

ORDINANCE 2025-24
TO AMEND TITLE 13
OF THE BLOOMINGTON MUNICIPAL CODE TITLED
“STORMWATER”

WHEREAS, the City of Bloomington, Indiana (the “City”) has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the “Act”), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and

WHEREAS, the City has established within the City wastewater utility the powers, duties and responsibility for the rates, construction, operation and maintenance of a stormwater utility in accordance with Indiana Code 36-9-23-37; and

WHEREAS, in 2025, the State of Indiana enacted new legislation which limits the ability of local governmental entities such as Bloomington from regulating the runoff generated by soil disturbances under an acre; and

WHEREAS, the changes made at the state level require local governmental entities to update their current ordinance language, administrative rules and other regulatory mechanisms to comply with this new legislation; and

WHEREAS, City of Bloomington Utilities Staff recommends amendments to Title 13 of the Bloomington Municipal Code, titled – “Stormwater”, in response to this new legislation; and

WHEREAS, the Utilities Service Board considered these proposed amendments to Title 13 - Stormwater, found the proposed amendments appropriate and necessary, and resolved to recommend these amendments be presented to the Common Council for adoption in substantially the same form. A copy of the resolution is attached as **Exhibit “A”**; and

WHEREAS, the proposed amendments to Title 13 of the Bloomington Municipal Code, titled– “Stormwater”, have been duly considered by the Common Council of the City of Bloomington.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 13.01.010(a) shall be amended in the first sentence of the first paragraph in its entirety to read as follows:

(a) Authority.

There is hereby established within the city wastewater utility the powers, duties, and responsibilities for construction, operation, and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23 et seq., Indiana Code 36-1-3 (“Home Rule”), Indiana Code 36-9-28.5, and further as required by Phase II of the National

Pollutant Discharge Elimination System Stormwater (NPDES) program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP).

SECTION II. Section 13.01.020(a) shall be amended in its entirety to read as follows:

(a) Purpose.

The purpose of this SMO is to regulate stormwater and non-stormwater discharges to the storm drainage system in order to provide for the health, safety, and general welfare of the citizens of the City of Bloomington. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

- (1) To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- (2) To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- (3) To regulate the contribution of pollutants to the stormwater drainage system from runoff from new development and redevelopment.
- (4) To prohibit illicit discharges into the stormwater drainage system.
- (5) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.
- (6) To ensure the appropriate design, construction, and maintenance of stormwater drainage facilities and systems.
- (7) To ensure the appropriate design, construction, and maintenance of stormwater quality facilities and systems.
- (8) To regulate and inspect post-construction drainage facilities.
- (9) To enforce Operation and Maintenance Plans.
- (10) To clarify stormwater development standards.
- (11) To establish a Stormwater Management Permit process.

SECTION III. Section 13.01.030(a)(2)(B)(i) shall be amended in its entirety to read as follows:

- (i) Where permitted, whenever a provision of this SMO imposes a greater restriction or a higher standard than is required by any state or federal law or regulation, or other county or City ordinance or regulation, the provision of this SMO shall apply.

SECTION IV. Section 13.03.010(a) shall be amended in its first sentence to read as follows:

(a) Applicability.

Pursuant to the provisions of the MS4GP, this Chapter shall apply to all discharges, including illegal discharges, entering the storm drain system under the control of the City of Bloomington, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site.

SECTION V. Section 13.03.040(a) shall be amended in its second paragraph to read as follows:

CBU is authorized to require dischargers to implement, at the discharger's expense, pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Bloomington stormwater drainage system, including additional structural and nonstructural BMPs.

SECTION VI. Section 13.04.010(b) shall be amended in its entirety to read as follows:

(b) Applicability

The requirements of this Chapter shall apply to any development, redevelopment, or land-disturbing activity which is required to obtain a Stormwater Management Permit pursuant to Section 13.08.020(b). Additional development-specific applicability is outlined in each section below, when applicable.

SECTION VII. Section 13.04.030 shall be amended in its entirety to read as follows:

13.04.030 Water Quality Treatment Hot Spot Developments

(a) Purpose

The purpose of this section is to mitigate the impact of stormwater runoff from hot spot developments such as gasoline outlets, vehicle maintenance facilities, parking areas, and industrial sites. Refer to the Stormwater Design Manual for more information on hot spot developments.

(b) Applicability

All projects which are required to obtain a Stormwater Management Permit and are creating a hot spot development. A parking lot is considered a hot spot development when there is the creation of a new parking lot at least 1,500 square feet in size, or an existing parking lot is expanded by at least 1,500 square feet.

(c) Exemptions

- (1) Single-family residential developments including duplexes, triplexes, and fourplexes.
- (2) The Assistant Director of the Engineering Division or their designee may determine that full compliance with 13.04.030 is not feasible. In such a case, compliance will be required to the extent possible as determined by the Assistant Director of the Engineering Division or their designee.

(d) Water Quality Treatment Requirements for Hot Spot Land Uses

The development of hot spot land uses shall include water quality treatment BMPs sufficient to treat the proposed pollutants. Refer to the Stormwater Design Manual for BMP specifications.

(e) Bioretention Standards in Parking Lots

Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while incorporating green infrastructure into parking lots.

- (1) Parking lots shall be constructed such that the Water Quality Volume (WQv) is directed into bioretention facilities located in the interior of or immediately adjacent to the parking lot. Refer to the Stormwater Design Manual for determining WQv and BMP specifications.
- (2) Bioretention facilities shall be located below the grade of the parking lot to facilitate runoff to flow into the facilities.
- (3) Bioretention facilities shall be vegetated with appropriate perennials, grasses, shrubs, and/or trees that comply with Section 13.04.050.
- (4) Bioretention facilities shall comply with the City of Bloomington Stormwater Design Manual. Shrubs shall be planted at least five (5) feet from any underdrain; trees shall be planted at least 10 feet from any underdrain.

SECTION VIII. Section 13.04.050(c) shall be amended in its entirety to read as follows:

(c) Planting Requirements

Planting of vegetation may be required as part of a post-construction BMP. Both BMP specific requirements as well as general requirements can be found in the Stormwater Design Manual.

