

ORDINANCE 2024-09

**TO AMEND TITLE 10 OF THE BLOOMINGTON
MUNICIPAL CODE ENTITLED “WASTEWATER”
TO REMOVE STORMWATER LANGUAGE**

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; and

WHEREAS, in 2021, the State of Indiana Department of Environmental Management (“IDEM”) issued two general permits known as the Municipal Separate Storm Sewer General Permit and the Construction Stormwater General Permit as part of IDEM’s transition away from permitting through 327 IAC 15-13, which is now repealed, into a new permitting system that places regulation of construction site stormwater management and overall enforcement, regulation and protection of Municipal Separate Storm Sewer Systems (“MS4”) on the local entities as opposed to at the state level; and

WHEREAS, the changes made at the state level by IDEM require each MS4 to update its current ordinance language, administrative rules and other regulatory mechanisms to comply with these two new General Permits; and

WHEREAS, City of Bloomington Utilities Staff recommends enactment of a new title to the Bloomington Municipal Code, Title 13 – Stormwater, in response to IDEM’s required updates to ordinance language in compliance with the General Permits; and

WHEREAS, enacting Title 13 necessitates an amendment to Title 10, which removes stormwater language from Title 10; and

WHEREAS, the Utilities Service Board considered the recommendation to amend Title 10 – Wastewater, found the proposed amendments appropriate and necessary, and resolved to recommend that 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 10 – Wastewater has 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 1. Bloomington Municipal Code (“BMC”) Section 10.04.020, entitled “Definitions”, shall be amended by deleting the following definitions:

"Impervious area" means the total hard surface area (asphalt, concrete, stone, etc.) that is contained on a lot or parcel, or within a development tract.

"Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"Stormwater utility, stormwater works, and stormwater facilities" means all constructed pipes, mains, facilities, structures and natural water courses under the control of the utilities service board used for collecting and conducting stormwater through and from drainage area to the point of final outlet, including, but not limited to, any and all of the following: mains, pipes, lift stations, inlets, conduits and pertinent features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins, and pumping stations; and excluding therefrom any part of the system of drains and water courses under the jurisdiction of the county drainage board; provided, however, that the utilities service board and the county drainage board may

negotiate cooperative arrangements regarding jurisdiction, design, construction, operation and maintenance of drains located outside of the municipal corporate boundaries under the authority of Indiana Code § 36-9-27-1 et seq.

SECTION 2. BMC Section 10.08.035 entitled “Rates – Establishment of stormwater utility” shall be deleted in its entirety.

SECTION 3. BMC Section 10.08.045 entitled “Rates – Stormwater utility users” shall be deleted in its entirety.

SECTION 4. BMC Chapter 10.20 entitled “Illicit Stormwater Connection and Discharge” shall be deleted in its entirety.

SECTION 5. BMC Chapter 10.21 entitled “Construction Site and Post Construction Stormwater Control” shall be deleted in its entirety.

SECTION 6. 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 7. This ordinance, upon its passage by the Common Council of the City of Bloomington, Monroe County, Indiana, and approval of the Mayor; shall be in full force and effect on July 1, 2024.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2024.

Isabel Piedmont-Smith, 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 _____, 2024.

Nicole Bolden, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2024.

Kerry Thomson, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Title 10 of the Bloomington Municipal Code, entitled “Wastewater”. These amendments remove all stormwater related ordinance language from Title 10 in response to the adoption of Title 13 of the Bloomington Municipal Code, entitled “Stormwater”. These amendments are necessary to avoid duplication and the potential for conflict between Title 10 and the newly adopted Title 13. Title 13 incorporates all sections of Title 10 stormwater language and introduces new stormwater permitting, bonding and regulation in compliance with State requirements set forth in two general permits issued by the Indiana Department of Environmental Management in 2021 which applies statewide to all Municipal Separate Stormwater Sewer Systems, of which the City of Bloomington by and through its Utilities Department is one.