, the existing channel may be left undisturbed or improved erosion or sedimentation from occurring.
9. Drainage ways and swales shall be designed and adequately protected so that their final gradients and resultant velocities will not cause channel or outlet scouring.
10. Appropriate sediment control practices shall be installed prior to any land disturbances and thereafter whenever necessary.
11. During the period of construction activity at a site, erosion control measures necessary to meet the requirements of this ordinance shall be maintained.

SECTION 7. INSPECTION

The Ripley County Building Inspector, or his representative, may enter the site for the purpose of verifying compliance with the provisions of this ordinance.

SECTION 8. ENFORCEMENT

1. The Building Inspector shall post a stop-work order on the site if the requirements of this ordinance are not being met.
2. If, within thirty (30) days after issuance of a stop-work order, a permit holder does not comply with the requirements of this ordinance, the Building Inspector may ask the Executive Director of the Ripley County Area Plan Commission to revoke the Improvement Location Permit.
3. Appeal of the revocation of an Improvement Location Permit may be made in accordance with Section 80.40 of the Area Zoning Code.
4. Compliance with the provisions of this ordinance also may be enforced by injunction.

SECTION 9. SEVERABILITY

If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

SECTION 10. PASSAGE

This ordinance shall take effect immediately upon its passage and approval in accordance with the provisions of the Indiana area planning law.

Passed by the Board of County Commissioners of Ripley County, Indiana, on this 7th day of April 1997.

BOARD OF COUNTY COMMISSIONERS
RIPLEY COUNTY, INDIANA

S/N: Donald E. Dunbar, President

S/N: E. Geo. Ammerman, Jr.

S/N: John Little

ATTEST: S/N Mark E. Busching, Auditor
Ripley County, Indiana

Passed by the Town Council of Versailles, Indiana, on this _____ day of _____, 1997.