SECTION IX. Section 13.05.010(a) shall be amended in its entirety to read as follows:

(a) Applicability

- (1) This section applies to all land disturbing activity within the City of Bloomington. Section 13.05.030 provides guidelines for calculating land disturbance and additional descriptions of land disturbing activities.
- (2) A Stormwater Pollution Prevention Plan (SWPPP) is required for any project site which requires CSGP coverage. An Erosion and Sediment Control Plan (ESCP) is required for any project site which involves the disturbance of 2,500 square feet or more of ground surface but does not require CSGP coverage. Refer to the City of Bloomington Stormwater Design Manual for determination of CSGP coverage, and for SWPPP and ESCP requirements.
- (3) City-owned projects are subject to this Chapter (13.05). The SWPPP, when required, shall be submitted to CBU's MS4 staff for review and a determination made as to whether the plan meets the minimum requirements of the CSGP prior to submission to the review authority.

SECTION X. Section 13.05.010(b)(6) shall be amended in its entirety to read as follows:

- (6) Single-family residential developments including duplexes, triplexes, and fourplexes that disturb under an acre of land or that are not part of a larger common plan for development or sale that would otherwise disturb at least one acre of land.

SECTION XI. Section 13.05.030(a)(3) shall be amended in its entirety to read as follows:

- (3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - (A) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are one-half acre or more, a minimum of one-half acre of land disturbance must be used as the expected lot disturbance.
 - (B) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are less than one-half acre in size, the total lot must be calculated as being disturbed.
 - (C) To calculate lot disturbance on all other types of project sites, including but not limited to industrial and commercial project sites, a minimum of one acre of land disturbance must be used as the expected lot disturbance regardless of lot size.

SECTION XII. Section 13.05.040 shall be amended as follows:

- 1. The title of Section 13.05.040 shall be amended in its entirety to read as follows:

Erosion and Pollution Prevention and Elimination Requirements

- 2. Section 13.05.040(a) shall be amended in its entirety to read as follows:

- (a) All project sites undergoing land disturbing activities, regardless of size, shall prevent the illicit discharge of pollutants off-site or conveyed into any stormwater drainage system, either by wind or water in accordance with the MS4GP and the CSGP. All land disturbing activities shall be protected by best management practices. Best management practices may include, but are not limited to, silt or erosion-control fences, filter socks, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.

- 3. Section 13.05.040(b) shall be amended in its entirety to read as follows:

- (b) For land-disturbing activities that include or occur adjacent to environmentally sensitive areas, including but not limited to steep slopes, karst features, floodplain, wetlands, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, may be required, as determined by the CBU Director or their designee in accordance with the MS4GP and CSGP.

4. Section 13.05.040 (o) shall be removed in its entirety.

5. Section 13.05.040 (aa) shall be removed in its entirety.

SECTION XIII. Section 13.05.050(a) shall be amended in its entirety to read as follows:

- (a) Following approval of the Stormwater Management Permit and commencement of construction activities, CBU shall have the authority to conduct inspections in accordance with Section 13.08.040(a) of the project site to ensure full compliance with this chapter, the City of Bloomington Stormwater Design Manual, and terms and conditions of the approved Stormwater Management Permit, if applicable.

SECTION XIV. Section 13.06.010(a) shall be amended in its entirety to read as follows:

- (a) Applicability
Projects receiving a Stormwater Management Permit pursuant to Section 13.08.020(b) are subject to this section.

SECTION XV. Section 13.06.020 shall be amended in its entirety to read as follows:

13.06.020 Policy on Post-Construction Stormwater Management

- (a) Developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts, and other pollutants. As new development and re-development continues in Bloomington, measures must be taken to promote runoff volume reduction, runoff detention, infiltration of stormwater into the ground (where appropriate), and interception and filtration of pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers, and wetlands. Through the use of BMPs, harmful amounts of sediment, nutrients, and contaminants will be removed from stormwater runoff.
- (b) Post-construction stormwater management measures are incorporated as permanent features into construction projects and are left in place following completion of construction activities to continuously treat and detain stormwater runoff from the stabilized site. The following will be implemented as a minimum:
 - (1) Stormwater detention and quantity control as required by the Stormwater Design Manual.
 - (2) Stormwater quality treatment as required by the Stormwater Design Manual.
 - (3) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size of disturbance, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.

- (4) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.
- (5) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.
- (6) Outfalls must be designed to reduce outfall scouring, bank erosion, and head-cutting.

SECTION XVI. Section 13.07.040 shall be inserted as a new section to the Title and shall read as follows:

13.07.040 Culverts and Ditches

(a) Driveway Culverts.

Any new construction or change in type of business or land use of an existing property whenever a proposed driveway or use shall connect to or join any public road, street or highway or other public right-of-way in the City or whenever any person desires to construct a culvert under any such driveway that connects or joins to any public road, street, highway, or other right-of-way in the City, said driveway culvert shall be constructed and installed at the expense of the property owner to provide adequate drainage at a minimum size of no less than 12 inches and in no case less than that specified by CBU in accordance with its Stormwater Design Manual.

(b) Maintenance of Driveway Culverts and Ditches

Each property owner shall regularly perform general maintenance activities regarding any and all ditches, culverts, and/or inlet clean outs to ensure proper storm water drainage on and across their property.

SECTION XVII. Section 13.08.010(c) shall be amended to capitalize the words “enforcement” and “penalties which are located in the parenthetical clause.

SECTION XVIII. Section 13.08.020(a)(2)(C) shall be amended in its entirety to read as follows:

(C) Refer to the CBU Stormwater Design Manual for additional requirements.

SECTION XIX. Section 13.08.020(b) shall be amended in its entirety to read as follows:

(b) Stormwater Management Permit

(1) Purpose

The purpose of the Stormwater Management Permit and procedure is to mitigate the environmental impact of development and to protect the water quality of the City of Bloomington and surrounding areas. This permit and procedure is a mechanism to ensure compliance with the MS4GP and this SMO by providing a thorough review and permitting process as well as inspection and close-out process for all construction activities which affect stormwater.

(2) Applicability

- (A) No land-disturbing activity, development, or re-development of land that is subject to this chapter shall occur unless a Stormwater Management Permit has been issued except as exempted in 13.08.020(b)(3), below.
- (B) New retail gasoline outlets and new MS4-owned fueling areas or those that replace their existing tank systems, regardless of size, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater run-off.

