

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1363

AN ORDINANCE PROHIBITING NON-STORMWATER DISCHARGES TO, AND IMPROPER DISPOSAL OF SUBSTANCES IN, THE STORM WATER COLLECTION SYSTEM OF THE TOWN OF ST. JOHN, LAKE COUNTY, INDIANA AND PROVIDING PENALITIES FOR VIOLATIONS OF SAID ORDINANCE.

WHEREAS, the 1987 amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollution Discharge Elimination System ("NPDES") program, which program, under its Storm Water Phase II Rule, requires storm water discharges from certain types of urbanized areas; and

WHEREAS, the Indiana Department of Environmental Management ("IDEM" has designated the Town of St. John, Lake County, Indiana, as an operator of a municipal separate storm sewer system, commonly referred to as a small MS4, subject to the provisions of 327 IAC 15-13 (Rule 13); and

WHEREAS, operators of regulated small MS4s are required to design programs to reduce the discharge of pollutants to protect water quality by implementing a program for the detection and elimination of illicit discharges to the storm sewer system, also referred to as storm water system; and

WHEREAS, the Town of St. John, Lake County, Indiana has determined that the uncontrolled discharge of pollutants into the storm water system has an adverse impact upon the water quality of the receiving waters located within the Town of St. John.

NOW, THEREFORE, BE IT ODAINED by the Town Council of the Town of St. John, Lake County, Indiana, as follows:

SECTION ONE: For purposes of this Ordinance, the following definitions shall apply:

1. Discharge - to send forth or emit;
2. Public Natural Outlet - an area which occurs the conveyance of storm water, including a street, gutter, catch basin, pipe, channel, ditch, conduit, creek, stream and river;
3. Storm Water - water resulting from rain, melting or melted snow, hail or sleet.

SECTION TWO: It shall be unlawful for any person to drain, deposit, place or otherwise discharge into any public natural outlet or storm water system within the Town of St. John, Lake County, Indiana, or to cause or permit to be drained, deposited, placed or otherwise discharged into such waters any substance or material other than storm water. Those categories of nonstorm water discharges or flows set forth in 327 IAC 15-13-14(d), as amended, are excepted and exempt from regulation under this Ordinance.

SECTION THREE: Any person found to be in violation of any provision of this ordinance shall be served by the Town of St. John with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease or correct all violations. Failure to comply with such written notice shall constitute a separate violation of this ordinance. Any person who violates any provision of this ordinance shall be subject to a civil penalty of up to Two Thousand, Five Hundred Dollars (\$2,500.00) per day for each day that such person is in violation of this ordinance. The remedies and penalties provided in this Ordinance are not exclusive, and the Town may seek whatever other remedies are authorized by statute, at law or in equity, against any person who violates the provisions of this ordinance.

SECTION FOUR: Any person determined to be responsible, in whole or in part, for a discharge in violation of this Ordinance shall be liable to the Town of St. John for payment of any and all necessary expenses incurred in performing pollution abatement, including but not limited to costs for testing, measuring, sampling, collecting, removing, containing, treating, and disposing of any material.

SECTION FIVE: The Town of St. John may, immediately upon discovering an ongoing or potential discharge of material prohibited by this Ordinance, petition the Circuit or Superior Court of Lake County, Indiana, or the U.S. District Court, for a restraining order and/or temporary and/or permanent injunction to halt or prohibit such discharge.

SECTION SIX: The Superintendent of Public Works, Town Manager, or other duly authorized town employee having proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance.

BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.


BE IT FURTHER ORDAINED that this Ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 21st day of October, 2004.


Aye 5 Nay 0

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


MICHAEL S. FRYZEL, President

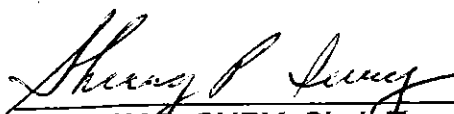

JERRI ANNE TEIBEL, Vice President


GREGORY J. VOLK, Member


MARK BARENIE, Member


CHARLES E. PEARSON, Member

ATTEST:


SHERRY P. SURY, Clerk-Treasurer