(3) Exemptions

- (A) Land-disturbing activity that is cumulatively less than 2,500 square feet.
- (B) Land-disturbing activity on a single-family residential lot or lots containing duplexes, triplexes, and fourplexes, which is less than one acre and not part of a larger common plan for development or sale.
- (C) City of Bloomington infrastructure projects that disturb less than one acre of land and have a negligible effect on the stormwater system, as determined by the Assistant Director of the Utilities Engineering Division or their designee after considering the following factors:
 - (i) Existing and proposed impervious surfaces,
 - (ii) Existing and proposed facilities that adequately achieve detention and water quality requirements,
 - (iii) Proximity to sensitive hydrological features,
 - (iv) Size of the project, and
 - (v) Any other adverse impacts the project may reasonably have on the MS4.
- (D) Projects which are already regulated by a MS4 other than the City of Bloomington (e.g. Indiana University and Indiana Department of Transportation).
- (E) Activities exempted under 13.05.010(b).

(4) Additional Requirements

- (A) Compliance with the standards of this SMO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in the Indiana Administrative Code, The Indiana Department of Environmental Management, all applicable provisions of the Bloomington Municipal Code, and all applicable rules, regulations, standards, and specifications of any City Department regarding development, redevelopment, or land-disturbing activity.

(5) Stormwater Management Permit Process

The Stormwater Management Permit (SMP) process will be similar for all projects and will be simplified for sites not requiring CSGP coverage. Refer to the Stormwater Design Manual for information on the applicability of the CSGP and SMP application process details.

- (A) Submittal Requirements

- (i) Completed Stormwater Management Permit application.
- (ii) Full set of sealed construction plans that include the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iii) Stormwater Drainage Report that includes the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iv) For projects requiring new or modified stormwater infrastructure or BMPs, a draft operation and maintenance plan and a performance bond estimate prepared by a licensed engineer.

(B) Plan Review

Once the application is deemed substantially complete, the following will take place:

- (i) Review will be conducted by CBU and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. The applicant may be required to resubmit materials for additional review.
- (ii) The applicant may not submit the NOI to IDEM (if applicable) or commence land-disturbing activities until the Stormwater Management Permit is issued.

(C) Permit Issuance

The Stormwater Management Permit will be issued after the submittal review is completed, all fees are paid, and a preconstruction meeting has been held. In issuing a Stormwater Management Permit, CBU may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner is responsible for compliance with this chapter, the City of Bloomington Stormwater Design Manual, the CSGP (as applicable), and these terms and conditions.

(D) Post-Permit Issuance

(i) Duration

- (a) The Stormwater Management Permit shall remain active until the permit is closed via written notice from CBU, or if (b) below is met.
- (b) The Stormwater Management Permit shall expire 365 days after issuance if earth-disturbing activities have not yet taken place unless an extension is granted by the Director.
- (c) If a project has received a Stormwater Management Permit and has begun earth-disturbing activities but then becomes inactive for a period of 180 days or longer, the Stormwater Management Permit shall expire. A new Stormwater Management Permit shall be obtained before work resumes.

(ii) Changes or Amendments

- (a) The Stormwater Management Permit Applicant shall submit revisions or amendments to an approved permit for consideration by the local, state, and federal authorities having jurisdiction prior to installation of such revisions or amendments. A revision or amendment to an

approved Stormwater Management Permit shall only be authorized upon review and written approval by all local, state, and federal authorities having jurisdiction.

- (b) CBU reserves the right to require the responsible parties to remove any and all unapproved improvements which may impact stormwater at the responsible parties' expense.

(iii) Termination of the Permit

The Stormwater Management Permit shall terminate when either the permit expires in accordance with Section 13.08.020(b)(3)(D)(i) or the permitted project receives written notification from CBU that the permit has been closed in accordance with Section 13.08.050.

SECTION XX. Section 13.08.020(c)(1) shall be amended to add an omitted word. The word "Permit" shall be added after "MS4 General" so that it reads "MS4 General Permit".

SECTION XXI. Section 13.08.020(c)(2) shall be amended in its entirety to read as follows:

(2) Applicability

This Section, 13.08.020(c), governs easements that are:

- (A) Required and/or granted pursuant to a provision of this SMO;
- (B) Permitted or required as a commitment or condition of approval for unplatted drainage and/or utility easements;
- (C) Previously dedicated unplatted drainage and/or utilities easements; or
- (D) Any other instances in which an easement would be required by CBU.

SECTION XXII. Section 13.08.020(c)(3)(B) shall be amended in its entirety to read as follows:

(B) Drainage and/or Utilities Easements shall be required for:

- (i) Private stormwater drainage systems that drain the right-of-way or two or more lots; and
- (ii) Private retention/detention facilities, and water quality infrastructure.

SECTION XXIII. Section 13.08.030(a) shall be amended in its entirety to read as follows:

(a) Purpose

Financial assurances are provided so that CBU has a mechanism to ensure that all stormwater infrastructure and post-construction BMPs are installed in compliance with the MS4GP, CBU policies, and this SMO and function properly.

SECTION XXIV. Section 13.08.030(c) shall be amended in its entirety to read as follows:

(c) Performance Bond Requirements

- (1) Financial assurances shall be in the form of a performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to CBU. Assurance shall be made out to the City of Bloomington.
- (2) Said performance bond shall guarantee a good faith execution of the construction plans and any other conditions of plan approval including proper installation of all approved stormwater infrastructure.
- (3) The total performance bond shall be for the cost of installation, plus a 25% contingency, of stormwater improvements including all stormwater drainage systems, detention/retention facilities, and stormwater management BMPs as regulated under this SMO. The intent of this performance bond is to complete the installation of stormwater infrastructure for the project as specified by the City.
- (4) Performance bonds shall be kept current until the Stormwater Management Permit is closed. Delinquent performance bonds or other assurances will result in enforcement as detailed in Section 13.08.050 Enforcement and Penalties.
- (5) CBU may make a claim against the performance bond to complete all necessary work, after giving notice and opportunity for compliance.
- (6) Following issuance of a Certificate of Completion, the performance bond may be released and a maintenance bond shall be posted.

SECTION XXV. Section 13.08.040(b)(3) shall be amended in its entirety to read as follows:

(3) Applicability

An application for a Certificate of Completion may be submitted to CBU when a project in accordance with Section 13.08.040(b)(2) is believed by the responsible parties to be complete. The application must be complete in order for a Certificate of Completion to be issued.

SECTION XXVI. Section 13.08.040(b)(5)(D) shall be amended in its entirety to read as follows:

- (D) Any drainage and utility easements, in accordance with Section 13.08.020(c), shall be recorded with the Monroe County Recorder's Office. A copy shall be delivered to CBU in a format that is acceptable to CBU staff. Any cost incurred by recording the easement document shall be incurred by the grantor.

SECTION XXVII. Section 13.08.050(b)(2) shall be amended in its entirety to read as follows:

- (2) Any violation as defined herein is hereby declared a common and public nuisance, and any responsible party as defined in Section 13.08.050(e)(1) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

SECTION XXVIII. Section 13.08.050(b)(3) shall be amended in its entirety to read as follows:

- (3) Any violation shall be subject to the penalties and remedies provided in Section 13.08.050(d), and CBU shall have recourse to any remedy available in law or equity.

SECTION XXIX. Section 13.08.050(b)(5) shall be amended in its entirety to read as follows:

- (5) The City Legal Department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 13.08.050; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this SMO or any condition, requirement, or commitment established in connection with this SMO. All costs connected therewith shall accrue to the responsible parties. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, any and all penalties levied by the EPA or IDEM for violations of CBU's NPDES permit and/or the MS4GP, attorney's fees, and other costs and expenses.

SECTION XXX. Section 13.08.050(b)(6)(C) shall be amended in its entirety to read as follows:

- (C) Issue a stop work order (with at least 72 hours' notice in the case of violations of Section 13.05.040, unless the violation causes a public health hazard or a safety hazard, in which case the stop work order is immediately effective);

SECTION XXXI. Section 13.08.050(b)(6)(F) shall be amended in its entirety to read as follows:

- (F) Any and all penalties and remedies listed in Section 13.08.050.

SECTION XXXII. Section 13.08.050(f)(2)(B) shall be amended in its entirety to read as follows:

- (B) The Appeals section of this SMO shall not apply to fines levied under the authority of Section 13.08.050(d). Such fines levied for violations of this SMO may be challenged in the Monroe County Circuit Court.

SECTION XXXIII. Section 13.08.050(f)(3)(A) shall be amended in its entirety to read as follows:

- (A) Time Limit

Notice of an appeal shall be made in writing to CBU no later than seven business days from receipt of the written order or ruling.

SECTION XXXIV. Section 13.09 shall be amended as follows:

1. By adding the following definitional term in alphabetical order with the other definitions:

"Hot Spot Development" means projects involving land uses considered to be high pollutant producers such as parking areas, vehicle service and maintenance facilities,

vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

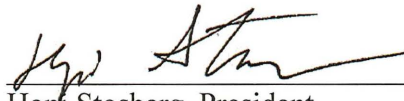
2. By amending the definition of “Redevelopment” in its entirety to read as follows:

“Redevelopment” means alterations of property that change a site’s layout.

SECTION XXXV. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

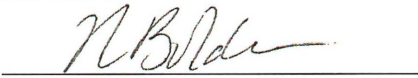
SECTION XXXVI. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 30 day of July, 2025.



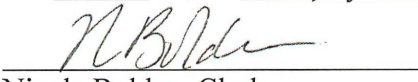
Hopi Stosberg, President
Bloomington Common Council

ATTEST:




Nicole Bolden, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 31 day of July, 2025.



Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 6 day of August, 2025.



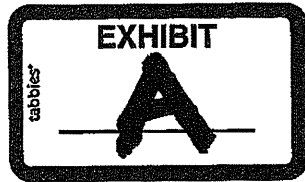
Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 13 of the Bloomington Municipal Code titled “Stormwater” to comply with a new statute that restricts regulation of construction site runoff, to add new provisions for installation and maintenance of driveway culverts, to add new provisions to reduce illicit discharge (runoff pollutants) from certain identifiable hot spot developments, to respond to stakeholder concerns/feedback, and to correct typographical errors.

Note: At the July 30, 2025 Regular Session, the Council adopted Amendment 01 to this resolution. The amendment corrects the title of Ordinance 2025-24 to reflect its purpose by changing “TO ENACT” to “TO AMEND.”

Distributed to: Clerk, Council Attorney, CBU, Legal, and Mayor.



**RESOLUTION NO. 2025-13
UTILITY SERVICE BOARD
OF THE CITY OF BLOOMINGTON, INDIANA**

**TO AMEND TITLE 13
OF THE BLOOMINGTON MUNICIPAL CODE
TITLED "STORMWATER"**

WHEREAS, Title 13 of the Bloomington Municipal Code, titled Stormwater, sets forth uniform requirements for users of the publicly owned stormwater works known as the Municipal Separate Storm Sewer System, or MS4, pursuant to the Indiana Department of Environmental Management MS4 General Permit, or MS4GP, and also regulates various aspects of soil disturbance pursuant to the Indiana Department of Environmental Management Construction Stormwater General Permit, or CSGP; and

WHEREAS, in 2025, the State of Indiana enacted new legislation which alters the ability of local governmental entities such as Bloomington from regulating the runoff generated during soil disturbances under an acre as required by the CSGP; and

WHEREAS, the changes made at the state level require local governmental entities to update their current ordinance language, administrative rules and other regulatory mechanisms to comply with this new legislation; and

WHEREAS, City of Bloomington Utilities Staff recommends amendments to Title 13 of the Bloomington Municipal Code, titled – Stormwater, in response to this new legislation; and

WHEREAS, the proposed amendments to Title 13 have been duly considered by the Board and found appropriate and necessary; a copy of the proposed amendments in the form of Proposed Ordinance 2025-24 are attached hereto, marked as Exhibit "A" and incorporated herein; and

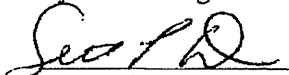
WHEREAS, the Board now desires to recommend to the Common Council of the City of Bloomington ("Common Council") the adoption of the proposed ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE UTILITY SERVICE BOARD OF THE CITY OF BLOOMINGTON, INDIANA, AS FOLLOWS:

1. The Utility Service Board requests the Common Council authorize the proposed amendments to Title 13 of the Bloomington Municipal Code, by the adoption of the same in substantially the same form as the attached Exhibit "A".
2. The Secretary of the Utility Service Board is hereby directed to present a copy of this Resolution to the Clerk of the City for presentation to the Common Council as soon as may be done.

PASSED AND ADOPTED THIS 30 DAY OF June, 2025.

CITY OF BLOOMINGTON, INDIANA
By and Through its Utility Service Board


Seth Debro, President

ATTEST:

Daniel Frank

Daniel Frank, Secretary

EXHIBIT "A"

ORDINANCE 2025-24

**TO ENACT TITLE 13
OF THE BLOOMINGTON MUNICIPAL CODE TITLED
"STORMWATER"**

- WHEREAS, the City of Bloomington, Indiana (the "City") has established, acquired, and financed its sewage works pursuant to Indiana Code 36-9-23, as amended (the "Act"), for the purpose of providing for the collection, treatment and disposal of sewage from inhabitants in and around the City; and
- WHEREAS, the City has established within the city wastewater utility the powers, duties and responsibility for the rates, construction, operation and maintenance of a stormwater utility in accordance with Indiana Code 36-9-23-37; and
- WHEREAS, in 2025, the State of Indiana enacted new legislation which alters the ability of local governmental entities such as Bloomington from regulating the runoff generated by soil disturbances under an acre; and
- WHEREAS, the changes made at the state level require local governmental entities to update their current ordinance language, administrative rules and other regulatory mechanisms to comply with this new legislation; and
- WHEREAS, City of Bloomington Utilities Staff recommends amendments to Title 13 of the Bloomington Municipal Code, titled – Stormwater, in response to this new legislation; and
- WHEREAS, the Utilities Service Board considered these proposed amendments to Title 13 - Stormwater, found the proposed amendments appropriate and necessary, and resolved to recommend these amendments be presented to the Common Council for adoption in substantially the same form. A copy of the resolution is attached as Exhibit "A"; and
- WHEREAS, the proposed amendments to Title 13 of the Bloomington Municipal Code, titled– Stormwater, have been duly considered by the Common Council of the City of Bloomington.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 13.01.010(a) shall be amended in the first sentence of the first paragraph in its entirety to read as follows:

- (a) Authority.
There is hereby established within the city wastewater utility the powers, duties, and responsibility for construction, operation, and maintenance for the stormwater utility in accordance with Indiana Code 36-9-23 et seq., Indiana Code 36-1-3 ("Home Rule"), Indiana Code 36-9-28.5, and further as required by Phase II of the National Pollutant Discharge Elimination System Stormwater (NPDES) program (40 CFR Parts 9, 122, 123, and 124; December 8, 1999) authorized by the 1987 amendments to the Clean Water Act, the Indiana Department of Environmental Management's (IDEM) Municipal Separate Storm Sewer System (MS4) General Permit (MS4 GP), and the Indiana Department of Environmental Management's Construction Stormwater General Permit (CSGP). The boundaries of the stormwater utility are that of the corporate boundaries of the City of Bloomington; said boundaries may be amended or extended with the approval of the City of Bloomington Utilities (CBU) Utilities Service Board (USB).

SECTION II. Section 13.01.020(a) shall be amended in its entirety to read as follows:

(a) Purpose.

The purpose of this SMO is to regulate stormwater and non-stormwater discharges to the storm drainage system in order to provide for the health, safety, and general welfare of the citizens of the City of Bloomington. This Ordinance establishes methods for managing the quantity and quality of stormwater entering into the storm drain system in order to comply with State and Federal requirements. The objectives of this Ordinance are:

- (1) To reduce the hazard to public health and safety caused by excessive stormwater runoff.
- (2) To regulate the contribution of pollutants to the stormwater drainage system from construction site runoff.
- (3) To regulate the contribution of pollutants to the stormwater drainage system from runoff from new development and redevelopment.
- (4) To prohibit illicit discharges into the stormwater drainage system.
- (5) To establish legal authority to carry out all inspection, monitoring, and enforcement procedures necessary to ensure compliance with this Ordinance.
- (6) To ensure the appropriate design, construction, and maintenance of stormwater drainage facilities and systems.
- (7) To ensure the appropriate design, construction, and maintenance of stormwater quality facilities and systems.
- (8) To regulate and inspect post-construction drainage facilities.
- (9) To enforce Operation and Maintenance Plans.
- (10) To clarify stormwater development standards.
- (11) To establish a Stormwater Management Permit process.

SECTION III. Section 13.01.030(a)(2)(B)(i) shall be amended in its entirety to read as follows:

- (i) Where permitted, whenever a provision of this SMO imposes a greater restriction or a higher standard than is required by any state or federal law or regulation, or other county or City ordinance or regulation, the provision of this SMO shall apply.

SECTION IV. Section 13.03.010(a) shall be amended in its first sentence to read as follows:

- (a) Applicability. Pursuant to the provisions of the MS4GP, this Chapter shall apply to all discharges, including illegal discharges, entering the storm drain system under the control of the City of Bloomington, regardless of whether the discharge originates from developed or undeveloped lands, and regardless of whether the discharge is generated from an active construction site or a stabilized site.

SECTION V. Section 13.03.040(a) shall be amended in its second paragraph to read as follows:

CBU is authorized to require dischargers to implement, at the discharger's expense, pollution prevention measures, utilizing BMPs necessary to prevent or reduce the discharge of pollutants into the City of Bloomington stormwater drainage system, including additional structural and nonstructural BMPs.

SECTION VI. Section 13.04.010(b) shall be amended in its entirety to read as follows:

(b) Applicability

The requirements of this Chapter shall apply to any development, redevelopment, or land-disturbing activity which is required to obtain a Stormwater Management Permit pursuant to Section 13.08.020(b). Additional development-specific applicability is outlined in each section below, when applicable.

SECTION VII. Section 13.04.030 shall be amended in its entirety to read as follows:

(a) Purpose

The purpose of this section is to mitigate the impact of stormwater runoff from hot spot developments.

(b) Applicability

All projects which are required to obtain a Stormwater Management Permit and are creating a hot spot development. A parking lot is considered a hot spot development when there is the creation of a new parking lot at least 1,500 square feet in size, or an existing parking lot is expanded by at least 1,500 square feet.

(c) Exemptions

- (1) Single-family residential developments including duplexes, triplexes, and fourplexes.
- (2) The Assistant Director of the Engineering Division or their designee may determine that full compliance with 13.04.030 is not feasible. In such a case, compliance will be required to the extent possible as determined by the Assistant Director of the Engineering Division or their designee.

(d) Water Quality Treatment Requirements for Hot Spot Land Uses

The development of hot spot land uses shall include water quality treatment BMPs, sufficient to treat the proposed pollutants. Refer to the Stormwater Design Manual for BMP specifications.

(e) Bioretention Standards in Parking Lots

Surface parking lots expand impervious surface coverage, create water quality challenges, and increase runoff. This section's requirements counter these impacts while incorporating green infrastructure into parking lots.

- (1) Parking lots shall be constructed such that the Water Quality Volume (WQv) is directed into bioretention facilities located in the interior of or immediately adjacent to the parking lot. Refer to the Stormwater Design Manual for determining WQv and BMP specifications.
- (2) Bioretention facilities shall be located below the grade of the parking lot to facilitate runoff to flow into the facilities.
- (3) Bioretention facilities shall be vegetated with appropriate perennials, grasses, shrubs, and/or trees that comply with Section 13.04.050.
- (4) Bioretention facilities shall comply with the City of Bloomington Stormwater Design Manual. Shrubs shall be planted at least five (5) feet from any underdrain; trees shall be planted at least 10 feet from any underdrain.

SECTION VIII. Section 13.04.050 shall be amended in its entirety to read as follows:

(c) Planting Requirements

Planting of vegetation may be required as part of a post-construction BMP. Both BMP specific requirements as well as general requirements can be found in the Stormwater Design Manual.

SECTION IX. Section 13.05.010(a) shall be amended in its entirety to read as follows:

(a) Applicability

- (1) This section applies to all land disturbing activity within the City of Bloomington. 13.05.030 provides guidelines for calculating land disturbance and additional descriptions of land disturbing activities.
- (2) A Stormwater Pollution Prevention Plan (SWPPP) is required for any project site which requires CSGP coverage. An Erosion and Sediment Control Plan (ESCP) is required for any project site which involves the disturbance of 2,500 square feet or more of ground surface but does not require CSGP coverage. 13 Refer to the City of Bloomington Stormwater Design Manual for determination of CSGP coverage, and for SWPPP and ESCP requirements.
- (3) City-owned projects are subject to this Chapter 13.05. The SWPPP, when required, shall be submitted to CBU's MS4 staff for review and a determination made as to whether the plan meets the minimum requirements of the CSGP prior to submission to the review authority.

SECTION X. Section 13.05.010(b)(6) shall be amended in its entirety to read as follows:

- (6) Single-family residential developments including duplexes, triplexes, and fourplexes that disturb under an acre of land or that are not part of a larger common plan for development or sale that would otherwise disturb at least one acre of land.

SECTION XI. Section 13.05.030(a)(3) shall be amended in its entirety to read as follows:

- (3) To determine if multi-lot project sites are regulated by this rule, the area of land disturbance shall be calculated by adding the total area of land disturbance for improvements, such as roads, utilities, or common areas, and the expected total disturbance on each individual lot, as determined by the following:
 - (A) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are one-half acre or more, a minimum of one-half acre of land disturbance must be used as the expected lot disturbance.
 - (B) For a single-family residential project site, including duplexes, triplexes, and fourplexes, where the lots are less than one-half acre in size, the total lot must be calculated as being disturbed.
 - (C) To calculate lot disturbance on all other types of project sites, including but not limited to industrial and commercial projects sites, a minimum of one (1) acre of land disturbance must be used as the expected lot disturbance regardless of lot size.

SECTION XII. Section 13.05.040 shall be amended as follows:

- 1. The title shall now be called Erosion and Pollution Prevention and Elimination Requirements
- 2. Section (a) shall now read as follows:
 - (a) All project sites undergoing land disturbing activities, regardless of size, shall prevent the illicit discharge of pollutants off-site or conveyed into any stormwater drainage system, either by wind or water in accordance with the MS4GP and the CSGP. All land disturbing activities shall be protected by best management practices. Best management practices may include, but are not limited to, silt or erosion-control fences, filter socks, sedimentation basins, articulated concrete blocks, mechanically stabilized earth, storm grate filters, or erosion control mats.
- 3. Section (b) shall now read as follows:
 - (b) For land-disturbing activities that include or occur adjacent to environmentally sensitive areas, including but not limited to steep slopes, karst features, floodplain, wetlands, and riparian buffers; redundant erosion control measures, such as additional barriers and reduced timelines for soil stabilization, may be required, as determined by the CBU Director or their designee in accordance with the MS4GP and CSGP.

SECTION XIII. Section 13.05.050(a) shall be amended in its entirety to read as follows:

- (a) Following approval of the Stormwater Management Permit and commencement of construction activities, CBU shall have the authority to conduct inspections in accordance with Section 13.09.040(a) of the project site to ensure full compliance with this chapter, the City of Bloomington Stormwater Design Manual, the terms and conditions of the approved Stormwater Management Permit, if applicable.

SECTION XIV. Section 13.06.010(a) shall be amended in its entirety to read as follow:

- (a) Applicability
 - Projects receiving a Stormwater Management Permit pursuant to Section 13.08.020(b) are subject to this section.

SECTION XV. Section 13.06.020 shall be amended in its entirety to read as follows:

13.06.020 Policy on Post-Construction Stormwater Management

- (a) Developed areas, as compared to undeveloped areas, generally have increased imperviousness, decreased infiltration rates, increased runoff rates, and increased concentrations of pollutants such as fertilizers, herbicides, greases, oil, salts, and other pollutants. As new development and re-development continues in Bloomington, measures must be taken to promote runoff volume reduction, runoff detention, infiltration of stormwater into the ground (where appropriate), and interception and filtration of pollutants from stormwater runoff prior to reaching regional creeks, streams, rivers and wetlands. Through the use of BMPs, harmful amounts of sediment, nutrients, and contaminants will be removed from stormwater runoff.
- (b) Post-construction stormwater management measures are incorporated as permanent features into construction projects and are left in place following completion of construction activities to continuously treat and detain stormwater runoff from the stabilized site. The following will be implemented as a minimum:
 - (1) Stormwater detention and quantity control as required by the Stormwater Design Manual.
 - (2) The control of stormwater quality as required by the Stormwater Design Manual.
 - (3) New retail gasoline outlets and refueling areas or those that replace their existing tank systems, regardless of size of disturbance, are required to install appropriate measures to reduce lead, copper, zinc, and polyaromatic hydrocarbons in stormwater runoff.
 - (4) Infiltration practices will not be allowed in wellhead protection areas as the primary water quality treatment measure, unless the measure is designed to treat the pollutant(s) of concern that originate in the drainage area of the measure.
 - (5) Discharges from new development and redevelopment sites will not be allowed directly into karst features without pre-treatment.
 - (6) Outfalls must be designed to reduce outfall scouring, bank erosion, and head-cutting.

SECTION XVI. Section 13.07.040 shall be inserted as a new section to the Title as follows:

13.07.040 Culverts and Ditches

(a) Driveway Culverts.

Any new construction or change in type of business or land use of an existing property whenever a proposed driveway or use shall connect to or join any public road, street or highway or other public right-of-way in the City or whenever any person desires to construct a culvert under any such driveway connecting to or joining any public road, street or highway or other right-of-way in the town, said driveway culvert shall be constructed and installed at the expense of the property owner to provide adequate drainage at a minimum size of no less than 12 inches and in no case less than that specified by CBU in accordance with its Design Manual.

(c) Maintenance of Driveway Culverts and Ditches

Each property owner shall regularly perform general maintenance activities regarding any and all ditches, culverts and/or inlet clean outs to ensure proper storm water drainage on and across their property.

SECTION XVII. Section 13.08.020(a)(2)(C) shall be amended in its entirety to read as follows:

- (C) Refer to the CBU Stormwater Design Manual for additional requirements.

SECTION XIII. Section 13.08.020(b) shall be amended in its entirety to read as follows:

(b) Stormwater Management Permit

(1) Purpose

The purpose of the Stormwater Management Permit and procedure is to mitigate the environmental impact of development and to protect the water quality of the City of Bloomington and surrounding areas. This permit and procedure is a mechanism to ensure compliance with the MS4GP and this SMO by providing a thorough review and permitting process as well as inspection and close-out process for all construction activities which affect stormwater

(2) Applicability

- (A) No land-disturbing activity, development, or re-development of land that is subject to this chapter shall occur unless a Stormwater Management Permit has been issued except as exempted in 13.08.020(b)(3), below.
- (B) New retail gasoline outlets and new MS4-owned fueling areas or those that replace their existing tank systems, regardless of size, are required to install appropriate measures to reduce lead, copper, zinc, and polycyclic aromatic hydrocarbons in stormwater run-off.

(3) Exemptions

- (A) Land-disturbing activity that is cumulatively less than 2,500 square feet.
- (B) Land-disturbing activity on a single-family residential lot or lots containing duplexes, triplexes, and fourplexes, that is less than one acre and not part of a larger common plan for development or sale.
- (C) City of Bloomington infrastructure projects that disturb less than one acre of land and have a negligible effect on the stormwater system, as determined by the Assistant Director of the Utilities Engineering Division or their designee after considering the following factors:
 - (i) Existing and proposed impervious surfaces,
 - (ii) Existing and proposed facilities that adequately achieve detention and water quality requirements,
 - (iii) Proximity to sensitive hydrological features,
 - (iv) Size of the project, and
 - (v) Any other adverse impacts the project may reasonably have on the MS4.
- (D) Projects which are already regulated by a MS4 other than the City of Bloomington (e.g. Indiana University and Indiana Department of Transportation).
- (E) Activities exempted under 13.05.010(b).

(4) Additional Requirements

- (A) Compliance with the standards of this SMO shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in the Indiana Administrative Code, The Indiana Department of Environmental Management, all applicable provisions of the Bloomington Municipal Code, and all applicable rules, regulations, standards, and specifications of any City Department regarding development, redevelopment, or land-disturbing activity.

(5) Stormwater management Permit Process

The Stormwater Management Permit (SMP) process will be similar for all projects and will be simplified for sites not requiring CSGP coverage. Refer to the Stormwater Design Manual for information on the applicability of the CSGP and SMP application process details.

(A) Submittal Requirements

- (i) Completed Stormwater Management Permit application.
- (ii) Full set of sealed construction plans that include the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iii) Stormwater Drainage Report that includes the information required by the Stormwater Design Manual and the CBU Rules and Regulations.
- (iv) For projects requiring new or modified stormwater infrastructure or BMPs, a draft operation and maintenance plan and a performance bond estimate prepared by a licensed engineer.

(B) Plan Review

Once the application is deemed substantially complete, the following will take place:

- (i) Review will be conducted by CBU and/or its plan review consultant(s). Comments and deficiencies will be provided to the applicant. The applicant may be required to resubmit materials for additional review.
- (ii) The applicant may not submit the NOI to IDEM (if applicable) or commence land-disturbing activities until the Stormwater Management Permit is issued.

(C) Permit Issuance

The Stormwater Management Permit will be issued after the submittal review is completed, all fees are paid, and a preconstruction meeting has been held. In issuing a Stormwater Management Permit, CBU may impose such terms and conditions as are reasonably necessary to meet the purposes of this chapter. The project site owner is responsible for compliance with this chapter, the City of Bloomington Stormwater Design Manual, the CSGP (as applicable), and these terms and conditions.

(D) Post-Permit Issuance

(i) Duration

- (a) The Stormwater Management Permit shall remain active until the permit is closed via written notice from CBU, or if (b) below is met.
- (b) The Stormwater Management Permit shall expire 365 days after issuance if earth-disturbing activities have not yet taken place unless an extension is granted by the Director.
- (c) If a project that has received a Stormwater Management Permit and has begun earth-disturbing activities but then becomes inactive for a period of 180 days or longer, the Stormwater Management Permit shall expire. A new Stormwater Management Permit shall be obtained before work resumes.

(ii) Changes or Amendments

- (a) The Stormwater Management Permit Applicant shall submit revisions or amendments to an approved permit for consideration by the local, state, and federal authorities having jurisdiction prior to installation of such revisions or amendments. A revision or amendment to an approved Stormwater Management Permit shall only be authorized upon review and written approval by all local, state, and federal authorities having jurisdiction.
- (b) CBU reserves the right to require the responsible parties to remove any and all unapproved improvements which may impact stormwater at the responsible parties' expense.

(iii) Termination of the Permit

The Stormwater Management Permit shall terminate when either the permit expires in accordance with Section 13.08.020(b)(3)(D)(i) or the permitted project receives written notification from CBU that the permit has been closed in accordance with Section 13.08.050.

SECTION XIX. Section 13.08.020(c)(2) shall be amended in its entirety to read as follows:

(2) Applicability

This Section 13.08.020(c) governs easements that are:

- (A) Required and/or granted pursuant to a provision of this SMO;
- (B) Permitted or required as a commitment or condition of approval for unplatted drainage and/or utility easements;
- (C) Previously dedicated unplatted Drainage and/or Utilities Easements; or
- (D) Any other instances in which an easement would be required by CBU.

SECTION XX. Section 13.08.020(c)(3)(B) shall be amended in its entirety to read as follows:

(B) Drainage and/or Utilities Easements shall be required for:

- (i) Private stormwater drainage systems that drain the right-of-way or two or more lots; and
- (ii) Private retention/detention facilities, and water quality infrastructure.

SECTION XXI. Section 13.08.030(a) shall be amended in its entirety to read as follows:

(a) Purpose

Financial assurances are provided so that CBU has a mechanism to ensure that all stormwater infrastructure, erosion controls, and post-construction BMPs are installed in compliance with the MS4GP, CBU policies, and this SMO and function properly.

SECTION XXII. Section 13.08.030(c) shall be amended in its entirety to read as follows:

(c) Performance Bond Requirements

- (1) Financial assurances shall be in the form of a performance bond or an irrevocable, unconditional, acceptable letter of credit issued by a financial institution acceptable to CBU. Assurance shall be made out to the City of Bloomington.
- (2) Said performance bond shall guarantee a good faith execution of the construction plan and any other conditions of plan approval including proper installation of all approved stormwater infrastructure.
- (3) The total performance bond shall be for the cost of installation, plus a 25% contingency, of stormwater improvements including all stormwater drainage systems, detention/retention facilities, and stormwater management BMPs as regulated under this SMO. The intent of this performance bond is not only to complete the installation of stormwater infrastructure for the project as specified by the City.
- (4) Performance bonds shall be kept current until the Stormwater Management Permit is closed. Delinquent performance bonds or other assurances will result in enforcement as detailed in Section 13.08.050 Enforcement and Penalties.
- (5) CBU may make a claim against the performance bond to complete all necessary work, after giving notice and opportunity for compliance.
- (6) Following issuance of a Certificate of Completion, the performance bond may be released and a maintenance bond shall be posted.

SECTION XXIII. Section 13.08.040(b)(3) shall be amended in its entirety to read as follows:

(3) Applicability

An application for a Certificate of Completion may be submitted to CBU when a project in accordance with Section 13.08.040(b)(2) is believed by the responsible parties to be complete. The application must be complete in order for a Certificate of Completion to be issued.

SECTION XXIV. Section 13.08.040(b)(5)(D) shall be amended in its entirety to read as follows:

(D) Any drainage and utility easements, in accordance with Section 13.08.020(c), shall be recorded with the Monroe County Recorder's Office. A copy shall be delivered to CBU in a format that is acceptable to CBU staff. Any cost incurred by recording the easement document shall be incurred by the grantor.

SECTION XXV. Section 13.08.050(b)(2) shall be amended in its entirety to read as follows:

- (2) Any violation as defined herein is hereby declared a common and public nuisance, and any responsible party as defined in Section 13.08.050(e)(1) with respect to such violation shall, in addition to any other penalty or remedy provided herein, be liable for maintaining a common and public nuisance.

SECTION XXVI. Section 13.08.050(b)(3) shall be amended in its entirety to read as follows:

- (3) Any violation shall be subject to the penalties and remedies provided in Section 13.08.050(d), and CBU shall have recourse to any remedy available in law or equity.

SECTION XXVII. Section 13.08.050(b)(5) shall be amended in its entirety to read as follows:

- (5) The City Legal Department may institute appropriate action to impose and collect fines and/or other penalties; to enforce or defend any action taken pursuant to Section 13.08.050; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance with this SMO or any condition, requirement, or commitment established in connection with this SMO. All costs connected therewith shall accrue to the responsible parties. Costs include, but are not limited to, repairs to the stormwater drainage system made necessary by the violation, any and all penalties levied by the EPA or IDEM for violations of CBU's NPDES permit and/or the MS4GP, attorney's fees, and other costs and expenses.

SECTION XXVIII. Section 13.08.050(b)(6)(C) shall be amended in its entirety to read as follows:

- (iii) Issue a stop work order (with at least 72 hours notice in the case of violations of 13.05.040, unless the violation causes a public health hazard or a safety hazard, in which case the stop work order is immediately effective);

SECTION XXIX. Section 13.08.050(f)(2)(B) shall be amended in its entirety to read as follows:

- (B) The Appeals section of this SMO shall not apply to fines levied under the authority of Section 13.08.050(d). Such fines levied for violations of this SMO may be challenged in the Monroe County Circuit Court.

SECTION XXX. Section 13.08.050(f)(3)(A) shall be amended in its entirety to read as follows:

- (A) Time Limit
Notice of an appeal shall be made in writing to CBU no later than seven business days from receipt of the written order or ruling.

SECTION XXXI. Section 13.09 shall be amended as follows:

1. By adding the following definitional term in alphabetical order with the other definitions:

"Hot Spot Development" means projects involving land uses considered to be high pollutant producers such as parking areas, vehicle service and maintenance facilities, vehicle salvage yards and recycling facilities, vehicle and equipment cleaning facilities, fleet storage areas for buses, trucks, etc., industrial/commercial or any hazardous waste storage areas or areas that generate such wastes, industrial sites, restaurants and convenience stores, any activity involving chemical mixing or loading/unloading, outdoor liquid container storage, public works storage areas, commercial container nurseries, and some high traffic retail uses characterized by frequent vehicle turnover.

2. By amending the definition of "Redevelopment" to read as follows:

"Redevelopment" means alterations of property that change a site's layout.

SECTION XXXII. If any section, sentence, or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provisions of this ordinance are declared to be severable.

SECTION XXXIII. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

Hopi Stosberg, President
Bloomington Common Council

ATTEST:

Nicole Bolden, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2025.

Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2025.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

City of Bloomington Utilities Department regulates soil disturbances within the city limits of the City of Bloomington pursuant to the Indiana Department of Environmental Management Construction Stormwater General Permit (CSGP). The CSGP gave broad latitude to local governmental entities to regulate these disturbances as strict or more strictly than the CSGP. In 2025 the Indiana State Legislature passed House Enrolled Act 1037 which created a new statute under the Indiana Code. This new statute, I.C. 36-1-3-14, impacts the "Home Rule" authorities given to local governmental entities through the CSGP. Particularly, I.C. 36-1-3-14 limits some regulation of the CSGP to only those sites where soil disturbance is at or greater than one acre. Because of this statute, CBU is required to update Title 13 to take into account these new restrictions on regulation.